



State of Idaho

DEPARTMENT OF WATER RESOURCES

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PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 2, 1997

George & Gwen Montgomery
Star Rt. Box 13
Albion, ID 83311

Dear Mr. and Mrs. Montgomery:

Our department has recently began processing two water right transfer applications involving portions of the water rights out of Lake Cleveland, located southwest of Albion, Idaho. These two transfer applications were filed by George & Gwen Montgomery and A.W. & S.J. Anderson. You have received this letter because you have filed a Snake River Basin Adjudication claim based on a portion of those water rights.

The Department's water right records are based on an old water right decree. In 1892, as part of the R.L. Wood, et al. vs. W.M. Stokes decree, the water out of Lake Cleveland was decreed to two different parties for use on two specific parcels of ground.

The first party, George Giles, was decreed 1.6 cfs (80 inches) for specific land described as the East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ and the West $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 01, Township 12 South, Range 24 East. The Giles property has been outlined, in red, on the enclosed map.

The second party, Andrew Parke, as administrator of the John Parke Estate, was decreed 3.2 cfs (160 inches) for specific land described as the Southeast Southeast $\frac{1}{4}$ of Section 01 and the East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 12 both within Township 12 South, Range 24 East and the Southwest Southwest $\frac{1}{4}$ (U.S. Government Lot #7) of Section 06, Township 12 South, Range 25 East. The Parke property has been outlined, in blue, on the enclosed map.

Four parties have filed Snake River Basin Adjudication claims for the water out of Lake Cleveland, based on the original 1892 decree. A summary of these claims is on the next page.

T #5089

CLAIM NUMBER	CLAIMANT	AMOUNT OF WATER	ACRES IRRIGATED
A45-00294A	Kent Cooper	1.60 cfs	120 acres
A45-00294C	A.W. & S.J. Anderson	3.30 cfs	240 acres
A45-00294D	George Montgomery	1.60 cfs	100 acres
A45-00294E	Kyle & Rozalys De Naughel	1.60 cfs	72 acres
TOTAL		8.10 cfs	532 acres

The total amount of water claimed under these four adjudication claims amounts to 8.1 cfs for 532 acres. I have included a map showing the locations of the acres claimed under these four adjudication claims. Please note that more water and irrigated acres from Lake Cleveland has been claimed than was originally decreed.

I have researched the documents provided by the Montgomerys and the Andersons that they included with their respective transfer applications. In addition, I have researched records at the Cassia County Courthouse and the Land Title and Escrow office in Burley. I have carefully examined these documents and records and find that there is still not enough information to determine the historical ownership trail of the decreed water from Lake Cleveland.

I have included a summary of the known documented transactions involving water from Lake Cleveland. To the best of my knowledge, this summary represents the recorded transactions that have occurred involving the Lake Cleveland water since it was decreed in 1892. However, I suspect that additional transactions may have occurred that may help clarify the ownership record. Most of the documents that this summary is based on do not specify where the water came from or went to in the transactions.

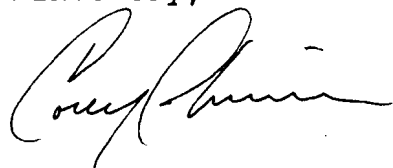
Since the department is proceeding with the processing of the transfer applications filed by the Andersons and Montgomerys, the actual ownership of the Lake Cleveland water needs to be determined. These proposed transfers can, and will, have an effect on all the Snake River Basin Adjudication Claims filed on the water out of Lake Cleveland.

June 2, 1997
PAGE 3

I suggest that all parties with adjudication claims filed on the water out of Lake Cleveland investigate the basis of their claims and the two proposed water right transfers. As part of the processing of the two proposed transfers, a public notice will appear in the local newspaper, and a protest period will follow. Claimants may consider filing protests, which may allow the protestants and applicants a chance to settle the Lake Cleveland ownership questions on their own, or possibly through a hearing process.

If you have any questions, or if I can be of any assistance, feel free to contact me at your convenience.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Corey Skinner', written in dark ink.

Corey Skinner, EIT
Dam Safety Section

Enclosures

cc: A.W. & S.J. Anderson
Kent Cooper
Kyle & Rozalys De Naughel
Don Gunderson - District 45-F Watermaster