

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: 79-7202

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

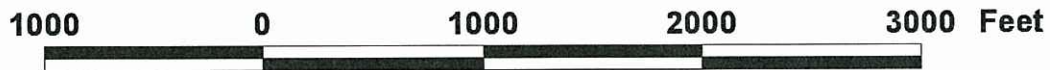
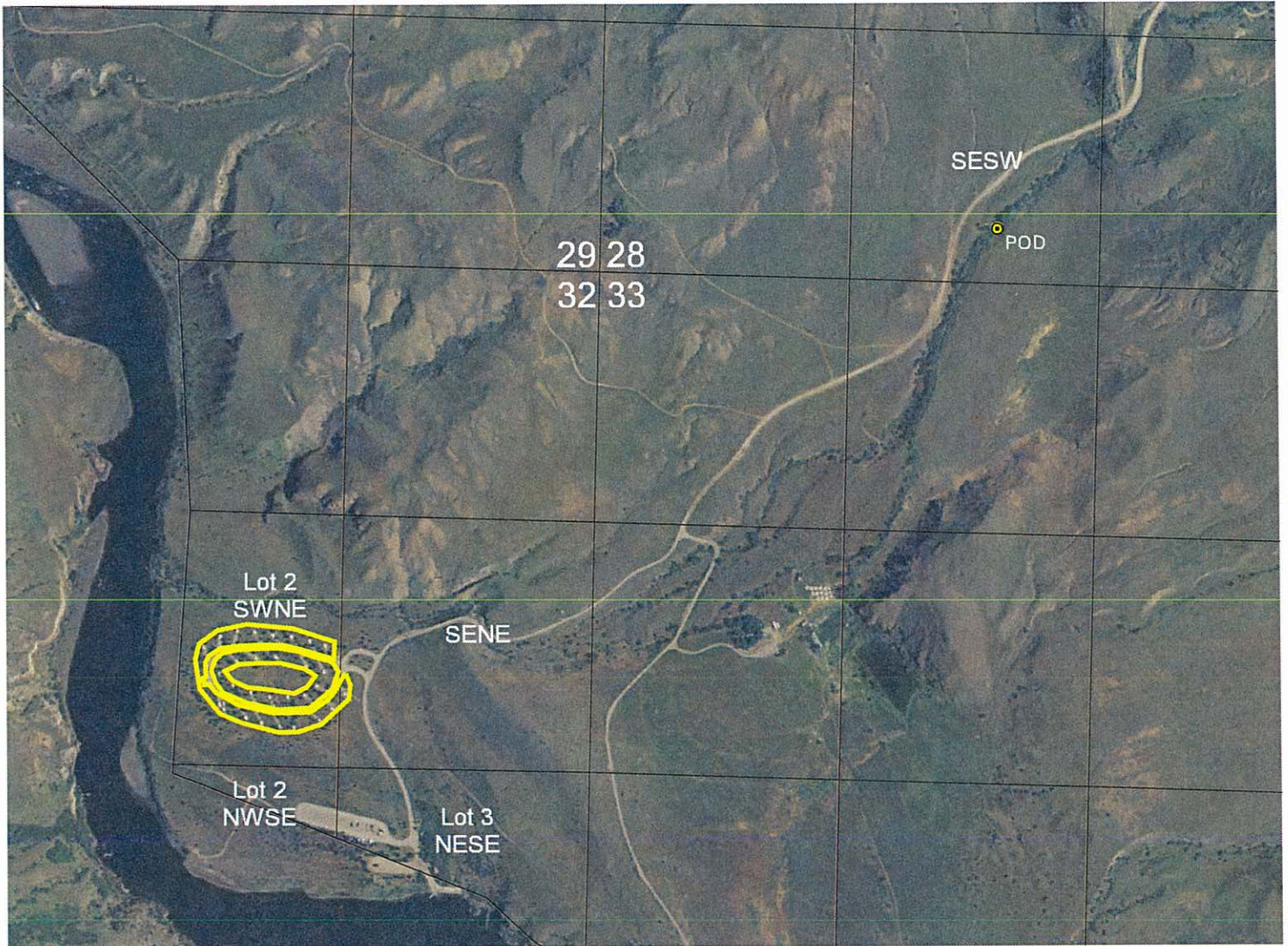
1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

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

# 79-7202



## T27N R01W S32

Map prepared by: Carter Fritschle  
Date prepared: 03/31/06  
2004 NAIP Photography  
Idaho Department of Water Resources



03/31/2006

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

RIGHT NUMBER: 79-7202

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

SOURCE: KURRY CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.110 CFS  
24.000 AFY

PRIORITY DATE: 02/04/1991

POINT OF DIVERSION:

T27N R01W S33 NENW Within IDAHO County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>        |
|-----------------------|----------------------|------------------------|
| IRRIGATION            | 03/01 11/30          | 0.110 CFS<br>24.00 AFY |

PLACE OF USE: IRRIGATION Within IDAHO County

|                          |      |                          |      |      |
|--------------------------|------|--------------------------|------|------|
| T27N R01W S32 Lot 2 SWNE | 2.00 | T27N R01W S32            | SENE | 1.00 |
| T27N R01W S32 Lot 3 NESE | 1.00 | T27N R01W S32 Lot 2 NWSE |      | 2.00 |

6 ACRES TOTAL

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.

Place of use is known as Pittsburg Landing.  
Forest Service Record ID 1 17 17060101 0437

## Fritschle, Carter

---

**From:** Steven M Spencer [sspencer@fs.fed.us]  
**Sent:** Monday, March 27, 2006 10:47 AM  
**To:** Fritschle, Carter  
**Subject:** Re: 79-7202

Just received this morning: The Curry Creek Diversion point for the  
Pittsburg Campground Irrigation system....

N 45.64229  
W 116.46474

Hopefully this is somewhere in the NENW of Sec 33.

|                           |                            |
|---------------------------|----------------------------|
| Steve Spencer             | (208) 331-5944             |
| Boise Adjudication Team   | (208) 387-0842 FAX         |
| 161 E. Mallard, Suite 110 | e-mail: sspencer@fs.fed.us |
| Boise, ID 83706           |                            |

"Fritschle,  
Carter"  
<Carter.Fritschle  
@idwr.idaho.gov>

03/03/2006 02:13  
PM

"Steve Spencer \ (E-mail\)"  
<sspencer@fs.fed.us>

To

cc

Subject

79-7202

Hi Steve,

We have your claim for 79-7202. When I checked our licensing file to see  
where to put the point for the POD, I found we have it marked on the ditch  
from Kurry Creek that goes to the Circle C Ranch. I am guessing that this  
is incorrect, and that the water is piped from Kurry Creek and not the  
ditch. Do you by any chance have some GPS coordinates for this POD?

Thanks, Carter

State of Idaho  
Department of Water Resources

**WATER RIGHT LICENSE**  
WATER RIGHT NO. 79-07202

Priority: February 4, 1991

Maximum Diversion Rate:  
Maximum Diversion Volume:

0.11 CFS  
24.0 AF

This is to certify, that US DEPT OF AGRICULTURE  
FOREST SERVICE  
NEZ PERCE NATIONAL FOREST  
RT 2 BOX 475  
GRANGEVILLE ID 83530

has complied with the terms and conditions  
of the permit, issued pursuant to Application for Permit dated February 4, 1991; and  
has submitted Proof of Beneficial Use on October 29, 1993. An examination indicates  
that the works have a diversion capacity of 0.110 cfs of water from:

KURRY CREEK tributary to SNAKE RIVER

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> |
|-----------------------|----------------------|--------------------------|----------------------|
| IRRIGATION            | 03/01 to 11/30       | 0.11 CFS                 | 24.0 AF              |

LOCATION OF POINT(S) OF DIVERSION: NENW, Sec. 33, Township 27N, Range 01W  
IDAHO County

| <u>PLACE OF USE:</u> | <u>IRRIGATION</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|----------------------|-------------------|--------------|--------------|--------------|--------------|
| <u>TWN RGE SEC</u>   |                   |              |              |              |              |
| 27N 01W 32           | Lot 2(SWNE)       | 2            | Lot 3(NESE)  | 1            |              |
|                      | Lot 2(NWSE)       | 2            |              |              | 6            |

Total number of acres irrigated: 6

CONDITIONS OF APPOINTMENT AND 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 that 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.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.

RECEIVED  
NOV 15 1995

State of Idaho  
Department of Water Resources

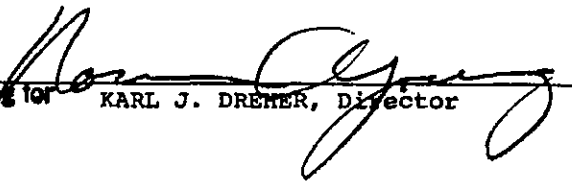
**WATER RIGHT LICENSE**

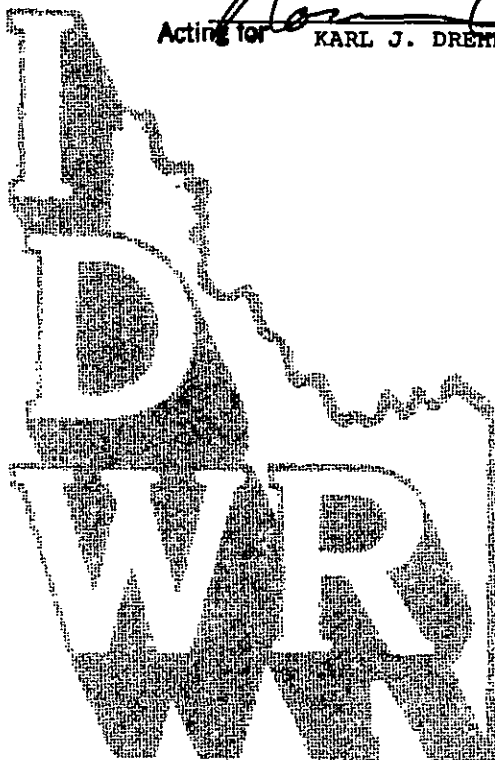
WATER RIGHT NO. 79-07202

CONDITIONS OF APPROVAL AND REMARKS

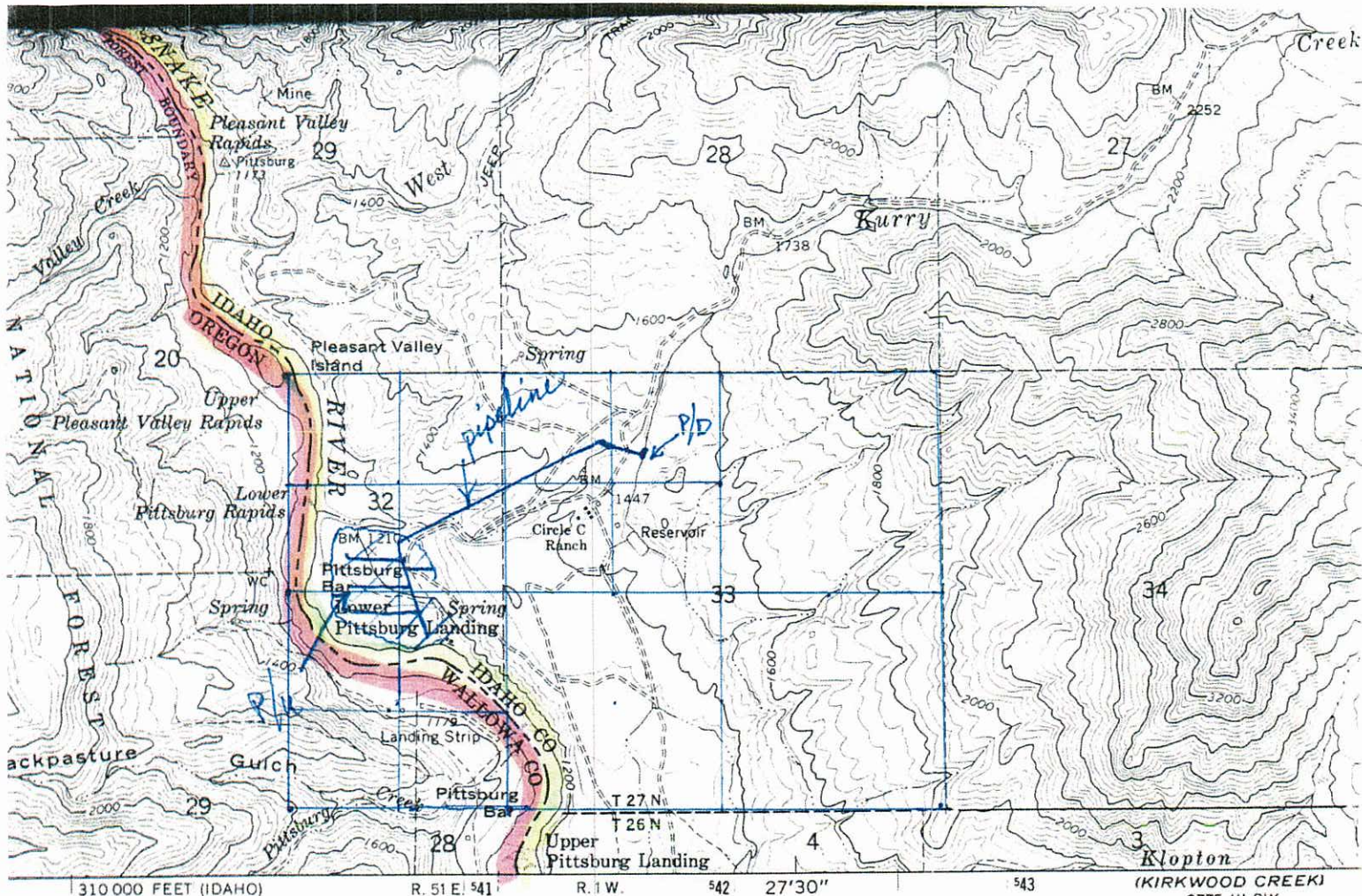
6. Place of use is known as Pittsburg Landing.

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 13<sup>TH</sup>  
day of NOVEMBER, 1975.

Acting for  KARL J. DREHER, Director



NOV 1 5 1975

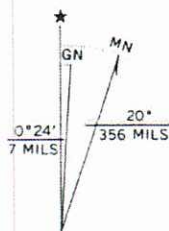


edited, and published by the Geological Survey  
USGS and USC&GS

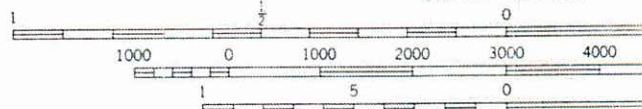
by photogrammetric methods from aerial  
is taken 1961. Field checked 1963

projection. 1927 North American datum  
it grids based on Idaho coordinate system, west zone  
coordinate system, north zone  
Universal Transverse Mercator grid ticks,  
shown in blue

tted, land lines have not been established



UTM GRID AND 1963 MAGNETIC NO.  
DECLINATION AT CENTER OF SHEET



Permit No. 79-07202  
P/O: T27N RIW 533 NENW  
ID: P-7 S.H. 7.5 USGS Topo.

THIS MAP COMPLIES WITH NATIONAL MAP ACCL  
FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER 25, COL  
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOL

NOV 15 1995



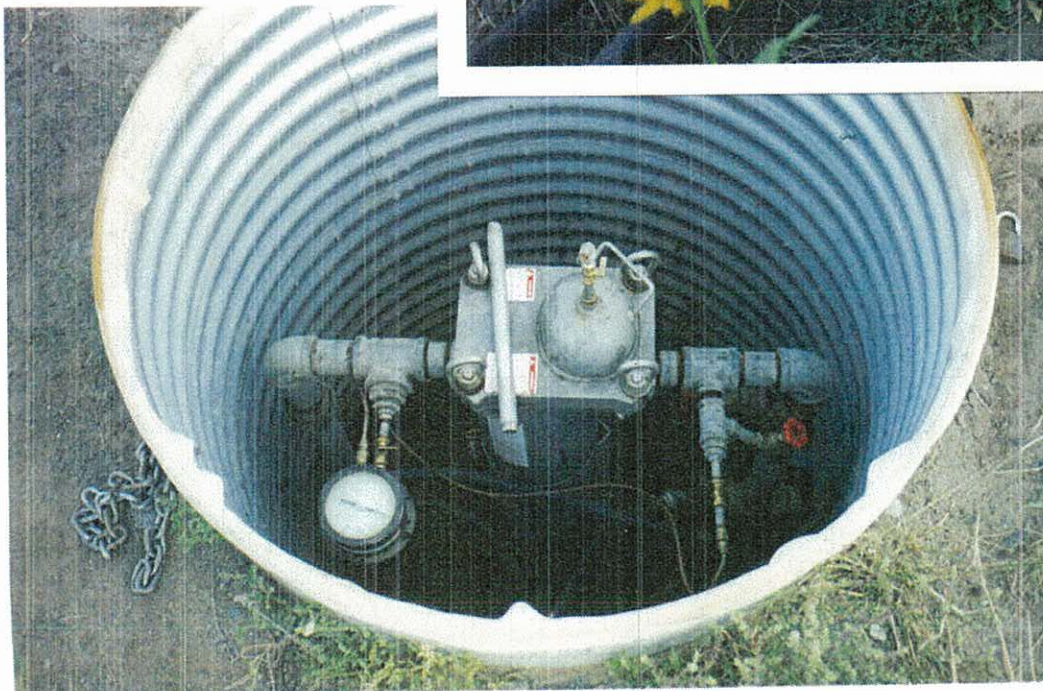
79-07202  
9/1/95 S.H.

P/D:  
Kurry Creek  
semi dammed area  
w/ 2 48' 2" ABS  
pipe to collection box

5'x5'x6'  
collection box  
w/ .6 mile  
2" ABS (gravity  
flow) to filter  
+ pressure valve



NOV 15 1995



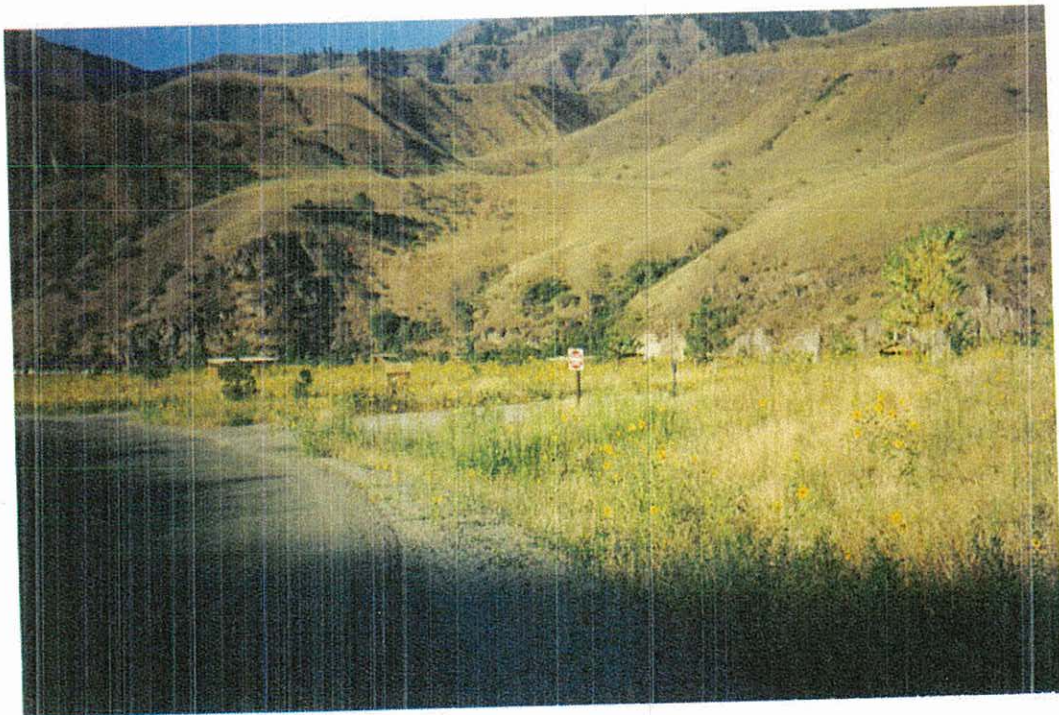
there ~~were~~ <sup>NOV 15 1995</sup> 12 of  
these filters +  
pressure valves  
w/in 10' of each  
other, then  
.8 mile 2" ABS  
to point where  
lines branch off  
for irrigation

79-07202  
9/1/95 S.H.



P/u:

"no name" bubblers  
used for flood  
irrigation +  
watering trees



P/u:

Pittsburg Landing  
5 zones w/100  
bubblers per zone  
10 lines

MICROFILM

NOV 15 1995

T27N  
R1W

West

West

33.65

80.00

25.90

(2)

JUNE

29.80

NWSE

156.00

Sec. 33

W. W. J. WINSTON

(3)

20.30

NWSE

39.40

2

22.80

70.64

66.61

Total number of Acres 11521.92

MICROFILMED

JUN 9 1991

N. 0.3' W.

403

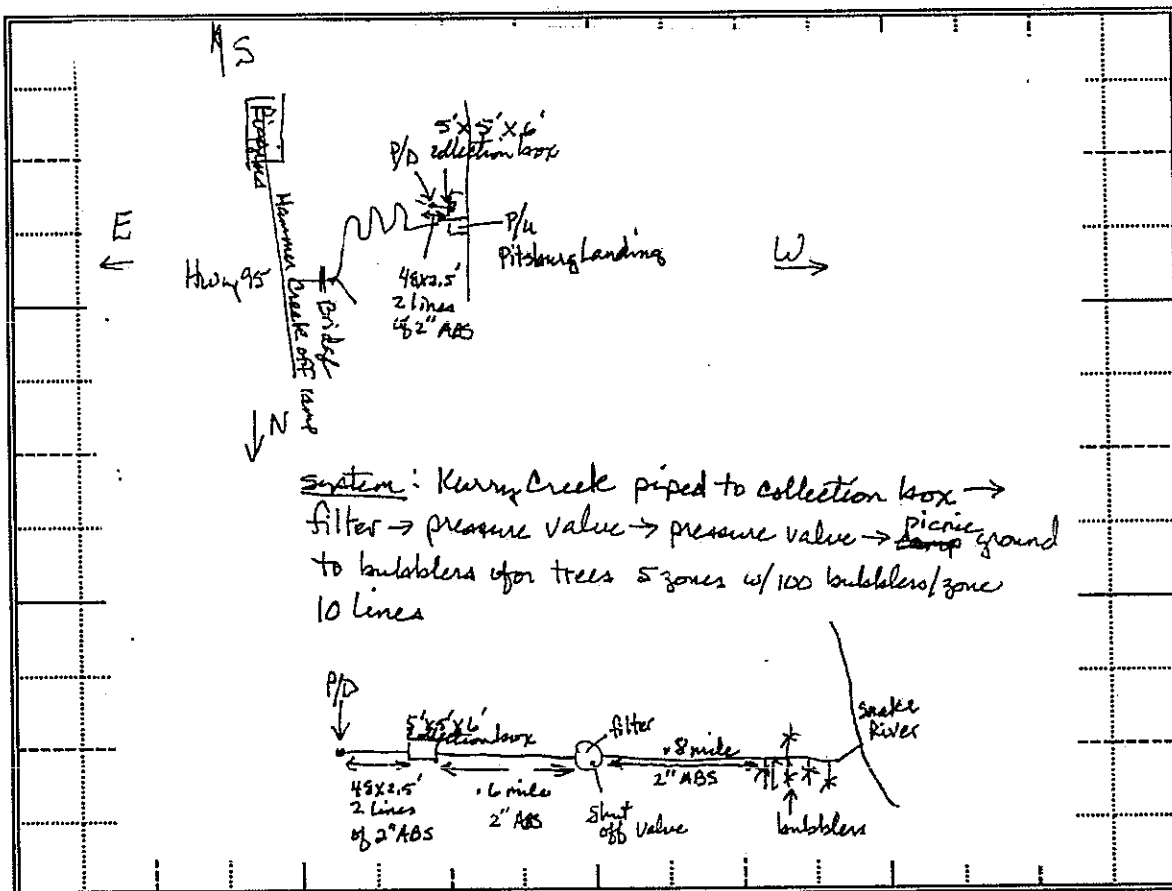
Area of Survey

Amount of Surveys

When Surveyed

Mean Dec.

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = \_\_\_\_\_

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☒ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

| Well or Diversion Identification No.* | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|---------------------------------------|------------|----|------------------|-----------|-----------------------------------|
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |

\*Code to correspond with No. on map and aerial photo

#### D. FLOW MEASUREMENTS

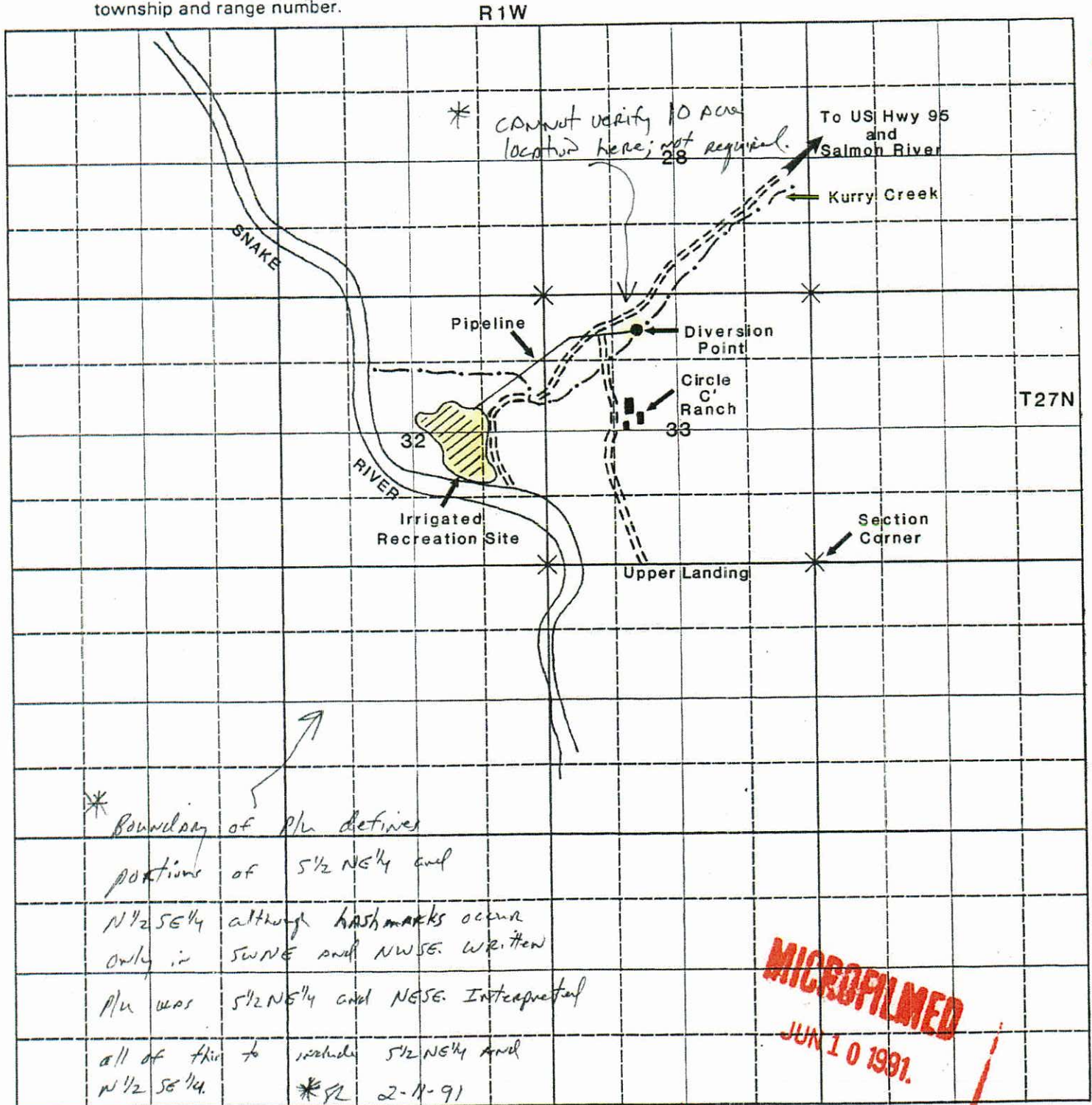
1.

| Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|-----------------------|------|------|-----------|------------|------|-------------|
|                       |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |

2. Measurements: \_\_\_\_\_

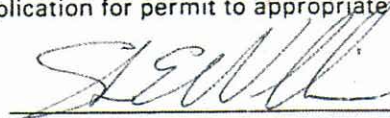
NOV 15 1995

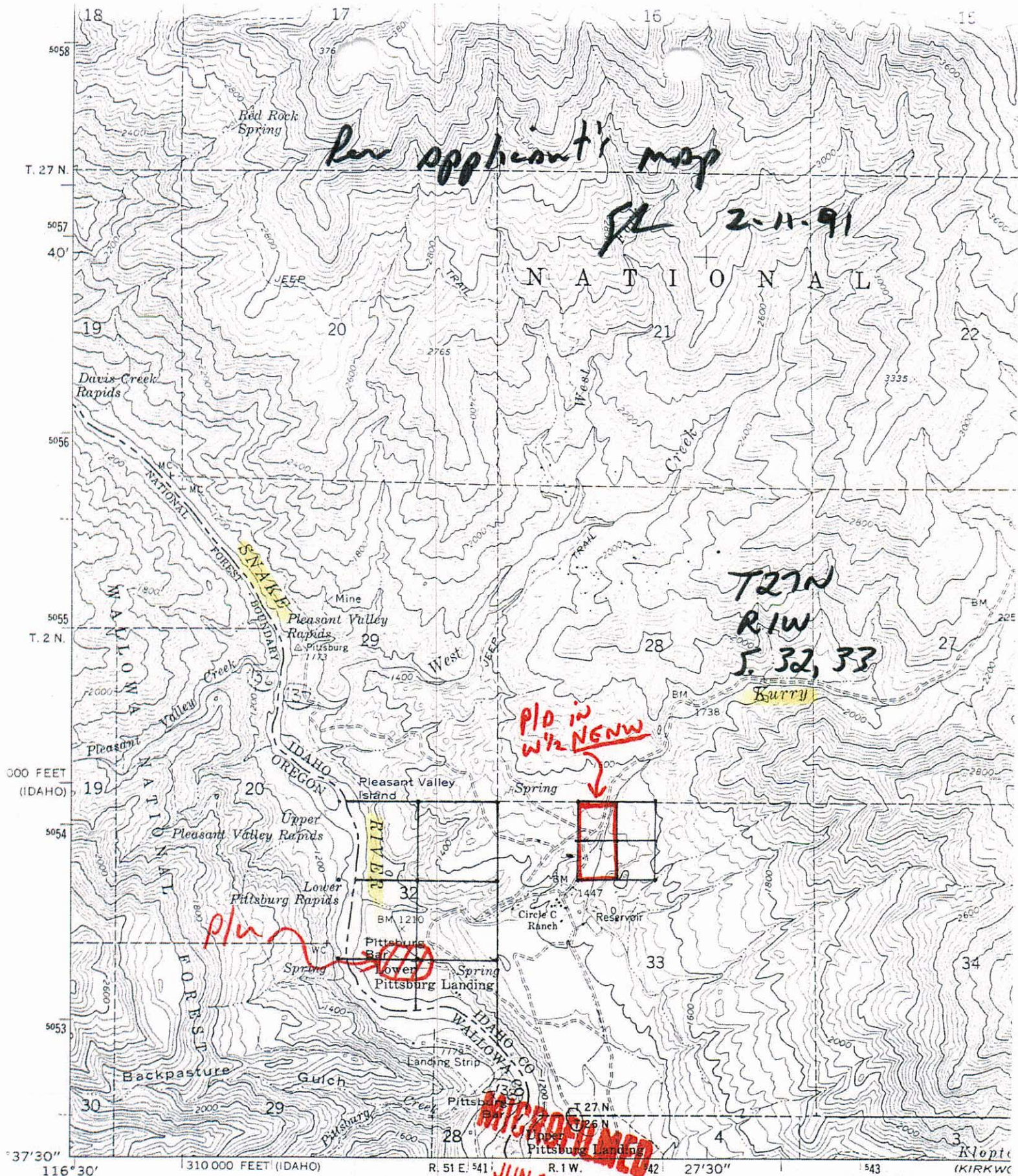
13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

  
 Acting Forest Supervisor  
 (Applicant)



Mapped, edited, and published by the Geological Survey

Control by USGS and USC&GS

Topography by photogrammetric methods from aerial photographs taken 1961. Field checked 1963

Polyconic projection. 1927 North American datum  
10,000-foot grids based on Idaho coordinate system, west zone  
and Oregon coordinate system, north zone



CONTOUR IN  
DOTTED LINES REPR  
DATUM IS

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 79-7202  
Date Received: 3/2/2006  
Receipt No:  
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW**

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: 02/04/1991

3. Source: KURRY CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 27N      | 01W   | 33      | NE NW                 | IDAHO  |      |

5. Description of diverting works:

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 03/01 | 11/30 | 0.11   |            |

7. Total Quantity Appropriated is:  
0.11 C.F.S.

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   | 32      | SE         | NE  | IRRIGATION | 1     |
|          |       |         | SW         | NE  | IRRIGATION | 2     |
|          |       |         | NW         | SE  | IRRIGATION | 2     |
|          |       |         | NE         | SE  | IRRIGATION | 1     |

|               |   |
|---------------|---|
| Section Acres | 6 |
| Total Acres   | 6 |

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:

Place of use is known as Pittsburg Landing.  
Forest Service Record ID 1 17 17060101 0437

15. Basis of Claim: License

RECEIVED

MAR 02 2006

DEPARTMENT OF  
WATER RESOURCES

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: 79-07202

FILED UNDER STATE LAW

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: 02/04/1991

3. Source of water: KURRY CREEK

Tributary: SNAKE RIVER

4. Location Meridian BOISE

Description of Diversion Works: Combo

From: Stream

Location of Point of Diversion

T: 27 N R 01 W S: 33 NENW

Location of Place of Use

T: 27 N R 01 W S: 32 SENE ac: 1 T: 27 N R 01 W S: 32 SWNE L 2 ac: 2

T: 27 N R 01 W S: 32 NESE L 3 ac: 1 T: 27 N R 01 W S: 32 NWSE L 2 ac: 2

5. Quantity claimed: Period Quantity For  
3 / 01 - 11 / 30 0.11 CFS Irrigation

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

0.11 CFS

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

Irrigation

8. Remarks:

State Basin: 79

National Forest: Nez Perce

Forest Service Record ID: 1 17 17060101 1 0437