

Saxton, Craig

From: Cheatum, Debra [debrac@portmed.org]
Sent: Friday, June 06, 2003 11:59 AM
To: Saxton, Craig
Subject: RE: Notice of Error reply for SRBA recommendation 29-07067

06/06/03

Dear Craig,

Thank you for your assistance in this matter. I appreciate your time and expertise. The amended graph is a closer match to the maps owned by my father and filed with the City of Pocatello and we accept the notification for water rights to the 7 acres as indicated on the updated attachments. Granted, I realize the graphics are from aerial photos and not necessarily to scale, etc, etc.

Please make sure the mailing address for any future correspondence regarding the property owned by Lewis L. Probart is as listed below. Again, thank you for your assistance.

Lewis L Probart: (POA: Debra L Probart Cheatum)

Mailing Address: 2457 Ada Street Pocatello, Idaho 83201
208-237-9045

Property Location: 795 Leo Lane Pocatello, Idaho 83201

Sincerely,

Debra Probart Cheatum
2475 Ada ST
Pocatello, Id 83201
Home: 208-237-9045
Office: 208-239-2146
debrac@portmed.org

-----Original Message-----

From: Saxton, Craig [mailto:csaxton@idwr.state.id.us]
Sent: Thursday, June 05, 2003 3:12 PM
To: Cheatum, Debra
Subject: RE: Notice of Error reply for SRBA recommendation 29-07067

Dear Debra

I have re-reviewed the licensing field exam and available data and made the change of removing recommended irrigated ground from the church property and adding it to your fathers.

6/6/2003

Enclosed is and updated map of the recommended POU and a copy of the recommendation.

Please let me know if you have further questions.

Respectfully submitted,

Craig L. Saxton
SR. Water Resource Agent
Adjudication Bureau
csaxton@idwr.state.id.us
(208) 334-2190

-----Original Message-----

From: Cheatum, Debra [<mailto:debrac@portmed.org>]
Sent: Friday, May 30, 2003 3:01 PM
To: Saxton, Craig
Subject: RE: Notice of Error reply for SRBA recommendation 29-07067

05/30/03

Dear Mr Saxton,

I apologize for the delay in responding back to you. I had to confirm a few points with my father.

In regards to the "leased" ground, my father leased the property owned by the Church for two summers and irrigated the property from his well at no expense to the Church. However, he owns 7 1/2 acres on the property known as Leo Lane and has always maintained the water rights to said 7 1/2 acres. The land owned by the Church may have their own water rights but they have no right whatsoever to the Probart wells or water rights.

I am not sure why the documentation lists 7 acres which includes the Church property. According to my father, he has always maintained all water rights to the 7 1/2 acres of his property. The only thing I can think of that may have caused the confusion, is the Church property which was temporarily leased by my parents, was confused by the examiner with the corner section we own next to the Church building on Bannock Highway. This is an assumption on my part as neither my father nor I know why our water rights for our 7 1/2 acres included the property owned by the Church.

As per our telephone discussion we hold the water rights to the fields and two home sites on the property which would be the 7 1/2 acres owned by my father. If you include the property owned by the Church it would exceed 7 acres.

We are absolutely not willing to split our water rights for the 7 acres with any other property owner. We will maintain the water rights to the 7 1/2 acres owned by Lewis L Probart as has been held for over 50 years.

If you need any additional information or if we need to continue our discussion, please contact me via e-mail or call me at 208-239-2146. I appreciate your assistance with this matter.

Thank you,
Debra L. Probart Cheatum
2475 Ada St
Pocatello, Id 83201
Office: 208-239-2146
Home: 208-237-9045
e-mail: debrac@portmed.org

6/6/2003

-----Original Message-----

IMPORTANT NOTICE: This communication, including any attachments, may contain information that may be confidential or privileged and is intended solely for the entity or individual to whom it is addressed. If you are NOT the intended recipient, you must delete this message and attachments and are hereby notified that any disclosure, copying, or distribution of this message is strictly prohibited. Nothing in this email, including any attachment, is to be a legally binding signature.

From: Saxton, Craig [mailto:csaxton@idwr.state.id.us]
Sent: Tuesday, April 29, 2003 3:23 PM
To: Cheatum, Debra
Subject: Notice of Error reply for SRBA recommendation 29-07067

Dear Ms. Cheatum,

Per our phone conversation I am sending you several items via e-mail. Drop me a line if for some reason they don't make it through.

1) PDF file of the historical licensing exam for 29-07067. As you review this I would refer you to a couple items.

Page 13 shows a portion of the recommended POU as "leased ground".

Page 14: The field examiners notes at the bottom of the page state, "Applicant is also irrigating leased land which belongs to the church. Examiner confirmed with owner 2/28/77."

I feel that based on the available data, the intent of the examiner was to license a portion of the 7 acres of irrigated ground on the churches property. However, as stated before, take a look at the information and let me know if you feel my assessment is inaccurate.

2) Amended recommendation for 29-07067 removing Wilma Probart's name.

3) JPG showing ownership and recommended POU. Please keep in mind that sometimes aerial photography, tax lot data, and survey lines don't match up perfectly.

If I have the drawing wrong, please print off a copy, make changes, and return it to this office.

Conclusion:

I think at this point the best thing to do is not to reduce the recommended irrigated acreage by removing the churches property. I will solicit a change of ownership to put a portion of the water right in the churches name and split the right. But I will wait on this until you have had a chance to review the information and get back to me. If I don't hear from you, the recommendation will remain as attached.

Respectfully submitted,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

6/6/2003

csaxton@idwr.state.id.us
(208) 334-2190

500 SHEETS MILLER 5 SQUARE
50 SHEETS PLEASER 5 SQUARE
100 SHEETS VELEASH 5 SQUARE
200 SHEETS EYLEASH 5 SQUARE
100 RECYCLED WHITE 5 SQUARE
200 RECYCLED WHITE 5 SQUARE

I sent her letter before for review and she
will get back to me.





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

From: Saxton, Craig

Sent: Tuesday, April 29, 2003 3:23 PM

To: 'debrac@portmed.org'

Subject: Notice of Error reply for SRBA recommendation 29-07067

DIRK KEMPTHORNE
GovernorKARL J. DREIER
Director

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Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau
csaxton@idwr.state.id.us
(208) 334-2190

4/29/2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

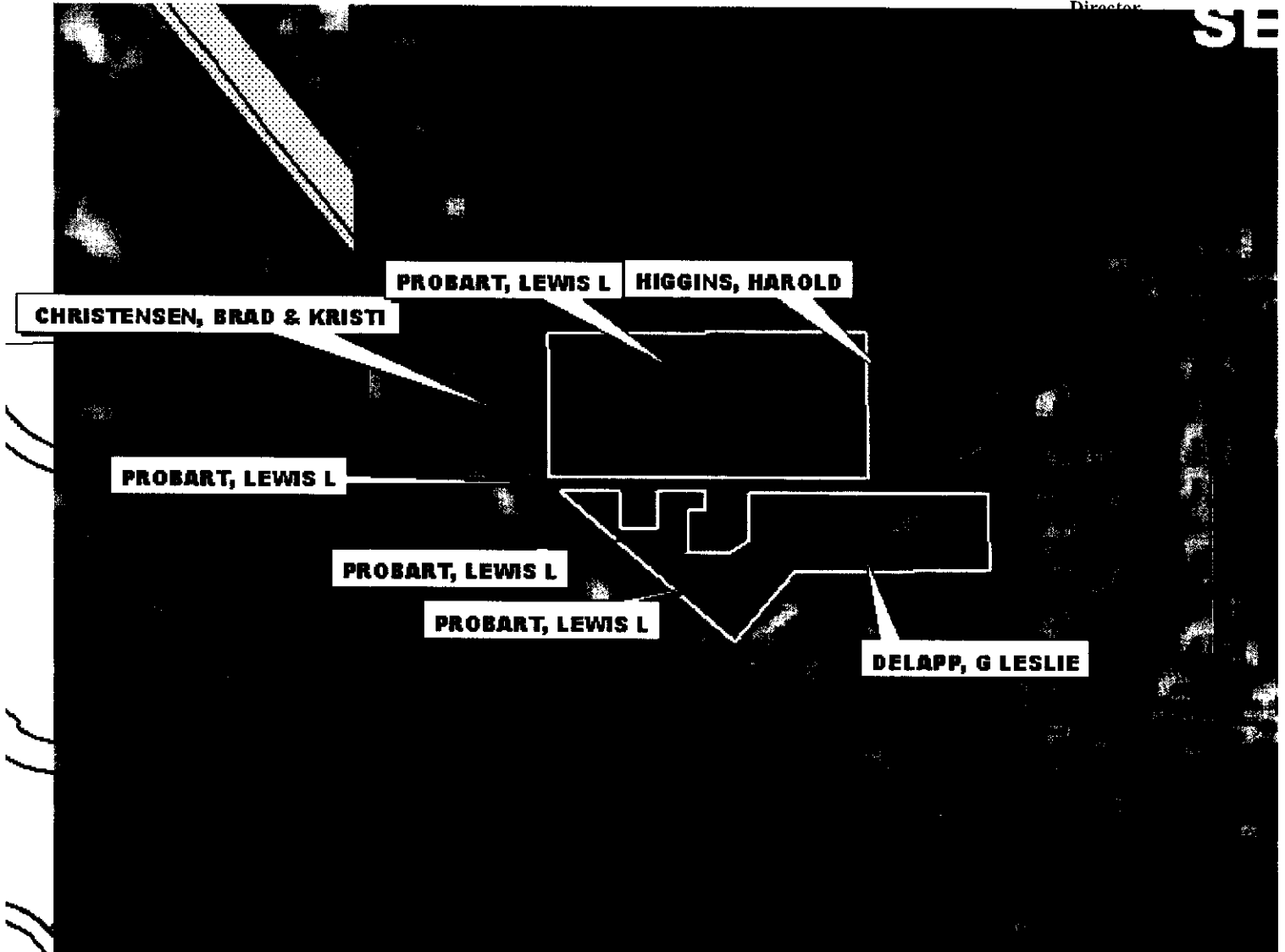
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

29-07067

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director



Point of Diversion - N/A

Total Acres: 7.0



City of Pocatello Tax Lot Data

Recommended POU



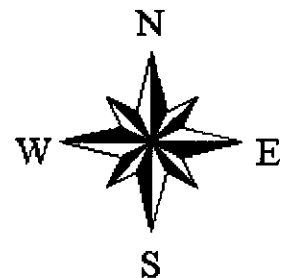
Indian Allotment Boundary N/A



Section Lines



Quarter Quarter Lines



Prepared By: Craig Saxton
April 2003