

11/14/2006

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: December 8, 2006

Water right number: 67-4068

LELAND W DAVIS
2971 HIGHWAY 71
CAMBRIDGE ID 83610
Telephone Number: (208) 257-3666

LOUISE F DAVIS
2971 HIGHWAY 71
CAMBRIDGE ID 83610
Telephone Number: (208) 257-3666

RECEIVED

DEC 16 2006

DEPARTMENT OF
WATER RESOURCES

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source): *I disagree w/ priority Date set forth with water right 67-4068. I know the burden of proof falls upon our shoulders, however w/ the situation and circumstances we cannot prove the claim. Because of Deaths.*
2. Describe the changes you wish to make in the proposed recommendation: *we feel that it is prudent and logical that beings there water right 67-11572 has a partial decree May 1, 1924, that 67-4068 should share the same priority Date, even it is for ground water. This shows people were here and usage of surface water was common.*
3. Give a brief explanation as to why you disagree with these portions: *we have no other way or form for proof. It seems quite evident that we should fall back on logical. Thank you for your time*

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

DATE: _____ SIGNATURE: _____

Please print your name: Leland W Davis

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

Norman Hansen
2982 Hwy 71
Cambridge, ID
83610
12-1-06
(208) 257-3485

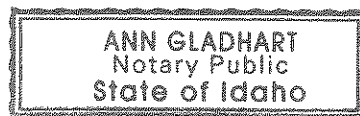
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I Norman Hansen born 3-15-33 in Cambridge, Idaho, have lived here or been affiliated here all my life. In 1960 I farmed the what is now Leland Davis property with water rights 67-11572 and 67-4068. At this time I know said property was irrigated. Any questions please call Norman Hansen, (208) 257-3485.

Signature: Norman Hansen

Signed before me
December 4, 2006.

Ann Gladhart
3-31-2006 Cambridge



11/14/2006

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

RIGHT NUMBER: 67-4068

NAME AND ADDRESS: LELAND W DAVIS
2971 HIGHWAY 71
CAMBRIDGE ID 83610

LOUISE F DAVIS
2971 HIGHWAY 71
CAMBRIDGE ID 83610

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

No beneficial use found.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

Bosco Bosler conducted a field exam and did witness beneficial use He was Here while I was Irrigating & measure the water I was using.

Enclosed is an affidavit from Norman Hansen stating that He formed the property in 1960 and property was irrigated at this time



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

JAMES E. RISCH
Governor

KARL J. DREHER
Director

October 23, 2006

LELAND W DAVIS
LOUISE F DAVIS
2971 HIGHWAY 71
CAMBRIDGE ID 83610

RESPONSE DEADLINE
NOVEMBER 10, 2006

67-4068

Re: Evidence of Priority Date

Dear Claimant:

IDWR Contract Field Examiner Bosco Bosler conducted a field exam of the property appurtenant to the claim mentioned above on July 26, 2005. You supplied him with an affidavit at that time. In the affidavit, you state since Water Right 67-11572 has a partial decree of May 1, 1926, 67-4068 should share the same priority date. I can see how this would seem logical. However, 67-11572 is for groundwater for domestic use and 67-4068 is for surface water for irrigation. Also, the priority date for 67-11572 was not verified because it was a domestic claim. Since the two claims are for different sources and water uses, additional evidence of the first date of beneficial use for 67-4068 is needed. As with all Beneficial Use SRBA claims, **the claimant must provide proof supporting the priority date claimed and the historic use of the water.**

Enclosed you will find a computer printout of your claim and a pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: If no evidence is submitted by the date above, IDWR will recommend the SRBA Court decree the claim be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date and the historic use by the date shown above, referencing all documents with the corresponding claim number. Send the documents in the enclosed envelope to assure it arrives at the correct location. If you have questions not covered by this letter or the enclosed pamphlet, please contact me at (208) 287-4907.

If you no longer own the property to which the claim is appurtenant, please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property, it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the Adjudication.

Sincerely,

Monica P. Van Bussum
Water Resource Agent/GIS Technician
Adjudication Bureau

Enclosures