

RECEIVED

01/05/2006 FEB 15 2006

DEPARTMENT OF
WATER RESOURCES

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: March 3, 2006

Water right number: 77-2043B

B MICHAEL GERRINGER TRUST

3433 SHANGRI LA RD

LAFAYETTE CA 94549

Telephone Number: (925) 943-7941

TERESA B GERRINGER TRUST

3433 SHANGRI LA RD

LAFAYETTE CA 94549

Telephone Number: (925) 943-7941

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:

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

DATE: Feb 10, 2006

SIGNATURE:

Please print your name:

B. Michael Gerringer, Trustee

B. Michael Gerringer Teresa B Gerringer Family Trust

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

SCANNED
FEB 15 2006

11/29/2004

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

RIGHT NUMBER: 77-2043B

NAME AND ADDRESS: B MICHAEL GERRINGER TRUST
3433 SHANGRI LA RD
LAFAYETTE CA 94549

TERESA B GERRINGER TRUST
3433 SHANGRI LA RD
LAFAYETTE CA 94549

SOURCE: GOVERNMENT CREEK

TRIBUTARY: LOGAN CREEK

QUANTITY: 0.057 CFS

PRIORITY DATE: 10/05/1925

POINT OF DIVERSION:

T21N R09E S35 NWNW Within VALLEY County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

05/01 10/31

0.057 CFS

PLACE OF USE: IRRIGATION Within VALLEY County

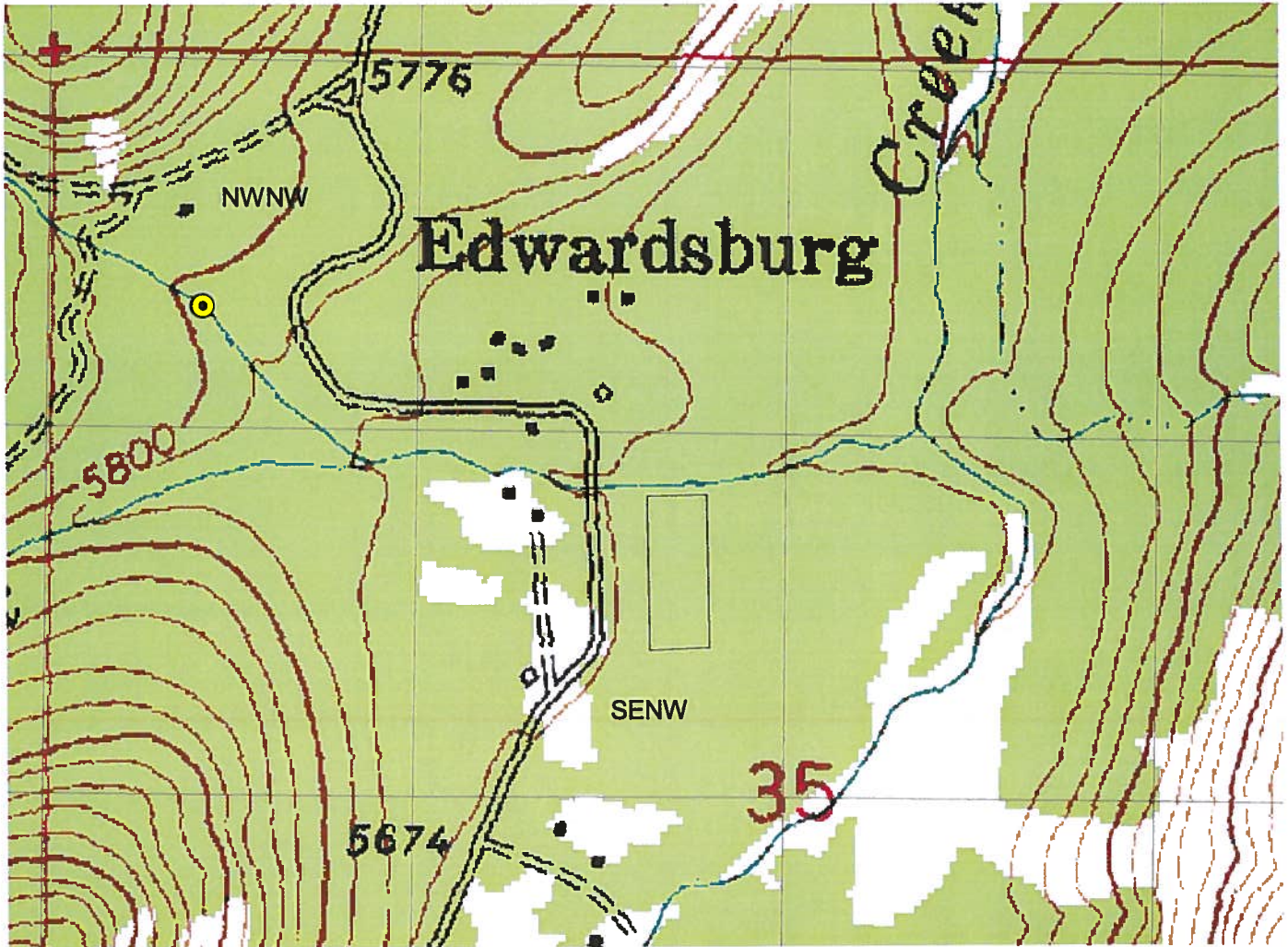
T21N R09E S35 SENW 2.8

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: License

77-2043B



0 500 1000 Feet

Section 35
T21N R9E



- Point of Diversion
- Place of Use

Map prepared on November 29, 2004
By Kenneth Knoblock
Idaho Department of Water Resources

3/16/05

PMO100 - PARCEL MASTER INQUIRY

11:58:22

PARCEL: RP 00078002028A A

F17=DD F19=SP

LEGAL DESCRIPTION

GERRINGER FAMILY TRUST*
*UTA DTD 3/11/1994

EDWARDSBURG RECORDER'S
PLAT NO. 1
LOT 28-A & TAX NO.31 IN LOT 33 +
ProVal Area Number 1
CODE AREA 8-0000 OWNER CD
PARC TYPE LOC CODE 4700
EFFDATE 1011993 EXPDATE
PREV PARCEL RP00078002028AA

3433 SHANGRI-LA RD
LA FAYETTE CA 94549

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
15	2001	2840	AC	23130				

TOTALS

2840

23130

ENTER NEXT PARCEL NUMBER RP A

FKeys: F2=TX F3=Exit F5=SS F6=Nm F7=LG
F8=CT F13=TM F18=HS F20=SRch F22=EU

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 77-2043B
Date Received: 11/17/2003
Receipt No: W031140
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

B MICHAEL GERRINGER TRUST Phone: (925)943-7941
3433 SHANGRI LA RD
LAFAYETTE CA USA 94549

TERESA B GERRINGER TRUST Phone: (925)943-7941
3433 SHANGRI LA RD
LAFAYETTE CA USA 94549

2. Date of Priority: 10/05/1925

3. Source: GOVERNMENT CREEK Trib. to: LOGAN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
21N	09E	35	NW NW	VALLEY	

5. Description of diverting works:

Diversion #1 is by a log and plank dam 20 ft long and 5 ft high with spillway 12 inches wide and 1 ft deep. Headgate 5 ft long 1.5 ft deep and 1.5 ft wide. Ditch 2 ft wide x 1 ft deep. Diversion #2 has dam 30 ft long and 6 ft high of logs and plank; the spillway is 5 ft wide and 4 ft deep. Headgate 25 ft long x 2 ft high x 15 ft wide. Ditch 2 ft wide x 1 ft deep.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	05/01	10/31	0.0568	

7. Total Quantity Appropriated is:
0.0568 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
21N	09E	35	SE	NW	IRRIGATION	2.84
Section Acres						2.84
Total Acres						2.84

11. Place of use in counties: VALLEY

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

13. Other Water Rights Used:

14. Remarks:

PROPERTY IS ALSO KNOWN AS LOT 28-A AND A PORTION OF LOT 33 EDWARDSBURG RECORDERS PLAT #1.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 77-2043.

15. Basis of Claim: License

RECEIVED

NOV 28 2003

WATER RESOURCES
WESTERN REGIONIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

Date Received

Receipt Number

77-20433

W031140

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

NOV 17 2003

WATER RESOURCES
WESTERN REGION

Please type or print clearly

1. Name of Claimant (s) B. Michael Gerringer and Teresq B. Gerringer Trust Phone (925) 943-7941Mailing Address 3433 Shangri-La Rd, Lafayette, Ca Zip 945492. Date of Priority (Only one (1) per claim) 10-05-19253. Source of water supply (a) Government Creek
which is tributary to (b) Logan Creek4. a. Location of existing point of diversion is: Township 21N Range 09E Section 35,
NW 1/4 of NW 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Valley

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, 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.See attached Report of
Engineer dated 9-11-1931 (Deph of Reclamation)
RE: exhibit #1

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 16247

This proof is for E.I.R. 2001

In Water District No.

RECEIVED

NOV 28 2003

WATER RESOURCES
WESTERN REGION

1. Name of applicant: Mr. A. Edwards
2. Source of water supply: Government Creek
3. Location of point of diversion: Is in the N.E. 1/4 of Section 35
T. 22 N. R. 2 E. County of Valley

4. Describe works as they exist, giving dimensions and capacities of same: *Diversion #1 is by a log & plank dam 20' long, 5' high, with spillway 12' wide and 1' deep. Headgate 5' long, 1.5' deep & 1.5' wide. Ditch 2' wide & 1' deep. Diversion #2 has dam 30' long & 4' high of log & plank; the spillway 5' wide & 4' deep. Headgate 2.5' long, 2' high, 1.5' wide ditch 2 ft wide & 1 ft deep*

5. Water is used for: Irrigation
6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): 1/4 Sec. 35, 1/4 Sec. 36, and 1/4 Sec. 37, T. 22 N., R. 2 E., S. 35.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Salmon River
Remarks: *About 5 A in N⁴W⁴ 35 & area are time for fruit trees trees now dead via porcupine & deer route. A small hillside ditch is now the only visible evidence thereof. Flume across Logan C 50' x 2 1/2' w*

This examination was made on the 11th day of Sept. 1931

(Signed)

Examiner.

16247

6. Water is claimed for the following purposes:

(both dates are inclusive)

see Remark 14

(cfs)

(acre feet)

For Irrigation purposes from _____ to _____ amount 0.0568 cfs or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.0568 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
21N	09E	35								2.84									

Total number of acres irrigated _____

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

12. Do you own the property listed above as place of use? Yes X 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. _____ or None (X)

14. Remarks: Claiming a portion of 77-2043 for this lot.
77-2043 = 25 Acres @ 0.500 cfs. or .02 cfs/acre.
this lot = 2.84 Acres x .02 cfs/acre = 0.0568 cfs for this lot.
This lot is for 28A and a part of Lot 33 combined.
see Exhibit 3 for legal Description and Plat Map.

Last Name Gerringer Trust Ident No. 77-2043

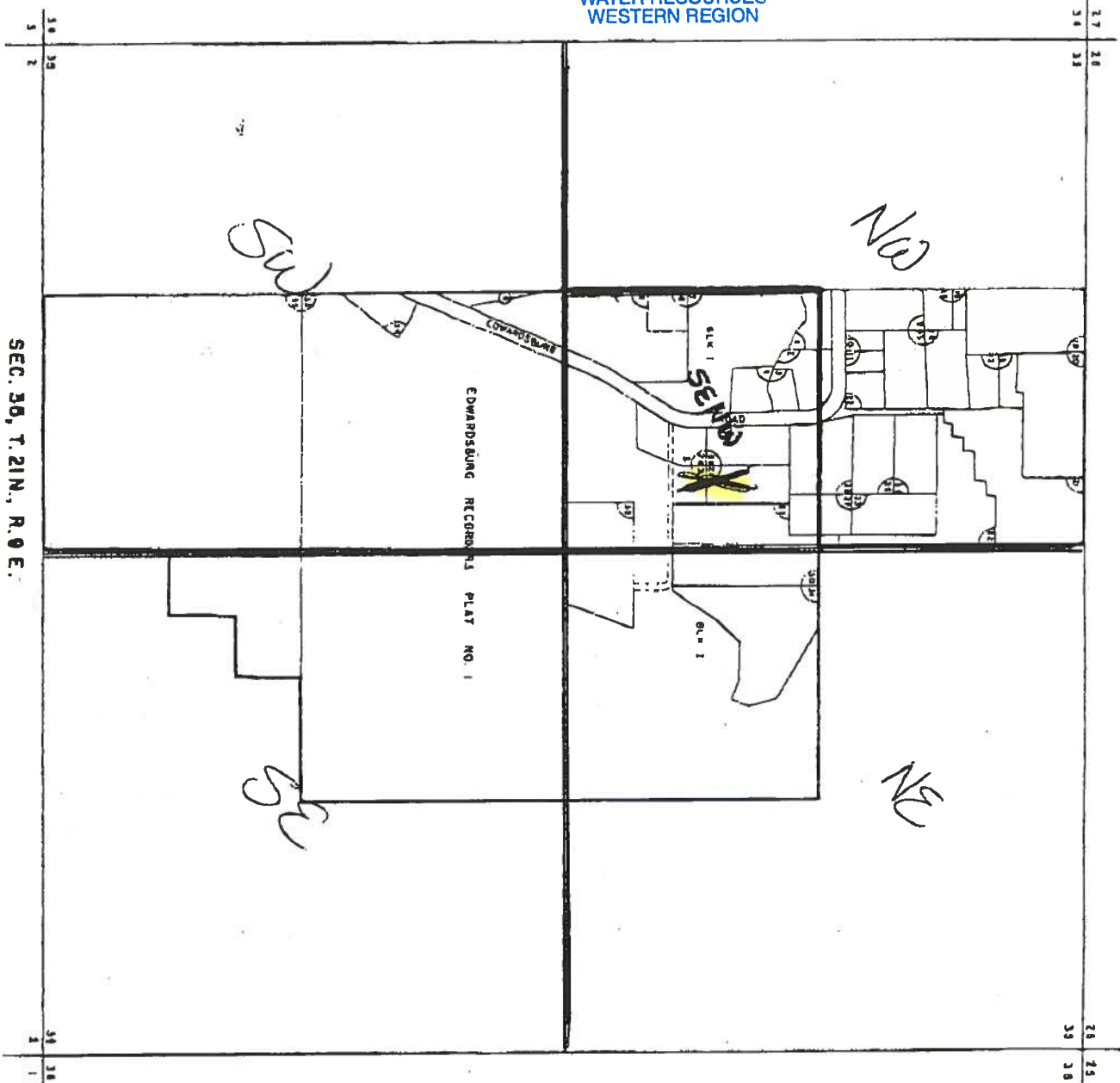
Copies: White -State, Yellow-Claimant

RECEIVED

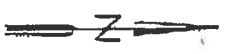
NOV 28 2003

WATER RESOURCES
WESTERN REGION

Exhibit 3



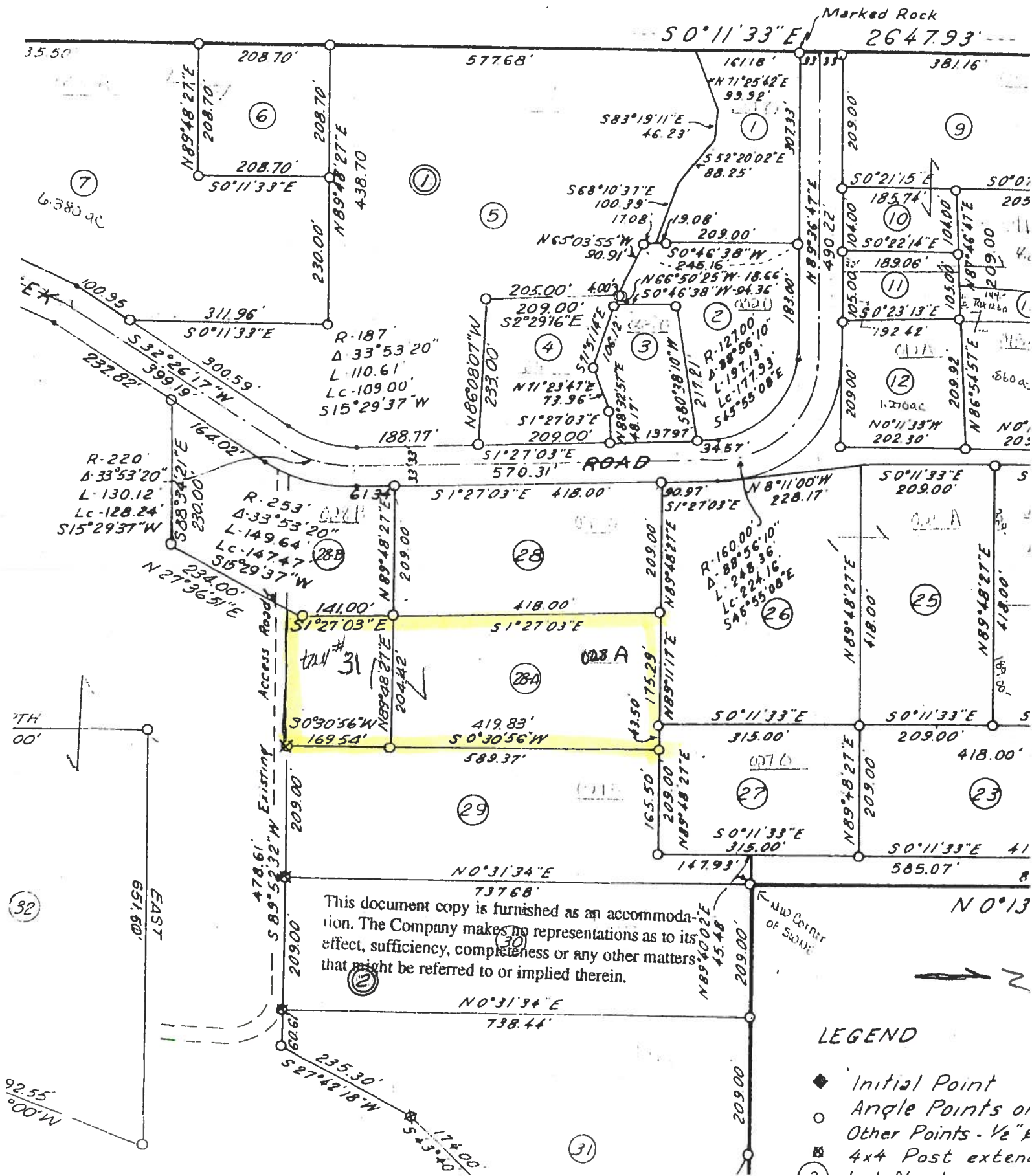
your parcel is
in the
SE of the NW



1400	1400	1400
1400	PAGE 1401	1400
1402		

VALLEY COUNTY
ENGINEERING DEPARTMENT

1 OF SECTION 35, T.21 N., R.9 E., B.M.
VALLEY COUNTY, IDAHO
FOR ENGINEERING COMPANY

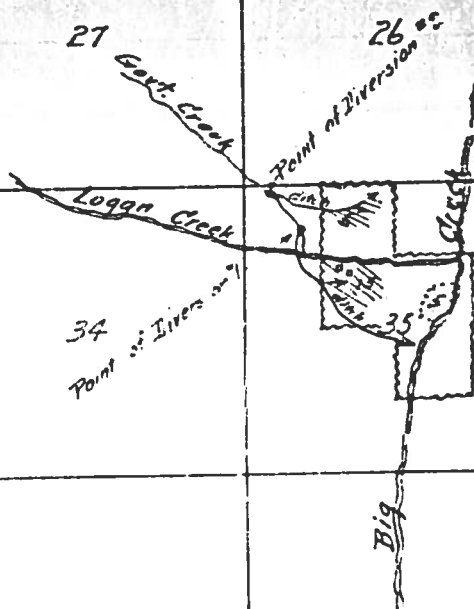


CONTINUATION
EXHIBIT A

Lot 28-A of Edwardsburg Recorders Plat, Valley County, Idaho AND Part of Lot 33, Edwardsburg Recorders Plat #1 located in Valley County, Idaho and more particularly described as follows:

Commencing at the SE Corner of Lot 28, Edwardsburg Recorders Plat No. 1, Valley County, Idaho, and running thence; N 89°48'27" E a distance of 204.42 feet along the South line of Lot 28A of said plat, to the SE Corner of said Lot 28A, thence; S 0°30'56" W a distance of 169.54 feet along the west line of Lot 29 of said plat to the Southwest corner of said Lot 29, thence; S 89°52'32" W a distance of 214.16 feet to the Easterly line of Lot 28B of said plat, thence; N 27°36'51" E a distance of 32.00 ft. along the easterly line of said lot 28B, thence; N 1°27'03" W a distance of 141.00 feet along said Easterly line of said Lot 28B to the place of beginning.

uph bt #2



25

36

1027

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree _____
If applicable provide IDWR Water Right Number 77-2043
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 X
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 2

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

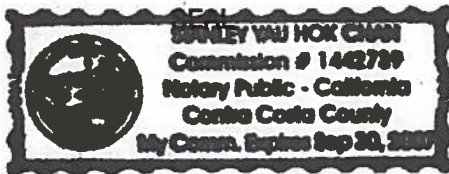
Signature of Claimant (s) B. M. Ringer Trustee Date November 11, 2003
Jesse B. Ringer Trustee Date November 11, 2003
Gerringer Family Trust

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

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of ~~Idaho~~ or CA)
County of CONTRA COSTA.) SS.

Subscribed and sworn (or affirmed) before me this 11th day of November 1903
20



Notary Public Surgey Wu Hok Chan
Residing at Pleasant Hill, CA
My Commission Expires 9/30/2007.

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Gerringer Trust Ident. Number 77-2043

Copies White-State, Yellow-Claimant

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 77-2043

WATER RIGHT NUMBER: 77-2043

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WILLIAM A EDWARDS EDWARDSBURG, ID

Priority Date: 10/05/1925

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GOVERNMENT CREEK	LOGAN CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	0.500 CFS	
DOMESTIC	/ to /		
<u>Total Diversion:</u>		0.500 CFS	

Location of Point(s) of Diversion

GOVERNMENT CREEK	NW1/4NW1/4	Sec. 35, Twp 21N, Rge 09E, B.M.
VALLEY 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
21N	09E	35			5.0		5.0			15.0									25.0

Total Acres: 25

DOMESTIC same as IRRIGATIONConditions of Approval:Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 77-2043

Dates and Other Information:

Licensed Date: 10/10/1979

Decreed Date:

Water Supply Bank Enrollment Accepted:

Water Supply Bank Enrollment Removed:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number:

Judicial District:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan:

False