

04/04/2005

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:

Water right number: 21-12534

JOYCE KING
2382 BRODERICK DR
WEST JORDON UT 84084
Telephone Number: (801)969-0554

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

I DO NOT agree claim should be disallowed. I already have a beneficial use water in falls River dated 1950. filed with Fremont County Court House in settlement & already approved by IDWR but not yet put on record as valid water right. Stipulation filed provided upon request.

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

SUBJECT TO APPROVAL BY IDWR, dropping claim against Conant Creek water right. See letter of explanation. Subject to approval beneficial only - priority date for beneficial use water right to be determined by IDWR will abide with date.

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

See - Letter of explanation regarding priority date. either 1901 or 1950. priority date 1901 must be due to lands own-use of water, no interruption in water use since 1897. 32 acres excepted - see letter of explanation will provide details. See attached - form for changes in acres & allocation between pumps.

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

DATE: 6/1/05

SIGNATURE: Joyce King

Please print your name: Joyce King

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

RECEIVED

JUN 08 2005

Department of Water Resources
Eastern Region

KWET
6/9

04/04/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 21-12534
NAME AND ADDRESS: JOYCE KING
2382 BRODERICK DR
WEST JORDON UT 84084

Disallowed

SOURCE: FALL RIVER

TRIBUTARY: HENRYS FORK

QUANTITY: 4.180 CFS *Less cfs for 7 acres*

PRIORITY DATE: 05/01/1901 *= priority date to be determined by IDWR. Tony Olenichak*

POINT OF DIVERSION: *picked date on claim see Tony or Letter of explanation*

T08N R42E S23 SWNE Within FREMONT County. *delivered for 30.0 acres*

T08N R42E S24 SENE Within FREMONT County *delivered for 170.0 acres*

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

4/01 11/01

4.180 CFS

PLACE OF USE:

IRRIGATION Within FREMONT County

T08N R42E S23	SENE	11.0	T08N R42E S23	NESE	38.0
T08N R42E S23	NWSE	37.0	T08N R42E S23	SWSE	40.0
T08N R42E S23	SESE	40.0	T08N R42E S26	NENE	<i>32.0</i>
~~T08N R42E S26~~	~~NWNE~~	~~19.0~~	T08N R42E S26	NENW	2.5
<i>T08N R42E S26</i>	<i>NWNE</i>	<i>4.76</i>			
T08N R42E S26	NWNW	2.5			

~~209 ACRES TOTAL~~ *Corrected Acres 202 Acres*

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Recommended as Right No. 21-00141.

EXPLANATORY MATERIAL: Beneficial Use

Recommended as Right No. 21-00141: This is included for a claim that is proposed to be disallowed because the right claimed is recommended pursuant to another right. The remark indicates the water right number of the other right that is proposed to be recommended. If you are not mailed a notice of the recommendation of the other right, then the other right is recommended in another claimants name.

Joyce King
2382 Broderick Dr.
West Jordan, Ut 84084

June 1, 2005

State of Idaho
Department of Water Resources
900 N. Skyline Dr. Suite A
Idaho Falls, ID 83402-1718

Re: Water rights claim No. A21-12534

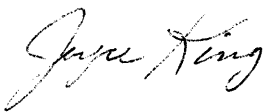
Dear Mr. Mikesell,

Enclosed is the return of notice of error. It should be understood by IDWR that this return notice of error is also a preliminary recommendation on my part, subject to approval of IDWR. An explanatory letter should follow in a day or so, addressed to you personally, but copies sent to both Earnest Carlson and perhaps Ron Carlson should I determine necessary. Ron Carlson advised three years ago I should come to IDWR with my water rights problems so I may have him speak with you.

The letter of explanation arriving a couple of days later should clarify why I take the steps being taken at the present time. I will be dropping my claim against the Conant Creek water right but only subject to approval by IDWR, with the understanding IDWR first has to approve my doing so. Without that approval the claim against the Conant Creek water right remains open. You will no doubt remain confused until the letter of explanation does arrive.

I note, there is not enough time at present, to enclose both the letter of explanation along with the notice of error and still make the deadline. Thank you for your attention to this matter.

Sincerely Yours.



Cc : Earnest Carlson

Dear Mr. Mikesell,

I have made some adjustments to acre's on notice of error. I hope I have the descriptions right. I might explain when I had sent in the descriptions of the acre's in the existing works I had used the descriptions off Conant Creek Canal Company's claim forms. (Note on my own claim form only one priority date is used, 1901. The form only had one box to fill out and I could not list all priority dates. See letter of explanation to understand)

Suffice it to say Conant Creek Canal Company claimed 73 acre's of irrigated land in Section 26 of my currently owned land. Of my land in Section 26 part is irrigated and part is dry farm. CCCC must have used old records to fill the acre's in. I say this because it had been since 1949 that all acre's in Section 26 was watered from CCC. After CCCC abandoned the laterals on the Western end of the system and started to delvier directly into Falls River through the diverson at SW 1 Section eighteen. Only those portions on the North side of the gully could be irrigated. When Tony Olenichack helped me with my own claim in 1999 I tried to back out what acre's I could from those claimed by CCCC. I now have conservation maps but all acre's directly behind my land in Section 23 in Section 26 is combined into one field so it is difficult is access acre's . For a time even the conservation maps were incorrect but now show more acre's.

The enclosed map should assist you. Since the conservation office has included the irrigated land in Section 26 in which the irrigated land in Section 23 it is difficult to determine separate acre's. Note the name Curtis Loosli. 32 irrigated acre's of one forty acre's purchased by Dad in 1965 lies directly behind the land of Curtis Loosli and his renter, Clen Atchely is my renter for the 32 acre's and uses the Loosli pump. This 32 acre's is shaded in grey. The almost 11 acre's in lot seven also is watered with the Loosli pump but shared by Dan Reynolds. The balance of the land shaded in pink which I think is NWNE some 4.16 acres included with the land in Section 23,shaded in pink is rented by Dan Reynolds who rents the pink portion darker green and almost eleven acre's in yellow. That shaded in yellow is not all farm land there is a total of 23.85 acre on the lot but only almost 11 acre's irrigated land.

The shaded acre's with the exception of lighter green which is a deep gully comprises total acre's. The boundary lines are a little confusing but better understood from the enclosed map.

