

Smith, Danni

To: Pemberton Jackson
Subject: RE: 67-10575

Finally got more information on this water right and have scanned the documents this morning to our website at www.idwr.idaho.gov. This is not a clerical error. Seems the Coates had license 67-2297 but opted not to claim it in the SRBA but claim 67-10575 as a beneficial use right for .04 cfs (more water) than the licensed amount of .02 cfs and did file the original Point of Diversion (POD) in the SESESW as if it were a new pond.

At this point, the only way to put the POD back where the original pond (POD for 67-2297) is through a transfer process for \$100 filing fee. If you are in ownership of the property you can start the process at anytime and since it is decreed you should get the .04 cfs of water use.

One other option would to file change of ownership on the original license 67-2296 for the .02 cfs as a deferrable domestic use for \$25, deferrable just means not required to have filed a claim in the SRBA but water right is still valid to the property, but this of course leaves you with the original licensed of .02 cfs. I have put a copy of license 67-2297. All other documents are scanned to IDWR website.

Know this may be confusing, so if you have questions, please call me at 287-4910.

From: Pemberton Jackson [<mailto:papa@pembertonfamily.com>]
Sent: Friday, March 08, 2013 9:01 AM
To: Smith, Danni
Cc: Pemberton Charlet; Noah Creed
Subject: Re: 67-10575

Danni,

Thank you for your prompt reply. From what I have seen in the records, it is clearly a clerical error as the field note maps show the Point Of Diversion where it actually is.

I look forward to hearing from you again.

Jackson Pemberton

On Mar 8, 2013, at 7:51 AM, Smith, Danni wrote:

I got your message from Sally this morning. I have requested a copy of the original claim and documents which should be here on Monday. Unless I can find a clerical error in the original data entry, the only way to correct the elements is to write a letter to the SRBA Court in Twin Falls after you purchase the property. The letter will be considered in the SRBA Court as a "Motion to Set Aside Partial Decree". Other option for this to be corrected is to GPS the Point of Diversion and file a Transfer (\$100 fee) with the department.

Will check the file and see what I find. Not much can be done right away, so thought I'd let you know it may take awhile to review all this and the options to correct if needed. I am working on your request and will keep you posted.

If you have questions please call me at 208-287-4910.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 67-2297

WATER RIGHT NUMBER: 67-2297

Owner Type: Name and Address
Current Owner CLARENCE COATES

Priority Date: 4/16/1962

Basis: License

Status: Active

Source: Tributary:
SPRING WEISER RIVER

<u>Beneficial Use:</u>	<u>From / To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
COMMERCIAL	/ to /		
DOMESTIC	/ to /	0.020 CFS	
	<u>Total Diversion</u>	0.020 CFS	

Location of Point(s) of Diversion:

SPRING L4() Sec. 18, Twp 18N, Rge 01E B.M. ADAMS County

Place of Use:

DOMESTIC within ADAMS County

			NE				NW				SW				SE				Totals
Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N	01E	19	X																

COMMERCIAL Same as DOMESTIC

Dates and Other Information:

Licensed Date: 1/30/1979

Water District Number: 67

Mitigation Plan: False

Combined Use Limits: N/A

SubCase: N/A

Water Supply Bank: N/A