

RECEIVED

01/05/2006

MAR 09 2006

DEPARTMENT OF
WATER RESOURCES

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: 77-4208

CAPE HORN RANCH LLC
~~2427~~ NORTHVIEW DR
HAGERMAN ID 83332

2724

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

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

Talked To Kew Knoblock about the 6.5 CFS water
measurement taken and he agreed.

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

X I AGREE with this proposed recommendation: IF changed To 6.5
no changes need to be made.

DATE: 3-3-06

SIGNATURE:

Robert Sandy

Please print your name:

Robert Sandy

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

Flow Agreement SMFMCKC--01

Whereas: Costs of the fish screen structure rise in proportion to the water diverted, especially on small diversions, and

Whereas: Cost of building a screen to meet only a short period of maximum flow is a waste of tax payer dollars, and

Whereas: Screens which are built to meet maximum flows that are available only during a short period of time or only during occasional years, do not operate efficiently at or near decreed flow levels, and

Whereas: This agreement is not for the purpose of limiting or infringing on irrigator's water rights or the right to divert flows above decreed rights, and

Whereas: This agreement is in the best interest for both Idaho Department of Fish and Game and the irrigators to agree on a maximum flow for the above diversion, and

Whereas: If there is no such agreement, Idaho Department of Fish and Game will design and build the fish screen to meet the approximated maximum measured flow, which may or may not be the correct optimum flow. It is

Therefore: Agreed that the optimum diverted flow for the above diversion will be 6.5 CFS (Idaho's Miners Inches)

Idaho Department of Fish and Game
Lynn Stratton, Program Coordinator

Date

Lawrence M. Sandy
Water User

7/29/04
Date

W. G. Sandy
Water User

7/29/04
Date

OPTIMUM MAXIMUM DIVERSION FLOW AGREEMENT

Cape Horn Ranch, LLC

Between: Idaho Department of Fish and Game and W. A. Sandy or Florence M. Sandy and U S Dept. of Agriculture Forest Service owner(s)\user(s) of Knapp Creek diversion 01, also known as Salmon\Middle Fork\Marsh Creek\Knapp Creek-01 (SMFMCKC-01).

Purpose: This agreement is to quantify the optimum maximum flow to be screened for fish protection by the Idaho Department of Fish and Game, and

Whereas: Irrigators have the right to divert flows above their decreed right during maximum flows from Knapp Creek, and

Whereas: Maximum flows vary in time of year and in length of time from year to year, and

Whereas: Maximum flows vary in level from year to year, and

Whereas: Measured flows by the Idaho Department of Water Resources (IDWR) and Idaho Department of Fish and Game are only one point in time measurements, and

Whereas: These measurements give only an approximation and not a definitive value for maximum flows, and

Whereas: In the past, the Idaho Department of Fish and Game has designed screening facilities for approximated maximum flows based on their or IDWR flow measurements, and

Whereas: In some cases, measured maximum flows following construction of new fish screens have exceeded design flows, and

Whereas: Idaho Department of Fish and Game is required to meet current design criteria established by National Marine Fisheries Service of 0.4 of a foot per second maximum approach velocity of water through the screen, and

Whereas: Idaho Department of Fish and Game is trying to bring all screening structures into NMFS criteria, and