LETTER OF CONCERN
TO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION
900 NORTH SKYLINE DRIVE STE. A.
IDAHO FALLS, IDAHO 83402

TO WHOM IT MAY CONCERN:

We, the undersigned, would like to express concern and clarification on the following Notice of Proposed Change of Water Right submitted by Verna Lerwill or Gary Lerwill.

Right No. 22-200A

;Priority 1/8/1904
Source Packsaddle Creek
Use Irrigation (130 acres) 2.60 CFS
Total Amount 2.60 CFS
Points of Diversion S8 T05N R44E

This water right was on the south fork of Packsaddle Creek and Packsaddle Reservoir which was built in 1903-04. The Reservoir washed out May 6, 1916. This water right no longer exists because the reservoir is no longer there.

In the 1970's the Forest Service pushed out the dam located on Packsaddle Lake, the north fork of Packsaddle Creek, thus removing any water storage from the lake.

It concerns us that Verna and Gary Lerwill are filing on water storage that does not exist and therefore cannot be transferred to their adjoining property.

Terrell F. Kay
890 West 400 North
Tetonia, Idaho 83452

Garry Jardine
358 North 800 West
Tetonia, Idaho 83452

RECEIVED
DEC 0 3 2002
Department of Water Resources
Eastern Region

State of Idaho
DEPARTMENT OF WATER RESOURCES
900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

November 13, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

VERNA LERWILL
GARRY LERWILL
250 N 800 W
TETONIA ID 83452

RE: Application for Transfer No 70253
Water Right No(s) 22-326D 22-325B 22-2002A

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right transfer application. Please refer to the above referenced transfer number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Teton Valley News on November 21 and 28, 2002. Submittal of protests to this application will be allowed for a period ending ten days (December 10, 2002) after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved.

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

Sincerely,

Harold W. Jones

Harold W Jones
Water Right Supervisor

HWJ:sc

State of Idaho
DEPARTMENT OF WATER RESOURCES
900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 13, 2002

Legal Notice Department
Teton Valley News
80 E LITTLE AVE
DRIGGS ID 83422

RE: Application for Permit No. 22-13259 and Transfer No. 70253

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before December 9, 2002. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 70253

VERNA LERWILL or GARRY LERWILL, 250 N 800 W, TETONIA ID 83452, has filed Application No. 70253 for changes to the following water rights within TETON County:

Right No. 22-326D

Priority 4/5/1889

Source PACKSADDLE CREEK

Use IRRIGATION (130 acres) 0.50 CFS

Total Amount 0.50 CFS

Point(s) of Diversion S8 T05N R44E

Place of Use S9 T05N R44E

Right No. 22-325B

Priority 6/1/1891

Source PACKSADDLE CREEK

Use IRRIGATION (130 acres) 0.50 CFS

Total Amount 0.50 CFS

Point(s) of Diversion S8 T05N R44E

Place of Use S9 T05N R44E

Right No. 22-2002A

Priority 1/8/1904

Source PACKSADDLE CREEK

Use IRRIGATION (130 acres) 2.60 CFS

Total Amount 2.60 CFS

Point(s) of Diversion S8 T05N R44E

Place of Use S9 T05N R44E

The purpose of the transfer is to change a portion of the above rights as follows:

The applicant is re-arranging his water rights after selling some property. The new places of use are in W1/2 NW, N1/2 SW and NWSE Sec 9 T5N R44E for a total of 130 acres.
Protests may be submitted based on the criteria of Sec 42-222, Idaho Code.

Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of $25.00 for each application on or before December 09, 2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published on November 21 and 28, 2002

State of Idaho
DEPARTMENT OF WATER RESOURCES
900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 17, 2002

Gary Lerwill
250 N 800 W
Tetonia, Idaho 83452

Mr. Lerwill;

Enclosed is the revised transfer we discussed. You will need to sign and have it notarized. I will also need a copy of a recent tax notice showing you as owner of all the places of use.

If you have sold a portion, I need a copy of the sales contract showing that you retained the water right.

You can return all paper work to me at the Idaho Falls office.

Sincerely,

Harold W. Jones
Water Resource Supervisor

HWJ/clk