State of Idaho
DEPARTMENT OF WATER RESOURCES
15 West Center Street, Soda Springs, ID 83276
Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

12 December 2003

COPY

William Wissert
579 West 200 South
Blackfoot, ID 83221

Re: Snake River Basin Adjudication (SRBA)
Claim 27-11192

Subject: CLARIFICATION OF DISCREPANCIES

Response Date: 31 December 2003

Dear Claimant (s):

Thank you for sending the affidavit by Zane Caldwell concerning when your land was first irrigated in the NENW of Section 18, Township 3 South, Range 35 East.

The legal description of your property doesn't quite match with your claim and the affidavit from Zane Caldwell. We've mapped your property boundaries from the Deed of Trust between you and the Title and Trust Company dated May 2, 1977. After mapping your property, it puts your home in Government Lot 1, or the NWNW of Section 18, not the NENW. If the shape outlined in yellow on the enclosed maps is correct then you will need to amend your SRBA claim to include the complete legal description of your property. However, when we apply this legal to the1964 imagery and consider Zane Caldwell's affidavit, there is not sufficient evidence to recommend 2 acres of irrigation to the SRBA Court.

We have enclosed two different copies of the imagery covering the acreage sited in the legal description described in the Deed of Trust. The black and white imagery was taken in 1964 and the colored map was taken in 1987. The blue hatched area on the 1964 imagery shows about 0.22 acres of irrigated land in the NENW. I have also included copies of the imageries with only the outline of the property so that you can more easily see the entire imagery. The entire area covered by the legal within the Deed of Trust is approximately 2 acres, which also includes the land within Government Lot 1 of Section 18, the NWNW quarter. This includes the home and other out buildings. The claim is based on historically irrigated lands, not the total acres conveyed. The home and other out buildings appear to be within the NWNW quarter. The claim only sites land

located in the NENW quarter. To recommend the domestic use in the NWNW, Government Lot 1 of Section 18, you will have to amend your claim 27-11192 to include that legal description.

The 1987 imagery clearly shows that additional land located in the NENW quarter as irrigated. However, we cannot recommend to the Court that 2 acres has historically been irrigated with a 1960 priority date.

You can amend your claim 27-11192, at our Idaho Falls office at 900 N. Skyline, Suite A. To continue to irrigate the additional acres you have two choices:

1. File an enlargement claim. Which will allow you to irrigate the land with no additional flow allowed.

Or

2. File a pre-1987 permit for use prior to 1987. This would allow you the additional flow as well as acres.

If we do not hear from you by the above referenced response date, we will assume you do not wish to file an amendment to your claim or file for an enlargement and therefore, we will recommend to the Court that the claim be allowed for approximately one-quarter acre in the NENW of Section 18.

If you have any questions not covered by this letter, please feel free to contact me at 547-3993.

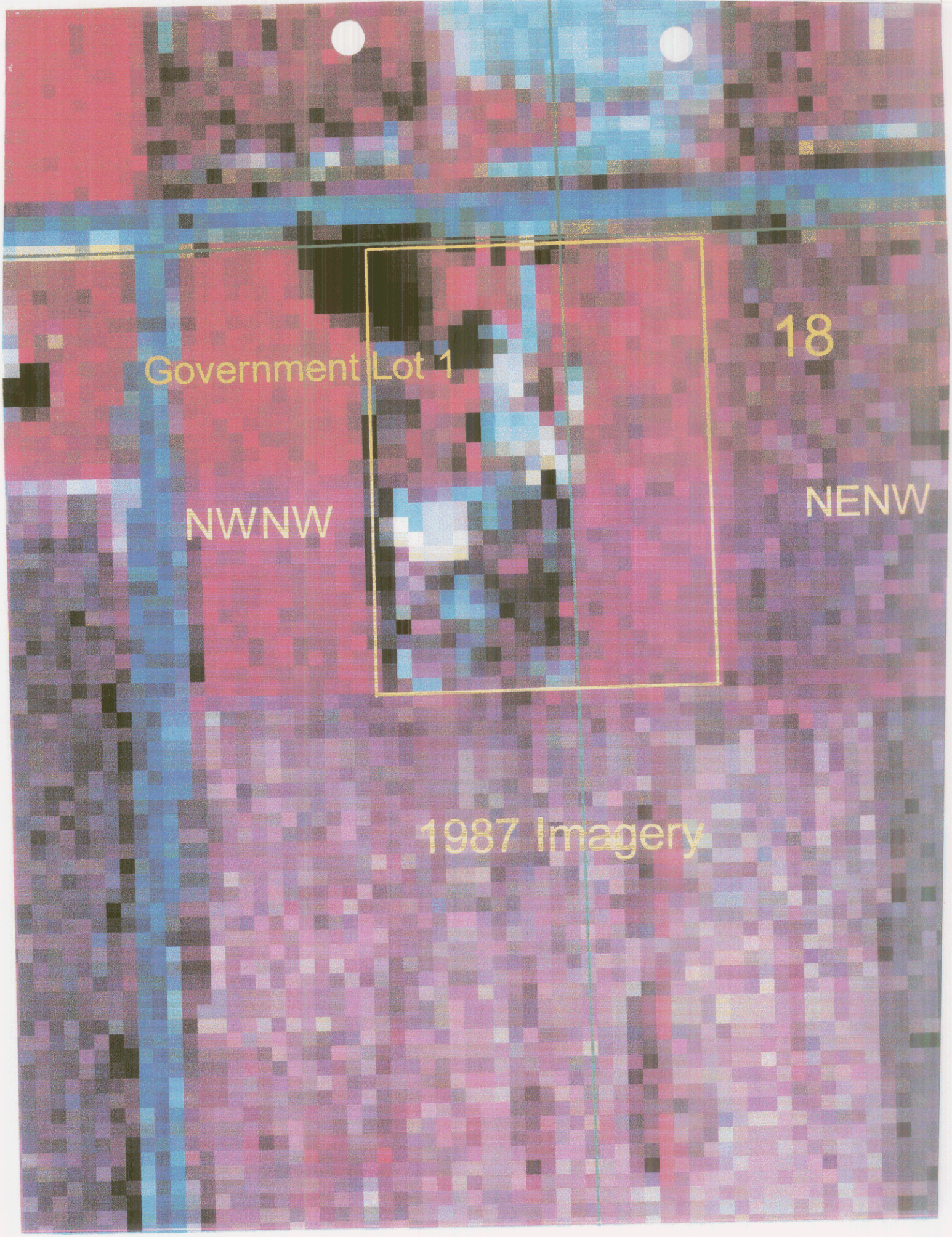
Respectfully,

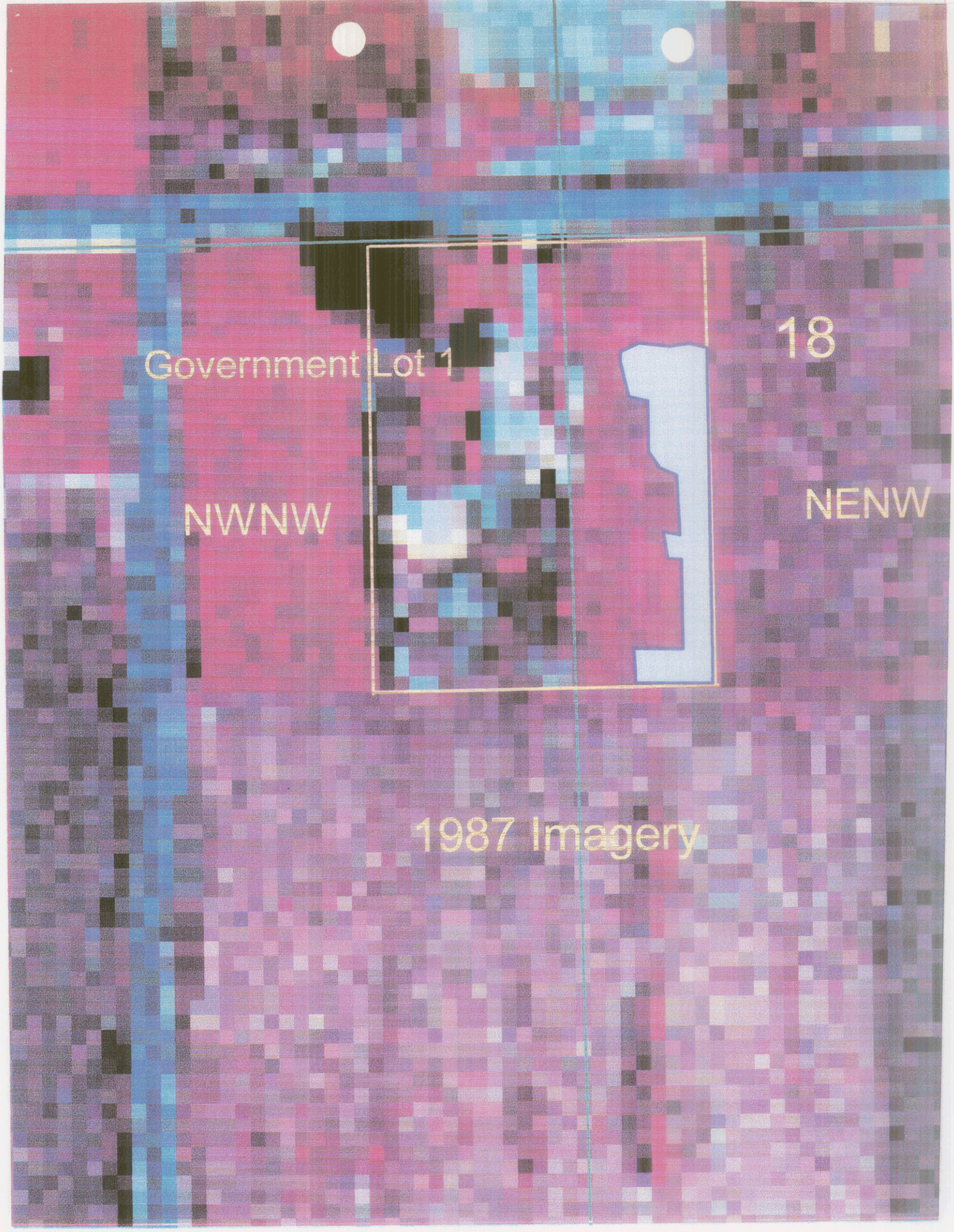
Cindy E Bird

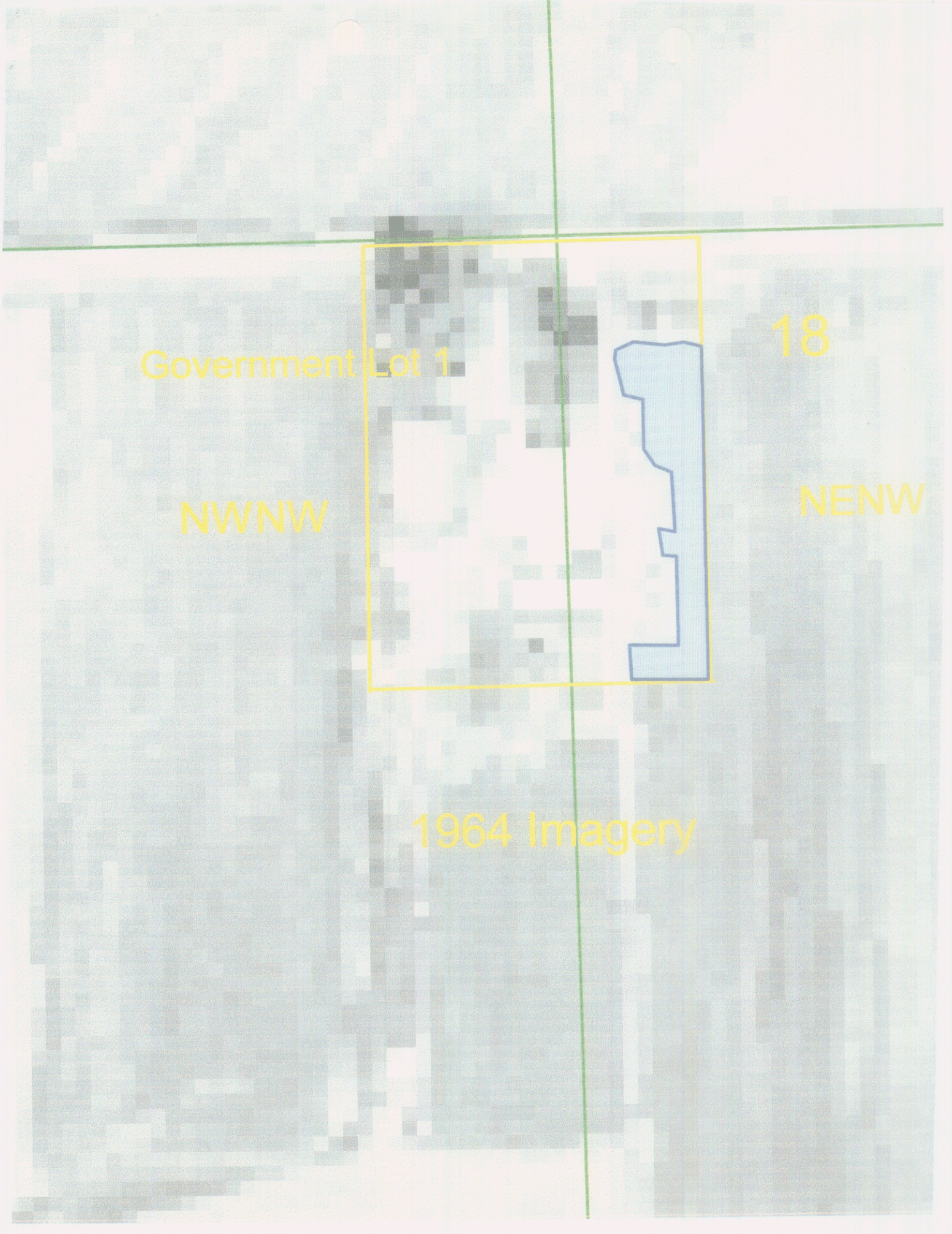
Cindy E. Bird
Adjudication Bureau

CEB/bjp

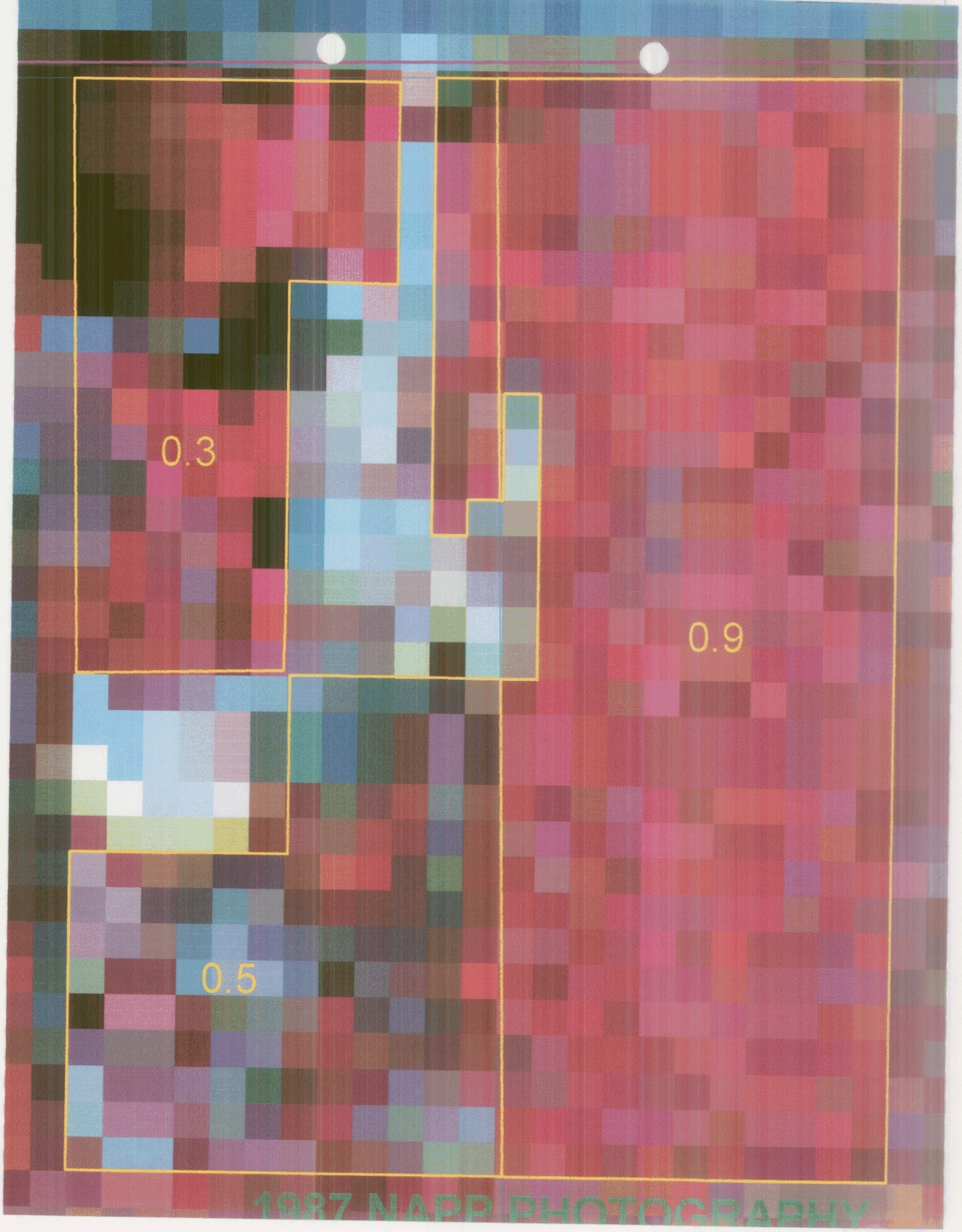
Enclosure: 4 Imagery drawings


Government Lot 1
18
NWNW
NENW
1987 Imagery

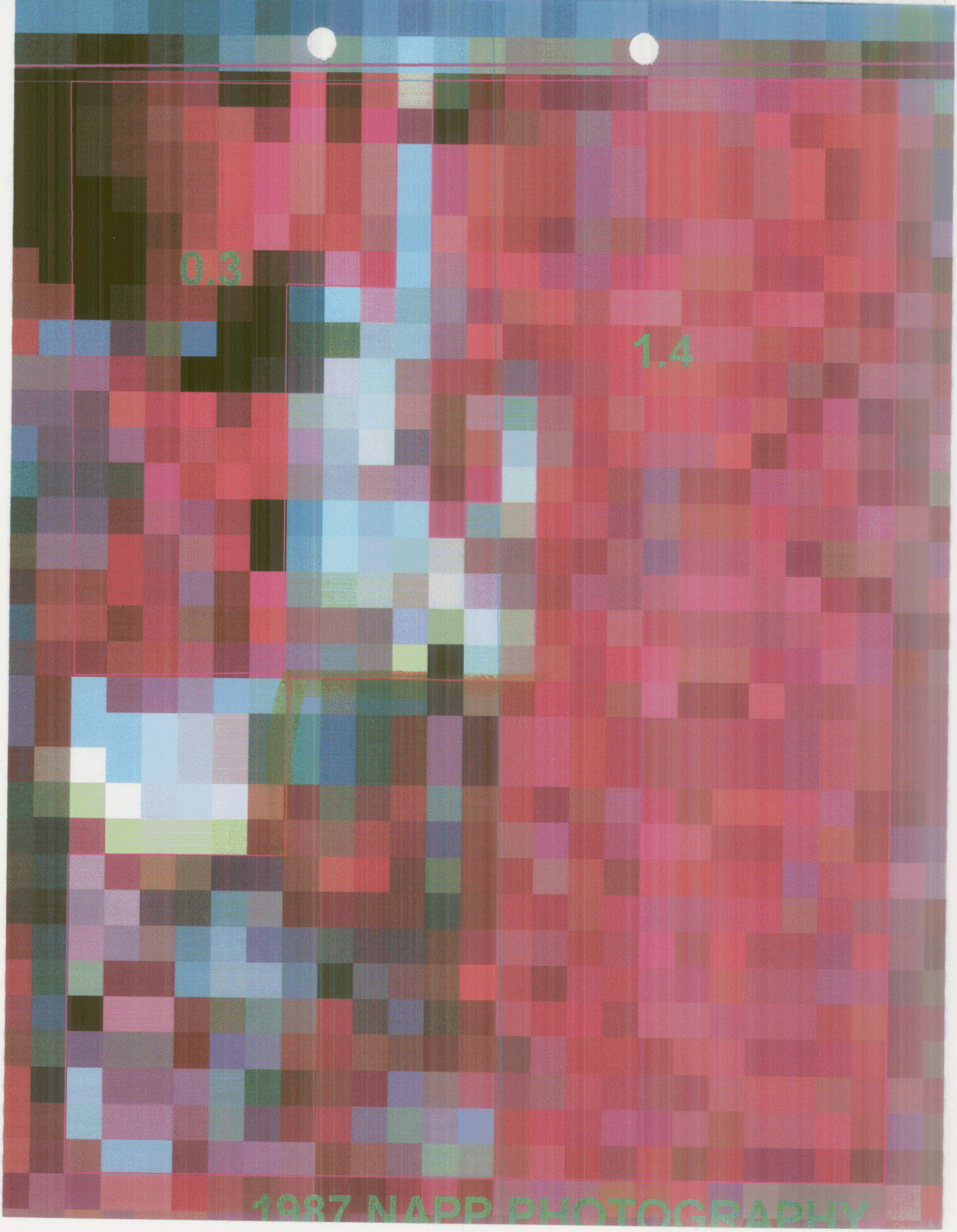

Government Lot 1
18
NWNW
NENW
1987 Imagery


Government Lot 1
18
NWNW
NENW
1964 Imagery

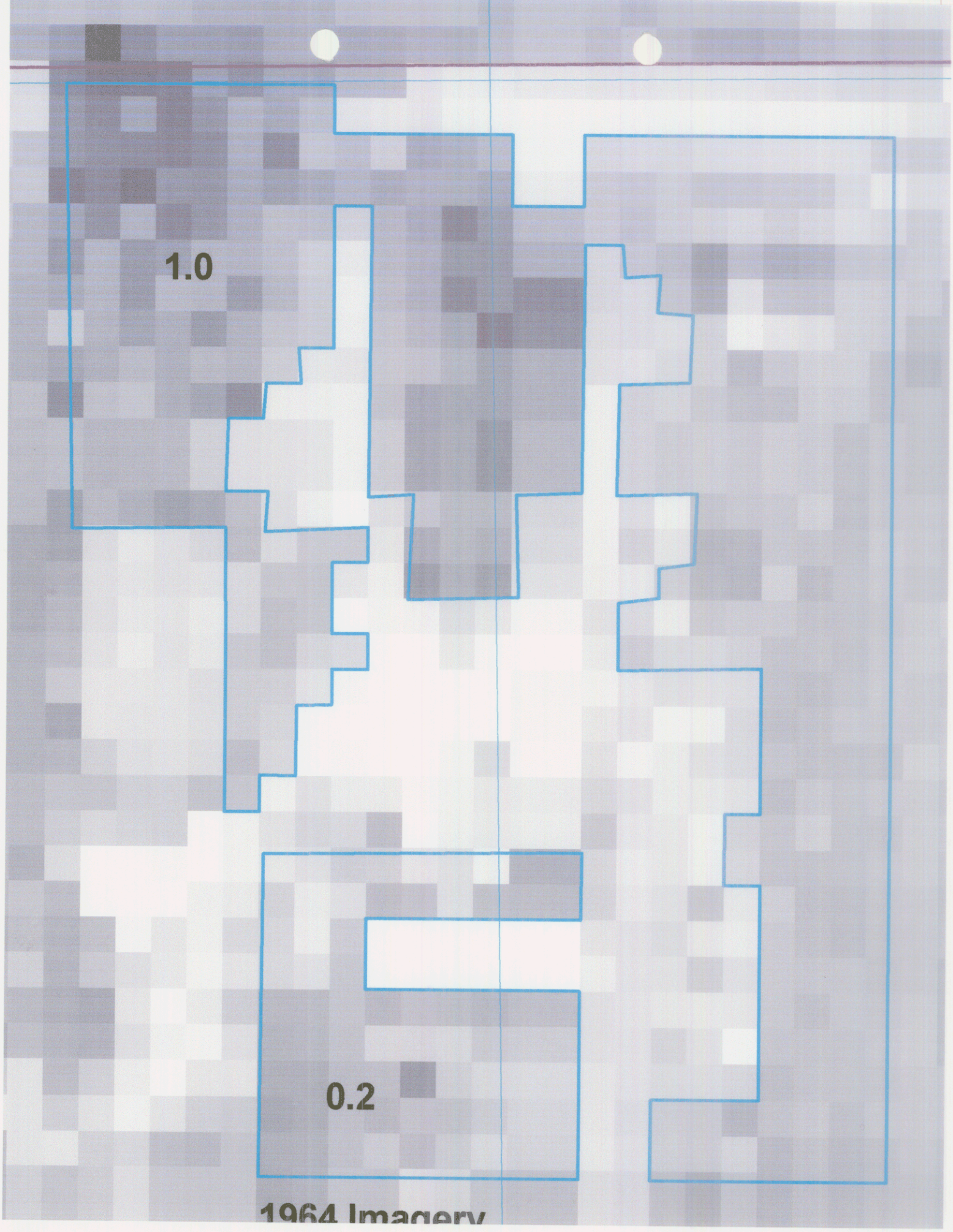

Government Lot 1
18
NWNW
NENW
1964 Imagery



1-12-04 CB.



1-12-04/CB 1.7 ac. − 0.5 ac = 1.2 ac. 1.2 acres Total



1-12-04 CB

1.7 acres total



Ortho Z-39 Morland, ID T3S, R3E Sec. 18. 1974