

RECEIVED

SEP 08 2006

08/18/2006

NOTICE OF ERROR  
REPLY

DEPARTMENT OF  
WATER RESOURCES

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: 79-10024

R & M WATER USERS

RT 3 BOX 108

COTTONWOOD ID 83522

Telephone Number: (208) 962-3843

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:

8/2/06

SIGNATURE:

*Daniel R. Mills*

Please print your name:

DANIEL R. MILLS

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

12/30/2005

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

RIGHT NUMBER: 79-10024

NAME AND ADDRESS: R & M WATER USERS  
RT 3 BOX 108  
COTTONWOOD ID 83522

SOURCE: SPRING

TRIBUTARY: ROCK CREEK

QUANTITY: 0.120 CFS

PRIORITY DATE: 07/01/1937

POINT OF DIVERSION:

T30N R01W S24 SESENW 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          | 0.120 CFS       |
| DOMESTIC              | 01/01 12/31          | 0.120 CFS       |

PLACE OF USE: STOCKWATER Within IDAHO County

|               |      |               |      |
|---------------|------|---------------|------|
| T30N R01W S24 | SENE | T30N R01W S24 | NESE |
|---------------|------|---------------|------|

DOMESTIC Within IDAHO County

|               |      |               |      |
|---------------|------|---------------|------|
| T30N R01W S24 | SENE | T30N R01W S24 | NESE |
|---------------|------|---------------|------|

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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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: A79-10024  
Date Received: 5/23/1988  
Receipt No: C000829  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: R & M WATER USERS 208-962-3843  
Address: RT 3 BOX 108  
COTTONWOOD ID 83522

2. Date of Priority: JUL 1, 1937

3. Source: SPRING Trib. to: ROCK CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 30N      | 01W   | 24      | SE     | SE     | NW  |     | IDAHO  |

5. Description of diverting works:  
1 INCH PIPELINE TO COLLECTION BOX-1 1/2 INCH TO PLACE OF USE

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| DOMESTIC   | 01/01 | 12/31 | 0.120 |      |        |
| STOCKWATER | 01/01 | 12/31 | 0.120 |      |        |

7. Total Quantity Appropriated is:  
0.240 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
DOMESTIC, 3 HOMES; STOCKWATER, 300 HEAD.

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use    | Acres |
|----------|-------|---------|--------|-----|-----|--------|-------|
| 30N      | 01W   | 24      | NE     | SE  |     | DOMEST |       |
|          |       |         | NE     | SE  |     | STOCK  |       |

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:  
NONE

14. Remarks:

THE USERS HAVE A USERS AGREEMENT. OWERS ARE; JAMES LAURINO,  
DANIEL MILLS & ALBERT L. RAD.  
AMENDED CLAIM TO ADD STOCKWATER USE. JS 5-13-99.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not \_\_\_\_\_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: \_\_\_\_\_

**For Individuals:**

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Albert L. Rad Date: 5-13-99  
Clarice J. Rad Date: 5-13-99

State of Idaho )  
County of ADA ) SS.

Subscribed and sworn (or affirmed) before me this 13<sup>th</sup> day  
of May 19 99

Seal

Jan Shute  
Notary Public

Residing at Meridian ID  
My Commission Expires 9-14-2000

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: A79-10024  
Date Received: 5/23/1988  
Receipt No: C000829

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: R & M WATER USERS  
Address: RT. 3 BOX 108  
COTTONWOOD, ID 83522  
208-962-3843

2. Date of Priority: JUL 01, 1937

3. Source: SPRING Trib. to: ROCK CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 30N      | 01W   | 24      | SE     | SE     | NW  |     | IDAHO  |

5. Description of diverting works:  
1 INCH PIPELINE TO COLLECTION BOX-1 1/2 INCH TO PLACE OF USE

6. Water is used for the following purposes:

| Purpose  | From  | To    | C.F.S. | (or) | A.F.A. |
|----------|-------|-------|--------|------|--------|
| DOMESTIC | 01/01 | 12/31 | 0.120  |      |        |

7. Total Quantity Appropriated is:  
0.120 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
3- DOMESTIC

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use    | Acres |
|----------|-------|---------|--------|-----|-----|--------|-------|
| 30N      | 01W   | 24      | NE     | SE  |     | DOMEST |       |

11. Place of use in counties: IDAHO

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

A79-10024

Page 1

Date: 05/23/88

MICROFILMED

OCT 06 1992

13. Other Water Rights Used:  
NONE

14. Remarks:  
THE USERS HAVE A USERS AGREEMENT. OWNERS ARE; JAMES LAURINO,  
DANIEL MILLS & ALBERT L. RAD.

15. Basis of Claim: BENEFICIAL USE  
Water Right Number:

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not \_\_\_\_\_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: \_\_\_\_\_

**For Organizations:**

I do solemnly swear or affirm that I am Albert L Rad of  
Title  
R & M water users, that I have signed the foregoing  
Organization  
document in the space below as Member of  
Title  
R & M water users and that the statements contained in the  
Organization  
foregoing document are true and correct.

Albert L Rad  
Signature of Authorized Agent

Member  
Title and Organization

5-23-88  
Date



State of Idaho

County of Ada ) SS.

Subscribed and sworn (or affirmed) before me this 23rd day

of May 19 88

Seal

Dana Bellin  
Notary Public

Residing at Caldwell, Id.

My Commission Expires 3/24/94



AJ0749NP  
No. R79-10024

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT  
(REGIONAL)

DATE: 02/08/99  
PAGE: 1

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| OWNER<br>CODE    | NAME & ADDRESS                                                             | PRIORITY<br>DATE | WATER USE | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|----------------------------------------------------------------------------|------------------|-----------|-----------------------|-------------------|---------------------|
| C                | R & M WATER USERS<br>RT 3 BOX 108<br>COTTONWOOD ID 83522<br>(208) 962-3843 | 07/01/1937       | DOMESTIC  | 01-01 12-31           | 0.12 CFS          |                     |
| TOTAL DIVERSION: |                                                                            |                  |           |                       | 0.12 CFS          |                     |

Water Source: SPRING

Tributary to: ROCK CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion: T30N R01W S24 SESENW

IDAHO County

Place of use Legal Description for: DOMESTIC

|     |     |    |   | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |
|-----|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| T   | R   | S  |   | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac |
| 30N | 01W | 24 | : | :  | :  | :  | :  | :  | :  | :  | :  | :  | :  | :  | :  | :  | :  | :  | :  |
|     |     |    |   |    |    |    |    |    |    |    |    |    |    |    |    | D  |    |    |    |

POU County: IDAHO

Non-Irrigation Uses: 3 HOMES

Conditions of Approval:

N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
- DETERMINATION OF HISTORICAL BENEFICIAL USE.

Dates: Exam Made Date: Verified Date: 02/08/1999 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:  
Presumption Flag:

Comments: Date: 02/08/1999 User-ID: RHOWERTO Subject: COPIED FROM REMARKS  
THE USERS HAVE A USERS AGREEMENT. OWERS ARE; JAMES LAURINO,  
DANIEL MILLS & ALBERT L. RAD.

Audit: 02/08/99 RHOWERTO

NOT - DE MINIMIS  
SITUED NOT BE  
INCLUDED IN  
DIS REPORT

AJ0749NP  
No. R79-10024

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT  
(REGIONAL)

DATE: 02/05/99  
PAGE: 1

| OWNER<br>CODE                                                                                                                           | NAME & ADDRESS                                                             | PRIORITY<br>DATE         | WATER USE | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|-----------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------|-----------|-----------------------|-------------------|---------------------|
| C                                                                                                                                       | R & M WATER USERS<br>RT 3 BOX 108<br>COTTONWOOD ID 83522<br>(208) 962-3843 | 07/01/1937               | DOMESTIC  | 01-01 12-31           | 0.12 CFS          |                     |
| TOTAL DIVERSION:                                                                                                                        |                                                                            |                          |           |                       | 0.12 CFS          |                     |
| Water Source: SPRING                                                                                                                    |                                                                            | Tributary to: ROCK CREEK |           | Stage: BENEFICIAL USE |                   |                     |
| Point(s) of Diversion:                                                                                                                  |                                                                            | T30N R01W S24            | SESENW OK | IDAHO County          |                   |                     |
| Place of use Legal Description for: DOMESTIC                                                                                            |                                                                            |                          |           |                       |                   |                     |
| NE NW SW SE                                                                                                                             |                                                                            |                          |           |                       |                   |                     |
| T R S : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac |                                                                            |                          |           |                       |                   |                     |
| 30N 01W 24 :                                                                                                                            |                                                                            |                          |           |                       |                   |                     |

POU County: IDAHO

Non-Irrigation Uses: 3 - ~~DOMESTIC~~ HOMES

Other Rights: NONE out

Remarks: GEN THE USERS HAVE A USERS AGREEMENT. OWNERS ARE; JAMES LAURINO, DANIEL MILLS & ALBERT L. RAD.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag: Presumption Flag:

Audit: 02/05/99 RHOWERTO

APPEARS AS  
A SINGLE  
OWNERSHIP

HOWEVER,  
NOT LIMITED  
to 18,000 GPD

SEE MAP  
ATTACHED  
TO CLAIM

(CONDITIONS)  
N11 ONLY  
PAID \$2.00

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: FEB-13-1998

PAGE: A-205

RIGHT NUMBER: 79-10024

NAME & ADDRESS: R & M WATER USERS  
RT 3 BOX 108  
COTTONWOOD ID 83522

SOURCE: SPRING TRIBUTARY: ROCK CREEK

QUANTITY: 0.12 CFS

PRIORITY DATE: 07/01/1937

POINT OF DIVERSION: T30N R01W S24 SESENW Within IDAHO County

PURPOSE AND

| PERIOD OF USE: | PURPOSE OF USE       | PERIOD OF USE | QUANTITY |
|----------------|----------------------|---------------|----------|
|                | DOMESTIC 3- DOMESTIC | 01-01 12-31   | 0.12 CFS |

PLACE OF USE: DOMESTIC Within IDAHO County  
T30N R01W S24 NESE

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

THE USERS HAVE A USERS AGREEMENT. OWNERS ARE; JAMES LAURINO,  
DANIEL MILLS & ALBERT L. RAD. is R+m Water Users,  
Use Rad's address

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE