

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 21, 2003

Water right number: 29-12873

KENNETH HEINLEIN
1940 BARTON RD
POCATELLO ID 83204

Telephone Number: (208) 232-2877

313-1393

RECEIVED

APR 15 2003

Department of Water Resources

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

THERE HAS ALWAYS BEEN HORSES AND LIVE STOCK ON THIS PROPERTY. I SUBMITTED YEARS AGO A REQUEST FOR LIVESTOCK WATER RIGHT WHICH YOU INTUITED ME YOU LOST AND CANNOT FIND. I ALSO

2. Describe the changes you wish to make in the proposed recommendation:

PUT IN A REQUEST FOR AN IRRIGATION RIGHT WHICH YOU LOST. THE OWNER WHO OWNS THIS LAND BACK IN THE 1950/1960S SAID THAT HE HAD A

3. Give a brief explanation as to why you disagree with these portions:

IRRIGATION LINE THAT CAME ALL THE WAY DOWN FROM CHICKS PEAK.

I STRONGLY DISAGREE

AGREE with this proposed recommendation; no changes need to be made.

DATE:

4/12/03

SIGNATURE:

[Signature]

Please print your name:

KENNETH HEINLEIN

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

IN ADDITION TO THIS.

PREVIOUS LAND OWNERS HAVE IRRIGATED THIS LAND TO SUPPLY FEED FOR THEIR GOATS AND HORSES FROM THE EXISTING WELL. I RESUBMIT TO YOU AGAIN MY REQUEST FOR STOCK AND IRRIGATION WATER RIGHT FOR MY FIVE ACRES. IF YOU SEE A PROBLEM WITH THIS PLEASE LET ME KNOW A.S.A.P SO I MAY SEEK COUNSEL.

SCANNED
APR 15 2003

ENCLOSED IS A NOTARIZED LETTER OF SUPPORTING EVIDENCE FROM ONE OF MY NEIGHBORS. ~~SEE ME~~ OVER →

THERE HAS ALSO BEEN ~~AND~~ AND STILL IS
IRRIGATION FROM THE NATURAL LOCATION OF THIS
PROPERTY BEING SITUATED AT THE BOTTOM OF
THE HILL WHICH I WANT PROTECTED AND GIVEN
A WATER ~~AND~~ RIGHT. EVER SINCE THERE HAS BEEN
A ROAD ON THIS HILL THE DRAINAGE HAS COME
OFF THE ROAD FROM UP THE HILL AND HAS
IRRIGATED THIS LAND. THIS HAS BEEN PERPETUAL
FOR AT LEAST THE LAST 30 YRS. I WANT A
RIGHT TO PROTECT THIS JUST IN CASE THE CITY
DECIDES TO PUT IN CURBS AND SEWER.

THANK YOU.

A stylized handwritten signature, possibly reading "J. H. C.", written in black ink.

State of Idaho
Department of Water Resources
Eastern District Office
900 North Skyline Drive, Suite A
Idaho Falls, ID 83702-1718

Dear Mr. Warner:

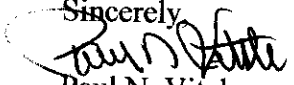
Our neighbor, Ken Heinlein, at 1940 Barton Road, Pocatello, tells us that your department has no record of his filing for a water right in 1995. At your suggestion that a neighbor might supply some historical information, he asked us to do so. Hence this letter.

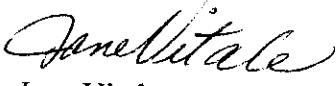
We have lived across the road from his residence for thirty years and have known the various owners and their animal operations. In the mid 1960's, Mr. Russ Mager kept two horses on the property. Mr. Mager sold the property to Richard and Carla Miller and they kept two horses and a donkey.

In the late 1970's and early 80's, Susan and Larry McPherson maintained a small goat herd of ten animals. This herd was kept for a period of five to seven years.

We hope that this provides the necessary history for water use on the Heinlein property. If you need further information, feel free to call us at 208-232 5998.

Sincerely,


Paul N. Vitale


Jane Vitale

1969 Barton Road
Pocatello, ID 83204

SCANNED
APR 15 2003


NOTARY PUBLIC RESIDING IN POCATELLO ID. 83201
~~MY COMMISSION EXPIRES 11-2-2004~~
JILL WATKINS
NOTARY PUBLIC
STATE OF IDAHO