

09/29/2006

**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: October 31, 2006

Water right number: 63-32271

JIMMY RAY TUTTLE
8241 BUTTE RD
MELBA ID 83641
Telephone Number: (208)495-2170

KATHY M TUTTLE
8241 BUTTE RD
MELBA ID 83641
Telephone Number: (208)495-2170

RECEIVED

NOV 03 2006

DEPARTMENT OF
WATER RESOURCES

RECEIVED

NOV 01 2006

WATER RESOURCES
WESTERN REGION

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: 10-25-06 SIGNATURE: *Jimmy Tuttle*

Please print your name: Jimmy Tuttle

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

SCANNED

NOV 06 2006

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

RIGHT NUMBER: 63-32271

NAME AND ADDRESS: JIMMY RAY TUTTLE
8241 BUTTE RD
MELBA ID 83641

KATHY M TUTTLE
8241 BUTTE RD
MELBA ID 83641

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.080 CFS
48.460 AFY

The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/16/1975

POINT OF DIVERSION:

T01S R02W S10 NWNE Within CANYON County

T01S R02W S10 NWNE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS 1.20 AFY
FISH PROPAGATION	01/01 12/31	0.800 CFS 0.16 AFY
IRRIGATION	03/15 11/15	0.190 CFS 43.20 AFY
STOCKWATER	01/01 12/31	0.050 CFS 2.70 AFY

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in CANYON County

T01S R02W S10 NENE 9.60

FISH PROPAGATION in CANYON County

T01S R02W S10 NWNE

DOMESTIC in CANYON County

T01S R02W S10 NWNE

STOCKWATER same as IRRIGATION

9.6 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right is a split from former right 63-31872 .

10/17/2006

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

RIGHT NUMBER: 63-32271

NAME AND ADDRESS: JIMMY RAY TUTTLE
8241 BUTTE RD
MELBA ID 83641

KATHY M TUTTLE
8241 BUTTE RD
MELBA ID 83641

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.080 CFS
48.46 AFY

The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/16/1975

POINT OF DIVERSION:
T01S R02W S10 NWNE Within CANYON County
T01S R02W S10 NWNE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS 1.20 AFY
FISH PROPAGATION	01/01 12/31	0.800 CFS 0.16 AFY
IRRIGATION	03/15 11/15	0.190 CFS 43.20 AFY
STOCKWATER	01/01 12/31	0.050 CFS 2.70 AFY

The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before March 15 and after November 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within CANYON County
T01S R02W S10 NENE 9.60
FISH PROPAGATION Within CANYON County
T01S R02W S10 NWNE
DOMESTIC Within CANYON County
T01S R02W S10 NWNE
STOCKWATER same as IRRIGATION

9.6 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right is a split from former right 63-31872.



Idaho Department of Water Resources

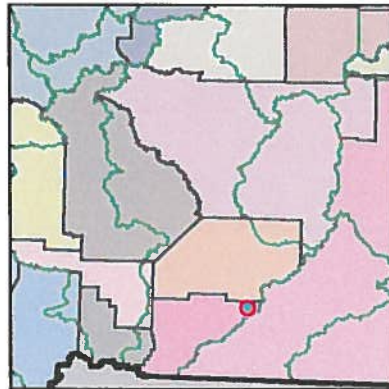
SRBA Recommendation:

63-32271

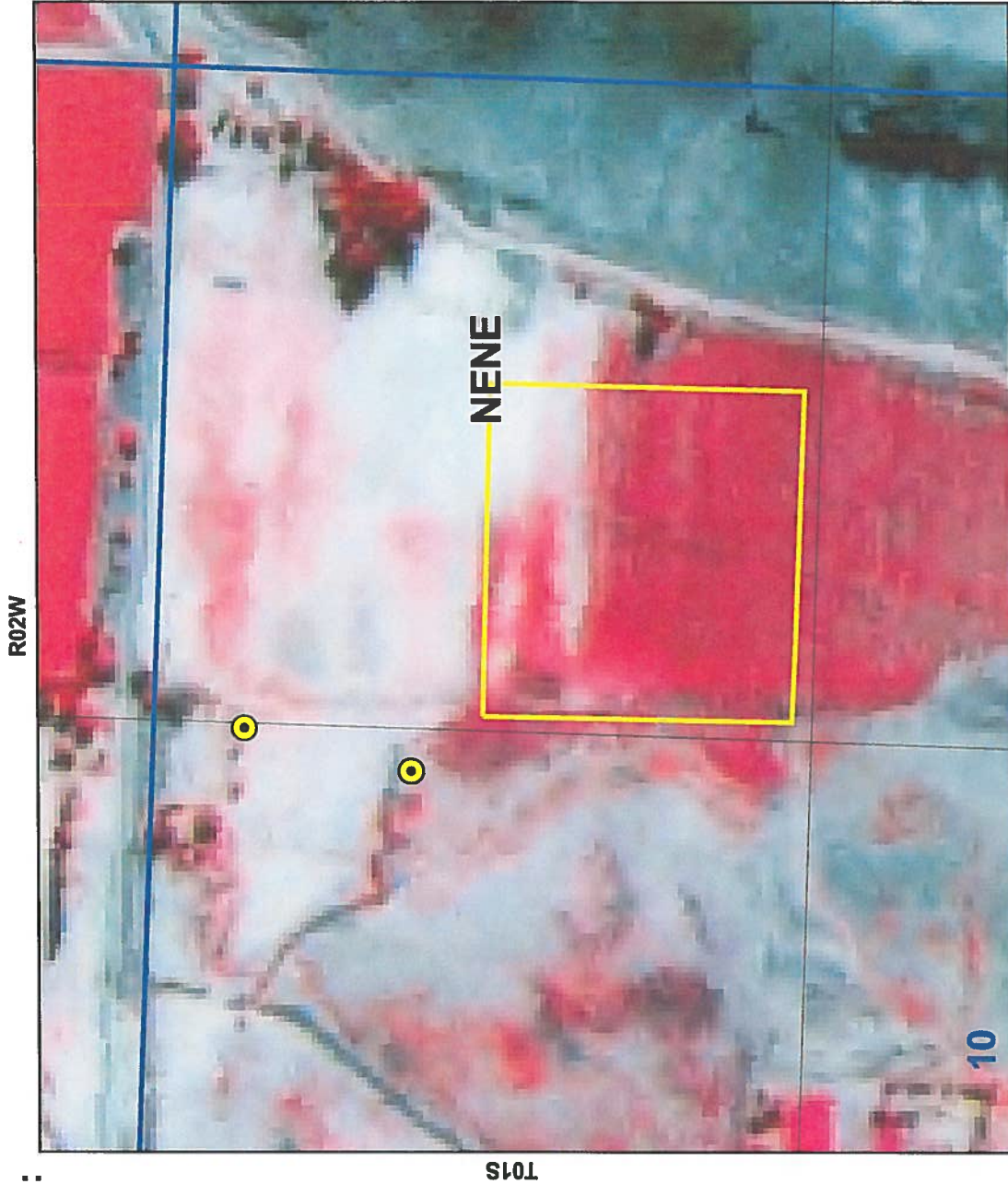
(Irrigation)

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Canyon County
IDWR Basin 63



0 0.1 0.2 Miles

Prepared by M. Ciscell
On Tuesday, October 17, 2006
1987/88 Aerial Photography

RECEIVED

MAR 24 2006

WATER RESOURCES
WESTERN REGION

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
63-31872					

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)

Jimmy Ray & Kathy Tuttle
8241 Butte Rd. Melba Id. 83641

4. New Owner/Claimant(s)

Douglas D. Haber & Barbara A Haber

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

New Mailing Address

8024 Tut Lane

City, State and ZIP Code

Melba Id. 83641

New Telephone Number

208 495 2403

5. Date you acquired the property

Date on Deed's

SCANNED

MAR 28 2006

INSTRUMENT NO. 200538376

2005

QUITCLAIM DEED

FOR VALUE RECEIVED JIMMY RAY TUTTLE and KATHY M. TUTTLE,
husband and wife

do hereby convey, release, remise and forever quit claim

unto DOUGLAS DEAN HABER and BARBARA ANNE HABER, husband and wife

whose address is

the following described premises, to-wit:

SEE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF BY
THIS REFERENCE:

together with their appurtenances.

Dated: 7-5-05

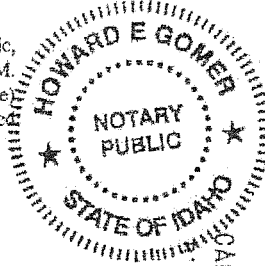

JIMMY RAY TUTTLE


KATHY M. TUTTLE

STATE OF IDAHO
COUNTY OF CANYON

On this 5th day of July, 2005, before me, a notary public,
personally appeared JIMMY RAY TUTTLE AND KATHY M.
TUTTLE, known or identified to me to be the person(s) who (se-
name(s) is/are subscribed to the within instrument and acknowledged
to me that he/she/they executed the same.

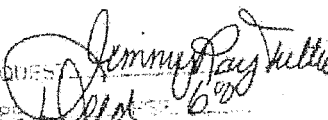

Notary Public
Residing at Nampa
My commission expires: 1-25-09



PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

REQUEST
TYPE


6/20/05

RECORDED
CANYON CNTY
G NOEL HALES
RECORDED
NAME

2005 JUL 6 AM 11 11

RECORDED

425 SOUTH KIMBALL
CALDWELL, ID 83605

200538376

SCANNED

MAD 2 Q 2006

Jun 29 05 01:13p

Arrow Land

2005

208-939-7321

p.2



Land Surveying, Inc.

GPS, BOUNDARY,
TOPOGRAPHIC AND A.L.T.A.
SURVEYS
CONSTRUCTION STAKING
3D SCANNING

1121 E. State Street • Suite 105 • Eagle, Idaho 83616 • office: 1-208-939-7373 • fax: 1-208-939-7321

6-29-05
Job No. 2004859
D.R.L.

LEGAL DESCRIPTION
FOR
JIMMY TUTTLE

Quit Claim to Harbor

A portion of the Northeast 1/4 of the Northeast 1/4 of Section 10, Township 1 South, Range 2 West of the Boise Meridian, Canyon County, Idaho, described as follows:

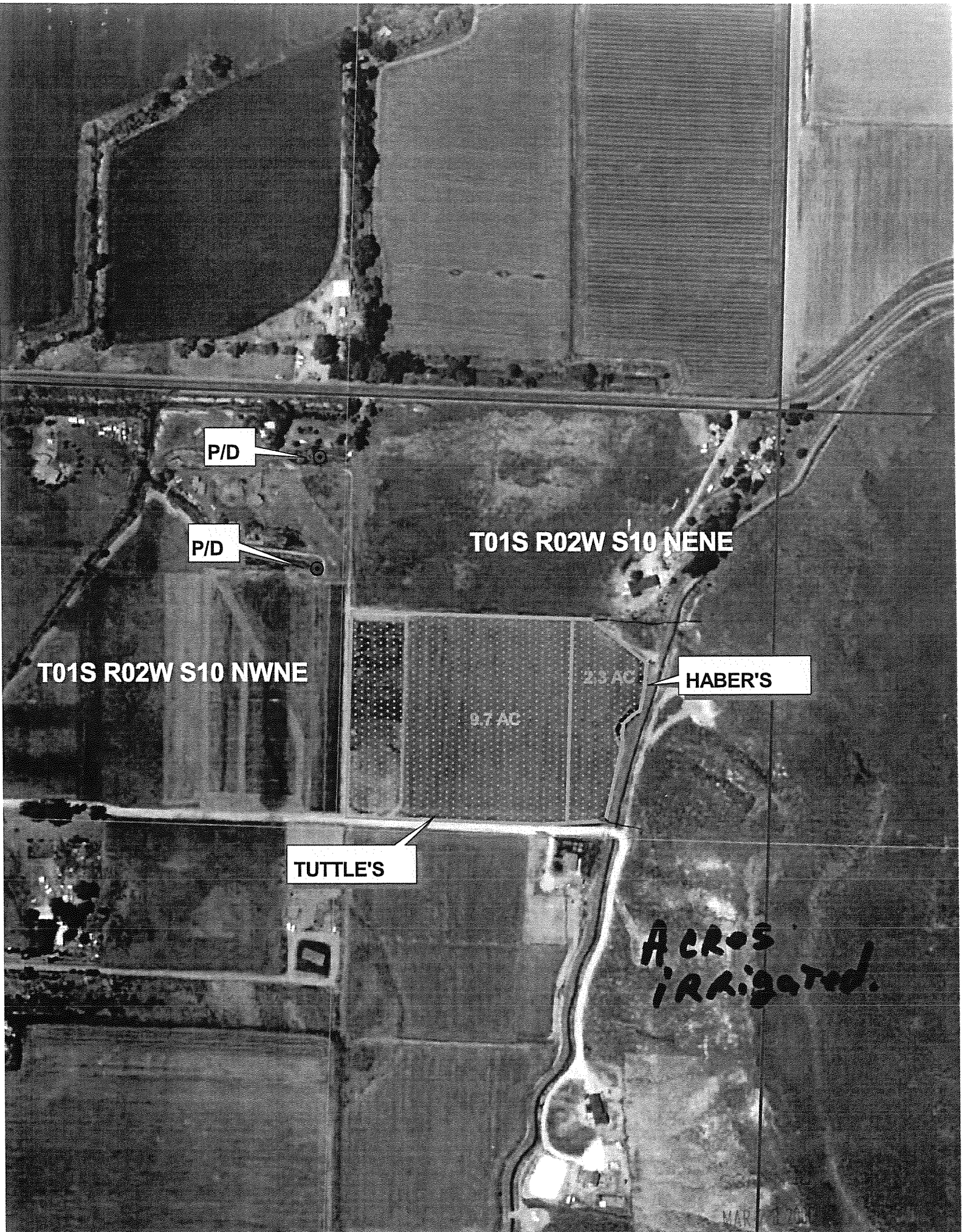
Commencing at the Northeast corner of Section 10, Township 1 South, Range 2 West of the Boise Meridian and running thence S 0°24'08" E 662.72 feet along the East line of said section; thence N 89°23'07" W 306.68 feet to the centerline of an existing irrigation ditch (said point being the POINT OF BEGINNING); thence along said irrigation ditch the following two (2) courses: (1) S 16°18'34" W 439.46 feet; thence (2) S 10°35'48" W 242.61 feet to the South line of said Northeast 1/4, Northeast 1/4; thence N 89°17'15" W 135.73 feet along said South line; thence N 0°24'09" E 661.78 feet; thence S 89°23'07" E 299.11 to the point of beginning.

Parcel contains 3.18 acres.



SCANNED

MAY 28 2006



P/D

P/D

T01S R02W S10 NENE

T01S R02W S10 NWNE

2.3 AC

HABER'S

9.7 AC

TUTTLE'S

ACROS
IRRIGATED.

MAR 1 2001

Property listed in 3 Sections
 #ARC R28232014B
 R28232013B
 R28232014A

JUN 29 05 01:13P

Arrow Land

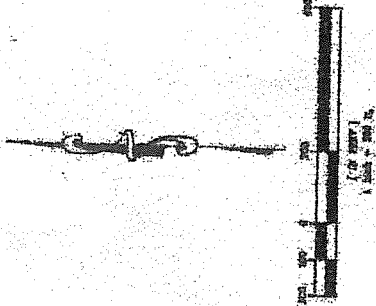
208-939-7921

3-4

RECORDER'S CERTIFICATE

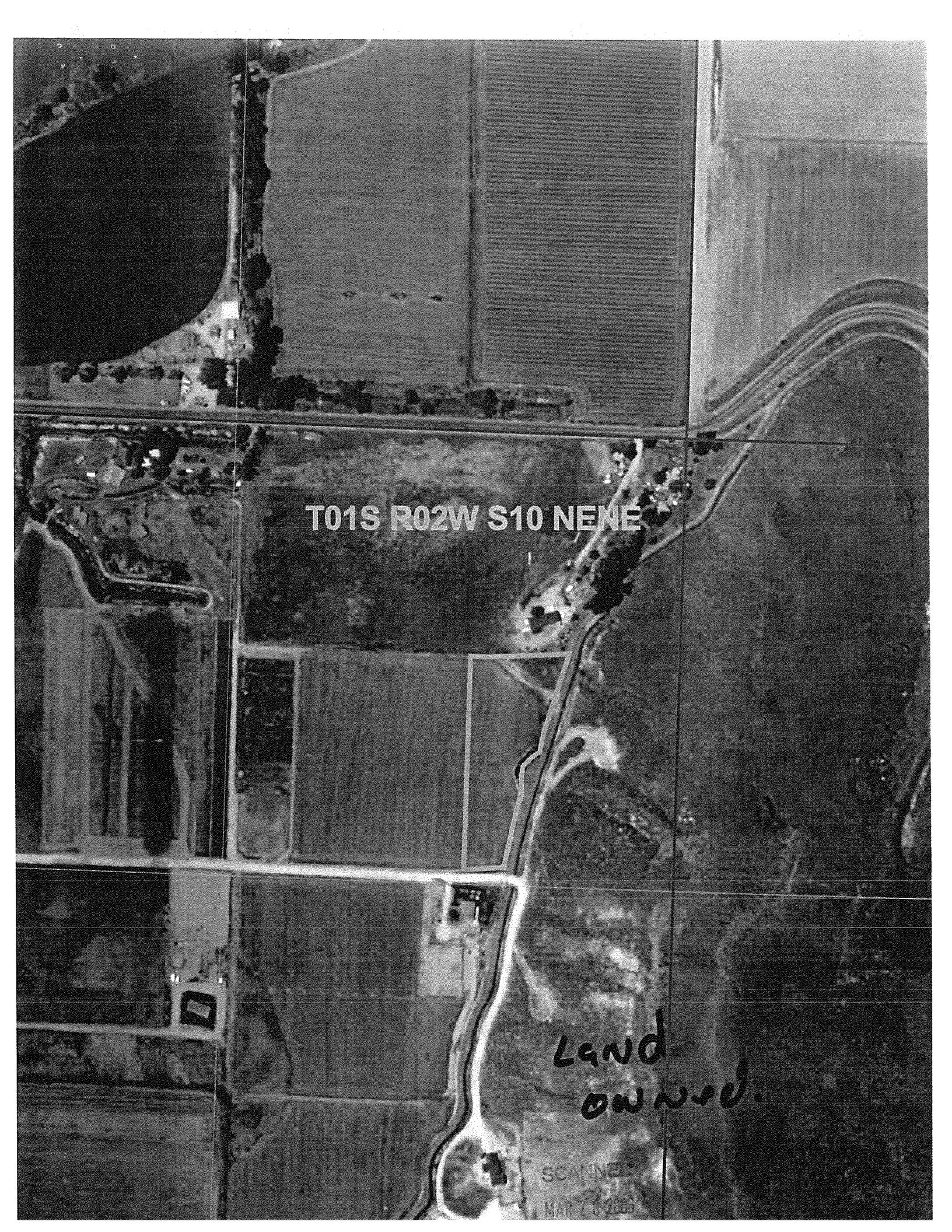
NAME OF BOOK
 COUNTY OF CHANDLER
 THE UNDERSIGNED, COUNTY CLERK, DO HEREBY CERTIFY THAT THE FOREGOING AND
 ALSO THE RECORDS OF THE RECORDS OF ARROW LAND SURVEYS, ARE
 TRUE AND CORRECT, AND THAT THE SAME ARE THE ORIGINALS OF THE
 RECORDS OF THE COUNTY OF CHANDLER, ARIZONA.

RECORDED



LEGEND

[Symbol]	Survey Station Corner
[Symbol]	3/4" 1/2" 1/4" 1/8" 1/16" 1/32" 1/64" 1/128" 1/256" 1/512" 1/1024" 1/2048" 1/4096" 1/8192" 1/16384" 1/32768" 1/65536" 1/131072" 1/262144" 1/524288" 1/1048576" 1/2097152" 1/4194304" 1/8388608" 1/16777216" 1/33554432" 1/67108864" 1/134217728" 1/268435456" 1/536870912" 1/1073741824" 1/2147483648" 1/4294967296" 1/8589934592" 1/17179869184" 1/34359738368" 1/68719476736" 1/137438953472" 1/274877906944" 1/549755813888" 1/1099511627776" 1/2199023255552" 1/4398046511104" 1/8796093022208" 1/17592186044416" 1/35184372088832" 1/70368744177664" 1/140737488355328" 1/281474976710656" 1/562949953421312" 1/1125899906842624" 1/2251799813685248" 1/4503599627370496" 1/9007199254740992" 1/18014398509481984" 1/36028797018963968" 1/72057594037927936" 1/144115188075855872" 1/288230376151711744" 1/576460752303423488" 1/1152921504606846976" 1/2305843009213693952" 1/4611686018427387904" 1/9223372036854775808" 1/18446744073709551616" 1/36893488147419103232" 1/73786976294838206464" 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T01S R02W S10 NENE

Land
owned.

SCANNED
MAR 7 3 2000

Adjudication Claim Report 63-31872

WATER RIGHT NUMBER: 63-31872

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JIMMY RAY TUTTLE 8241 BUTTE RD MELBA, ID 83641 (208)495-2170
Original Owner	GERDA RUPPERT STAR RT BOX 11 MELBA, ID 83641
Original Owner	LEE RUPPERT STAR RT BOX 11 MELBA, ID 83641
Original Owner	PETER I WOLD STAR RT MELBA, ID 83641
Current Owner	KATHY M TUTTLE 8241 BUTTE RD MELBA, ID 83641 (208)495-2170
Original Owner	CHERYL G WOLD

Status: Active

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.040 CFS	1.20 AF
FISH PROPAGATION	01/01 to 12/31	0.800 CFS	
IRRIGATION	03/15 to 11/15	0.240 CFS	54.00 AF
STOCKWATER	01/01 to 12/31	0.050 CFS	2.70 AF
	Total Diversion:	1.130 CFS	57.90 AF

GROUND WATER NW1/4NE1/4 Sec. 10, Twp 01S, Rge 02W, B.M.
CANYON County

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1	1	1																	
1	2	1																	
1	3	1																	
1	4	1																	
1	5	1																	
1	6	1																	
1	7	1																	
1	8	1																	
1	9	1																	
1	10	1																	
1	11	1																	
1	12	1																	
1	13	1																	
1	14	1																	
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1	33	1																	
1	34	1																	
1	35	1																	
1	36	1																	
1	37	1																	
1	38	1																	

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31872

01S 02W 10	12.0					12.0
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Total Acres: 12

DOMESTIC same as IRRIGATIONFISH PROPAGATION same as IRRIGATIONSTOCKWATER same as IRRIGATIONConditions of Approval:

1. FACILITY VOLUME FOR FISH PROPAGATION PONDS IS 0.16 AF.
TWO POINTS OF DIVERSION IN THE NWNE, S10, T01S, R02W.
2. This claim is the result of a split due to ownership change for a portion of 63-31818. DB 3/30/2004
3. 016 See remarks for additional conditions of approval.

Remarks:Comments:Dates and Other Information:

Claim Received Date: 6/18/1992

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector: AND

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

Combined Use Limits:Water Supply Bank: