



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

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JAMES E. RISCH
Governor

KARL J. DREHER
Director

December 16, 2006

Susan K Kozacek
7739 W Goldbrook Dr
Tucson, AZ 83743

Re: Claim 75-10392

Dear Ms. Kozacek:

Enclosed is a new map and a preliminary recommendation reflecting the comments you made on the Notice of Error Reply.

Tax Lot # RP0013200200 will reflect the place of use for the.

If you have any questions, feel free to contact me at this office.

Sincerely,

Keith E. Franklin
Water Resources Agent

Encl/kf

Susan K. Kozacek
7739 W. Goldbrook Dr.
Tucson, AZ 85743

December 6, 2006

Idaho Department of Water Resources
7600 Mineral Drive Suite 100
Coeur D'Alene, ID 83815

RECEIVED
DEC 11 2006
IDWR/North

To Whom It May Concern:

Enclosed are my two Notice of Error Replies for Water Right Numbers 75-10400 and 75-10392. Attached to these are the preliminary recommendations I received, on which I indicated in red the corrections/additions. Also attached are the copies of the aerial photos on which I indicated in orange the corrections/additions. I crossed out the yellow dots and yellow polygons since they were not in the correct locations.

I was not able to make the trip to Idaho this week to attend the meeting in Salmon. I had commitments with my work here in Tucson, Arizona. However, on September 24, 2005, I did make a special trip to Idaho to meet with Jack Ellis on my property. We walked the ditches and acreage and located the springs and diversions with a GPS system. Jack was very good to work with and I very much appreciate his help. Unfortunately the GPS must not have been working correctly since those GPS points, although close, are not in the correct locations on the aerial photo. I indicated in orange on the copies of the aerial photos the correct locations as best I could.

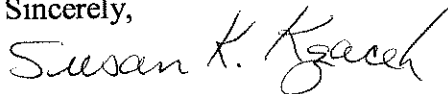
The availability of the copy of the aerial photos and the indication of the sections and quarter sections was very helpful in locating and describing more accurately the legal description of the points of diversions and place of use. Previously these copies were not available and for that reason it was not until I had these that I was able to accurately make these descriptions. Thank you for providing the copies.

I also want to recognize that Robert Foster has been extremely helpful every time I have called him with questions.

I am hoping that you can make the corrections/additions that I have indicated without any problems. If you need to reach me, my cell phone number is 520-979-9100.

Thank you for this opportunity.

Sincerely,



Susan K. Kozacek

11/20/2006

NOTICE OF ERROR
REPLY

RECEIVED
DEC 11 2006
IDWR/North

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: 12/13/2006

Water right number: 75-10392

SUSAN K KOZACEK
7739 W GOLDBROOK DRIVE
TUCSON AZ 85743
Telephone Number: (520)979-9100

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

quantity, point of diversion, purpose and period of use, place of use, other provisions

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

see attached sheet
where changes/additions
are indicated in red

- quantity: change to .16 cfs
- point of diversion: add T25N R21E S15 SESWSW within LEMHI County
- purpose and period of use: on the line of Irrigation change period of use to 04/01 11/01 change quantity to .12 cfs

- place of use: Irrigation in LEMHI County
on the first line change acres in NENE to 1.75 acres
leaves .15 acres in SENE 1.00 acres
on second line add: T25N R21E S21 SWNE .20 acres
T25N R21E S21 NWNE .05 acres

stockwater: indicates stockwater in LEMHI County same as irrigation

- other provisions: Delete first sentence.
T25N R21E S21 NENE T25N R21E S21 SENE
T25N R21E S21 SWNE T25N R21E S21 NWNE

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

- quantity: 3 acres is Total therefore 3 acres X .04 cfs/acre = .12 cfs for irrigation
.04 cfs for stockwater
.16 cfs total
- point of diversion:
the additional line of T25N R21E S15 SESWSW is the
spring system diversion

the North Fork of Salmon River diversion is:

T25N R21E S15 SESWSW this is the point of diversion from
North Fork of Salmon River
T25N R21E S15 NENWNW this is the fish screen location for the
North Fork of Salmon River

- purpose and period of use:
change was made from 10/31 to 11/01 to reflect ^{irrigation} use dates and to be consistent with
change was made in quantity to .12 cfs for irrigation because 3 acres X .04 cfs = .12 cfs
Water Right # 75-10400

- place of use: I made changes to reflect as best I could the acres irrigated in the
various legal description locations.
the legal description of place of use and acres was incorrect. • Other provisions: I don't believe the first sentence
in this section is applicable.

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

DATE: 12/6/2006

SIGNATURE:

Susan K. Kozacek
Susan K. Kozacek

Please print your name:

phone number 520-979-9100

changes requested are indicated in red

11/20/2006

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

RECEIVED
DEC 11 2006
IDWR/North

RIGHT NUMBER: 75-10392

NAME AND ADDRESS: SUSAN K KOZACEK
7739 W GOLDBROOK DRIVE
TUCSON AZ 85743

SOURCE: NORTH FORK SALMON RIVER
SPRING

TRIBUTARY: SALMON RIVER
TRIBUTARY: NORTH FORK SALMON RIVER

QUANTITY: 0.130 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1887

POINT OF DIVERSION:

T25N R21E S15 SESWSW Within LEMHI County
T25N R21E S22 NENWNW Within LEMHI County
T25N R21E S15 SESWSW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 11/01	0.050 CFS
STOCKWATER	01/01 12/31	0.040 CFS

PLACE OF USE:

IRRIGATION in LEMHI County		QUANTITY
T25N R21E S21 NENE	1.75	
T25N R21E S21 SENE	2.00	
T25N R21E S21 SWNE	0.20	
STOCKWATER same as IRRIGATION in LEMHI County		
T25N R21E S21 NENE	1.00	
T25N R21E S21 SENE	1.00	
T25N R21E S21 NWNE	0.05	

3 ACRES TOTAL

Right Nos. 75-10392 and 75-10400 are limited to the irrigation of a combined total of 6.7 acres

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

Susan K. Kozacek 12/6/2006
Susan K. Kozacek

phone number 520-979-9100