

June 7, 2010

SHANE ROBERTS  
20 SHARON LOOP  
OVID, ID 83254

RE: Application for Transfer

Dear Applicant(s):

The Department of Water Resources has received your application for transfer. Preliminary review of the application indicates that it is incomplete and cannot be accepted for processing. We are returning your application to allow you to complete the necessary items. The required information is described below.

The Proof of Ownership for the Recorded Right was not provided correctly.  
Need a warranty deed showing you own the property.

The Proposed Place of Use? Acres Irrigated was not provided correctly.  
No acres in each quarter/quarter.

The Proposed Point of Diversion was not provided correctly.  
The legal description does not match the map location

Please feel free to contact this office if you have any questions.

Sincerely,

Dave Carlson  
IDWR-Eastern Region

May 24, 2011

Shane Roberts  
20 Sharon Loop  
Ovid, ID 83254

RE: Transfer No. 75742 (water right 11-46)

Dear Mr. Roberts:

Enclosed is an amended transfer application for you to review. Please refer to my Memo discussing the possible error in the 1902 decree. If the Amended Transfer looks correct, **please sign on the second page and mail the application to our office in Idaho Falls.**

We still need a few more documents relating to property ownership. Because it appears that water right 11-46 should have been decreed to the SW1/4 of Section 4, we need to create a chain of deeds for the property you own in Section 4, north of the road (outlined in red pen on the enclosed map). You have already provided deeds tracing the property from DM King to TC King to David Roberts. Please provide warranty deeds tracing ownership of the 54 acre parcel located in the SW1/4 of Section 4 from David Roberts forward. I included a copy of the TC King to David Roberts conveyance and highlighted the property in question.

Please also provide any documents you have showing that water right 11-46 has been delivered to you or your father by the Liberty Ditch Company in recent years. This type of delivery evidence further strengthens your case for ownership of the water right.

We will advertise your transfer in the local paper as soon as the signed amended application is received. Please feel free to call me if you have any questions about the transfer or my memo.

Sincerely,

James Cefalo  
Water Resources Program Manager  
IDWR Eastern Regional Office

May 12, 2010

SHANE ROBERTS  
20 SHARON LOOP  
OVID, ID 83254

RE: Application for Transfer

Dear Applicant(s):

The Department of Water Resources has received your application for transfer. Preliminary review of the application indicates that it is incomplete and cannot be accepted for processing. We need you to update the application to complete the necessary items. The required information is described below.

The Proof of Ownership for the Recorded Right was not provided correctly. Need a copy the warranty deed showing you currently own what was the Udell Roberts property

The Proposed Place of Use? Acres Irrigated was not provided correctly. None were on the application. See enclosed application and maps for what we believe to be the correct acres. Review the application.

The Proposed Point of Diversion was not provided correctly. Your map location doesn't correspond to the legal description you indicated.

Please feel free to contact this office if you have any questions.

Sincerely,

Dave Carlson  
IDWR-Eastern Region

April 24, 2009

Shane Roberts  
Shauna Roberts  
20 Sharon Loop  
Ovid ID 83254-4903

RE: Application for Transfer

Dear Mr. & Mrs. Roberts:

We are returning your check along with the portion of your application. On September 16, 2008, we returned your original application and requested more information along with other items that needed to be addressed on your application, such as an original signature. On April 20, you submitted a check with maps and warranty deeds, but failed to return your original application with signature.

Please finish filling out your application, with the information requested in our September 16<sup>th</sup> letter, along with your signature, maps, warranty deeds and your check when it is completed.

If you have any questions, please feel free to contact myself.

Sincerely,

Blake Jordan  
Sr. Water Resource Agent

Enclosure

BJ:sc

September 16, 2008

SHANE ROBERTS  
20 SHARON LOOP  
OVID, ID 83254

RE: Application for Transfer

Dear Applicant(s):

The Department of Water Resources has received your application for transfer. Preliminary review of the application indicates that it is incomplete and cannot be accepted for processing. We are returning your application to allow you to complete the necessary items. The required information is described below.

The Proof of Ownership for the Proposed Right was not provided correctly. Water Right #11-46 is under the name of King. You will need to provide a recorded warranty deed or sale of contract to show ownership.

The Proposed Place of Use? Acres Irrigated was not provided correctly. The place of use need to be listed in the proper  $\frac{1}{4}$   $\frac{1}{4}$  's.

The Fee was not provided correctly. The fee is based on the cfs. Please see enclosed fee schedule.

The Notarized Signature was not provided correctly. You need to sign the application in front of a notary.

The Proposed Point of Diversion was not provided correctly. The point of diversion must be listed on line item B4.

Please feel free to contact this office if you have any questions.

Sincerely,

Dave Carlson  
Water Resource Supervisor

Enclosures



## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 11-46

WATER RIGHT NUMBER: 11-46

|                   |                         |
|-------------------|-------------------------|
| <u>Owner Type</u> | <u>Name and Address</u> |
| Current Owner     | D M KING                |

, ZZ

Priority Date: 05/15/1864

Basis: Decreed

Status: Active

|               |                  |
|---------------|------------------|
| <u>Source</u> | <u>Tributary</u> |
| NORTH CREEK   | BEAR RIVER       |

|                       |                         |                       |                      |
|-----------------------|-------------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| IRRIGATION            | 4/01 to 11/01           | 0.520 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.520 CFS             |                      |

Location of Point(s) of Diversion  
NORTH CREEK

Place of Use  
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 |
| 13S | 43E | 4   |    |    |    |    | X  | X  | X  | X  |    |    |    |    |    |    |    |    |        |

Conditions of Approval:

1. P/D NOT SPECIFIED IN DECREE. POU IS WITHIN 102 ACRES DESCRIBED.

Remarks:Comments:Dates and Other Information:

## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 11-46

Licensed Date:  
Decreed Date: 2/5/1902  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
State or Federal:  
Owner Name Connector:  
Water District Number:  
Generic Max Rate Per Acre:  
Generic Max Volume Per Acre:  
Decree Defendant: Joseph M Wixom, et al  
Decree Plaintiff: C H Brown  
Civil Case Number:  
Judicial District: Fifth District  
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:

Brown v. Wixon Decree (1902)

11-46 DM King

26 inches  $\approx$  0.52 cfs May 15, 1864

Findings of Fact

common ditch, 450 inches (Ovid Irrigation Co.)  
March 1888 - posted notice of diversion

DM King POU

NW  $\frac{1}{4}$  Sec 4 T13S R43E

160 acres (excepting 58 acres sold to  
ES Morgan)

ES Morgan right = 5/15/1864 1.18 cfs

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Probate Decree - Estate of DM King Oct 27, 1934

\* chain only covers proposed place of use

\* Need chain for NW  $\frac{1}{4}$  of section 4

→ IF Roberts contends 1902 decree is in error, he must supply evidence of the error, for example, a chain of deeds showing that DM King never owned the NW  $\frac{1}{4}$  of Sec 4

Other rights cover NW  $\frac{1}{4}$  of section 9