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JUN 06 2005

Department of Water Resources

WILLIAM J. SWANSON
HIDDEN CROWN RANCH
BOX 5129, KETCHUM, ID 83340

May 30, 2004

Idaho Department of Water Resources Adjudication
322 E Front Street
P O Box 83720
Boise, ID 83720-0098

RE Notice of Error Water Rights Nos. 37-351C, 37-352C 37-98726

To whom it May Concern:

Enclosed please find notice of error form the above preliminary recommendations.

Please note that 37-08726 is a water right for 2.5 cfs for wildlife purposes and that 37-351C and 37-352C are consumptive rights dedicated to mitigation for wetland ponds. All of these rights as shown on your preliminary recommendations have the same point of diversion and place of use.

The recommended points of diversion and place of use are incorrect. Each of the rights was modified by Transfer \$68970 dated August 6, 2003. The final recommendation should reflect the multiple points of diversion and place of use as shone on the approved transfer. A copy is attached.

Condition #10 for all three rights requires the right holder to comply with all fish screening requirements of the Idaho Department of Fish and Game. The Department of Fish and Game earlier waived the right on the downstream diversion for fish screens and added it to the upstream diversion. See letter attached to confirm their position on this matter. If you have any questions on that matter please call Dave Parrish the Magic Valley Regional Supervisor, Idaho Department of Fish and Game who wrote the letter. Or you can reach me at 208 726 5201.

Sincerely,



William J. Swanson
Hidden Crown Ranch.

Enclosures:
Transfer of water right # 68970
Idaho Fish and Game letter
3 Notice of Error Reply letters

**Notice of Error
Reply**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 3, 2005

Water right number: 37-8726

Hidden Crown Ranch, LLC
P.O. Box 5129
Ketchum, ID 83340

- 1: Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

See attached transfer and letter

- 2: Describe the changes you wish to make in the proposed recommendation:

- 3: Give a brief explanation as to why you disagree with these portions



Do Not
I agree with this proposed recommendation, ~~no changes to be made.~~

Date: May 11, 2005

Signature:

William J Swanson

Please print your name:

WILLIAM J SWANSON

HIDDEN CROWN RANCH LLC

IDWR State Office, 322 E. Front Street, P.O. Box 83720, Boise, ID 83720-0098

**Notice of Error
Reply**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 3, 2005

Water right number: 37-351C

Hidden Crown Ranch, LLC
P.O. Box 5129
Ketchum, ID 83340-5129

- 1: Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

See attached transfer and letter

- 2: Describe the changes you wish to make in the proposed recommendation:

- 3: Give a brief explanation as to why you disagree with these portions

☐ ^{do not} I agree with this proposed recommendation, ~~no changes to be made~~

Date: May 11, 2005 Signature:

Please print your name:

William J. Swanson
WILLIAM J. SWANSON
HIDDEN CROWN RANCH LLC

IDWR State Office, 322 E. Front Street, P.O. Box 83720, Boise, ID 83720-0098



IDAHO FISH & GAME

MAGIC VALLEY REGION
868 East Main Street
P.O. Box 428
Jerome, Idaho 83338-0428

Dirk Kempthorne / Governor
Steven M. Huffaker / Director

May 13, 2005

Mr. Bill Swanson
Hidden Crown Ranch LLC
P.O. Box 5129
Ketchum, Idaho 83340-5129

Re: Adjudication of Water Rights 37-351C and 37-752C (Silver Creek)

Dear Bill,

We have reviewed the information you've provided to us regarding the above mentioned water rights to support your fish and wildlife habitat area. Both water rights are for surface diversions from Silver Creek near Picabo, Idaho.

When you originally applied for the water rights, we were unclear on the development of your property and your use of surface water from Silver Creek. Our agency requested that screening of your diversions be included under "provisions of approval" and language was attached, by Idaho Dept. of Water Resources, to this effect.

Since that time, you've completed an inlet and outlet structure on your wetland and you do not stock fish in that waterbody, therefore we no longer require screening of your diversion into or out of the wetland. The diversion associated with the waterbody identified in your private pond permit still needs to be screened to prevent entrainment of wild fish and escapement of hatchery stocked rainbow trout into Silver Creek. We assume the right associated with your private pond permit is 37-352C.

Hopefully this explanation clarifies our position on screening. Please feel free to use this information in response to the adjudication process.

Sincerely,

David Parrish
Magic Valley Regional Supervisor

Cc: NRB-Robertson

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 68970

This is to certify that: WILLIAM J SWANSON TRUST
PO BOX 5129
KETCHUM ID 83340
(208) 726-5201

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-351C	AJC/Decreed	08/01/1886	0.09 cfs	32.7 af	N/A	N/A	SILVER CREEK
37-352C	AJC/Decreed	08/15/1887	0.21 cfs	76.2 af	N/A	N/A	SILVER CREEK
37-8728	WR/License	03/27/1991	2.5 cfs	1702 af	N/A	N/A	SILVER CREEK

Purpose of Transfer (Changes Proposed)

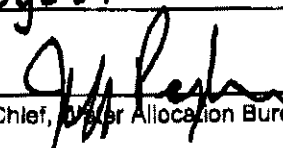
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-351C	NO	NO	YES	YES	NO	NO
37-352C	NO	NO	YES	YES	NO	NO
37-8728	NO	NO	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-351C	37-351C	0.09 cfs	32.7 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
37-352C	37-352C	0.21 cfs	76.2 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
37-8728	37-8728	2.5 cfs	1702 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		2.5 cfs	1810.9 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 6 day of August, 2003


For Chief, Water Allocation Bureau

WATER RIGHT NO. 37-8726
As Modified by Transfer No. 68970

In accordance with the approval of Transfer No. 68970, Water Right No. 37-8726 is now described as follows.

Right Holder: WILLIAM J SWANSON TRUST
PO BOX 5129
KETCHUM ID 83340

Priority Date: March 27, 1991

Source: SILVER CREEK

Tributary: LITTLE WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
WILDLIFE	01/01	to 12/31	2.50 CFS	1,702.0 AF
			2.50 CFS	1,702.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SILVER CREEK NE¼SE¼SW¼ Sec. 26 Twp 01S Rge 20E BLAINE County

SILVER CREEK NE¼NE¼ Sec. 27 Twp 01S Rge 20E BLAINE County

PLACE OF USE: WILDLIFE

[illegible]

WATER RIGHT NO. 37-8726
As Modified by Transfer No. 88970

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
5. Rights 37-351C, 37-352C, and 37-8726 when combined shall not exceed a total diversion rate of 2.50 cfs, which may be diverted simultaneously at each of the authorized points of diversion.
6. The annual volume of water authorized for diversion under this right may be diverted at each of the authorized points of diversion.
7. Rights 37-351C and 37-352C are diverted in conjunction with this right to mitigate for seepage and evaporation losses resulting from the diversion and use of water under this right.
8. The Director retains jurisdiction over this right to require additional compensation or mitigation if the Director determines losses in flows of Silver Creek are not being fully compensated by actions of the right holder.
9. The Director retains jurisdiction over this right to require installation of an additional measuring device in Silver Creek to ensure maintenance of a minimum stream flow of 74 cfs in Silver Creek.
10. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
11. Rights 37-351C and 37-352C are also diverted through the points of diversion described above, and rights 37-2683B and 37-7349B are re-diverted at the points of diversion described above.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6 day of August, 2003


For Chief, Water Allocation Bureau

WATER RIGHT NO. 37-351C
As Modified by Transfer No. 88970

In accordance with the approval of Transfer No. 68970, Water Right No. 37-351C is now described as follows.

Right Holder: WILLIAM J SWANSON TRUST
PO BOX 5129
KETCHUM ID 83340

Priority Date: June 01, 1886

Source: SILVER CREEK

Tributary: LITTLE WOOD RIVER

BENEFICIAL USE

From **To**
04/15 to 10/15

Diversion Rate
0.09 CFS
0.09 CFS

Volume
32.7 AF
32.7 AF

LOCATION OF POINT(S) OF DIVERSION:

SILVER CREEK NE¼SE¼SW¼ Sec. 26 Twp 01S Rge 20E BLAINE County

SILVER CREEK NE¼NE¼ Sec. 27 Twp 01S Rge 20E BLAINE County

PLACE OF USE: WILDLIFE

[illegible]

WATER RIGHT NO. 37-351C
As Modified by Transfer No. 68970

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
5. Water shall not be diverted pursuant to this right at any time the watermaster of State Water District 37M is regulating diversions of water from Silver Creek unless the right holder provides a source of water to offset seepage and evaporation losses.
6. Rights 37-351C, 37-352C, and 37-8726 when combined shall not exceed a total diversion rate of 2.50 cfs, which may be diverted simultaneously at each of the authorized points of diversion.
7. The annual volume of water authorized for diversion under this right may be diverted at each of the authorized points of diversion.
8. This right and Right 37-352C are used in their entirety to mitigate for seepage and evaporation losses resulting from the diversion and use of water under Right 37-8726.
9. The Director retains jurisdiction over this right to require installation of an additional measuring device in Silver Creek to ensure maintenance of a minimum stream flow of 74 cfs in Silver Creek.
10. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
11. Rights 37-8726 and 37-352C are also diverted through the points of diversion described above, and rights 37-2683B and 37-7349B are re-diverted at the points of diversion described above.
12. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6 day of August, 2003

Fu **Chia Water Allocation Bureau**

WATER RIGHT NO. 37-352C
As Modified by Transfer No. 68970

In accordance with the approval of Transfer No. 66970, Water Right No. 37-352C is now described as follows.

Right Holder: WILLIAM J SWANSON TRUST
PO BOX 5129
KETCHUM ID 83340

Priority Date: June 15, 1887

Source: SILVER CREEK

Tributary: LITTLE WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversi on Rate</u>	<u>Volume</u>
WILDLIFE	04/15	to 10/15	0.21 CFS	76.2 AF
			0.21 CFS	76.2 AF

LOCATION OF POINT(S) OF DIVERSION:

SILVER CREEK NE¼SE¼SW¼ Sec. 26 Twp 01S Rge 20E BLAINE County

SILVER CREEK NE¼NE¼ Sec. 27 Twp 01S Rge 20E BLAINE County

PLACE OF USE: WILDLIFE

[illegible]

WATER RIGHT NO. 37-352C
As Modified by Transfer No. 68970

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
5. Water shall not be diverted pursuant to this right at any time the watermaster of State Water District 37M is regulating diversions of water from Silver Creek unless the right holder provides a source of water to offset seepage and evaporation losses.
6. Rights 37-351C, 37-352C, and 37-8726 when combined shall not exceed a total diversion rate of 2.50 cfs, which may be diverted simultaneously at each of the authorized points of diversion.
7. The annual volume of water authorized for diversion under this right may be diverted at each of the authorized points of diversion.
8. This right and Right 37-351C are used in their entirety to mitigate for seepage and evaporation losses resulting from the diversion and use of water under Right 37-8726.
9. The Director retains jurisdiction over this right to require installation of an additional measuring device in Silver Creek to ensure maintenance of a minimum stream flow of 74 cfs in Silver Creek.
10. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
11. Rights 37-8726 and 37-351C are also diverted through the points of diversion described above, and rights 37-2683B and 37-7349B are re-diverted at the points of diversion described above.
12. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6 day of August, 2003

For 
Chief Water Allocation Bureau