

03/03/2005

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: 22-12757

DON L DURTSCHI
3809 N 39TH ST
BOISE ID 83703
Telephone Number: (208)342-3772

J RAY DURTSCHI
3809 N 39TH ST
BOISE ID 83703
Telephone Number: (208)342-3772

REED R DURTSCHI
3809 N 39TH ST
BOISE ID 83703
Telephone Number: (208)342-3772

*change in ownership -
See attached sheet*

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

Place of Use and Acreage - See attached sheet

Quantity - See attached sheet

MAP - erroneously shows Place of Use as Section "6" - Should be Sec. 8

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

See attached sheet

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

See attached sheet

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

DATE: 06-17-05

SIGNATURE: *J. Ray Durtzsch*

Please print your name: *J. Ray Durtzsch*

IDWR Regional Office,

RECEIVED

JUN 24 2005

Department of Water Resources
Eastern Region

*KWJ
6/27*

NOTICE OF ERROR REPLY

1. Name and Address: Since filing our amended claim we have formed a Partnership which now has title to the property involved.

NAME AND ADDRESS: OK RANCH L.L.P.
c/o J. RAY DURTSCHI
3809 N. 39TH ST.
BOISE ID 83703-4515

GENERAL PARTNERS:

DON L. DURTSCHI
J. RAY DURTSCHI
REED R. DURTSCHI

2. QUANTITY: Should be 2.360 CFS (see explanation below)

3. PURPOSE AND PERIOD OF USE--QUANTITY 2.360 CFS (see explanation below)

4. PLACE OF USE: TO5N R46E S08 NESW 23.0
TO5N R46E S08 SWSW 7.0 (DELETE-see explanation below)
TO5N R46E S08 LOT 3 (NWSE) 18.3
TO5N R46E S08 NWSW 23.0
TO5N R46E S08 SESW 21.0
TO5N R46E S08 LOT 4 (SWSE) 33.0 (see explanation below)
118 ACRES TOTAL

The acreage in the SWSW of S08 should be deleted. Since filing our claim we have discovered that the March 27, 1942 IDAHO DECREE with a priority of April 1, 1894, under which we claim, does not cover the SWSW of S08, TO5N, R46E. Our water right for that land is under the Grand Teton Pipeline Association which has a 17.23 c.f.s. share of the Grand Teton Canal Decree with a priority of May 1, 1892 (Right Number 22-13327), which covers the entire SWSW of T05N R46E S08.

The acreage shown for LOT 4 (SWSE) of S08 as **29.0** and the MAP depiction of LOT 4 which cuts off a corner of the LOT are not correct. The acreage should be 33.0 acres. The entire acreage in LOT 4 (SWSE) is covered by the IDAHO DECREE and is and always has been served by the Northside Pipeline. No part of LOT 4 (SWSE) is served by the Grand Teton Pipeline, as depicted on the MAP, or included in the Grand Teton Canal Decree (refer to Right Number 22-13327). The Grand Teton Pipeline does not and is not positioned to serve any of LOT 4 (SWSE). We own the entire LOT 4 (SWSE) and the entire lot is under cultivation. According to a survey of our farm, the dimensions of Lot 4 are 1320' x 1089.87'. According to our calculations that equals 33+ acres. With the foregoing changes, the total "Place of Use" acreage is 118. At 0.02 c.f.s. per acre the water-right quantity is 2.36 c.f.s..

5. MAP. The Map, in addition to the erroneous depiction of LOT 4, incorrectly shows the "Place of Use" as being in "T5N, R46E Sec. 6." All of the lands are in Section 8.

03/03/2005

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

RIGHT NUMBER: 22-12757
NAME AND ADDRESS: DON L DURTSCHI
3809 N 39TH ST
BOISE ID 83703

J RAY DURTSCHI
3809 N 39TH ST
BOISE ID 83703

REED R DURTSCHI
3809 N 39TH ST
BOISE ID 83703

SOURCE: TETON CREEK TRIBUTARY: TETON RIVER

QUANTITY: 2.240 CFS

PRIORITY DATE: 04/01/1894

POINT OF DIVERSION:
T05N R46E S8 NENWSE Lot 3 Within TETON County
The point of diversion for this water right is in Wyoming, T44N, R118W, Sec.
23
SESW, 6PM.
The point of diversion shown above is where the conveyance system enters
Idaho.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	2.240 CFS

PLACE OF USE: IRRIGATION Within TETON County

T05N R46E S08	NESW	23.0	T05N R46E S08	NWSW	23.0
T05N R46E S08	SWSW	7.0	T05N R46E S08	SESW	21.0
T05N R46E S08 Lot 3 NWSE		18.0	T05N R46E S08 Lot 4 SWSE		29.0

118 121 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

WATER IS DELIVERED THROUGH NORTHSIDE CANAL TO NORTHSIDE PIPELINE.

RECEIVED

JUN 24 2005

Department of Water Resources
Eastern Region

KMD
6/27



State of Idaho

Department of Water Resources

Eastern Region



Department of Water Resources
Eastern Region

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Water Right(s):

22-12757

Point(s) of Diversion:

T5N, R46E

Sec. 8 NENWSE (L3)

Place of Use: (parts of)

T5N, R46E Sec. 6

SW, NWSE (L3, SWSE (L4)

Delivery by Northside Pipeline.

Wyoming Diversion:

T44N, R118W, Sec. 23 SESW, 6PM

LEGEND



Point of Diversion



SESE Place of Use



Section



Quarter-Quarter



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: February 2005

