

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: 7/21/06

Water right number: 3-10011

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707
Telephone Number: (208)334-3700

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

- The point of diversion is different than the original water right.
- The place of use is recommended as only a fraction of the original water right.

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

- Recommend changing the point of diversion to previous location T17N R05W, Snake River stream flow beginning Section 32 SWNW1/4 and ending Section 26 SESE1/4
- Recommend adding to place of use listed in preliminary recommendation all previous rights in T17N R05W: Sec 23 NW1/4 SW1/4, Sec 26 NE1/4 NW1/4 SE1/4, Sec 27 NW1/4 NE1/4 SE1/4 NW1/4, Sec 28 SE1/4 SE1/4 NE1/4 NW1/4 SE1/4, Sec 32 NE1/4 NW1/4 NE1/4 NW1/4, Sec 33 NE1/4 NW1/4

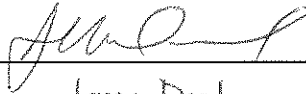
3. Give a brief explanation as to why you disagree with these portions:

The diversion quantity is adequate, but the point of diversion and place of use is inadequate to permit use of stockwater for pasture rotation and stock movement that are currently part of the grazing system in place. Original water right allows stockwater use all along Snake River and permits dispersed water developments (stockwater tanks) to support grazing system and habitat protection.

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

DATE: 7/6/06

SIGNATURE:



Please print your name:

Jerry Deal

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

06/16/2006

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

RIGHT NUMBER: 3-10011

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.020 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 09/01/1958

POINT OF DIVERSION:

T17N R05W S23 NWNWSW End of Stream Flow Within WASHINGTON County
T17N R05W S23 SWNWSW Begin of Stream Flow Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	STOCKWATER	01/01 12/31	0.020 CFS
PLACE OF USE:	<u>STOCKWATER Within WASHINGTON County</u>		
	T17N R05W S23 NWSW	T17N R05W S23	SWSW
	T17N R05W S26 NENW	T17N R05W S26	NWNW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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 - Beneficial Use
STOCKWATER 1000 HEAD OF CATTLE

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

02/19/2004

WATER RIGHT NO. 3-10011

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STATE OF IDAHO DEPT OF FISH & GAME PO BOX 25 BOISE, ID 83707 (208)334-2920
Original Owner	MERRILY MUNTHER PENLAND & MUNTHER CHTD PO BOX 199 BOISE, ID 83701 (208)344-4566
Original Owner	MARGARET J HILLMAN
Original Owner	MICHAEL J HILLMAN HC 69 BOX 3100 CAMBRIDGE, ID 83610 (208)257-3572

Priority Date: 09/01/1958

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	1/01	12/31	0.23 CFS	
Total Diversion			0.23 CFS	

Location of Point(s) of Diversion:

SNAKE RIVER Beginning of Stream Flow	SESENW	Sec. 26	Township 17N	Range 05W	WASHINGTON County
SNAKE RIVER End of Stream Flow	SWNWSW	Sec. 32	Township 17N	Range 05W	WASHINGTON County

Place(s) of use:

Place of Use Legal Description: STOCKWATER WASHINGTON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
17N	05W	23		NWSW			SWSW							
		26		NENW			NWNW			SENW				
		27		NWNE										
				NENW			SENW							
				NWSW										
		28		SENE										
				SESW										
				NESE			NWSE			SWSE			SESE	
		32		NENE			NWNE							
				NESW			NWSW							
		33		NENW			NWNW							

Conditions of Approval:

1.	N13	THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2.	N11	THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Remarks:

1.	Explanatory	STOCKWATER 1000 HEAD OF CATTLE
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Dates:

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number:

Water Right Report

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

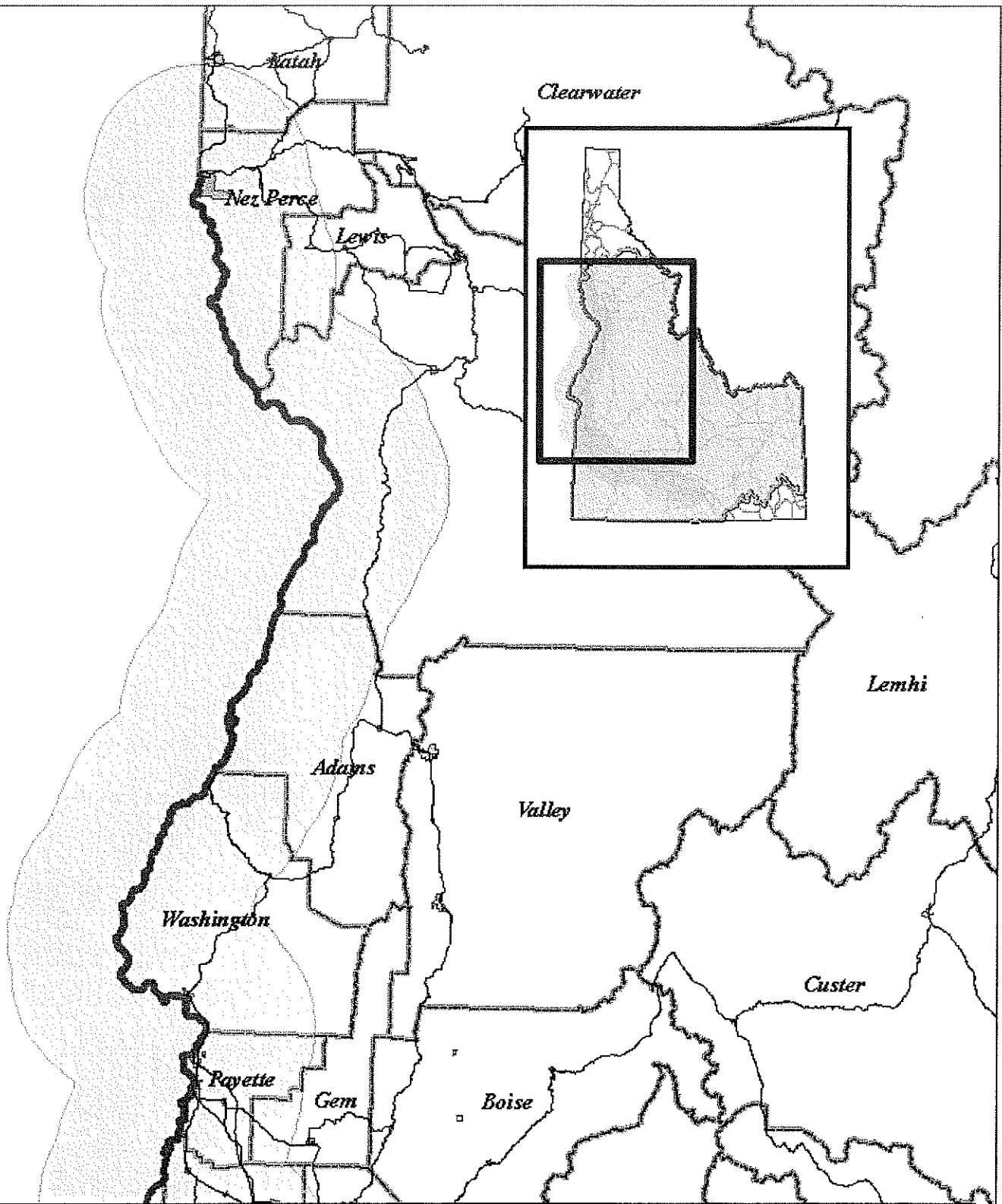
Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close



10/17/05 11:00 AM SnakeBasin03 Locality Map v1 of 12/05/05

Snake River Basin Adjudication Basin 03 Vicinity Map



Cecil D. Andrus Wild Life Management Area Long Range Management Plan

Appendix VI - Livestock Grazing Program

Domestic livestock grazing on the AWMA will be done in accordance with the terms and conditions of the IDL Miscellaneous Lease #M-5040, the AWMA Grazing Management Plan, the AWMA Grazing Agreement, the AWMA Annual Operation Plan, and in conjunction with the Brownlee CRMP. An MOU for the management of the BLM Wildhorse unit will be developed during 2006.

The AWMA is composed primarily of intermingled IDFG and IDL lands, and limited USFS and BLM lands. When the AWMA was acquired, the AUMs associated with IDFG lands were reserved for wildlife. Leases associated with the IDL lands remain in effect, and livestock grazing continues to remain a part of the AWMA activities. In 2001, the State Endowment land use previously authorized under four grazing leases was reclassified for wildlife habitat and grazing use, and leased to the IDFG under Miscellaneous Lease #M-5040. USFS permits associated with the on/off allotments within the AWMA are managed through the Brownlee CRMP and are grazed as part of the AWMA grazing system. The majority of BLM lands lie in the Duke's Creek Grazing Exclosure; the remaining BLM lands are grazed within the AWMA grazing system.

AWMA Livestock Grazing System Summary

The AWMA is divided into 20 pastures, and with the exception of the Duke's Creek Grazing Exclosure, all are grazed annually. Livestock graze one half of the AWMA in the spring and the other half in the fall, and utilize the USFS Dukes-Heath C&H Allotment during summer months. Grazing is rotated annually between the north and south halves of the AWMA, which provides a growing season of rest from livestock use to one half of the AWMA every year (Table 1).

Individual pastures are managed for moderate utilization by livestock. Low elevation pastures are grazed at the beginning of each spring grazing season, and livestock are moved to higher elevation pastures as the season progresses. In the fall, high-elevation pastures adjacent to the USFS boundary are grazed first, ending the season at low-elevation pastures. Livestock spend up to 14 days in each pasture during the spring grazing period and up to 10 days in each during the fall grazing period. Livestock are actively monitored and managed a minimum of 5 days per week by a range rider.

Table 1. Livestock Rotation - 2003-2010.

Year	Andrus WMA / North of Hwy 71	Andrus WMA / South of Hwy 71	USFS / Dukes-Heath C&H Allotment
2003	Apr 1 - Jun 30	Sept 16 - Oct 31	July 1 - Sept 15
2004	Sept 16 - Oct 31	Apr 1 - Jun 30	July 1 - Sept 15
2005	Apr 1 - Jun 30	Sept 16 - Oct 31	July 1 - Sept 15
2006	Sept 16 - Oct 31	Apr 1 - Jun 30	July 1 - Sept 15
2007	Apr 1 - Jun 30	Sept 16 - Oct 31	July 1 - Sept 15
2008	Sept 16 - Oct 31	Apr 1 - Jun 30	July 1 - Sept 15
2009	Apr 1 - Jun 30	Sept 16 - Oct 31	July 1 - Sept 15
2010	Sept 16 - Oct 31	Apr 1 - Jun 30	July 1 - Sept 15

Utilization Levels

Utilization levels will be determined based on management goals for individual pastures. Levels of livestock grazing use will be determined based on the following criteria:

Utilization Level	Percent of Forage Removed*
Low	<20%
Moderate	20-50%
High	>50%

*During the active growing season of forage plant species (Apr-Jun) current utilization percentages will be used to determine level of use.

Goals of the AWMA Grazing System

I. Goal: Maintain and enhance rangelands to meet wildlife habitat needs.

A. Objective: Maintain and enhance rangeland plant community structure, composition, diversity, and vigor.

Strategies:

1. Prevent conversion of perennial rangelands to annuals and non-native species through active livestock management and noxious weed control.
2. Maintain nesting canopy cover that provides 80-100% overhead concealment at 1 meter or less above ground-level for upland game birds, and at 18 inches or less for ground-nesting nongame birds. Maintain residual bunchgrasses and herbaceous canopy cover for ground-nesting birds species when current years growth has not matured enough to meet canopy cover requirements.

Appendix VI. Continued. 37

3. Maintain and enhance vegetation with structural characteristics that act as natural barriers to wind blown snow to provide cover and foraging areas.
4. Maintain a forage base of ungrazed bunchgrasses, or grazed bunchgrasses with full regrowth to mature, productive seed stage on critical winter range.
5. Maintain a diverse shrub component, especially on low- and mid-elevation slopes with South, SE, and SW aspects that provide critical winter range during periods of extended cold or snow. Establish and enhance shrub component in annual grass cover types, using shrub species that will regenerate if burned.
6. Maintain and enhance deciduous trees and shrub cover in riparian areas and uplands to provide foraging, nesting, thermal, and security cover.
7. Incorporate rest or deferred grazing of desirable bunchgrasses during active growing period to maintain healthy root systems.
8. Install alternate water sources to distribute livestock use uniformly throughout pastures.

B. Objective: Provide suitable habitat for redband trout in perennial creeks.

Strategies:

1. Maintain and enhance riparian canopy cover to minimize water temperature fluctuations during summer months. Shading of >80% of water surface is preferred.
2. Stabilize soils through vegetation enhancement and livestock management to reduce sedimentation. Creek substrate should consist of sediment-free rock and gravel for egg laying and fry rearing.