

04/02/2008

NOTICE OF ERROR
REPLY

RECEIVED
APR 07 2008

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: 04-11-2008

Water right number: 21-12534

JOYCE KING
2382 BRODERICK DR
WEST JORDON UT 84084
Telephone Number: (801)969-0554

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:

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

DATE: 4/4/08 SIGNATURE: Joyce King

Please print your name: Joyce King

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

04/02/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 21-12534

NAME AND ADDRESS: JOYCE KING
2382 BRODERICK DR
WEST JORDON UT 84084

SOURCE: FALLS RIVER

TRIBUTARY: HENRYS FORK

QUANTITY: 2.000 CFS

PRIORITY DATE: 05/01/1950

POINT OF
DIVERSION:

T08N R42E S24 NENW Within FREMONT County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	2.000 CFS
<u>PLACE OF USE: IRRIGATION in FREMONT County</u>		
T08N R42E S23	NESW 3.00	T08N R42E S23 SESW 2.90
T08N R42E S23	NESE 32.00	T08N R42E S23 NWSE 32.00
T08N R42E S23	SWSE 40.00	T08N R42E S23 SESE 40.00
T08N R42E S26	NENE 5.00	T08N R42E S26 NWNE 2.80
T08N R42E S26	NENW 0.40	

158.1 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 - Beneficial Use

RECEIVED

APR 07 2008

IDAHO DEPARTMENT OF WATER RESOURCES
SALT LAKE CITY

1.

Joyce King
2382 W Broderick Dr.
West Jordan, 84084

April 2, 2008

Denise Kidman
IDaho Department of Water Resources
Eastern Region
900 Skyline Dr. Ste. A
Idaho Falls Idaho, 83402-1718

Re: SRBA Recommendation 21-12534

Dear Denise,

Continuing with our telephone conversation on March 31, 2008 I had indicated I would be sending some material. Since I have the IDWR Fax Number I will fax this letter to you along with some questions I have regarding acres.

Before addressing acres please understand the amount of CFS was already agreed upon in my settlement with IDWR and the amount was not based on acres. The amount was based what was occurring at the time of the adjudication process. Curtis Loosli was sole renter at the time of the adjudication process ran a total of Seven lines for my Dad. He ran six lines for the acres the conservation office has combined into one single field and consists of acres in both Sec 23 and Sec 26. He also ran another line for acres in Sec 26 located to the South of his own land in Section but were also located in Sec 26 and bordered the Loosli land in Sec 23. I am assuming the one line also included the acres irrigated on Lot Seven in Sec 23.

The agreement between IDWR and I was that no 1950 beneficial use water right would be granted to the acres located to the South of the Curtis Loosli land, these acres being in Section 26. Any acres located on Lot Seven in Section 23 is moot to the point since I had already sold Lot Seven as a building site for residence long before the meetings took place. The agreement was I have six lines and this is 2 CFS. Please confirm with Ernie Carlson.

It would require filling to many pages to repeat the basis for settlement. However briefly my Dad had shares allocated to land in Sec 26 all of which was not under water but with the intent to place under water. All acres in Sec 26 on the North side of the gully was under water, all acres on the South side of the gully were not. Since the folks at IDWR cannot recommend a water right for land not under water. I had dropped those acres long ago. In addition since the mid-seventies the Conant Creek water right. The 1909 priority date was still being delivered down to the river through private ditches owned by my parents at the time of the adjudication process but that delivery did not

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take place in full measure. The Conant Creek water had been diluted since the mid-seventies due to new rights given to land never having water rights but treated as equal to existing water rights. Therefore given the fact my Dad had shares allocated to some acres in Section 26 might have been a good thing due to the fact when the new pipeline was installed in 1996 my Mothers fellow board members would not let her include the ditches. The bulk of my shares are in possession of family members and most shares will also be used on land owned by them not receiving the Conant Creek water right but I understand my relatives and the canal company are going to work something out in which their land can be watered from the new pipeline.

It would be nice were the board of directors and family members were to do the right thing and release water rightfully mine but are not inclined to do so.

That said in regard to the portions of land in both Sec 23 and Sec 26 that was approved for the 1950 beneficial use water right and the 2 CFS of water. I have a great deal of questions.

It is most difficult to recall everything said. I did call Ernie Carlson on Friday and reminded him of the 2 CFS. He will confirm should your contact him. He said he would. I hope this conservation map from the conservation office is received clearly when I fax it. Some time before the meetings I had sent a corrected acres rounding acres for remaining acres. I had in that correction estimated a total of 160 acres in the parcel approved for 1950 priority date.

As you can see the map from the conservation office is only 1.84 acres difference than the amount stated by me. I think it a misapplication of energy to argue over 1.84 acres. Regardless of their being 158.16 acres or 160 acres, the two CFS is going to water what ever acres there is. When I spoke with Ernie on Friday I say what we could do is just round acres to 158 acres. Ernie says he thinks that would be ok.

This brings me to my questions. I might add to prevent misunderstanding that while I have this map from the conservation office I do realize the boundary lines are the same as the boundary lines for the area on the map you sent me and the boundary of the property is the county road, and that No. 1 as shown by this map in is NA.

You said something about using a particular kind of map to figure the acres. By this I mean acres such as the 3.10 acres and the 3.00 acres in Sec 23 at NESW and SESW. I am dumb as a fence post when it comes to map reading but I did not think I had any land at NESW or SESW. My concern is I might be being given descriptions for land owned by Curtis Loosli so this brings me the second question. Is there any chance those acres are acres on Curtis Loosli land? The next question is on the maps you used does the maps have anything to do with NRCS and if so then would this map I enclose from the conservation office not be a similar map.

My next question is how old are the maps you used. You mentioned a field investigation

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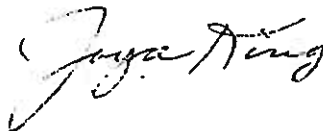
in 1999. Are the maps you used maps that were in place in 1999. If so then are the maps you used current and updated maps? If I can be assured you folks are not stating acres that belong to Curtis Loosli, due to the fact Two CFS is the agreed amount, I note your figures are only .96 acres difference than the acres stated on the corrected conservation map. You see the conservation office did before they obtained their new and improved computer program state less acres. It has only been in the past few years the maps have been corrected. This map I enclose is the corrected map. I want to be sure you used the updated maps and not the old one's.

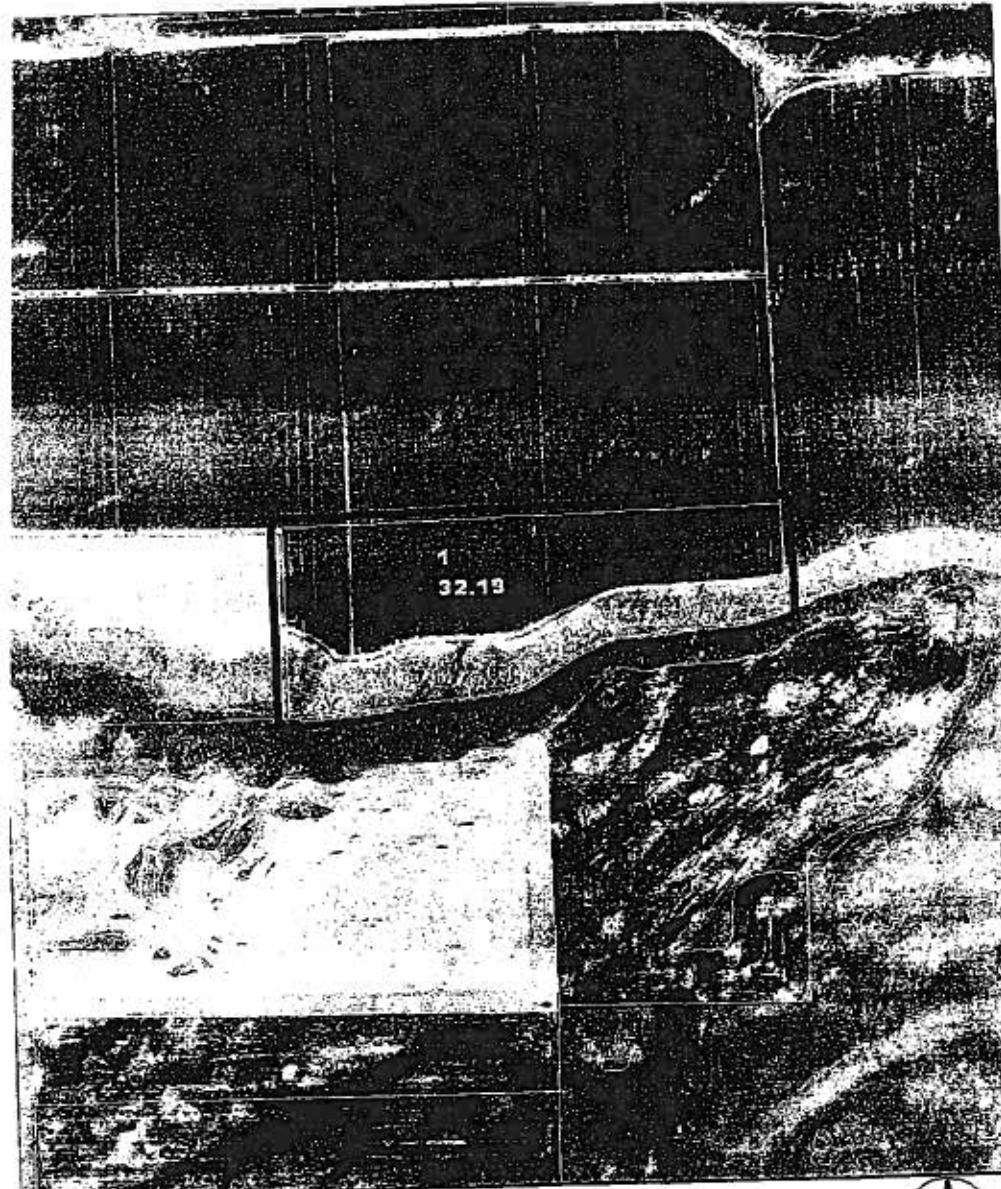
Please consult with Ernie Carlson. Meanwhile I will fax this letter and map as well as attempt to call you. If I can be assured I am not being given acres belonging to Curtis Loosli and current updated maps are used then the only thing we need to change is the amount of CFS since the acres are so close. If the maps you used are updated maps after the conservation and NRCS would have updated the maps then if the amount of CFS is changed I think this will be ok, or we could as Ernie and I agreed just make the total acres rounded to 158 acres.

I will call you to see if you have received this fax and map from the conservation office then perhaps I can then fax the agreement with my signature and the stated changes. I know one thing. Time is of the essence, the SRBA court is waiting on the recommendation. If not received I will have to attend court in May of 2008.

Thank you very much for your assistance in this matter. I will contact you to see if you received the fax and ask the questions.

Sincerely Yours,

A handwritten signature in cursive script, appearing to read "Joyce King".



#2130
T2231
Sec 26 T8N R42E

Chu_a_id043.shp

0.07 0 0.07 0.14 0.21 0.28 Miles

Map Printed: Nov 5, 2004



Conservation Map

