

01/12/2007

NOTICE OF ERROR
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: January 23, 2007

Water right number: 37-21358

JEFFREY C HUBER

5209 TURRET WAY

BOISE ID 83703

Telephone Number: (208)345-0063

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

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

I WISH TO AMEND MY PRIORITY DATE TO 1959.

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

PLEASE SEE ATTACHED LETTERS SUPPORTING MY CLAIM.

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

DATE: 1-22-07

SIGNATURE:

Please print your name:

Jeffrey C. Huber
JEFFREY C. HUBER

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

Jeff Huber

State Department of Water Resources
Attention: Matt Anders
322 East Front Street
P.O. Box 83720
Boise, Idaho 83720-0098
RE: Right Number: 37-21359 and 37-21358
Dear Mr. Anders,

This letter shall serve as my confirmation and testimony to you regarding both of the above claim numbers that I spent each summer since 1954 with my great-grandparents(Snooks), grandparents(Perrys), great aunt and uncle(Brambles) on the property where the spring creek known as Clear Creek runs and both of these claims are located. My great-grandparents purchased the property (approx 53 acres) in or about 1950. They then built five log cabins for their children, grandchildren, and great-grandchild(me), to come and spend each summer. All the cabins were finally completed in 1956 and at that time we had permits for three wells which were used for domestic purposes and to water the garden and lawns which at that time were in their infancy. My grandmother loved to garden and each year the gardens got larger and larger. In 1959 the gardens and lawns had become so large that watering them by hoses was too time consuming and a constant chore. She hired two men and they devised a crude but efficient sprinkler system that consisted of rubber hoses buried in the ground and were fed by drawing water from Clear Creek with electric pumps. Since that summer of 1959 to the present the gardens and lawns have been continuously watered with water drawn from Clear Creek by electric pumps. My great aunt who lived in cabin further up the creek thought my grandmother's sprinkler system was so neat that she had one like it installed the following summer(1960). Originally we would have to turn on the pump manually and open one valve manually to sprinkle different sections of the garden. When one section was fully watered someone would then have to manually turn of the valve and open another valve to water another section of the garden. I can attest to this as it was often my job. The sprinkler system has been modified and upgraded over the years and eventually automatic valves and timers were installed. The gardens became quite famous and were known locally as the Dorothy Perry Gardens. She grew over 125 different varieties of perennial flowers. Eventually my grandmother opened the gardens to the public, free of charge, on Thursdays each summer for six weeks at the height of the summer bloom and my grandmother and girls that she would hire to help her gave informative tours and instructions on high altitude gardening. Year after year her plants adapted to the high altitude climate. At the garden tours she would sell seed packets and donate the money to the Ketchum library. Many of the perennial flowers that grace Blaine County today were from seeds from her garden. In 1983 her gardens were featured in "House and Garden" magazine.

I hope this additional information will be helpful to you in reaching your determination of the status of my claims. Should you have any questions please do not hesitate to contact me on my cell phone (208-724-1315). Thank you for you time and efforts in processing my claims.

Sincerely,

Jeffrey C. Huber
Jeffrey C.
Huber

5209 Turret

Way
Boise, Idaho 83703

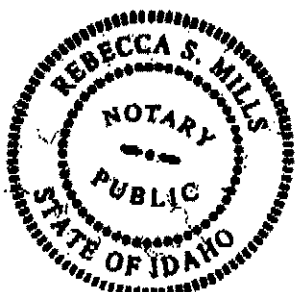
P.O. Box 234
Sun Valley, Idaho 83353

State of Idaho
County of Ada

On this 22nd day of January, in the year of 2007, before me, Rebecca Mills, a notary public, personally appeared Jeffrey C. Huber as an individual, personally known to me to be the person(s) whose name is subscribed to the within instrument, and acknowledge to me that they executed the same.

Witness my hand and official seal:

Rebecca S. Mills
Boise, Idaho 2/2/07



1/20/2007

January 17, 2007

Mr. Matt Anders
Department of Water Resources
322 E. Front Street
Boise, Idaho 83702

Dear Mr. Anders:

I have known Jeffrey Huber since 1962, and during the summer of that year I was invited to visit him and his family in Ketchum.

During that visit, and in many subsequent visits (I moved to Idaho in 1970 as a permanent resident), I observed the extensive gardens on his family property, and the irrigation by which they were maintained and propagated, all from the Clear Creek stream, which I believe to be a "year round" spring creek (as opposed to a seasonal creek).

I have revisited that property many times over the years, almost on an annual basis, and can say with certainty that the gardens and lawns have been maintained and watered by irrigation and sprinkling provided by Clear Creek water, as observed and witnessed by me.

Sincerely,

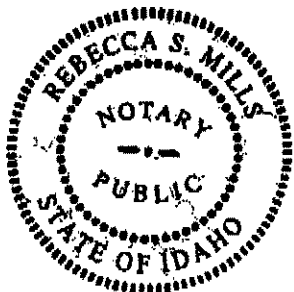

Jerry R. Schwartz
Box 1810
Boise, Idaho 83701

State of Idaho)

County of Ada)

On this 17th day of January, in the year of 200 7, before me Rebecca S. Mills, a notary public, personally appeared Jerry Schwartz as an individual, personally known to me to be the person(s) whose name is subscribed to the within instrument, and acknowledged to me that they executed the same.

Witness my hand and official seal:



Rebecca S. Mills
Notary Public
Boise, Idaho
My commission expires: 3/2010

FROM : HICKEY FOODS INC

FAX NO. : 2087888879

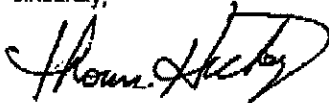
Jan. 22 2007 02:15PM P1

Department of Water Resources
Matt Anders
322 East Front Street
P.O.Box 83720
Boise, Idaho 83720-0098

Dear Mr. Anders,

This letter shall serve as my affirmation to you that I have observed Mr. Jeff Huber, his grandparents, his great aunt and great uncle, and his aunt and uncle all water their gardens and lawns from water drawn from Clear Creek in Blaine County from the time I first met Mr. Huber, in the summer of 1968, continuously until the present. I first met Mr. Huber in the summer 1968 and was invited to his grandparents and great aunts homes that border Clear Creek in Blaine County. At that time they were drawing water from the creek into their sprinkler systems to water the extensive gardens and lawns. I have been a frequent visitor to Mr. Huber's property each summer from 1968 to the present and each year he or his ancestors have always watered their gardens and lawns with the creek water. Three summers ago I even helped him repair one of the two pumps that draw water from the creek. Please do not hesitate to contact me should you have any questions or need any further information.

Sincerely,



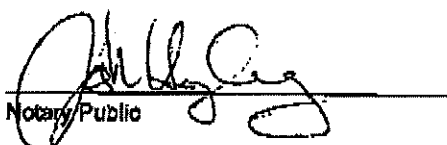
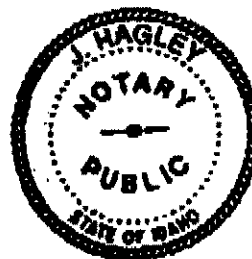
Thomas Hickey
P.O.Box 4009
Hailey, Idaho 83333

STATE of IDAHO

COUNTY of BLAINE

On this 22nd day of January in the year of 2007 before me
Josh Hagley, a notary public, personally
appeared Thomas Hickey, as an individual, personally known to me to
be the person(s) whose name is subscribed to the within instrument, and acknowledged to me
that they executed the same.

Witness my hand and official seal:


Notary PublicMy commission expires: 01/08/2013

State Department of Water Resources
Attention: Matt Anders
322 East Front Street
P.O. Box 83720
Boise, Idaho 83720-0098
RE: Right Number: 37-21359 and 37-21358
Dear Mr. Anders,

This letter shall serve as my confirmation and testimony to you regarding both of the above claim numbers that I spent each summer since 1954 with my grandparents(Snooks), parents(Perry's), aunt and uncle(Brambles) on the property where the spring creek known as Clear Creek runs and both of the above referenced claims are located. My grandparents purchased the property (approx 53 acres) in or about 1950. They then built five log cabins for their children, grandchildren, and great-grandchild(Huber), and my children, to come and spend each summer. All the cabins were finally completed in 1956 and at that time we had permits for three wells which were used for domestic purposes and to water the garden and lawns which at that time were in their infancy. My mother loved to garden and each year the gardens got larger and larger. In 1959 the gardens and lawns had become so large that watering them by hoses was impractical, too time consuming, and a constant chore. She hired two men and they devised a crude but efficient sprinkler system that consisted of rubber hoses buried in the ground and was fed by drawing water from Clear Creek with electric pumps. Since that summer of 1959 to the present the gardens and lawns have been continuously watered with water drawn from Clear Creek by electric pumps. My aunt(Bramble) who lived in a cabin further up the creek thought my mother's sprinkler system was so neat that she had one like it installed the following summer(1960). Originally we would have to turn on the pump manually and open one valve manually to sprinkle different sections of the garden. When one section was fully watered someone would then have to manually turn off the valve and open another valve to water another section of the garden. The sprinkler system has been modified and upgraded over the years and eventually automatic valves and timers were installed. The gardens became quite famous and were known locally as the Dorothy Perry Gardens. My mother grew over 125 different varieties of perennial flowers. Eventually my mother opened the gardens to the public, free of charge, on Thursdays each summer for six weeks at the height of the summer bloom and my mother and girls that she would hire to help her gave informative tours and instructions on high altitude gardening. Year after year her plants adapted to the high altitude climate. At the garden tours my mother would sell seed packets and donate the money to the Ketchum library. Many of the perennial flowers that grace Blaine County today were from seeds from her garden. In 1983 her gardens were featured in "House and Garden" magazine.

I hope this additional information will be helpful to you in reaching your determination of the status of my claims. Should you have any questions please do not hesitate to contact me at (760 564 3709). Thank you for your time and efforts in processing these claims.

Sincerely,

Polly Biedebach

Polly Perry
Biedebach
P.O. Box 234
Sun Valley, Idaho
83353

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

Riverside

} ss.

On 21 Jan 07

Date

before me,

Cathy L. Brown, notary public

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared

Polly Biedbach

Name(s) of Signer(s)

☒ personally known to me☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in ~~his/her~~ their authorized capacity(ies), and that by ~~his~~ no/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____

Number of Pages: _____

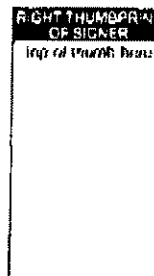
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

☐ Individual☐ Corporate Officer — Title(s): _____☐ Partner ~~---~~ ☐ Limited ☐ General☐ Attorney in Fact☐ Trustee☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____



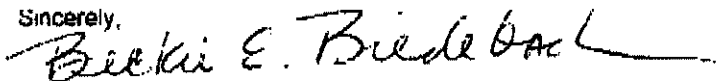
State Department of Water Resources
Attention: Matt Anders
322 East Front Street
P.O. Box 83720
Boise, Idaho 83720-0058
RC: Right Number: 37-21359 and 37-21358
Dear Mr. Anders,

1/19/07

This letter shall serve as my confirmation and testimony to you regarding both of the above claim numbers that I have spent every summer since roughly 1960 with my great grandparents (George and Fancy Snook), Grandparents (Dorothy and Clark Perry), Aunt and Uncle (Dave and Deal Bramble) on the property where the spring creek known as Clear Creek runs and both of the above referenced claims are located. My great grandparents purchased the property (approx 53 acres) in or about 1950. They then built five log cabins for their children, grandchildren, and great-grandchild (myself, sibling and cousins), to come and spend each summer. All the cabins were finally completed in 1956 and at that time we had permits for three wells which were used for domestic purposes and to water the garden and lawns which at that time were in their infancy. My grandmother loved to garden and each year the gardens got larger and larger. In 1959 the gardens and lawns had become so large that watering them by hoses was impractical, too time consuming, and a constant chore. She hired two men and they devised a crude but efficient sprinkler system that consisted of rubber hoses buried in the ground and was fed by drawing water from Clear Creek with electric pumps. Since that summer of 1959 to the present the gardens and lawns have been continuously watered with water drawn from Clear Creek by electric pumps. My aunt (Deal Bramble) who lived in a cabin further up the creek thought my mother's sprinkler system was so neat that she had one like it installed the following summer (1960). Originally we would have to turn on the pump manually and open one valve manually to sprinkle different sections of the garden. When one section was fully watered someone would then have to manually turn off the valve and open another valve to water another section of the garden. The sprinkler system has been modified and upgraded over the years and eventually automatic valves and timers were installed. The gardens became quite famous and were known locally as the Dorothy Perry Gardens. My grandmother grew over 125 different varieties of perennial flowers. Eventually my grandmother opened the gardens to the public, free of charge, on Thursdays each summer for six weeks at the height of the summer bloom and my grandmother and girls that she would hire to help her gave informative tours and instructions on high altitude gardening. Year after year her plants adapted to the high altitude climate. At the garden tours my grandmother would sell seed packets and donate the money to the Ketchum library. Many of the perennial flowers that grace Blaine County today were from seeds from her garden. In 1983 her gardens were featured in "House and Garden" magazine.

I hope this additional information will be helpful to you in reaching your determination of the status of my claims. Should you have any questions please do not hesitate to contact me at (760-346-3719). Thank you for your time and efforts in processing these claims.

Sincerely,



Beckie E.
Biedobach
74-071 Chinook Circle
Palm Desert, CA
92211

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

Riverside

} ss.

On 21 Jan 2007, before me,Cathy L. Brown, notary public

personally appeared

Beckie E. Biedebach

Name(s) of Signer(s)

☒ personally known to me☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Phone: Notary Seal Above

Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____

Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signor's Name: _____

☐ Individual☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Attorney in Fact☐ Trustee☐ Guardian or Conservator☐ Other: _____

Signer is Representing: _____

**RIGHT THUMBPRINT
OF SIGNER**
 (top of thumb prints)