

RECEIVED

SEP 02 2005

Department of Water Resources

197 Tower Creek Rd.  
Carmen, ID 83462  
August 29, 2005

Attn: R. Brown  
Idaho Department of Water Resources  
PO Box 83720  
Boise, ID 83707-9815

RE: Priority Date Response

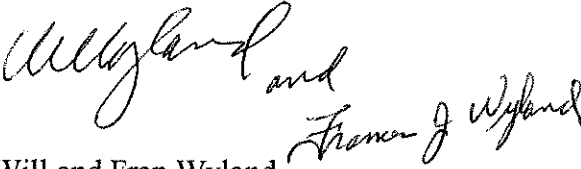
Dear Ms. Brown:

We just received your June 29<sup>th</sup> Evidence of Priority Date letter on August 27<sup>th</sup>, two days ago. It had been incorrectly sent to an old address. I had given Mr. Bob Foster my new address back on June 21<sup>st</sup>, but I have also enclosed the change of address form. Many times since mid-July we have requested a copy of the missing subject letter. Mr. Foster informed me that the Deadline would be extended. Thank you.

BECAUSE our research revealed a "posted" 1898 water right that was awarded to a 1905 purchaser of our existing property, we have been advised to file an AMENDED claim changing the priority date from 12/01/1911 to 3/19/1898. In addition, we have amended the water right category, volume, use by livestock and acres irrigated, all highlighted in yellow. An Affidavit from a grandson of the 1905 purchaser is provided to substantiate the pre-1905 development and beneficial use of the water. Copies of the 1898 water right, 1905 Deed, Affidavit, and a scaled map of irrigated acres are attached to the Amended claim forms.

THEREFORE, in response to your letter notifying us of the need to provide evidence to the priority date, we are amending our claim as indicated above, with evidence to support the earlier priority date. If this approach is improper or you have any questions, please call us as soon as possible. Our telephone number is: 208-756-2896. Thank you very much.

Respectfully submitted,

  
Will and Fran Wyland

Enclosures

\*(AMENDED  
SUBMITTAL)

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576  
Ident. Number A75-04088  
Date Received \_\_\_\_\_  
Receipt Number \_\_\_\_\_

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Department of Water Resources

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) WILFRED N. AND FRANCES J. WYLAND Phone (208) 756-2896

Mailing Address 197 TOWER CR. RD., CARMEN, ID Zip 83462

2. Date of Priority (Only one (1) per claim) MARCH 19, 1898

3. Source of water supply (a) TOWER CREEK  
which is tributary to (b) SALMON RIVER

4. a. Location of existing point of diversion is: Township 23N Range 22E Section 9,  
NW 1/4 of NW 1/4 of \_\_\_\_\_ 1/4, Govt. Lot, \_\_\_\_\_ B.M., County of LEMHI

Additional points of diversion if any: TOTAL of 2 DIVERSIONS

b. If instream flow, beginning point of claimed instream flow is:

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,

Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of

\_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as  
constructed and as enlarged and the depth of each well. DITCHES

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 04/01 to 11/01 amount 1.5 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 1.5 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is \_\_\_\_\_ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 5 COW/CALF PAIRS (STOCK WATER)

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RNG | SEC | NE 1/4 |       |       |       | NW 1/4 |       |       |       | SW 1/4 |       |       |       | SE 1/4 |       |       |       | Totals |
|-----|-----|-----|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|
|     |     |     | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 |        |
| 23N | 22E | 8   |        |       |       | 3.9   |        |       |       |       |        |       |       |       |        |       |       |       | 3.9    |
| 23N | 22E | 9   |        |       |       |       |        | 1.5   | 13.   |       |        |       |       |       |        |       |       |       | 14.5   |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 18.4 SEE MAP ATTACHED

11. In which county (ies) are lands listed above as place of use located? LEMHI

12. Do you own the property listed above as place of use? Yes ☒ No ☐  
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.  
\_\_\_\_\_ or None (✓)

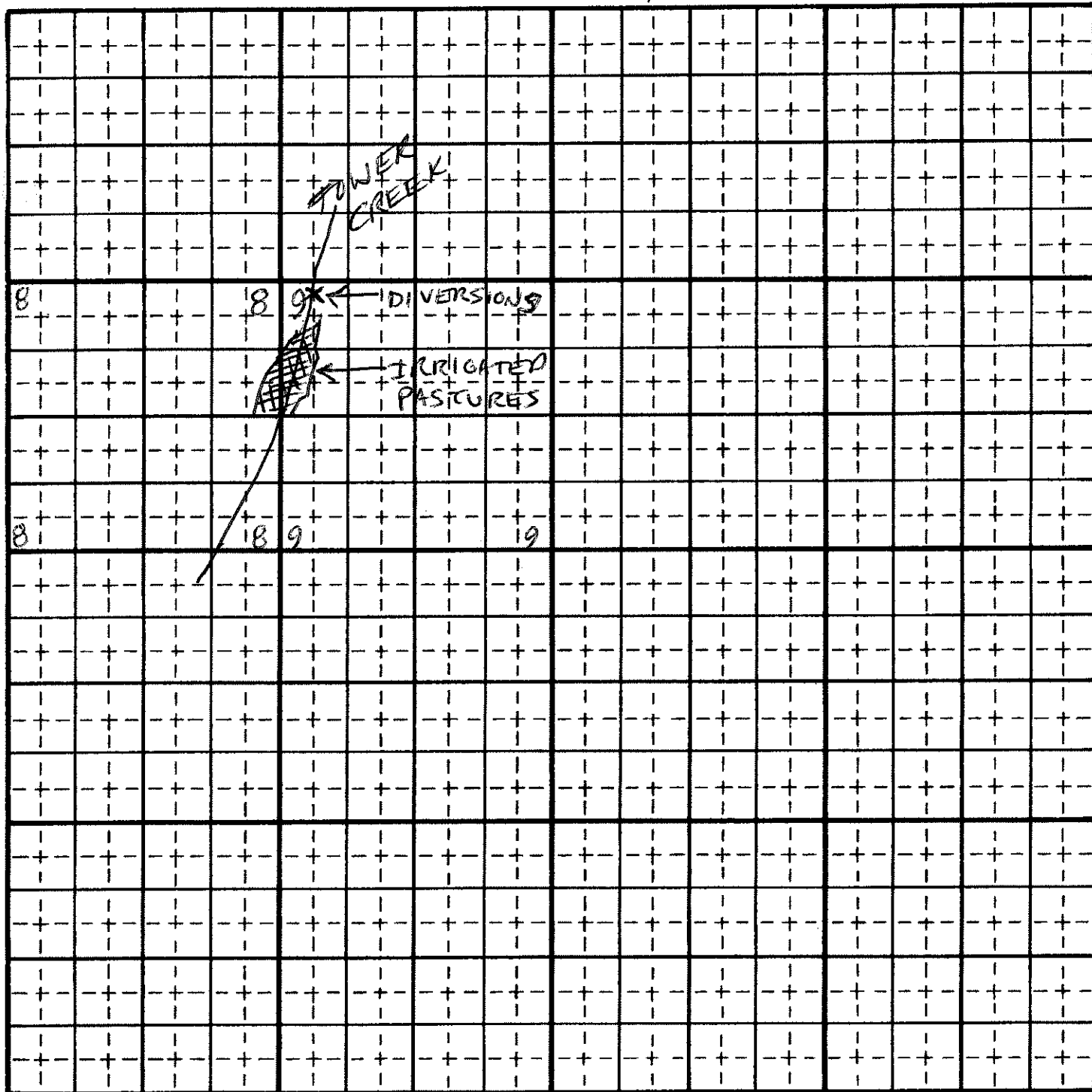
14. Remarks: THIS AMENDED SUBMITTAL IS BASED ON: a) 1898 WATER RIGHT (BOOK B, PAGE 273) AWARDED TO WM. THORNBURG OCT 24, 1907 (DEED #6114, BOOK O, PAGE 190). b) HISTORIC BENEFICIAL USE IN 1905 CIRCA AND PRIOR AS DECLARED BY RONALD COOPER (MR. THORNBURG'S GRANDSON). COPIES ATTACHED.

Last Name WYLAND Ident No. 75-04088

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

TWP 23N, R 22E



\*(SEE ALSO ATTACHED MAP)

Last Name WYLAND

Ident No. 75-04088

15. Basis of Claim (check one) Beneficial Use \_\_\_\_\_ Posted Notice ☒ License \_\_\_\_\_ Permit \_\_\_\_\_  
Decree \_\_\_\_\_  
If applicable provide IDWR Water Right Number \_\_\_\_\_  
Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_  
Plaintiff vs Defendant \_\_\_\_\_

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 4

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Wilfred W. Wyland Date 8-29-05

Frances J. Wyland Date 8/29/05

For Organizations: I do solemnly swear or affirm that I am \_\_\_\_\_

Title

of \_\_\_\_\_, that I have signed the foregoing

Organization

document in the space below as \_\_\_\_\_ of \_\_\_\_\_

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent \_\_\_\_\_

Title and Organization \_\_\_\_\_ Date \_\_\_\_\_

State of Idaho/or \_\_\_\_\_ )  
County of Lemhi ) SS.

Subscribed and sworn (or affirmed) before me this

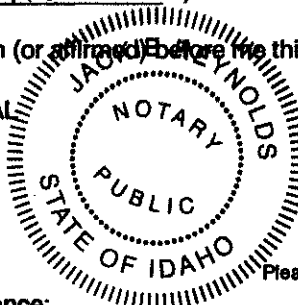
29th

day of

August

2005

SEAL



Notary Public

Residing at

Salmon, ID

My Commission Expires

8/27/2009

Please Print Name

Jackie L. Reynolds

17. Notice of Appearance:

Notice is hereby given that I, \_\_\_\_\_ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_

Last Name WYLAND Ident. Number 75-04088

|   |   |
|---|---|
| 5 | 4 |
| 8 | 9 |



1" = 500'

1 IN<sup>2</sup> = 5.7233 ACRES

1 TINY SQUARE = 0.057233 ACRES

TOTAL TINY SQUARES = 521.9

OR 18.4 ACRES

WILFRED & FRANCES WYLAND  
BENEFICIAL WATER USAGE AREA  
18.4 ACRES

JULY 15, 2005