



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800

Fax: (208) 762-2819

Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

January 4, 2007

Firmin Gotzinger
Cross O Ranch Inc.
C/o Aaron Wilson
HC 69 Box 115
Riggins, ID 83549

RE: 78-4037 78-12253

We have received your Notice of Error requesting the period of use be changed to accommodate stock water use in our recommendation. To accomplish this you need to file an amended claim that lists stock water as a purpose of use. Unfortunately, we cannot process an amendment before we have to file the Director's Report. We suggest that after you receive your copy of the Director's Report, you file an objection using Standard Form #1 (Objection) with the court. Also send an amended claim with the Standard Form #4 (Notice of Late Notice of Claim or Amended Notice of Claim) and an Amended Claim adding stock water to purpose of use. Forms #1 & #4 can be found online at - <http://www.srba.state.id.us/srba2.htm>.

If you have any questions feel free to contact us.

Sincerely,

Kenneth Knoblock
Water Resources Agent

11/01/2005

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

RIGHT NUMBER: 78-4057

NAME AND ADDRESS: FIRMIN GOTZINGER
HC2 BOX 600
CROSS O RANCH INC
POLLOCK ID 83547

SOURCE: RAPID RIVER

TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 0.440 CFS

PRIORITY DATE: 05/01/1940

POINT OF DIVERSION:

T23N R01E S6 NESW Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.440 CFS

PLACE OF USE: IRRIGATION Within IDAHO County

T23N R01E S06 Lot 2 NWNE	3.0	T23N R01E S06	SWNE	7.0
T23N R01E S06 SENW	5.0	T23N R01E S06	NESW	7.0

22 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 - Beneficial Use

Letter amended claim

RECEIVED

NOV 29 2006

DEPARTMENT OF
WATER RESOURCES

11/15/2006

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: December 8, 2006

Water right number: 78-4057

FIRMIN GOTZINGER

HC2 BOX 600

CROSS O RANCH INC

POLLOCK ID 83547

Telephone Number: (208) 628-3413

Address should read Telephone
Cross-O-Ranch Inc, 208-628-3324
c/o Aaron Wilson
P.O. Box 115
Riggins, Idaho 83549

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

period of use needs to be 1/1-12/31

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

I fenced off all of Rapid River under Idaho's Bull trout Conservation Program. My Ditch runs through all my pastures and that is how my livestock gets water year round. So I need the period of use all year

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: 11/24/06

SIGNATURE:

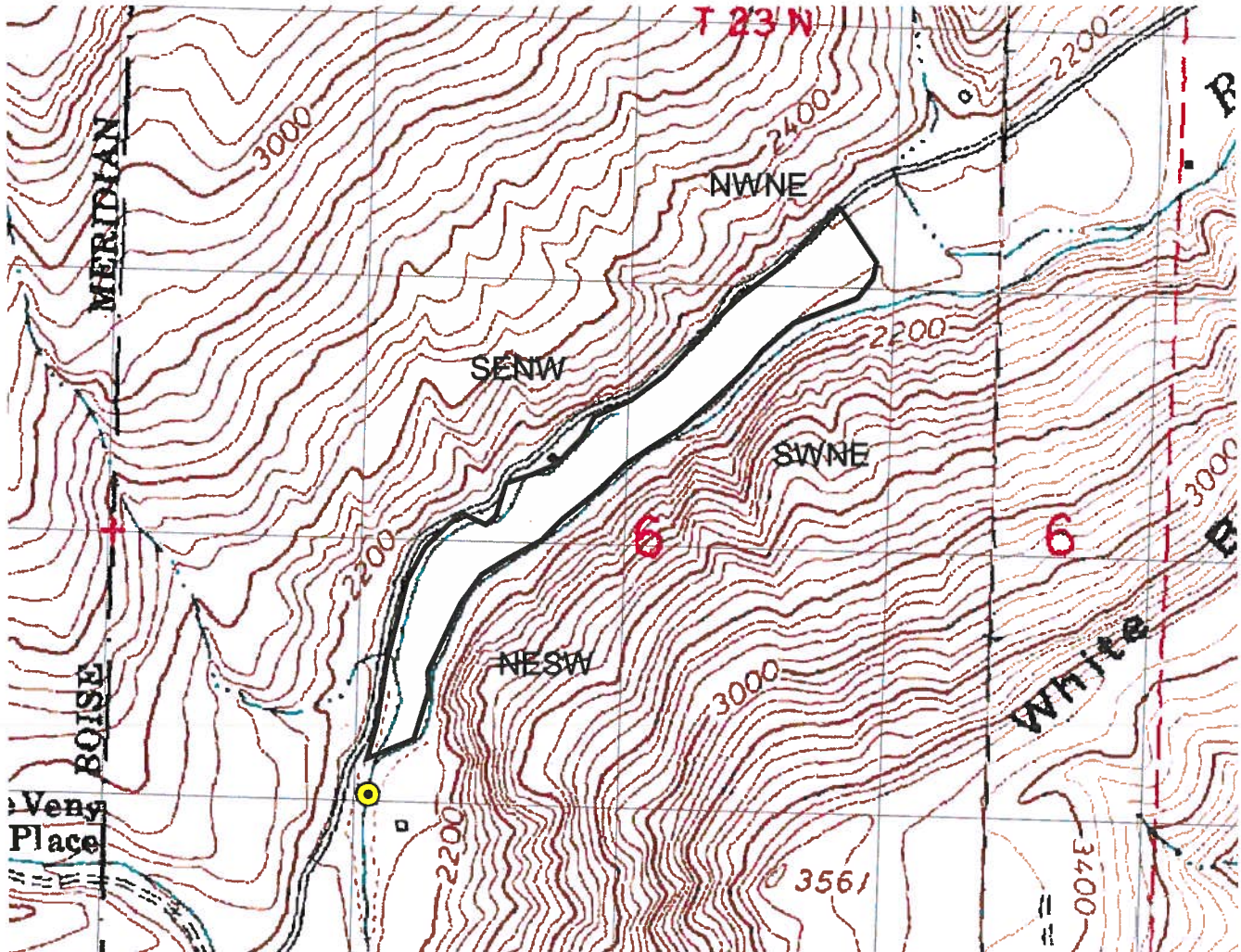
Aaron O. Wilson

Please print your name:

Aaron O. Wilson, Cross-O-Ranch Inc,

IDWR State Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

78-4057



0 600 1200 Feet

Section 6
T23N R1E

● Point of Diversion

□ Place of Use

Map prepared on November 1, 2005
By Kenneth Knoblock
Idaho 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: A78-04057
Date Received: 7/27/1988
Receipt No: W000704
Received By: EJR

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FIRMIN GOTZINGER 208-628-3413
Address: HC2 BOX 600
CROSS O RANCH INC.
POLLOCK, ID 83547

2. Date of Priority: MAY 01, 1940

3. Source: RAPID RIVER Trib. to: LITTLE SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
23N	01E	6	NE	SW			IDAHO

5. Description of diverting works:
FLOOD IRRIGATE VIA DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	11/01	0.440		

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

8. Total consumptive use is 44.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
23N	01E	6	SW	NE		IRR	5.0
			SE	SW		IRR	6.0
			NE	SE		IRR	11.0

Section Acres 22.0

A78-04057

Page 1

Date: 08/17/88

MICROFILMED
OCT 05 1992

10. Place of Use: Continued

Total Acres 22.0

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_LISTED

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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: A78-04057

Date Received: 6/24/1988 07/27/88

Receipt No: W200709

Received By: _____

RECEIVED
JUL 27 1988

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FIRMIN GOTZINGER *Cross @ Ranch & Co.* 208-628-3413
Address: HC2 BOX 600
POLLOCK, ID 83547

2. Date of Priority: MAY 01, 1940

3. Source: RAPID RIVER Trib. to: LITTLE SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
23N	01E	6		NE	SW		IDAHO

5. Description of diverting works:

*Flood Irrigate via Ditches
(ERR per phone conversation 08/15/88)*

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	05/01	11/01	0.440		

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

A.F.A.

8. Total consumptive use is 44.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
23N	01E	6	SW	NE		IRR	5.0
			SE	SW		IRR	6.0
			NE	SE		IRR	11.0

Section Acres 22.0

A78-04057

Page 1

Date: 06/24/88

MICROFILMED

OCT 05 1992

10. Place of Use: Continued

Total Acres 22.0

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:

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM
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 Individuals:

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

Signature of Claimant(s): Timin Gatzinger Date: July 25-1988
_____ Date: _____

State of Idaho)
County of Idaho) SS.

Subscribed and sworn (or affirmed) before me this 25 day
of July 19 88
Seal

Charles L. Workman
Notary Public

Residing at Reggie's
My Commission Expires July 8, 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public water of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1988. Exempted from this filing are single family domestic use as defined in Section 42-230(e), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that

Name: CROSS O RANCH

Address:

POLLOCK, ID 83547

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

1. Date of Priority: MAY 01, 1940

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. Exceptions are that claims may be filed on single family domestic uses from ground water, or on stock drinking from any source.

2. Source: RAPID RIVER Trib. to: LITTLE SALMON RIVER

3. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	11/01	0.440		

4. Total Quantity Appropriated is:
0.440 C.F.S. (and/or) A.F.A.

5. A) Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
23N	01E	6		NE	SW		IDAHO

B) Description of diverting means:

78-04057

Page 1

Date: 06/24/88

MICROFILMED
OCT 05 1992

6. A) Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
23N	01E	6	SW		NE		IRR	5.0
			SE		SW		IRR	6.0
			NE		SE		IRR	11.0
							Section Acres	22.0
							Total Acres	22.0

B) Non-irrigation uses:

7. If you are claiming water as a member of an organization, list name of organization: _____

8. Remarks:

State of Idaho)
County of Idaho) SS.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

William H. Hargis
(Claimant)

Sworn to before me this 25 day of July, 1988.

Charles L. Workman
Notary Public
Residing at Pegonia

My commission expires July 8, 1992

FOR DEPARTMENT USE ONLY

Received by _____	Date _____	Exception	Forwarded to	Date
Prelim. check by _____	Date _____	filed by:	claimant by:	
Fee received by _____	Date _____			
Published in _____				
Dates _____				

Contacts Data Entry Form

Claim Number: 78-4057

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	FIRMIN GOTZINGER	HC2 BOX 600 CROSS O RANCH INC	POLLOCK	ID	83547	(208)628-3413

Date of Field Exam: June 27, 2005 Time: 11:00 mountain daylight timeAccompanied By: Arren Wilson Phone Number: 628-3324Relationship to Claimant: Grandson of Firmin Gotzinger & Representative of
Cross O Ranch

Directions to Property (if different from above) and/or update owner information:

Go up Rapid River. Property on left Just Before
Shingle Creek

Reviewer: _____

Date: _____

Claim Number 78-4057

Claimed Basis: Statutory Claim

Water Right Basis: Statutory Claim

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

Date: _____

Point of Diversion and Source Data Entry Form

Claim Number 78-4057

Claimed Point of Diversion and Source

T23N R01E S6 NESW Within IDAHO County Source: RAPID RIVER LITTLE SALMON RIVER

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

T23N R01E S6 NESW Within IDAHO County

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

Rapid RiverLittle Salmon River

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
23N	1E	6		SW NE SW	Idaho	Rapid River

Other rights from this POD? _____

Document how the POD and Source were verified:

On Site exam / GPS N 45° 21' 29.4" W 116° 23' 18"7 1/2 min. USGS Topo Map*[Signature]*

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number 78-4057

Claimed Place Of Use

T23N R01E S06	SWNE	5.0	T23N R01E S06	SESW	6.0
T23N R01E S06	NESE	11.0			

Total Acres 22

☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

T23N R01E S06	SWNE	5.0	T23N R01E S06	SESW	6.0
T23N R01E S06	NESE	11.0			

Total Acres 22

Recommended Place of Use

☐ See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
23N	1E	6	NW	NE	Idaho			Irrigation
23N	1E	6	SW	NE	Idaho			Irr.
23N	1E	6	SE	NW	Idaho			Irr.
23N	1E	6	NE	SW	Idaho			Irr.
23N	1E	6	SE	NW	Idaho			Stockwater

Total Acres _____

Document how the POU was verified:

On Site Exam / Claimant (Paron Wilson) outlining on
photo-aerial map 73

Reviewer: _____

Date: _____

Purpose of Use Data Entry Form

Claim Number 78-4057

Claimed Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

IRRIGATION

☐ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

IRRIGATION

Recommended Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

Number of Other

Irrigation				
------------	--	--	--	--

Stock water		250		
-------------	--	-----	--	--

--	--	--	--	--

Document how the Purpose of Use was verified:

On Site Exam / Communication with Claimant (Aaron Wilson)

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number 78-4057

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	5/01	11/01	0.44	

Overall Diversion Rate 0.44

Overall Diversion Volume

Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	5/01	11/01	0.44	

Overall Diversion Rate 0.44

Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

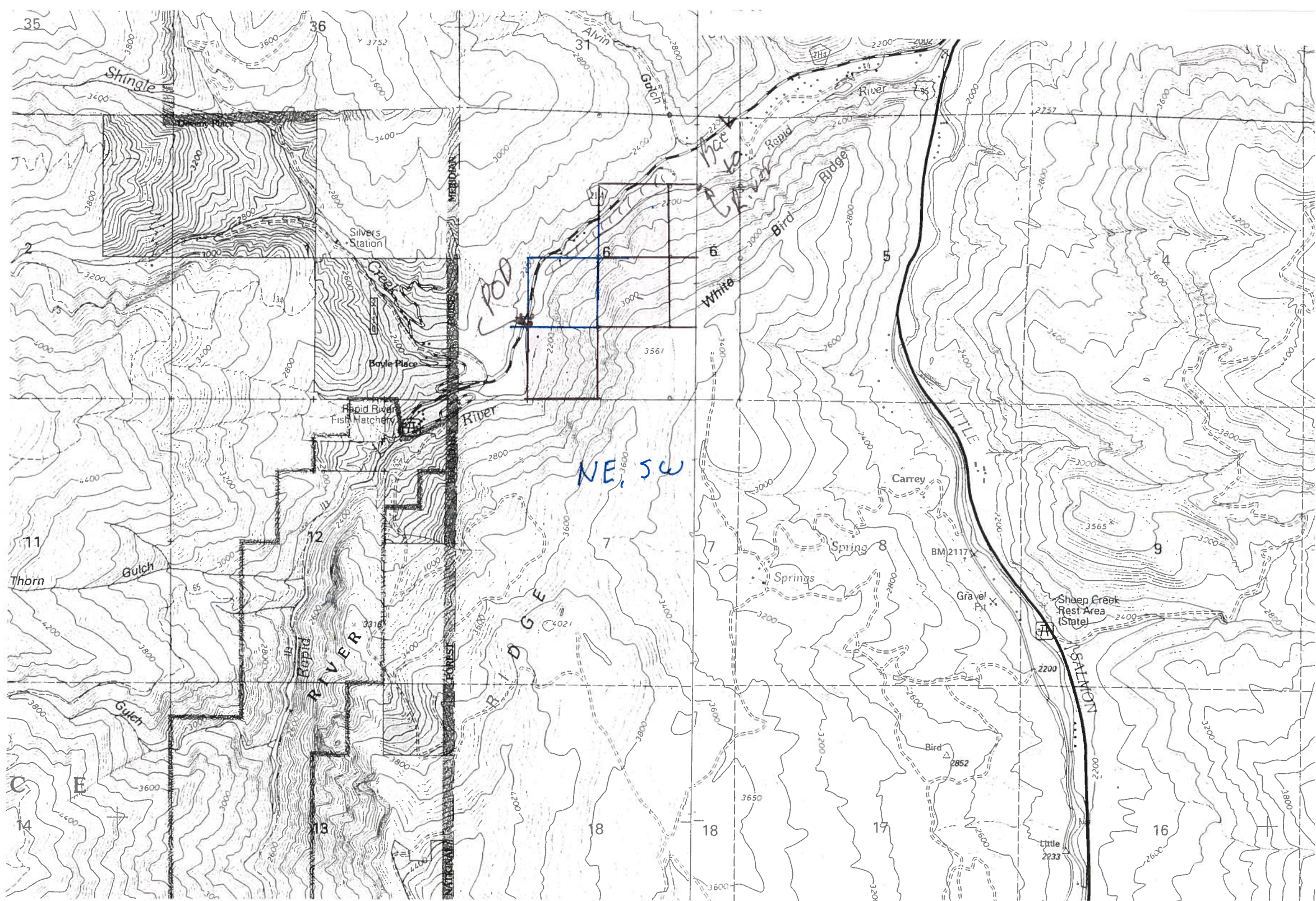
Reviewer: _____

Date: _____

23N

Pollock (1998)
Heavens Gate (1995)

28-4057



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: A78-04057
Date Received: 6/24/1988 07/27/88
Receipt No: W000709
Received By: _____

RECEIVED
JUL 27 1988

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FIRMIN GOTZINGER Cross @ Ranch Inc. 208-628-3413
Address: HC2 BOX 600
POLLOCK, ID 83547

2. Date of Priority: MAY 01, 1940

3. Source: RAPID RIVER Trib. to: LITTLE SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
23N	01E	6	NE	SW			IDAHO

5. Description of diverting works:

Flood Irrigate via Ditches
(EIR per phone conversation 08/15/88)

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	11/01	0.440		

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

A.F.A.

8. Total consumptive use is 44.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
23N	01E	6	SW	NE		IRR	5.0
			SE	SW		IRR	6.0
			NE	SE		IRR	11.0

Section Acres 22.0

A78-04057

Page 1

Date: 06/24/88

MICROFILMED

OCT 05 1992

10. Place of Use: Continued

Total Acres 22.0

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:

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM
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 Individuals:

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

Signature of Claimant(s): Timin Gatzinger Date: July 25 - 1988
_____ Date: _____

State of Idaho)
County of Idaho) SS.

Subscribed and sworn (or affirmed) before me this 25 day
of July 19 88
Seal
Charles L. Workman
Notary Public
Residing at Rezzini
My Commission Expires July 8, 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public water of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1988. Exempted from this filing are single family domestic use as defined in Section 42-230(e), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that

Name: CROSS O RANCH

Address:

POLLOCK, ID 83547

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

1. Date of Priority: MAY 01, 1940

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. Exceptions are that claims may be filed on single family domestic uses from ground water, or on stock drinking from any source.

2. Source: RAPID RIVER Trib. to: LITTLE SALMON RIVER

3. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	11/01	0.440		

4. Total Quantity Appropriated is:
0.440 C.F.S. (and/or) A.F.A.

5. A) Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
23N	01E	6	NE	SW			IDAHO

B) Description of diverting means:

78-04057

Page 1

Date: 06/24/88

MICROFILMED
OCT 05 1992

6. A) Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
23N	01E	6	SW		NE		IRR	5.0
			SE		SW		IRR	6.0
			NE		SE		IRR	11.0
							Section Acres	22.0
							Total Acres	22.0

B) Non-irrigation uses:

7. If you are claiming water as a member of an organization, list name of organization: _____

8. Remarks:

State of Idaho)
County of Idaho) SS.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

William H. Hargis
(Claimant)

Sworn to before me this 25 day of July, 1988.

Charles L. Workman
Notary Public
Residing at Riggins

My commission expires July 8, 1992

FOR DEPARTMENT USE ONLY

Received by _____	Date _____	Exception	Forwarded to	Date
Prelim. check by _____	Date _____	filed by:	claimant by:	
Fee received by _____	Date _____			
Published in _____				
Dates _____				

	YES	NO
Is the name and address complete with zip code?	☒	☐
Is priority date entered?	☒	☐
Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued? A Permit is required for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd). A Permit is required for surface water developed after May 20, 1971 (except for instream stockwater).		
(a) Is a source entered?	☒	☐
(b) Is a tributary to entered? (if required)	☒	☐
Is the legal description of the p.d. complete?	☒	☐
Is there a description of the diverting works?	☒	☐
Are the water uses appropriate for the form? The short form limited domestic and stockwater. Instream stockwater must use long form.		
Is the period of use included?	☒	☐
Is a quantity claimed for each use?	☒	☐
Is a total quantity claimed entered?	☒	☐
Is the consumptive use correct?	☒	☐
If required is a consumptive use entered?	☒	☐
Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, each household must file a separate claim.		
0. Is (are) the place(s) of use entered?	☒	☐
1. Is (are) the county(ies) entered?	☒	☐
2. Is the ownership of p.u. checked?	☒	☐
3. Are other water rights listed or "none" checked?	☒	☐
4. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)	☒	☐
5. Is the basis of the claim checked?	☒	☐
6. Is the claim signed by the claimant? Is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)	☒	☐
Has the claim been signed, sealed, and dated by a notary?	☒	☐
Is the fee enclosed correct?	☒	☐
Should this claim be receipted and data entered?	☒	☐
If this claim is based on an existing water right, has the identification number been entered?	☒	☐
	N/A	

Claim checked by: LW

78-4057

