

Water Resources Field Services

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13 May 2006

Roger Warner
Water-rights Supervisor
IDWR
900 N Skyline Suite A
Idaho Falls ID 83402

RECEIVED

MAY 16 2006

Department of Water Resources
Eastern Region

Re: Mud Lake Water Users rights 31-11430 and 31-11432

Dear Roger:

Mr. Peter Fisher of the Mud Lake Water Users contacted me regarding these two water rights. Apparently a difficulty has arisen because individual quarter-quarter sections that contain multiple points of diversion are only listed once in the legal description of points of diversion. As the agent who prepared the recommendations for these two rights, I assure you that the intent of the recommendation was to include *all* points of diversion within a quarter-quarter, wherever multiple points existed. These two rights should have included all points of diversion listed on all the other ground-water rights of the company. Those rights should have included all the points of diversion that existed as of the commencement of the adjudication. Points of diversion that were not referenced on prior decrees, permits or licenses should have been included as accomplished changes per the adjudication statutes.

These recommendations were prepared right at the time that IDWR was migrating from the old to the new computer system. I recall that there was a difference in the way the two systems dealt with multiple diversions per quarter-quarter. The difficulty with these two rights no doubt arose because I misunderstood the instructions for the new system, or perhaps because at that point in the new system's development it was not able to accept duplicate legal descriptions in the list of points of diversion.

I know that the transfer memo includes a provision to use transfers to correct errors in partial decrees. Friday I downloaded the accompanying documents for these two rights and saw that they contain my detailed field notes and GPS readings of well locations. Based on those notes and this letter I urge you to correct the list of points of diversions on these water rights as a part of any transfer needed by the company. Such a transfer would not represent any change in water use, it would simply correct the paper record to reflect the long-standing historical practice that should have been recommended and decreed in the adjudication.

The notes discuss two post-1963 licenses whose diversion rates cannot be included in diversion to storage (since the storage rights are based on beneficial use), but my intent was to include those points of diversion within the storage rights as accomplished changes prior to 1987.

Please do what you can to correct my oversight in preparing these recommendations, so that the rights correctly reflect the water-right condition that existed at the commencement of the adjudication. Please call me at (208) 681-9100 if you have questions.

Sincerely,

A handwritten signature in cursive script that reads "Bryce A. Contor".

Bryce A. Contor
Hydrologist

cc: Mud Lake Water Users