

03/11/2005

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:

Water right number: 22-13262

SAJ LLC
C/O JOHN D OR PATRICIA MERRILL
PO BOX 459
DRIGGS ID 83422
Telephone Number: (208)354-3422

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

ON July 23, 2003 this right was split in 2. The new #'s are 22-13262 & 22-13263
Sec. 11 Twp 05N Rge 4E SWSE Teton County
Sec. 6 Twp 04N Rge 4SE SWSE Teton County

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:

Because we split this right in 2003. The proportions are wrong as listed, + the other location is not included.
I do NOT Agree - see enclosed papers

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

DATE:

6/22/05

SIGNATURE:

Patricia Merrill

Please print your name:

Patricia Merrill

IDWR Regional Office,

Right #

22-13262

has .13 CFS

+ 33.5 AF 9.5 ac

Also the point of

Diversion is @

the point of use.

Right #

22-13263

has .14 CFS

+ 33.0 AF 9.5 ac

The point of Diversion
is @ the point of use

7/28/05

Recommendations Connected

[Signature]

RECEIVED
JUN 29 2005
Department of Water Resources
Eastern Region

03/11/2005

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

RIGHT NUMBER: 22-13262

NAME AND ADDRESS: SAJ LLC
C/O JOHN D OR PATRICIA MERRILL
PO BOX 459
DRIGGS ID 83422

SOURCE: GROUND WATER

QUANTITY: *This After Split*
is 1/2 < 0.130 CFS
33.50 AFY

PRIORITY DATE: 05/09/1978

POINT OF DIVERSION:

T05N R44E S11 NWSESW Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/15

0.130 CFS
33.50 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 15 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within TETON County

T05N R44E S11 NWNW 19.0

19 ACRES TOTAL

This should be 9.5 at this Location & another 9.5 at the other location

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 - License

This right is a split from former right 22-13186.

NOT
? 22-13236
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 22-7279A, 22-7279B, 22-13188, 22-13235, 22-13256, 22-13263, 22-13273, 22-13275, 22-13276.

This right is a split from original right 22-7279.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70393

This is to certify that: JOHN DOUGLAS MERRILL Or
PATRICIA A MERRILL
PO BOX 459
DRIGGS ID 83422
(208)354-3422

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acre Limit	Total Acres	Source
22-13236	AJC/License	05/09/1978	0.27 cfs	66.5 af			GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
22-13236	YES	YES	YES	NO	NO	NO

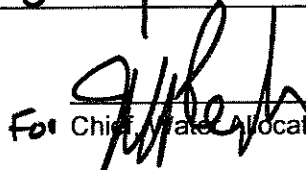
Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
22-13236	22-13263	0.14 cfs	33 af	N/A	9.5	22-13262	0.13 cfs	33.5 af	N/A	9.5
COMBINED TOTALS		0.14 cfs	33 af	N/A	9.5		N/A	N/A	N/A	N/A

Different numbers = different rights

Detailed Water Right Description(s) attached

Dated this 23 day of July, 2003

For  Chief, Water Allocation Bureau

WATER RIGHT NO. 22-13262
As Modified by Transfer No. 70393

In accordance with the approval of Transfer No. 70393, Water Right No. 22-13262 is now described as follows.

Right Holder: SAJ LLC
 C/O JOHN D OR PATRICIA MERRILL
 PO BOX 459
 DRIGGS ID 83422

Priority Date: May 09, 1978

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	0.13 CFS	33.5 AF
			0.13 CFS	33.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNW Sec. 11 Twp 05N Rge 44E TETON County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
05N	44E	11		9.5			9.5

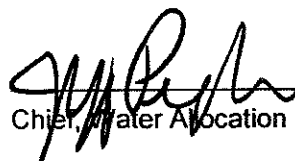
Total Acres: 9.5

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
3. 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 at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 23 day of July, 2003

For  Chief, Water Allocation Bureau

WATER RIGHT NO. 22-13263
As Modified by Transfer No. 70393

In accordance with the approval of Transfer No. 70393, Water Right No. 22-13263 is now described as follows.

Right Holder: PATRICIA A MERRILL Or
 JOHN DOUGLAS MERRILL
 PO BOX 459
 DRIGGS ID 83422

Priority Date: May 09, 1978

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	0.14 CFS	33.0 AF
			0.14 CFS	33.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWSE Sec. 6 Twp 04N Rge 45E TETON County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
04N	45E	6				9.5	9.5

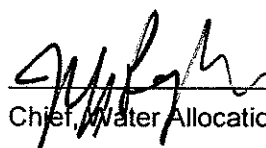
Total Acres: 9.5

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
3. 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 at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 23 day of July, 20 03


 For Chief, Water Allocation Bureau

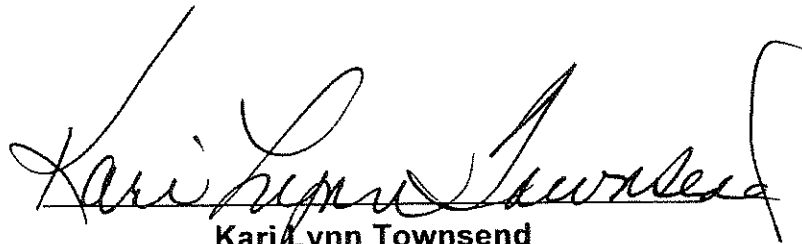
CERTIFICATE OF SERVICE

I hereby certify that on July 24, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

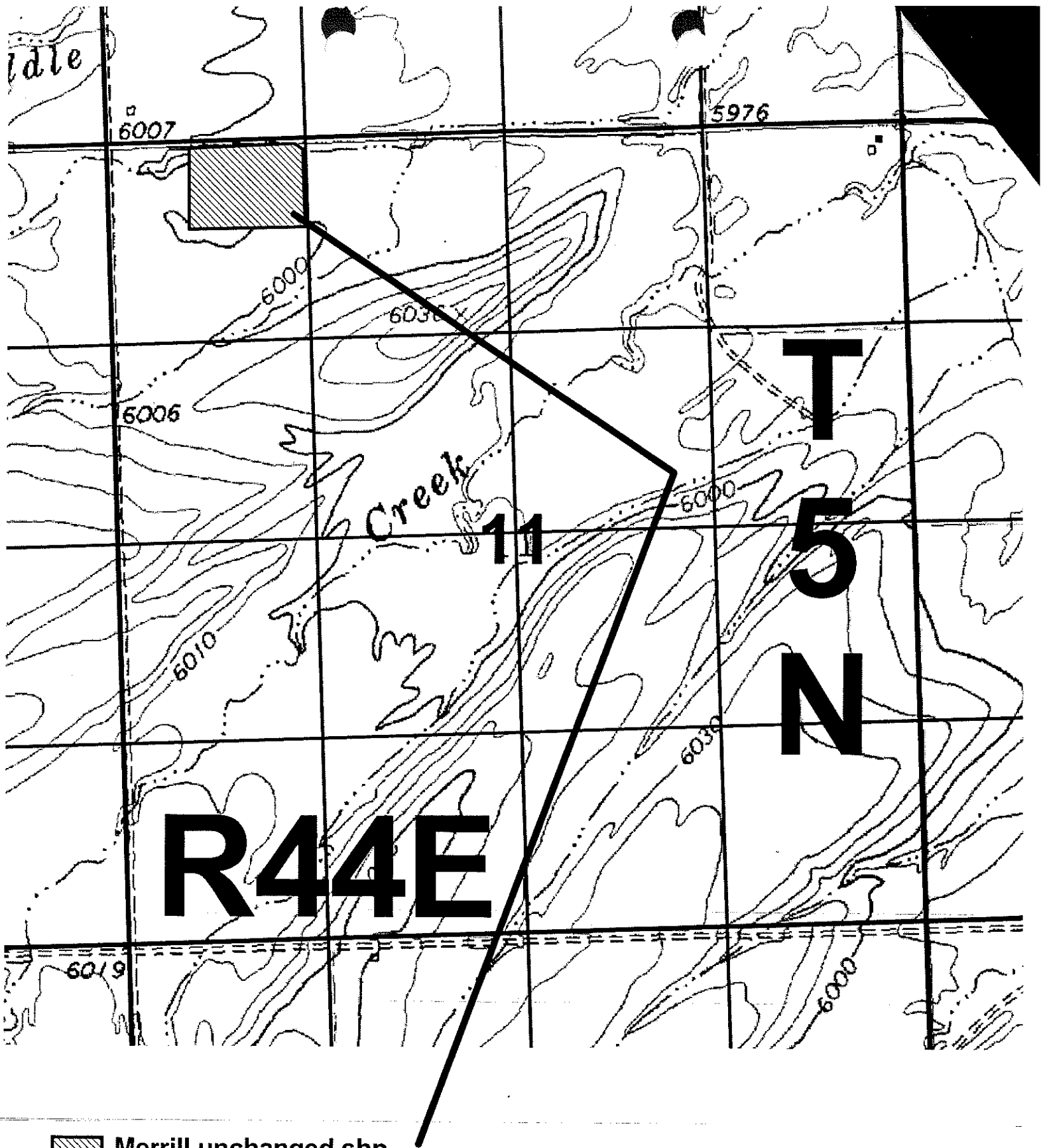
RE: TRANSFER NO. 70393

WATER RIGHTS 22-13236, 22-13262, 22-13263

**SAJ LLC
C/O JOHN DOUGLAS MERRILL
PATRICIA A MERRILL
PO BOX 459
DRIGGS ID 83422**

A handwritten signature in black ink, appearing to read "Kari Lynn Townsend", is written over a horizontal line.

**Kari Lynn Townsend
Secretary**



-  Merrill unchanged.shp
-  S05n44e.shp
-  T05n44e.shp

T70393

page 7 of 8

SCANNED
MAR 13 200

PROFILED

Water Right and SRBA Split History Analysis

SCANNED
MAY 26 2005

Reviewer:

mydoc/fie/dexam/forms/split/history

① R. E. GIBERT

22-7279A ✓

0.47 cfs (20.5)
33.0 Ac.

②

J. HATCH
22-7279B ✓

1.06 cfs (53.6)
74.0 Ac

P.D.

65/04/1978

22-7279

3.65 cfs
255 Ac.

22-7279C

1.03 cfs (51.5)
72 Ac

22-7279D

1.09 cfs (54.5)
76 Ac.

22-13186

2.12 cfs (106)
148 Ac.

22-13187

1.85 cfs (92.5)
129 Ac.

③ HAMMERS

22-13188 ✓

0.27 cfs (13.5)
19 Ac.

22-13235

1.54 cfs (74.0)
110 Ac

* SEE BELOW

④ Ferrero, Memo, Rancisco
22-13262

0.13 cfs (6.5)
9.5 Ac

TX # 68835
22-13236

0.27 cfs (66.54)
19 Ac (13.5)

TX # 70393

⑤ J. McGRATH
22-13263

0.14 cfs (7)
9.5 Ac.

⑥ 22-13275

0.82 cfs (41.0)
57.5 Ac

22-13272

1.10 cfs
77 Ac.

⑦ T. LAUGHLIN
22-13273 ✓

0.26 cfs

18 Ac

⑧ 22-13276

0.28 cfs (14.0)

19.5 Ac.

*

22-13255

1.36 cfs
95 Ac.

⑥ T. LAUGHLIN
22-13256 ✓

0.22 cfs

15 Ac

$$13276(0.28) + 13188(0.27) + 22-7279A(0.47) + 22-7279B(1.06) + 13262(0.13) + 13263(0.14) + 13236(0.22) + 13273(0.26) + 13275(0.82) = 3.65 \text{ cfs}$$
$$74.0 + 9.5 + 9.5 + 15.0 + 18.0 + 57.5 = 255 \text{ Ac}$$