

RECEIVED

SEP 25 2006

DEPARTMENT OF
WATER RESOURCES

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: 79-14154

FLYING U RANCH
DELOS ROBBINS
PO BOX 17004
MISSOULA MT 59808
Telephone Number: (406) 549-1466

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

UNDER QUANTITY 0.450 CFS should be 0.570 CFS

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

*UNDER PERIOD + PLACE OF USE it shows Domestic 0.120 CFS
Power 0.450 CFS
The Total should be 0.570 CFS.*

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: 9-20-06 SIGNATURE: Delos Robbins

Please print your name: Delos Robbins

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

*Also 79-14155 was not sent to you. You should have
a copy of that also.
copy is attached*

*Claimed 0.45 cfs
Water is used for power and then Domestic
Basic water is re-used?*

79-14154

T29N R02W
Section(s) 35



0.2 0 0.2 0.4 Miles

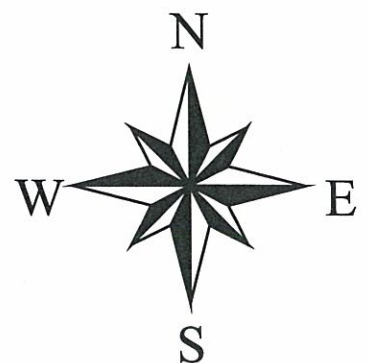


Place of Use



Point of Diversion

Layout prepared on April 26, 2006
By Greg Taylor
Idaho Department of Water Resources



03/22/2006

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

RIGHT NUMBER: 79-14154

NAME AND ADDRESS: FLYING U RANCH
DELOS ROBBINS
P.O. BOX 17004
MISSOULA MT 59808

SOURCE: LEFT FORK

TRIBUTARY: WOLF CREEK

QUANTITY: 0.450 CFS

The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 01/01/1955

The appropriator shall exercise this right in a manner that recognizes the historic practice that the use of water for power generation is incidental to the rights of others to the use of water for other purposes. The appropriator shall not make a delivery call for hydropower generation except as against junior hydropower rights.

POINT OF DIVERSION:

T29N R02W S35 NWSENE Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.120 CFS
POWER	01/01 12/31	0.450 CFS

PLACE OF USE:

POWER Within IDAHO County

T29N R02W S35 SESE

DOMESTIC Within IDAHO County

T29N R02W S35 SESE

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

The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Taylor, Greg

From: Fritschle, Carter
Sent: Friday, October 28, 2005 8:30 AM
To: Knoblock, Ken; Taylor, Greg
Subject: FW: hydropower language

Hi Ken and Greg,

This condition is to be used for any power rights that do not have subordination language already included (primarily old licenses and beneficial use rights.)

Thanks, Carter

-----Original Message-----

From: Shaff, Don
Sent: Monday, October 24, 2005 1:58 PM
To: Tuthill, Dave; Shurte, Jan
Cc: Carlsen, Ernie; Hamlin Nygard, Susan; Fritschle, Carter; Robischon, Steve
Subject: RE: hydropower language

The Condition below for the junior delivery status of hydropower rights has been added as Code 171 with a Priority Date category.

Don Shaff
(208)287-4921
don.shaff@idwr.idaho.gov

-----Original Message-----

From: Tuthill, Dave
Sent: Monday, October 24, 2005 8:30 AM
To: Shurte, Jan; Shaff, Don
Cc: Carlsen, Ernie; Hamlin Nygard, Susan
Subject: RE: hydropower language

Jan, it looks like you were not a recipient of this decision that was made on the hydropower language. Thanks for asking!

Don, if we have not yet created a standard condition with this language, could we please do so?

Thanks, Dave

-----Original Message-----

From: Spencer, Nick
Sent: Tuesday, October 04, 2005 3:54 PM
To: Holliday, Michael
Cc: Carlsen, Ernie; Tuthill, Dave; Hamlin Nygard, Susan
Subject: hydropower language

It appears that Dave, Susan, and I are now all in agreement on the language to insert into the hydropower rights we previously have discussed. The language is as follows:

The appropriator shall exercise this right in a manner that recognizes the historic practice that the use of water for power generation is incidental to the rights of others to the use of water for other purposes. The appropriator shall not make a delivery call for hydropower generation except as against junior hydropower rights.

Unless it turns out that I am jumping the gun, and you hear instructions to the contrary from Dave, I believe it now is okay to insert this language into the rights in question. If anybody sees anything in this language that causes acute heartburn notify Susan or me immediately because we need to discuss and resolve it ASAP. NBS

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 79-14154
Date Received: 2/17/2006
Receipt No: **NO 17407**
Received By: *ST.*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

FLYING U RANCH Phone: (406)549-1466
DELOS ROBBINS
P.O. BOX 17004
MISSOULA MT USA 598088

2. Date of Priority: 01/01/1955

3. Source: LEFT FORK Trib. to: WOLF CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
29N	02W	35	NW SE NE	IDAHO	

5. Description of diverting works:

Pond filtering pipes with pipeline to place of use

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
POWER	01/01	12/31	0.45	
DOMESTIC	01/01	12/31	0.12	

7. Total Quantity Appropriated is:

0.45 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses: 3 homes; 3.6 kw

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
29N	02W	35	SE SE	DOMESTIC	
			SE SE	POWER	

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:

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 Organizations:

I do solemnly swear or affirm that I am Partner of _____
Title

Flying U Ranch, that I have signed the foregoing
Organization

document in the space below as Partner of _____
Title

Flying U Ranch and that the statements contained in the
Organization

foregoing document are true and correct. Delon Robb
Signature of Authorized Agent

Partner Flying U Ranch
Title and Organization

3-14-06
Date

State of Idaho)
County of Kootenai) SS.

Subscribed and sworn (or affirmed) before me this 14th
of March 2006
Gregory J. Taylor
Notary Public

Residing at Greenacres, WA

My commission Expires 4-28-2010



