

RECEIVED

JUL 31 2009

DEPARTMENT OF
WATER RESOURCES

July 30, 2009

IDAHO DEPARTMENT OF WATER RESOURCES
322 East Front Street
Boise Idaho 83720-0098

Re: Case # 39576 SRBA

To whom it may concern,

This letter is in response to the document sent to me June 8, 2009.

I do not accept the recommended water right # 74-15888. At our last meeting i thought we were all on the same page with a 10 acre enlargement.

Water Right 74-1025B is a senior water right and has a priority date of 4-1-1880. (And has been 49 acres @ 1.46 cfs always) In 2006 it was split up for a reason nobody understands or can fully explain... the land hasnt changed nor ownership... NO Notice was ever given of this change and its wrong. This started all the problems. But that is another story...

Anyways, we were all under the impression that right would be protected....Idaho code 42-1417 Chapter 6 Title 42.

What was sent to us is a new water right 74-15888 encompassing 2 of the older water rights 74-1025B - 74-1025E and has added additional 10 acre enlargement all dated priority date of 3-15-1983.

Clarifacation is needed to determine that the older rights do not go away and with thier final degreed priority dates.

Also my attorney's office (Slavin Law Offices) was never notified and or didnt receive a copy of this most recent letter.

Sincerely,



Annette C. Daskalos
1560 Foothills Village Drive
Henderson NV 89012
702 496-8503

cc: Slavin Law Offices, SRBA, IDWR, Water District 74

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: 74 - 1075 B ; should be 1.46 CFS
- 49 acres
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. ☐ **I object because:**
 - ☐ This water right Should not exist.
 - ☒ This water right was not recommended, but Should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTIONS(S):** _____

due to the adjudication - we feel
we must object - due to our records
show 74-0125 B should be 1.46 CFS
@ 49 acres.

F.V.I.

440 KICK 8.

AJ0749NP
No. A74-01025BIDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)DATE: 01/21/99
PAGE: 1

```

=====
OWNER          PRIORITY    USE PERIOD    DIVERSION    DIVERSION
CODE          NAME & ADDRESS    DATE          WATER USE    FROM    TO    RATE    VOLUME
-----
C  SPIRO DASKALOS    04/01/1880    IRRIGATION    03-15    11-15    1.46 CFS
C  ANNETTE DASKALOS
  1853 BOGEY WAY
  HENDERSON NV 89014
                                TOTAL DIVERSION:    1.46 CFS

Water Source:  LEMHI RIVER          Tributary to:  SALMON RIVER          Stage:  DECREED

Point(s) of Diversion:    T18N R24E S09          SWSW          LEMHI County

Place of use Legal Description for:  IRRIGATION
NE
      NENE  NENE  SWNE  SENE  :  NENE  NENE  SWNE  SENE  :  NESW  NWSW  SWSW  SESW  :  NESE  NWSE  SWSE  SESE  :
T  R  S  :  Lt Ac Lt Ac Lt Ac Lt Ac  :  Lt Ac Lt Ac Lt Ac Lt Ac  :  Lt Ac Lt Ac Lt Ac Lt Ac  :  Lt Ac Lt Ac Lt Ac Lt Ac  :  SUM
-----
18N 24E 9  :  :  :  :  :  :  :  :  :  :  :  :  :  :  :  :  :  :  :
                                TOTAL ACRES    49.0
=====

```

POU County: LEMHI

Other Rights: NONE

Remarks: GEN AC. IRR.=48.8.
DIV. L-37.
THIS CLAIM IS FOR ALL THE IRRIGATED ACRES LOCATED IN SECTION 9
WHICH WERE DECREED TO THE MAESTRETTI'S IN THE LEMHI ADJUDICATION
CHANGE OF OWNERSHIP 1-21-99 SVH

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

AJ5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROCF READING REPORT

. 01/25/95 11:11:35
Page 1

Water Right Number - A74-01025B

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
CORY

VIRGINIA

1 - P.O. BOX 45

2 -

3 -

City- TENDOV

State- ID Zip- 83468

Phone - 208-756-2856

*** O - ORIGINAL OWNER ***
MAESTRETTI

BARBARA

1 - P.O. BOX 43

2 -

3 - KITSALT, B.C.,

City- CANADA

State- ID Zip- 0

Phone - 208-000-0000

MAESTRETTI

THEODORE R.

1 - P.O. BOX 43

2 -

3 - KITSALT, B.C.,

City- CANADA

State- ID Zip- 0

Phone - 208-000-0000

+ - - Priority Date - - +
04/01/1880

+ - - - Region - - - +
15 EASTERN

+ - - - Stage - - - +
D - DECREED

+ - - - Status - - - +

+ - - - - Source - - - - - +
LEMHI RIVER

+ - - - - Tributary - - - - - +
SALMON RIVER

+ - - - - Point of Diversion - - - - - +						
Tw	Rng	Sec	Tract	Lot	RFlg	County
18N	24E	9	SW SW		(59)	LEMHI

+ - - - - Water Use - - - - - +						
Code	Description	Period From	Period To	Diversion Rate	Diversion Volume	
01 - IRRIGATION		03/15	11/15	1.460		

+ - Total Div. Rate - +	+ - Total Div. Volume - +	+ - Total Div. Capacity - +	+ - Total Consumptive Use - +	+ - KW Usage - +
1.460			0.0	

+ - - - - Place of Use - - - - - +						
Tw	Rng	Sec	Tract	Lot	Acres	Code
18N	24E	9	NW NW		8.0	01 IRRIGATION
18N	24E	9	SW NW		19.0	01 IRRIGATION
18N	24E	9	NW SW		16.0	01 IRRIGATION
18N	24E	9	SW SW		6.0	01 IRRIGATION

Total Acres: 49.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

02/10
1/2

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Renumbered A74-01025B

Ident. Number: ~~A74-01025A~~

Date Received: 5/01/1990

Receipt No: X999999

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: VIRGINIA CORY
Address: P.O. BOX 45
TENDON, ID

208-756-2856

83468

2. Date of Priority: APR 01, 1880

3. Source: LEMHI RIVER

Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
18N	24E	9	SW	SW			LEMHI

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.460		

7. Total Quantity Appropriated is:
1.460 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
18N	24E	9	NW	NW		IRR	8.0
			SW	NW		IRR	19.0
			NW	SW		IRR	16.0
			SW	SW		IRR	6.0

Section Acres 49.0

A74-01025A

Page 1

Date: 05/01/90

A7401025B



MICROFILMED

DEC 14 1992

10. Place of Use: Continued

Total Acres 49.0

11. Place of use in counties: LEMHI

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

AC. IRR.=48.8.

DIV. L-37.

THIS CLAIM IS FOR ALL THE IRRIGATED ACRES LOCATED IN SECTION 9
WHICH WERE DECREED TO THE MAESTRETTI'S IN THE LEMHI ADJUDICATION

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

Decree Plaintiff

vs

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Virginia E Cory Date: 5-1-90
Date: _____

State of Idaho)
County of Lemhi) SS.

Subscribed and sworn (or affirmed) before me this 1st day
of May 19 90
Notary Public

Seal

Residing at Anna Baumhoff, Notary Public
Residing at Boise, Idaho
My Commission Expires December 7, 1994

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

RIGHT NUMBER: 74-15888

NAME AND ADDRESS: ANNETTE DASKALOS
1560 FOOTHILLS VILLAGE DR
HENDERSON NV 89012

SPIRO DASKALOS
1560 FOOTHILLS VILLAGE DR
HENDERSON NV 89012

SOURCE: LEMHI RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 0.310 CFS

The rights listed below are limited to a total combined diversion rate of 1.15 cfs.
Combined Right Nos.: 74-1025B, 74-1025E & 74-15888

PRIORITY DATE: 03/15/1983

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF
DIVERSION:

T18N R24E S9 SWSW Within LEMHI County

The following rights are diverted through point(s) of diversion described above: 74-1025B, 74-1025E & 74-15888

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.310 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T18N R24E S09	NWNW	27.50	T18N R24E S09	SWNW	19.00
T18N R24E S09	NWSW	16.00			

62.5 ACRES TOTAL

62.5

The rights listed below are limited to the irrigation of a combined total of acres in a single irrigation season. Combined Right Nos.: 74-1025B, 74-1025E & 74-15888

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.

This right is based upon an enlargement of Right Nos. 74-1025B & 74-1025E pursuant to Section 42-1426, Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is for an enlargement of 24.2 acres within the place of use described for this right.

WATER DISTRICT 74
LEMHI RIVER

03/05/2003

SPIRO DASKALOS

Water Right No.: A74-01025B

Source: LEMHI RIVER
Diversion: L-37
Quantity CFS: 1.460

2003 Water Assessment:\$ 67.16

Please add \$5.00 per water user to your assessment.
This clerical charge was enacted by vote at the Annual Meeting.
If you have more than one water right DO NOT pay
\$5 for each. You need only pay the \$5 clerical charge once.
If you have any questions regarding your bill please feel
free to call Donna Barsalou, Secretary, at 756-2824 or 756-8344.

Please make all checks payable to: Water District 74
P.O. Box 744, Salmon, ID 83467
Water Assessments are Delinquent after May 1, 2003
1% Interest per month will be charged on delinquent accounts.

WATER DISTRICT 74
LEMHI RIVER

03/16/2004

SPIRO DASKALOS

Water Right No.: A74-01025B

Source: LEMHI RIVER

Diversion: L-37

Quantity CFS: 1.460

2004 Water Assessment:\$ 75.41

Please add \$5.00 per water user to your assessment.
This clerical charge was enacted by vote at the Annual Meeting.
If you have more than one water right DO NOT pay
\$5 for each. You need only pay the \$5 clerical charge once.
If you have any questions regarding your bill please feel
free to call Vicki Armstrong, Secretary, at 756-7209 or 756-2182.

paid
check 2976
4/15/04

Please make all checks payable to: Water District 74
P.O. Box 744, Salmon, ID 83467
Water Assessments are Delinquent after May 1, 2004
1% Interest per month will be charged on delinquent accounts.

WATER DISTRICT #74**Invoice**

PO BOX 744
SALMON, ID 83467

Date

3/20/2005

SPIRO DASKALOS
1853 BOGEY WAY
HENDERSON, NV 89014

paid

<i>WATER RIGHT #</i>	<i>SOURCE</i>	<i>DIVERSION</i>	<i>Qty CFS</i>	<i>AMOUNT</i>
A74-01025B	LEMHI RIVER	L-37	1.46	77.09
A74-01061	LEMHI RIVER	L-42	0.5	26.40
A74-01841	HAYDEN CREEK	HC-01	0.56	29.57
A74-01842	LEMHI RIVER	L-40	1.67	88.18
A74-02146	HAYDEN CREEK	HC-01	0.2	10.56
CLERICAL				5.00

Balance Due

\$236.80

Water Assessments are due by May 1, 2005. 1% interest
per month will be charged on delinquent accounts.

Phone #

(208) 756-7209

E-mail

varmstrong_02@yahoo.com

90 Rick S. sent 4/27/06

WATER DISTRICT #74

Invoice

PO BOX 744
SALMON, ID 83467

Public Data Base

Date

4/1/2006

DASKALOS & SABATTE
1894 WOODHAVEN DRIVE
HENDERSON, NV 89174

Missing Water Rights

* A 74 01025 E Bozwell Trail - .4
01025 C 74 0125 C McKullick - Chester, Judy .08

18W 24E 9 section
NW 4 acres SW A
3.8 SW of SW

74 0125 D Roger Henry - NO
74 15497 USA Forest Service
Please Advise

Hayden Creek

Annette Daskalos
702 896-4465

WATER RIGHT #	SOURCE	DIVERSION	Qty CFS	AMOUNT	Mx
A74-01025B	LEMHI RIVER ~ BHR	L-37	1.46	81.40	
A74-0125C	"	"	0.07	3.90	
A74-01025E	"	"	0.4	22.30	
A74-01061	"	L-42	0.5	27.88	
A74-01841	HAYDEN CREEK	HC-01	0.56	31.22	
A74-01842	LEMHI RIVER	L-40	1.67	93.10	
A74-02146	HAYDEN CREEK	HC-01	0.2	11.15	
ADMINISTRATIVE FEES				5.00	

PLEASE CHECK THIS BILLING AGAINST YOUR RECORDS. IF THERE ARE ANY MISTAKES, PLEASE NOTIFY RICK OR VICKI AT "PO BOX 744" WITHIN 30 DAYS AND WE WILL TRY TO HELP YOU MAKE CORRECTIONS WHILE THESE RECORDS ARE STILL IN THE COURTS.

Paid
CALH
4067
4/25/06

Balance Due

\$275.95

Water Assessments are due by May 1, 2006. 1% interest per month will be charged on delinquent accounts.

Phone #

(208) 993-0403 OR 303-7449

E-mail

varmstrong_02@yahoo.com

WATER DISTRICT #74**Invoice**

PO BOX 744
SALMON, ID 83467

Date

4/1/2007

JS & SABATTE
OGEY WAY
PERSON, NV 89074

WATER RIGHT #**Qty CFS****AMOUNT**

A74-00951	0.18	10.04
A74-01025B •	0.75	41.83
A74-01025C •	0.07	3.90
A74-01025E •	0.4	22.31
A74-01061	0.5	27.89
A74-01777	0.3	16.73
A74-01781	0.78	43.50
A74-01841	0.56	31.23
A74-01842	1.67	93.14
A74-02146	0.2	11.15
ADMINISTRATIVE FEES		5.00

*paid 4/12/07
ck # 4439*

★

IF UNPAID BY JULY 1, 2007 YOUR WATER WILL BE
CURTAILED BY THE WATER MASTER.

Balance Due

\$306.72

Water Assessments are due by May 1, 2007. 1% interest
per month will be charged on delinquent accounts.

Phone #

E-mail

(208) 756-2182 OR 303-7449

varmstrong_02@yahoo.com

WATER DISTRICT #74**Invoice**

PO BOX 744
SALMON, ID 83467

Date

4/1/2008

DASKALOS & SABATTE
1560 FOOTHILLS VILLAGE DRIVE
HENDERSON, NV 89012

<i>WATER RIGHT #</i>	<i>Qty CFS</i>	<i>AMOUNT</i>
74-02146	0.2	11.00
74-01841	0.56	30.80
74-00951	0.18	9.90
74-01781	0.78	42.90
74-01777	0.3	16.50
74-01025E •	0.4	22.00
74-01025B	0.75	41.25
74-01025C •	0.08	4.40
74-01842	1.67	91.85
74-01061	0.5	27.50
CLERICAL FEES		5.00

IF UNPAID BY JULY 1, 2008 YOUR WATER WILL BE
CURTAILED BY THE WATER MASTER.

OK # paid 4/17/08

Balance Due \$303.10

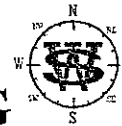
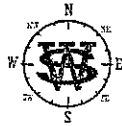
Water Assessments are due by May 1, 2008. 1% interest
per month will be charged on delinquent accounts.

Phone #

(208) 303-7449 (WATER MASTER)

E-mail

varmstrong_02@yahoo.com



WADE SURVEYING

Global Positioning Service

Land Surveying and Planning
402 Van Dreff Street
Salmon, Idaho 83467

Phone: (208)-756-3070

October 6, 2008

Don Sabatte
P.O. Box 118
Tendoy, ID 83468

Dear Don,

Enclosed is a copy of your survey over an aerial photograph. Jock Slavin received two copies of this as well on Friday, October 3rd. One of those copies was an 18" x 24", and the other a duplicate of the one I have sent you.

This aerial will more clearly show your property and hopefully clear up any confusion as to the irrigated and non-irrigated ground.

If you have any questions or need any additional information from us please don't hesitate to give us a call at the number listed above.

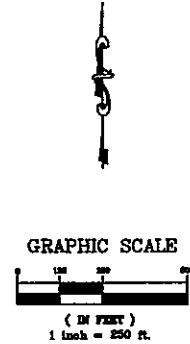
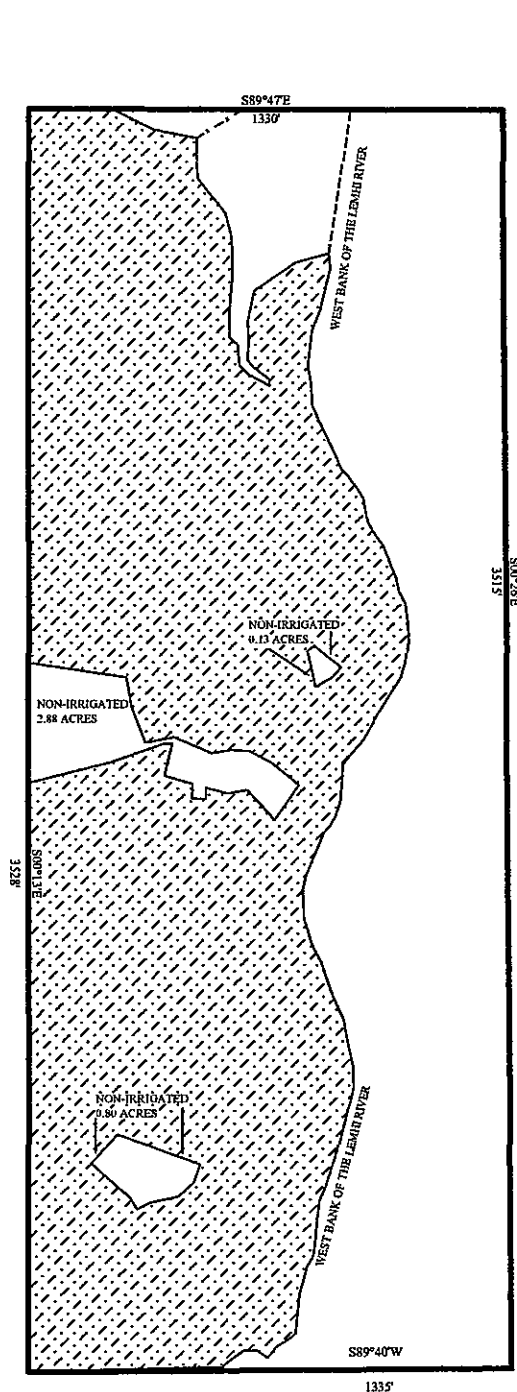
It has been a pleasure working for you and hope to again be of service if you have any future surveying needs. We thank you for your business!

Sincerely,

Kristin Hayden
Wade Surveying

74-1025 B
Actual irrigated ground
61.77 acres

INFORMATIONAL DRAWING
LOCATED IN SECTION 9, T. 18 N., R. 24 E.,
BOISE MERIDIAN, LEMHI COUNTY, IDAHO



LEGEND

- - - - - EXISTING FENCE
- IRRIGATED ACRES
- NON-IRRIGATED ACRES
- PROPERTY BOUNDARY ESTABLISHED FROM RECORDS TAKEN FROM LEMHI COUNTY COURTHOUSE, SALMON, IDAHO

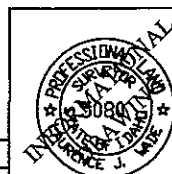
SURVEYOR'S NOTES:

THE PURPOSE OF THIS SURVEY WAS TO SHOW THE IRRIGATED ACRES OF THE BUCKHORN RANCH.

THE BOUNDARY WAS COMPILED FROM RECORD USING TAX #2931 & #2932 AND THE PINS FOUND IN THE FIELD WERE WITHIN POSITIONAL TOLERANCE.

THE TOTAL ACREAGE FOR IRRIGATED GROUND IS 61.77 ACRES.

1/4	SEC	T	R
☒	9	18N	24E



FOR BUCKHORN RANCH	
DATE: 09/2008	DRAWN/CHK BY: KMH/LJW
PROJECT: T18NR24EBUCKHORN RANCH	
DWG NAME: BUCKHORN RANCH.DWG	
SURVEY: BOSWELL.ZAK	
WADE SURVEYING GLOBAL POSITIONING SERVICE LAND SURVEYING & PLANNING 46 VAN DUSEN ST. SALMON, IDAHO 83421 208-766-3070 FAX	