

NOTICE OF ERROR
REPLY

01/06/2007
RECEIVED

JAN 23 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: 01/19/2007

Water right number: 37-1224C

THE FOSTER FAMILY TRUST
PO BOX 633
PICABO ID 83348

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

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

DATE: _____ SIGNATURE: _____

Please print your name: _____

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

1/18/07
AGREED PER ENCLOSED MATERIAL
OF (4) PAGES OF INFORMATION SUPPLIED
BY YOUR OFFICE AND TRANSMITTED
TO US BY MY COUNCIL.

By: *[Signature]*
FOSTER FAMILY
TRUST Co. TRUSTEE.

01/06/2007

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

RIGHT NUMBER: 37-1224C

NAME AND ADDRESS: THE POSTER FAMILY TRUST
PO BOX 633
PICABO ID 83348

SOURCE: SILVER CREEK TRIBUTARY: LITTLE WOOD RIVER
Water from this right resulted from developed water in Silver Creek.

QUANTITY: 0.200 CFS
This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 AFA per acre for the lands listed above.

PRIORITY DATE: 12/28/1932
rights Pursuant to a call in times of scarcity, this right is senior to all other that did not result from developed water in Silver Creek, as established by and subject to the provisions included within In Re Brett et al. v. S.H. Chapman, Watermaster (Lincoln County, December 28, 1932).

POINT OF DIVERSION: T01S R20E S36 NESESW Within BLAINE County

PURPOSE AND PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	0.200 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01S R20E S36 NESW 1.10	T01S R20E S36 SESW	0.80
	T01S R20E S36 NWSE 4.20	T01S R20E S36 SWSE	7.60
	13.7 ACRES TOTAL		

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

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 - Decreed

USE OF WATER UNDER THIS RIGHT WILL BE REGULATED BY THE WATERMASTER OF STATE DISTRICT NO. 37M.

LAND IS LOT 2, HOFSTETTER SUBD.

ROSHOLT, ROBERTSON & TUCKER
ATTORNEYS AT LAW

142 THIRD AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, ID 83303-1906
(208) 734-0700
FAX (208) 736-0041

MEMORANDUM

TO: NMS
FROM: CWV
DATE: November 30, 1999
SUBJECT: The Foster Family Trust

In my research I found one (1) water right appurtenant to Lot 2, Block 1 of Hofstetter Subdivision, owned by The Foster Family Trust.

A37-01224C: A portion of a decreed right for 0.20 cfs (10 inches, for the irrigation of 13.7 acres in Section 36 of T01S R20E.

According to Norma Peterson at the Water District 37 office, this is designated as a "perpetual" right which means it is never cut off. Norma said the use is established and the right is delivered.

I have mapped this right on a USGS map and also on the plat map of the Hofstetter Subdivision. A copy of the current profile report is also attached.

ROSHOLT, ROBERTSON & TUCKER
Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
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Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

December 14, 1999

Wesley and Donna Foster
19181 U.S. Highway 20
P.O. Box 633
Picabo, ID 83348

RE: Water

Dear Wesley and Donna:

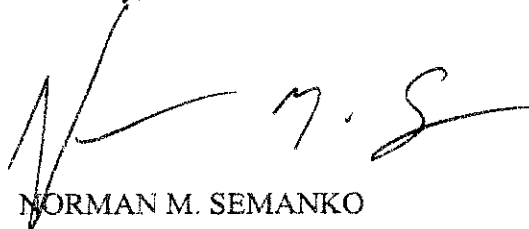
We have completed our review of the water right matter that you asked us to investigate.

A report prepared by our office is enclosed. As you can see, there is one water right appurtenant to the property in the amount of .2 cfs (10 inches), for irrigation of 13.7 acres. The water master's office reports that the water right has always been delivered according to their records and is a very good water right.

In short, the water right is in good order and we see no reason that this claim would not be recommended in the Snake River Basin Adjudication.

If you have any questions about this matter or the enclosed materials, please give me a call.

Sincerely,



NORMAN M. SEMANKO

NMS/jl
Encls.

DATE: 09/01/99
PAGE: 1

DIVISION
VOLUME
34.20 AFA

Stage: DECEASED
BLAINE County

[illegible]

LAND IS LOT 2, MOSETER SUBD.

THIS RIGHT CHANGED PURSUANT TO APPROVED TRANSFER 3945 DATED OCT.
19, 1992 WITH THE FOLLOWING CONDITIONS OF APPROVAL:
THE CHANGE AUTHORIZED BY TRANSFER 3945 SHALL BE ACCOMPLISHED
WITHIN ONE (1) YEAR OF THE DATE OF THE APPROVAL.
FAILURE TO COMPLY WITH THE CONDITIONS OF THE TRANSFER IS CAUSE
FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL
FOR THE TRANSFER SHOULD NOT BE RESCINDED.
APPROVAL OF THE TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR
REVIEW FOR THE VALIDITY OF THE WATER RIGHT IN THE ONGOING SNAKE
RIVER BASIN ADJUDICATION.
USE OF WATER UNDER THIS RIGHT WILL BE REGULATED BY THE
WATERMASTER OF STATE DISTRICT NO. 37M.
A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
MAINTAINED AS PART OF THE DIVERGING WORKS.
THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE
NO MORE THAN 0.02 CFS PER ACRE NOR MORE THAN 3.5 AFA PER ACRE FOR
THE LAKES LISTED ABOVE.
10/7/96 TFC OWNERSHIP CHANGED SCHOEN TO OHRSTROM TO FOSTER
FAMILY TRUST.
02/12/99 CHANGED ADDRESS AS PER REQUEST RECEIVED 02/12/99. CI

Water:	Exam Phase Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag:	
		Presumption Flag:	C

AJ589NP
No. A37-01226C

IDaho DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 09/01/99
PAGE: 2

Audit: 02/08/89 SHAF 12/27/90 GIVENS 12/08/92 MERRITT 03/30/95 POST-SID
10/07/96 TRACETT 02/12/99 CTINH 02/16/99 CTINH 02/21/99 D.JONES