

10800
149
+ .050 cfs

11/14/2006

NOTICE OF ERROR
REPLY

RECEIVED

DEC 07 2006

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: 67-4112A

MANIS INVESTIGATIONS INC
DEFINED BENEFIT PENSION PLAN
7244 E HAYDEN CREEK RD
HAYDEN LAKE ID 83835

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

The IDWR recommendation provides for a priority date of May 18, 1918, with a diversion of .08 cfs. My client objects to this change in the priority date and the substantial reduction in the amount of diversion is in error.

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

Water Right 67-4112A should have a priority date of 6-01-1889 with a total diversion of .41cfs.

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

The IDWR recommendation changes the priority date without explanation and substantially reduces the amount of diversion.

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

DATE: 12/5/06

SIGNATURE:

Joel Hagel for Manis Investigation Inc

Please print your name:

Joel

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

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DEC 07 2006

WITHERSPOON, KELLEY, DAVENPORT & TOOLE

A PROFESSIONAL SERVICE CORPORATION
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December 5, 2006

Via: U.S. Mail & Facsimile 208-287-6700

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau
Department of Water Resources, State of Idaho
P.O. Box 83720
Boise, Idaho 83720-0098

Re: Water Right Claims 67-4112A & 67-4112C

Dear Craig:

I direct this letter to you since we had previous correspondence regarding the claims of my client, Wayne Manis and his entities Manis Ranch, LLC and Manis Investigations, Inc. Defined Benefits Pension Plan. I originally contact you via letter dated October 10, 2005 regarding water right claims 67-4112A and 67-4112C. In later correspondence, an e-mail dated October 17, 2005, you helpfully pointed out that there were two other SRBA Claims that were applicable to my client's property, namely 67-318 and 67-319. Based upon your recommendation, I filed Change in Ownership forms as to 67-318 and 67-319.

Also, in your October 17, 2005, e-mail correspondence you wrote:

At this time, no additional information needs to be submitted to IDWR regarding SRBA Claims 67-4112A and 67-4112C. Based upon my initial review, claims 67-4112A and 67-4112C directly overlap portions of decreed rights 67-318 and 67-319 and therefore additional evidence or priority is not needed.

Upon further investigation, additional information may be required. But at this time, I do not see any action that

needs to be taken regarding evidence of priority for 67-4112A and 67-4112C. Please disregard the September 16, 2005 deadline shown on the letter requesting evidence of priority.

Based upon your instructions in the October 17, 2005, e-mail, we did not proceed with presenting evidence of a Priority Claim based on 67-4112A and 67-4112C. On December 5, 2005, you wrote my client indicating a Notice of Claim to Water Right Numbers 67-14664, 67-14665, 67-14167 and 67-14668. I now understand that these water right claims are the redesignation of the rights covered under previous water rights 67-318 and 67-319.

On or about November 17, 2006, my client received notice from both Judge John M. Melanson and Carl J. Dreher regarding IDWR's preliminary recommendation regarding my client's water rights. Upon review of the water rights and information available on the IDWR website, we believe that there are errors with regard to the recommendations as to Water Right Claim Numbers 67-4112A and 67-4112C.

Attached hereto also find separate Notice of Error replies in the format attached to the November 15, 2006 correspondence to my client regarding the above two water rights.

NOTICE OF ERROR RE: WATER RIGHT 67-4112A

The IDWR Adjudication Claim Report available on IDWR's website indicates that Water Right 67-4112A has a priority date of 6-01-1889 with a total diversion of .41cfs.

The IDWR recommendation provides for a priority date of May 18, 1918, with a diversion of .08 cfs. My client objects to this change in the priority date and the substantial reduction in the amount of diversion.

NOTICE OF ERROR RE: WATER RIGHT 67-4112C

The IDWR Adjudication Claim Report available on IDWR's website indicates that Water Right 67-4112C has a priority date of 6-01-1889 with a total diversion of 1.76 cfs.

The IDWR recommendation provides for a priority date of May 10, 1918, with a total diversion of .16 cfs. My client objects to the change in priority date and the substantial reduction in the amount of diversion.

Craig L. Saxton
December 5, 2006
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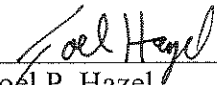
Please explain the reason for the change in priority dates and the substantial reduction in the amount of diversion regarding rights 67-4112A and 67-4112C.

I appreciate your helpfulness in the past with regard to these water rights and look forward to working with you to resolve these discrepancies in my clients' water rights.

Please do not hesitate to contact me with any questions or concerns.

Sincerely,

WITHERSPOON, KELLEY, DAVENPORT
& TOOLE, P.S.

By: _____
Joel P. Hazel

Enclosures

cc: Carl J. Dreher, Director of Dept. of Water Resources
Wayne Manis, *Via: Facsimile 664-5597*