

07/05/2005

**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: 21-12898

KENNETH E ABEGGLEN

2445 E 244 N

ST ANTHONY ID 83445

Telephone Number: (208)458-4591

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

Quantity of water.

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

1.72 C.F.S. to 3.809 C.F.S.

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

As per warranty deed Nov. 1, 1980 From Naomi Jergensen At least 250 inches (5 C.F.S.) by decree of April 18, 1896. 0.1612 CFS deeded to Neil Zundel 11/12/98, 0.4310 CFS deeded to Adell Flint 2/5/99 thus leaving 3.809 in my ownership. See Attached information.

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

DATE: 9/30/05

SIGNATURE:

Kenneth Abegglen

Please print your name:

Kenneth Abegglen

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

*KWJ
10/14*

1 ERN
Abegglen

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IDWR Water Right and Adjudication Search

Note: This search tool identifies active water rights and active transfers. If you want to search both active and inactive water rights, please check the box below.

☐ Search for both active and inactive water right records.

Search Results

Type of Query

USAGE INSTRUCTION

☐ All SRBA & Water Rights	
SRBA ☒ Claims ☐ Recommendations ☐ Both	Water Rights ☐ Applications ☐ Permits ☒ Decrees, Licenses and Statutory Claims ☐ Transfers ☐ All of the above

Basin Who What When Where

Clear Search Help

Query parameters:

lastName = abegglen

FirstName = kenneth

Search for: active Records

Information for type: Claim

	Record	Basin	Sequence	Suffix	Version	Basis	Status	Priority Date	Diversion Rate	Source List
Details										
Related Documents	1	21	12898			Decreed	Active	1896-04-18	3.809	HENRYS FORK
General Provision										

Information for type: Statutory Claim, Decree and License

	Record	Basin	Sequence	Suffix	Version	Basis	Status	Priority Date	Diversion Rate	Source List
Details										
General Provision	2	22	12742			Decreed	Active	1978-06-07	0.04	GROUND WATER

Number of records = 2

Naomi N. Jergensen/ Kenneth Abbeglen & Verba Abbeglen
Warranty Deed November 1, 1980

County of Fremont, State of Idaho, to wit: Commencing at a point where the South bank of the Snake River intersects the Range line between Range 40 and 41 East, Boise Meridian, Fremont County, Idaho, thence Northeasterly along the South bank of said river to an intersection with the East line of Section 6, Township 7 North, Range 41 East, Boise Meridian; thence South for a distance of 245 feet, more or less, to the Northerly boundary of a road heretofore deeded by Mober C. Sharp and wife to Fremont County, Idaho, and recorded in Book 16 of Deeds at Page 58, in said County of Fremont; thence South 75°23' West along the North line of said road, being parallel to and 4 rods distant from the Northerly boundary of the right-of-way of the Yellowstone Branch of the Oregon Short Line Railroad for a distance of 4093.5 feet, more or less, to an off-set in said road; thence North 14°37' West along the Easterly boundary of said road for a distance of 203.3 feet; thence South 76°54' West along the Northerly boundary of said road to a distance of 965 feet; thence Southwesterly along a curve to the left, having a radius of 1029.4 feet for a distance of 306 feet to an intersection with the West line of said Section 6, at a point 368.5 feet North of the intersection of said Section line with the Center line of Main Track of the Yellowstone Branch of the Oregon Short Line Railroad; thence North 225 feet, more or less, to the point of beginning.
Together with all water rights thereto appertaining (at least 250 inches by Decree).

RESERVING HOWEVER AND LESS That portion of the described premises previously conveyed to the State of Idaho Department of Transportation (Highway Department)

SUBJECT TO THE CLAIM OF THE UNITED STATES "omitted lands".

CORRECTION DEED TO BE ISSUED upon final survey by USGS.

29-22554-L

ALLIANCE TITLE & ESCROW
P.O. BOX 732
REXBURG, ID 83440

WHEN RECORDED RETURN TO:
Billy G. DuPree, Jr.
P.O. Box 723
Rexburg, Idaho 83440

CORRECTION WARRANTY DEED

Kenneth Abegglen and Verba Abegglen, husband and wife, of 2445 East 244 North, St. Anthony, Idaho 83445, as GRANTORS, for a good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto Adell J Flint and Carla Rae Flint, husband and wife, 2060 West 21st Avenue, Apache Junction, Arizona 85220, as GRANTEEES, and to GRANTEEES' heirs and assigns forever, all of the following described property situated in Fremont County, Idaho:

Part of Lots 2, 3, 7, 8 and 18 of Section 6, T7N; R41E; B.M.; Fremont County, Idaho described as:

Beginning at corner number 1, Lot 18, which is a brass cap marked SMC, Cor 1 Lot 18, T7N; R41E; S6; 1968 1978 said corner is S53°42'00"W 2054.78 feet of the Northeast corner of Section 6; and running thence S88°27'02"W 379.82 feet along restored original meander line for the right bank of Henry's Fork of the Snake River; thence S00°28'38"W 620.47 feet to a fence on the north side of an access road; thence N74°45'41"E 394.33 feet along the said fence; thence N00°28'38"E 527.09 feet to the point of beginning.

Contains 5.00 acres more or less.

Together with all appurtenant water rights, including but not limited to 0.4310 C.F.S. (or 12.50 acre feet per annum) of the water right identified in the Notice of Claim of Water Right Acquired Under State Law, filed in the Idaho Fifth Judicial District as Civil Case Number 39576, Identification Number A01-00074A, and all and singular the tenements, hereditaments, and appurtenances belonging to the described property or in any manner appertaining to such property, the reversion and reversions, remainder and remainders, rents, issues, and profits of such property; and all estate, right, title, and interest in and to such property, as well in law as in equity.

To have and to hold, all and singular the described property together with the appurtenances to GRANTEEES and GRANTEEES' heirs and assigns forever.

I # 455867
R# 0007 E061200

Microfilm No. 455867
5 Day Jul 19 99
At 15:49 O'clock PM
MICKIE FUNKE
FREMONT CO. RECORDER
Fee \$ 6. CJR Deputy

WHEN RECORDED RETURN TO:

Billy G. DuPree, Jr.

P.O. Box 723

Rexburg, Idaho 83440

454602

29-22552-L

ALLIANCE TITLE & ESCROW
P.O. BOX 732
REXBURG, ID 83440

WARRANTY DEED

Kenneth Abegglen and Verba Abegglen, husband and wife, of 2445 East 244 North, St. Anthony, Idaho 83445, as GRANTORS, for a good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto Neil Zundel, of 313 East 1st North, St. Anthony, Idaho 83445, as GRANTEE, and to GRANTEE'S heirs and assigns forever, all of the following described property situated in Fremont County, Idaho:

Part of Lots 2, 3, 7, 8 and 18 of Section 6, T7N; R41E; B.M.; Fremont County, Idaho described as:

2812
Beginning at corner number 1, Lot 18, which is a brass cap marked SMC, Cor 1 Lot 18, T7N; R41E; S6; 1968 1978 said corner is S53°42'00"W 2054.78 feet of the Northeast corner of Section 6; and running thence S88°27'02"W 379.82 feet along restored original meander line for the right bank of Henry's Fork of the Snake River to the TRUE POINT OF BEGINNING; thence S88°27'02"W 634.18 feet along restored original meander line for the right bank of Henry's Fork of the Snake River; thence S11°00'18"E 749.40 feet to a fence on the north side of an access road; thence N74°45'41"E 503.42 feet along the said fence; thence N00°28'38"E 620.47 feet to the point of beginning.

Contains 8.83 acres more or less.

Together with all appurtenant water rights, including but not limited to 0.7612 C.F.S. (or 22.075 acre feet per annum) of the water right identified in the Notice of Claim of Water Right Acquired Under State Law, filed in the Idaho Fifth Judicial District as Civil Case Number 39576, Identification Number A01-00074A, and all and singular the tenements, hereditaments, and appurtenances belonging to the described property or in any manner appertaining to such property, the reversion and reversions, remainder and remainders, rents, issues, and profits of such property; and all estate, right, title, and interest in and to such property, as well in law as in equity.

To have and to hold, all and singular the described property together with the appurtenances to GRANTEE and GRANTEE'S heirs and assigns forever.

29-22552-L
RP 0704 E06 2002