

10/24/2005

**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:

Water right number: 21-4071

LEON PETERSON
3015 DICKENS PL
SALT LAKE CITY UT 84108
Telephone Number: (801)582-0573

KAREN F PETERSON
3015 DICKENS PL
SALT LAKE CITY UT 84108

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

Name of Claimant

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

*Change to United States of America
USDA Forest Service
550 W. Fort Street MSC033
Boise, ID 83724*

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

SEE attached e-mail and claims.

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: *11/28/05*

SIGNATURE:

Steven M. Spencer

Please print your name: **STEVEN M. SPENCER**

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

*KMJ
12/1*



**Steven M
Spencer/R4/USDAFS**

11/28/2005 03:56 PM

To Ryan.Mikesell@idwr.idaho.gov

cc Ernie Carlson, Linda R Moore/R4/USDAFS,

bcc

Subject RE: Basin 21

I'll be sending a reply to the Notice of Error for 21-04071 that we have some major concerns with.

21-04071 is recommended to Leon and Karen Peterson. The original statutory claim was filed by the Forest Service in 1981, as well as a claim being filed and amended by the Forest Service in the SRBA. We believe that the Forest Service is the rightful claimant to this water right.

For some reason or another another claim, 21-4071A has already gone forward in the SRBA and is decreed to the Petersons. They may have a special use permit to occupy the National Forest, but it is our policy to hold water rights of this type of site on NFS land in the name of the United States so as to protect and assure the uninterrupted use of the permitted facilities to succeeding permittees as the physical facilities change ownership. If 21-4071 also goes forward with Petersons as the claimants they will have duplicate water rights in 21-4071A and 21-4071, when the United States was the original claimant back in 1981 and throughout the SRBA.

We would appreciate your consideration of this matter. If you have any questions please contact me.

Steve Spencer
Boise Adjudication Team
161 E. Mallard, Suite 110
Boise, ID 83706

(208) 331-5944
(208) 387-0842 FAX
e-mail: sspencer@fs.fed.us

10/24/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 21-4071

NAME AND ADDRESS: ~~LEON PETERSON~~
~~3015 DICKENS PL~~
~~SALT LAKE CITY UT 84108~~

~~KAREN F PETERSON~~
~~3015 DICKENS PL~~
~~SALT LAKE CITY UT 84108~~

United States of America
USDA Forest Service
550 W. Fort Street MSC033
Boise, ID 83724

SOURCE: SPRINGS

TRIBUTARY: SINKS

QUANTITY: 0.020 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 07/01/1926

POINT OF DIVERSION:
T13N R41E S6 SESWSW Within CLARK County
T13N R41E S6 NESESW Within CLARK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.020 CFS

PLACE OF USE: DOMESTIC Within CLARK County

T13N R41E S06	SWSW	T13N R41E S06	SESW
---------------	------	---------------	------

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

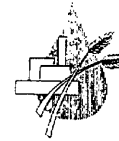
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
USFS PERMIT NO. 5169

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that UNITED STATES OF AMERICA - FOREST SERVICE
(Name of Claimant)
324 25TH ST OSDEN, UTAH 84401 Telephone No. 801-626-3561
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) 1 DECEMBER, 1935

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
SHERIDAN SPRING tributary to SHERIDAN CREEK
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>0.02 CFS</u>		Use <u>DOMESTIC</u>		Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____

(4) 0.02 CFS TOTAL QUANTITY USED.
(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
SE 1/4 SW 1/4, Sec. 6 Twp. 13N Rge. 41E B.M., County of FREMONT
Additional points of diversion: QW 9 MAP 14

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.
SPRING HEADBOX ; PIPELINE OF 300 FEET TO LODGE

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
13N	41E	6												X					

No. of acres _____

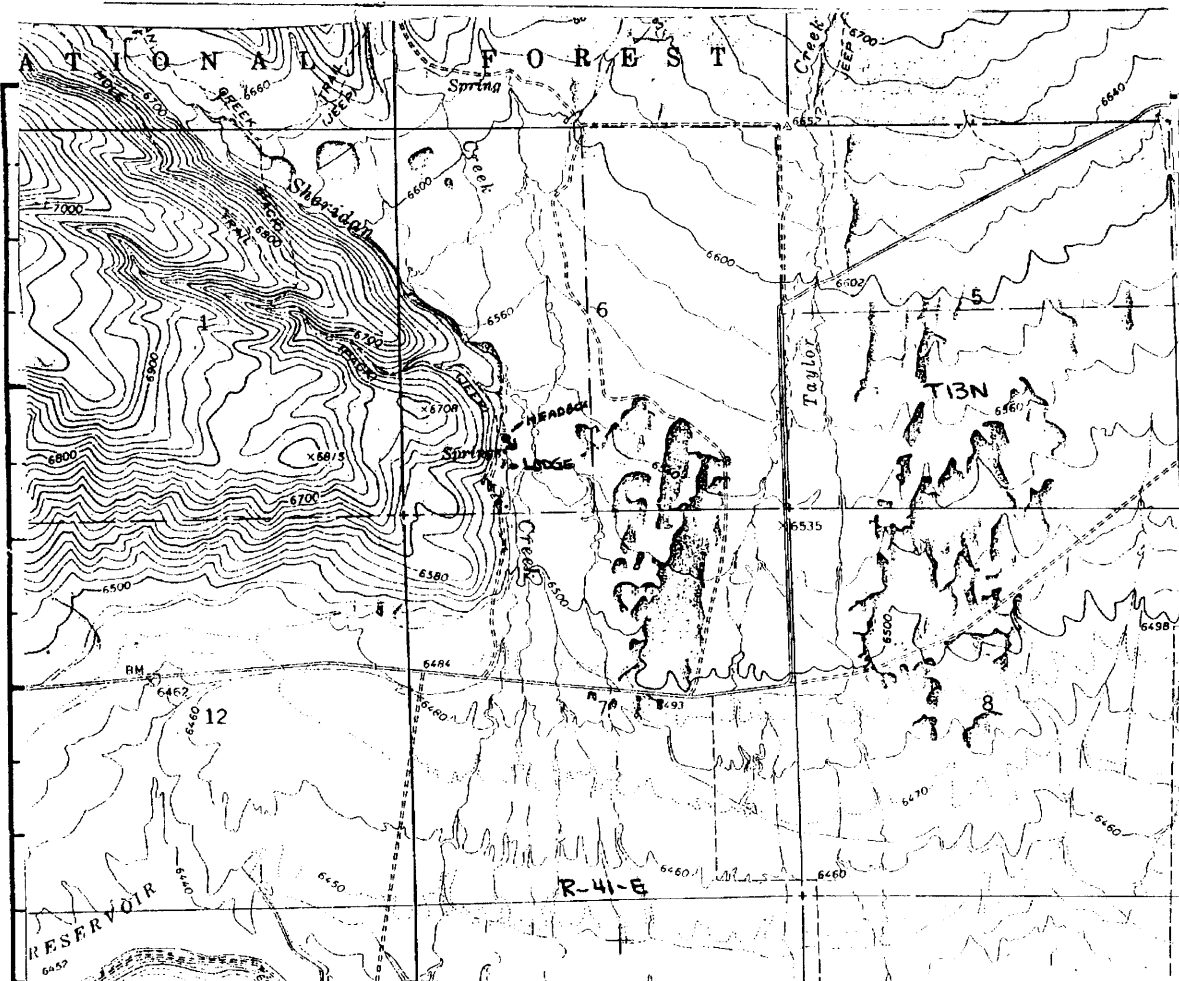
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
DOMESTIC USE AT SUMMER LODGE

NOTE: Include here the type and number of stock watered: _____

- (7) If you are claiming water as a member of an organization, list name of organization: _____

WATER RIGHT CLAIMED

MICROFILMED



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of ~~Idaho~~ Utah)
) ss.
County of Weber)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 26th day of January, 19 81 (for) Adrian Dalton
L. KENT MAYS, JR. Claimant - DRF-Resources

Susan B. [unclear]
Notary Public
Residing at Heber, Utah

My commission expires 1-4-1984

FOR DEPARTMENT USE ONLY

Received by <u>kw</u>	Date <u>1/29/81</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>sm</u>	Date		claimant by:	
\$0.00 fee received by <u>Y 150 kw</u>	Date <u>3/2/81</u>	#17004		
Published in <u>Idaho Herald</u>				
Dates <u>2/29 & 3/19/81</u>				

52 JUL 81

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576
Ident. Number: 21-04071

RECEIVED

JUN 16 1998

Department of Water Resources

FILED UNDER STATE LAW

1. Name of Claimant: UNITED STATES OF AMERICA on behalf of the U.S.D.A. Forest Service
Address: 550 W. Fort Street MSC033
Boise ID 83724
2. Date of Priority: 07/01/1926
3. Source of water: SHERIDAN SPRING
Tributary: SHERIDAN CREEK
4. Location Meridian BOISE
Description of Diversion Works: Headbox
From: Spring
Location of Point of Diversion
T: 13 N R: 41 E S: 6 SESW
Location of Point of Use
T: 13 N R: 41 E S: 6 SESW
5. Quantity claimed: Period 6/ 01 -- 9/ 30 Quantity 0.02 CFS
For Domestic
6. Total Consumptive Use Claimed for Present and Future Use is:
0.02 CFS
7. Present and future uses to which the water is or will be used:
Domestic
8. Attach the legal description of the reservation, and maps showing for each consumptive use the existing and proposed place of use and existing points of diversion.
Bound separately
9. Remarks:
State Basin: 21
National Forest: Targhee
Forest Service Record ID: 04 15 17040202 09 0 0014
10. Describe any other water rights used at the same place and for the same purposes as described above: None
11. Counties within the reservation: Not available

Notice is hereby given that the United States Department of Justice will represent the Department of Agriculture, Forest Service, in all matters pertaining to the Snake River Basin Adjudication. All notices required by law to be mailed by the Director to the claimant should be mailed to the individuals at the address below:

Bruce Bernard
U.S. Department of Justice
Environment and Natural Resources Division
550 W. Fort Street, Box 33
Boise, ID 83724

This form is an attachment to a letter forwarding the claims of the U.S. Department of Agriculture, Forest Service. The signature and affirmation on such letter constitutes the signature of the authorized agent representing the United States of America required for each such claim.