



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 287-4800 FAX: (208) 287-6700 www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 19, 2005

TINA IEST
2313 TERRACE DR
CALDWELL ID 83605

RE: Snake River Basin Adjudication (SRBA) Claim Nos. 37-619A, 37-620 and 37-4237

Dear Mrs. Iest:

I have reviewed the Notice of Error Replies to the preliminary recommendations for the SRBA claims referenced above that were submitted by your son-in-law, David P. Tidwell. I really appreciate his concern and effort in following up on the preliminary recommendations.

Two of the GPS points supplied by Mr. Tidwell appear to be the locations of headgates on laterals of the Big Wood Canal Company. While these points may represent where you take control of the water, we are required to provide the legal description of the point where the water is diverted from the water source, not from a canal company or irrigation district lateral. And, water rights 37-619A and 37-620 are part of a group of water rights in Basin 37 that are used in connection with an exchange agreement that allows Snake River water to be delivered in place of the Big Wood River water. Therefore, we are attempting to describe the points of diversion for these rights on the Big Wood River as they were in 1909, when the water rights were decreed in what is commonly known as the Frost Decree.

The third GPS point appears to be located on Coulee 700 in Section 2. If this is where you would like to describe the point of diversion for claim 37-4237, I can certainly use that location. I believe that this GPS point is much closer to the point of diversion described in the Coulee 700 Ditch and Water Rights Agreement, rather than the point where the pipe crosses the Big Wood River in Section 11 that was claimed as the point of diversion for 37-4237. Please let me know if you would like to amend claim 37-4237 to change the point of diversion from Section 11 to Section 2. I can be contacted at IDWR's State Office in Boise at 287-4917.

Also, I was able to find only one other claim, 37-10469, under your name in Lincoln County. A partial decree for this claim was issued by the SRBA Court in January of 2000. I have enclosed a copy of the partial decree that you may retain for your records.

Sincerely,

Carter Fritschle
Water Rights Supervisor
Adjudication Bureau

(2)
RECEIVED

APR 26 2005

**DEPARTMENT OF
WATER RESOURCES**

**TINA IEST
2313 TERRACE DRIVE
CALDWELL, IDAHO 83605**

April 25, 2005

Mr. Carter Fritschle
Water Rights Supervisor, Adjudication Bureau
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

Dear Mr. Fritschle:

My name is David P. Tidwell. I am the Son-In-Law of Mrs. Tina Iest. Mrs. Iest is 92 years old, unable to do the legwork required in many issues such as water rights and other issues related to the management of her property, so she has asked me to represent her in such cases. Therefore, I have been authorized by her to handle the details of her various water rights on lands that she owns.

She provided me with your notice to review the water right recommendations and maps and Notice of Error forms on Water Rights numbers 37-619-A, 37-620 and 37-4237 attached to her farm property in Lincoln County, Idaho. I have reviewed the maps and recommendations and have found a number of errors regarding the locations of Points of Diversion. I suspect some of the location changes are a result of ditch and canal changes over a long time.

In 2004, our lessee, Nick Sabala and I personally visited each diversion site and established GPS Coordinates for each. The reason we did this is because property in that area has been changing hands at an accelerated rate. Since all of the diversions are located on lands not owned by Mrs. Iest, the opportunity for misunderstandings with the other landowners has increased. Many of these new owners do not have agricultural backgrounds and often assume that people affiliated with our farm may be trespassing illegally on their land when they are merely adjusting water flow or providing maintenance to the diversions. We have experienced such misunderstandings on property in Canyon County and hope to avoid such problems in the future.

We have found incorrect Point of Diversion locations on Water Rights 37-619A and 37-620. In both cases, the descriptions listed the wrong Township. We have also more closely described the legal descriptions in these Water Rights.

The Point of Diversion for Water Right 37-4237 was correct, but I took the opportunity to include a more precise legal description and, of course, add the GPS Coordinates as I have on all three water rights. We note that two water rights for the Lincoln County property have not been included. I must assume that you will forward those for our review in the future. We look forward to that opportunity.

Thank you very much for providing this opportunity to review your efforts at adjudicating our water rights. It is a monumental job and you are to be commended for the tremendous effort you have undertaken to accomplish such an undertaking. We really appreciate your work.

Sincerely,



DAVID P. TIDWELL

SCANNED

APR 26 2005

04/12/2005

**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: June 3, 2005

Water right number: 37-619A

TINA IEST
2313 TERRACE DR
CALDWELL ID 83605
Telephone Number: (208)459-6382

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

Exact location of DIVERSION

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

*NWSESE SECTION 2, T55 R16E
GPS COORDINATES: 43° 00.830' N
114° 31.314' W*

*43.01383
114.5219*

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

Incorrect legal description of Point of Diversion.

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

DATE: *April 25, 2005*

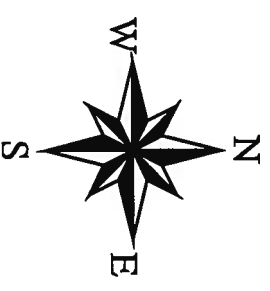
SIGNATURE: *David P. Tidwell*

Please print your name: *DAVID P. TIDWELL*

IDWR State Office, 322 E. Front St., P.O. Box 83720, Boise, ID 83720-0098

37-619A

T05S R16E S10 & S15



Map prepared by: Carter Fritschle
Date prepared: 10/31/03
1987-1988 NAPP photography
Idaho Department of Water Resources

10/31/2003

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

RIGHT NUMBER: 37-619A

NAME AND ADDRESS: TINA IEST
2313 TERRACE DR
CALDWELL ID 83605

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 2.400 CFS

PRIORITY DATE: 05/01/1884

POINT OF DIVERSION:

T03S R18E S9 NESE Within LINCOLN County

T04S R18E S15 NWSE Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	2.400 CFS

PLACE OF USE: IRRIGATION Within LINCOLN County

T05S R16E S10	SWSE	26.0	T05S R16E S10	SESE	2.4
T05S R16E S15	NENE	21.0	T05S R16E S15	NWNE	23.0
T05S R16E S15	SWNE	19.0	T05S R16E S15	SENE	2.4
T05S R16E S15	SWNW	8.9	T05S R16E S15	SENW	27.0

129.7 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: Decreed

WATER IS DELIVERED THROUGH THE MILNER GOODING CANAL VIA THE NORTH SHOSHONE CANAL. THE LINCOLN BYPASS CANAL MAY ALSO BE USED IN THE DELIVERY OF THIS RIGHT.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM AMERICAN FALLS RESERVOIR DIST. NO. 2.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL CO.

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: A37-00619A
Date Received: 7/08/1988
Receipt No: W000453
Received By: Revised SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TINA IEST 208-459-6382
Address: 2313 TERRACE DR.
CALDWELL, ID 83605

2. Date of Priority: MAY 01, 1884

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05S	16E	1	SW	SW	SW		LINCOLN
		2	SE	SE	SE		LINCOLN
		10	SE	SE	NW		LINCOLN
		11	NW	NW	NE		LINCOLN
	17E	6	SW	SW	SW		LINCOLN
10S	21E	28	SW	SW	NW	5	JEROME

5. Description of diverting works:
HEADGATES AT MINER DAM & LATERALS ON MILNER-GOODING CANAL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.200		

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

8. Total consumptive use is 389.1 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC INSTREAM STOCKWATERING

A37-00619A

Page 1

Date: 09/08/89

MICROFILMED
FEB 23 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	16E	10	SW	SE		IRR	7.7
			SE	SE		IRR	2.0
			Section Acres				9.7
		15	NE	NE		IRR	30.0
			NW	NE		IRR	25.0
			SW	NE		IRR	15.0
			SE	NE		IRR	5.0
			SW	NW		IRR	20.0
			SE	NW		IRR	25.0
			Section Acres				120.0
			Total Acres				129.7

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:
A37-00620

14. Remarks:

ORIGINAL DECREE FOR BIG WOOD RIVER WATER. WATER IS NOW BEING DELIVERED BY BIG WOOD CANAL CO. AND AMERICAN FALLS DIST. #2.

|

DWR NOTE

THIS CLAIM IS FOR A PORTION OF THE WR 37-00619, ACCORDING TO WATERMASTER RECORDS FOR 2.4 CFS. (SCC 9-8-1989)

THIS WAS A DUPLICATED NUMBER AND HAS NOW BEEN CHANGED TO A37-00619A. THE RECEIPT HAS ALSO BEEN CHANGED TO REFLECT THIS. TWO RECEIPTS INVOLVED; W000453 & W000454.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

S. C. FROST, ET. AL.
Decree Plaintiff

vs

ALTURAS WATER COMPANY, ET. AL.
Decree 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 _____ 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 _____

30-1114) 129 70 Variable Fee
179.70

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 15 1988

Ident. Number: A37-00619
Date Received: 7/08/1988
Receipt No: 4000453 + 4000454
Received By: EJR

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TINA IEST 208-459-6382
Address: 2313 TERRACE DR.
CALDWELL, ID 83605

2. Date of Priority: MAY 01, 1884

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		10	SE	SE	NW		LINCOLN
		11	NW	NW	NE		LINCOLN
	17E	6	SW	SW	SW		LINCOLN
10S	21E	28	SW	SW	NW	5	JEROME

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7. Total Quantity Appropriated is:
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8. Total consumptive use is 389.1 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC INSTREAM STOCKWATERING

A37-00619

Page 1

Date: 07/08/88

MICROFILMED

FEB 23 1993

A37-00619 A

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	16E	10	SW	SE		IRR	7.7
			SE	SE		IRR	2.0
					Section Acres		9.7
		15	NE	NE		IRR	30.0
			NW	NE		IRR	25.0
			SW	NE		IRR	15.0
			SE	NE		IRR	5.0
			SW	NW		IRR	20.0
			SE	NW		IRR	25.0
					Section Acres		120.0
					Total Acres		129.7

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37-0620

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BEING DELIVERED BY BIG WOOD CANAL CO. AND AMERICAN FALLS DIST.
#2.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

S. C. FROST, ET. AL.
Decree Plaintiff

vs

ALTURAS WATER COMPANY, ET. AL.
Decree Defendant

16. Signature(s)

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Number of attachments: 1

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): Jim East Date: 7-8-88
_____ Date: _____

State of Idaho)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 8th day
of July 19 88 E. W. Ladd
Notary Public
Seal

Residing at Caldwell, Idaho
My Commission Expires 7-25-93

07/08/88
16:22:54

IEST MRS. C.

ADJUDICATION CLAIM FEES

0410162 9337 6490

\$468.50

\$468.50

CHECK 2523

WR/NO: A37-10469 A37-00620 A37-00619 **A** A37-04237

Idaho Department of Water Resources

Region: WESTERN

Signature: _____

Allen,
Please change these two Receipts
to add the suffix "A" on each.

Checked
AD *9/8/88* *thmx*
Stue

MICROFILMED

FEB 23 1993

W000454

07/08/88
16:24:31

TEST MRS. C.

ADJUDICATION CLAIM FEES

0410162 9337 6490

\$20.00

\$20.00

CASH

WR/NO: A37-10469 A37-00620 A37-00619 A A37-04237

Idaho Department of Water Resources

Region: WESTERN

Signature: _____

MICROFILMED
FEB 23 1993

W000453

07/08/88
16:22:54

TEST MRS. C.

ADJUDICATION CLAIM FEES

0410162 9337 6490

\$468.50

\$468.50

CHECK 2523

WR/NO: A37-10469 A37-00620 A37-00619A A37-04237

Idaho Department of Water Resources

Region: WESTERN

Signature: _____

MICROFILMED

FEB 23 1993

W000454

07/08/88
16:24:31

TEST MRS. C.

ADJUDICATION CLAIM FEES

0410162 9337 6490

\$20.00

\$20.00

CASH

WR/NO: A37-10469 A37-00620 A37-00619A A37-04237

Idaho Department of Water Resources

Region: WESTERN

Signature: _____

MICROFILMED

FEB 23 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

• Sept. 11, 1989

Re: A37-00619A

• TINA IEST
• 2313 TERRACE DR
• CALDWELL ID 83605

Dear Claimant(s):

Please review the computer generated claim(s) for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of your claim(s), please contact this office.

Yours truly,

A handwritten signature in cursive script, appearing to read 'Judy Givens'.

Judy Givens
Adjudication Secretary

/jg

Enclosures:

MICROFILMED

FEB 23 1993