

RECEIVED

AUG 28 2006

DEPARTMENT OF
WATER RESOURCES

08/18/2006

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: September 22, 2006

Water right number: 79-14146

SUSAN RAY
PO BOX 107
WHITE BIRD ID 83554
Telephone Number: (208)839-2466

KEITH RAY
PO BOX 107
WHITE BIRD ID 83554
Telephone Number: (208)839-2466

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:

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

DATE: *aug 24-2006* SIGNATURE: *Keith Ray*
Please print your name: *Keith Ray*

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

12/20/2005

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

RIGHT NUMBER: 79-14146
NAME AND ADDRESS: SUSAN RAY
PO BOX 107
WHITE BIRD ID 83554

KEITH RAY
PO BOX 107
WHITE BIRD ID 83554

SOURCE: WHITE BIRD CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.130 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 02/15/1960

POINT OF DIVERSION:

T28N R01E S14 NESW Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	02/15 11/30	0.130 CFS

PLACE OF USE: DOMESTIC Within IDAHO County

T28N R01E S14 NESW

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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 79-14146
Date Received: 12/20/2005
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SUSAN RAY
PO BOX 107
WHITE BIRD ID USA 83554

Phone: (208)839-2466

KEITH RAY
PO BOX 107
WHITE BIRD ID USA 83554

Phone: (208)839-2466

2. Date of Priority: 02/15/1960

3. Source: WHITE BIRD CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
28N	01E	14	NE SW	IDAHO	

5. Description of diverting works:

PUMP IN CREEK TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
DOMESTIC	02/15	11/30	0.13	

7. Total Quantity Appropriated is:
0.13 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
28N	01E	14	NE	SW	DOMESTIC	

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:

15. Basis of Claim: Beneficial Use

\$25.00

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

Identification No. 79-14146
Date Received 12/19/05
Receipt Number NOV 302

**NOTICE OF CLAIM
TO A
WATER RIGHT**
ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.

RECEIVED
DEC 19 2005
IDWR/North

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Keith or Susan Ray Phone (208) 839-2466
Mailing Address Po Box 107 White Bird ID Zip 83554

2. Date of Priority (Only one per claim) 2-15-1960 Month/Day/Year

3. Source of water supply (Check one) () Groundwater or Other () (a) White Bird Creek
Name or kind of source
which is tributary to (b) Salmon River

4. Location of point of diversion is: Township 28N Range 1E
Section 14 1/4 of NE 1/4 of SW 1/4, Govt. Lot _____, BM.,
County of Idaho

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. _____

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For Domestic purposes from 2-15 to 11-30 amount 54.13 (cfs)
(Both dates are inclusive)
For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed .13 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) 1 home

10. Place of use is: Township: 28N Range 1E

Section 14, NE 1/4 of Su1 1/4, Govt. Lot _____, B.M.,

County of Idaho for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any _____

11. In which county (ies) are lands listed above as place of use located? Idaho

12. Do you own the property listed above as place of use? Yes ☒ No ☐

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

14. Remarks: _____

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number 79-4118

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Keith Ray Date Dec 16-2005
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____

_____ Title
of _____, that I have signed the foregoing

_____ Organization
document in the space below as _____ of _____

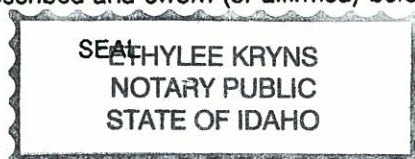
_____ Title
and that the statements contained in the foregoing document are true and correct. _____ Organization

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or _____ }
County of IDAHO } SS.

Subscribed and sworn (or affirmed) before me this 16th day of December 19 2005



Notary Public Eithylee Kryns

Residing at White Bird, ID

My Commission Expires 6/13/08

Last Name _____ Ident No. _____

79-4118

T28N R1E Section 14



Place of Use



Point of Diversion





State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 14, 2005

KEITH OR SUSAN RAY
PO BOX 107
WHITEBIRD ID 83554

RE: 79-4118

Dear Mr. & Mrs. Ray:

Enclosed is a Notice of Claim that I have completed based on our conversation yesterday afternoon. Please review the Notice, and if you agree with it, sign in the presence of a Notary Public and return it to this office with the \$25.00 filing fee. If you believe there should be any changes, please make the change, initial each change, sign it and return it with the filing fee.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gregory J. Taylor', is written over a horizontal line.

Gregory J. Taylor
Sr. Water Resource Agent

\$ 25.00

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
Identification No. 79-
Date Received _____
Receipt Number _____

**NOTICE OF CLAIM
TO A
WATER RIGHT**
ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Keith or Susan Ray Phone (208) 839-2466
Mailing Address Po Box 107 White Bird ID Zip 83554

2. Date of Priority (Only one per claim) 2-15-1960 Month/Day/Year

3. Source of water supply (Check one) () Groundwater or Other () (a) White Bird Creek
Name or kind of source
which is tributary to (b) Salmon River

4. Location of point of diversion is: Township 28N Range 1E
Section 14 1/4 of NE 1/4 of SW 1/4, Govt. Lot _____, BM.,
County of Idaho

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. _____

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)
For Domestic purposes from 2-15 to 11-30 amount 84.13 (cfs)
(Both dates are inclusive)
For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed .13 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) 1 home

10. Place of use is: Township: 28N Range 1E

Section 14, NE 1/4 of SW 1/4, Govt. Lot _____, B.M.,

County of Idaho for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any _____

11. In which county (ies) are lands listed above as place of use located? Idaho

12. Do you own the property listed above as place of use? Yes ☒ No ☐

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

14. Remarks: _____

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number 79-4118

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____

of _____, that I have signed the foregoing

document in the space below as _____ of _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or _____ }
County of _____ } SS.

Subscribed and sworn (or affirmed) before me this _____ day of _____ 19 _____

SEAL

Notary Public _____

Residing at _____

My Commission Expires _____

Last Name _____ Ident No. _____

79-4118

T28N R1E Section 14



Place of Use



Point of Diversion





State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 9, 2005

KEITH OR SUSAN RAY
PO BOX 107
WHITEBIRD ID 83554

RE: Change in Ownership for 79-4115 and 79-4118

Dear Mr. & Mrs. Ray:

We are returning your change in ownership at this time because of insufficient information. Although our records do show a statutory claim for the water rights referenced above, we do not have any record of a Notice of Claim being filed in the Snake River Basin Adjudication (SRBA). If you wish to file a claim in the SRBA, I have enclosed two forms that you may complete and return to this office with the appropriate filing fees.

Also, 79-4115 is currently in the name of Earl O'Farrell and appears to be pertinent to your property, but 79-4118 is in the name of Mrs. A.B. Rape and we are not sure if it is pertinent.

79-4115 also claims a priority date of April 1, 1971 and this is in violation of the state's Mandatory Permit Statute. Any diversion of water from a surface source after March 25, 1971 requires an Application for Permit to be filed with the Idaho Dept. of Water Resources (IDWR).

I understand that this is all rather confusing, so it might be appropriate for you to call our office and we can assist you or clarify what is needed. Please contact our office and we will be glad to assist you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gregory J. Taylor', is written over a horizontal line.

Gregory J. Taylor
Sr. Water Resource Agent

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
_____	<u>794115</u>	___	_____	_____	___
_____	<u>794118</u>	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
 If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Earl R. O'Farrell
Deceased
4. New Owner/Claimant(s) Keith Ray Susan Ray
 Name Connector (Check one): ☐ and, ☒ or, ☐ and/or
- New Mailing Address P.O. Box 107
- City, State and ZIP Code White Bird, Idaho 83554
- New Telephone Number (208) 839-2466
5. Date you acquired the property Nov 13, 1992

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 DEC - 3 2015
 IDWR/Booth

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Gordon Keith Ray
(include title if applicable) _____

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by CM Date 2-8-05 Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 79-4118

WATER RIGHT NUMBER: 79-4118

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MRS A B RAPE PO BOX 83 WHITE BIRD, ID 83554

Priority Date: 01/01/1960 ✓

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
WHITE BIRD CREEK	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION <i>Domestic</i>	3/15	11/15	0.030 CFS	
	<u>Total Diversion:</u>		0.030 CFS	

<u>Location of Point(s) of Diversion</u>		
WHITE BIRD CREEK	NE1/4SW1/4	Sec. 14, Twp 28N, Rge 01E, B.M.
IDAHO County		

Place of Use
IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
28N	01E	14	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	1.0
																			1.0

Total Acres: 1

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 79-4115

WATER RIGHT NUMBER: 79-4115

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	EARL R O FARRELL PO BOX 4 WHITE BIRD, ID 83554

Priority Date: 04/01/1971

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
WHITE BIRD CREEK	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.030 CFS	
	<u>Total Diversion:</u>	0.030 CFS	

Location of Point(s) of Diversion

WHITE BIRD CREEK	NE1/4SW1/4	Sec. 14, Twp 28N, Rge 01E, B.M.
IDAHO County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
28N	01E	14									1.0								1.0

Total Acres: 1

366125

WARRANTY DEED

THIS INDENTURE, Made on this 13 day of Nov., 1992, by and between LANIUS EYVONNE O'FARRELL, aka YVONNE O'FARRELL, aka EYVONNE BONNIE O'FARRELL, hereinafter referred to as party of the first part, and G. KEITH RAY, hereinafter referred to as the party of the second part.

W I T N E S S E T H :

That the said party of the first part, for and in consideration of good and valuable consideration, to her in hand paid by the party of the second part, the receipt thereof is hereby acknowledged, by these presents does hereby grant, bargain, sell, convey and confirm, unto the said party of the second part, and to his, successors and assigns forever, the following described real property, situated in the County of Idaho, State of Idaho, to wit:

See Exhibit "A" attached hereto and incorporated herein as if set forth in full.

TOGETHER WITH ALL AND SINGULAR, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises, together with the appurtenances, unto the said party of the second part, and to his heirs, successors and assigns forever.

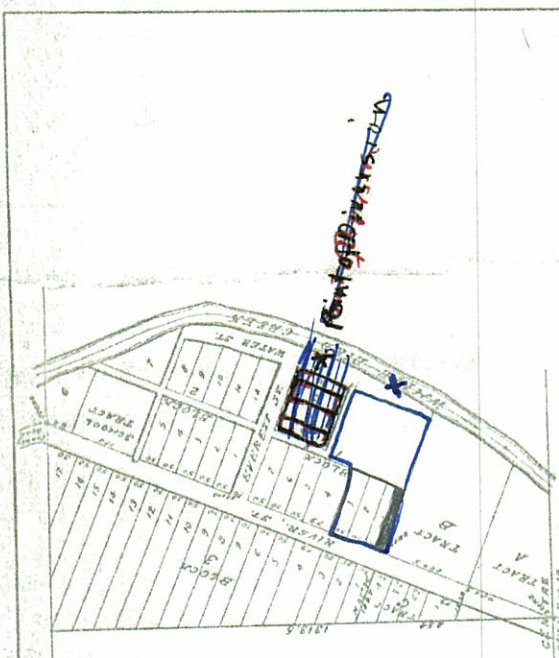
And, party of the first part and her heirs, successors and assigns, hereby covenants to and with said party of the second part and his heirs, successors and assigns the party of the first part is lawfully seized in fee simple of the above granted premises free from all encumbrances and that the party of the first part will

EXHIBIT "A"

Lots One (1), Two (2), and Three (3), of Block One (1), Everest's Addition to the Village of White Bird, Idaho

EXCEPTING THEREFROM the South 33 feet of Lot One (1) and the East 70 feet of Lots One (1), Two (2), and Three (3) of said Block and Addition, Idaho County, Idaho.

The East 70 feet of Lots One (1), Two (2), and Three (3), EXCEPTING THEREFROM the South 33 feet of Lot One (1), all in Block One (1), Everest's Addition to the Village of Whitebird, Idaho County, Idaho, according to the recorded plat thereof.



EVEREST'S ADDITION

WHITE BIRD
IDAHO COUNTY, IDAHO.
Given from Vol. 4, Page 39 of Plats, for
The Inland Abstract and Investment
Co. Ltd.
by
Fred Graham

Dated June 20, 1903
Filed for record June 25, 1903
at 1-45 o'clock P. M.
Part of NE 1/4 Sec. 14, Twp. 28
N. R. 1 E. B. M., Idaho County, Idaho

Scale, 1" = 200'

