

03/17/2008

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

RIGHT NUMBER: 67-10761

NAME AND ADDRESS: JAMES DAVIES
PO BOX 392
KETCHUM ID 83340

SOURCE: DEER CREEK
UNNAMED STREAM

TRIBUTARY: MANN CREEK
TRIBUTARY: DEER CREEK

QUANTITY: 0.150 CFS

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

PRIORITY DATE: 06/01/1950

POINT OF DIVERSION:

T12N R05W S1 SENE Within WASHINGTON County

T12N R05W S1 SESE Within WASHINGTON County

T12N R05W S1 SESE Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.050 CFS
IRRIGATION	03/01 11/15	0.100 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County

T12N R05W S01 SENE 3.90 T12N R05W S01 SESE 1.10

STOCKWATER in WASHINGTON County

T12N R05W S01 SENE T12N R05W S01 SESE

5 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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
Stockwater use is for 150 range cattle.



Idaho Department of Water Resources

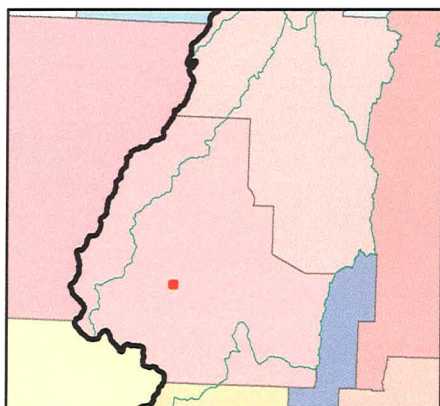
SRBA Recommendation

67-10761

(IRRIGATION)

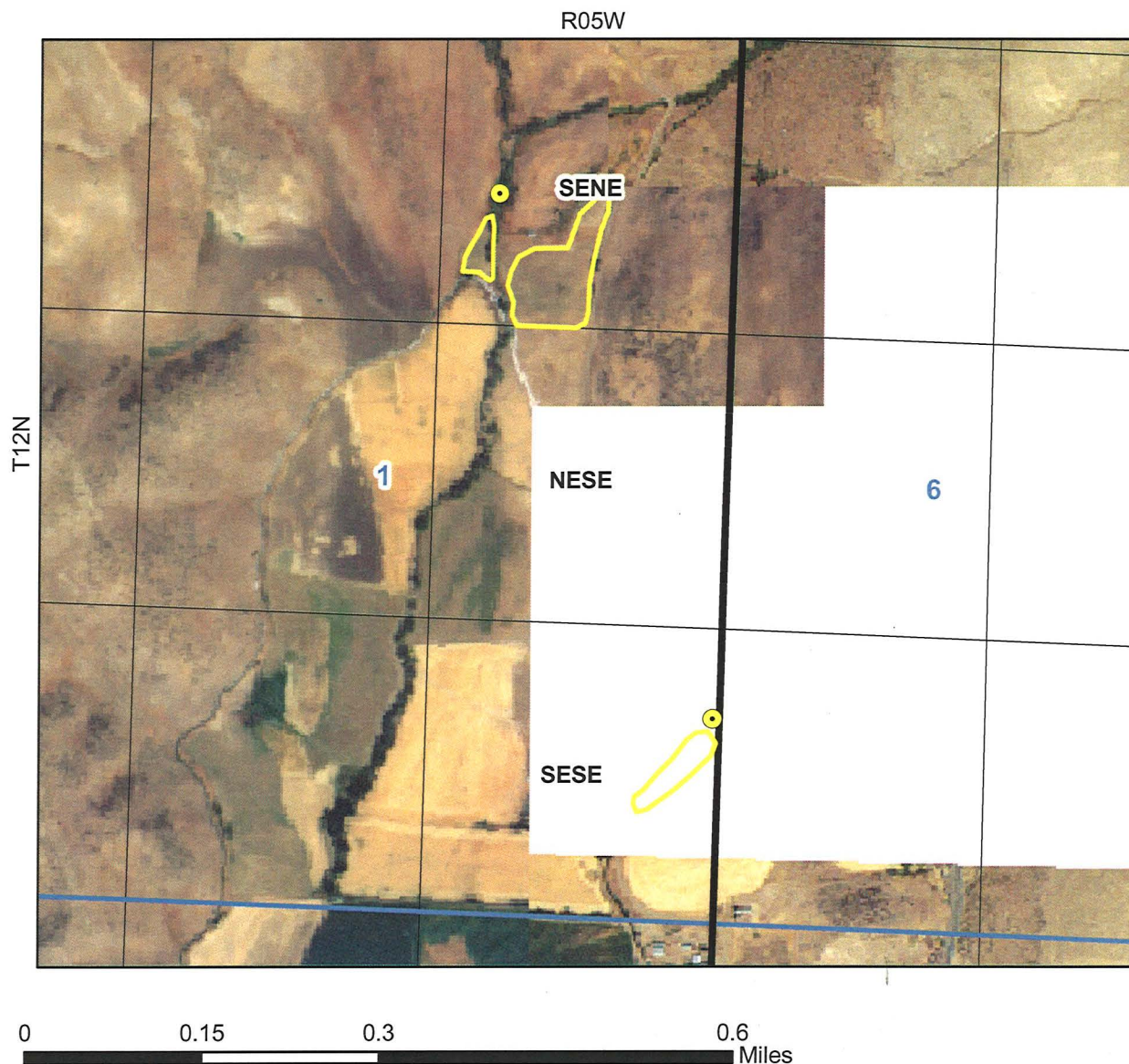
Legend

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



Washington County
IDWR Basin 67

Prepared by Craig Saxton
On Monday, March 17, 2008
1987/88 Aerial Photography



RECEIVED

AUG 22 2007

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 SRBA)

A. Subcase 67-10761
(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: James Davies

Address: P.O. Box 392; Ketchum, Idaho 83340

Name:

Address: ;

Name:

Address: ;

Name:

Address: ;

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☐ **Quantity**
Should be:
4. ☐ **Priority Date**
Should be:
5. ☒ **Point(s) of Diversion**
Should be: See attached.
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☐ **Place of Use**
Should be:
11. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The United States of America, through the Bureau of Land Management, is the owner of the land at the recommended POD. The claimant's use of Federal land is unauthorized. Claimant's water right should not include this POD. Perhaps there is a typographic error in township.

F.

VERIFICATION (Must be Completed)

State of Idaho)

) ss.

County of ADA)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

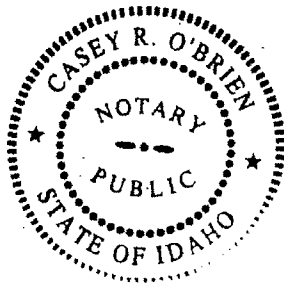
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

Larry A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: August 20, 2007

Casey R. O'Brien
Casey R. O'Brien



Notary Public for State of Idaho

Residing at: Nampa, ID.

My Commission Expires: 10-31-2009

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.**
You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on August 20th, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

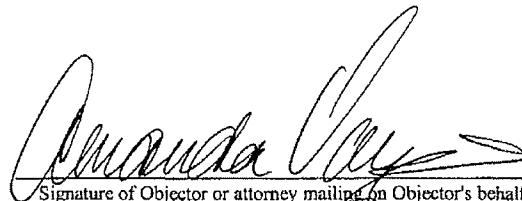
Name: James Davies
Address: P.O. Box 392; Ketchum, Idaho 83340
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Signature of Objector or attorney mailing on Objector's behalf

12/21/2006

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

RIGHT NUMBER: 67-10761 **POD on BLM:**
NAME AND ADDRESS: JAMES DAVIES -The Point of Diversion was recommended as **T13N R05W S01**, which is
PO BOX 392 BLM land and appears to be a typographical error in Township. The Point
KETCHUM ID 83340 of Diversion should be **T12N**.

SOURCE: DEER CREEK TRIBUTARY: MANN CREEK

QUANTITY: 0.150 CFS

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

PRIORITY DATE: 06/01/1950

POINT OF
DIVERSION: [T13N R05W S1 SWSENE Within WASHINGTON County] BLM

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.050 CFS
IRRIGATION	03/01 11/15	0.100 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County

T12N R05W S01	SENE	3.70	T12N R05W S01	SESE	1.30
---------------	------	------	---------------	------	------

STOCKWATER in WASHINGTON County

T12N R05W S01	SENE	T12N R05W S01	NESE
---------------	------	---------------	------

5 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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Dear Dan:

In reference to your letter dated March 30 2006 I submit the following documents. They are stapled and numbered lower right hand corner to coincide with descriptive material listed below:

1. Deed Jensen to me with Tarter the mortgagee. (Jensen only owned the place a few months)
2. Priority date 6.1.23 in N.D. Nellie + George Tarter connected to TWP 12 N From 13 N. See P 3A connection.
- 2B wrongly submitted TWP in Application claim as of letter dated 5.9.02 (whose mistake? My submission was later)
3. My submission of change of ownership dated 5.24.93 mistakenly using TWP 13 N taken from Application claim profile dated 1.23.01 (see P 3B)
- 3A Finally showing change from TWP 13 N TO 12 N
- 3B Historical, in that TWP is caught as wrong from a profile report dated 2/5/85 (By this time George is 80 years old still moving water with a shovel)
- 4 Maps showing pits of diversion and approximate acreage of use.
- 4A. Re-ap of ownership change of water rights if applicable.

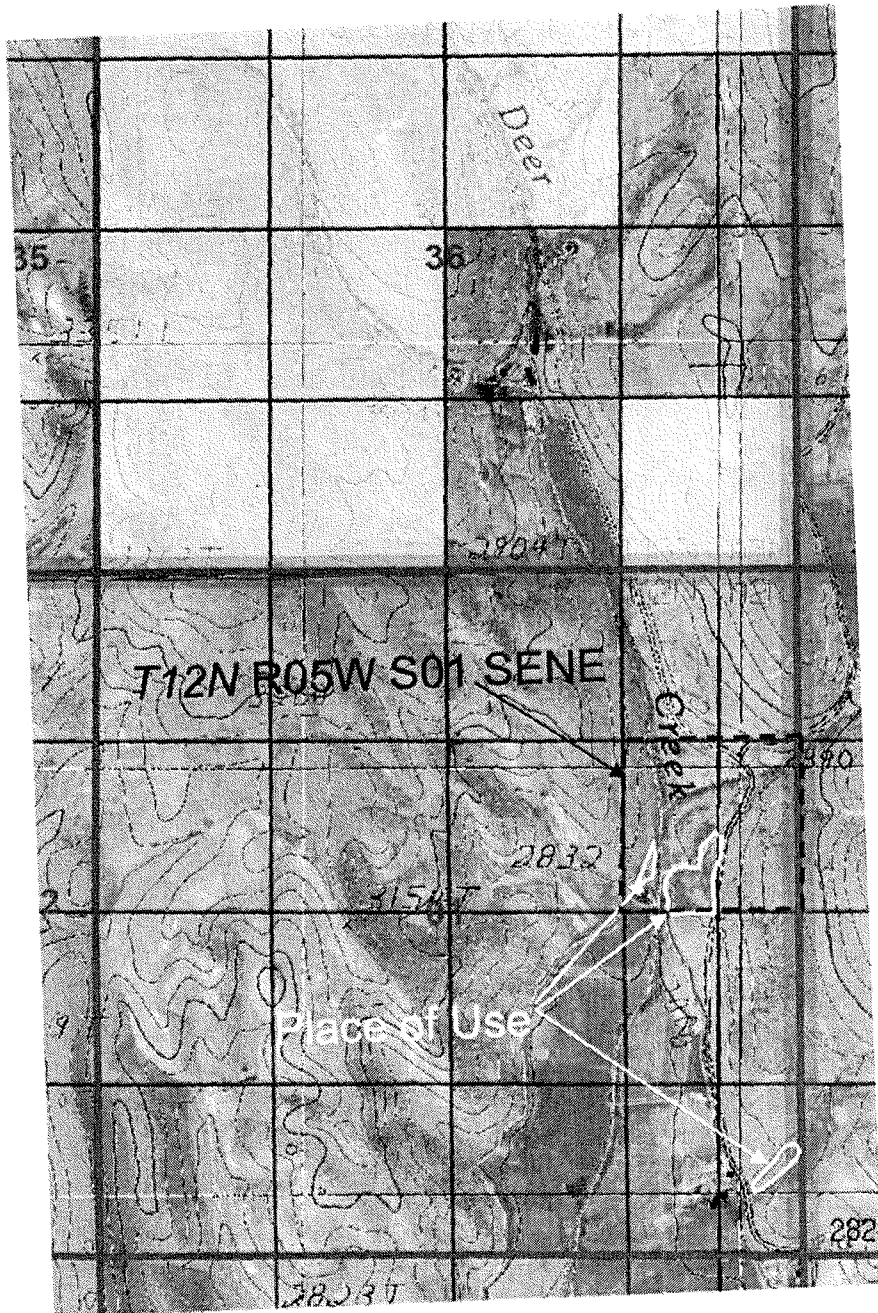
Please advise me what further evidence you require, and what fee amount, if any, for re-filing. This has been a long morning.

Yours very Truly

Jim Davies

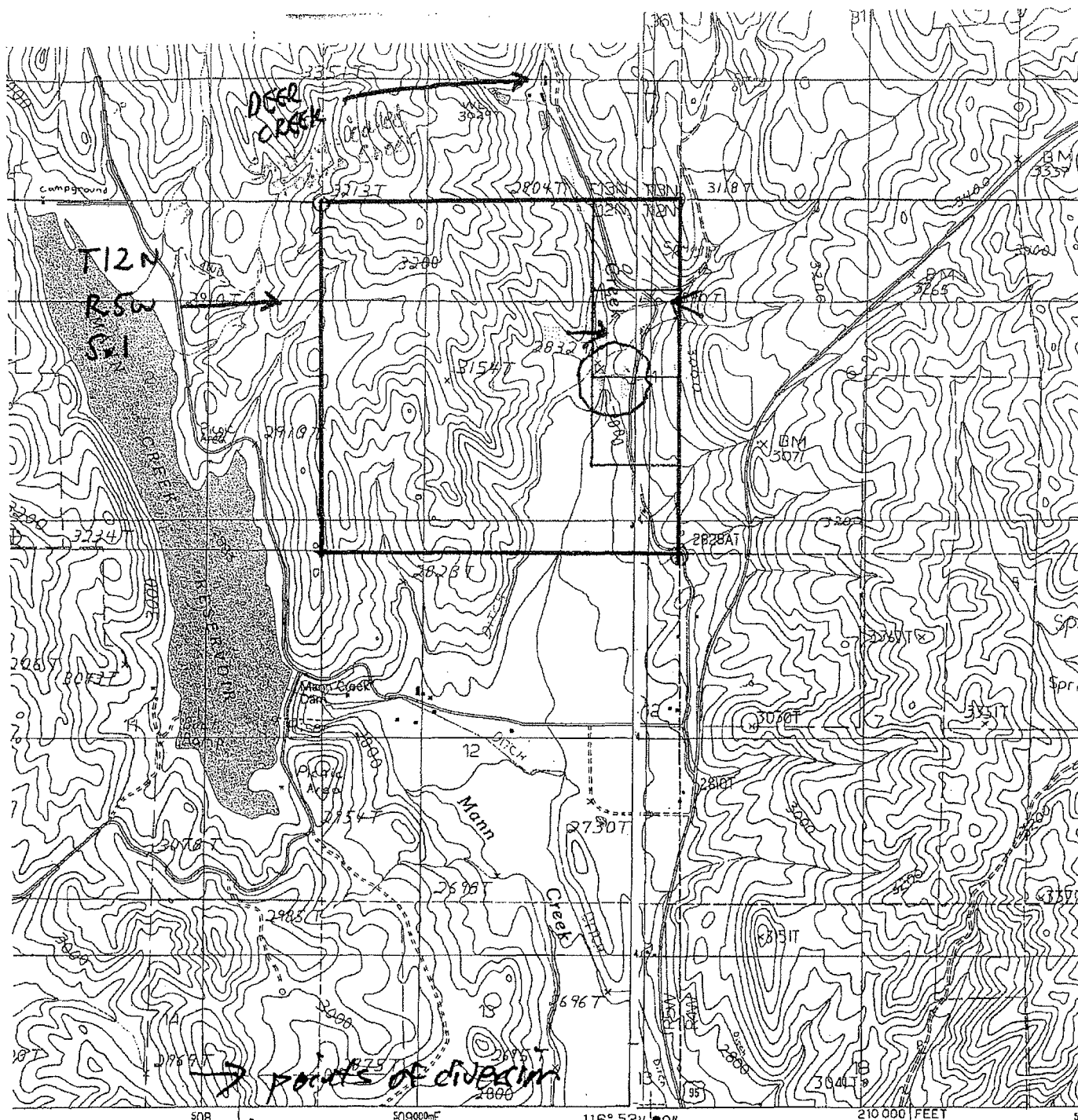
208 726 3259 E-mail IRJIM@cox.net.

67-10761; James Davies



POD on BLM:

-The Point of Diversion was recommended as T13N R05W S01, which is BLM land and appears to be a typographical error in Township. The Point of Diversion should be T12N.



ANGLE LOCATION

- | | | |
|---|---|---------------|
| 3 | 1 | Monroe Butte |
| | 2 | Sturgill Peak |
| | 3 | Hopper Creek |
| | 4 | Olds Ferry NE |
| 5 | 5 | Midvale Hill |
| | 6 | Porters Flat |
| | 7 | Wesler North |
| 3 | 8 | Mann Creek SE |

*Circle encloses approximate
location of divergence.*

Improved Road
Unimproved Road
Trail

○ Interstate Route □ U.S. Route ○ State Route

MANN CREEK NW, IDAHO
PROVISIONAL EDITION 1987

PRODUCED BY THE UNITED STATES GEOLOGICAL SURVEY
CONTROL BY USGS NOS/NO
COMPILED FROM AERIAL PHOTOGRAPHS TAKEN
FIELD CHECKED 1984 MAP EDITED
PROJECTION TRANSVERSE MERCATOR
GRID: 1000-METER UNIVERSAL TRANSVERSE MERCATOR
10,000-FOOT STATE GRID TICKS IDAHO, WEST ZONE
UTM GRID DECLINATION 0°08' EA
1987 MAGNETIC NORTH DECLINATION 17°30' EA
VERTICAL DATUM NATIONAL GEODETIC VERTICAL DATUM OF 1
HORIZONTAL DATUM 1927 NORTH AMERICAN DATUM
To place on the predicted North American Datum of 1983
move the projection lines as shown by dashed corner ticks
(16 meters north and 78 meters east)
There may be private inholdings within the boundaries of a
Federal and State Reservations shown on this map

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10761 V1

WATER RIGHT NUMBER: 67-10761 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	NELLIE A TARTER 1709 DEER CREEK RD WEISER, ID 83672 (208)549-0086
Original Owner	GEORGE D TARTER 1709 DEER CREEK RD WEISER, ID 83672 (208)549-0086
Current Owner	JAMES DAVIES PO BOX 392 KETCHUM, ID 83340 (208)726-3259

Priority Date: 06/01/1950

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
DEER CREEK	MANN CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.050 CFS	
IRRIGATION	03/01 to 11/15	0.100 CFS	
	<u>Total Diversion:</u>	0.150 CFS	

Location of Point(s) of Diversion

DEER CREEK	SW1/4SE1/4NE1/4	Sec. 1, Twp 13N, Rge 05W, B.M.
WASHINGTON County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
12N	05W	1				X									X				

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
12N	05W	1				3.7												1.3	5.0

Total Acres: 5

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10761 V1

Total Acres: 5

Conditions of Approval:

1. C18 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.

Remarks:Comments:

1. dnarsavage 12/8/2005 POU

Comment: The claim file has the POU in T13N R05W Sec1. However there is no Deer Creek in this section, nor is there a way to get water from any Deer Creek to this land. Bosco Boslers field work supports this. There is, however, a Deer Creek running through T12N R05W Sec1. The map included with the claim indicates that this is where the claimant intended the POU to be located.

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:

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

Combined Use Limits: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>
Priority Date	5/5/2006 10:02:31 AM	dnarsavage			Active
POD	5/5/2006 10:02:53 AM	dnarsavage			Active
Source	5/5/2006 10:09:53 AM	dnarsavage			Active
POU	5/5/2006 10:10:31 AM	dnarsavage			Active
POU	5/5/2006 10:11:01 AM	dnarsavage			Active
Use	5/5/2006 10:12:40 AM	dnarsavage			Active
Season	5/5/2006 10:13:25 AM	dnarsavage			Active
Quantity	5/5/2006 10:16:36 AM	dnarsavage			Active
Summary			05/05/2006	dnarsavage	Active

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 67-10761 V1

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
General	5/5/2006 10:02:31 AM	dnarsavage	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Affidavit from Ross Tarter
POD	5/5/2006 10:02:54 AM	dnarsavage	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POD	5/5/2006 10:08:20 AM	dnarsavage	Updated shape
Source	5/5/2006 10:09:53 AM	dnarsavage	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Affidavit from Ross Tarter
POU	5/5/2006 10:10:31 AM	dnarsavage	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Affidavit from Ross Tarter

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10761 V1

POU	5/5/2006 10:11:02 AM	dnarsavage	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Maps from claimant
POU	5/5/2006 10:11:36 AM	dnarsavage	Updated shape for Active POU
POU	5/5/2006 10:12:03 AM	dnarsavage	Updated shape for Active POU
Use	5/5/2006 10:12:40 AM	dnarsavage	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Affidavit from Ross Tarter and correspondence with claimant
Season	5/5/2006 10:13:25 AM	dnarsavage	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	5/5/2006 10:16:37 AM	dnarsavage	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - This is the only right out of this ditch

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10761 V1

Summary	5/5/2006 10:17:16 AM	dnarsavage	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POU	12/8/2005 2:00:16 PM	dnarsavage	Updated shape for Active POU
POU	12/8/2005 2:00:34 PM	dnarsavage	Updated PLS for Active POU
POU	12/8/2005 2:02:00 PM	dnarsavage	Updated PLS for Active POU
POU	12/8/2005 2:01:39 PM	dnarsavage	Updated shape for Active POU

Water Supply Bank:



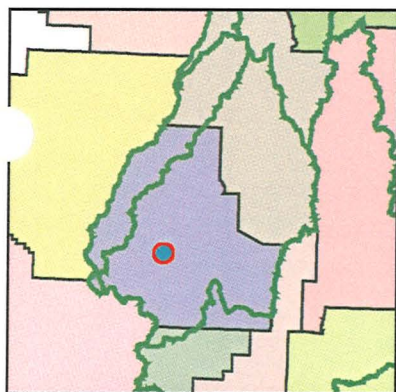
Idaho Department of Water Resources

SRBA Recommendation:

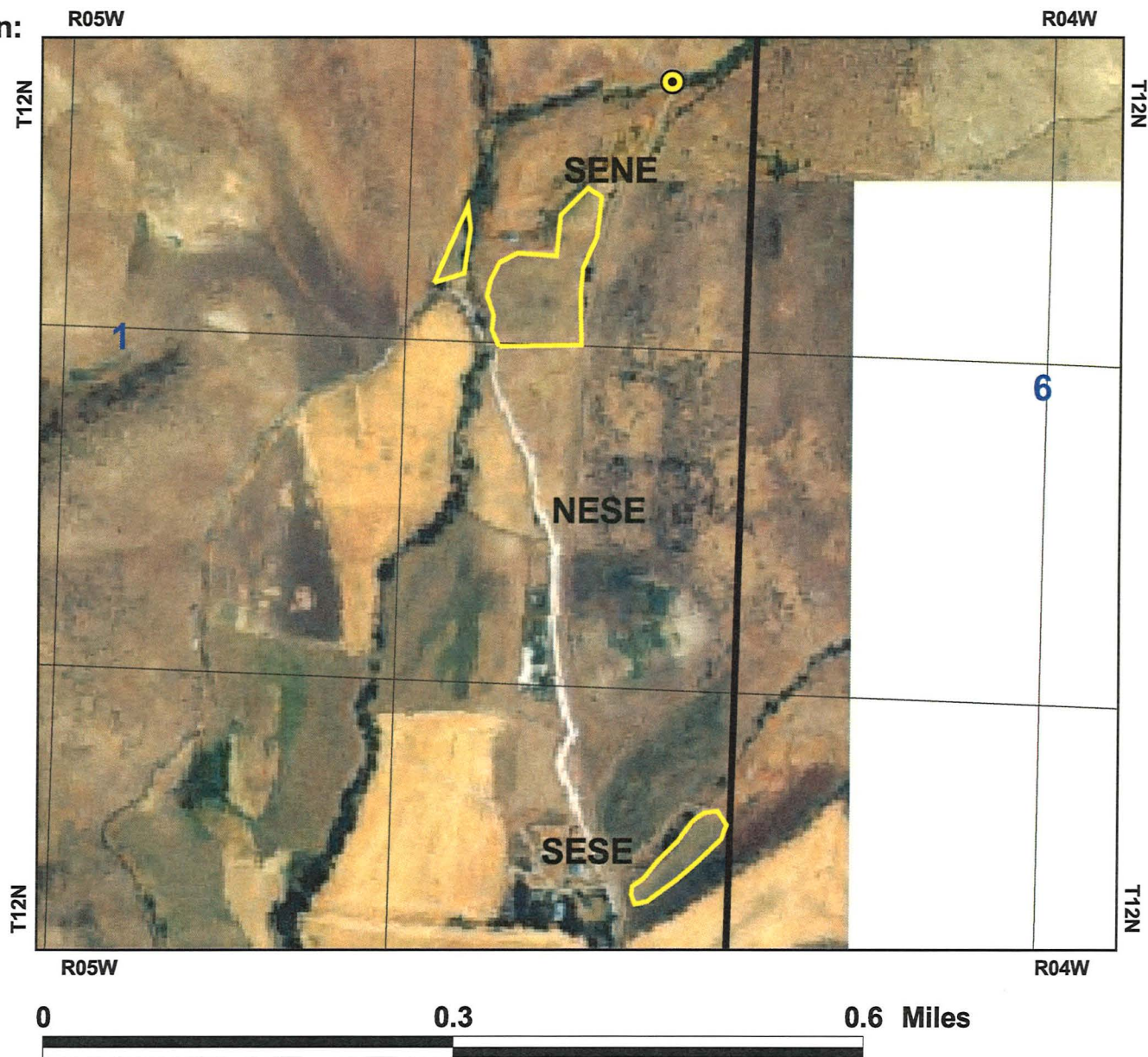
67-10761

Legend

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



Washington County
IDWR Basin 67



Prepared by D. Narsavage
On Friday, May 5, 2006
1987/88 Aerial Photography

RECEIVED
MAY 05 2006
DEPARTMENT OF
WATER RESOURCES

Department of Water Resources

Subject: water use out of Deer
Creek tributary to Mann Creek.

To whom it may concern:

I remember my uncle
George Tarter irrigating his
ground with water from Deer
Creek as early as 1950.

Sincerely,
Ross Tarter

4-25-06

Narsavage, Dan

From: Narsavage, Dan
Sent: Thursday, April 13, 2006 11:02 AM
To: 'irdjm@cox.net'
Subject: Irrigation from Deer Creek (67-10761)

Hello Mr. Davies,

Thanks for your correspondence regarding your irrigation near Weiser. I received it this morning and have finally been able to put the ownership change issues to rest. What remains is to provide evidence of priority (EOP), as my letter indicated. The short version of my request is this: With aerial photos, I can see that the land is irrigated now; what I need is a document, picture, or other tangible evidence that supports the *historical* irrigation of this land. The Tarters claimed that it was first irrigated in 1923, so you need to submit evidence to support that claim or at least puts water on the property before 1971.

Many people misunderstand the purpose that EOP serves, and consequently what is acceptable for EOP. Really, though, it's simple. What follows is a lengthy discussion of what EOP is and why it's necessary. This discussion is not meant to take the place of a phone conversation if you want one, so please feel free to call me at the number below if you would like.

Water law in Idaho and throughout the western US is based on "prior appropriation." This is the idea that if your land was irrigated before your neighbor's land, then your neighbor must reduce his water use to fill your water needs in lean times. It is often said that, "First in time is first in right." In short, the earlier your priority date, the "better" your water right. Here is a concrete example of this: The land that you own below Joslin Ditch and gravity irrigated therefrom has a right (67-543) with a priority date of 1884. This means that the land was first irrigated in 1884. I know this because it was recorded in a previous court decree along with most of your neighbor's rights. Another such right, several miles south of your place, is irrigated out of the Lolley Ditch by Striker and has a priority date of 1886. Consequently, when there is not enough water to fill both your right and Striker's right, Striker's right is turned off in favor of yours. On the other hand, some of the property owned by Barstad that is gravity irrigated from the Mann Creek Ditch has a priority date of 1874, so your water will be cut back if Barstad's water use cannot be met.

I am confident of the priority dates in the previous example because they were recorded in the court decree I mentioned. For them to be recorded like that, the water users involved in the court proceedings that led to that decree were required to provide evidence that helped determine when water was first put to use on their respective properties (i.e. they submitted EOP, much like I'm asking you to do now). In contrast, the water use the Tarters claimed out of Deer Creek has never been scrutinized by a court (until now); consequently, I need you to submit EOP to support their claim that water was first put to use in 1923.

It is unfortunate that the Tarters are deceased, since an affidavit from them could possibly have taken care of the issue. In lieu of that though, I can also use an affidavit from some other "old-timer" in the area that can attest to seeing the land in question being irrigated decades ago. It is important to note that I can only use first-hand knowledge from an affidavit. In other words, if someone says, "I can remember being 5 years old in 1941 and seeing this land irrigated, and my father told me that he helped Mr. Tarter construct the diverting works for this irrigation in 1923," I can only use 1941 as a priority date. On the other hand, if he says, "I can remember being 5 years old in 1941 and seeing this land irrigated, and here's a picture, dated 1923, of my father helping Mr. Tarter construct the diverting works," I can then recommend 1923 as a priority date. Please read the brochure that I sent with my previous letter for more examples of acceptable EOP.

I hope this makes some sense to you, and again please feel free to call if you have any questions. Also, perhaps this document contains some good information for you - <http://www.idwr.idaho.gov/water/srba/Research%20a%20Water/Water%20Rights%20Primer.pdf>. Thanks again for your time.

Sincerely,
Dan

Dan Narsavage
GIS Specialist
Idaho Water Resources Research Institute
Idaho Department of Water Resources
322 East Front St.

Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

RECEIVED
APR 12 2006
DEPARTMENT OF
WATER RESOURCES

James M. Davies
Box 392
Ketchum, ID 83340

Re: Evidence of priority and SRBA claims based on beneficial use

March 30, 2006

Dear Claimant:

My name is Dan Narsavage, and I am in the process of reviewing claims to water rights in the Snake River Basin Adjudication (SRBA) along Mann Creek near Weiser, Idaho. You have received this letter because I have determined that either:

- You have submitted an SRBA claim to a water right out of Mann Creek based on beneficial use and have not yet supplied evidence of priority, or
- I have suggested that you submit an SRBA claim to a water right out of Mann Creek based on beneficial use and supply evidence of priority for said claim.
- I have suggested that you amend a current SRBA claim in your name to be based on beneficial use and supply evidence of priority for said claim.

As the claim review process in basin 67 is coming to a close, I am writing to you to inform you that this is your final opportunity to submit a claim to a water right and/or provide me with evidence of priority to support them. Without sufficient evidence to support the priority date for your water right, I will have no choice but to disallow your water right.

I look forward to hearing from you in the near future. Please call, write, or email me on or before **May 1, 2006** so that I may avoid disallowing your water rights. I understand that the goals of this letter may not be clear to you. If this is the case, please call me (**208-287-4885**) and I will gladly discuss your specific situation with you in greater detail. Thank you very much for your time.

Sincerely,



Daniel L. Narsavage
GIS Specialist

Telephone: 208-287-4885
E-mail: Dan.Narsavage@idwr.idaho.gov

Enclosures:

- Notice of Claim to a Water Right...
- Pamphlet: "Evidence of Priority..."
- Map

SCANNED
APR 13 2006

Dear Dan:

In reference to your letter dated March 30 2006 I submit the following documents. They are stapled and numbered lower right hand corner to coincide with descriptive material listed below:

1. Deed Jensen to me with Tarter the mortgagee. (Jensen only owned the place a few months)
2. Priority date 6.1.23 in N.D Nellie + George Tarter connected to TWP 12 N From 13 N. See P 3A connection.
2B Wrongly submitted TWP in Application claim as of letter dated 5.9.02 (whose mistake? My submission was later)
3. My submission of change of ownership dated 5.24.93 mistakenly using TWP 13 N taken from Application claim profile dated 1.23.01 (see P 3B)
3A Finally showing change from TWP 13 N TO 12 N
3B Historical, in that TWP is caught as wrong from a profile report dated 2/5/85 (By this time George is 80 years old still moving water with a shovel)
- 4 Maps showing pits of diversion and approximate acreage of use.
4A. Re-ap of ownership change of water rights if applicable.

Please advise me what further evidence you require, and what fee amount, if any, for re-filing. This has been a long morning.

Yours very Truly
Jim Davies

208 726 3259 E-mail IRDJM@cox.net.

SCANNED

APR 13 2006

(Optional)

Recorded ☐Microfilmed ☐Indexed ☐Platted ☐Deed Card ☐Compared ☐Key Punched ☐Master File ☐Abstracted ☐To Treasurer ☐

APP

(DO NOT WRITE ABOVE THIS LINE)

DEPARTMENT OF
WATER RESOURCES

WARRANTY DEED

DAVID J. JENSEN and CHERYL JENSEN, husband and wife,

of Fulton

County of

Sonoma

GRANTOR(S)

State of ~~Idaho~~
California

hereby CONVEYS, GRANTS and WARRANTS TO

JAMES M. DAVIES

Box 392, Ketchum, Idaho 83340

GRANTEE(S)

whose current address is ~~1709 Deer Creek Road, Weiser, Id 83672~~

for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION Dollars (\$10.00)

the following described tract(s) of land in Washington

County, State of Idaho:

IN WASHINGTON COUNTY, IDAHO:

TOWNSHIP 12 NORTH, RANGE 4 WEST OF THE BOISE MERIDIAN:

Section 6: Lots 5 and 6, Lot 7 EXCEPT the following: Beginning at the southwest corner of said Section 6; thence East along the south line to the right of way fence of Highway #95; thence North along said right of way fence 223 feet; thence westerly and south along the south bank of a gulch 716 feet to a point 200 feet north of the south line of said Section 6; thence South 41 feet; thence West 100 feet; thence southwesterly to the point of beginning;

TOWNSHIP 12 NORTH, RANGE 5 WEST OF THE BOISE MERIDIAN:

Section 1: Lots 1, 2, 3, and 4, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$;

TOWNSHIP 13 NORTH, RANGE 4 WEST OF THE BOISE MERIDIAN:

Section 30: SE $\frac{1}{4}$ SE $\frac{1}{4}$ 'Section 31: Lots 1, 2, and 3, N $\frac{1}{2}$ of Lot 4, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;

EXCEPT right of way for Highway #95.

SUBJECT TO that certain Mortgage dated February 13, 1990, wherein the Mortgagor is David J. Jensen and Cheryl Jensen, husband and wife, and the Mortgagee is George Tarter, aka George D. Tarter, and Nellie Tarter, husband and wife, recorded February 15, 1990, as Instrument No. 148770 official records of Washington County, Idaho, to secure an indebtedness in the original principal sum of \$130,000.00.

Location of above described property 1709 Deer Creek Road

House No.

SCANNED

Street

APR 13 2006

1

SCHEDULE A

File No. 9208 (T90141)

Policy No. H 574051

Amount of Insurance \$ 210,000.00

Premium \$ 814.50

Date of Policy January 24, 1991,
at 2:00

~~am~~
p.m.

1. Name of Insured:

JAMES M. DAVIES.

Shows T & R

2. The estate or interest in the land which is covered by this policy is:

Fee simple.

3. Title to the estate or interest in the land is vested in:

JAMES M. DAVIES.

4. The land referred to in this policy is described as follows:

IN WASHINGTON COUNTY, IDAHO:

TOWNSHIP 12 NORTH, RANGE 4 WEST OF THE BOISE MERIDIAN:

Section 6: Lots 5 and 6, Lot 7 EXCEPT the following: Beginning at the southwest corner of said Section 6; thence East along the south line to the right of way fence of Highway #95; thence North along said right of way fence 223 feet; thence westerly and south along the south bank of a gulch 716 feet to a point 200 feet north of the south line of said Section 6; thence South 41 feet; thence West 100 feet; thence south-westerly to the point of beginning;

TOWNSHIP 12 NORTH, RANGE 5 WEST OF THE BOISE MERIDIAN:

Section 1: Lots 1, 2, 3, and 4, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$;

TOWNSHIP 13 NORTH, RANGE 4 WEST OF THE BOISE MERIDIAN:

Section 30: SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Section 31: Lots 1, 2, and 3, N $\frac{1}{2}$ of Lot 4, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;

EXCEPT right of way for Highway #95.

SCANNED

APR 13 2006

/ A

DATE 6/23/93 TIME 15:24:54

COMPUTER ASSISTED TAX SYSTEM
DELINQUENT AND/OR DUE TAX LIST
TXB557

PAGE 1

PARCEL INFORMATION	BANK CODE	LEGAL DESCRIPTION	YEAR	BILL NO	TAX	PENALTY	INTEREST	COST	TOTAL
RP 12N04W063600 A DAVIES, JAMES M P O BOX 392 KETCHUM ID 83340		LOT 5-6 TN-2 S6T12R4 102.52 ACRES	91	5866	18.38	.37	3.56		22.31*
									\$22.31
RP 12N05W010000 A DAVIES, JAMES M P O BOX 392 KETCHUM ID 83340		LOTS 1-2-3-4 S1/2NE SE1/4 S1T12R5 439.26 ACRES	91	5978	818.05	16.36	158.28		992.69*
									\$992.69
RP 13N04W309000 A DAVIES, JAMES M P O BOX 392 KETCHUM ID 83340		SESE; S30T13R4; 40 ACRES	91	6810	5.37	.11	1.04		6.52*
									\$6.52
RP 13N04W310000 A DAVIES, JAMES M P O BOX 392 KETCHUM ID 83340		E1/2NE S31T13R4 80 ACRES	91	6817	21.79	.44	4.22		26.45*
									\$26.45
RP 13N04W310600 A DAVIES, JAMES M P O BOX 392 KETCHUM ID 83340		W1/2NE; E1/2NW; N1/2 OF LOT 4; 91 NESW; W1/2SE; LOTS 1,2,3; S31T13R4; 400.50 ACRES	91	6816	149.00	2.98	28.84		180.82*
									\$180.82

CALCULATIONS VALID THROUGH: JULY 30, 1993

NUMBER OF PARCELS LISTED	5	PENALTY: 2.00%	91	FACTOR	TAX	PENALTY	INTEREST	COST	TOTAL
				.189699					

TOTAL DUE:

Due \$1,228.79

APR 13 2006

SCANNED

13

03/30/2006

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 67-10761

See page 3A

WATER RIGHT NUMBER: 67-10761

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NELLIE A TARTER 1709 DEER CREEK RD WEISER, ID 83672 (208)549-0086
Current Owner	GEORGE D TARTER 1709 DEER CREEK RD WEISER, ID 83672 (208)549-0086

Priority Date: 06/01/1923

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
DEER CREEK	MANN CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.050 CFS	
IRRIGATION	4/01 to 5/30	0.140 CFS	
	<u>Total Diversion:</u>	0.190 CFS	

Location of Point(s) of Diversion

DEER CREEK SW1/4SE1/4NE1/4 Sec. 1, Twp 13N, Rge 05W, B.M.
WASHINGTON County

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N	05W	1				X										X			

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	
12N	05W	1				4.2													7.0

Total Acres: 7

SCANNED

APR 13 2006

2

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 67-10761

WATER RIGHT NUMBER: 67-10761

Owner Type Name and Address
 Current Owner NELLIE A TARTER
 1709 DEER CREEK RD
 WEISER, ID 83672
 (208)549-0086
 Current Owner GEORGE D TARTER
 1709 DEER CREEK RD
 WEISER, ID 83672
 (208)549-0086

*Tarter to Jensen
 to ml...*

Priority Date: 06/01/1923
 Basis: Beneficial Use
 Status: Active

Source Tributary
 DEER CREEK MANN CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.050 CFS	increase to .10 CFS from 5
IRRIGATION	4/01 to 5/30	0.140 CFS	change use date to 4/1 Oct. 30
<u>Total Diversion:</u>		0.190 CFS	

Location of Point(s) of Diversion

DEER CREEK SW1/4SE1/4NE1/4 Sec. 1, Twp 13N, Rge 05W, B.M.
 WASHINGTON County

Place of Use
 STOCKWATER

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE
13N	05W	1				X					

is vidantary

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE
13N	05W	1				4.2					

Total Acres: 7

Remarks:

1. General AC. IRR.=7.0.

*Submitted
 wrongly
 dated 5.9.02 letter
 WRONG Township
 as a result*

SCANNED

APR 13 2006

WRONG Twp.

2A

RECEIVED

IP
APR 12 2006

DEPARTMENT OF
WATER RESOURCES

(see instructions on back of page)

DATE OF CLOSING: Feb 1991

LEGAL DESCRIPTION OF PROPERTY: Township 13 N Range 4 W
 Section 31, NE NW 1/4 of NW SW 1/4 of SW SW 1/4, Govt. Lot _____, BM. at NW SE
 Lot _____, Block _____, Subdivision/Townsite _____.
 If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A67-04053
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): owner of Record George D. Tarter + Nellie Tarter who sold to: David J. Jensen
- ☐ New Owner/Claimant (Purchaser): James M Davies
- ☐ New Mailing Address: Box 242
Ketchum, Id. 83340
- ☐ New Telephone Number: (208) 726-3259
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
- ☐ Attach proof of ownership, describe proof attached: Warranty Deed Copy
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[]	Signature of New Owner/Claimant(s)	James M Davies	Date	5.24.93
			Date	
[]	Signature of Former Owner/Claimant(s):		Date	
			Date	

(Signature of former claimant(s) is not required if proof of ownership is attached.)

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

APR 13 2006

3

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 67-10761

Conditions of Approval:

1. AC. IRR.=7.0.
2. Changed claimed POU Twp from 13N to 12N. Map in claim file, submitted by claimant, shows the area where Joslin Ditch crosses Deer Creek in 12N 05W. DLN, 12/21/2005

Remarks:Comments:Dates and Other Information:

Claim Received Date: 10/12/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
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: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>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

Water Supply Bank:

AJ5809NP
No. A67-10761

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/23/01
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GEORGE D TARTER	06/01/1923	IRRIGATION	04-01 05-30	0.140 CFS	
C	NELLIE A TARTER		STOCKWATER	01-01 12-31	0.050 CFS	
	1709 DEER CREEK ROAD					
	WEISER ID 83672					
	(208) 549-0086					
				TOTAL DIVERSION:	0.190 CFS	
				CONSUMPTIVE USE:		24.00 AFA

Water Source: DEER CREEK

Tributary to: MANN CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion:

T13N R05W S01

SWSENE

WASHINGTON County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	SUM		
13N	05W	1	: 04	:	:	:	:	:	:	:	:	:	:	7.0		
TOTAL ACRES													7.0			

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE				
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac			
13N	05W	1	: S	:	:	:	:	:	:	:	:	:	:			

POU County: WASHINGTON

Non-Irrigation Uses: S/150 RANGE.

Other Rights: NONE

Remarks: GEN AC. IRR.=7.0.

Dates: Exam Made Date:

Verified Date:

02/05/1985

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Evidentiary:

1-23-01

Shows Catching
T13N mistake;
should be T12N

Change of ownership
Correct the Township From 13N to 12N

Should
be
12N

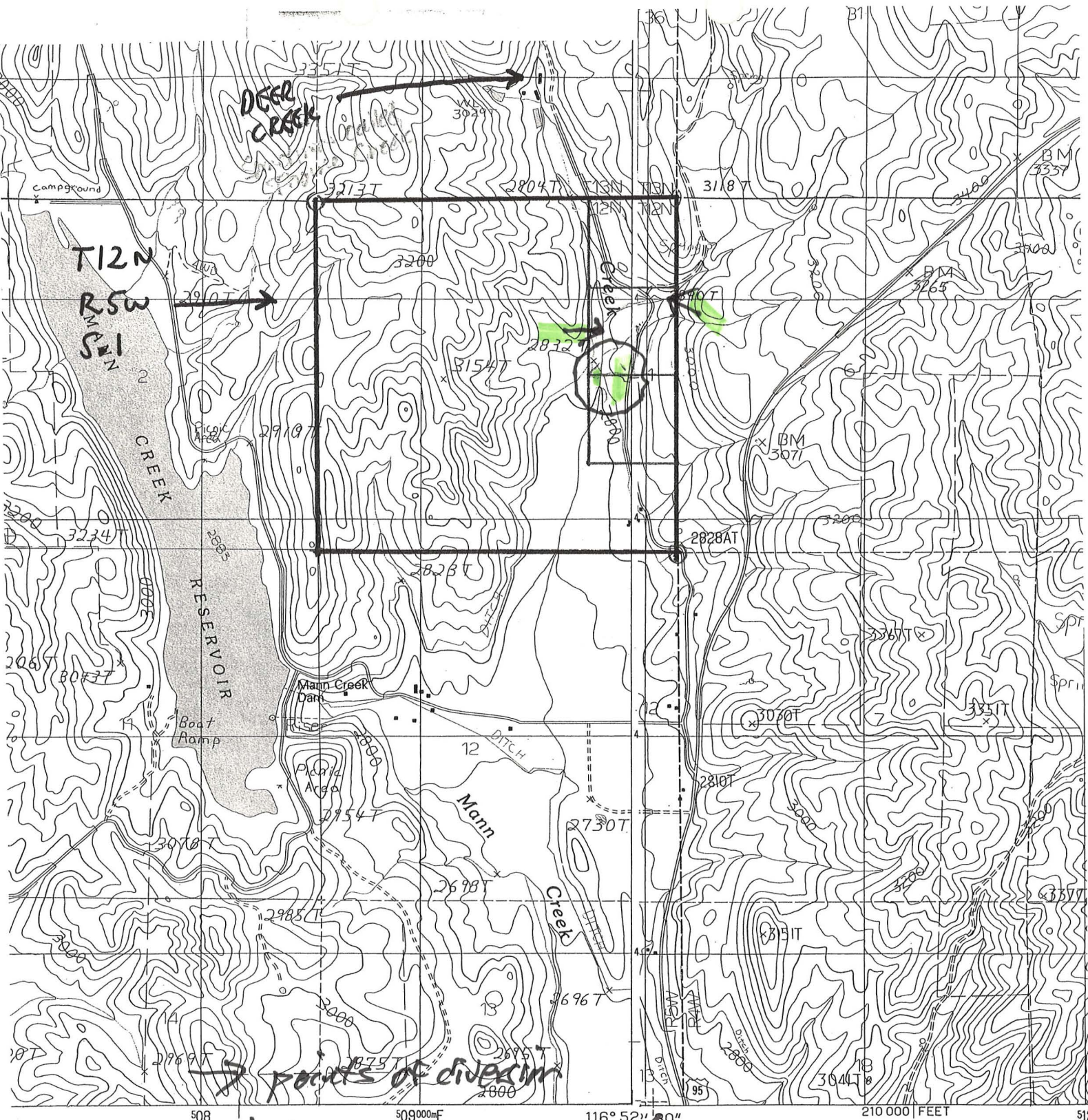
Should
be
12N

APR 13 2006

SCANNED

33

33



ANGLE LOCATION

- | | |
|---|-----------------|
| 3 | 1 Monroe Butte |
| | 2 Sturgill Peak |
| | 3 Hopper Creek |
| | 4 Olds Ferry NE |
| 5 | 5 Midvale Hill |
| | 6 Porters Flat |
| | 7 Weiser North |
| 3 | 8 Mann Creek SE |

Improved Road
 Unimproved Road
 Trail

○ Interstate Route ⬢ U.S. Route ○ State Route

SCANNED MANN CREEK NW, IDAHO

APR 13 2006 PROVISIONAL EDITION 1987

PRODUCED BY THE UNITED STATES GEOLOGICAL SURVEY
 CONTROL BY USGS, NOS/NO.
 COMPILED FROM AERIAL PHOTOGRAPHS TAKEN 1
 FIELD CHECKED 1984 MAP EDITED 1
 PROJECTION TRANSVERSE MERCATOR
 GRID: 1000-METER UNIVERSAL TRANSVERSE MERCATOR ZONE
 10,000-FOOT STATE GRID TICKS IDAHO, WEST 20
 UTM GRID DECLINATION 0°08' EA
 1987 MAGNETIC NORTH DECLINATION 17°30' EA
 VERTICAL DATUM NATIONAL GEODETIC VERTICAL DATUM OF 1
 HORIZONTAL DATUM 1927 NORTH AMERICAN DATUM
 To place on the predicted North American Datum of 1911
 move the projection lines as shown by dashed corner ticks
 (16 meters north and 78 meters east)
 There may be private inholdings within the boundaries of a
 Federal and State Reservations shown on this map



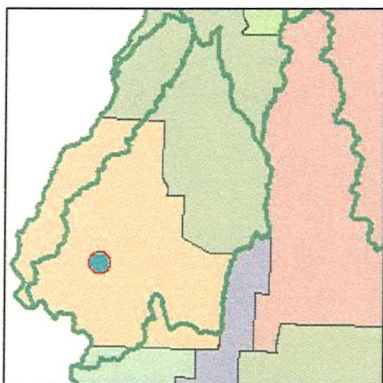
Idaho Department of Water Resources

Adjudication Claim:

67-10761

Legend

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



Washington County
IDWR Basin 67



R05W

0 0.1 0.2 Miles



Prepared by D. Narsavage
On Thursday, March 30, 2006
1987/88 Aerial Photography

APR 13 2006

SCANNED

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

RECEIVED

2006

DEPARTMENT OF
WATER RESOURCES

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
67-10761	67 10761				

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)

Nellie A and Geo. J. Tarter (Deceased)
 1709 Depr Creek Rd. Weiser, Id.

4. New Owner/Claimant(s)

James Davies

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

New Mailing Address

Box 392

City, State and ZIP Code

Ketchum Id. 83340

New Telephone Number

() 208 726 8259

5. Date you acquired the property

Approx Jan. 24 1991 (Title ins.)

SCANNED

APR 13 2006

4A

Cy From Mr. Dan Narsavage. His map attached.

RECEIVED

OCT 12 2005

Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

James M Davies
Box 392
Ketchum, ID 83340

Re: Irrigated land outside active SRBA claims

Dear Mr Davies:

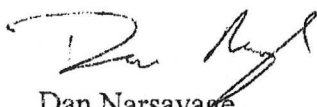
In my review of Snake River Basin Adjudication (SRBA) claims, I have reviewed your claim numbered 67-543 for 68.4 acres of irrigation along Deer Creek north of Weiser, Idaho. This acreage is outlined in light blue on the map included with this letter. This claim appears to me to be satisfactory, and no action on your part is warranted at this time unless you find an error.

During my review, however, I found some land in our aerial photography that appears to be irrigated but falls outside of the land claimed by 67-543. This appears in red on the map included with this letter. Assuming that it is in fact irrigated and that it has been irrigated since 1987 or earlier, I will require a separate SRBA claim from you in order to recommend this water use to the SRBA court to be decreed a water right.

I have included the "Notice of Claim to a Water Right" form for the SRBA as well as instructions for its completion. Along with completing this form, please outline to the best of your abilities the extents of this water use on the blank map provided. I have zoomed this map out to cover more ground in case there is more irrigated land that you wish to claim. I understand that you will most likely have some questions when completing the form, so please don't hesitate to contact me if you get stuck.

If the land outlined in red is in fact irrigated and you wish to claim it in the SRBA, please return the completed claim form no later than October 28, 2005. I look forward to hearing from you.

Sincerely,



Dan Narsavage
GIS Specialist
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098
Ph. 208-287-4885
E-mail: dan.narsavage@idwr.idaho.gov

Dear Dan:
Thank you for this letter, your map is attached.
I just received notification that a former owner's application was made for the wrong township. I can understand this as he was 84 years old taking full time care of his wife. Now I have to try to be clear headed enough to amend it. Enclosed are cys of the IDWR explaining this to me.

Enclosures:

- Map: "Davies Irrigation" (1p)
- Form: "Notice of Claim to a Water Right" (4p)
- Map: "Davies Irrigation" - blank (1p)
- Document: "Instructions for Filing a Claim to a Water Right..." (16p)
- Pamphlet: "Evidence of Priority"

SCANNED

OCT 13 2005

RECEIVED

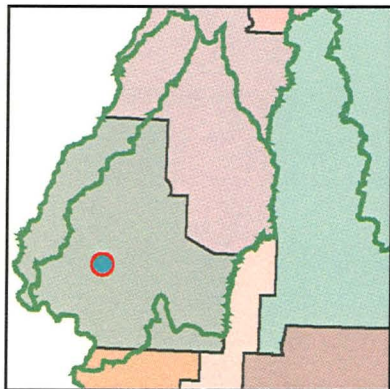
5

① crosshatched // is
Tockyn Ditch water

② Tarter claims on deer creek for irrigation and stock water.
③ The outlines in Red are farmed dry lands never been irrigated.

Legend

-  Section Lines
 Mann Creek Claims
 Not Ready
 Ready for Recommendation
 Recommended



Washington County IDWR Basin 67



0 0.3 0.6 Miles

SCANNED

OCT 13 2005

**Prepared by D. Narsavage
On Friday, September 30, 2005
Digital Orthophoto Quarter Quads**

(4) approx 2 acres in here can be sprinkled or 1 application in April from springs which dry up by mid July. I don't think it worth the trouble to apply.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

RECEIVED

OCT 12 2005

Department of Water Resources

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Cys For Dan Harsavage

October 3, 2005

DAVIES FAMILY LTD PARTNERSHIP
PO BOX 2235
KETCHUM ID 83340

RE: Notice in Change of Water Right Ownership for Snake River Basin Adjudication
(SRBA) claim 67-10761

Dear Sir or Madam,

The Idaho Dept of Water Resources is currently in the process of reviewing SRBA claims in your area. Initial review indicates that you may now own the property that I think claim 67-10761 is applicable to.

Claim 67-10761 was filed by George and Nellie Tarter in 1989. 67-10761 claims stockwater and irrigation of 7 acres from Deer Creek in:

T13N R5W Sec 1 SENE
NESE

My analysis shows that Deer Creek does not flow through T13N, R5W, Sec 1. The map submitted with the claim indicates that the place of use is located in **T12N, R5W, Sec 1**. It appears that you own the property in T12N, R5W, Sec 1.

yes, correct

I have enclosed a copy of the original claim filed along with the map that was submitted. Please look over the information. If you feel that my analysis is correct, then we need to file an amended claim that will not only correct the legal description on the claim, but correct the ownership of the claim.

I am enclosing an amended claim form. Please fill in the name as it should read, initial any changes you wish to make, and sign it in front of a notary. Then return the claim to me **along with evidence supporting the claimed priority date of June 1, 1923.**

The priority date is the day that the water was first put to beneficial use to the extent claimed. I am enclosing and evidence of priority pamphlet that describes what can and cannot be used as evidence of priority.

Please feel free to contact me with any questions.

SCANNED

OCT 13 2005

Cy

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 67-10761
Date Received: 10/12/1989
Receipt No: M004909
Received By:

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

Name: James M. Davis original Geo. D. Tarter
For Fam. Lyle P. Huv. Lyle M. A. Tarter Phone: 208 726 3259
Address: Box 392 Ketchum, Id. 83340

Name: _____ Phone: _____
Address: _____

2. Date of Priority: 06/01/1923

3. Source: DEER CREEK Trib. to: MANN CREEK

4. Point of Diversion:

Township Range Section 1/4 of 1/4 of 1/4 Lot County Type
12N 05W 1 SW SE NE WASHINGTON

5. Description of diverting works:

DAM AND FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	5/30	0.14	
STOCKWATER	1/01	12/31	0.05	

7. Total Quantity Appropriated is:
0.19 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

note to Dan on
Second page.

C4

10. Place of use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
12N	05W	1	NE	SE		STOCKWATER	
			SE	NE		STOCKWATER	
			SE	NE		IRRIGATION	4.2
			NE	SE		IRRIGATION	2.8
						Section Acres	7
						Total Acres	7

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used: *Jockyn Ditch, claim # 67-543, according to GIS Specialist Ida Dept of resources*

14. Remarks:

AC. IRR.=7.0.

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.

Dan Norsoyge:
 I will have to look through a mess/mass of files to see if I can support this priority of 1923. A way take some time.
 But these attachments are only to notify you that there is an additional claim.

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: A67-10761

Date Received: 10/12/1989

Receipt No: MOO 4909

Received By: _____

*Original
claim*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GEORGE D. TARTER 208-549-0086
Address: 1709 DEER CREEK ROAD
WEISER, ID 83672
OR
Name: NELLIE A. TARTER 208-549-0086
Address: 1709 DEER CREEK ROAD
WEISER, ID 83672

2. Date of Priority: JUN 01, 1923

3. Source: DEER CREEK Trib. to: MANN CREEK

4. Point of Diversion:

Township 13N Range 05W Section 1 1/4 of 1/4 of 1/4 Lot County
SW SE NE WASHINGTON

5. Description of diverting works:
DAM AND FLOOD IRR.

Carragh, ugh!

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	05/30	0.140		
STOCKWATER	01/01	12/31	0.050		

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

A.F.A.

8. Total consumptive use is 24.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/150 RANGE.

A67-10761

Page 1

Date: 10/12/89

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OCT 13 2005

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OCT 05 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	05W	1	SE	NE		STOCK	
			SE	NE		IRR	4.2
			NE	SE		STOCK	
			NE	SE		IRR	2.8
						Section Acres	7.0
						Total Acres	7.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
NONE

14. Remarks:
AC. IRR.=7.0.

15. Basis of Claim: BENEFICIAL USE

JIM & PAT DAVIES
BOX 2235
490 N. HULEN WAY
KETCHUM, ID 83340

Mr. Dan Norstridge
GIS
Idaho Dept Water Res.
Box 83720
Boise, Id. 83720-
0098



OVERSEAS
POSTAL SERVICE

U.S.

POSTAGE
PAID
KETCHUM, ID
PERMIT NO. 100
POST OFFICE BOX 2235
KETCHUM, ID 83340

POSTAGE
PAID
KETCHUM, ID
PERMIT NO. 100
POST OFFICE BOX 2235
KETCHUM, ID 83340



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 3, 2005

DAVIES FAMILY LTD PARTNERSHIP
PO BOX 2235
KETCHUM ID 83340

RE: Notice in Change of Water Right Ownership for Snake River Basin Adjudication
(SRBA) claim 67-10761

Dear Sir or Madam,

The Idaho Dept of Water Resources is currently in the process of reviewing SRBA claims in your area. Initial review indicates that you may now own the property that I think claim 67-10761 is applicable to.

Claim 67-10761 was filed by George and Nellie Tarter in 1989. 67-10761 claims stockwater and irrigation of 7 acres from Deer Creek in:

T13N R5W Sec 1 SENE
NESE

My analysis shows that Deer Creek does not flow through T13N, R5W, Sec 1. The map submitted with the claim indicates that the place of use is located in **T12N, R5W, Sec 1**. It appears that you own the property in T12N, R5W, Sec 1.

I have enclosed a copy of the original claim filed along with the map that was submitted. Please look over the information. If you feel that my analysis is correct, then we need to file an amended claim that will not only correct the legal description on the claim, but correct the ownership of the claim.

I am enclosing an amended claim form. Please fill in the name as it should read, initial any changes you wish to make, and sign it in front of a notary. Then return the claim to me **along with evidence supporting the claimed priority date of June 1, 1923.**

The priority date is the day that the water was first put to beneficial use to the extent claimed. I am enclosing and evidence of priority pamphlet that describes what can and cannot be used as evidence of priority.

Please feel free to contact me with any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Craig L. Saxton". The signature is fluid and cursive, with a long horizontal stroke at the end.

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Enclosure(s);

8-21-05: Couldn't find

10-3-05: This should be 12 W 5 W section 1 I
think. If so, it should be in the name of:

Davies Family, LTD Partnership
PO Box 2235
Ketchum ID 83340

A67-10761

Ross 549 2216

George Tarter

549-0086

Ask directions 66

POD + POU

Priority affidavit

of stock + when

THE
**SEVEN
HABITS**
OF HIGHLY
EFFECTIVE
PEOPLE

POU + POD are BLM Ground

No Deer Creek that far North.

If typo error + it is 12 N 05 W 01
instead of 13 N 05 W 01
~~it~~ then it belongs to

Davies Family LTD Partnership
1709 Deer Cr. Rd
Weiser Id

or: PO Box 2235
Ketchum, ID

Borro Borke

9/12/05

RECEIVED

MAR 14 2008

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 67-10761
Date Received: 10/12/1989
Receipt No: M004909
Received By:

Amended

Amended

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

JAMES DAVIES Phone: (208)726-3259

PO BOX 392
KETCHUM ID USA 83340

2. Date of Priority: 06/01/1923

3. Source: UNNAMED STREAM Trib. to: DEER CREEK
UNNAMED STREAM DEER CREEK
DEER CREEK MANN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
12N	05W	1	SE NE	WASHINGTON	
12N	05W	1	SE SE	WASHINGTON	
12N	05W	1	SE NE	WASHINGTON	

5. Description of diverting works:

DAM AND FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	5/30	0.14	
STOCKWATER	1/01	12/31	0.05	

7. Total Quantity Appropriated is:
0.19 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
12N	05W	1	SE	NE	STOCKWATER	
			SE	SE	STOCKWATER	
			SE	NE	IRRIGATION	3.9
			SE	SE	IRRIGATION	1.1
Section Acres						5
Total Acres						5

11. Place of use in counties: WASHINGTON

12. Do you own the property listed above as place of use? ~~no~~ YES

13. Other Water Rights Used:

14. Remarks:

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 yes do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: One

For Individuals:

I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): James Davies Date: 3-8-8
Patricia P. Davies Date: 3-8-08



Idaho Department of Water Resources

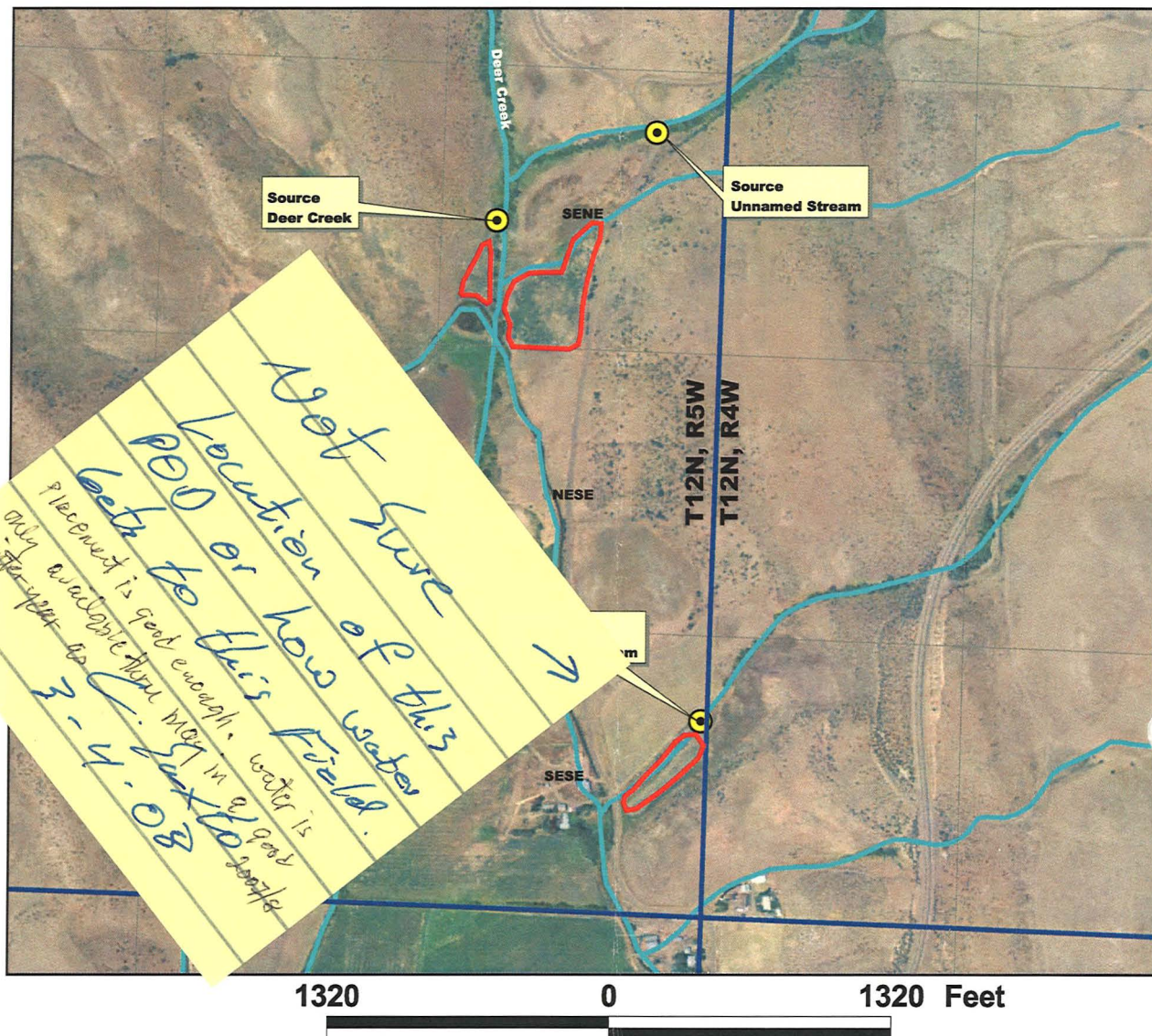
SRBA Recommendation:

67-10761
Amended Claim

(Irrigation)

Legend

-  Point(s) of Diversion
-  Place of Use
-  Tax Lots
-  Sections
-  Quarter Quarter
-  Streams/Ditches





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 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

March 4, 2008

JAMES DAVIES
C/O GENERAL DELIVERY
BORREGO SPRINGS CA 92004

RE: Amended SRBA claim 67-10761

Dear Mr. Davies,

Per our conversation on the phone, I am enclosing an amended claim and a map of what I think is a representation of your water use as described in the notes in the file.

I have highlighted in yellow items that I have added or changed from your original claim. Note that on the amended claim I am now showing three (3) different points of diversion. One that diverts water out of Deer Creek proper, and two that would divert water out of unnamed streams (probably fed by springs) that are tributary to Deer Creek.

Please look over the map and if the points of diversion shown on the map are in the wrong place or do not exist, please indicate so on the map and return it to me. The one I am really not sure about is the point of diversion to the southern field. I didn't have a map to reference so I made a best guess of how the water gets to that irrigated field.

Look over the claim and initial any changes you wish to make. When satisfied, please sign the claim and return it along with the updated map to me as soon as possible.

If you have any questions, please give me a call. The amended claim will allow me to create a new recommendation that should satisfy BLM's objection.

Respectfully submitted,

Craig L. Saxton
Water Right Supervisor
Adjudication Bureau
208-287-4916

Enclosure(s): Amended claim 67-10761 and map

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 67-10761
Date Received: 10/12/1989
Receipt No: M004909
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JAMES DAVIES Phone: (208)726-3259

PO BOX 392
KETCHUM ID USA 83340

2. Date of Priority: 06/01/1923

3. Source: DEER CREEK Trib. to: MANN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
12N	05W	1	SW SE NE	WASHINGTON	

5. Description of diverting works:

DAM AND FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	5/30	0.14	
STOCKWATER	1/01	12/31	0.05	

7. Total Quantity Appropriated is:
0.19 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
12N	05W	1	SE	NE	STOCKWATER	
			NE	SE	STOCKWATER	
			SE	NE	IRRIGATION	4.2
			NE	SE	IRRIGATION	2.8
					Section Acres	7
					Total Acres	7

11. Place of use in counties: WASHINGTON

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

AC. IRR.=7.0.

Changed claimed POU & POD Twp from 13N to 12N. Map in claim file, submitted by claimant, shows the area where Joslin Ditch crosses Deer Creek in 12N 05W. DLN, 12/21/2005

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.

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 67-10761
Date Received: 10/12/1989
Receipt No: M004909
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

NELLIE A TARTER Phone: (208)549-0086

1709 DEER CREEK RD
WEISER ID USA 83672

GEORGE D TARTER Phone: (208)549-0086

1709 DEER CREEK RD
WEISER ID USA 83672

2. Date of Priority: 06/01/1923

3. Source: DEER CREEK Trib. to: MANN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
13N	05W	1	SW SE NE	WASHINGTON	

5. Description of diverting works:

DAM AND FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	5/30	0.14	
STOCKWATER	1/01	12/31	0.05	

7. Total Quantity Appropriated is:
0.19 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
12N	05W	1	SE	NE		STOCKWATER	
			NE	SE		STOCKWATER	
			SE	NE		IRRIGATION	4.2
			NE	SE		IRRIGATION	2.8
						Section Acres	7
						Total Acres	7

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

AC. IRR.=7.0.

Changed claimed POU Twp from 13N to 12N. Map in claim file, submitted by claimant, shows the area where Joslin Ditch crosses Deer Creek in 12N 05W. DLN, 12/21/2005

15. Basis of Claim: Beneficial Use

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: A67-10761

Date Received: 10/12/1989

Receipt No: 1008909

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GEORGE D. TARTER 208-549-0086
Address: 1709 DEER CREEK ROAD
WEISER, ID 83672

OR

Name: NELLIE A. TARTER 208-549-0086
Address: 1709 DEER CREEK ROAD
WEISER, ID 83672

2. Date of Priority: JUN 01, 1923

3. Source: DEER CREEK Trib. to: MANN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13N	05W	1	SW	SE	NE		WASHINGTON

5. Description of diverting works:
DAM AND FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	05/30	0.140		
STOCKWATER	01/01	12/31	0.050		

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

8. Total consumptive use is 24.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/150 RANGE.

A67-10761

Page 1

Date: 10/12/89

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APR 09 2004

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13N	05W	1	SE		NE		STOCK	
			SE		NE		IRR	4.2
			NE		SE		STOCK	
			NE		SE		IRR	2.8
							Section Acres	7.0
							Total Acres	7.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
NONE

14. Remarks:
AC. IRR.=7.0.

15. Basis of Claim: BENEFICIAL USE

MICROFILMED
OCT 05 1992

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: 0

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): George T. Carter Date: 10-12-89
_____ Date: _____

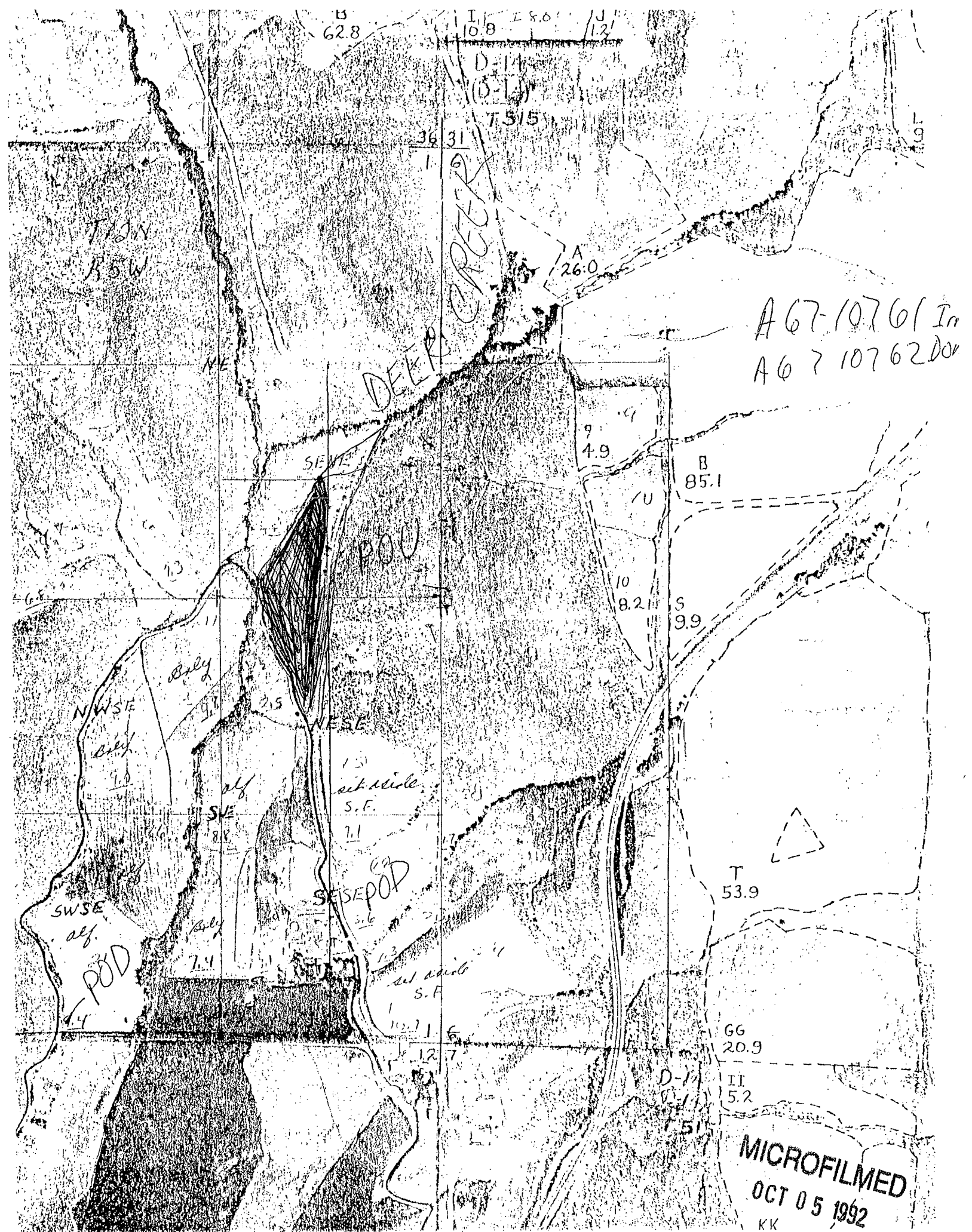
State of Idaho)
County of Washington) SS.

Subscribed and sworn (or affirmed) before me this 12 day
of Oct 19 Bruce A. Schulz
Notary Public

Seal

Residing at BRUCE A. SCHULZ, NOTARY PUBLIC
My Commission Expires RESIDING AT POISE, IDAHO
MY COMMISSION EXPIRES APRIL 11, 1996

MICROFILMED
OCT 05 1992





State of Idaho
DEPARTMENT OF WATER RESOURCES

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

May 25, 1993
David or Cheryl Jensen
1709 Deer Creek Rd
Weiser ID 83672

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Dear Wateruser(s):

This office has reviewed the **Notice of Change of Water Right Ownership** form submitted to our office. However, due to the items checked below, we cannot continue to process this ownership change. We are returning the Notice of Change of Ownership to you to COMPLETE OR RESEARCH ONLY THE FOLLOWING ITEM(S) SHOWING A CHECKMARK IN THE BLANK FOR THAT ITEM(S).

SEE NEXT PAGE.

There is no existing water right in our records either under the former owner's name or for the legal description given. If, after contacting the former owner, you find more information concerning a water right, please contact us.

Legal description of property. Please complete showing the legal description by 1/41/4 (40-acre tract), section, township and range for the property changing ownership. If you only have a subdivision lot & block legal description, please send us a copy of your subdivision plat map.

It appears you receive your water from an irrigation district, ditch company, municipality or community water company. If this is the case, then the water right remains in the name of this entity and you should contact them concerning the ownership change.

Name and address of former owner (seller). This will clarify the original owner of the water right.

Name, address and phone number of new owner (purchaser).

This change in ownership appears to result in a splitting of the water right. A split of the water right occurs when the ownership change affects only a portion of the original right. In order to accurately split this right we must know what portion of the right was sold. The amount of water in CFS, the place of use by 1/4 1/4 with the number of acres in each 1/41/4 (if applicable) and the point of diversion by 1/41/4, Section, Township and Range is needed. If this right is not being split, please submit proof of ownership for the remaining portion.
Enclosed is a computer copy of this right for your review.

Proof of ownership is needed. This proof can be a copy of the warranty deed, sales contract or tax assessment in your name which includes a description of this property by 1/41/4, Section, Township and Range.

SCANNED
APR 09 2004

MICROFILMED
AUG 19 1994

____ Signature of new owner (purchaser) is needed on this form.

X other: Please complete the enclosed change in
ownership form for claim numbers AG7-00543,
AG7-04053, AG7-10761 & AG7-10762.

Please complete the above item(s), if required, on the Notice of Change of Water Right Ownership form and return it with the requested information to the Department of Water Resources, Western Region Office, 2735 Airport Way, Boise, ID 83705. If we do not hear from you within 30 days, the claim upon which this form was filed(if one exists), will remain in the original owner's name.

Feel free to contact this office if you have any questions concerning this letter.

Sincerely,

Adjudication Staff
Department of Water Resources
Western Region Office
(208) 334-2190

LW:1
Enclosures

MICROFILMED

AUG 19 1994