

Palmer, Cherie

From: Jim Speck [jim@speckandaanestad.com]
Sent: Wednesday, January 20, 2016 3:51 PM
To: Palmer, Cherie; Buyer, Remington
Cc: 'John Partridge'; Zach Latham; Keen, Shelley
Subject: Re: At Last Ranch Trust - Water Supply Bank Lease for Portio of 37-276H
Attachments: 37-276H DR recommendation map.pdf; 2016.01.13 idwr ltr re 37-276H POU & POD corrections needed.pdf; 37-276H dir rpt.pdf; 37-276H partial decree.pdf; 37-276H POU adjud photo.pdf; 37-276H map.pdf

Cherie and Remington,

I represent the At Last Ranch Trust which recently acquired Lot 18, Barlow Subdivision in Blaine County, Idaho. This e-mail is in response to Cherie's January 13, 2016 letter to my clients (copy attached).

I have attached copies of the Director's Report recommendation and the map on which it was based, together with the Partial Decree which was issued September 24, 2010 along with all of the other uncontested water rights in Basin 37 Part 3. I have also attached a copy of the current map of this right downloaded from your water rights search database. These documents form the basis for the current situation.

I then prepared a map from your website's mapping feature that depicts the same POU on the same Adjudication photos used for the Director's Report recommendation map, but using the current and presumed correct Government survey layer. This map clearly shows the current location of those survey lines has shifted south approximately 1/4 mile from the layers IDWR used in 2006 for the February 20, 2007 recommendation. The on the ground location of the place of use of this water right **HAS NOT CHANGED**. It is now and has been since before the claim was filed in the SRBA been on Lot 18, Barlow Subdivision. By the terms of the WSB lease contract for this right, my clients are **NOT** using that leased portion to irrigate any part of Lot 18 or any other lands. They are, however, using the remaining, unleased portion of that right to irrigate a part of Lot 18. Renting out the leased portion will NOT result in an enlargement of this right. Therefore, we ask that you reconsider the position taken in Cherie's letter and proceed to process any requests to rent this water right.

We do understand that, due **ONLY** to the change in location of the Government survey lines, the legal description of the place of use needs to be corrected. By a copy of this e-mail, I am asking Shelly Keen to contact me to discuss our options for the most expeditious and cost efficient way to do this.

Please contact me if you have any questions about this e-mail. Thank you.

Jim

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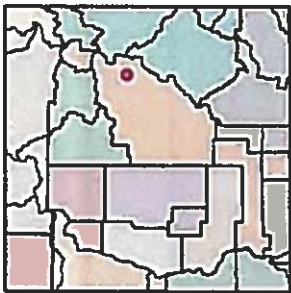
Idaho Department of Water Resources

SRBA Recommendation:

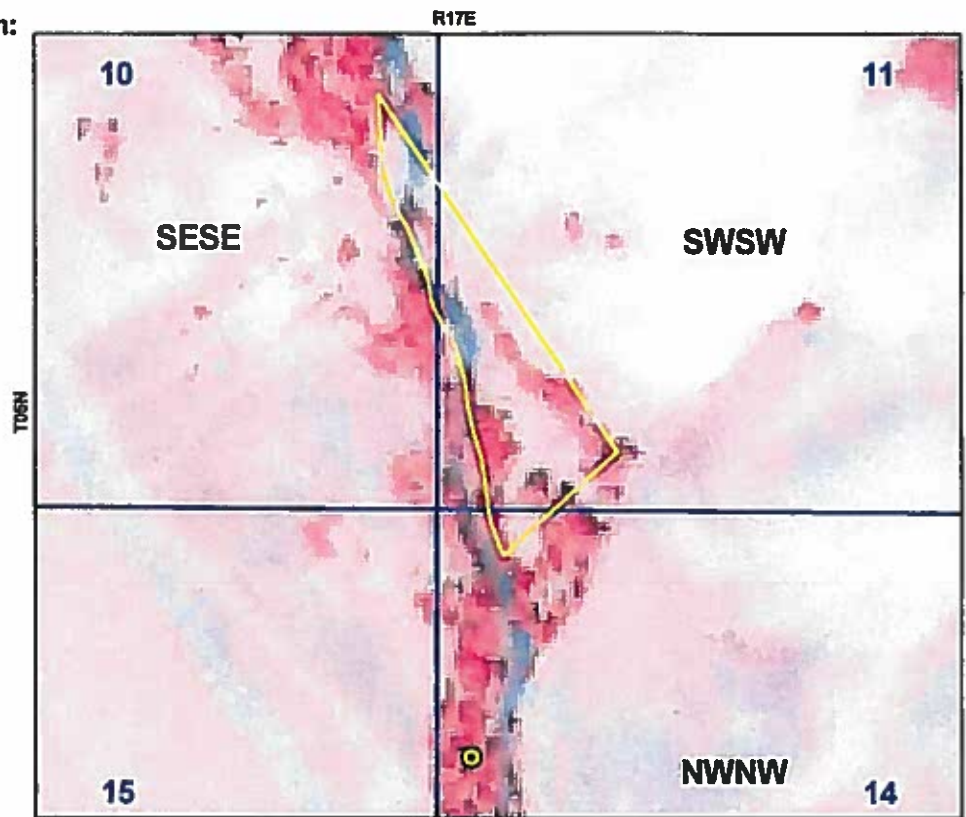
37-276H
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles



Prepared by A. Warntjes
On Sunday, November 12, 2006
1987/88 Aerial Photography

State of Idaho
Department of Water Resources

Water Right
37-276H

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



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

0 0.05 0.1 0.2 Miles

