

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: 79-10564

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

RECEIVED  
OCT 02 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:

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

DATE: 9/27/06

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

07/25/2006

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

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RIGHT NUMBER: 79-10564

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

SOURCE: KIRKWOOD CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.030 CFS

PRIORITY DATE: 06/01/1935

POINT OF DIVERSION:

T26N R01W S30 NENE Lot 1 Within IDAHO County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 03/15 10/31          | 0.030 CFS       |

PLACE OF USE: IRRIGATION Within IDAHO County

T26N R01W S30 Lot 1 NENE 1.00

1 ACRES TOTAL

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

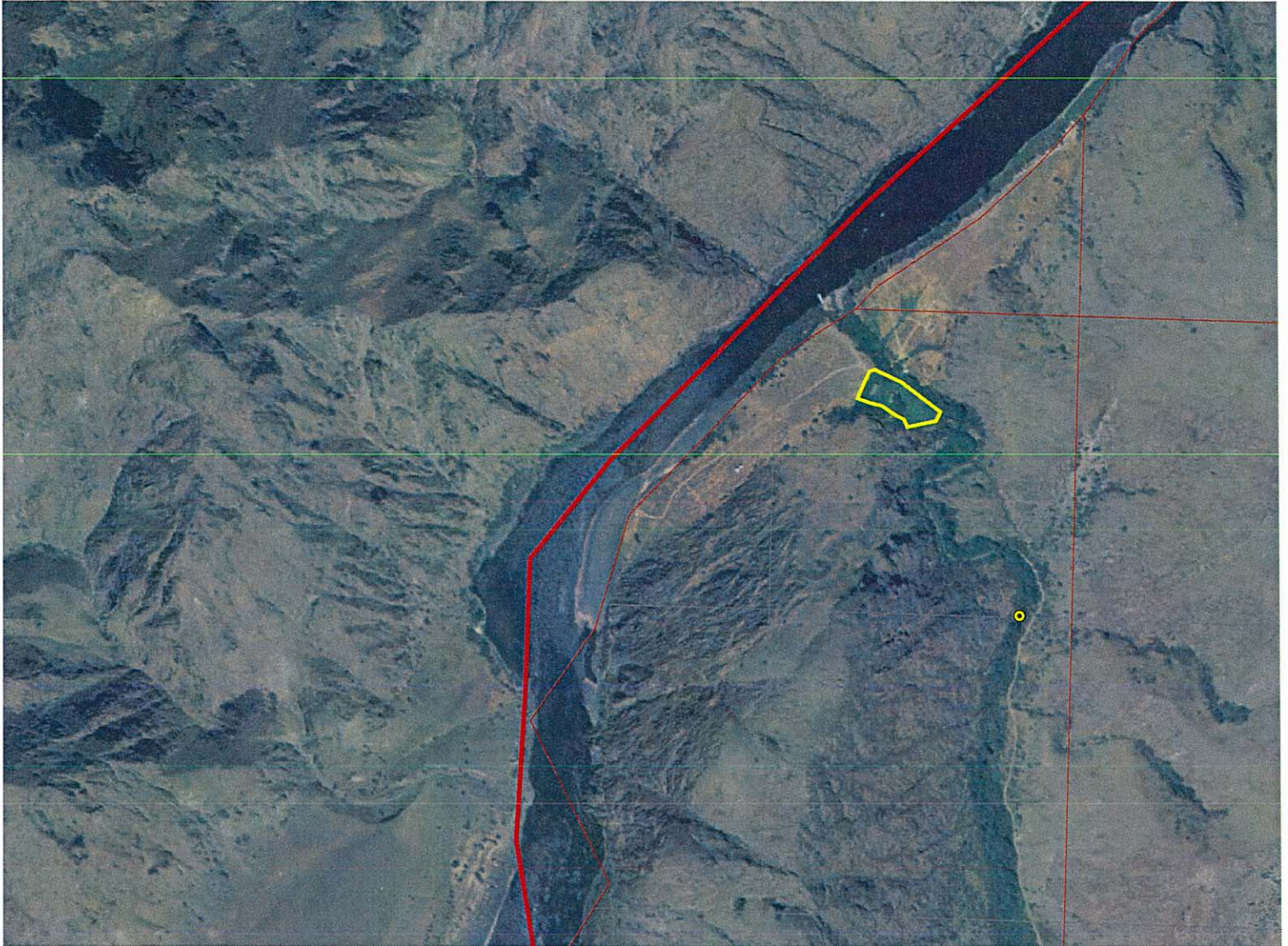
FOREST SERVICE RECORD ID = 011717060101010719 00

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

# 79-10564

T26N R01W  
Section(s) 30



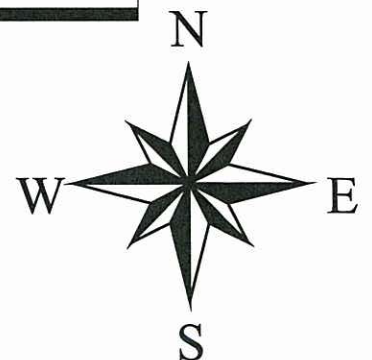
1000 0 1000 2000 Feet



**Place of Use**



**Point of Diversion**



Layout prepared on July 25, 2006  
By Greg Taylor  
Idaho Department of Water Resources

## Taylor, Greg

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**From:** Taylor, Greg  
**Sent:** Thursday, April 27, 2006 11:56 AM  
**To:** Steven M Spencer (E-mail)  
**Subject:** Kirkwood Creek

Steve,

I'm reviewing 3 claims for the Kirkwood Creek Property(79-10564-10566). We had a field examiner go out in June, 1995 and she found 1 acre of irrigation around the Kirkwood Historic Mansion and water going to the mansion for domestic purposes. At this time I am leaning towards recommending 10664 for 1 acre of irrigation and 0.03 cfs. And, 79-10566 for domestic-1 home. 10565 would be recommended as disallowed if it is not needed. Is there any other irrigation and how does the Carter Mansion get domestic water?

I'm not sure how familiar you are with this property so if you could forward this to someone else and have them give me a call, I would appreciate it.

Thank you,

Greg Taylor  
208-769-1450

USFS  
web site says  
they are trying to  
restore Kirkwood  
buildings to early  
1930's era -  
moved to ranch  
in 1933

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: A79-10564  
Date received: \_\_\_\_\_  
Receipt No: \_\_\_\_\_  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: UNITED STATES OF AMERICA (USDA-FOREST SERVICE)  
Address: P.O. Box 7669  
Missoula, Montana 59807 Phone: (406) 329-3045
2. Date of Priority: JUN 1, 1935
3. Source: KIRKWOOD CREEK Trib. to: SNAKE RIVER
4. Point of Diversion:

| Township | Range | Section | Tract | Lot | County |
|----------|-------|---------|-------|-----|--------|
| 026 N    | 001 W | 30      | NENE  |     | Idaho  |

5. Description of diverting works: HEADGATE

*Steps made*

6. Water is used for the following purposes:

| Purpose    | From  | To     | C.F.S. | (or) | A.F.A. | Elevation/<br>Well Depth |
|------------|-------|--------|--------|------|--------|--------------------------|
| IRRIGATION | JAN 1 | DEC 31 | 0.1000 |      |        |                          |

7. Total Quantity Appropriated is: 0.1000 C.F.S.
8. Total consumptive use is: 72.40 Acre feet per year
9. Non-irrigation uses: Other Livestock Numbers: 0
10. Place of Use:

| Township | Range | Section | Tract | Lot | County |
|----------|-------|---------|-------|-----|--------|
| 026 N    | 001 W | 19      | SESE  |     | Idaho  |

Purpose of use: IRRIGATION Acres Irrigated: 0

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:

15. BASIS OF CLAIM: BENEFICIAL USE

REFERENCE INFORMATION:

NATIONAL FOREST: Nez Perce

FOREST SERVICE RECORD ID: 01 17 17060101 01 0 0719 000

IDWR WATER STATE FILING NO.: 79-10564

ALLOTMENT NO.: 00110

NOTICE IS HEREBY GIVEN THAT THE UNITED STATES DEPARTMENT OF JUSTICE REPRESENTS THE DEPARTMENT OF AGRICULTURE, FOREST SERVICE, IN ALL MATTERS PERTAINING TO THE SNAKE RIVER BASIN ADJUDICATION. ALL NOTICES REQUIRED BY LAW TO BE MAILED BY THE DIRECTOR TO THE CLAIMANT SHOULD BE MAILED TO THE INDIVIDUALS AT THE ADDRESS BELOW:

K. JACK HAUGRUD  
GEOFFREY GARVER  
DARIA ZANE  
U.S. DEPARTMENT OF JUSTICE  
ENVIRONMENT AND NATURAL RESOURCES DIVISION  
GENERAL LITIGATION SECTION  
P.O. BOX 663  
WASHINGTON, D.C. 20044-0663  
202-272-4134

THIS FORM IS AN ATTACHMENT TO A LETTER FORWARDING THE CLAIMS OF THE U.S. DEPARTMENT OF AGRICULTURE, FOREST SERVICE. THE SIGNATURE AND AFFIRMATION ON SUCH LETTER CONSTITUTES THE SIGNATURE OF THE AUTHORIZED AGENT REPRESENTING THE UNITED STATES OF AMERICA REQUIRED FOR EACH SUCH CLAIM.