

11/01/2006

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: November 21, 2006

Water right number: 37-4323

ANN LOUISE ANDERSON
423 WASHINGTON ST
KIMBERLY ID 83341

Telephone Number: (208)423-5493

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

SEE ATTACHED

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

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

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

DATE: 11/20/2006

SIGNATURE: *Severt Swenson Jr*

Please print your name:

SEVERT SWENSON, JR.

IDWR State Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, (800)451-4129

BROWN, JAMES & SWENSON

ATTORNEYS AT LAW

130 Fourth Avenue West
GOODING, IDAHO 83330

Philip A. Brown
Joseph F. James
Severt Swenson, Jr.

Telephone: (208) 934-8185
Facsimile: (208) 934-4101

NOV 22 2006

DEPARTMENT OF
WATER RESOURCES

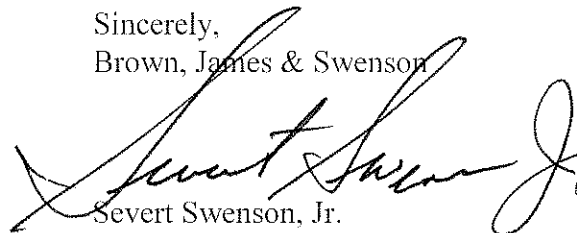
November 21, 2006

IDWR State Office
P.O. Box 83720
Boise, ID 83720-0098

RE: Water Claims: 37-4323 and 37-4325

Enclosed are objections to preliminary reports which are being submitted on behalf of the owners, namely Ann Anderson, Sharon Malcomson and Mary Swenson (my wife). It is our request that you reconsider your priority date as set forth on the original application which had no objection made to such application by the public or other water users.

Sincerely,
Brown, James & Swenson



Severt Swenson, Jr.

SS/lw
enclosures

RE: Right 37-4323

The objection to this preliminary recommendation is to the priority date and the source of the water.

With respect to the priority date, the priority date on the original application which was filed in 1993, was done with the knowledge of persons who are now deceased. The priority date granted on the original application should be granted a strong presumption unless disproved by other evidence. This date is June 1, 1881.

A request for the right to attempt to secure other evidence is now being made with respect to the priority date.

On source of the water, it is correct that it is diverted on the mainstream of Camas Creek, but if you note the point of diversion is just east of the confluence of Camas Creek and the flow from Johnson Springs. With the up and down flow of Camas Creek, the majority of the water diverted is from Johnson Springs. It would be appropriate to indicate the source of the water as "Johnson Springs/Camas Creek" to denote the primary source of the water.

- 11/01/2006

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

RIGHT NUMBER: 37-4323

NAME AND ADDRESS: ANN LOUISE ANDERSON
423 WASHINGTON ST
KIMBERLY ID 83341

SOURCE: CAMAS CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 2.800 CFS

PRIORITY DATE: 04/15/1945

POINT OF DIVERSION:

T02S R11E S5 NWSWNE Within ELMORE County

PURPOSE AND

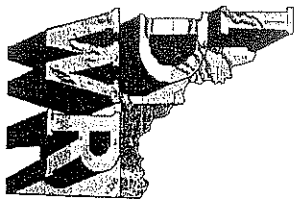
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	06/01 09/01	2.800 CFS
PLACE OF USE:	<u>IRRIGATION Within ELMORE County</u>		
	T01S R11E S32 NESE 0.20	T01S R11E S32 NWSE	2.20
	T01S R11E S32 SWSE 40.00	T01S R11E S32 SESE	34.50
	T02S R11E S05 Lot 1 NENE 30.00	T02S R11E S05 Lot 2 NWNE	26.00
	T02S R11E S05 SWNE 6.30	T02S R11E S05 SENE	0.80
	140 ACRES TOTAL		

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



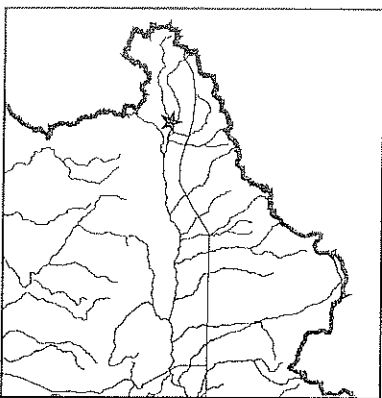
Idaho Department of Water Resources

SRBA Recommendation:

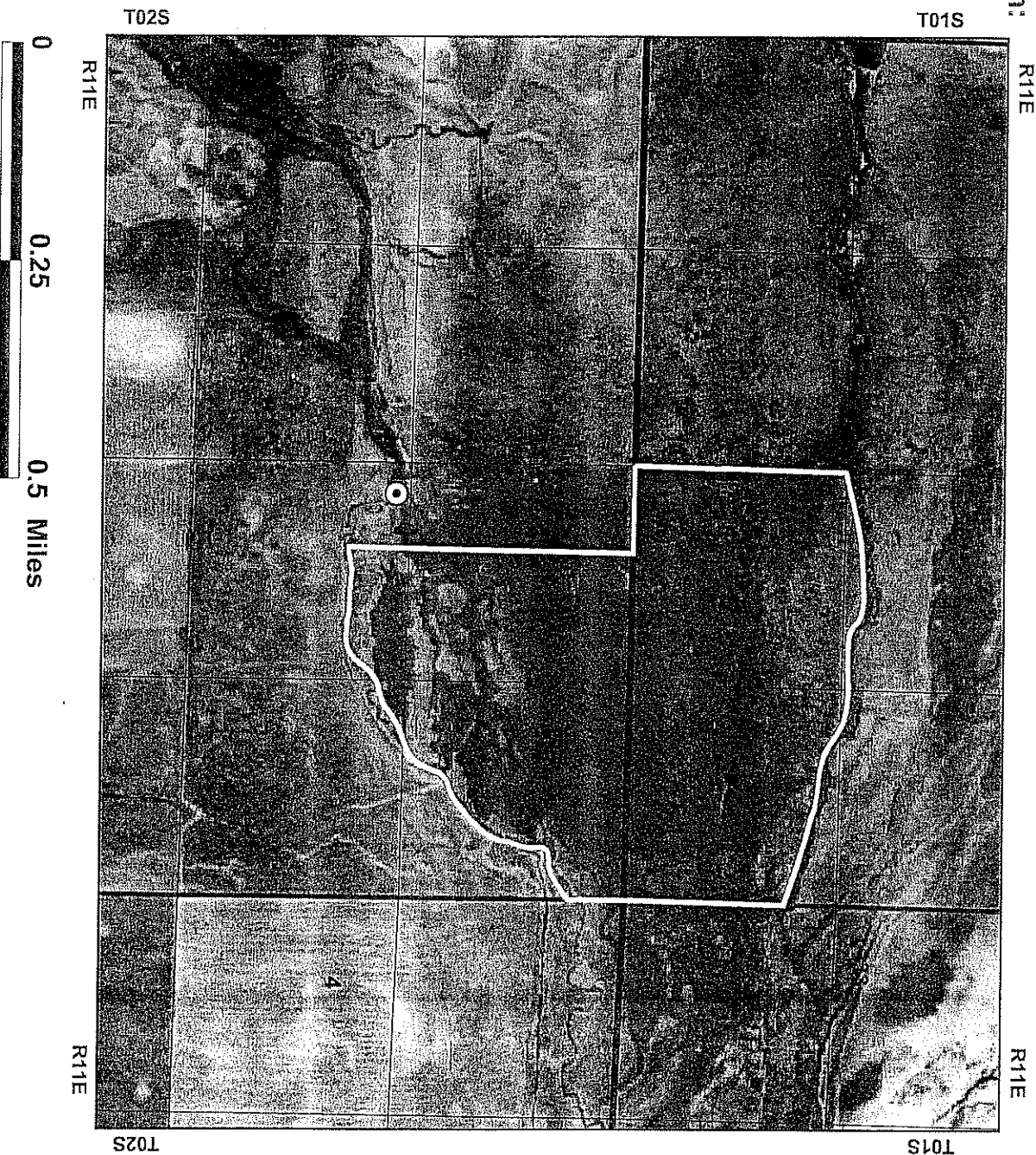
37-4323

Legend

- Point of Diversion
Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Elmore County
IDWR Basin 37



Prepared by M. Anders
On Monday, October 16, 2006
1987/88 Aerial Photography