



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 you records.

Sincerely,

Carter Fritschle
Water Rights Supervisor
Adjudication Bureau

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: 37-620

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:

CENTER OF SECTION 10, T55 R16E
GPS Coordinates: 43° 00.223' N 43. 00 3717
114° 32.730' W 114. 5455

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

wrong legal description of DIVERSION

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

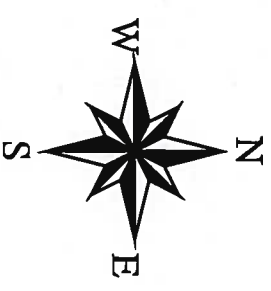
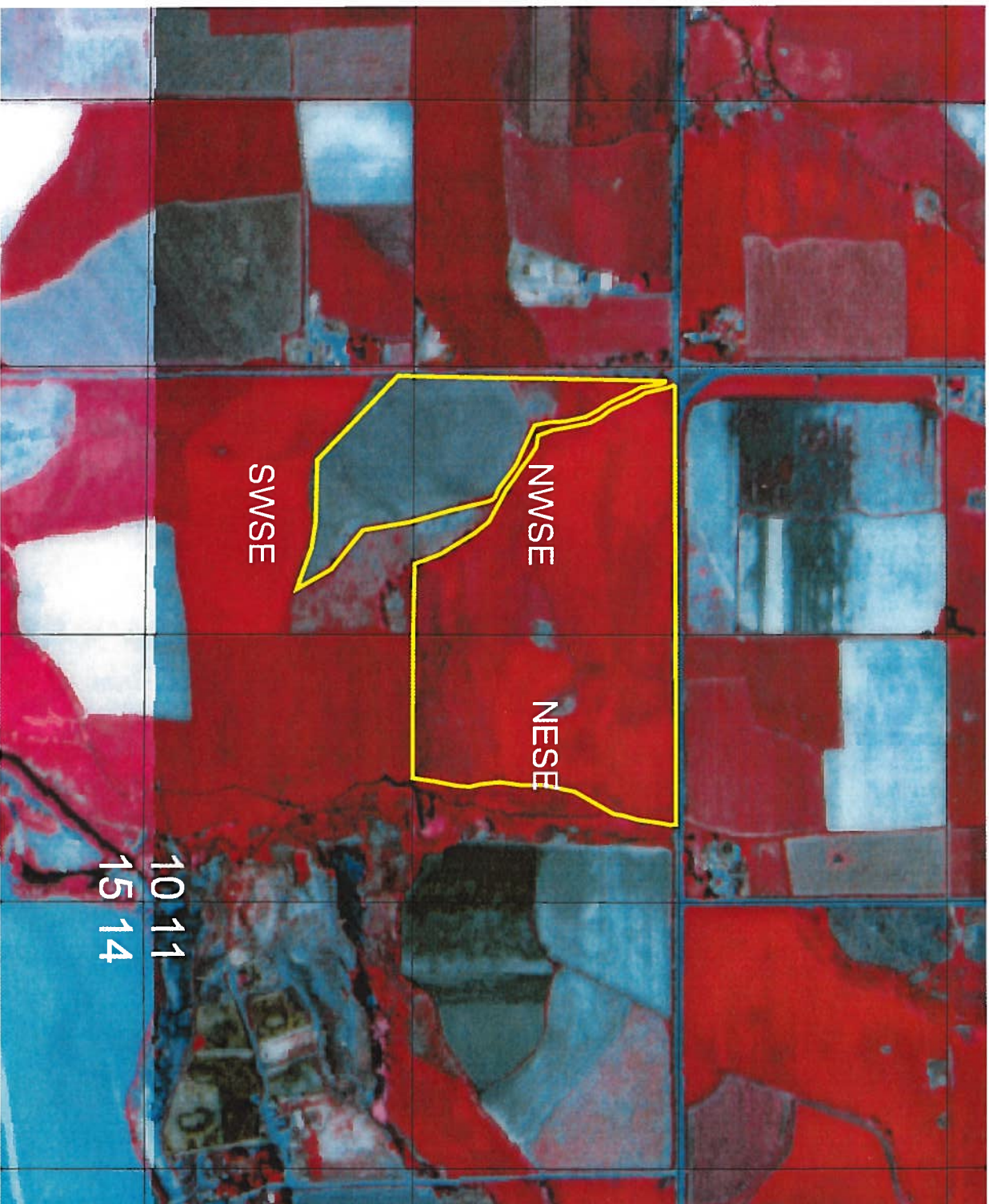
DATE: *APR 125, 2005* SIGNATURE: *David P. Tidwell (for Tina IEST)*

Please print your name: *DAVID P. TIDWELL*

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

37-620

**T05S R16E
S10**



1000 0 1000 2000 3000 Feet

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: 37-620

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

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 1.300 CFS

PRIORITY DATE: 05/01/1891

POINT OF DIVERSION:

T03S R18E S9 NESE Within LINCOLN County

T04S R18E S15 NWSE Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
3/15 11/15

QUANTITY
1.300 CFS

PLACE OF USE: IRRIGATION Within LINCOLN County

T05S R16E S10	NESE	24.0	T05S R16E S10	NWSE	35.0
T05S R16E S10	SWSE	7.8			

66.8 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.

50 1711mg Fee
66 80 Variable Fee
8/16 80

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: A37-00620
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, 1891

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

5. Description of diverting works:
HEADGATES AT MILNER DAM AND AT 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	1.300		

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

8. Total consumptive use is 200.4 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC INSTREAM STOCKWATERING

MICROFILMED
FEB 23 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	16E	10	NE	SE		IRR	21.8
			NW	SE		IRR	35.0
			SW	SE		IRR	10.0
Section Acres							66.8
Total Acres							66.8

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:
37-0619

14. Remarks:
ORIGINAL DECREE FOR BIG WOOD RIVER WATER. WATER IS NOW BEING DELI
VERED 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)

(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: 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 Sat 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

Seal

Ethel H. Ballard
Notary Public

Residing at Callwell, Idaho

My Commission Expires 7-25-93

