

RECEIVED

01/05/2006

JAN 24 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: 77-4212

LISA BERSCH MCCOLLUM
7168 RUANE ST
SAN DIEGO CA 92119

TIMOTHY W. BERSCH
6115 145TH ST SW
EDMONDS WA 98026

CORRECT SPELLING: TIMOTHY W. BERSCH OK

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

I DON'T DISAGREE WITH ANY PART OF
THE PROPOSED RECOMMENDATION. I JUST WANT TO BE ABLE TO USE
AVAILABLE WATER IF I EVER DECIDE TO BUILD A SMALL CABIN

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

WE ARE SATISFIED WITH THE PRELIMINARY 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: 1-18-06

SIGNATURE: Timothy W. Bersch

Please print your name: TIMOTHY W. BERSCH

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

11/02/2005

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

RIGHT NUMBER: 77-4212

NAME AND ADDRESS: LISA BERSCH MCCOLLUM
7168 RUANE ST
SAN DIEGO CA 92119

THIMOTHY W. BERSCH
6115 145TH ST SW
EDMONDS WA 98026

SOURCE: SPRING

TRIBUTARY: CROOKED CREEK

QUANTITY: 0.040 CFS

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

PRIORITY DATE: 10/30/1970

POINT OF DIVERSION:

T26N R08E S22 NWNE Within IDAHO 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 IDAHO County

T26N R08E S15

SESW

T26N R08E S15

SWSE

T26N R08E S22

NWNE

T26N R08E S22

NENW

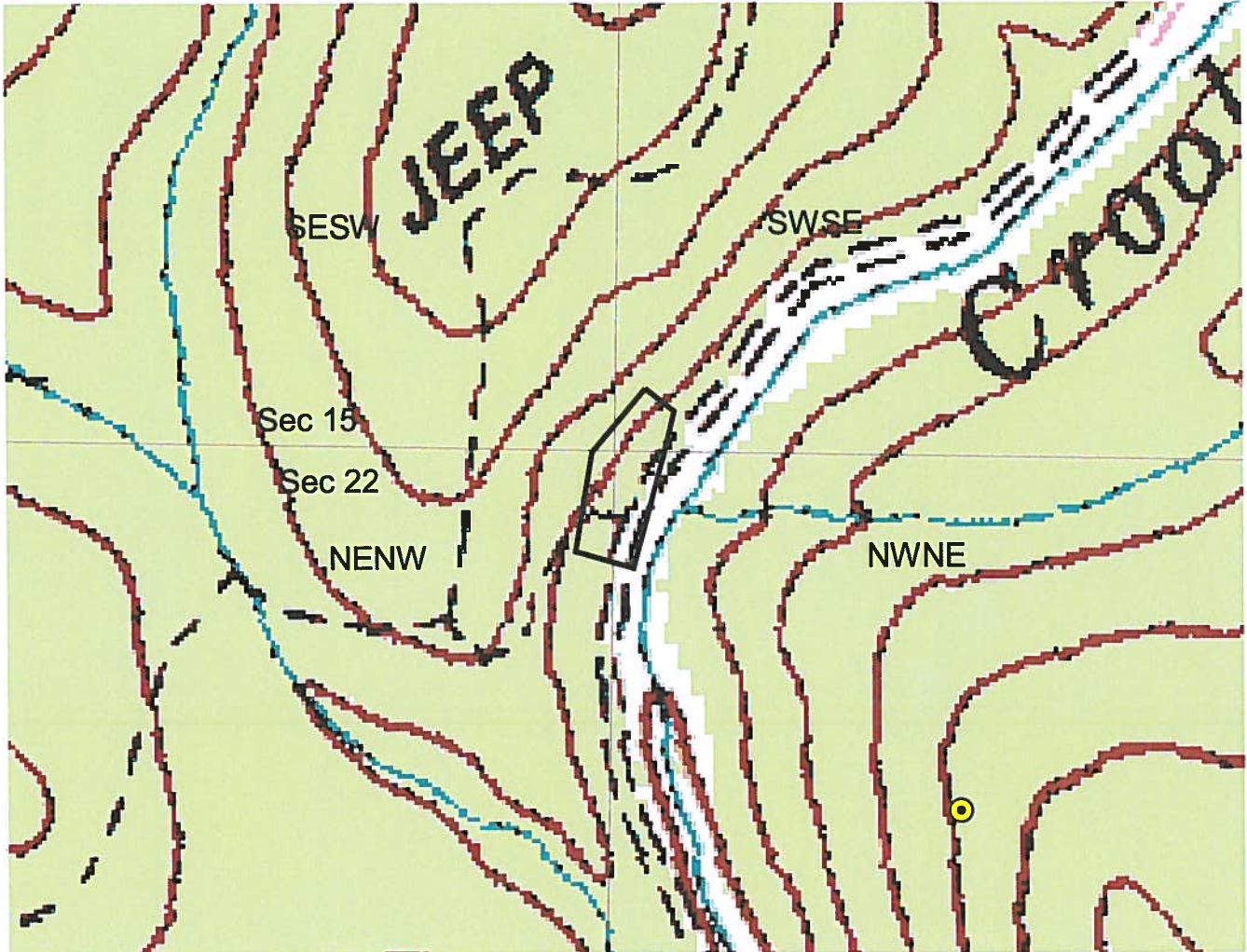
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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 - Beneficial Use

77-4212



0 200 400 Feet

Sections 15 & 22
T26N R8E



● Point of Diversion

□ Place of Use

Map prepared on November 2, 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

RECEIVED

JUL 22 1988

Ident. Number: A77-04212
Date Received: 7/07/1988
Receipt No: N-609
Received By: Ken

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

1988

Department of Water Resources
Northern District Office

1. Name: ELIZABETH B. FRICKE
Address: 1165 FASSLER AVE.
PACIFICA, CA

94044

2. Date of Priority: OCT 30, 1970

3. Source: SPRING

Trib. to: CROOKED CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
26N	08E	22	NW	NE			IDAHO

5. Description of diverting works:
DAM & DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S. (or)	A.F.A.
DOMESTIC	01/01	12/31	<u>0.500</u> ^{PBA} _{0.04}	

7. Total Quantity Appropriated is:
0.500 C.F.S. (and/or) ^{0.04 PBA}

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses: 1 household

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
26N	08E	15	SW	SE		DOMEST	
		22	NW	NE		DOMEST	
			NE	NW		DOMEST	

11. Place of use in counties: IDAHO

A77-04212

Page

1

Date: 07/07/88

MICROFILMED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
OCT 24 2005
IDWR/North

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, 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>A77-04212</u>					

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) are 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.

Name and Address of Former
Owner/Claimant(s)

Elizabeth Fricke

5395 SE. BYRON DRIVE MILWAUKIE ORE. 97267

New Owner/Claimant(s)

TIMOTHY W. BERSCH

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

6115 145TH ST SW

City, State and ZIP Code

EDMONDS WASHINGTON

New Telephone Number

(425) 742-3140

Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Timothy W Bersch

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.

DEED OF GIFTINDEXED
TRACTED
FILMED
ARABIC

THIS INDENTURE, made on this 23 day of June, 1995, by and ELIZABETH B. FRICKE, of 5395 S.E. Byron Drive, Milwaukie, Oregon 97267, hereinafter called the Grantor, and TIMOTHY W. BERSCH of 6115 - 145th Street, S.W., Edmonds, Washington 98026, and LISA BERSCH MCCOLLUM of 7168 Ruane Street, San Diego, California 92119, with such persons to be undivided one-half Tenants in Common, and as their sole and separate property, hereinafter referred to as the Grantees.

WITNESSETH:

That, the Grantor, for and in consideration of the love and affection which the Grantor has and bears for the Grantees, does by these presents grant, give, alien, and confirm unto the Grantees, all of this Grantor's undivided One-Half interest in and to the below described real property, to be held by the Grantees as Tenants in Common and as their sole and separate property, such property being more particularly described as follows, situate in the County of Idaho, State of Idaho, to wit:

The property is a residential recreational lot in Dixie, Idaho, constituting .84 acres, more or less, and is referred to in the Idaho County assessment notices as Tax No. 44, being part of Mineral Survey No. 1416 of the Crooked Creek Placer in Section 15, Township 26 North, Range 8 East, Boise Meridian, and is described by metes and bounds as follows:

Beginning at Corner No. 15 of said M.S. 1416,
thence N38°E, 150.00 feet along the line to corner No. 16;
thence S52°E, 59.78 feet;
thence S9°W, 302.25 feet;
thence N81°W, 125.00 feet to the line between Corners 14 and 15 of said N.S. 1416;
thence N9°E, 200.00 feet along said line to the place of beginning, containing a calculated area of 0.84 acres, more or less.
A 20 foot Right of Way is withheld for access to property beyond this parcel.

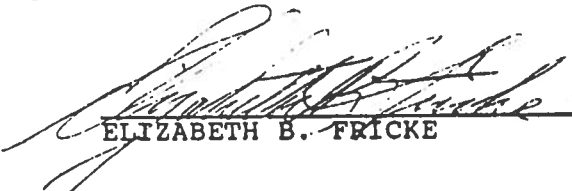
It is the understanding of the Grantor that the Grantees already own the other undivided one-half interest in the property between them as tenants in common, and this Deed of one-half

interest that this Grantor owns shall then complete the ownership of the entire property in the two beneficiaries so that they will own the property one-half each upon the recording of this Deed.

TOGETHER WITH, all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, the remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the said appurtenances unto the Grantees, their heirs and assigns forever.

IN WITNESS WHEREOF, the said Grantor has hereunto set her hand and seal the day and year first above written.


ELIZABETH B. FRICKE

STATE OF OREGON)

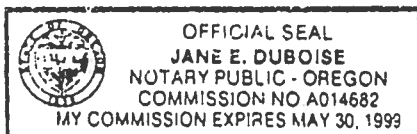
SS

County of CLATSOP)

On this 23 day of June, 1995, before me, a Notary Public, in and for said County and State, personally appeared ELIZABETH B. FRICKE, known to me to be the person whose name is subscribed to the within instrument, and she acknowledged to me that she freely executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

(NOTARY SEAL)




Notary Public for the State of Oregon,
Residing at WILLAMETTE, therein.
My Commission expires 5-30-99.

STATE OF IDAHO	
County of Idaho	SS
Recorded at request of <u>Dennis Albers</u>	
at <u>6</u> minutes past <u>1</u> o'clock <u>P</u> M.	
this <u>23</u> day of <u>June</u> 19 <u>95</u>	
ROSE E. GEHRING	
By <u>Elizabeth B. Fricke</u>	Recorder
Fee <u>\$6.00</u>	Deputy



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

August 30, 2005

Timothy Bersch
6115 145th St. SW
Edmonds, WA 98026

RE: 77-4212

Dear Mr. Bersch:

On July 7, 1988, Elizabeth Fricke submitted a Notice of Claim in the Snake River Adjudication. We searched the Idaho County tax lot information and it appears that you may now own the property. If you do own the property, and the water is still being used, and you want your name in the final recommendation, then you need to file a change in water right ownership form and mail it to this office. Be sure to include a copy of the warranty deed or other document as described in item 2. B.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Knoblock', written over a horizontal line.

Kenneth Knoblock
Water Resources Agent



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

October 26, 2005

Timothy Bersch
6115 145th St. SW
Edmonds, WA 98026

RE: 77-4212

Dear Mr. Bersch:

We have received your change of water right ownership form. We notice that the property was split between you and Lisa Bersch McCollum. Has there been some agreement that you now own the entire water right or should she be included as an owner of the water right?

Sincerely,

A handwritten signature in black ink, appearing to read 'Knoblock', written over a horizontal line.

Kenneth Knoblock
Water Resources Agent

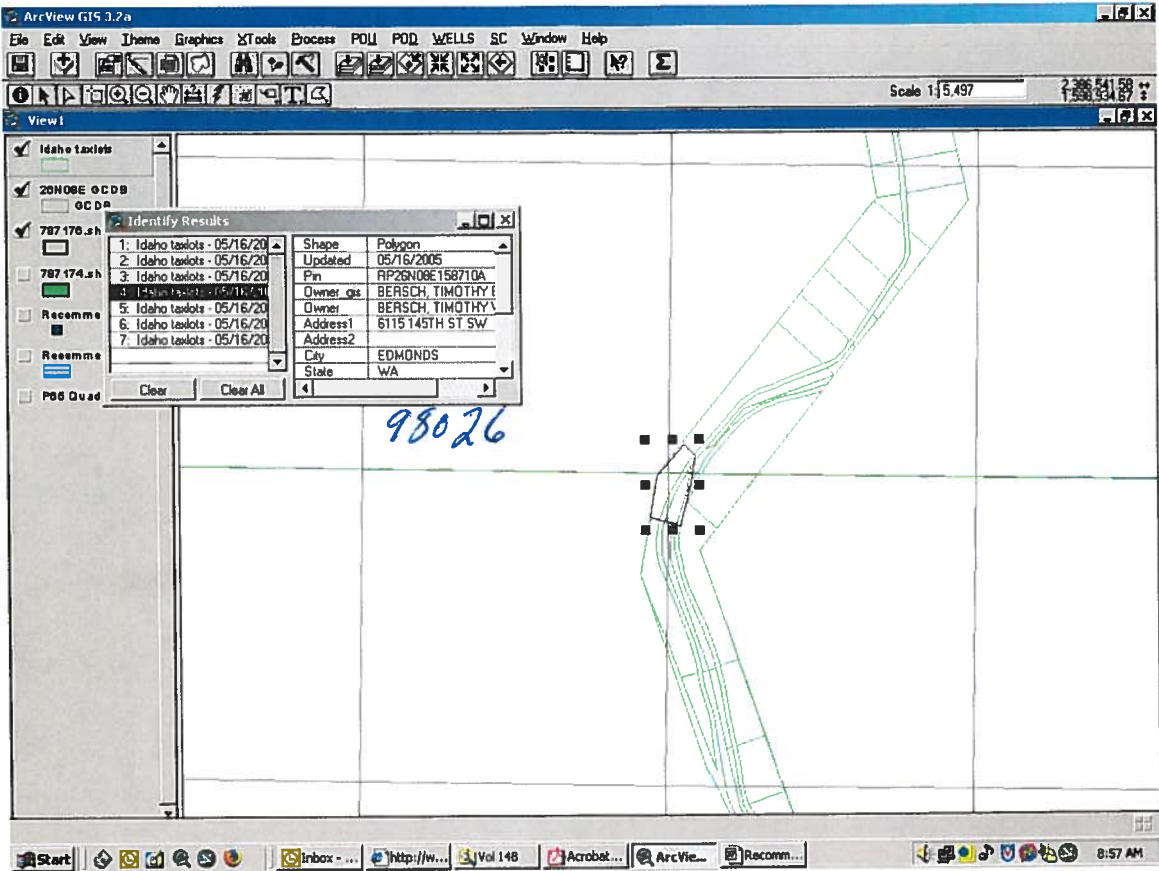
RECEIVED
OCT 31 2005
IDWR/North

10-29-05

Mr Knobloch, This letter is in regards to the change of water right ownership form I filled out and sent back to your office. Please include my sisters name Lisa Bernel McCollum on the form as an owner also.

Thank you

Jim Bernick



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region Office
1910 Northwest Blvd - Suite 210
Coeur d'Alene, ID 83814-2676

74-4212

RECEIVED
MAY 16 2005
IDWR/North

Elizabeth Fricke
1165 Fassler Ave.
Pacificca, CA 94064

Mord
Please Forward

FRIC165 940442091 IN 27 05/06/05
RETURN TO SENDER
NO FORWARD ORDER ON FILE
UNABLE TO FORWARD
RETURN TO SENDER

4/2676

1165 Fassler Ave





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

April 25, 2005

Elizabeth Fricke
1165 Fassler Ave.
Pacifica, CA 94044

RE: 77-4212

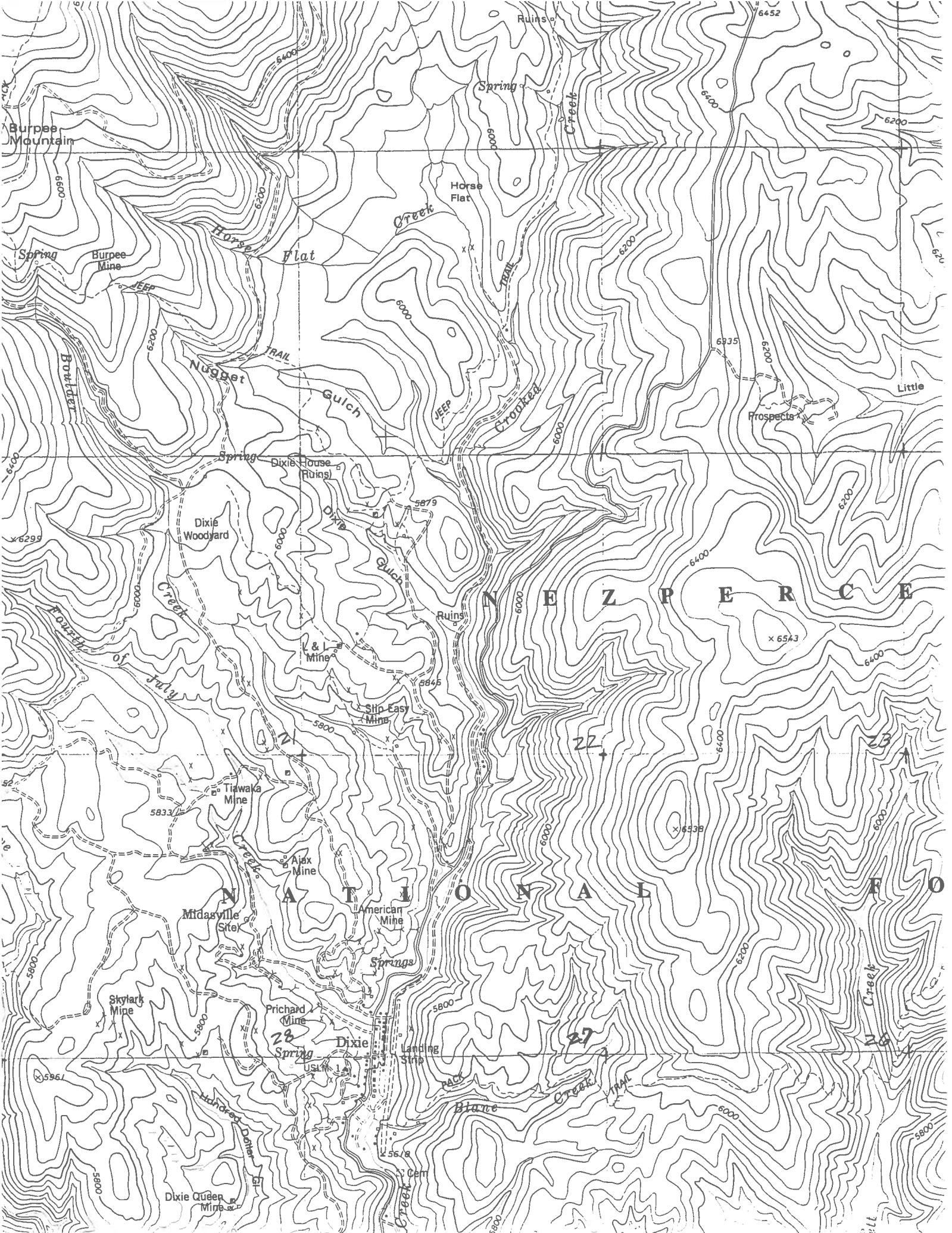
Dear Ms. Fricke:

On July 7, 1988, you submitted a Notice of Claim in the Snake River Adjudication (copy enclosed for your reference). It lists domestic use in Sections 15 & 22 Township 26N Range 8E. We searched the Idaho County tax lot information and we cannot find that you own property in that section. Would you please provide us with the parcel number?

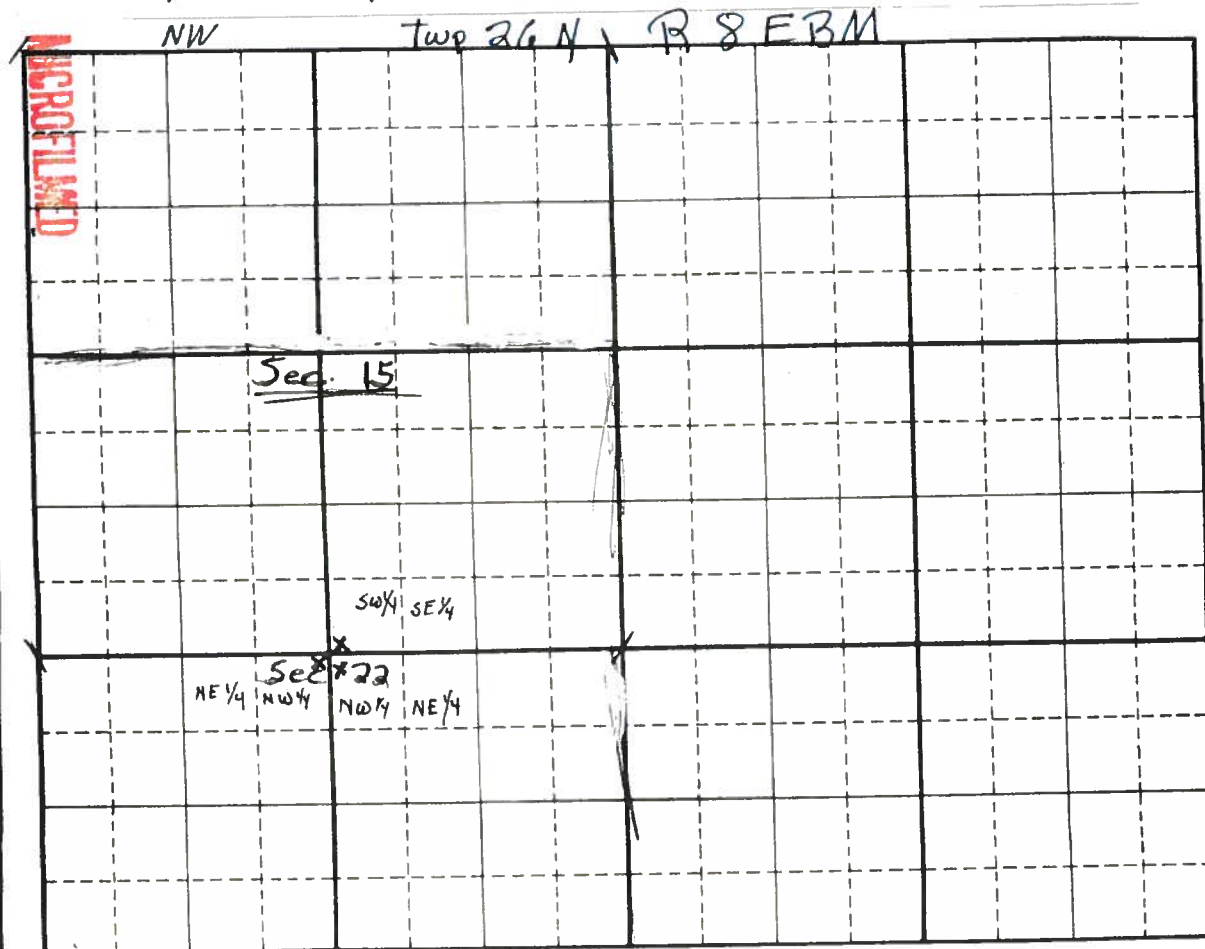
Sincerely,

A handwritten signature in dark ink, appearing to read 'Knoblock', written over a horizontal line.

Kenneth Knoblock
Water Resources Agent



- (8) Remarks Property Title held by claimant, her husband, Donald H Fricke, claimant's sister, Patricia Bersch + her husband, Beldon. Patricia's Bersch is deceased. Her name has yet to be cleared of record thru probate proceedings.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of ~~Idaho~~ California)

County of San Mateo) ss.



Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this

14th day of

June

19

83

Notary Public

Residing at

Pacific C.A.

My commission expires

July 31, 1984

FOR DEPARTMENT USE ONLY

Received by

Date

6/24/83

Exception filed by:

Forwarded to

Date

Prelim. check by

Date

6/24/83

19-83

claimant by:

\$20.00 fee received by

Date

6/29/83

Published in

Date

7/12/83

Dates

2/22/83 2/27/83



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 25, 2005

Elizabeth Fricke
1165 Fassler Ave.
Pacifica, CA 94044

RE: 77-4212

Dear Ms. Fricke:

On July 7, 1988, you submitted a Notice of Claim in the Snake River Adjudication (copy enclosed for your reference). It lists domestic use in Sections 15 & 22 Township 26N Range 8E. We searched the Idaho County tax lot information and we cannot find that you own property in that section. Would you please provide us with the parcel number?

Sincerely,

A handwritten signature in black ink, appearing to read 'Knoblock', written over a horizontal line.

Kenneth Knoblock
Water Resources Agent

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: A77-04212
Date Received: 7/07/1988
Receipt No: N000609
Received By: S. L.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ELIZABETH B. FRICKE
Address: 1165 FASSLER AVE.
PACIFICA, CA 94044
2. Date of Priority: OCT 30, 1970
3. Source: SPRING Trib. to: CROOKED CREEK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
26N	08E	22	NW	NE			IDAHO
5. Description of diverting works:
DAM & DITCHES
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:
D/1 HOME.
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
26N	08E	15	SW	SE		DOMEST	
		22	NW	NE		DOMEST	
			NE	NW		DOMEST	

A77-04212

Page 1

Date: 08/02/88

MICROFILMED

OCT 05 1992

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:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

RECEIVED
JUL 22 1988

Ident. Number: A77-04212
Date Received: 7/07/1988
Receipt No: N-609
Received By: *Ker*

Department of Water Resources
Western Regional Office
**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

RECEIVED
JUL 1988

Department of Water Resources
Northern District Office

1. Name: ELIZABETH B. FRICKE
Address: 1165 FASSLER AVE.
PACIFICA, CA

94044

2. Date of Priority: OCT 30, 1970

3. Source: SPRING

Trib. to: CROOKED CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
26N	08E	22		NW	NE		IDAHO

5. Description of diverting works:
DAM & DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S. (or)	A.F.A.
DOMESTIC	01/01	12/31	<i>0.500</i> <i>0.04</i>	

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses: *1 household*

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
26N	08E	15	SW	SE		DOMEST	
		22	NW	NE		DOMEST	
			NE	NW		DOMEST	

11. Place of use in counties: IDAHO

A77-04212

Page 1

Date: 07/07/88

MICROFILMED

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

13. Other Water Rights Used: ~~0~~

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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): [Signature] Date: 7-15/88
Date:

State of ~~Idaho~~ CALIFORNIA)
County of SAN MATEO) SS.

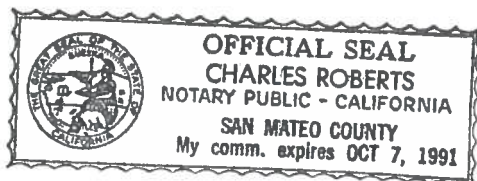
Subscribed and sworn (or affirmed) before me this 13th day
of July 19 88

Notary Public

Seal

Residing at PACIFIC, CALIFORNIA

My Commission Expires Oct 7, 1991





State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 9 • 4055 Government Way • Coeur d'Alene, Idaho 83814 • (208) 765-4639

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

A77-04212

RECEIVED
FEB 26 1990

July 7, 1988

Department of Water Resources
Western Regional Office

Elizabeth d. Fricke
1165 Fassler Ave.
Pacifica Ca 94044

Snake River Basin Adjudication Claims

Dear Ms. Fricke:

I have Enclosed two copies of your existing filings with the Department of Water Resources. You are responsible for reviewing your claim, initialing any changes, signing and having notarized, sending one copy back to this office with the proper filing fee and keeping one copy for your records.

If you have any questions, or if I can be of any assistance please feel free to call me at this office.

Thank you,

Allen Beardslee

Allen Beardslee
Sr. Water Rights Agent

enc. - existing filing in claim form

AJ5856NP

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

DATE: FEB-13-1998
PAGE: A-7

RIGHT NUMBER: 77-04212

NAME & ADDRESS: ELIZABETH B FRICKE
1165 FAßSLER AVE
PACIFICA CA 94044

SOURCE: SPRING TRIBUTARY: CROOKED CREEK

QUANTITY: 0.04 CFS

PRIORITY DATE: 10/30/1970

POINT OF DIVERSION: T26N R08E S22 NWNE Within IDAHO County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC D/1 HOME.	01-01 12-31	0.04 CFS

PLACE OF USE:	DOMESTIC	Within IDAHO County
	T26N R08E S15	SWSE
	S22	NWNE
		NENW

EXPLANATORY MATERIAL: BASIS OF CLAIM - STATUTORY CLAIM

DOE
9-4-98 ps
G. Reams

DS 03-16-98