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Department of Water Resources

Robert R. Spillett / James V. Spillett
P O Box 144
Rockland, ID 83271

January 17, 2005

Subject: Reply to: "Supplemental Director's Report"

Regarding Subcases 41-8C; 41-8D; 41-F (dated December 10, 2004)
Historic Water Right 41-8E (billed versus historical) Page 13

1896 records on file at the Power County Court House in American Falls, Idaho indicate the Spillett family purchased the land that pertains to the Adshead (Comb.#41-00008E & 41-10230), Jackson (#41-013C), and Stradder Ditches (not in existence now) in the Rockland, Idaho Valley. Eighty acres of this original land was sold to Tom McLean. In 1957, Mr. McLean sold forty of this eighty acres to Orrin Taysom and the other forty acres to Ray Spillett, (Robert and James V.'s, father). The water right for the eighty acres was divided giving Mr. Taysom 21 - 1/9" and Mr. Spillett 21 - 1/9" thus giving James V. and Robert R. a total of 21 - 1/9" of water for this parcel of land. (Warranty Deed Instrument #60548)

Robert R. and James V. have 10" of the Jackson Ditch water (#41-013C) deeded to other land they already owned. When J. Juan Spillett changed his point of diversion, the Jackson Ditch (#41-013C) was eliminated and that 10" of water is now delivered through the Adshead Ditch (Comb. #41-00008E & 41-10230) to make better use of the water. (Billed document - Jack Robinson)

After reviewing property deeds at the Power County Court House, it was discovered water rights were not transferred from deed to deed and recorded as land was sold and purchased over the years by different parties. This has made it difficult to document the water rights on the more recent land sales and purchases without tracing the historical rights from the 1880's to the present.

Up until the early 60's, the water had been delivered to the Adshead (Comb. #41-00008E & 41-10230) and Jackson Ditch (41-013C) by a dry or tight dam for 80 years. Nelson's (UD Ranch) purchased land south of the Taysom-Spillett ranch and decided the dry dam method of delivering the water was not in their best interest, since they also owned land north of Rockland along Rock Creek. Nelsons installed a by-pass against the protest of other water users and the historical water right deeds that stated tight or dry dams. In the spring, with winter run off and this extra water, you can get your land soaked and better utilize the water in the drier part of the summer. The users below the by-pass no longer gets this extra water and therefore it is shorting the rightful owners, the water, the dry or tight dam afforded them. Why can't these historical deeds and documents be honored?

Conclusion:

- (1) Robert R. and James V. Spillett water rights on above mentioned as follows:
 - a. 20" water (Taysom-Spillett division) Adshead Ditch: Comb. #41-00008E & 41-10230 (Supplemental Directors Report, page 13)
 - b. 10" water Jackson Ditch #41-013C delivered through Adshead Ditch: Comb. #41-00008E & 41-10230 (Jackson Ditch: #41-013C no longer being used)
- (2) IDWR protect the rights of all water users and adhere to historical documents
- (3) Enclosure of copies of historical deeds

Robert R. Spillett
James V. Spillett

Instrument No. 60548

INDEXED

QUIT CLAIM DEED

COMPARED

THIS INDENTURE, Made the 5th day of January in the year of our Lord One Thousand Nine Hundred and Forty-three between Frank Spillet and Erma Spillet, his wife, of Pocatello, Bannock County, Idaho, and Oren Spillet, known also as James E. Spillet, known also as James O. Spillet, and Ramona Spillet, his wife, of the County of Bonneville and State of Idaho the parties of the first part, and Raymond Spillet or Rockland, of the County of Power and State of Idaho, the party of the second part,

WITNESSETH, That the said part of the first part; for and in consideration of the sum of One Dollar and other good and valuable consideration lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents demise, release and forever Quit claim unto the said party of the second part, and to his heirs and assigns all those certain lots and parcels of land situated in Power County, of the State of Idaho, particularly described as follows, to-wit:

The North Half of the Northeast Quarter of the Northwest Quarter; the North Half of the Northwest Quarter of the Northeast Quarter of Section Twenty-nine, Township Ten, South, Range Thirty-one, E.B.M., Together with all water, and water and ditch rights appurtenant to and used with said land, including (but not limited to) eight and eight-ninths (8 8/9) miners inches of water more or less from the Adzhead and the Tayson irrigating ditch from the South fork of Rock Creek in Power County, Idaho; also Seven and Seven-ninths (7 7/9) miners inches of water more or less from the Charles Tayson, Jr., irrigating ditch from Rock Creek in Power County, Idaho; also four and four-ninths (4 4/9) miners inches of water more or less from the Stradder irrigation ditch from Rock Creek in Power County, Idaho; also a proportionate right, title and interest in the flumes, head-gates and ditches conveying said water upon the land to be irrigated.

(The actual consideration for this deed is less than \$100.00. Hence, no revenue stamps are required.)

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD all and singular the said premises, together with the appurtenances unto said party of the second part, and to his heirs and assigns forever.

IN TESTIMONY WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

FRANK SPILLET
ERMA SPILLET
OREN SPILLET
RAMONA SPILLET

STATE OF IDAHO,)
County of Power) SS.

On this 11th day of January in the year 1943, before me W. C. Loofbourrow, the undersigned, a Notary Public in and for said County and State personally appeared Frank Spillet and Erma Spillet, his wife, known to me to be two of the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate, first above written.

(Seal)

W. C. LOOFBOURROW, Notary Public.
Residence: American Falls, Idaho
My commission expires Dec. 8, 1945.

State of Idaho,)
County of Bonneville.) SS;

On this 14 day of January, 1943, before me Marie Bundy a Notary Public in and for said State, personally appeared Oren Spillet, known also as James E. Spillet, known also as James O. Spillet, and Ramona Spillet, his wife, known to me to be two of the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate, first above written.