



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718
PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 14, 2005

Sherrilynn Bair
1921 W Taber Rd
Blackfoot ID 83221

RE: Reply to Notice of Error for 27-12045 and 27-11945

Dear Sherrilynn,

Thank you for taking the time to return the Notice of Error Reply for 27-12045 and 27-11945. In response to the information you provided enclosed is an updated copy of the Preliminary Director's Reports for water right 27-12045 and the associated layout.

Changes to 27-12045 include increasing the place of use from 29.8 to 43 acres, with a corresponding increase in the quantity of water to 0.86 c.f.s. This amount equates to one miners inch of water per acre of land.

Regarding right 27-11945, we cannot add the property in NENE of Section 36 to the place of use for stock water. Although the gift deed shows that the property belongs to you, the property was not originally included on the claim for this water right. If prior to 1971 water was diverted from Claudes Creek and conveyed to the NENE of Section 36 to provide drinking water for stock then you can file a Claim to Water Right reflecting the historical use. For a new use or a use that occurred subsequent to 1971 you need to file an Application for Permit.

Feel free to contact this office if you still have concerns regarding the above water rights.

Respectfully yours,

Ernest Carlsen
Water Rights Supervisor

**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: 27-12045

SHERRILYNN BAIR
1921 W TABER RD
BLACKFOOT ID 83221
Telephone Number: (208)684-5271

LEO WALLACE
1921 W TABER RD
BLACKFOOT ID 83221

STARLA THOMPSON
1921 W TABER RD
BLACKFOOT ID 83221
Telephone Number: (208)684-5271

RICHARD M WALLACE
1921 W TABER RD
BLACKFOOT ID 83221

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

The land description on the proposed recommendation is incorrect

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

The legal description needs to be changed to include the portion in the SWSE (as indicated) section 25, and the portion indicated in the NENW (section 36).

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

We have enclosed the original deed of gift which includes the correct (original) land description. No changes have been made by the owners that would change these land descriptions.

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

DATE: 7-28-05 SIGNATURE: Sherrilynn W. Bair

Please print your name: Sherrilynn W. Bair

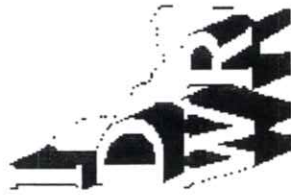
IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

RECEIVED

AUG 08 2005

Department of Water Resources
Eastern Region

11/8
2005



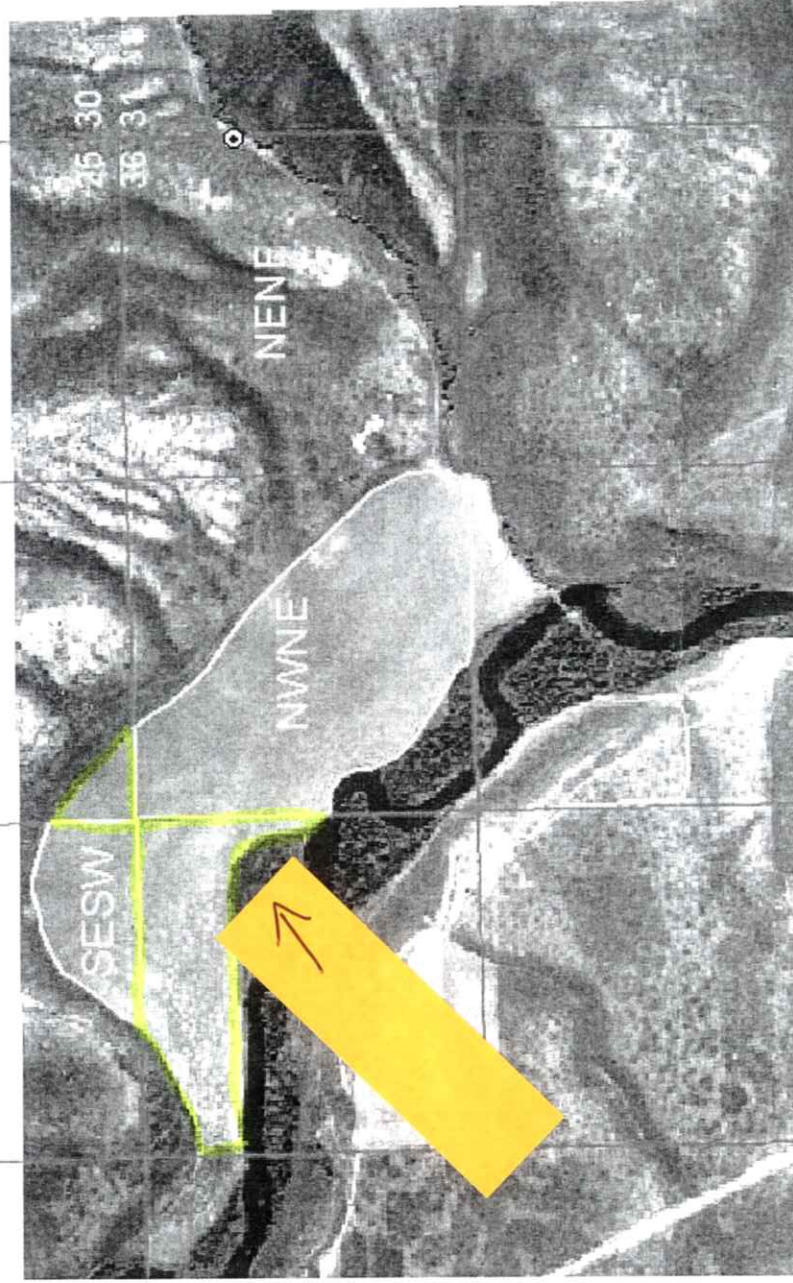
STATE OF IDAHO

Department of Water Resources

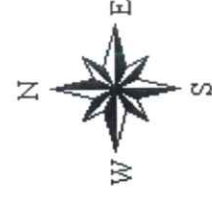
Eastern Region



Water Right(s) 27-12045



IRRIGATED ACRES



LEGEND

⊙ Point of Diversion

Place of Use

Townships

Sections

Quarter-Quarters

Place of Use: T4S, R39E:
(part of) Sec. 25, SESW
(part of) Sec. 36, NWNE.

Point(s) of Diversion: T4S, R39E:
Sec. 36, NENE.

GIS Place of Use Illustration
1994 Imagery
Prepared by: B. Payne
Date: May 2006.

DEED OF GIFT

Grantor, **MALVERN WALLACE**, of 1102 West 200 North, Blackfoot, County of Bingham, State of Idaho 83221, for and in consideration of the love and affection he holds for Grantees, the natural children of Grantor, does give, grant, and convey to Grantees, **LEO WALLACE**, of 581 North Ash, Blackfoot, Idaho 83221, and to **RICHARD M. WALLACE**, of Box 292, Twin Bridges, Montana 59754, and to **SHERRILYNN BAIR**, of 1921 W. Taber Road, Blackfoot, Idaho 83221, and to **STARLA THOMPSON**, of 1102 West 200 North, Blackfoot, Idaho 83221, as their sole and separate property each, and to Grantees' heirs and assigns, an undivided 12.5 percent interest each as tenants in common of the following described real estate situated in, Bingham County, Idaho, to wit:

Township 4 South, Range 39 East, Boise Meridian, Bingham County, Idaho

Section 25: SE $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$ NE $\frac{1}{4}$

Section 36: NE $\frac{1}{4}$ NW $\frac{1}{4}$; W $\frac{1}{2}$ NE $\frac{1}{4}$ EXCEPTING beginning at the Northeast corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, and running thence West 500 feet; thence South 500 feet; thence East 500 feet; thence North 500 feet to the point of beginning, ALSO EXCEPTING THEREFROM a 50 foot right-of-way across the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 36.

ALSO EXCEPTING THEREFROM

Beginning at a point 500 feet South of the Northeast corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, Township 4 South, Range 39 East, Boise Meridian, Bingham County, Idaho, and running thence West 350 feet; thence South 300 feet; thence East 350 feet; thence North 300 feet to the point of beginning.

Together with all improvements, water, water rights, ditches, ditch rights, easements, hereditaments and appurtenances thereto.

Reserving and Excepting to the Grantor, however, the right to the use of said premises and a life estate therein together with all rents, issues and profits thereof, for the rest of Grantor's natural life and as long as Grantor shall live.

IN WITNESS WHEREOF, Grantor has hereunto subscribed his name to this instrument this 13 day of December 1996.

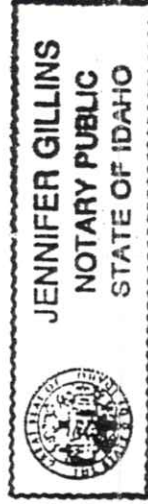
Malvern S. Wallace
MALVERN WALLACE

STATE OF IDAHO)

) ss.
County of Bingham)

On this 13th day of December, 1996, before me the undersigned, a Notary Public for Idaho, Personally appeared **MALVERN WALLACE**, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Blackfoot, Idaho
Commission Expires 10/10/2001

Jennifer Gillins
Notary Public for Idaho
Residing at Blackfoot, Idaho

My Commission Expires: 10/10/2001

BINGHAM COUNTY RECORDER
BLACKFOOT, IDAHO
FEE 3.00 DEPOSIT Rj
96 DEC 13 PM 1:55
RECORDED AT THE REQUEST OF
Dan Acevedo
745 W. Bridge Suite 4