



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

05/16/2005

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: 27-11945

LEO WALLACE
1921 W TABER RD
BLACKFOOT ID 83221

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

RICHARD M WALLACE
1921 W TABER RD
BLACKFOOT ID 83221

STARLA THOMPSON
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 Place of use.

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

to add the NENE (section 36) which was
acquired in Oct. 2001. (Legal description through
gift deed attached)

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

this addresses the acquisition of additional
property rather than an error. Please advise if we need
to follow other procedures to add this portion.

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

DATE: 7-29-05 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

10/5
8/11

05/16/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-11945
NAME AND ADDRESS: LEO WALLACE
1921 W TABER RD
BLACKFOOT ID 83221

SHERRILYNN BAIR
1921 W TABER RD
BLACKFOOT ID 83221

RICHARD M WALLACE
1921 W TABER RD
BLACKFOOT ID 83221

STARLA THOMPSON
1921 W TABER RD
BLACKFOOT ID 83221

SOURCE: CLAUDS CREEK TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 0.030 CFS
The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 02/02/1916

POINT OF DIVERSION:
T04S R39E S36 NENE Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	04/01 11/01	0.030 CFS

PLACE OF USE: STOCKWATER Within BINGHAM County
T04S R39E S36 SWNE *add NE NE*

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
THIS RIGHT IS A SPLIT FROM FORMER RIGHT 27-4030

GIFT DEED

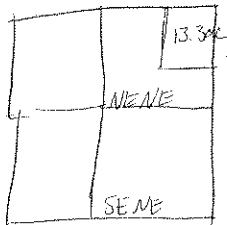
33262
Pine tree

This Deed made this 16th day of October, 2001, by and between MALVERN S. WALLACE of 340 Lansing, No. 55, Blackfoot, Idaho 83221, herein called the Grantor, and LEO WALLACE (undivided 25 percent interest) of 581 N. Ash, Blackfoot, Idaho 83221; RICHARD M. WALLACE (undivided 25 percent interest) of 90 Tukelane, Sheridan, Montana 59749; SHERRILYNN BAIR (undivided 25 percent interest) of 1921 W. Taber Road, Blackfoot, Idaho 83221; and STARLA THOMPSON (undivided 25 percent interest) of ~~1102 W. 200 N.~~ Box-36 Blackfoot, Idaho 83221, herein called the Grantee. The Grantee and Grantee's heirs and assigns shall each receive an undivided 25 percent interest in the following described real property, each as tenants in common.

WITNESS:

The Grantor for and in consideration of the natural love and affection for the Grantee, by these presents, does give, convey and confirm unto the Grantee, all of the real estate and improvements located in Bingham County, State of Idaho, to wit:

Part of the E1/2 NE1/4 of Section 36, Township 4 South, Range 39 East, B.M., Bingham County, Idaho, described as:



Beginning at the northeast corner of said Section 36 and running thence S 0° 10' 57" W 879.39 feet along the section line; thence N 89° 43' 58" W 658.85 feet; thence N 0° 10' 02" E 879.40 feet to the north line of Section 36; thence S 89° 43' 57" E 659.09 feet along the section line to the point of beginning.

Parcel contains 13.30 acres together with all improvements thereon.

Also a 1/6 ownership in the water rights owned by Grantor in 70 Creek, Claude's Creek and a deep well (together with a 1/6 ownership in the related pump, generator and storage tank) used for irrigation and domestic water, said well located on the following described property:

Part of the E1/2 NE1/4 of Section 36, Township 4 South, Range 39 East, B.M., Bingham County, Idaho, described as:

Beginning at a point that is S 00° 10' 57" W 1319.20 feet along the section line and N 89° 44' 43" W 817.88 feet and N 00° 15' 17" E 27.66 feet to an existing Well.

The parcel granted herein is subject to the following: