

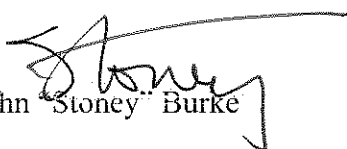
Shelly Keen
Idaho Department of Water Resources
P.O. box 83720
Boise, ID 83707

Dear Shelly,

As per our conversation this morning, I'm enclosing herewith the request to give a more exact location regarding Point of Diversion and Place of Beneficial Use regarding groundwater right 37-7312B and surface water rights 37-537A and 37-538A. To this end, I'm enclosing a plat map of the property these rights are appurtenant to.

Also enclosed is a copy of I.D.W.R.'s Notice of Claim dated August 7, 2006. Note the language regarding 2 points of diversion on lots #1 & #2 Broadford Townsite, this more accurately reflects the Points of Diversion & Place of Beneficial Use. This is a small addition. However, I think we should add this language. Call me to confirm.

Thank you,


John Stoney Burke

RECEIVED
AUG 12 2006
MAIL ROOM

DENVER
COLORADO
1559 Logan St.
Denver, CO 80203
PH 303-861-8282
FAX 303-861-5317

SUN VALLEY
IDAHO
P.O. Box 4996
580 2nd Avenue N.
Kelowna, BC V1Y 8Y1
PH 206-622-4135
FAX 206-622-1134

BILLINGS
MONTANA
P.O. Box 81490
3290 Grand Rd.
Billings, MT 59108-1190
PH 406-656-7500
FAX 406-656-7530

BOZEMAN
MONTANA
234 Northside Drive
Suite 2
Bozeman, MT 59718
PH 406-587-3090
FAX 406-587-2579

MISSOULA
MONTANA
319 W. Pine Street
Missoula, MT 59802
PH 406-542-3762
FAX 406-542-3763

NORTH PLATTE
NEBRASKA
P.O. Box 1515
315 N. Duval #219
North Platte, NE 69103
PH 408-534-0000
FAX 408-534-0002

JACKSON
WYOMING
P.O. Box 4855
235 East Broadway
Jackson, WY 83001
PH 307-733-0989
FAX 307-733-0258

WEB SITE
www.hallandhall.com

EMAIL
info@hallandhall.com

11/21/2006

VED

NOTICE OF ERROR
REPLY

DEC 12 2006

UNIT OF
SOURCES

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: 12/13/2006

Water right number: 37-7312B

CANDIDA C FORSTMANN
PO BOX 201

KETCHUM ID 83340

Telephone Number: (208)726-7260

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

Place of use & Point of diversion

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

Add: lots 1 and 2, Block 1 UAcated
Broadford Township

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

Provides more exact location

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

DATE:

12/1/06

SIGNATURE:

John A. Burke

Please print your name:

John A. Burke

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

11/21/2006

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

RIGHT NUMBER: 37-7312B

NAME AND ADDRESS: CANDIDA C FORSTMANN
PO BOX 201
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.200 CFS
45.90 AFY

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

PRIORITY DATE: 11/02/1973

POINT OF DIVERSION: T02N R18E S26 SWSW Lot 1 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/15 10/15	0.200 CFS 45.90 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S26	NWSW	1.10	T02N R18E S26	SWSW	12.00
* 13.1 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 - License

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Prior to diversion of water under Right No. 37-07312B, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total

rate

of diversion. The total instantaneous diversion of water from all points of diversion under Right No. 37-07312B shall not exceed 0.20 cfs, nor total combined annual volume of 45.9 af. After specific notification by the department, the right holder of Right No. 37-07312B shall annually report the amount of water diverted to the department. The portion of Right No. 37-07312 in excess of this transfer approval in the amount of 0.16 cfs and 4.7 acres shall be considered abandoned through approval of Transfer No. 4794. Two points of diversion are located within SWSW, S26, T02N, R18E. Place of use under Right No. 37-07312B is located within Lots 1 and 2, Block 1, Bradford Townsite.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-7312B
Date Received: 1/1/1900
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CANDIDA C FORSTMANN Phone: (208)726-7260
PO BOX 201
KETCHUM ID 83340

2. Date of Priority: 11/02/1973

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	18E	26	SW SW	BLAINE	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	0.2	45.9

7. Total Quantity Appropriated is:
0.2 C.F.S. and/or 45.9 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	18E	26	NW	SW	IRRIGATION	1.1
			SW	SW	IRRIGATION	12
					Section Acres	13.1
					Total Acres	13.1

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

Prior to diversion of water under Right No. 37-07312B, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion. The total instantaneous diversion of water from all points of diversion under Right No. 37-07312B shall not exceed 0.20 cfs, nor total combined annual volume of 45.9 af. After specific notification by the department, the right holder of Right No. 37-07312B shall annually report the amount of water diverted to the department. The portion of Right No. 37-07312 in excess of this transfer approval in the amount of 0.16 cfs and 4.7 acres shall be considered abandoned through approval of Transfer No. 4794. Two points of diversion are located within SWSW, S26, T02N, R18E. Place of use under Right No. 37-07312B is located within Lots 1 and 2, Block 1, Broadford Townsite.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

15. Basis of Claim: License

SCALE
1" = 50'

BASIS OF BEARINGS IS REPLAT OF BROADFORD TOWNSITE
INSTRUMENT NO. 354841 BLAINE COUNTY RECORDS

LEGEND

AP Angle Point
BE Building Envelope
CL Centerline
CMP Corrugated Metal Pipe
COR Corner
CNTRL Survey Control Point
CP Control Point
DL Dripline
DR Dirt Road
DT Deciduous Tree
DW Driveway
DWELL Dry Well
EOA Edge of Asphalt
EOW Edge of Water
FNC Fence
FL Flow Line
FND Found
GUY Guy Wire
INT Intersection
MTR Meter
NG Natural Ground
PB/BP Power Buried
PBOX Power Box
PHBOX Telephone Riser
POC Point on Curve
POL Power Pole
PP Sprinkler
SPKLR Sign
SGN Sign
TOE Toe of Slope
TOP Top of Slope

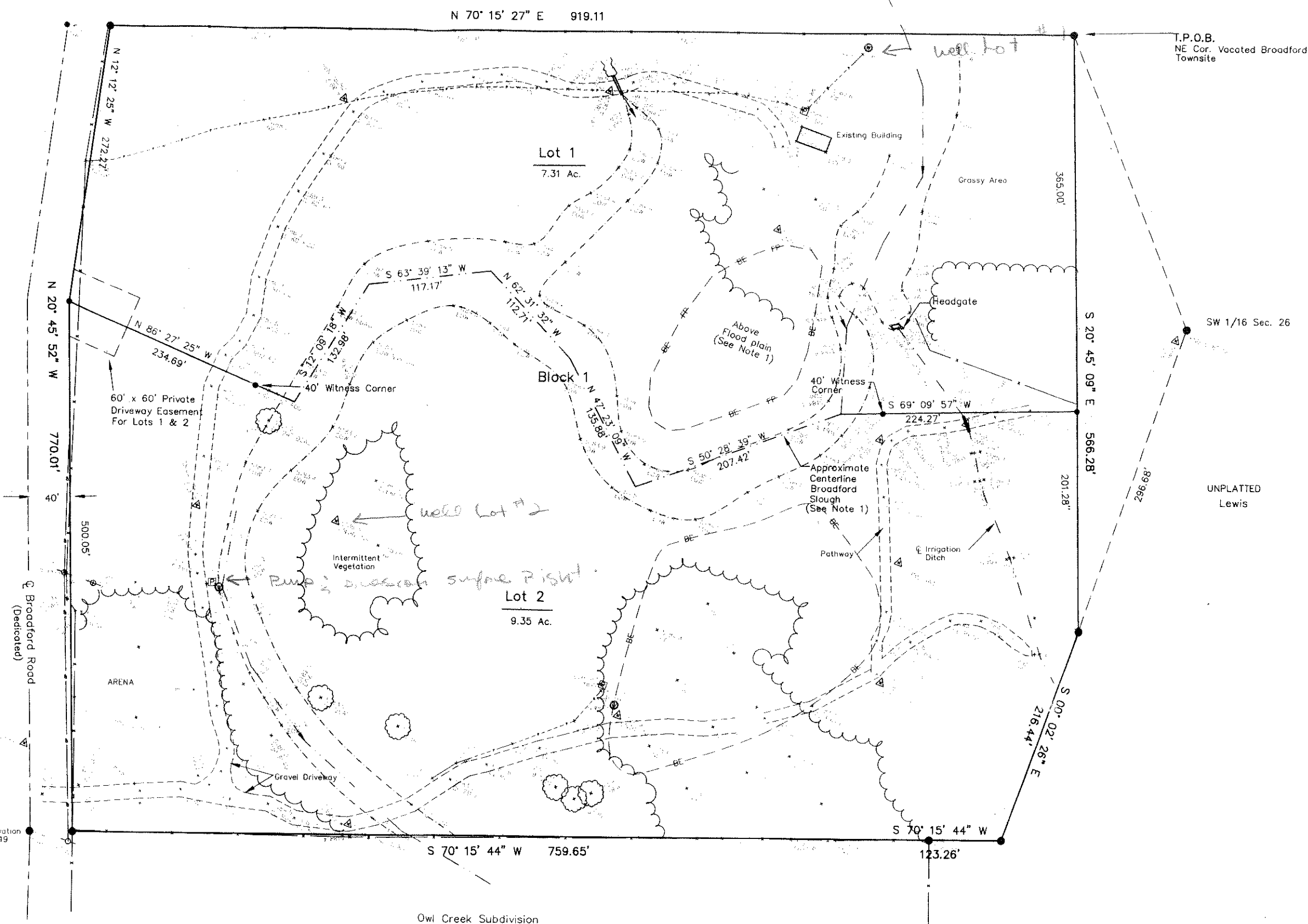
● = FOUND 1/2" BAR
● = FOUND 5/8" BAR
□ = POWER TRANSFORMER W/METER
○ = POWER POLE
○ = WELL/PUMP
○ = SURVEY CONTROL NAIL
○ = LOCATED DEAD TREES

— = BROADFORD SLOUGH
— = APPROXIMATE BURIED POWER LOCATION
— = EDGE OF ROAD & PATH
— = FENCE LINE
— = EDGE OF CLEARING
— = APPROXIMATE BUILDING ENVELOPE (per Plat)
— = OVERHEAD POWER LINE

NOTES:

- Boundary and Floodplain information is based on the Replat of Blocks 43, 44, 47, 48 and Blocks 17, 18, Vacated Broadford Townsite
- Datum is 1997 FEMA
- A 10' Public utility easement is reserved centered upon side lot lines and the west 234.69' lot line between lot 1 and 2.
- Broadford Slough is to be maintained as natural drainage channel, reserving a drainage easement, bank to bank
- Building Envelopes shall be a minimum of 25' from Mean High Water of Broadford Slough
- Easements may exist that are not shown
- Some heavily vegetated areas are not shown. If more information is needed, contact Galena Engineering, Inc.

Datum:
Basis of Elevation
Elev. = 5186.19



DATE	BY	APPR	REVISIONS
5/98	CT		Add additional EOW information

Galena Engineering Inc.	Civil Engineers & Land Surveyors
680 Second Avenue North P.O. Box 425 Ketchum, Idaho 83340 (208) 726-4729 (208) 726-4783 fax email galena@micron.net	

REUSE OF DRAWINGS
These drawings, or any portion thereof, shall not be used on any Project or extensions of this Project except by agreement in writing with Galena Engineering, Inc.

DESIGNED BY	DATE
CAT	11/05/98
DRAWN BY	DATE
JK	11/05/98
CHECKED BY	DATE

A SITE PLAN SHOWING
LOTS 1 & 2, BLK 1, VACATED BROADFORD TOWNSITE
WITHIN S26, T.2N., R.18E., B.M., BLAINE COUNTY, IDAHO
PREPARED FOR CANDY FORSTMANN
PROJECT INFORMATION