

11/14/2006

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: December 8, 2006

Water right number: 67- 98
STEPHEN C VANZANDT
176 MAURICE ST N #309
TWIN FALLS ID 83301
Telephone Number: (208)736-7134

67-98

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:

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

DATE: 12/06/06

SIGNATURE:

S. Vanzandt

Please print your name:

Stephen Vanzandt

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

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CONFIDENTIAL

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DEPARTMENT OF
WATER RESOURCES

December 6, 2006

Mr. Craig Saxton
Sr. Water Resource Agent
Adjudication Bureau
State of Idaho IDWR
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

Steve VanZandt
176 Maurice St. N. #309
Twin Falls, ID 83301
(Wk) (208) 736-2190
(Hm) (208) 736-7134

Dear Craig,

In late November, I received the packet of information about the preliminary recommendations concerning the four water rights I claimed on my place in Indian Valley, Basin 67; namely, water right #'s 67-98, 67-11267, 67-11268 & 67-11269. In principal, I agree with your recommendations but I would like to discuss some possible discrepancies in some of the them. Because I live in Twin Falls and work near the IDWR regional office here, I met with Doug Jones on December 5 to see if he felt that some of my issues had merit. As a result of that meeting, I am attaching a map of my property along with his interpretation of the way the Beginning and Ending segments of water right # 67-11267 should read under Point of Diversion. That one water right was the only one I discussed with Doug but I have made comments about some of the other one^s. Doug informed me that he does not have authority to make entries into the IDWR computer system for Basin 67 and I would have to forward my questions to you.

Here are my comments about each of the water rights:

Water Right 67-11267, Thorn Creek

Under Point of Diversion, your preliminary recommendation shows the Begin of Stream at the same point as the End of Stream. (See printouts). You will notice the Thorn creek enters my property from the north and from an unnamed tributary to the east. I believe both of these sources should be declared in my water right. One thing I am not sure about is whether the springs along Thorn Creek and its tributaries is part of my water right. Not only do the livestock use the springs but during spring run-off, they use surface water which flows from the mountains. Because Section 24 E1/2 NW1/4 is owned by the BLM, Doug believes there should be an End of Reach as the water travels from east to west onto BLM land and then another Beginning of Reach as it enters Section 24: NWNW. Under Place of Use, S24: NENW should be removed also because I don't own it. (It does appear the U.S. government has claimed a water right for that 80 acres piece because there is a little blue box shown on the map).

In late 2002, I purchased two 40 acre parcels on the west part of my property from the BLM: Section 23: NENW and Section 23: NESW. Your records seem to already accurately reflect this fact because in your recommendation, you show Section 23: NESW as the End of Stream Flow.

(over)

I have repeated myself

In Place Of Use, all looks OK except that Section 24 NENW is BLM land which should be deleted.

Question: There are springs along Thorn Creek and the unnamed tributary that comes in from the east. Does this water right need to reflect the use of these natural springs after the creek dries up in the summer or does the current water right include such use?

Water Right 67-11268, Big Springs

Looks good. This is a developed spring with a pipe that feeds a water trough. I'm not exactly sure where the head works tap a nearby spring. Whiteman developed the spring in 1955. I think the collection box is on the other side of Thorn Creek to the north.

Water Right 67-11269, Spring

Looks good except the storage of 2.8 acre feet might be a little low. I have never measured the pond exactly but at the berm, the water depth may be up to ten feet deep in the spring months of the year.

Water Right 67-98, Unnamed Stream

Actual place I divert from the unnamed ditch is on Bandoni's property about a 1/4 mile up from my east property boundary between his property along the creek and mine. I have a small diversion structure above his newly build pond. A ten inch buried PVC pipe re-routes the water around his pond. (I sent IDWR a letter a couple of years ago describing the location of the diversion structure). On the preliminary recommendation, the diversion point shown is the main diversion into N. Gray's creek which is quite some distance from my property. (Presumably, that's the way you want it.)

When I originally sat down with IDWR in 1989 to file my claims, I mentioned that I used the unnamed stream for stockwater. The fact is that there are some springs along that creek and it would be nice to claim a term of usage for stockwater for year around use.

Do you think it's too late for me to file spring claims for the unnamed ditch? I have noticed that even though there are times that the water users divert all the water so that no Falls Creek water flows into the unnamed ditch, there is still water in the stream along my property which indicates the presence of springs. In fact, I've never seen the stream completely dried up, even when no water is being diverted into Grays Creek up above.

U.S. Government Claims

When Doug printed out his map, we noticed that the U.S. Government had declared certain water rights on what is now my property. I would like to discuss with you whether I should transfer any of these claims into my name.

12/07/06

I left a message on your phone this afternoon. I would be interested in meeting with you in Boise to discuss some of these issues if you have time. Please feel free to contact me at 736-2190 (wk) or 736-7134 (hm).

Thank you for your help on my water rights issues. I really appreciate all the hard work you are doing.

Sincerely,


Steve VanZandt