



State of Idaho

DEPARTMENT OF WATER RESOURCES

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October 2, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

ALICE B DUKE
PHYSICAL FACILITIES DEPT
50 E NORTH TEMPLE ST RM 1205
SALT LAKE CITY UT 84150-6320

RE: Water Right 63-4949 Query

Dear Ms Duke:

I received your letter of 9-30-2003 regarding the possibility of transferring Right 63-4949 to new locations. This right is a valid statutory claim that was claimed in the Snake River Basin Adjudication (SRBA) in 1989. You state that actual water use stopped in 1995 when there was a fire and the new building was connected to municipal water.

A water right that is proposed changed through the Transfer process must be investigated to verify the validity of the right. A Statutory Claim must have a complete review of historical use since it has not been previously investigated or confirmed. Any right that has not been diverted and put to beneficial use for a period of 5 years or more could be considered forfeited. However, a claim pending in an active adjudication is not subject to forfeiture prior to the issuance of a decree. A 5-year period of non-use before an adjudication claim was filed or combined with years following a decree could lead to forfeiture of a right. Right 63-4949 is currently pending review in the SRBA and will be recommended to the court based on historical use prior to 1987 when the adjudication commenced.

Right 63-4949 can be proposed for transfer and approval will be limited to the extent that use can be verified prior to 1987 including priority date. A transfer application will require coordination with adjudication staff to investigate and make recommendations as part of the transfer process.

If you require additional information regarding this matter, please call me directly at (208) 327-7943, e-mail me at pskaggs@idwr.state.id.us or contact me by mail, and I will be happy to assist you.

Sincerely,

Pamela S. Skaggs
Sr. Water Rights Agent