

08/31/2006

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OCT 13 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: September 29, 2006

Water right number: 73-60

SPRING CREEK GRAZING ASSN

C/O HOWARD CUTLER

HC 67 BOX 2066

CHALLIS ID 83226

Telephone Number: (208)838-2366

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:

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

This water right was not forfeited, it is a supplementary right to spring creek and is only used when spring creek is too low to supply the water to make up 6. CFS.

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

DATE: 9-20-06 SIGNATURE: Howard R Cutler

Please print your name: HOWARD CUTLER

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

John and James Calvin from Spring Creek 80 inches or 1 3-5 cubic feet per second of time to date from August 12th, 1907, appurtenant to the Boise meridian in Idaho

Wood Live Stock company, a corporation from Falls Creek not to exceed 300 inches or 6 cubic feet per second of time to make up any deficiency there may be in the waters of Spring Creek available for the irrigation of the lands described in paragraph 22 of the Findings herein said water from Falls Creek being a second right for said land, and to be used only when there is less than 300 inches of water in Spring Creek to supply said right, and then only sufficient to make up three hundred inches to date from March 24th, 1899, appurtenant to the s $\frac{1}{2}$ of the sw $\frac{1}{4}$ and the s $\frac{1}{2}$ of the se $\frac{1}{4}$ of sec 25, and the n $\frac{1}{2}$ of the ne $\frac{1}{4}$ and the se $\frac{1}{4}$ of the nw $\frac{1}{4}$ of sec 36, tp 15, n r 21 e of the Boise meridian and Lot 4, of sec 30 and Lot 1 of sec 31, tp 15 n r 22 e of the Boise meridian, in Idaho.

7. It is further adjudged and decreed that in all cases where the point of diversion of the waters of the streams mentioned herein are not definitely fixed by this decree, the points of diversion and measurement of the waters of said streams to said several parties to this action shall be the point where the water was diverted by said several parties on the 23rd day of June, 1909, the time of trial of this action.

8. It is further adjudged and decreed that each of the parties to this action shall pay his or her proportionate share of all the costs of this action.

9. That each and every of the parties to this suit, plaintiff and defendant, their agents, servants, attorneys and employees, and each, every and all persons acting in aid of and for any of the parties to this suit are hereby forever restrained and enjoined from in any way or manner interfering with or diverting or using the waters of said streams or their tributaries, except in accordance with the terms and provisions of this Decree.

Dated this 7th day of April, 1910.

GEO. F. HANTBROUGH,
Special Judge.

Filed April 18th, 1910. W. C. SMITH, Clerk.

State of Idaho, County of Lemhi, ss.

I, W. W. SIMMONDS, Clerk of the District Court of the Sixth Judicial District of Idaho, in and for Lemhi County, do hereby certify that I have compared the within and foregoing copy of Decree in the above entitled action with the original filed in my office on the 18th day of April, A. D. 1910, and that the same is a full, true and correct copy of said original and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Court this second day of June A. D. 1911

(Seal)

W. W. Simmonds
Clerk

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