

**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: March 3, 2006

Water right number: 77-7058

CATHERINE M GILLIHAN

850 JACKSON AVE

EMMETT ID 83617

Telephone Number: (208) 365-5384

Robert J. Gillihan Jr.
10004 W. Glen Ellen
Boise, ID 83704
208-321-1092

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

He combines this right with 2 other rights on west side of river - the correct map - Property located on NENE of lot 32/33 - He denies 8 irrig. acres for this right - He denies culinary water for trailer at this sight -

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

Locate property on NE corner lot 32/33 Edwardsburg Plat II Block II - We Sprinkle 4 acres around Power house dam & holding tank & trailer for fire prevention - We have used culinary water at trailer since 1976 - Irrigator should read - S W N E S E N E

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

There is confusion as to where property is located when records transferred & judgement in error because this right is being combined with two other rights -

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

DATE:

2/24/06

SIGNATURE:

Catherine Gillihan

Please print your name:

Catherine Gillihan

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

01/05/2006

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

RIGHT NUMBER: 77-7058

NAME AND ADDRESS: CATHERINE M GILLIHAN
~~850 JACKSON AVE~~
~~EMMETT ID 83617~~

SOURCE: NO NAME CREEK

TRIBUTARY: BIG CREEK

QUANTITY: 0.480 CFS
24.00 AFY

PRIORITY DATE: 11/29/1976

The appropriator shall exercise this right in a manner that recognizes the historic practice that the use of water for power generation is incidental to the rights of others to the use of water for other purposes. The appropriator shall not make a delivery call for hydropower generation except as against junior hydropower rights.

POINT OF DIVERSION:

T21N R09E S35 SENENE Within VALLEY County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
POWER	01/01 12/31	0.440 CFS
IRRIGATION	05/01 10/31	0.160 CFS 24.00 AFY

PLACE OF USE:

IRRIGATION Within VALLEY County

T21N R09E S35 SENW 8.00

SWNE

SENE

POWER Within VALLEY County

T21N R09E S35 SENW

SWNE

8 ACRES TOTAL

Right Nos. 77-4007, 77-4008 and 77-7058 are limited to the irrigation of a combined total of 8 acres in a single irrigation season.

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

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

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: A77-07058
Date Received: 11/17/1988
Receipt No: W001453
Received By: _____

AMENDED NOTICE OF CLAIM TO A WATER RIGHT AMENDED
ACQUIRED UNDER STATE LAW

1. Name: CATHERINE GILLIHAN 208-327-0907
Address: BIG CREEK ID 83677

2. Date of Priority: NOV 29, 1976

3. Source: NO NAME CREEK Trib. to: BIG CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
21N	09E	35	SE	NE	NE		VALLEY

5. Description of diverting works:
SEE REMARKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
POWER	01/01	12/31	0.440		
IRRIGATION	04/15	10/15	0.160		24.00
DOMESTIC	01/01	12/31	0.040		

7. Total Quantity Appropriated is:
0.480 C.F.S. (and/or) 24.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOME, P/12 KW.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
21N	09E	35	SW	NE		IRR	8.0
			SW	NE		POWER	

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
21N	09E	35	SW	NE	DOMEST	
Section Acres						8.0
Total Acres						8.0

11. Place of use in counties: VALLEY

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

THE DOMESTIC USE HAS BEEN ADDED TO THIS RIGHT SINCE IT WAS BEING USED AT THE TIME OF THE FIELD EXAM. THE DOMESTIC USE WAS ORIGINALLY RECOMMENDED AS THE LODGE AREA, HOWEVER, CLAIMANTS TOLD THE DEPARTMENT THAT IT WAS NOT THE LODGE AREA AND DOMESTIC USE WAS TOTALLY LEFT OFF WHEN IT SHOULD HAVE BEEN SHOWN FOR THE ONE LINE WHICH IS STUBBED IN TO THE LOT AND HAS BEEN USED DURING THE SUMMER WHEN A TRAILER IS MOVED IN. ACTUALLY, THE DOMESTIC WATER WAS IN BEFORE THE POWER PLANT AND IRRIGATED ACRES. THE CLAIMANTS WERE NOT PRESENT DURING THE EXAM WHICH WAS THE BEGINNING OF THE PROBLEMS WITH THIS LICENSE, SINCE WRONG INFORMATION WAS GIVEN. THIS CLAIM IS FILED WITH THE DOMESTIC USE TO PROPERLY IDENTIFY THE ACTUAL USE OF THE WATER.

SOURCE CHANGE - THIS SOURCE IS LOCALLY KNOWN AS NO-NAME CREEK AND OTHER RIGHTS IN THE AREA ARE FILED UNDER NO-NAME CREEK - SAME CREEK AS THIS RIGHT COVERS.

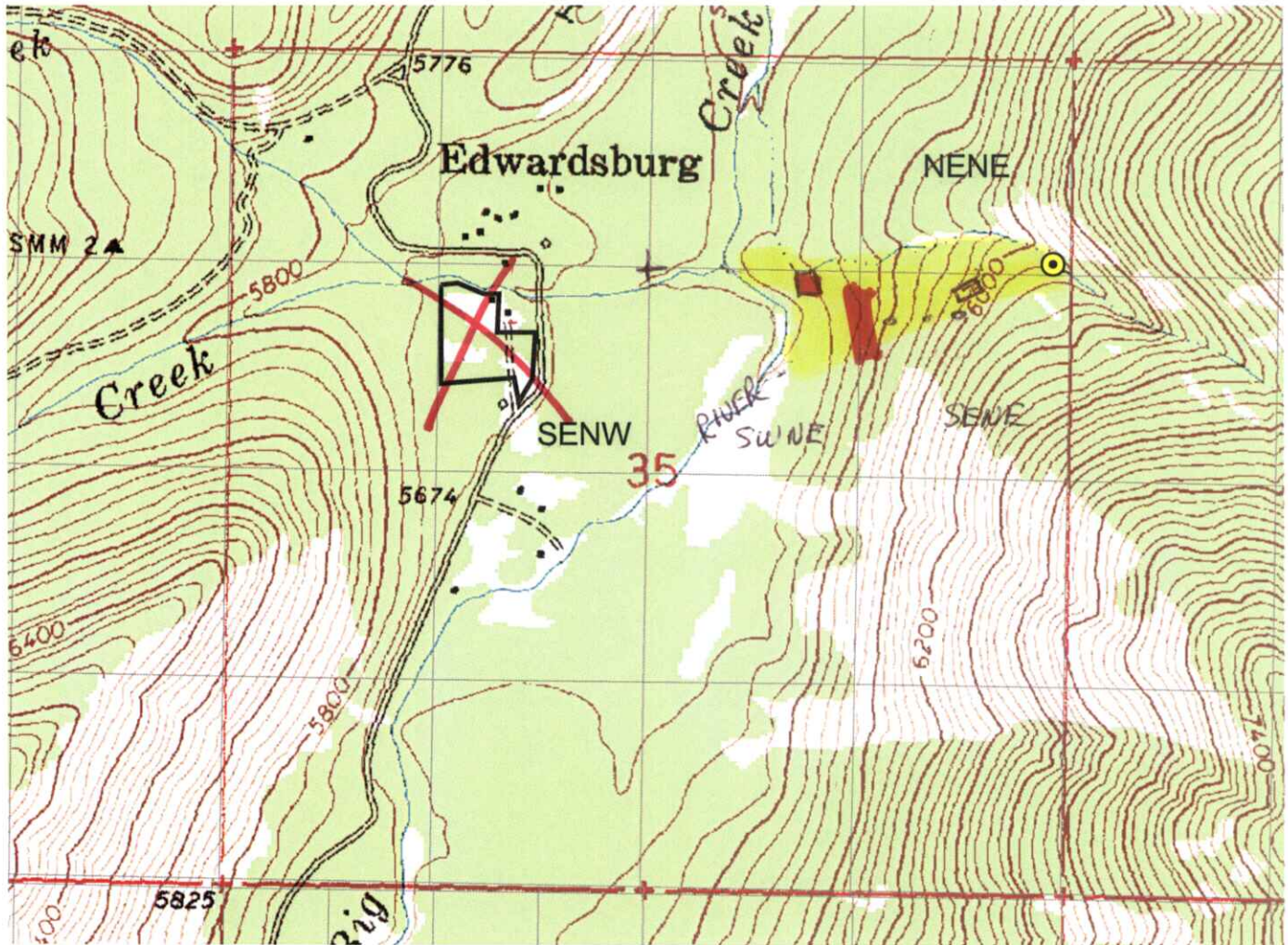
15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

77-7058



0 600 1200 Feet

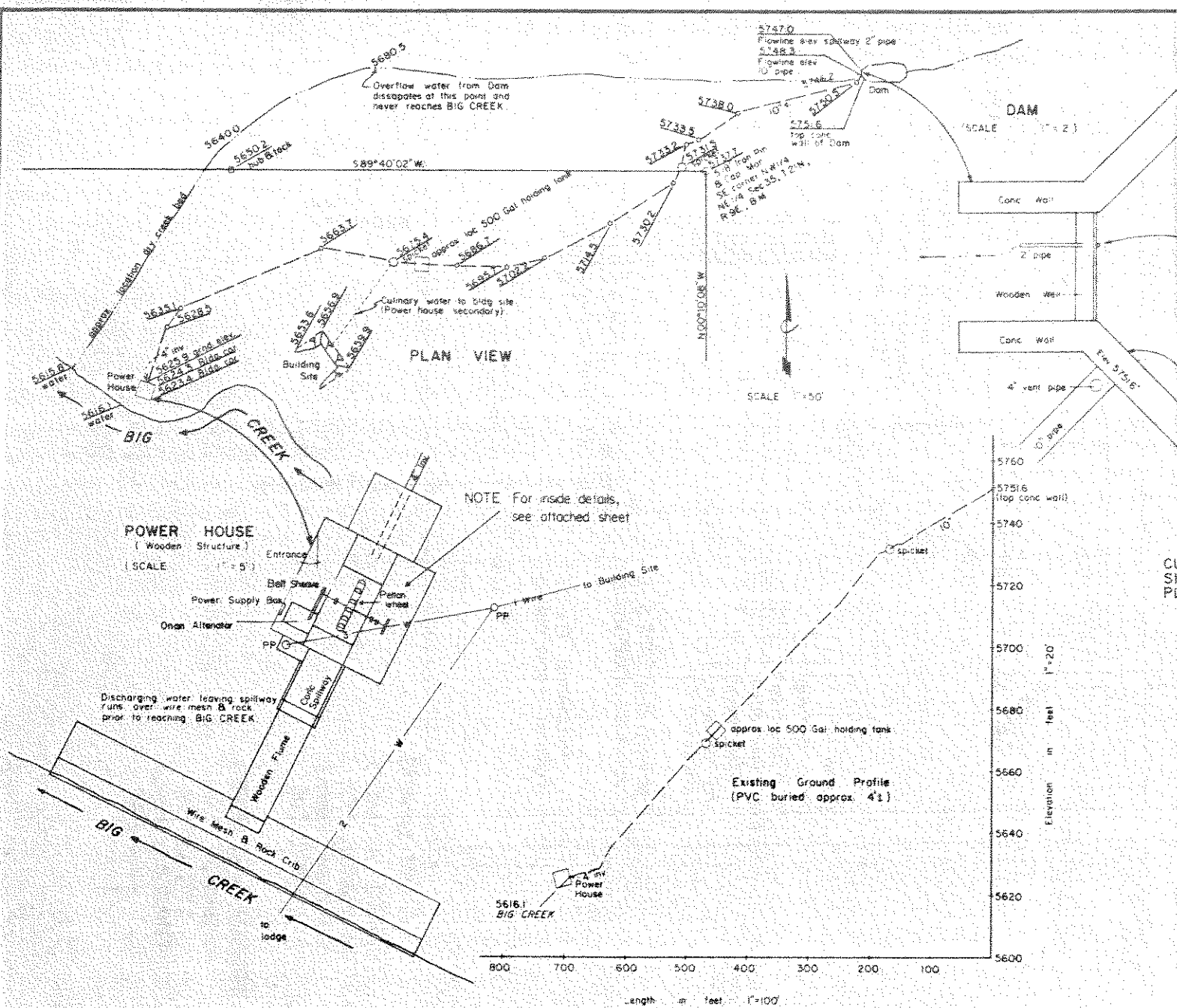


Section 35
T21N R9E

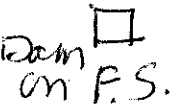


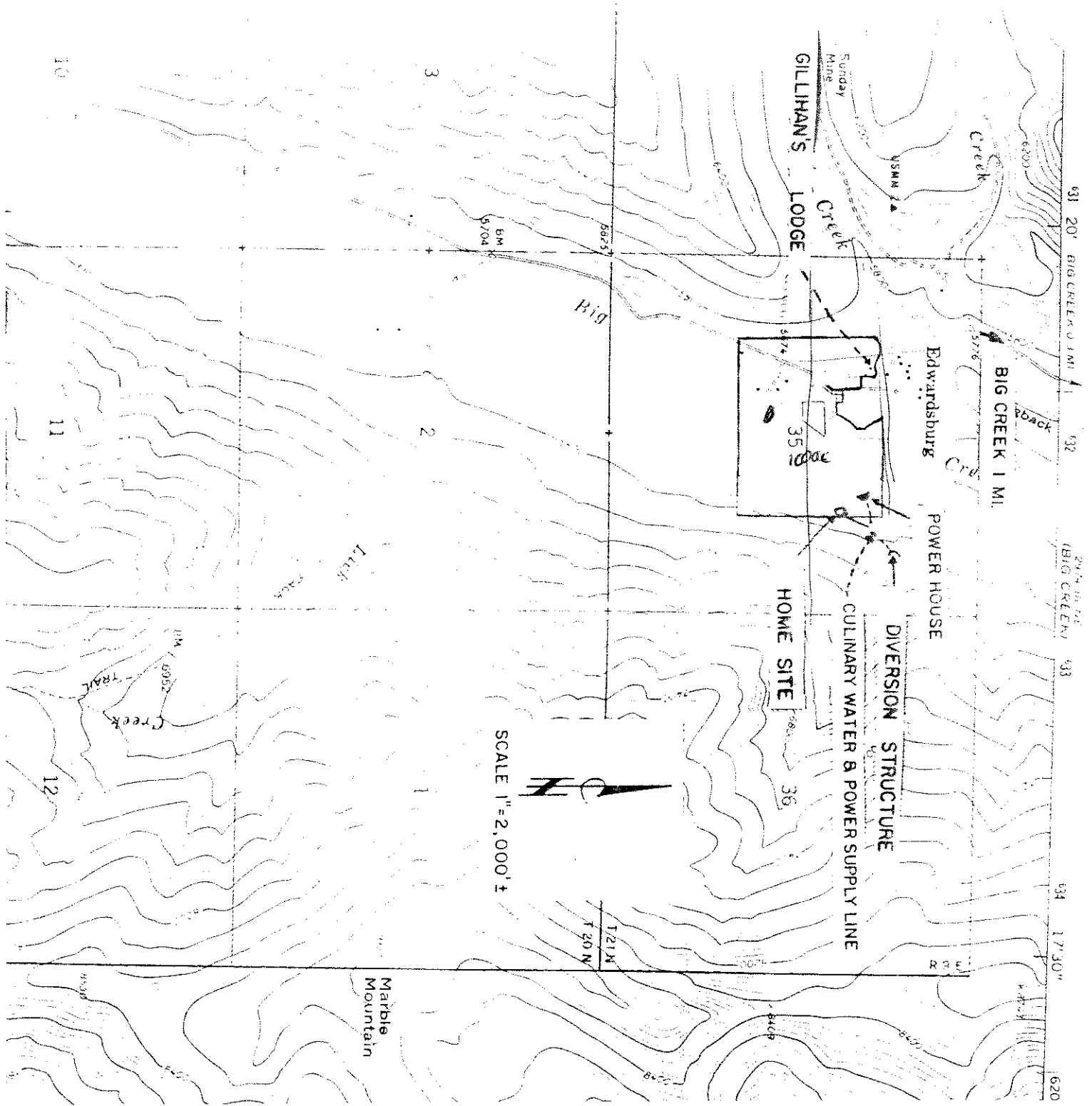
-  Point of Diversion
-  Place of Use

Map prepared on April 7, 2005
By Kenneth Knoblock
Idaho Department of Water Resources



A PORTION OF SECTION 35, T.21 N., R.9 E., &
VALLEY COUNTY, IDAHO
TUDOR ENGINEERING COMPANY









77 Bow
Roo-Q.

Aerial View of 77-7058
77-10125

Trailer
on
CD