



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

18-Jan-1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

JOHN WAYNE CAMPBELL
PO BOX 49
CARMEN ID 83462

RE: WATER RIGHTS ON FREEMAN CREEK

Dear Mr. Campbell:

Regarding our conversation concerning water rights from Freeman Creek tributary to Carmen Creek, I have found that you have three(3) Notices of Claim filed with Freeman Creek as the source. The Notices of Claim that pertain to your property are Nos. A75-04005 with a priority date of 6-13-1912, A75-10062AG with a priority date of 5-1-1882 and A75-10061AH with a priority date of 5-1-1875. There is one water right permit that we do have record of that is for two(2) acres and one(1) home and lies north of the road that borders the northern portion of your property. This Permit has a 1990 priority date and is in the name of DeBoard or Rector.

There are no other water rights claimed in the NESW Sec. 36 T23N, R22E that are below the road. Because of this fact, it appears that any diversions that may be taking place by any other parties are being done so illegally.

Because Idaho Water Law is based on the concept of "first in time, first in right", it is the duty of the Water Master to **deliver rights according to their priority date**. If there are no water rights that pertain to a certain tract of land, the Water Master cannot legally deliver any water.

I hope this answers any questions you have regarding this matter. If you or the Water Master have any questions regarding this matter, please do not hesitate to contact this office.

Respectfully,

A handwritten signature in cursive script that reads 'Gregory J. Taylor'.

Gregory J. Taylor
Sr. Water Agent, Adjudications

GT:gt