

SEP 10 1999

Department of Water Resources

September 7, 1999

Mr. Norman Young
State of Idaho
Department Of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, ID 83720-0098

Mr. Young:

We are writing this letter following our phone conversation on August 1, 1999.

This is our official protest to your agency's attempted decision to reduce the number of csfs to our fish hatchery.

We feel that the letter written by Shelly Walter Keen and mailed over thirty days later, which was well past the time limit he gave us to respond, is erroneous and unfair. We have had this property in our family since the late 1800's and have tried to fulfill any fees and restrictions that have been applied to it by your agency.

Further, we feel that basing your decision on a 1977 survey is totally inappropriate. We would like to request a more current survey be done if you plan on making a decision based on a survey.

Additional reasons for requesting that your agency re-evaluate it's position on this matter are as follows.

1. 1977 was a drought year which would lower the water table used for the survey.
2. We have already paid for 90, 120, and 41 csfs since that time.

3. If you are reducing the water to 81 csfs, what formula did you use to arrive at this number? The enclosed copies of paperwork indicate Thousand Springs and Aqua Life show 120 and 91 csfs respectively.

4. Most all of the water coming out of the springs are going underground West instead of South because of poor management of the water flow by Aqua Life and the 1976 Teton Dam Flood. There is no way to account for these events at this time.

5. This fish hatchery is on the Fort Hall Reservation side of the Snake River and our land goes to the middle of the Snake River. How much spring water is coming up in that half of the Snake River? Have you taken this into consideration in your calculations?

We are not angry with you personally, we are upset at being told by your agency to do one thing and then two weeks or a month later being told we cannot do what your agency directed us to do in the first place.

Our attorney has explained to us that our water rights should be the same as the Native Americans and are supposed to be guaranteed and respected under State and Federal law.

We feel that we have been more than cooperative and patient with your agency and would like this matter resolved permanently within twenty (20) working days from the date you receive this letter. If this does not happen, we feel that the only recourse left to us is to contact our Congressman prior to starting litigation regarding this matter.

We are hopeful that you can resolve this matter and am looking forward to your response.

Thank you for your assistance in this matter.

Sincerely,

Jan R. Denlinger

Violet Rich

Violet Rich

Roland C. Rich.

Roland C. Rich
Lake J. Rich



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 6, 1998

ROLAND & VIOLET RICH
1195 W 600 S
BLACKFOOT ID 83221

Re: Change in Ownership of Notices of Claim Nos. A27-07013 & A27-07020.

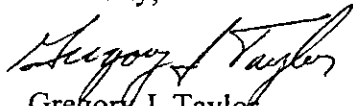
Dear ~~Mr. & Mrs.~~ Rich:

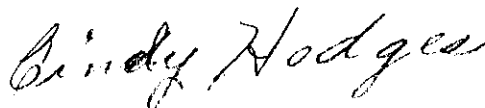
After further review of the Notices referenced above we have changed the department records back to how they were originally claimed. Specifically, our records still show Aqua Life Inc. as the current owner of the claims. Aqua Life Inc. paid the filing fees on the claims and assert that, although they do not own the property where the right is appurtenant, they still own the water rights.

You still have claim No. A27-04001A on file and if you wish you may also file on the permits referenced above. In the future the department will review and examine the claims that are filed in the sub-basin where these rights pertain, and submit recommendations to the district court. If there is any party in the Snake River Basin Adjudication(SRBA) who does not agree with the claims as recommended by the department, they may file an objection in the SRBA Court after the Director's Report is submitted to the court.

If you have any questions regarding this matter, please do not hesitate to contact this office at 525-7161.

Sincerely,


Gregory J. Taylor
Sr. Water Agent



Enc: Copy of A27-07013 & A27-07020
cc: Violet Rich; Aqua Life Inc. (Ken Ellis); Tom Arkoosh

208 327-5416

TO: Jim Johnson

August 24, 1998

FROM: Keith C. Wilson - *Idaho Falls*

RE: Ownership of Permits 27-07013 & 27-07020

- Document #1: Memorandum from Cindy Hodges dtd June 30, 1998, & attachments chain of title of place of use.
- Document #2: Letter from Clear Springs Foods dtd July 16, 1998
- Document #3: Exhibit "A" Lease between Leva G. Rich and Idaho Springs Trout Company. [Leva G. Rich (dec.) is mother of Roland C & Myrthon L. Rich(dec). Violet B. Rich is the widow of Myrthon Rich]
- Document #4: Change in Ownership
- Document #5: Letter acknowledging the name change
- Document #6: Letter indicating a change in ownership based on who filed the claim and paid the filing fee.

Title of ownership of the permits appears that it should be in the name of Violet B. Rich. The ownership of the permits is clear to Aqua Life Inc., Ken Ellis, then it gets harder to determine ownership. There appears to be no problem showing ownership of the place of use.

1. Document #3 (Exhibit "A") paragraph numbered #1, page 1, indicates that the lease is for 25 years starting from January/February 1969.

End of lease would be January/February 1994.

2. Document #3 (Exhibit "A") paragraph number #11, page #5, appears to authorize lessee to make filings for water rights (27-07013 & 27-07020) in the lessee's name. The last sentence on page 5 may be interpreted to mean that ownership of water "rights" would remain with the leaser (Violet B. Rich) when the lease expires.

According to Violet Rich she was able to "kick" Ken Ellis off the property in July and August, 1994. Violet & Roland Rich filed a change in ownership Document #4, to change the name on the adjudication claims A27-07013 & A27-07020. The change was made and notification was sent Document #5. Then they received Document #6 in August, 1998, basing ownership on who made the filing and paid the fees. If the lease is no longer in effect should not the owners of the place of use be able to file a change in ownership?

The last date of use under these permits appears to be July/August 1994. The owner of the property (place of use) wants to file an extension of time to avoid forfeiture, but without their name on the permit they are afraid that Ken Ellis, Aqua Life, would benefit.

Note: The Snake River Flood of 1997, destroyed the outlets, silted in a lot of the ponds, and brought in a lot of noxious weeds. The owners of the place of use want time to restore the area.

The owners of the place of use would like a determination of ownership of the permits as soon as possible.