

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 37-21804
Date Received: 6/19/2006
Receipt No: 5028736
Received By: KKC

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

1. Name of Claimant(s)

ROBERT WATT Phone: (208)543-4157
20368 HWY 30
BUHL ID USA 83316

2. Date of Priority: 08/01/1931

3. Source: BAKER CREEK Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	16E	9	SW NE	BLAINE	

5. Description of diverting works:

Pump in river for domestic uses and lawn irrigation

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
DOMESTIC	06/01	10/31	0.04	

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

8. Total consumptive use:

9. Non-irrigation uses:
Number of homes: 1

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
05N	16E	9	NW SE	DOMESTIC	

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

COPY

14. Remarks:

Forest service owns property and claimant owns the cabin.

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.

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): *Robert Ellett* Date: 6-19-06
_____ Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 19th day of June 2006
Kelly K. Christensen
Notary Public



Residing at _____ Twin Falls, ID

My commission Expires 4-2-2010

COPY

11/29/2006

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 12/15/2006

Water right number: 37-21804

ROBERT WATT

20368 HWY 30

BUHL ID 83316

Telephone Number: (208) ~~543-4157~~

320-0765

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

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

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

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

DATE: 12-8-06

SIGNATURE: Robert Watt

Please print your name: _____

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED
DEC 13 2006



Idaho Department of Water Resources

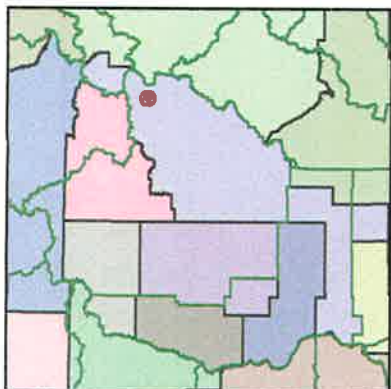
SRBA Recommendation:

37-21804

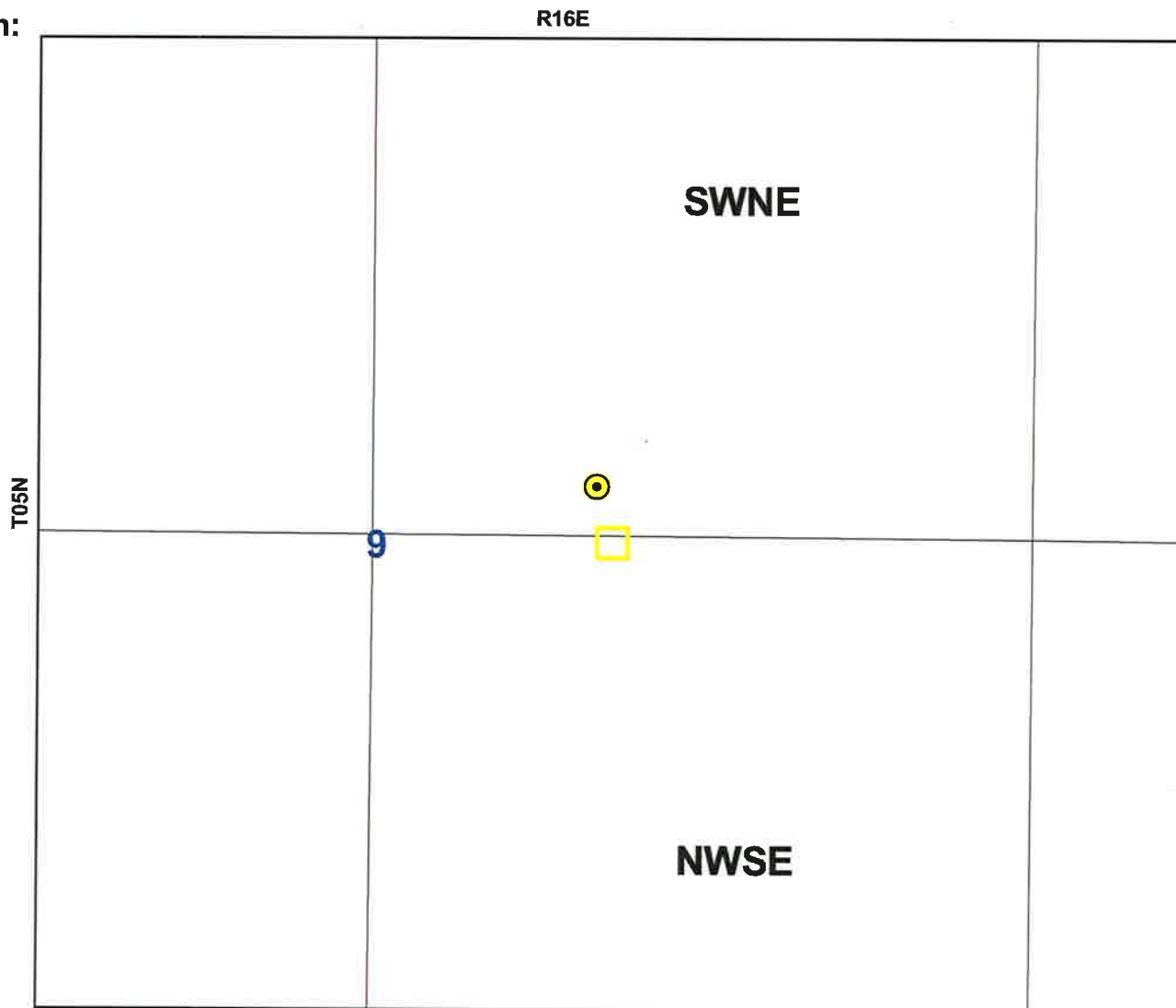
(Domestic)

Legend

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



Blaine County
IDWR Basin 37



Prepared by E. Norques
On Wednesday, November 22, 2006
1987/88 Aerial Photography



Idaho Department of Water Resources

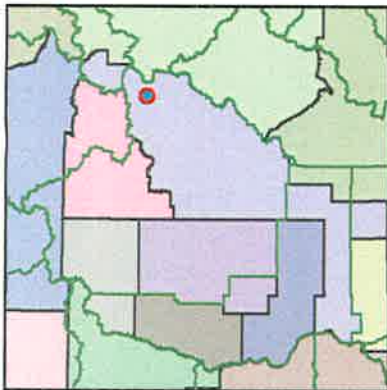
SRBA Recommendation:

37-21804

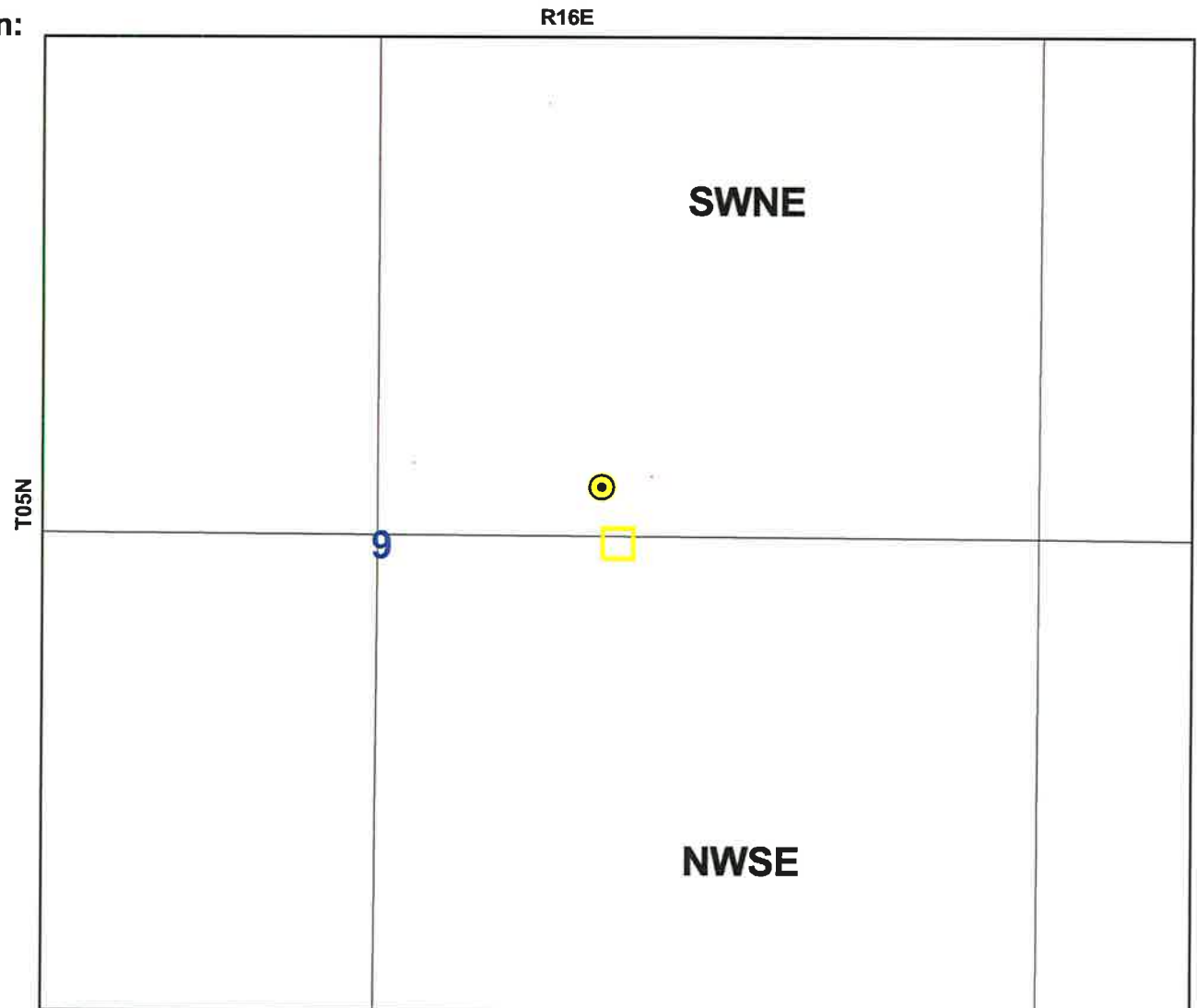
(Domestic)

Legend

-  Point of Diversion
-  Place of Use
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Blaine County
IDWR Basin 37



Prepared by E. Norques
On Wednesday, November 22, 2006
1987/88 Aerial Photography

Senior Water Resource Agent
Erin Retelle
332 E Front St.
Boise, Idaho
83720-0098

November 15, 2006

Dear Erin;

This letter is in addition, to the notarized letter from the son of the original builder and owner of the cabin. This cabin, is on lot 5B, lower Baker Creek SNRA.

I have talked, to my mother, who just turned 89 about the first time she remembers going to the cabin. She stated that it was 1934 and she was a junior in high school. She later married my dad in 1939. She said the creek was used for water at all the cabins on lower Baker Creek.

I remember going up the creek and opening the beaver dam every morning when I was very small (47-48). It was a morning ritual to go with my grandfather with my small shovel to help him open the beaver dam to let the water flow down the ditch to the cabins.

In the 1960's, the forest service trapped the beaver out of baker creek and moved them. This caused the water to discinagate the dams built up over the years. In 1966 while on leave from the Air Force I helped build up the diversion to maintain the water flow in the ditch. The cabin received electric power in 1969. The spring of 1972 or 1973 a flood took out the diversion and the ditch died up. The family tried to make arrangements with the Forestservice to allow us to use a backhoe to restore the water. This request was denied. Since the riparian area was slowly dying -out a pump was installed to pump creek water for irrigation of the riparian area and domestic use.

I hope the information required has been supplied. If you have any questions please contact me

Sincerely,

Robert Watt

IDWR file 37-21804

State of Idaho
County of Twin Falls

Subscribed and sworn to (or affirmed) before me this 15th day of November 2006

by Robert Watt

Notary Public
My commission expires 12/11/2010



WARREN BARRY
2750 Suncrest Circle
Twin Falls, ID 83301

November 14, 2006

RE: Cullinary Water Supply for Baker Creek Cabins

My father built the 5th Cabin of a group of cabins on Baker Creek near Easleys Hot Springs. This was about 15 miles north of Ketchum.

The water supply was from a small ditch in back of the cabin constructed with the cooperation of the five owners of the cabins using a ditcher that plowed a ditch behind the 5 cabins from Baker Creek behind the 5 cabins and back to Baker Creek. The grade was sufficient that it required very little maintenance. Just cleaning in the spring of the year.

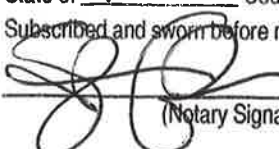
A redwood or cedar box was installed behind each cabin to provide a place to fill a bucket to provide clear water.

This occurred in 1930 or 1931 and as far as I know, the improvement are still working to day.

The Watt family used the property extensively after it was built until 1939 when it was purchaSED.

H. Warren Barry



State of Idaho County of Twin Falls
Subscribed and sworn before me on 11/15/2006
(Date)

(Notary Signature)

R WAT
203684534
Bak, 20 83316

CERTIFIED MAIL™



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83720

U.S. POSTAGE
PAID
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IDAHO DEPARTMENT of WATER RESOURCES

332 EAST FRONT ST

P.O Box 83720

Boise, IDAHO 83720-0098

ATTN: ERIN RETLIK

RETURN RECEIPT
REQUESTED



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, PO Box 83720 Boise, Idaho 83720-0098

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

JAMES E. RISCH
Governor

KARL J. DREHER
Director

November 3, 2006

37-21804
ROBERT WATT
20368 HWY 30
BUHL ID 83316

Re: Evidence of Priority Date

Dear Claimant:

RESPONSE DEADLINE
NOVEMBER 20, 2006

The Notice of Claim to a Water Right (claim) identified with the number shown above your names has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed, and are termed beneficial use rights. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. Since the priority date and historic use of a beneficial use right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed and the historic use of the water.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the adjudication.

Enclosed you will find a computer printout of your claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: IDWR will recommend the SRBA Court decree the claim disallowed if no evidence of the priority date and of the historic use is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date and the historic use by the date shown above, referencing all documents with the corresponding claim number. If you have questions not covered by this letter or the enclosed pamphlet, please give me a call at (208) 287-4949.

Sincerely,

Erin Rételle
Senior Water Resource Agent

Enclosures: 2