



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 15, 2006

Donald & Jaclynn Stritzke
16247 Lonkey Lane
Caldwell, ID 83607

RE: 77-4169A

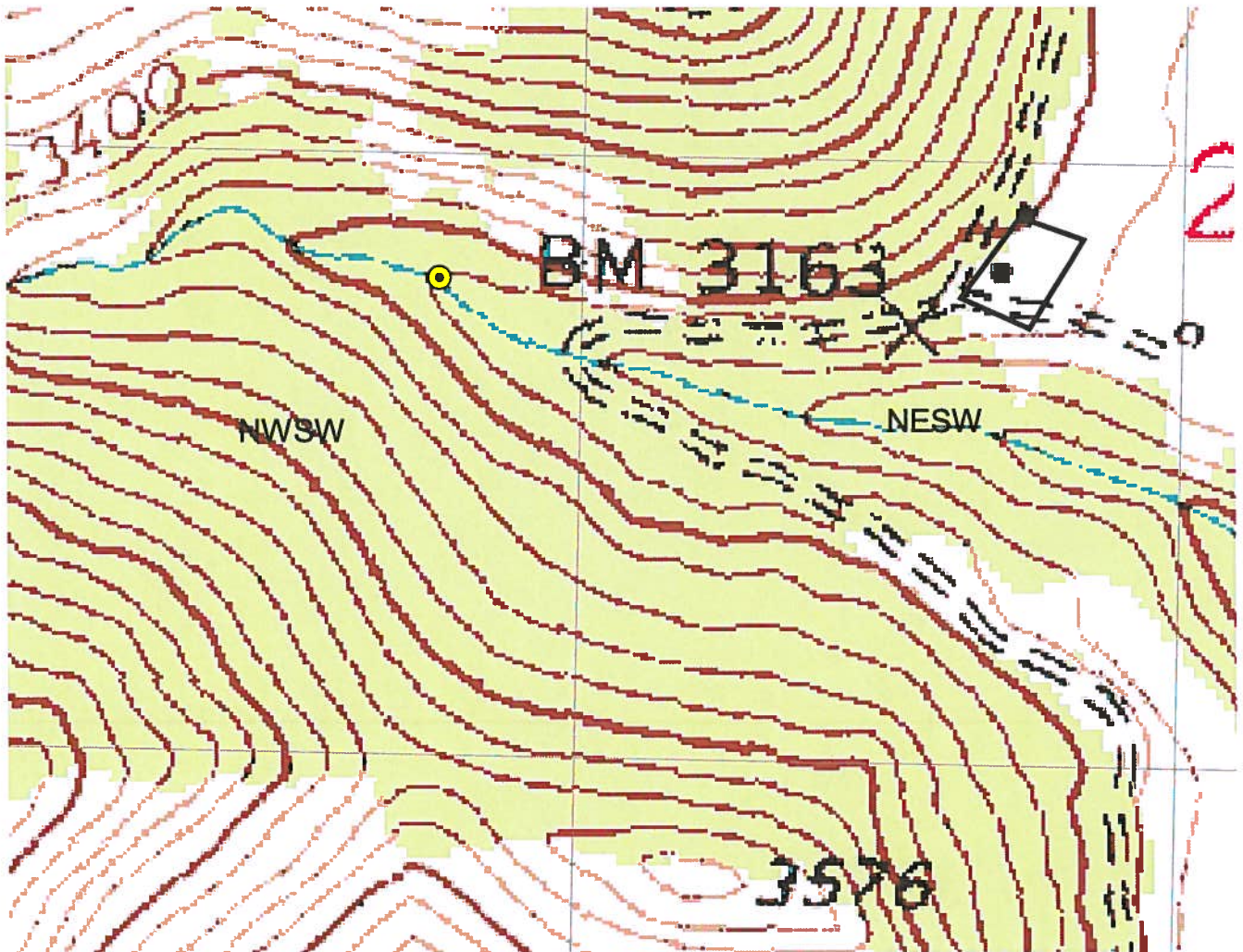
Dear Mr. & Mrs. Stritzke:

Enclosed is a new map the comments you made on the Notice of Error Reply. Please contact me if the changes are incorrect.

Sincerely,

Kenneth Knoblock
Water Resources Agent

77-4169A



0 200 400 Feet



Section 2
T21N R7E



● Point of Diversion

□ Place of Use

Map prepared on March 1, 2006
By Kenneth Knoblock
Idaho Department of Water Resources

01/05/2006

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: March 3, 2006

Water right number: 77-4169A

DONALD K STRITZKE
16247 LONKEY LN
CALDWELL ID 83607
Telephone Number: (208)454-7817

JACLYNN M STRITZKE
16247 LONKEY LN
CALDWELL ID 83607
Telephone Number: (208)454-7817

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

The site marked on the map is not where the domestic water will be used.

2. Describe the changes you wish to make in the proposed recommendation:

The proper site is immediately south of the marked ~~site~~ area on the map. The correct site has been marked in red. This was confirmed with Kenneth Knoblock by phone on 3/2/06

3. Give a brief explanation as to why you disagree with these portions:

wrong location

Donald K. Stritzke
Donald K. Stritzke

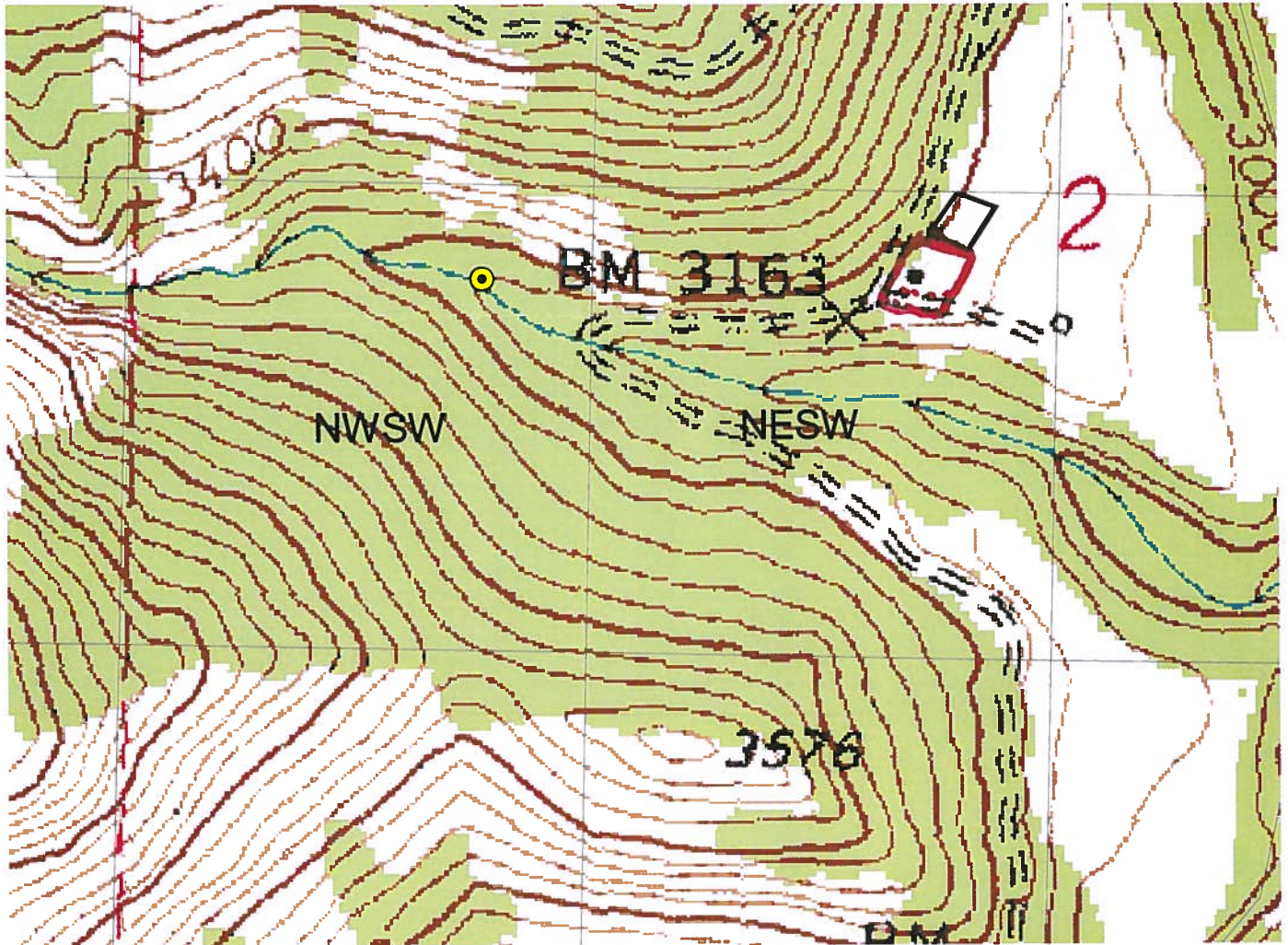
☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: _____ SIGNATURE: _____

Please print your name: _____

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

77-4169A



0 300 600 Feet

Section 2
T21N R7E



● Point of Diversion

□ Place of Use

SCANNED

MAR 07 2006

Map prepared on April 8, 2005
By Kenneth Knoblock
Idaho Department of Water Resources

04/08/2005

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

RIGHT NUMBER: 77-4169A

NAME AND ADDRESS: DONALD K STRITZKE
16247 LONKEY LN
CALDWELL ID 83607

JACLYNN M STRITZKE
16247 LONKEY LN
CALDWELL ID 83607

SOURCE: PONY CREEK

TRIBUTARY: SOUTH FORK SALMON RIVER

QUANTITY: 0.040 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/01/1879

POINT OF DIVERSION:

T21N R07E S2 NWSW Within VALLEY County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	1/01 12/31	0.040 CFS

PLACE OF USE: DOMESTIC Within VALLEY County

T21N R07E S02 NESW

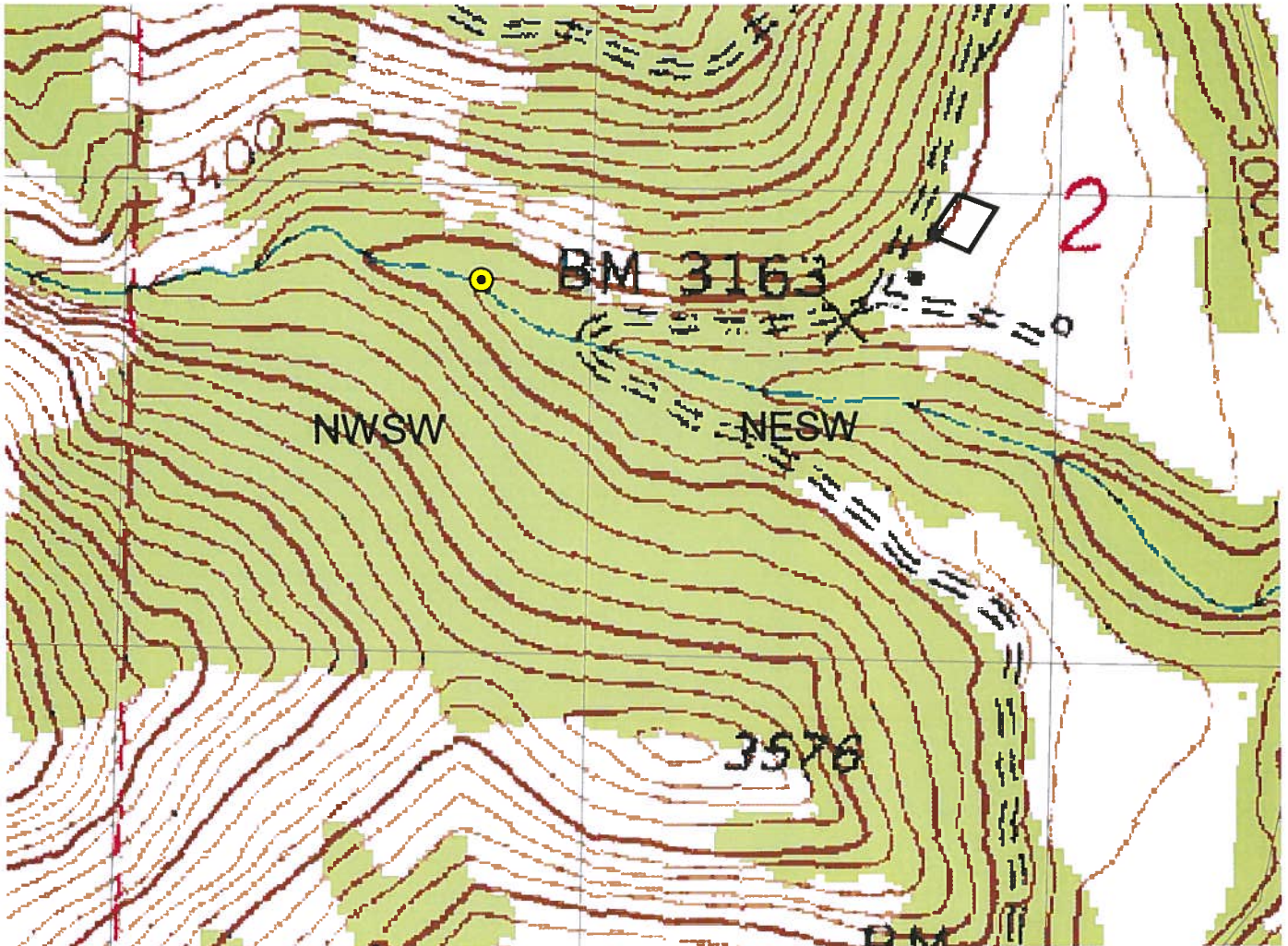
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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: Beneficial Use

77-4169A



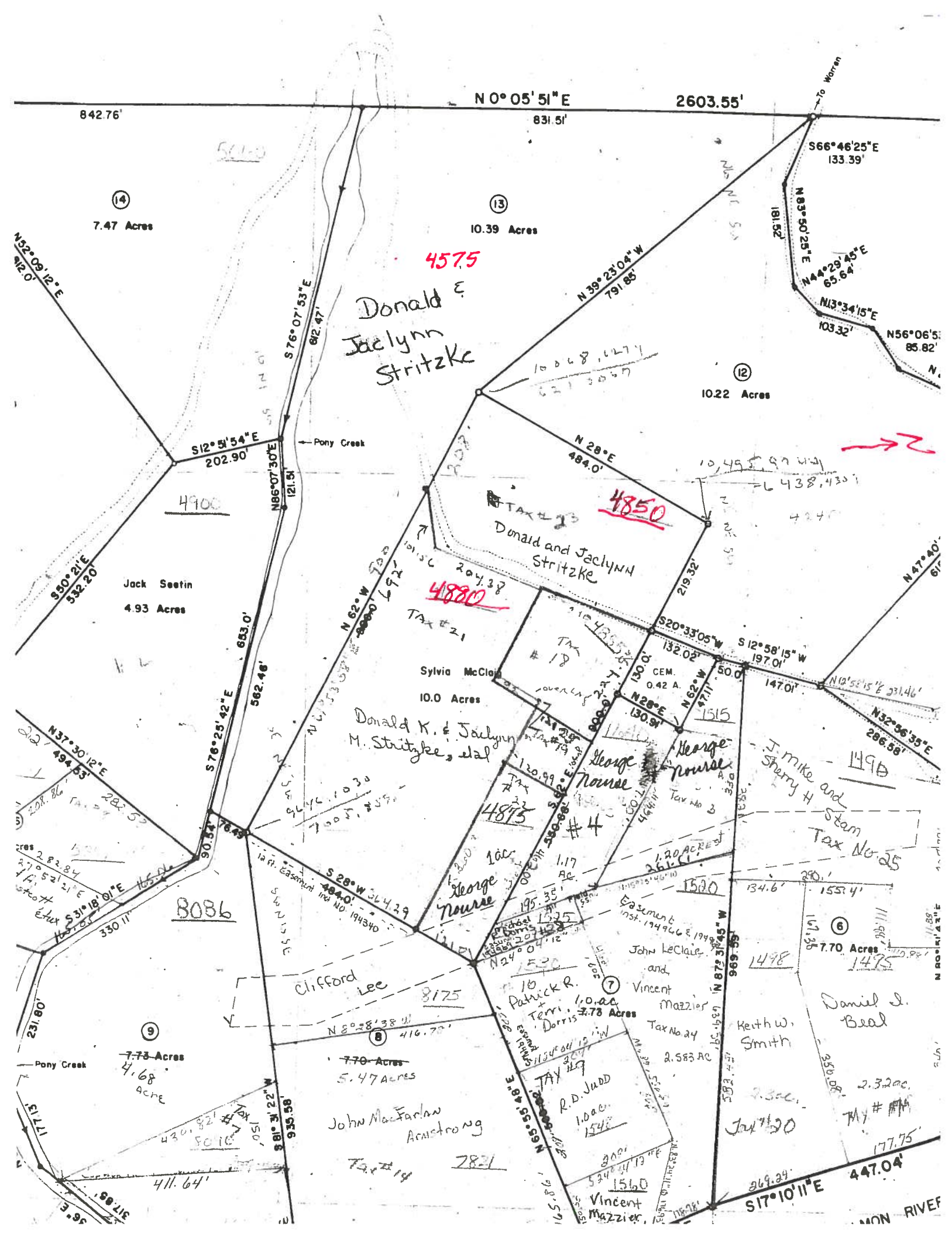
0 300 600 Feet

Section 2
T21N R7E



- Point of Diversion
- Place of Use

Map prepared on April 8, 2005
By Kenneth Knoblock
Idaho Department of Water Resources





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 77-4169A
Date Received: 11/9/1988
Receipt No: M001888
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DONALD K STRITZKE
16247 LONKEY LN
CALDWELL ID USA 83607

Phone: (208) 454-7817

JACLYNN M STRITZKE
16247 LONKEY LN
CALDWELL ID USA 83607

Phone: (208) 454-7817

2. Date of Priority: 01/01/1879

3. Source: PONY CREEK Trib. to: SALMON RIVER SOUTH FORK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
21N	07E	2	NW SW	VALLEY	

5. Description of diverting works:

HEADGATE AND 3' BY 2' DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
DOMESTIC	1/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.04 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	07E	2	NE	SW	DOMESTIC	

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:

Ownership changed by DH 11/4/2002

THIS IS ORIGINAL OWNERS REMAINING PORTION OF RIGHT 77-04169

15. Basis of Claim: Beneficial Use

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

RECEIVED
JUL 30 2002
 WATER RESOURCES
 WESTERN REGION

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>77-13846</u>		☐			☐
<u>77-4169A U1</u>		☐			☐
<u>77-4169B</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)

4. New Owner/Claimant(s)

Donald K. Stritzke or Jaclyn M. Stritzke
 Name Connector (Check one): ☐ and, ☒ or, ☐ and/or

New Mailing Address

16247 Lonkey Ln

City, State and ZIP Code

Caldwell ID 83607

New Telephone Number

(208) 454-7817

5. Date you acquired the property

6-1-~~88~~ 93

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)
(include title if applicable)

Donald K. Stapp

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 <u>DH</u>	Date <u>7/30/02</u>	Fee <u>0</u>
Received by _____	Date _____	Receipt No. _____
Processed by _____	AJ Date _____	WR _____ Date _____

WARRANTY DEED

RECEIVED

SEP 06 2002

WATER RESOURCES
WESTERN REGION

For Value Received Billy W. Turner and Janet A. Turner, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Donald K. Stritzke and Jaclynn M. Stritzke, husband and wife,

whose address is: 404 Chaparro, Caldwell, ID 83605

Hereinafter called the Grantee, the following described premises situated in Valley County, Idaho, to-wit:

See Exhibit "A"

Subject to current year's taxes, public utility easements, subdivision restrictions and U.S. Patent reservations.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: 5/29/93

Billy W. Turner
Billy W. Turner

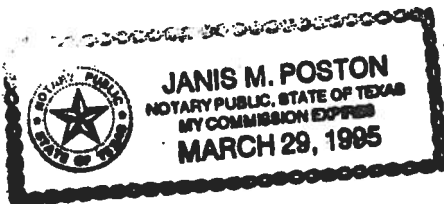
Janet A. Turner
Janet A. Turner

STATE OF TEXAS)

COUNTY OF) ss.

On this 28 day of May, 19 93 before me, the undersigned Notary Public, personally appeared Billy W. Turner and Janet A. Turner, known or identified to me to be the person(s) whose name are subscribed to the within instrument, and acknowledged to me that they executed the same.

(SEAL)



Janis M. Poston
Notary Public State of Texas
Residing at: Houston, Texas
Commission Expires: 3-29-95

EXHIBIT A

A parcel of land situate in Section 2, T.21N., R.7E., B.M., Valley County, Idaho, being a portion of the Sylvia McClain 10 acre parcel as shown on the Record of Survey on file in Book 1, Page 1 of Records of Survey in the Office of the Recorder of Valley County, Idaho, more particularly described as follows:

Commencing at the Northeasterly corner of the Sylvia McClain 10 acre parcel as shown on the Record of Survey on file in Book 1, Page 1 of Records of Survey in the Office of the Recorder of Valley County, Idaho, a 5/8" rebar; thence, S. 28° 01' 16" W., 121.00 feet along the Southeasterly line of said 10 acre parcel to a 1/2" x 24" rebar, THE REAL POINT OF BEGINNING:

Thence, S. 28° 01' 16" W., 364.29 feet to the Southerly corner of said 10 acre parcel, a 5/8" rebar with an aluminum cap,
thence, N. 61° 53' 58" W., 692.66 feet along the southwesterly line of said 10 acre parcel to a 1/2" x 24" rebar,
thence, N. 72° 18' 39" E., 101.56 feet to a 1/2" x 24" rebar,
thence, N. 20° 34' 30" E., 204.38 feet to a 1/2" x 24" rebar,
thence, S. 60° 36' 37" E., 167.67 feet to a 1/2" x 24" rebar,
thence, N. 31° 44' 00" E., 92.00 feet to a 1/2" x 24" rebar,
thence, S. 62° 00' 00" E., 474.65 feet on a line parallel to the Northeasterly boundary of said 10 acre parcel, to The Point of Beginning.

Subject to a 20.00 foot wide utility and access easement along the Northeasterly boundary of the above described parcel, more particularly described as follows:

Commencing at the Northeasterly corner of the Sylvia McClain 10 acre parcel as shown on the Record of Survey on file in Book 1, Page 1 of Records of Survey in the Office of the Recorder of Valley County, Idaho, a 5/8" rebar; thence, S. 28° 01' 16" W., 121.00 feet along the Southeasterly line of said 10 acre parcel to a 1/2" x 24" rebar, The Real Point of Beginning;

Thence, S. 28° 01' 16" W., 20.00 feet along the Southwesterly line of said 10 acre parcel,
thence, N. 62° 00' 00" W., 475.95 feet,
thence, N. 31° 44' 00" E., 20.04 feet to a 1/2" x 24" rebar,
thence, S. 62° 00' 00" E., 474.65 feet to the Point of Beginning.

Bearings based on bearing of Northeasterly boundary of said 10 acre parcel.

1 9 6 7 8 9

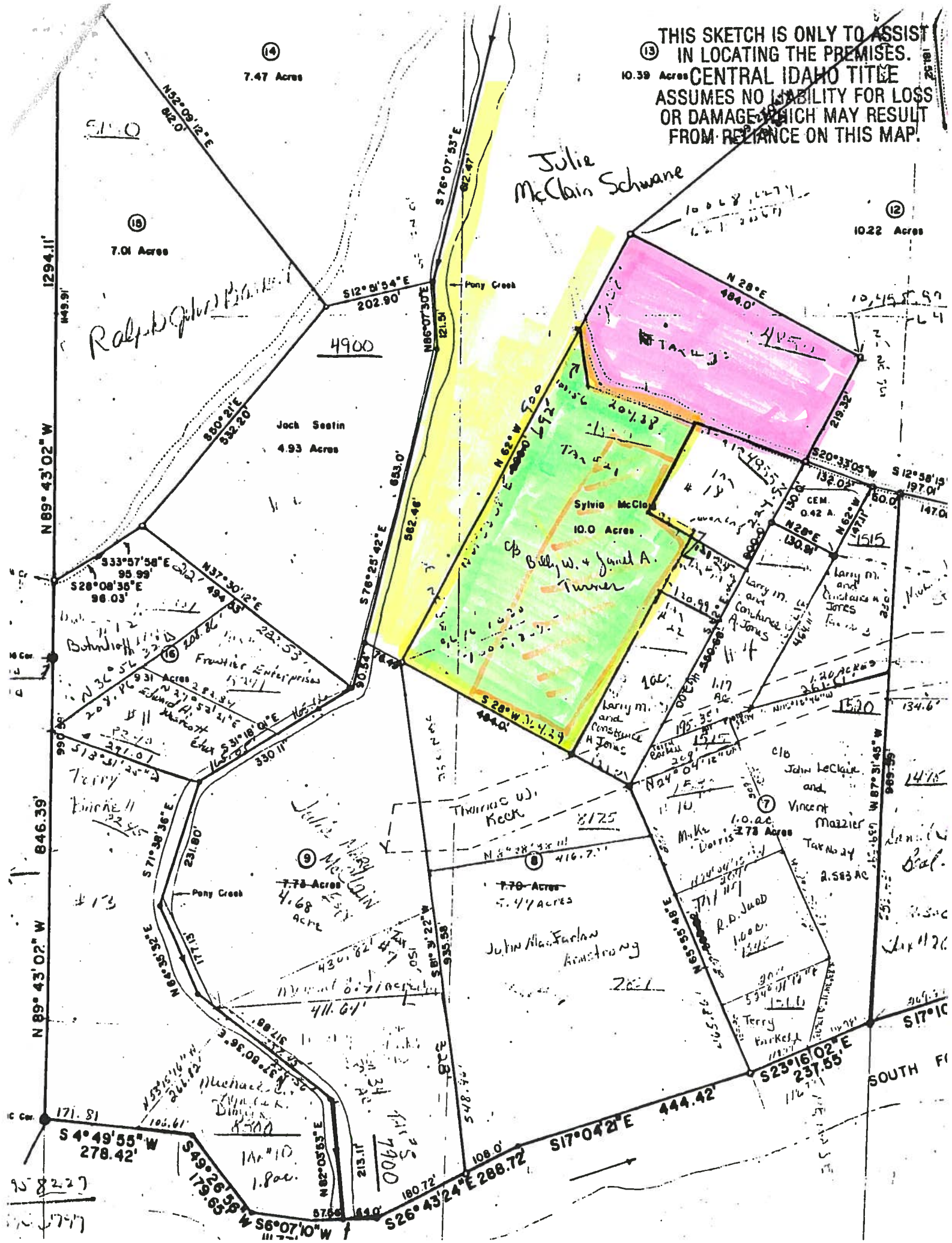
CENTRAL IDAHO TITLE

REQUESTED BY:
RECORDED

JUN 17 2 47 PM '93

TYPE: Deeds #8
LELAND
VALLEY COUNTY
BY: [Signature]
FEE: [Signature]
DEPUTY

IN LOCATING THE PREMISES.
 IO.39 Acres CENTRAL IDAHO TITLE
 ASSUMES NO LIABILITY FOR LOSS
 OR DAMAGE WHICH MAY RESULT
 FROM RELIANCE ON THIS MAP.



10/07/02

TAX MASTER INQUIRY - VALLEY COUNTY

PMPKEY: RP 21N07E024575 A YEAR 2001

BILL# 20141

TXPKEY: RP21N07E024575A

BILLED TO: STRITZKE, DONALD

NAME STRITZKE, DONALD
& STRITZKE, JACLYNN

CODE AREA 400 ACCOUNT TYPE
BANK FLB OWNER PUP

ADDRESS 16247 LONKEY LN

CALDWELL ID 83607

LEGAL S2 T21N R7E
TRACT 13 BARKELL RANCH SURVEY

MARKET VALUE	17,800
HARDSHIP	
HOMEOWNER	
NET MARKET	17,800
TAX AMOUNT	123.78
LESS: CIRCUIT	
PLUS: SPECIALS	12.48
NET TAX BILLED	136.26
TAX PAYMENTS	136.26
TAX CANCELLED	
SPEC CANCELLED	
REMAINING TAX DUE	

NEXT PARCEL# RP _____ A OR NEXT BILL# RP _____ 2001
F3=EXIT F14=OTHER TAXES F2=PRT SCREEN F5=PAYMNTS F6=TRANSACTIONS F24=MORE
F4=TAX COMMENTS

RECEIVED

OCT 15 2002

WATER RESOURCES
WESTERN REGION

Rec'd
Denise, 10/15/02

*# Enclosed are copies of
tax bills for all 3 properties:
Claim numbers 77-4169 A
77-4169 B
77-13846*

*I hope that this will be
helpful.*

Regards
Don Stritzke

 **PROSCAR**
(FINASTERIDE)
proscar.com

10/07/02

TAX MASTER INQUIRY - VALLEY COUNTY

PMPKEY: RP 21N07E024850 A YEAR 2001

BILL# 20142

TXPKEY: RP21N07E024850A

BILLED TO: STRITZKE, DONALD

NAME STRITZKE, DONALD
& STRITZKE, JACLYNN

CODE AREA 400 ACCOUNT TYPE
BANK FLB OWNER PUP

ADDRESS 16247 LONKEY LN

CALDWELL ID 83607

LEGAL TAX NO. 23 IN NE4 SW4
S2 T21N R7E
AMENDED BARKELL RANCH SURVEY

MARKET VALUE	9.630
HARDSHIP	
HOMEOWNER	
NET MARKET	9.630
TAX AMOUNT	66.96
LESS: CIRCUIT	
PLUS: SPECIALS	
NET TAX BILLED	66.96
TAX PAYMENTS	66.96
TAX CANCELLED	
SPEC CANCELLED	
REMAINING TAX DUE	

NEXT PARCEL# RP _____ A OR NEXT BILL# RP _____ 2001
F3=EXIT F14=OTHER TAXES F2=PRT SCREEN F5=PAYMNTS F6=TRANSACTIONS F24=MORE
F4=TAX COMMENTS

RECEIVED

OCT 15 2002

WATER RESOURCES
WESTERN REGION

10/07/02

TAX MASTER INQUIRY - VALLEY COUNTY

PMPKEY: RP 21N07E024880 A YEAR 2001

BILL# 20145

TXPKEY: RP21N07E024880A

BILLED TO: STRITZKE, DONALD K.

NAME STRITZKE, DONALD K.
& STRITZKE, JACLYNN M., ETAL

CODE AREA 400 ACCOUNT TYPE
BANK FLB OWNER PUP

ADDRESS 16247 LONKEY LN

CALDWELL ID 83607

LEGAL S2 T21N R7E
TAX NO. 21 IN NE4 SW4
BARKELL RANCH SURVEY
ETAL: JULIE M. SCHWANE;
MABEL K. STEWART

MARKET VALUE	84,010
HARDSHIP	
HOMEOWNER	
NET MARKET	84,010
TAX AMOUNT	584.30
LESS: CIRCUIT	
PLUS: SPECIALS	52.50
NET TAX BILLED	636.80
TAX PAYMENTS	636.80
TAX CANCELLED	
SPEC CANCELLED	
REMAINING TAX DUE	

NEXT PARCEL# RP _____ A OR NEXT BILL# RP _____ 2001
F3=EXIT F14=OTHER TAXES F2=PRT SCREEN F5=PAYMNTS F6=TRANSACTIONS F24=MORE
F4=TAX COMMENTS

RECEIVED

OCT 15 2002

WATER RESOURCES
WESTERN REGION

R14 TOPO

T21N, R07E, S02

Point of Diversion
Approximate location
per original claimant.

Approximate location
of 5 acres of irrigation
per original claimant &
new claimant.

NWSW

NESW

NWSE

NWNE

BM X 3063

BM 3163

BM

120

3576

BM

Dear

3623

JEFF

3200

3800

4000

2

2.0

3.0

R14 TOPO

T21N, R07E, S02

Point of Diversion
Approximate location
per original claimant.

Approximate location
of 5 acres of irrigation
per original claimant &
new claimant.

NW1SW

NE1SW

NW1E

NW1E

SE1W

BM 3063

BM 3163

BM 3120

Dick

3623

3578

3200

120

3200

3800

1000

3200

3100

2

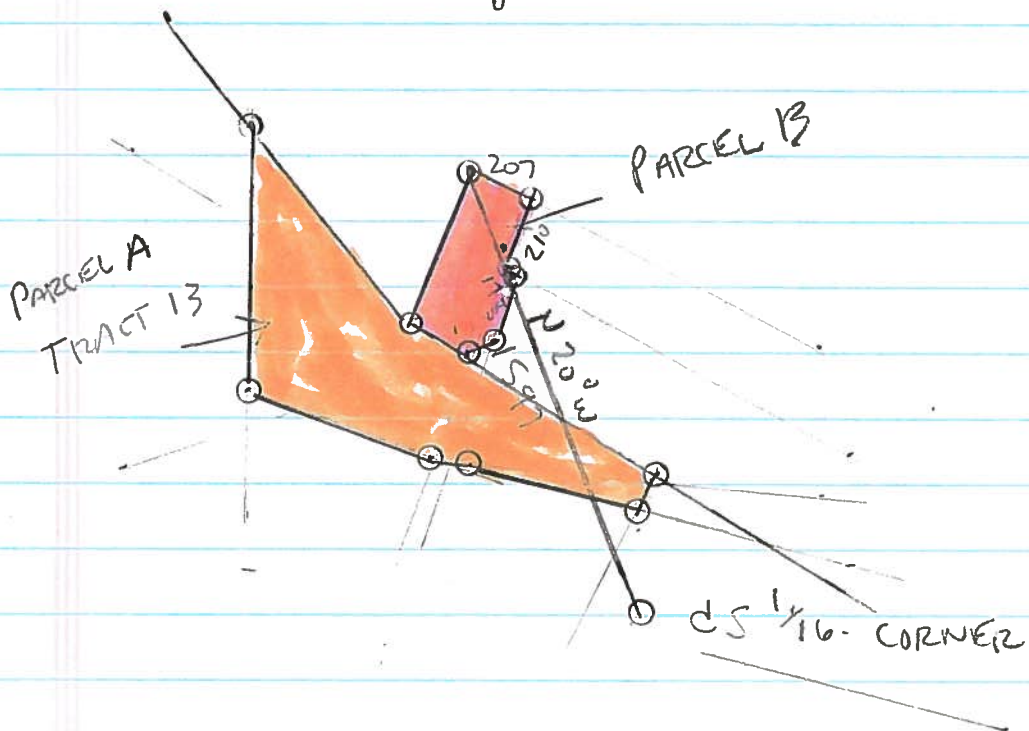
2.0

3.0

Plot by: Ron Howerton

10-9-02

NORTH



CS 1/16 CORNER

N 20 34 02 W

1597.63

S 62 00 00 E

207.88

S 20 46 00 W

210

S 60 38 37 E

17

S 20 34 30 W

204.38

S 72 18 39 W

101.56

N 61 53 58 W

207.04

N 28 01 44 E

483.72

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: A77-04169A

Date Received: 11-9-88

Receipt No: 1400 1888 ✓ JH

Received By: SL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SYLVIA MC CLAIN 208-843-2859
Address: RURAL RT. 2
BOX 31
CULDESAC, ID 83524
2. Date of Priority: JAN 01, 1879
3. Source: PONY CREEK Trib. to: SOUTH FORK SALMON RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
21N	07E	2	NW	SW			VALLEY
5. Description of diverting works:
HEADGATE AND 3' BY 2' DITCH
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
DOMESTIC USE, ONE HOME AND YARD
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
21N	07E	2	NE	SW		DOMEST	

11. Place of use in counties: VALLEY

A77-04169A

Page 1

Date: 11/09/88

MICROFILMED
OCT 05 1992

Julie Schwane
519-64-3844

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

13. Other Water Rights Used:
NONE

14. Remarks:
THIS IS ORIGINAL OWNERS REMAINING PORTION OF RIGHT 77-04169

15. Basis of Claim: BENEFICIAL USE

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): Sylvia McClain by Date: 11/9/88
Julie Schwane P.O.A. Date: _____

State of Idaho)
County of Valley) SS.

Subscribed and sworn (or affirmed) before me this 9th day
of Nov 19 88 M. Rene Gibson
Notary Public

Seal

Residing at Boise, 2d
My Commission Expires 9-2-1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 4, 2002

DONALD K STRITZKE
JACLYNN M STRITZKE
16247 LONKEY LN
CALDWELL ID 83607

Re: Notice of Claim to a Water Right No. 77-4169A

Dear Claimant(s):

Enclosed is a copy of the above referenced claim(s), which reflects the change in ownership of the land and appurtenant water rights, covered under the original filing.

Please note that the enclosed Notice of Claim to a Water Right is not a determination of your water right. This claim was filed during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

Thank you again for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed claim(s), please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Hatfield". The signature is written in dark ink and is positioned above the printed name and title of the signatory.

Denise Hatfield
Office Specialist 1
Adjudication Section
Western Region Office

DH: dh

Enclosure

11/04/2002

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

RIGHT NUMBER: 77-4169A

NAME AND ADDRESS: DONALD K STRITZKE
16247 LONKEY LN
CALDWELL ID 83607

JACLYNN M STRITZKE
16247 LONKEY LN
CALDWELL ID 83607

SOURCE: PONY CREEK

TRIBUTARY: SOUTH FORK SALMON RIVER

QUANTITY: 0.040 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/01/1879

POINT OF DIVERSION:

T21N R07E S2 NWSW Within VALLEY County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
DOMESTIC

PERIOD OF USE
1/01 12/31

QUANTITY
0.040 CFS

PLACE OF USE: DOMESTIC Within VALLEY County
T21N R07E S02 NESW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

PARCEL NO. RP21N07E020601A

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

FILE MEMORANDUM

SUBJECT: Analysis of Ownership Change
WATER RIGHTS: A77-4169A, B & A77-13846
SENIOR AGENT: RON HOWERTON
DATE: October 10, 2002



NARRATIVE:

Three claims have been filed based upon Statutory Claim A77-4169. The original claim was for 41 acres, stockwater and domestic non-irrigation uses. The number and type of stock was listed as 20 cattle and horses, the numbers of domestic homes or sites were not listed nor what the domestic uses were.

Donald & Jaclynn Stritzke have filed an ownership change on these claims.

The following original SRBA claimants, claimed the following uses:

A77-4169A: CLAIMED BY SILVIA MCCLAIN
Domestic, 1 home.

A77-4169B: CLAIMED BY JULIE SCHWANE
Irrigation, 10 acres.
Domestic, 4 sites internal & external
Stockwater, 6 head Misc. stock

A77-13846: (portion of A77-4169) CLAIMED BY ROBERT STEWART
Irrigation, 17 acres
Domestic, 1 home
Stockwater, 5 head cattle & horses

Total irrigation: 27 acres
Total domestic: 6 homes or sites
Total stockwater: 12 head of Misc. stock & horses

After a second request to Mr. Stritzke to provide more information he refused to send more, see Denise's memo dated 10/4/02. He also threatened to call a congressman and did contact "Congressman Little." He talked to Gary Spackman (Western Regional manager) about the requests we had issued and what Gary could do about this?

Gary came to me and asked if there were any written procedures for standardizing the review for ownership changes and told me about his conversation with "Congressman Little." First I showed Gary that Mr. Stritzke did at least return my topographical map with his hand drawn location of the 5 or 6 acres revealing his understanding of the irrigation he was submitting the ownership changes to. But I told Gary we had not completely gotten the chain of title for at least one of the rights for further clarification.

Then I said, we make the ownership changes based upon what we have received as proof, those items that are required are shown on the ownership change form. Then, the agent, clerical staff or Jan decides if that is enough information to make the change.

Gary then asked me what the other regions adjudications staff were doing in relationship with chain of title? I said I don't know but I will call Don. Gary said he would call water allocations manager; Jeff Peppersack since water allocations deals with ownership changes too.

After Gary talked to Jeff Peppersack, Gary told me that his section was not requiring chain of title.

I also completed talking to Don Shaff about if the other regions and the state office adjudication were requiring chain of title for ownership changes? Don said that state office adjudication and to the best of his knowledge the other regions do not require chain of title and only Jan was requesting a completed chain of title.

I also explained the situation to Don about Gary's conversation with "Congressman Little" and repercussions from requiring more information in not changing the ownership based upon unsupported title map sketches and claims that were claimed upon claims.

Don feels that these claims upon claims will still all be subjective to what a field examiner finds anyway and to not to continue pursuing gathering the completed chain of title at this point and make the ownership change based upon the submitted information as enough proof at this time.

CONCLUSIONS:

These claims have never been proven up on by the "IDAHO DEPARTMENT OF WATER RESOURCES." Thus, there is no conclusive evidence of any of the uses claimed. These are claims to a claim. These claims will still all be subjective to what a field examiner finds.

Central Idaho Title maps submitted by Donald & Jaclynn Stritzke all have a disclaimer "This sketch is only to assist in locating the premises & assumes no liability for loss or damage which may result from reliance on this map." I cannot be certain either to the exact location of these plats, however, to follow up I had clerical staff send a map I created from the un-surveyed R14 topographical map for Donald &/or Jaclynn Stritzke to mark where the irrigation was located and send it back to us.

By Comparing the Central Idaho Title maps and Donald &/or Jaclynn Stritzke's marked up map with the original Statutory Claim A77-4169 and to a hand drawn map submitted by claimant JULIE SCHWANE in A77-4169B. This sketchy evidence seems to fit the intent of what & where the ownership change would reflect and assumptions could be made at this time.

The numbers of acres are now under claimed at this point and if during a field exam additional acres were found, the claimants could amend their claims for the additional coverage because these are just beneficial use claims, not based upon licenses or decree or any IDWR information.

I told Don that I would relate all of this to Jan, (Western Region's adjudications manager) for her to review.

If Jan agrees with this analysis, then I will request Denise to change the ownership as shown on the profile reports that were prorated based upon the best information IDWR has obtained at this juncture and rely to later resolve any indifferences at the future investigation by IDWR field examiner.

10/6/02

RECEIVED

OCT 08 2002

WATER RESOURCES
WESTERN REGION

Denise,

The irrigated land is
marked on the map. The
total area irrigated is 5-6
acres. Thanks for your
help.

Sincerely,

Don Stoffo



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 4, 2002

DONALD K STRITZKE
JACLYNN M STRITZKE
16247 LONKEY LN
CALDWELL ID 83607

RE: Notice of Change of Water Right Ownership Claim No. 77-4169A, 77-4169B & 77-13846

Dear Property Owner(s):

I want to thank you for your patience and cooperation in the processing of your ownership change. After further review of the information received, we have discovered the following information. We still are in need of a chain of title, or a *tax notice in your name(s)* for water right 77-4169A, showing the legal description of the property by $\frac{1}{4}$ $\frac{1}{4}$, Section, Township and Range. The water right is in the name of Sylvia Mc Clain, and the deed received shows the property going from Billy and Janet Turner to you.

To help solve the problem of obtaining a map showing the irrigated acres, I have enclosed a map of the area for these water rights. If you would, please indicate the irrigated acres by outlining the area of your property, and irrigated acres, on the map. We do not have current tax lot information for this area, as it is not yet surveyed land and not shown on our maps. Therefore it is hard for us to determine irrigated acres for ownership information.

I thank you again for your patience and cooperation, as we have had several of these water right changes to process. I apologize for any inconvenience this has caused. Please feel free to contact this office if you have any further questions concerning this letter.

Sincerely,

Denise Hatfield
Office Specialist 1
Adjudication Section
Western Region

DH: dh

Enclosures

CONVERSATION MEMORANDUM

TO: File 77-4169A, 77-4169B & 77-13846
FROM: Denise Hatfield
DATE: October 4, 2002
SUBJECT: Donald Stritzke – UPSET Customer

I received an ownership change from Mr. Stritzke on July 30, 2002 for the water rights referenced above. He had been at the State Office and filled out the paperwork, and then was sent to our office to see me, and was also told that I could process this right away. I explained to him that we would have to review it first; to be sure everything was in order, and to check for splits, etc. He was understanding of that and I let him know he'd receive copies of the completed change of ownership in the mail when they were changed.

Mr. Stritzke then called in August to check the status of the change. I put it at the top of the pile, and gave it to an agent (Ron Howerton) to review. Upon initial review by Ron, it was found that we needed chain of title, or a tax notice for the rights, and a map of the irrigated acres, to verify correct ownership. I sent a letter dated August 26, 2002 asking for this information. A copy of the letter is in the files. Mr. Stritzke then responded with a letter on September 4, 2002, and stated it would cost too much for an aerial photo, etc. He had enclosed a map of the lots, but it did not indicate the irrigated acres. Also, there was no chain of title for one of the rights mentioned.

Ron reviewed it again on October 2, 2002 to make these determinations, and I then wrote Mr. Stritzke another letter. I faxed the letter to him, along with a hard copy in the mail. In this letter, I reiterated the issue of the chain of title, or tax notice needed, and stated that I was putting a map in the mail today. Upon receiving the map, it was asked of him to please outline the irrigated acres and return to us for further review and completion.

He then called to try to discuss this issue. He feels he has provided plenty of information, and feels as though he has been going in circles and getting no results. It is "red tape on top of red tape." He also feels like no matter what he provides, it's not going to be good enough for us. I tried to explain to him that we have many of these that come in, and that need reviewed and processed. And, that his land is in Basin 77, which is land that has not yet been surveyed, and we don't have adequate maps and tax lot info showing irrigation, etc. This is why we need his help in telling us the irrigated acres. He said his only solution would be to call a congressman and see about getting this solved, because apparently we cannot get done what is necessary. "It's always something more."

I then let him know that he was more than welcome to call a congressman, but I do not work for congress, therefore it not would help his paperwork get through any faster. I offered to have him talk with Ron, since Ron reviewed this, and maybe Ron could better explain it. He said he was a doctor and had patients to see and really did not have time to deal with this.

He is going to “see what he can do” with the map when he receives it, and return it to us. As far as submitting the tax notice, he said he does not keep those – he throws them away. The deed we have will just have to be enough. I then asked Ron if we could do without chain of title, and we decided that we might have to, in order to get this done.

I recommend that we be sure to put something in the letter to him, upon completion, that this change of ownership was done prior to this area being reviewed for recommendation, and these claims still need a field exam for proper recommendation.

Caldwell Urology
1620 South Kimball Avenue
Caldwell, Idaho 83605
208-454-9181 208-454-6338 fax

RECEIVED
SEP 06 2002
WATER RESOURCES
WESTERN REGION

Donald K. Stritzke, M.D.
Diplomate American Board of Urology

Dirk S. Sypherd, M.D.
Diplomate American Board of Urology

September 4, 2002

Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Attention: Denise

77-4169A, 4169B,
84
13846

Dear Denise:

Enclosed you will find the warranty deeds for the three separate properties and also plat maps. An individual plat map is included for each property and is outlined in yellow. Legal descriptions of the properties are also included. The irrigated land is included in the Sylvia McClain property. A total of approximately five acres is irrigated. This has been highlighted in pink on the appropriate map. I hope that this will satisfy the requirements. To obtain an aerial photo of the five acres of irrigated land would require hiring a pilot from McCall or Cascade and flying over the property – the expense would be in excess of \$300.00. I was informed by Sally Sherman that if the irrigated acreage is less than ten acres, an aerial photo is not required. I hope that this information is accurate.

Thank you for your assistance with this matter.

Regards,



Donald K. Stritzke, M.D.

DKS: ah



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 26, 2002

DONALD K STRITZKE
JACLYNN M STRITZKE
16247 LONKEY LN
CALDWELL ID 83607

RE: Notice of Change of Water Right Ownership No. 77-4169A, 77-4169B & 77-13846

Dear Property Owners:

This office has reviewed your Notice of Change of Water Right Ownership for the property with the above reference water right number. However, we are returning this to you at this time.

In order to further review this ownership change adequately, we need you to submit a plat map and an aerial photo of the property, indicating the irrigated acres. Also, the deed submitted indicates a property transfer from Billy W and Janet A Turner to you. However, claim number 77-4169A is in the name of Sylvia McClain; 77-4169B is in the name of Julie Schwane; and 77-13846 is in the name of Robert and Mable Kay Stewart. In order to verify correct ownership, we need a chain of title, or a tax notice in your name(s) would also be sufficient proof of ownership.

Please submit the above information and we may be able to complete this ownership change. We apologize for any inconvenience this may have caused.

If you have any questions concerning this letter, please contact this office at 334-2190. Thank you for your patience and cooperation, as we have had several water right changes to process.

Sincerely,

Adjudication Section
Western Region

DH: dh

Enclosures

Agent notes from Review of ownership
change sent in (handdelivered) 8/30/02

OWNERSHIP PROBLEM:

(DOMESTIC) ↘

- 77-4169A - NEED CHAIN OF TITLE FROM CLAIMANT SYLVIA McCLAIN TO AND THROUGH NEW CLAIMANT Stritzke (Irrig, Stk, Dom) ↘

- 77-4169B - NEED CHAIN OF TITLE FROM CLAIMANT JULIE SCHWANE TO NEW CLAIMANT Stritzke

- 77-13846 Irrig, Stk, Dom. NEED PLAT MAP AND CHAIN OF TITLE FROM CLAIMANT ^{Robert & Mable} STEWART to Stritzke

EXHIBIT "A"

Problem with LEGAL?

- IS THAT THE STARTING POINT IS REFERENCED TO THE Sylvia McClain parcel. we have NO way to start the metes & bounds description to plot the 10 ACRE TRACT.
- NEED PLAT that shows 1/4 1/4 INFORMATION ON DESCRIPTION

IRRIG

NEED AERIAL MAP
OF ALL IRRIGATION
LOCATIONS

10/09/2002

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 77-4169A V1

WATER RIGHT NUMBER: 77-4169A V1

Owner Type Name and Address
 Current Owner SYLVIA MC CLAIN
 RT 2 BOX 31
 CULDESAC, ID 83524
 (208)843-2859

But NOT ON
 I WATERS

Priority Date: 01/01/1879
 Basis: Beneficial Use
 Status: Active

Source Tributary
 PONY CREEK SOUTH FORK SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	
<u>Total Diversion:</u>		0.040 CFS	

Location of Point(s) of Diversion

PONY CREEK NW1/4SW1/4 Sec. 2, Twp 21N, Rge 07E, B.M.
 VALLEY County

Place of Use
 DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21N	07E	2									X								

Conditions of Approval:

1. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

1. General PARCEL NO. RP21N07E020601A

Comments:

1. DUNN1 12/1/1993 COPIED FROM REMARKS
 Comment: THIS IS ORIGINAL OWNERS REMAINING PORTION OF RIGHT 77-04169

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 77-4169A V1

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag: NONE RECEIVED
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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DATE: 11/09/98
PAGE: 13

Audit:	12/01/93 DUNN1	03/30/95 POST-STD	11/08/98 AJU3-JSH
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Exp

FROM Carter Fritschle

DATE 8-31-87

TO File 77-4169

SUBJECT

Mr. Escott has purchased 5.4 acres of the land listed as being irrigated in this claim. He would like to be advised as to what action will be necessary for him to take when this claim is adjudicated.

Richard Escott
P.O. Box 997
Idaho Falls, ID 83401
Phone: 523-3462

Carter Fritschle
SIGNATURE

JL 11/22/88

A77-04169 A - 04169 I (except part D reserved for M. Stewart)
already filed. See Adj. File cwb. for more info.

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

05/24/92 20:37:33
PAGE 1

WATER RIGHT NUMBER - A77-04169A

PREFIX TRANSLATION: 40JUDICATION CLAIM

OLD (D) NUMBER -

+ - - - - - LAST NAME - - - - - +

+ - FIRST NAME - - +

+ - - - - - ADDRESS - - - - - +

*** C - CURRENT OWNER ***
MC CLAIN

SYLVIA

1 - RURAL RT. 2
2 - BOX 31
3 -

CITY- CULDESAC
PHONE - 208-843-2859

STATE- ID ZIP- 83524

+ - - PRIORITY DATE - - +
01/01/1879

```

+ - - - REGION - - - +
  ERROR IN REGION

```

+ - - - STAGE - - - +
J - BENEFICIAL USE

+ - - - STATUS - - - - +

+ - - - - SOURCE - - - - -
PONY CREEK

+ - - - - - TRIBUTARY - - - - - +
SOUTH FORK SALMON RIVER

TWN	RNG	SEC	TRACT	LOT	RFLG	POINT OF DIVERSION	COUNTY	STREAM INDEX (BLANK IF NO INDEX CODE)
21N	07E	2	NW SW			(85)	VALLEY	

CODE	DESCRIPTION	PERIOD FROM	PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
43 -	DOMESTIC	01/01	12/31	0.040	

+ - TOTAL DIV. RATE - +		+ - TOTAL DIV. VOLUME - +		+ - TOTAL DIV. CAPACITY - +		+ - TOTAL CONSUMPTIVE USE - +		+ - KW USAGE - +	
	0.040						0.0		

TWN	RNG	SEC	TRACT	LOT	ACRES	PLACE OF USE CODE	DESCRIPTION	COUNTY
21N	07E	2	NE SW			43 DOMESTIC	<i>Survey</i>	(85) VALLEY

+ - - DIVERSION MEANS - HEADGATE AND 3' BY 2' DITCH

+ - - NON-IRRIGATION USE - DOMESTIC USE, ONE HOME AND YARD

+ - - OTHER RIGHTS FOR SAME USE - NONE

+ - - - - - REMARKS - - - - - +	
	THIS IS ORIGINAL OWNERS REMAINING PORTION OF RIGHT 77-04169

+ - - - - - OLD WATER RIGHT NUMBERS - - - - - +
NO OLD WATER RIGHT NUMBERS FOUND.

+ - - - - - CONDITIONS OF APPROVAL - - - - - +
NO CONDITIONS OF APPROVAL FOUND.

+ - - - - DECKEN PLAINTIFF - - - +

+ - - - - DECREE DEFENDANT - - - +

+ - DECREE DATE - +
00/00/0000

+ - - AUDIT FIELDS - 11/09/88 MOBILE3 10/10/89 REFUNDML

MICROFILMED

OCT 24 1996

WATER RIGHT NUMBER - A77-04169A

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - - - - - COMMENTS - - - - - +
NO COMMENTS FOUND

+ - - - - - ADJUDICATION RIGHTS DATES AND FLAGS AREA - - - - - +

COURT REPORT FILING	- 00/00/0000	FIELD INSPECTION MADE	- 00/00/0000	CIVIL CASE NUMBER	- 39576
OBJECTION FILED DATE	- 00/00/0000	FIELD INSPECTION FLAG	- Y	OLD CASE NUMBER	-
RESPONSE FILED DATE	- 00/00/0000	VERIFIED DATE	- 00/00/0000	OLD JUDICIAL DISTRICT	-
CLAIM RECEIVED DATE	- 11/09/1988	LAST AMENDED DATE	- 00/00/0000	TEMPORARY RIGHT	- P
PROOF DUE DATE	- 00/00/0000	PROOF MADE DATE	- 00/00/0000	WATER DISTRICT	-
LICENSED DATE	- 00/00/0000	RECEIPT NUMBER	- M001888	FEDERAL/STATE INDICATOR	- S
CLAIMS TAPE ERROR FLG	-	POU OWNERSHIP FLAG	- Y	PRESUMPTION FLAG	-
FEE EXEMPT FLAG	-	NAME CONNECTOR	-	NOTICE OF ERROR FLAG	-

RP 21N07E020601A

DATA ENTRY
ENTERED 12-1-93
CHECKED 3-31-94

"Verified By"
Topo Map/Ortho-PQ
ASCS Map
Watermaster Records
NAPP Photos
Field Exam
Other (See Remarks)
County Records
Witness Statement
Project Records
IDWR Records

VERIFIED
SEP 12 1992

CERTIFIED
MAR 29 1993
WATER EXAMINER