

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER DISTRICT NO. 37 & 37 M

P.O. Box T
Shoshone, Idaho 83352
(208) 886-2451

RECEIVED

JAN 25 1994

Department of Water Resources



LEE R. PETERSON
Watermaster

*Vault
Water District 37 file -*

Norm Young
State of Idaho
Department of Water Resources
1301 N Orchard St.
Statehouse Mail
Boise, Idaho 83720-9000

January 21, 1994

Dear Norm:

Please review this notice and advise us of any changes you think are necessary. We will include these with the billings so that everyone will receive a copy, and we will have them sent out this week.

Thank you for your help, it is greatly appreciated.

Sincerely,

A handwritten signature in cursive script, reading "Lee R. Peterson".

Lee R. Peterson
Watermaster

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LEE R. PETERSON
Watermaster

*I called Lee suggesting this
change 1/31/94*

NOTICE ~~FOR~~ CLARIFICATION

Earlier we sent out a notice to all water right owners advising them of the following Idaho Code.

IDAHO CODE 42-222 (2) All rights to the use of water acquired under this chapter or otherwise shall be lost and forfeited by a failure for the term of five (5) years to apply it to the beneficial use for which it was appropriated and when any right to the use of water shall be lost through non use or forfeiture such rights to such water shall revert to the state and be again subject to appropriation under this chapter; *add not forfeiture*

~~In an effort to re-clarify, If you own a water right and have not used it for five years before resuming use of this water right, contact the State of Idaho Department of Water Resources to affirm the validity of your right, to apply for an extension of time or to transfer the water right.~~ *If you own a water right, you must make any appropriation in order to keep the right. If you are not using the right, contact your attorney for more information.*
If you have any other questions contact our office.

Since the statute sets out the exceptions that IDWR can currently affirm why not set forth the whole statute & tell them to contact IDWR if appropriate or see their atty for more information.

I believe this is a problem. We cannot affirm the validity of the water right, & it still implies that forfeiture is readily avoidable even if they didn't use the water for 5 years.