

RECEIVED

JAN 04 2007

12/22/2006

DEPARTMENT OF
NOTICE OF ~~ERROR~~ RESOURCES
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: 01/05/2007

Water right number: 37-21357

MARIANNE HOFSTETTER

19185 HWY 20

PICABO ID 83348

Telephone Number: (208)788-2813

WALTER J HOFSTETTER

19185 HWY 20

PICABO ID 83348

Telephone Number: (208)788-2813

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

The priority date of 03/04/1910 refers to domestic purposes.
we use it for stockwater

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

Please, add the stretch of silvercreek
in T02S R20E S01 SE NE

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

we required the land bordering this stretch of silvercreek in
2004 after using it for 39 years.

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

DATE: 12/28/2006 SIGNATURE: Marianne Hofstetter

Please print your name: _____

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

enclosed 4 pages of sale & map.

RECEIVED

JAN 04 2007

12/22/2006

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

RIGHT NUMBER: 37-21357
NAME AND ADDRESS: MARIANNE HOFSTETTER
19185 HWY 20
PICABO ID 83348
WALTER J HOFSTETTER
19185 HWY 20
PICABO ID 83348

SOURCE: SILVER CREEK TRIBUTARY: LITTLE WOOD RIVER
QUANTITY: 0.020 CFS
The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 03/04/1910

POINT OF DIVERSION:
T02S R20E S1 SENENE Lot 1 End of Stream Flow Within BLAINE County
T02S R20E S1 SENENW Lot 3 Begin of Stream Flow Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	STOCKWATER	01/01 12/31	0.020 CFS
PLACE OF USE:	<u>STOCKWATER in BLAINE County</u>		
	T02S R20E S01 Lot 1 NENE	T02S R20E S01	SWNE
	T02S R20E S01 Lot 3 NENW		

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

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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.

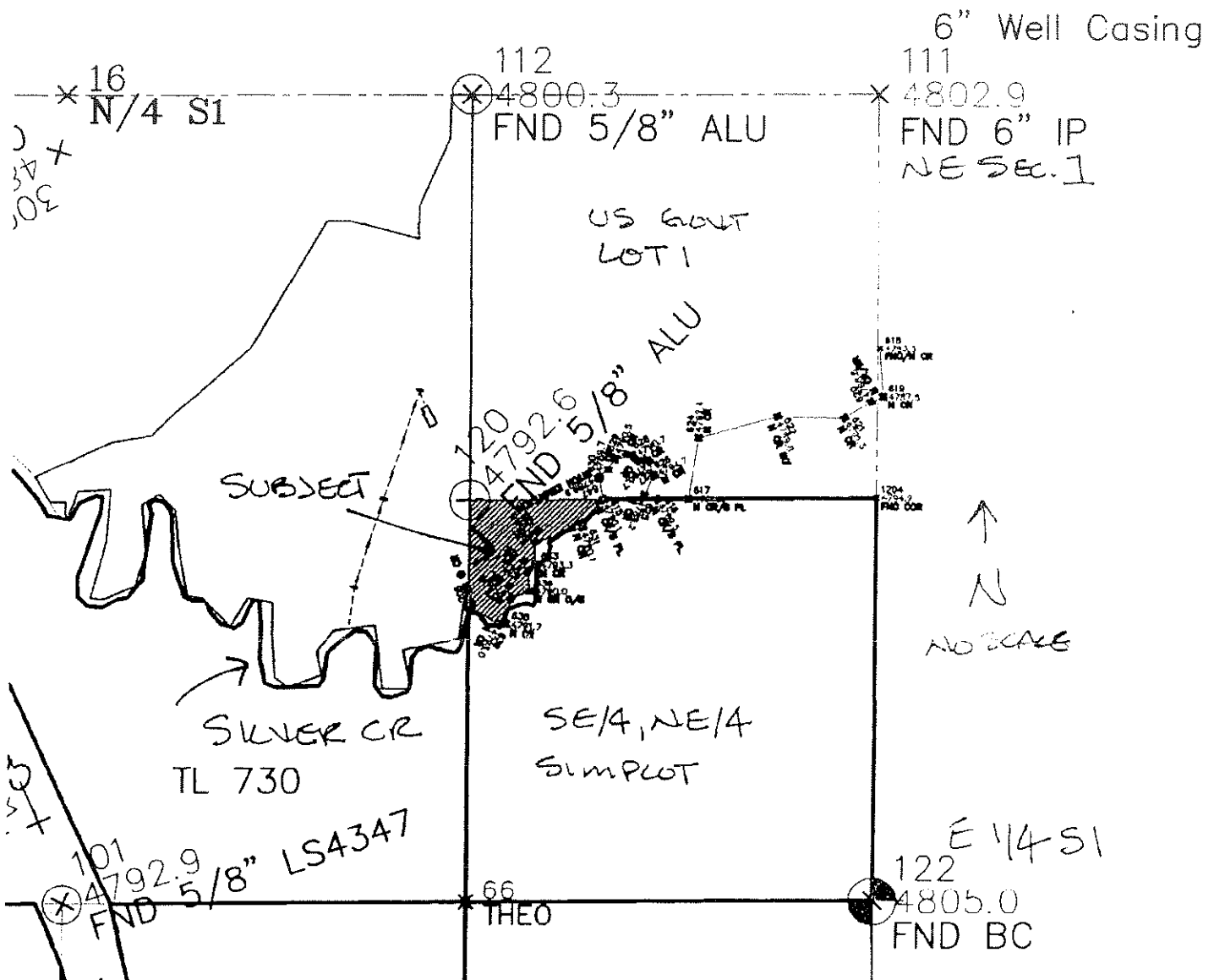
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
INSTREAM STOCKWATER FOR APPROX 100 HEAD OF CATTLE.

RECEIVED

JAN 04 2007

DEPARTMENT OF
WATER RESOURCES

3004
⊗ 4802.9
FND 1/2" LS907



RECEIVED

JAN 04 2007

DEPARTMENT OF
WATER RESOURCES

BARGAIN AND SALE DEED

GRANTOR, **J.R. SIMPLOT COMPANY**, a Nevada corporation, successor by merger to SIMPLOT INDUSTRIES, INC., a Utah corporation, whose principal address is 999 Main Street, Suite 1300, Boise ID 83702, for Ten Dollars and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby bargain, sell and convey unto **WALTER J. HOFSTETTER** and **MARIANNE HOFSTETTER**, husband and wife, whose principal address is 19185 U.S. Highway 20, Picabo ID 83348, as GRANTEE, and to Grantee's successors and assigns forever, all of the following described real estate located in Blaine County, State of Idaho:

See Exhibit A attached hereto and made a part hereof.

TOGETHER WITH all improvements, easements, hereditaments and appurtenances, EXCEPT all water rights of Grantor appurtenant to or associated with the real estate described herein, which are expressly reserved unto and retained by Grantor. SUBJECT TO such rights, easements, covenants, restrictions and zoning regulations as appear of record or based upon the premises.

The use of the real estate described herein is restricted to pasture, with no buildings or improvements to be located thereon except for standard fencing, irrigation equipment and watering devices commonly used in local livestock husbandry. This use restriction shall burden the real property described on Exhibit A, shall run with the land and shall benefit the adjacent parcel owned by Grantor, its successors and assigns.

In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

IN WITNESS WHEREOF, Grantor has hereunto caused this deed to be executed in its corporate name this 20 day of February, 2004.

J.R. SIMPLOT COMPANY

By [Signature]
Lawrence S. Hlobik, President & CEO

ATTEST:

By [Signature]
Terry T. Uhling, Secretary

Instrument # 499776

HAILEY, BLAINE, IDAHO

2004-03-01 02:15:00 No. of Pages: 3

Recorded for : BLAINE COUNTY TITLE

MARSHA RIEMANN Fee: 9.00

Ex-Officio Recorder Deputy [Signature]

Index to: MISC DEEDS

RECEIVED

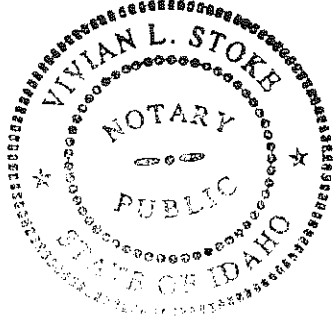
JAN 04 2007

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO)
) ss.
County of ADA)

On this 20th day of February, 2004, before me, a Notary Public in and for said State, personally appeared Lawrence S. Hlobik and Terry T. Uhling, known to me to be the President & CEO and Secretary, respectively of J.R. Simplot Company, the corporation that executed the within instrument, and acknowledged to me that said corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Vivian L. Stoke
Notary Public for Idaho
Residing at: Boise, ID
My Commission Expires: 08/03/04

ALPINE ENTERPRISES INC.

Surveying, Mapping, GPS, GIS and Natural Hazards Consulting

RECEIVED

JAN 04 2007

DEPARTMENT OF
WATER RESOURCES

PROPERTY DESCRIPTION OF A PARCEL OF LAND TO BE TRANSFERRED FROM SIMPLOT TO HOFSTETTER

A parcel of land lying within the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 1, Township 2 South, Range 20 East, Boise Meridian, Blaine County, Idaho; being more particularly described as follows:

Commencing at a 6" diameter well casing marking the Northeast Corner of said Section 1, proceed
S $89^{\circ}34'55''$ W, 1333.19 feet to an Aluminum Cap marking the North Corner between US Government Lots 1 and 2 of said Section 1; thence S $0^{\circ}09'23''$ E, 1328.83 feet between said Lots 1 and 2 to an Aluminum Cap marking the Northeast $\frac{1}{16}$ Corner of said Section 1, which point is the **TRUE POINT OF BEGINNING**;

Thence N $89^{\circ}26'49''$ E, 434.22 feet along the line between said Lot 1 and the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 1 to its intersection with the Northerly Bank of Silver Creek;

Thence S $35^{\circ}18'53''$ W, 115.32 feet along the Northerly Bank of Silver Creek;

Thence S $71^{\circ}59'45''$ W, 161.22 feet along the Northerly Bank of Silver Creek;

Thence S $1^{\circ}42'07''$ E, 72.64 feet along the Northerly Bank of Silver Creek;

Thence S $50^{\circ}27'25''$ W, 34.11 feet along the Northerly Bank of Silver Creek;

Thence S $8^{\circ}14'27''$ E, 68.56 feet along the Northerly Bank of Silver Creek;

Thence S $71^{\circ}16'26''$ W, 66.39 feet along the Northerly Bank of Silver Creek;

Thence S $10^{\circ}10'28''$ W, 85.05 feet along the Northerly Bank of Silver Creek;

Thence S $81^{\circ}45'35''$ W, 23.56 feet along the Northerly Bank of Silver Creek;

Thence N $57^{\circ}46'01''$ W, 115.58 feet along the Northerly Bank of Silver Creek to a $\frac{5}{8}$ " rebar by PLS 7048 at the intersection with the line between said Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ and the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 1;

Thence N $0^{\circ}09'02''$ W, 348.68 feet along said line between the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ and the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, to the **TRUE POINT OF BEGINNING**; containing 96,154 square feet,
(2.21 acres), more or less.

The described parcel is to be attached to existing Hofstetter Tax Lot 7298 in a separate Description, so as not to create a single separate parcel.

Basis of Bearings is Idaho State Plane Coordinate System, Central Zone, NAD83(1992) at Grid in US Survey Feet.