



State of Idaho
DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 287-4800 FAX: (208) 287-6700 www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 12, 2005

2-7199E
ARTHUR AND DULCIE POLLOCK
PO BOX 602
MARSING, ID 83639

Re: Fee Requirements for Permit Number 2-7199E

Dear Claimants:

The Notice of Claim to a Water Right (claim) identified with the number shown above your name has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use". Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed, and are termed beneficial use rights.

Because you had filed a beneficial use claim, a letter was sent to you requesting evidence of the historic use. When you called earlier this week, I explained what types of information might constitute said proof and stated I would look deeper into the background of your claim.

Beneficial use claims apply only to appropriations initiated prior to May 20, 1971. Subsequent to that time, claimants have been required to follow the statutory permit procedure. After further investigation, I have determined that your claim is not based upon beneficial use but upon a permit that was granted in response to an application filed by Sam Ashe on July 16, 1975. Permits are considered personal property, and as such ownership changes are transacted through what is called an assignment. The portion of the original permit associated with your land (2-7199E) was assigned by Mr. Ash to Earl Fox. Earl Fox in turn attempted to assign the permit to you in October 1985.

Unfortunately, when Mr. Fox submitted the permit assignment form to IDWR, he failed to include your address. IDWR was unable to change the ownership of the permit without the proper address, and they sent a letter to Mr. Fox in February 1986 requesting that he provide the necessary address information. This information was never returned to IDWR, and the permit remained in Mr. Fox's name.

One of the conditions on the permit was that a field examination be conducted to verify that the water was being put to beneficial use. This required that an exam fee be submitted prior to June 3, 1988. No exam fee was submitted, and the permit lapsed.

Arthur and Dulcie Pollock
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To have the permit reinstated, you will need to submit both a \$50 exam fee and a \$50 late fee. If you do not submit the fees, it will be recommended that your claim be disallowed. Should you choose to submit the fees, please indicate in the memo field of your check that the fees are to apply to "exam and late fee 2-7199E". Upon receipt of the fees, IDWR will be able to reinstate the permit and your water right claim will be changed to indicate the water usage is based up on the permit.

Should you decide to return the materials in a mailer different from that enclosed, please include the notation "ATTN: Kay Walker – Exam and Late Fees – 2-7199E" on the front of the mailer. If you have any questions, please contact this office. Our toll free number is 1-800-451-4129. It will help speed things along if you have your claim number, 2-7199E, handy when you call.

A handwritten signature in black ink, appearing to read "Steve Robischon". The signature is fluid and cursive, with a long horizontal stroke at the end.

Steve Robischon
Adjudication Technical Support Section