

04/08/2006

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

RIGHT NUMBER: 79-7199

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH  
USDA FOREST SERVICE  
550 W FORT ST MSC 033  
BOISE ID 83724

SOURCE: SPRING

TRIBUTARY: SINKS

QUANTITY: 0.020 CFS  
7.700 AFY

PRIORITY DATE: 05/30/1989

POINT OF DIVERSION:

T27N R01W S28 SWSWSW Within IDAHO 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<br>7.10 AFY |
| DOMESTIC              | 01/01 12/31          | 0.020 CFS<br>0.60 AFY |

PLACE OF USE: STOCKWATER Within IDAHO County

T27N R01W S28 SWSW

DOMESTIC Within IDAHO County

T27N R01W S33 SWNW

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

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.

Source is locally known as Circle C Spring.  
Stockwater use is for 533 head of mixed stock.  
Domestic use is for 1 home.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Forest Service Record ID: 1 17 17060101 1 9933

08/18/2006

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: September 22, 2006**

Water right number: 79-7199

UNITED STATES OF AMERICA ACTING THROUGH  
USDA FOREST SERVICE  
550 W FORT ST MSC 033  
BOISE ID 83724  
Telephone Number: (208)387-0835

RECEIVED  
SEP 25 2006  
IDWR/NORTH

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:

X

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

DATE: 9/20/06

SIGNATURE: Steven M. Spencer

Please print your name: STEVEN M. SPENCER

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

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,  
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 79-7199  
Date Received: 5/27/2005  
Receipt No:  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

RECEIVED  
AUG 17 2005  
IDWR/North

1. Name of Claimant(s)

UNITED STATES OF AMERICA ACTING THROUGH Phone: (208)387-0835  
USDA FOREST SERVICE  
550 W FORT ST MSC 033  
BOISE ID USA 83724

2. Date of Priority: 05/30/1989

3. Source: SPRING Trib. to: SINKS

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 27N      | 01W   | 28      | SW SW SW              | IDAHO  |      |

5. Description of diverting works:

6. Water is used for the following purposes:

| Purpose    | From | To    | C.F.S. | (or) A.F.A |
|------------|------|-------|--------|------------|
| STOCKWATER | 1/01 | 12/31 | 0.02   | 7.1        |
| DOMESTIC   | 1/01 | 12/31 | 0.02   | 0.6        |

7. Total Quantity Appropriated is:  
0.02 C.F.S. and/or 7.7 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use        | Acres |
|----------|-------|---------|------------|-----|------------|-------|
| 27N      | 01W   | 28      | SW         | SW  | STOCKWATER |       |
| 27N      | 01W   | 33      | SW         | NW  | DOMESTIC   |       |

11. Place of use in counties: IDAHO

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

Source is locally known as Circle C Spring.  
 Stockwater use is for 533 head of mixed stock.  
 Domestic use is for 1 home.

Forest Service Record ID: 1 17 17060101 1 9933

15. Basis of Claim: License

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS  
IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number: 79-07199

FILED UNDER STATE LAW

RECEIVED  
MAY 27 2005  
WATER RESOURCES  
WESTERN REGION

1. Name of Claimant: UNITED STATES OF AMERICA on behalf of the U.S.D.A. Forest Service

Address: 550 W. Fort Street MSC033

Boise

ID 83724

2. Date of Priority: 05/30/1989

3. Source of water: SPRING

Tributary: SINKS

4. Location Meridian BOISE

Description of Diversion Works: Combo

From: Spring

Location of Point of Diversion

T: 27 N R: 01 W S: 28 SWSW

Location of Place of Use

T: 27 N R: 01 W S: 28 SWSW

ac: 0

T: 27

N R: 01 W S: 33 SWNW

ac: 0

5. Quantity claimed: Period Quantity For  
1/ 01 -- 12/ 31 0.02 CFS Domestic  
1/ 01 -- 12/ 31 0.02 CFS Stockwater

6. Total Consumptive Use Claimed for Present and Future Use is:

0.02 CFS

0.02 CFS

7. Present and future uses to which the water is or will be used:

Domestic

Stockwater

8. Remarks:

State Basin: 79

National Forest: Nez Perce

Forest Service Record ID: 1 17 17060101 1 9933

I verify to the best of my knowledge the statements contained in this document are true and correct.

Steven M. Spencer  
STEVEN M. SPENCER  
Consumptive Use Water Specialist

Subscribed and sworn to before me on:

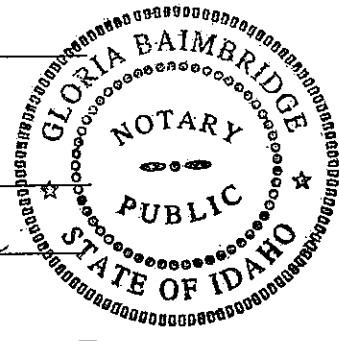
May 26, 2005  
Gloria Baimbridge  
Notary Republic

Residing at:

Boise, Idaho

My Commission Expires:

10-07-08



State of Idaho  
Department of Water Resources

# WATER RIGHT LICENSE

WATER RIGHT NO. 79-07199

Priority: May 30, 1989

Maximum Diversion Rate:

0.02 CFS

Maximum Diversion Volume:

7.7 AF

This is to certify, that US DEPT OF AGRICULTURE

FOREST SERVICE

FEDERAL BLDG

PO BOX 7669

MISSOULA MT 59807

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 30, 1989; and has submitted Proof of Beneficial Use on April 4, 1991. An examination indicates that the works have a diversion capacity of .020 cfs of water from:

SPRING

tributary to SINKS

source, and a water right has been established as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|--------------------------|----------------------|
| STOCKWATER            | 01/01 to 12/31       | 0.02 CFS                 | 7.1 AF               |
| DOMESTIC              | 01/01 to 12/31       | 0.02 CFS                 | 0.6 AF               |
| Totals                |                      | 0.02 CFS                 | 7.7 AF               |

LOCATION OF POINT(S) OF DIVERSION:

SWSWSW , Sec. 28, Township 27N, Range 01W  
IDAHO County

PLACE OF USE: STOCKWATER

TWN RGE SEC

27N 01W 28

SWSW

PLACE OF USE: DOMESTIC

TWN RGE SEC

27N 01W 33

SWNW

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

APR 20 1994

State of Idaho  
Department of Water Resources

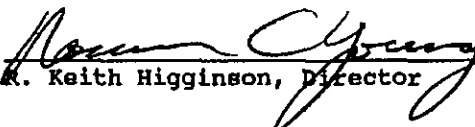
**WATER RIGHT LICENSE**  
WATER RIGHT NO. 79-07199

CONDITIONS/REMARKS:

5. Source is locally known as Circle C Spring.
6. Stockwater use is for 533 head of mixed stock.
7. Domestic use is for 1 home.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.  
Witness the seal and signature of the Director, affixed at Boise, this 9<sup>TH</sup>  
day of APRIL, 1994.

Acting for

  
R. Keith Higginson, Director

RECEIVED

APR 20 1994