

01/06/2006

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: Feb. 3, 2006

Water right number: 69-7097

UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE ID 83724
Telephone Number: (208)387-0835

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

Point of diversion
Place of Use

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

Please amend water right to match the license
See attached

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

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

DATE: 2/1/06 SIGNATURE: Steven M. Spencer
Please print your name: STEVEN M. SPENCER

IDWR State Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 208-287-4800

01/06/2006

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

RIGHT NUMBER: 69-7097

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE ID 83724

SOURCE: STARVEOUT 2 SPRING

TRIBUTARY: WILDHORSE RIVER

QUANTITY: 0.020 CFS
5.90 AFY

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

PRIORITY DATE: 11/25/1988

POINT OF DIVERSION: ~~T17N R04W S8~~ NWNE Within WASHINGTON County

PURPOSE AND PERIOD OF USE: T17N R4W S7 NWNENE

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	06/06 09/30	0.040 CFS

PLACE OF USE: STOCKWATER Within WASHINGTON County

~~T17N R04W S08~~ NENE

T17N R4W S7 NENE

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

FOREST SERVICE RECORD ID = 041217050201540251 00

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 69-07097

Priority: November 25, 1988

Maximum Diversion Rate:
Maximum Diversion Volume:

0.04 CFS
5.9 AF

This is to certify, that US DEPT OF AGRICULTURE

FOREST SERVICE
PAYETTE NATIONAL FOREST
PO BOX 1026
MC CALL ID 83638

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 16, 1988; and has submitted Proof of Beneficial Use on March 12, 1990. An examination indicates that the works have a diversion capacity of .040 cfs of water from:

SPRING

tributary to WILDHORSE RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	06/06 to 09/30	0.04 CFS	5.9 AF

LOCATION OF POINT(S) OF DIVERSION:

NWNE, Sec. 7, Township 17N, Range 04W
WASHINGTON County

PLACE OF USE: STOCKWATER
TWN RGE SEC

17N 04W 7 NENE

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right, when considered with all other rights common to the same grazing allotment, shall be limited to the quantity of water beneficially used by the number of stock within the allotment.
6. Stockwater use is for 1,274 range cattle.

NOT RECORDED

AUG 21 1992