

RECEIVED

SEP 14 2005

Department of Water Resources

September 9, 2005

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau
Idaho Department of Water Resources
322 East Front Street
Boise, Idaho 83720-0098

RE: 67-12337

Dear Sir:

This letter is in reply to your letter dated August 30, with an enclosure dated September 1, giving a deadline of September 16 for response or your department would "recommend...the claim be disallowed." The lucky citizens--like me--got their notices at the start of Labor Day weekend--with three days to worry about it. Others may have received theirs on September 6. Allowing time for return mail that leaves the luckiest with only 7 DAYS when legal offices would be open to formulate a reply. Hasn't this adjudication process been going on since 1987--or about 18 YEARS? Why are we given such a short end of the stick? And then, to add further insult, the map your office enclosed--on which we are to indicate our water use--is so blurry that buildings, fence lines and farm roads are indistinguishable! How can your office expect the citizens to give an accurate, notarized answer based on such poor quality information? And then, double the frustration level because water rights are such a critical issue. This communication certainly adds facts to the local suspicion that IDWR is trying to extinguish our water rights with bureaucratic timeframes, misinformation, start-all-over-again staff changes, and general bungling! I do hope the end results will be better than this letter and enclosures would indicate.

On September 6, I called your office and got a recording. However, my call was returned the next day. I talked to Dan Narsavage. He said, "Don't shoot the messenger!" and that IDWR really is on our side. I was reassured by his words and his polite attitude. He answered my questions, offered helpful suggestions, and sympathized with us for the short time frame allowed for reply. This was an encouraging start.

Now, to my specific issue. This water from "unnamed drains" is run-off water from the fields above our property. Some if it may even be gray water from the older homes in Fruitvale. It comes onto our property through culverts going under the Fruitvale-Glendale Road and the old railroad grade that parallels it. More water may come from as far up as the West Fork Road in a ditch between the F-G road and the railroad and continuing through a culvert at Monroe Street. By the lay of the land, run-off water has been draining onto our fields since the mountains were formed, and must have continued draining onto our property through the culverts since fill was put in for the county road

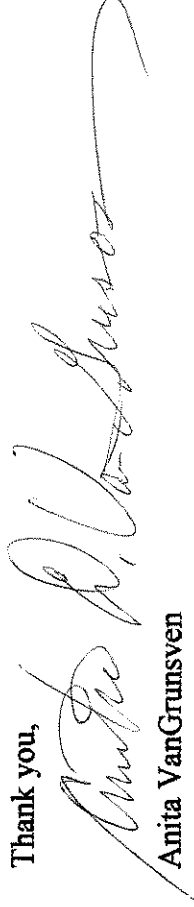
and the railroad, probably in the 1880's. This is water we cannot turn on or off. However, one can see that provision has been made for its beneficial use. A collection basin has been dug where the culvert empties onto our ground and a system of ditches and weirs take the water to various parts of the pastures. While I could find no specific documentation, a reasonable conclusion, based on the evidence on the ground, is that in 1940 someone decided to file for the rights to this water, even though neither its source, nor the volume, was actually under his control. I am enclosing a Deed Record showing that this property sold with "water rights, aqueducts and ditches" that dates from 1903. This should easily cover a 1940 priority date. I am also enclosing an aerial photomap obtained from Adams County and indicating the point where this water enters our property and the ground that is irrigated from this water right. I have obtained copies of tax records showing this as "agricultural land" in 1915, when Adams County was formed. However, this document would not fit in the envelope provided--that your office asked us to use "to assure it arrives at the correct location." Please let me know if the enclosed is not yet sufficient proof to support the priority date claimed and the historic use of the water. I can get more, just tell me what, specifically. Also, as I have been advised, I am requesting a written copy of your recommendation for claim 67-12337.

I am also enclosing "Change in Address" and "Notice of Change in Water Right Ownership" forms. The change in ownership, I think, has been done already but the address was inexplicably shown as the property we sold in Oregon! Most likely, all the notices that have been sent previously by your office have been discarded by the Post Office in Oregon. Fortunately, a neighbor alerted me to what was happening on other of our water rights and a call got this letter to us at the correct address! Would we have lost this water right if your office had continued sending our notices to Oregon? Has a deadline passed on any other of our claims? Please check that all the water rights that go with this property have been changed to our names and correct the addresses to:

2555 Fruitvale-Glendale Road, Council, ID 83612

If you discover any problems or if there are questions, please call me at (208) 253-4456.

Thank you,



Anita VanGrunsvan

ENCL: Deed Record
Aerial Photo Map
Change in Address Form
Notice of Change in Water Right Ownership Form

Claim # 67-12337

water storage
ponds

area
irrigated
by
this water
right

culverts

pipe taking
this water
across
farmer's
canal





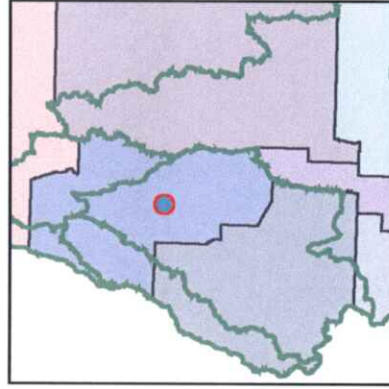
Idaho Department of Water Resources

Adjudication Claim Number: **67-12337**

T17N R01W

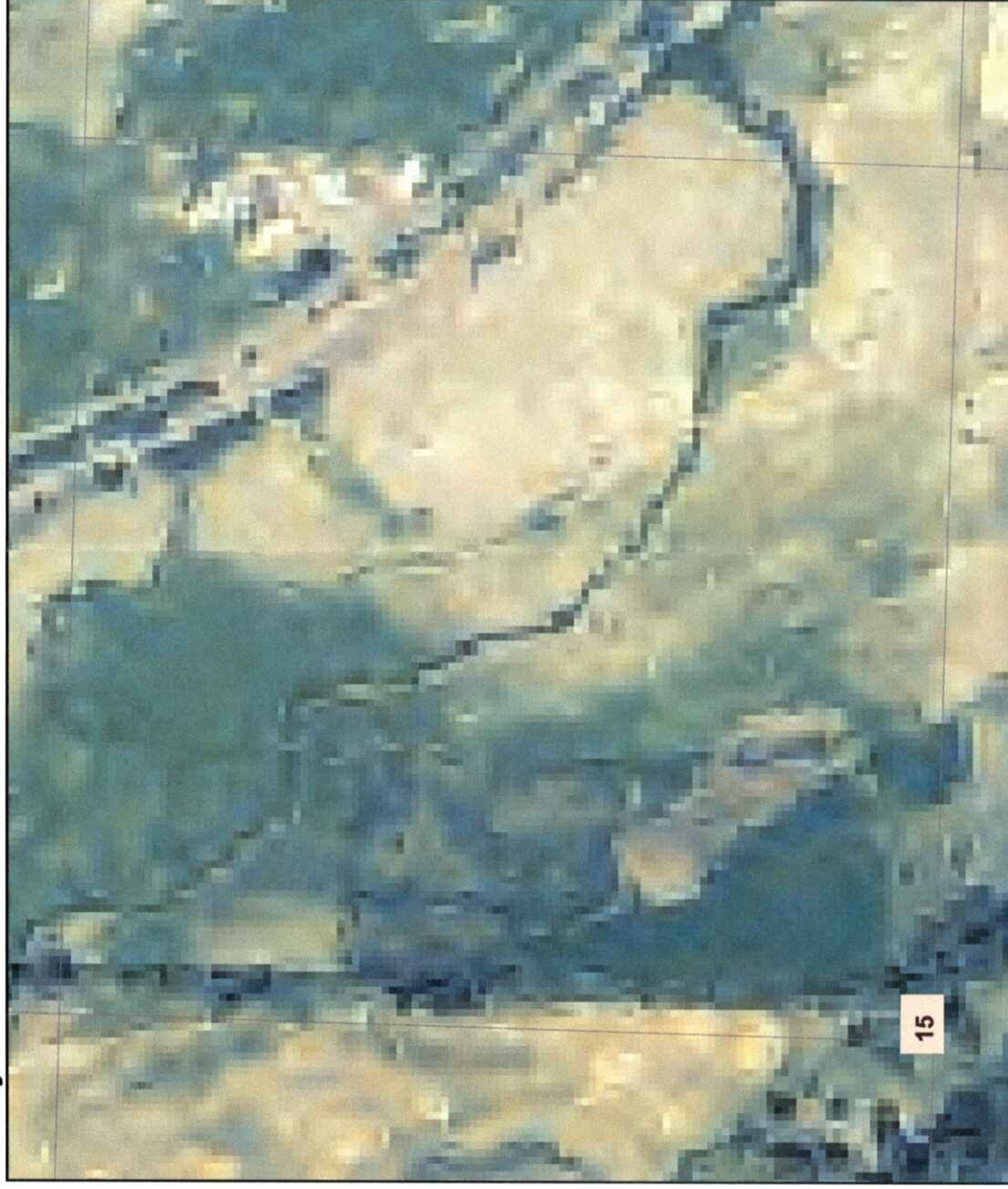
Legend

- PLS Sections
- GCDBQuarter Quarters



Adams County
IDWR Basin 67

Prepared by M. Van Bussum
On Thursday, September 1, 2005
1987 Aerial Photography



0 0.1 0.2 Miles

bleb

Instrument No. 67-12337 THIS INDEMTURE

State of Idaho, to-wit:-

one

TOGETHER with all and singular the tenements, hereditaments and appurtenances

TO HAVE AND TO HOLD all and singular the above mentioned and described premises, together with the appurtenances, unto the said party of the second part and to his heirs and assigns forever. And the said party of the first part and his heirs, the said premises in the quiet and peaceable possession of the said party of the second part his heirs and assigns, against the said party of the first part, his heirs and against all and every person and persons whomsoever lawfully claiming or to claim the same, shall and will warrant and by these presents forever Defend.

Signed, sealed and delivered in the presence of:

244

State of Idaho) ss
) of Washington)

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>6754 B</u>	_____	_____	<u>67-2053A</u>	_____	_____
<u>67-60 B</u>	_____	_____	_____	_____	_____
<u>67-81 AD</u>	_____	_____	_____	_____	_____
<u>67-82A</u>	_____	_____	_____	_____	_____
<u>67-12337</u>	_____	_____	_____	_____	_____

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
 PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s)

Cynthia A and Joseph L Jordan

4. New Owner/Claimant(s)

Anita D. and/or Ronald J. Van Ganssman

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

2555 Fruitvale - Glendale Rd.

City, State and ZIP Code

Council, ID 83612

New Telephone Number

(208) 253-4456

5. Date you acquired the property

3-17-2003

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable) _____

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR Date _____