

08/18/2006

NOTICE OF ERROR
REPLY

RECEIVED
SEP 14 2006

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: September 22, 2006

Water right number: 79-7172

GLORIA CUTHBERT

BOX 442

PLUMMER ID 83851

Telephone Number: (208)661-7571

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: 9-14-06 SIGNATURE: Gloria Cuthbert

Please print your name: Gloria Cuthbert

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, (208) 287-4800

03/23/2006

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

RIGHT NUMBER: 79-7172
NAME AND ADDRESS: GLORIA CUTHBERT
BOX 442
PLUMMER ID 83851

SOURCE: SLATE CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.060 CFS
8.000 AFY

This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.

PRIORITY DATE: 06/23/1988

POINT OF DIVERSION:

T27N R01E S36 NWNE Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/30	0.060 CFS 8.00 AFY

PLACE OF USE: IRRIGATION Within IDAHO County

T27N R01E S36 NWNE 2.00

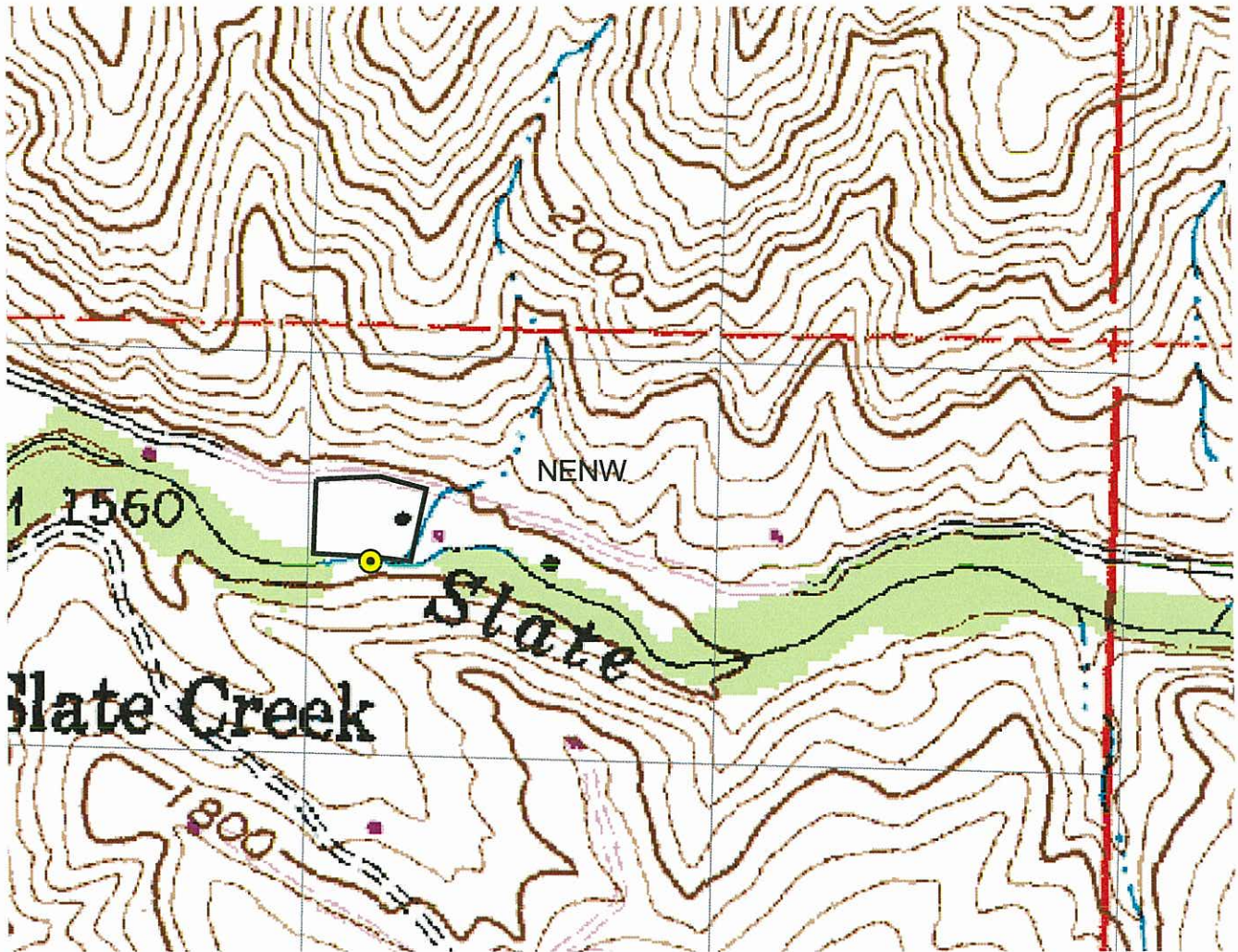
2 ACRES TOTAL

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 - License

79-7172



0 400 800 Feet

Section 36
T27N R1E



● Point of Diversion

□ Place of Use

Map prepared on March 23, 2006
By Kenneth Knoblock
Idaho Department of Water Resources

79-7172



0 400 800 Feet



Section 36
T27N R1E



● Point of Diversion

□ Place of Use

Map prepared on March 23, 2006
By Kenneth Knoblock
Idaho Department of Water Resources

434983

QUIT CLAIM DEED

STATE OF IDAHO
County of Idaho
Recorded at request of Rester Cushman
at 1:55 P. on 4-23-04
ROSE E. GEHRING
By Rene G. Nibbel Recorder
Fees \$ 21.00 Deputy

in the Box of
glee Creek, Id

For value received, **LESTER JORDAN CUTHBERT**, a single man, the Grantor, does hereby convey, release, remise, and forever quitclaim unto **DALE CUTHBERT AND SANDY CUTHBERT AND GLORIA CUTHBERT**, the Grantees, the following described premises, in Idaho County, State of Idaho, to-wit:

See Exhibit "A" and Exhibit (Schedule) "B" attached hereto and incorporated herewith

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever, said Grantor intending to convey all of his right, title, interest, and estate therein unto Grantees.

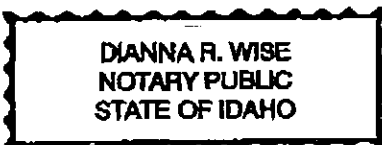
DATED: this 23 day of April, 2004.

Lester Jordan Cuthbert
LESTER JORDAN CUTHBERT, Grantor

STATE OF IDAHO)
) ss.
County of Idaho)

On this 23 day of April, 2004, before me, a Notary Public in and for the State of Idaho, personally appeared LESTER JORDAN CUTHBERT, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF I have set my hand and seal on this date.



Marina L. Winsor
Notary Public for Idaho
Residing in:
My Commission Expires: 10/20/2009

EXHIBIT "A"

5386

The following described property situate in Idaho County, Idaho, to-wit:

A parcel of land situated in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ North of Slate Creek, Section 36, Township 27 North, Range 1 East, Boise Meridian, Idaho County, Idaho, more particularly described as follows:

Beginning at the Northwest Corner of said NE $\frac{1}{4}$ NW $\frac{1}{4}$;

1. Thence South 70 feet to the South fence line of a County Road,
 2. Thence S.69°09'E., 638.8 feet;
 3. Thence S.69°E., 285 feet;
 4. Thence S.72°38'E., 309.1 feet;
 5. Thence S.12°W., 15 feet;
 6. Thence S.82°E., 67 feet, all along said South line;
 7. Thence S.25°42'W., 269.4 feet to the center of Slate Creek;
 8. Thence S.86°27'E., 613 feet along the center of Slate Creek;
 9. Thence N.9°12'E., 197 feet to the South line of said County Road, as now in use;
 10. Thence S.72°19'E., 160.8 feet;
 11. Thence S.80°04'E., 133.5 feet;
 12. Thence S.67°23'E., 130 feet;
 13. Thence S.52°19'E., 128.6 feet, along said South line;
 14. Thence S.30°49'W., 190.6 feet to the center of Slate Creek;
 15. Thence S.77°29'E., 471 feet along the center of Slate Creek to the East line of said NW $\frac{1}{4}$ NE $\frac{1}{4}$;
 16. Thence North, 1052 feet along said East line to the Northeast corner of said NW $\frac{1}{4}$ NE $\frac{1}{4}$;
 17. Thence West 2622 feet, along the North line of said Section 36, to the place of beginning.
- LESS Road Right of Way.

LESS that property further described in Schedule B, attached hereto.

EXHIBIT "B" continued

5386

The following described property situate in Idaho County, Idaho, to-wit:

A parcel of property located within NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, Township 27 North, Range 1 East, Boise Meridian, Idaho County, Idaho which is more particularly described from a survey as follows:

Beginning at the found G.L.O. North $\frac{1}{4}$ Corner which lies N.89°52'00"W., 2607.731 feet from the NE corner of said Section 36, thence S.39°14'56"E., 721.859 feet to a found $\frac{1}{4}$ " rebar property pin which is the initial point of beginning.

Thence S.05°04'02"W., 166.341 feet to a point at the thread of Slate Creek, which is referenced by a found property pin that lies N.05°04'02"E., 30.000 feet; thence N.87°30'53"W., 18.376 feet along the thread of Slate Creek to a point that is referenced by a found rebar pin that lies N.11°20'02"E., 30.416 feet; thence N.11°20'02"E., 168.174 feet back to the initial point of beginning.

The following described property situate in Idaho County, Idaho, to-wit:

A parcel of property located within the NE $\frac{1}{4}$ and NW $\frac{1}{4}$ of Section 36, Township 27 North, Range 1 East, Boise Meridian, Idaho County, Idaho, which is more particularly described from a survey as follows:

Beginning at the Found G.O.O. $\frac{1}{4}$ corner, which corner lies N.89°52'00"W. 2,607.731 feet from the NE section corner of said Section 36,
thence S.08°45'10"W., 497.243 feet to a Found $\frac{1}{2}$ " rebar which point is the initial point of beginning,
thence S.21°56'35"W., 258.397 feet to the thread of Slate Creek which point is referenced by a Found $\frac{1}{2}$ " rebar pin which lies N.21°56'35"E., 55.000 feet;
thence S.75°24'24"E., 101.686 feet along the thread of Slate Creek to a point which point is referenced by a $\frac{5}{8}$ " x 30" rebar and Serv Cap which lies N.20°47'00"E., 42.000 feet;
thence N.20°47'00"E., 275.848 feet to a $\frac{5}{8}$ " x 30" rebar and cap on the Southerly R.O.W. line of the County Road;
thence N.85°45'25"W., 100.000 feet along said R.O.W. line back to the initial point of beginning.

The following described property situate in Idaho County, Idaho, to-wit:

A Tract of Land in the NE¹/₄ of Section 36, Township 27 North, Range 1 East, Boise Meridian, and bounded by a fence on the North line of said NE¹/₄ and the Slate Creek County Road on the South and more particularly described:

Beginning at a drill steel established by USFS Engineer Sawhill in 1933 and ever since accepted as the West 1/16 Corner common to Sections 25 and 36;
thence along the Center line of the Slate Creek Road: S.63°10'E., 436.1 feet
and S.70°13'E., 235 feet to a point;
thence N.0°16'E., 274.0 feet to a stake on a fence line;
thence N.89°46'W., 611.6 feet along said fence and said Section line common to Sections 25 and 36 to the point of beginning, in Idaho County, Idaho.

The following described property situate in Idaho County, Idaho, to-wit:

A parcel of land located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, Township 27 North, Range 1 East, Boise Meridian, Idaho County, Idaho, more particularly described as follows:

Beginning at a point on the North right of way line of the County Road, said point being 754.8 feet South of the NE Corner of said NW $\frac{1}{4}$ NE $\frac{1}{4}$;
thence North on the East line of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ 500 feet;
thence West 300 feet;
thence South parallel with the East line of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ 500 Feet to the North right of way line of the County Road;
thence East on the North right of way line of the County Road 300 feet to the Point of Beginning.

EXHIBIT "B"

5386

The following described property situate in Idaho County, Idaho, to-wit:

Beginning at a $\frac{1}{4}$ inch x 30 inch rebar, from which rebar the North Quarter corner of said Section 36 bears N.50°14'22"W., 1231.43 feet;

1. Thence following the Southerly line of the County road as now in use, being the arc of a curve left, the chord of which bears S.72°28'E., 105.15 feet with radius of 152.6 feet;
2. Thence N.87°23'E., 267.7 feet along said Southerly line to the East line of said NW $\frac{1}{4}$ NE $\frac{1}{4}$;
3. Thence South 247.0 feet to the center of Slate Creek;
4. Thence N.77°29'W., 476.5 feet along the center of said Creek;
5. Thence N.30°49'E., 190.3 feet to the place of beginning.

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

Ident. Number 79-7172
Date Received: 10/24/2005
Receipt No: N 17294
Received By: CK

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

Gloria Cuthbert
Box 442
Plummer ID 83851

2. Date of Priority: 06/23/1988

3. Source: SLATE CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
27N	01E	36	NE NW 1	IDAHO	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/01	11/30	0.06	8

7. Total Quantity Appropriated is:
0.06 C.F.S. and/or 8 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
27N	01E	36	NE NW 1	IRRIGATION	2
Section Acres					2
Total Acres					2

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:

14. Remarks:

This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.

15. Basis of Claim: License

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: 0

For Individuals:

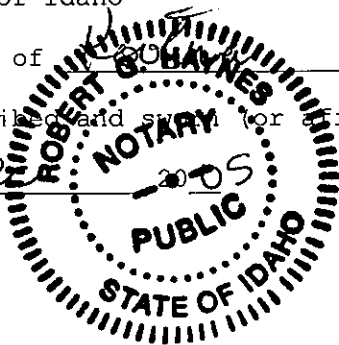
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Gloria Cuthbert Date: _____

Date: _____

State of Idaho)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this _____
of Blaine



Robert G. Haynes
Notary Public

Residing at COA

My commission Expires 11/10/2010