

12/22/2006

RECEIVED

NOTICE OF ERROR
REPLY

JAN 09 2007

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: 01/05/2007

Water right number: 37-4277

ROBERT F BOUTTIER
PO BOX 476
BELLEVUE ID 83313
Telephone Number: (208)788-3080

JANIE L BOUTTIER
PO BOX 476
BELLEVUE ID 83313
Telephone Number: (208)788-3080

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

I disagree with the priority date and the diversion rate.

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

The priority date should be changed to 1935 and the diversion rate to 4.700 cfs.

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

The priority date of 1949 is not correct. When I gave that date in the late 1980's, I did not know the true

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

DATE: 1/4/07

SIGNATURE: *Robert F. Bouttier*

Please print your name: Robert F. Bouttier

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

history of the water use of my property. With further investigation, I discovered that Otis Disbennet Jr., the retired deputy water master, witnessed the wells being used on this property prior to 1935. A letter documenting this is in my file at IDWR. A copy of this letter is enclosed.

I disagree with the diversion rate. Brackway Engineering is going to do a soil analysis in the spring.

Otis Disbennett Jr.
P.O. Box 316
Bellevue, Idaho 83313
May 19, 2005

Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

To Whom It May Concern:

This is in reference to water right #37-4277. I, Otis Disbennett Jr., was Deputy Water Master for water district 37 and 37M from 1979 through 2005.

This affidavit is regarding water right #37-4277 that is currently owned by Robert F. Bouttier. The two wells in question have diversion points known as:

GROUND WATER	NW1/4SW1/4SW1/4	Sec. 36, Twp 02N,	Rge 18E, B.M.
BLAINE County			
GROUND WATER	NW1/4NW1/4SW1/4	Sec. 36, Twp 02N,	Rge 18E, B.M.
BLAINE County			

Place of Use

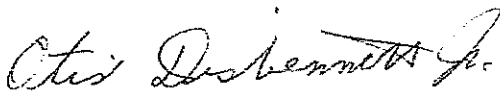
IRRIGATION Within BLAINE County

T02N R18E S36	NWSW	31.0	T02N R18E S36	SWSW	38.0
T02N R18E S36	SESW	3.0			

Total Acres: 72

These wells had gas-powered pumps and were flood irrigating the ranch prior to 1935. The owners of the ranch were personal friends of my father, and I would accompany my dad when he would visit them. I, personally, first saw the wells pumping water in 1935. I do not know the quantity of water pumped, but it was enough water to flood irrigate the gravelly hay ground on the ranch. I have personally witnessed the fact that this has been continuously irrigated cropland since 1935.

Yours truly,



Otis Disbennet Jr. (Tinker)
Retired Deputy Water Master
District 37-37M
Blaine County, Idaho