

11/21/2006

NOTICE OF ERROR
REPLY

DEC 15 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: 12/13/2006

Water right number: 37-4063

C JAY DORR

PO BOX 331

HAILEY ID 83333

Telephone Number: (208)788-~~4118~~ 0730

JEANNE I DORR

PO BOX 331

HAILEY ID 83333

Telephone Number: (208)788-4118

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

we disagree with the priority date.

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

we believe the priority date should be changed to June, 1919

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

The property was homesteaded in 1919 and patented in 1928 by Frank Langell. The waters of Spring Canyon Creek have been used for irrigation on this property every season since 1919. This use is documented in the attached affidavits and documents.

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

DATE: 12-11-2006

SIGNATURE: C. Jay Dorr

Please print your name: C. Jay Dorr

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

Blaine County, Idaho

page 1

Sec. 34: $S\frac{1}{2}NE\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$

Sec 35: $NW\frac{1}{4}NW\frac{1}{4}$

Sec. 3: $SW\frac{1}{4}NE\frac{1}{4}$

Sec. 10: $NW\frac{1}{4}NE\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$

Sec. 21: $SE\frac{1}{4}NE\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$

Sec. 28: $SE\frac{1}{4}NE\frac{1}{4}$

The terms of the right-of-way have been complied with and the relinquishment is accepted.

Orval G. Hadley
Orval G. Hadley
Land Office Manager

STATE OF IDAHO

COUNTY OF ADA

I, Rose A. Gastell, a Notary Public in and for the said County and State, do hereby certify that on this, the 28th day of July, 1964, before me personally appeared Orval G. Hadley, being to me personally well known and known by me to be the Manager, Land Office, Bureau of Land Management, and acknowledged that the foregoing instrument bearing date of July 28, 1964, was executed by him in his official capacity and by authority in him vested by law, for the purpose and intent in said instrument described and set forth, and acknowledged the same to be his free act and deed as Manager, Land Office, Bureau of Land Management.

Witness by hand and seal this 28th day of July, 1964.

(SEAL)

My Commission Expires: January 1, 1965

Rose A. Gastell
Rose A. Gastell
Notary Public

Filed for record at the request of Dept. of Highways at 9:30 o'clock A. M. July 31, 1964.

George F. McCoy, Ex-Officio Recorder

By Goldie Ellinger, Deputy.

No. 120765

AFFIDAVIT

OF

CLEON DAVIS

CLEON DAVIS, after being first duly sworn upon oath, deposes and says, that he now is, and for many years last past, has been a resident of Blaine County, State of Idaho, and is well acquainted with the property known as H. E. Survey No. 600 in or about Section 21 and Section 22, Township 4 North, Range 19 East of the Boise Meridian, formerly owned by FRANK LANGELL; that since the year 1919 affiant has observed that all of the waters of Spring Gulch, during the irrigating season of each year, have been used for the purpose of irrigating a portion of the above described lands.

Cleon Davis
Cleon Davis

Subscribed and sworn to before me this 7 day of August, 1964.

No. 120659

AFFIDAVIT

FRANK H. KNIGHT

A F F A D A V I T

STATE OF IDAHO,)
County of Blaine.) ss.

FRANK H. KNIGHT, after being first duly sworn upon oath, deposes and says; that he is now the owner of that property described as H. E. Survey No. 600 in or about Section 21 and Section 22 in Township 4 North Range 19, E. B. M., the patent for which was recorded in the office of the County Recorder of Blaine County, Idaho, on April 14, 1928 in Book 129 of Patent Deeds at page 69; that prior to the time affiant acquired said real property, and since the year 1919, affiant has been familiar with the occupation and use of said lands and the waters used thereon; that affiant knows that since 1919 the waters of Spring Gulch have been conveyed to said lands by the former owner thereof FRANK LANGELL and his successors in interest including this affiant; that said waters have been used for irrigation purposes upon said lands each year since 1919; and that the amount of water so used upon said premises from said source is approximately 40 miners inches during the period of highest water and at times said supply diminishes in the dryest seasons to the point where it reaches said lands only at night time; that affiant claims the right to the use of all of said water by reason of the aforesaid appropriation of same to a beneficial use.

Frank H. Knight
FRANK H. KNIGHT

Subscribed and sworn to before me this 23 day of July, 1964.

(SEAL)

V. K. Jeppesen
Notary Public for Idaho
Residing at Hailey, Idaho

Filed for record at the request of Frank H. Knight at 1:45 o'clock P. M. July 23, 1964.

George F. McCoy, Ex-Officio Recorder

By Hazel Barber, Deputy.

No. 120669

DECREE OF SETTLEMENT OF FINAL ACCOUNT AND FINAL DISTRIBUTION

IN THE MATTER OF THE ESTATE OF JESS E. ZIMMERMAN, DECEASED.

IN THE PROBATE COURT
OF BLAINE COUNTY, STATE OF IDAHO

IN THE MATTER OF THE ESTATE OF
JESS E. ZIMMERMAN, also known as
JESSE E. ZIMMERMAN,
Deceased.

DECREE OF SETTLEMENT OF FINAL
ACCOUNT AND FINAL DISTRIBUTION

Effie E. Zimmerman, the Executrix of the estate of Jess E. Zimmerman, also known as Jesse E. Zimmerman deceased, having on the 13th day of July, 1964, rendered and presented for settlement and filed in this Court her final account and report of her administration of said estate, which account was for a final settlement, and having with said account filed a petition for the final distribution of the estate;

And the said account and petition this day coming on regularly to be heard, and proof having been made to the Satisfaction of the Court that notice of the day appointed for the settlement of said account and hearing of said petition had been duly given as required by law and the order of this Court, and no exception or objection in writing to said account or petition having been filed or made; the said Effie E. Zimmerman appearing by Everett B. Taylor attorney.

And it appearing to the Court after having fully examined the said account and the vouchers filed herein and heard the testimony in support thereof, that said account is in all respects true and correct; that the residu of money in the hands of the Executrix at the time of filing said account was none; that the sum of \$453.26 has been expended by her as necessary charges, debts, claims and expenses of administration, the vouchers whereof have been presented and filed; and that said account is in all respects true and correct and entitled to be settled, allowed and approved, and the Court having duly considered all the matters aforesaid;

United States the one hundred and forty-eighth.

(Seal of Gen'l Land Office)

By the President: Calvin Coolidge

By Viola B. Pugh, Secretary.

M. P. LeRoy, Recorder of the

General Land Office

RECORDED: Patent Number 935697

Filed for record at the request of Charles W. Crone at 1:16 o'clock P. M.

March 21, A. D. 1928.

B. P. Thamm, Ex-Officio Recorder.

No. 62667

PATENT

UNITED STATES TO FRANK LANGELL,

Hailey 020645

THE UNITED STATES OF AMERICA,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at Hailey, Idaho, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Frank Langell has been established and duly consummated, in conformity to law, for the H. E. Survey No. 600, embracing a portion of Section twenty-one and approximately, Section twenty-two in Township four north of Range nineteen east of the Boise Meridian, Idaho, more particularly bounded and described as follows:

Beginning at corner No. 1, from which the southeast corner of said Section twenty-one, bears south twenty minutes west two and twenty-four-hundredths chains distant; thence, south sixty degrees eighteen minutes west four and forty-one-hundredths chains to corner No. 2; thence, north eighty-nine degrees ten minutes west twenty-seven and seven-hundredths chains to corner No. 3; thence, north fifty-nine degrees forty-three minutes east twenty-eight and eighty-eight-hundredths chains to corner No. 4; thence, north thirty-two degrees thirty-six minutes east two and ninety-six-hundredths chains to corner No. 5; thence, north sixty-eight degrees thirteen minutes east four and eighty-two-hundredths chains to corner No. 6; thence, north sixty-eight degrees thirteen minutes east forty-four and fifty-nine-hundredths chains to corner No. 7; thence, south twenty-three degrees thirty minutes east eight and seventy-one-hundredths chain; to corner No. 8; thence, south sixty degrees eighteen minutes west fifty-one and sixty-four-hundredths chains to corner No. 1, the place of beginning, containing eighty-six and thirty-five hundredths acres, according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the

authority of the United States.

IN TESTIMONY WHEREOF, I, Warren G. Harding, President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, in the District of Columbia, the twenty-third day of May in the year of our Lord one thousand nine hundred and twenty-two and of the Independence of the United States the one hundred and forty-sixth.

(Seal of Gen'l Land Office.)

By the President: Warren G. Harding

By Viola B. Pugh, Secretary,

RECORDED: Patent Number 863178

M. P. Leroy, Recorder of the General Land Office.

Filed for record at the request of Frank Langell at 1:50 o'clock P. M. April 14, A. D. 1928.

B. P. Thamm, Ex-Officio Recorder.

No. 62341

PATENT

Hailey 021038

UNITED STATES OF AMERICA

THE UNITED STATES OF AMERICA,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at Hailey, Idaho, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Ray Ivie has been established and duly consummated, in conformity to law, for the Lot four of Section two and the Lots one and two and the southeast quarter of the northeast quarter of Section three in Township three north of Range eighteen east of the Boise Meridian, Idaho, containing one hundred fifty-eight acres and forty-four hundredths of an acre, according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE, by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of land above described; TO HAVE AND TO HOLD the said tract of land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Calvin Coolidge, President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the twelfth day of November in the year of our Lord one thousand nine hundred and twenty-three and of the Independence