

11/20/2006

NOTICE OF ERROR
REPLY

RECEIVED

DEC 26 2006

DEPARTMENT OF
WATER RESOURCES

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: 75-10389

TIM PILKERTON

PO BOX 196

CARMEN ID 83462

Telephone Number: (208)756-4209

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~~75-4305~~

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

THE RECOMMENDATION DENIED THE CLAIM AND
I BELIEVE THE CLAIM SHOULD BE GRANTED.

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

PLEASE GRANT THE CLAIM.

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

SEE ATTACHED DOCUMENTS

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

DATE: _____ SIGNATURE: _____

Please print your name: TIM PILKERTON

IDWR Regional Office, 7600 Mineral Drive, Suite 100, Coeur D' Alene, ID 83815, 2087622800

Tim Pilkerton

December 8, 2006

RE: CLAIM #75-10389

To Whom It May Concern:

Yesterday I spoke with one of the IDWR agents in Salmon, ID about my claim for the referenced water right and he indicated that the most serious problem I had was a lack of evidence that the right had been used continuously used since 1949.

The aerial photos available for my property have a hard time showing that the land is irrigated on a regular basis. This may possibly be the result of the two following reasons;

- (1) The water right only allows for 8-12 weeks of irrigation,
- (2) I graze livestock on the land year-round.

Please review the copies of the aerial photos I have supplied from the IDWR website and *Google maps* that show the acreage of concern is greener and contains more dense vegetation than the surrounding non-irrigated land.

I have included copies of papers filed on the IDWR website for a claim filed by Alan D. Harber, a neighbor, that the IDWR has recommended the 1949-04-01 to become a water right. My claim is a right split from the same former right.

I have also attached letters from current neighbors that are witnesses to the fact that I have irrigated the acreage in question continuously since they have been neighbors.

I have lived on and/or owned the property since 1985. I have continuously irrigated the acreage in question since that time.

Thank you, in advance, for your assistance and I look forward to a favorable resolution for the water right.

Sincerely,



Tim Pilkerton
PO Box 196
Carmen, ID 83462
(208) 756-4209

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IDWR/North

RE: CLAIM NO. 75-10389

To Whom It May Concern:

I am witness to the fact that Tim Pilkerton has continuously irrigated his property (36 Copperhead Road, Carmen, ID; Township 22N, Range 22E, SESE) for the past 15 years.

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R E Milch

DATE; DEC/18/2006

Tim Pilkerton

RE: CLAIM NO. 75-10389

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To Whom It May Concern:

I am witness to the fact that Tim Pilkerton has continuously irrigated his property (36 Copperhead Road, Carmen, ID; Township 22N, Range 22E, SESE) for the past 20 years.

DATE; 12/18/06

William P. Bann

Tim Pilkerton

RE: CLAIM NO. 75-10389

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To Whom It May Concern:

I am witness to the fact that Tim Pilkerton has continuously irrigated his property (36 Copperhead Road, Carmen, ID; Township 22N, Range 22E, SESE) for the past 19 years.

Alan Hankins

DATE;

12/18/06

Tim Pilkerton



Zoom/Pan

Identify

Locate

Capture Screen

Print

Download

Help

Map Server Menu

Layers | Legend | Metadata

- Base Map**
 - ☒ Major Roads
 - ☒ Cities
 - ☒ Counties
 - ☐ PLS - Township/Range
 - ☐ PLS - Section
 - ☒ PLS - Quarter/quarter
- Monitoring Sites**
 - ☒ Statewide Program Sites
 - ☐ MagicValley
 - ☐ INL Oversight Program
 - ☐ Potential Managed Recharge
- Water**
 - ☐ Lakes and Rivers
 - ☒ Major Rivers
 - ☒ Rivers
 - ☒ Lakes
- Supporting Coverages**
 - ☐ CAFOs (Dairies and Feedlots)
 - ☐ Ground Water Management
 - ☐ Critical Ground Water Areas
 - ☐ Areas of Drilling Concern
 - ☐ Nitrate Priority Areas
 - ☐ Vulnerability
- Background Images**
 - ☐ LANDSAT TM color IR
 - ☐ LANDSAT TM true color
 - ☐ 1:250k DRG (TOPO)
 - ☐ 1:100k DRG (TOPO)
 - ☐ 1:24k DRG (TOPO)
 - ☐ Color Shaded Relief
 - ☐ DOQs
 - ☐ High Res. Color (NAIP)

Active Layer

Major Roads

Zoom Out

Refresh Map

Google
Maps



Highlighted 5 acres was in question
by water resources. Said not
irrigated - has been for 21 years
that we have lived here.

**Idaho Department of Water
Resources Internet Map
Server**



Highlighted property was in question by
water resources. 5 acres - said not
irrigated - has been for 21 years. that
we have lived here

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THE FOLLOWING PAGES ARE MATERIALS SUBMITTED TO THE IDWR BY A NEIGHBORING PROPERTY TO SUBSTANTIATE THE 1949-04-01 WATER RIGHT ON THE PALMER PROPERTY.

MY CLAIM NO.75-10389 IS A RIGHT SPLIT FROM THE SAME FORMER RIGHT.

THE NEIGHBOR FILING THE CLAIM IS THE FOLLOWING;

Information for type: Recommendation

Record d	Basin n	Sequence e	Suffix x	Version n	Basis	Status s	Priority Date	Diversio n Rate	Source List	Water Uses	Owner List
5	75	4305		1	Benefici al Use	Activ e	1949-04-01	0.1	FREEMA N CREEK	IRRIGATIO N	HARBEI ALAN E (Current) HARBEI VICTOR A M (Current)
6	75	4315		1	Benefici al Use	Activ e	1949-04-01	0.15	FREEMA N CREEK	IRRIGATIO N	HARBEI ALAN E (Current) HARBEI VICTOR A M (Current)
7	75	14240		1	Benefici al Use	Activ e	1949-04-01	0.2	FREEMA N CREEK	IRRIGATIO N	HARBEI ALAN D (Current) HARBEI VICTOR A M (Current)

Toni Palmer