



Steven M
Spencer/R4/USDAFS
09/29/2006 11:30 AM

To Greg Taylor
cc Carter Fritschle
bcc
Subject NOE's

RECEIVED
OCT 02 2006
IDWR/North

I've got a handful of Notices of Error completed for water rights that I worked on with Carter yesterday. They are for the Slate Creek Ranger Station and Kirkwood. I will sent them to you in today's US Mail. You should get them Monday. If you have any questions about them, please contact me. Thank you.

Steve Spencer
Boise Adjudication Team
161 E. Mallard, Suite 110
Boise, ID 83706

(208) 331-5944
(208) 387-0842 FAX
e-mail: sspencer@fs.fed.us

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: 79-10565

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):

We disagree that this water right should be recommended disallowed.

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

We recommend this water right be reported as input by Carter Fritschle and shown on the attached layout - accomplished 9/28/06.

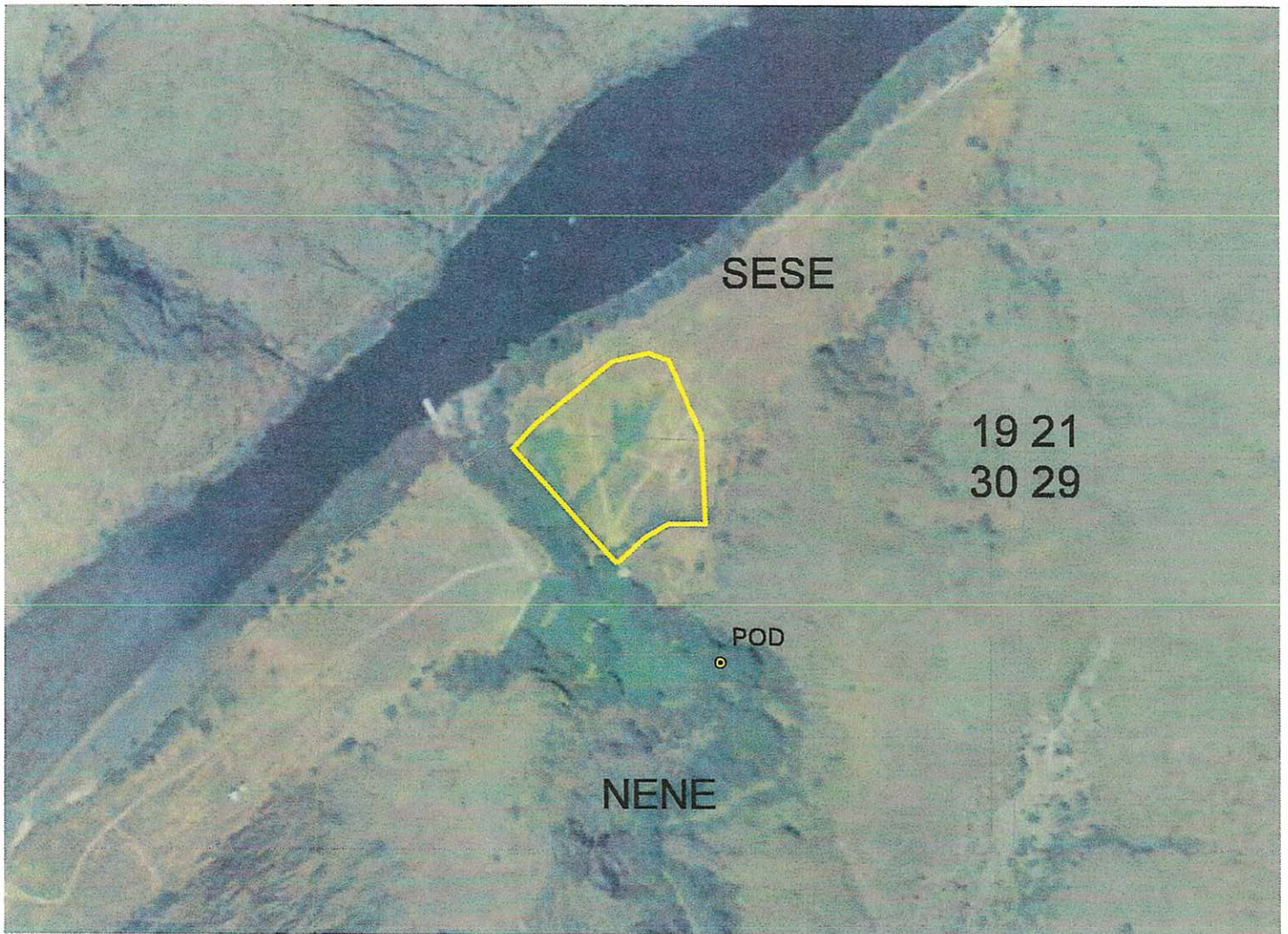
3. Give a brief explanation as to why you disagree with these portions:

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

DATE: 9/28/06 SIGNATURE: Steven M. Spencer
Please print your name: STEVEN AL SPENCER

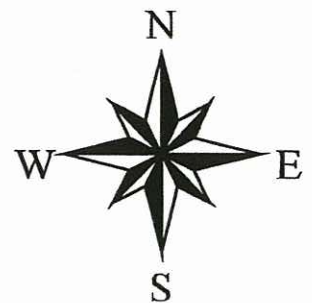
IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, (208) 287-4800

79-10565



500 0 500 1000 Feet

T26N R01W S19 & S30



Taylor, Greg

From: Steven M Spencer [sspencer@fs.fed.us]
Sent: Wednesday, September 27, 2006 8:56 AM
To: Taylor, Greg
Cc: Fritschle, Carter; Cathy H Conover
Subject: Kirkwood

A closer look at the FS claims at Kirkwood.

79-10566 is for domestic use at the Kirkwood house. We agree with your recommendation.

79-1010564 for 1 acre of irrigation around the Kirkwood house and museum is OK and we agree with your recommendation.

These previous two uses are south and west of Kirkwood Creek.

There is also some water diverted that goes to the north of the creek. I've been to this location twice and looking at the layout map for 79-10564 there are two narrow strips of green going north of the creek. Going down stream, the first is the old garden area and the second longer green strip is out in a pasture where trees were planted several years ago to take advantage of the water that flows there. The trees are still growing in spite of the deer that keep them pretty well nubbed back. As I recall the diversion is about 250 feet above the first apparent (garden spot) connection with the creek. While there is certainly no more than 1 acre of irrigation occurring here, I have seen water at these two locations both times I have been to Kirkwood. This was probably 2000 and 2003. Cathy Conover of the Hells Canyon National Recreation Area reports that this use continued this year and the trees are still trying to outgrow the deer. We do have some photos of this use. Mine are xerox copies.

With this information in mind, we disagree with 79-10565 being recommended disallowed. Rather, there should be a POD in the NENE of Sec 30 for another .03 cfs to irrigate .8 acres in the NENE Sec 30 and .2 acres in the SESE of Sec 19. There may be government survey lots involved here. I haven't verified them, but the recommendation for 79-10564 also shows government Lot 1.

Please consider this information and let me know if there is anything else I can provide to assist with this matter. Carter, if may be something we can spend a little time on tomorrow as we also discuss the Slate Creek Ranger Station compound. Thank you.

Steve Spencer
Boise Adjudication Team
161 E. Mallard, Suite 110
Boise, ID 83706

(208) 331-5944
(208) 387-0842 FAX
e-mail: ~~sspencer@fs.fed.us~~

07/25/2006

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

RIGHT NUMBER: 79-10565

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: 0.100 CFS

PRIORITY DATE: 06/01/1935

POINT OF DIVERSION:

T26N R01W S30 NENE Within IDAHO County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

1/01 12/31

0.100 CFS

PLACE OF USE: IRRIGATION Within IDAHO County

T26N R01W S30 Lot 1 NENE 3.00 T26N R01W S30 Lot 2 NWNE 3.90

6.9 ACRES TOTAL

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

FOREST SERVICE RECORD ID = 011717060101010720 00

No beneficial use found.

EXPLANATORY MATERIAL: BASIS OF CLAIM -

IN THE DISTRICT COURT OF THE FIFTH

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

JUDICIAL DISTRICT OF THE

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: A79-10565

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

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.	Elevation/ 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	30	NENE	---	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 0720 000

IDWR WATER STATE FILING NO.: 79-10565

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.