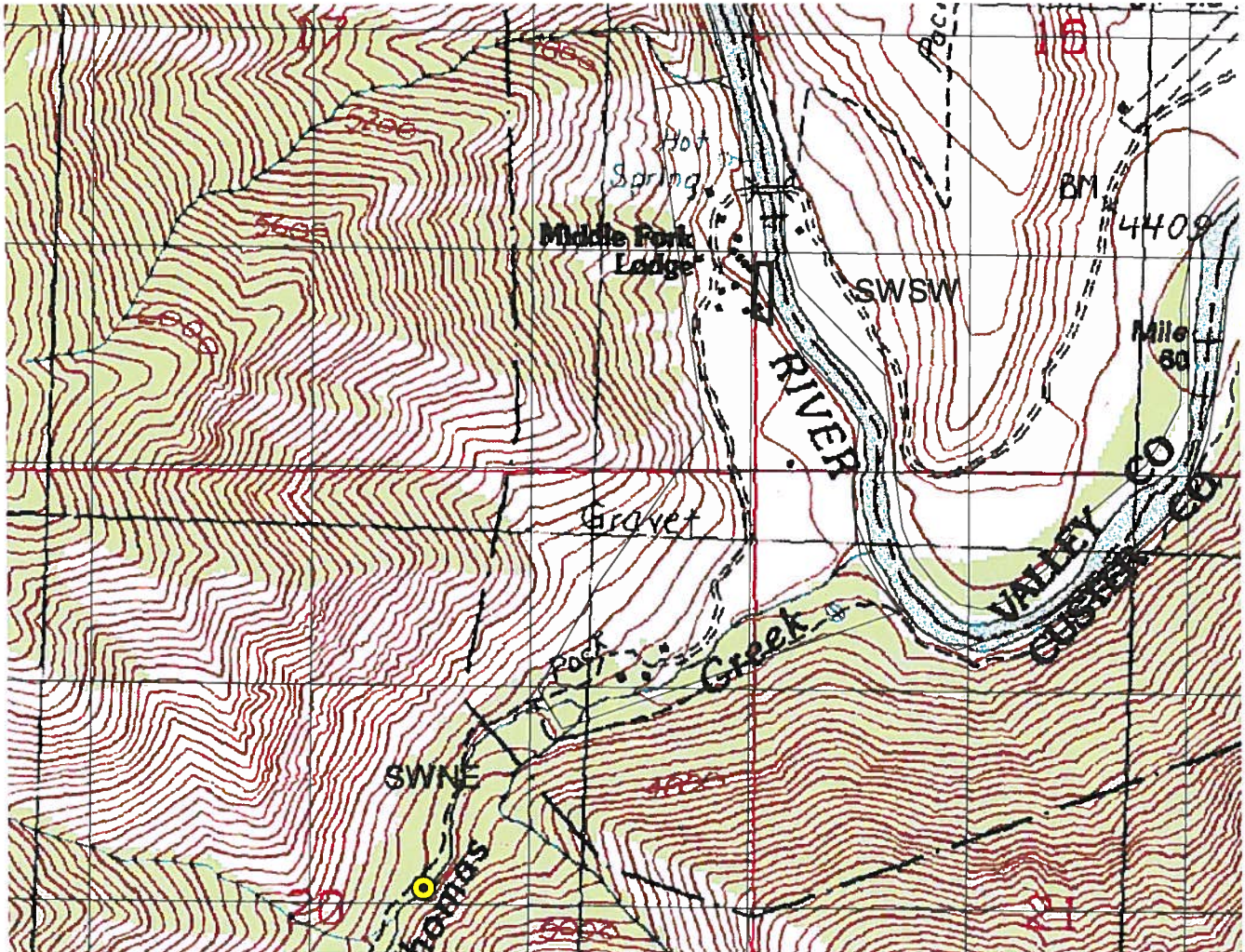


77-14219



0 600 1200 Feet



Sections 16 & 20
T16N R12E



● Point of Diversion

□ Place of Use

Map prepared on October 6, 2005
By Kenneth Knoblock
Idaho Department of Water Resources



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 24, 2005

Dan Steenson
Ringert Clark
Box 2773
Boise, ID 83701

RE: 77-14218, 77-14219 & 77-14220

Dear Mr. ^{Dan}Steenson:

Enclosed are copies of our preliminary recommendations for the Middle Fork Holding.
The recommendations will be sent to the Court about December 2004.

Sincerely,

Kenneth Knoblock
Water Resources Agent

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

Date Received

Receipt Number

77-14219

9/15/05

NO 1783

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAWRECEIVED
SEP 15 2005
IDWR/North

Please type or print clearly

1. Name of Claimant (s) Middle Fork Holding Company, Inc. Phone (212) 972-1095Mailing Address 60 East 42nd Street, Room 2440, New York City, New York Zip 101652. Date of Priority (Only one (1) per claim) July 1, 19383. Source of water supply (a) Thomas Creek
which is tributary to (b) Middle Fork Salmon River4. a. Location of existing point of diversion is: Township 16N Range 12E Section 20.SE 1/4 of SW 1/4 of NE 1/4, Govt. Lot, B.M., County of Custer

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well. Water is diverted from Thomas Creek by a dam and reservoir into a ditch (pipeline)
which conveys water to the place of use described herein.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Hydropower purposes from 1-1 to 12/31 amount 3 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Electricity for all lodge facilities.

10. Description of place of use:

(a) If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

(b) If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	S W	SE	
16N	12E	16											H						

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? Custer12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

77-7081 (permit) or None ()

14. Remarks:

Water right permit no. 77-7081 was filed in 1979, in part, to cover the hydropower water right previously established by beneficial use, and claimed herein. This claim is supported by the report entitled "Middle Fork Lodge Irrigation, Hydropower and Hot Water Rights," and exhibits attached thereto, which is contemporaneously filed in support of the claimant's Notices of Claim of for an 1898 priority irrigation right and a 1939 priority hot water right.

Last Name _____

Ident No. _____

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
 Decree _____
 If applicable provide IDWR Water Right Number _____ Decree Date _____
 Court _____ Case Number _____
 Plaintiff v. Defendant _____

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

For **Organizations:** I do solemnly swear or affirm that I am President

of Middle Fork Holding Company, that I have signed the foregoing

document in the space below as President of Middle Fork Holding Company
 Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization President, Middle Fork Holding Company Date 9/13/05

State of Idaho/or New York)
 County of New York) SS.

Subscribed and sworn (or affirmed) before me this 13th day of SEPTEMBER, 2005

Notary Public _____

Residing at _____

My Commission Expires _____

HEME K. LAIRD
 Notary Public, State of New York
 No. 24-4679645
 Qualified in Westchester County
 Certificate Filed in New York County
 Commission Expires July 31, 2008

17. Notice of Appearance:

Please Print Name

Notice is hereby given that I, Daniel V. Steenson will be acting as attorney at law on behalf
 of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
 should be mailed to me at the address listed below.

Signature _____

Address 455 South Third Street, Boise, Idaho, 83702

Date 9/14/05

Last Name _____

Ident. Number _____

77-14219

**RINGERT CLARK CHARTERED
FAX COVER LETTER**

From: Daniel V. Steenson
455 South Third Street
Boise, Idaho 83702
ph: (208) 342-4591
fax: (208) 342-4657

Time:

Date: January 23, 2006

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME: Carter Fritschle

WITH: Idaho Department of Water Resources

CITY & STATE: Boise, ID

TELEPHONE NO.: (208) 287-4800

FAX. NO.: (208) 287-6700

SENDER: Daniel V. Steenson

WE ARE TRANSMITTING 7 PAGES (INCLUDING THIS COVER LETTER)

ADDITIONAL INFORMATION:

Data entry completed
Removed condition 171

**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: March 3, 2006

Water Right Number: 77-14219

MIDDLE FORK HOLDING CO INC.
60 EAST 42 STREET, ROOM 2440
NEW YORK, NY 10165
Telephone Number: (212) 972-1095

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

The remark that is included in the proposed recommendation under the priority date.

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

Remove the aforementioned remark.

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

(1) The factual predicate for the proposed remark does not apply to this water right. The Thomas Creek diversion for Water right no. 77-14219 (hydropower) is on federal land within the Frank Church - River of No Return Wilderness. The same diversion is used for irrigation water right no. 77-14218. These two water rights are owned by Middle Fork Holding Company, and are conveyed across federal land through a pipeline for beneficial use on Homestead Entry Survey No. 77. (Copies of the proposed recommendations and maps for these two water rights are attached.) There are no other upstream diversions from Thomas Creek, no owners of Thomas Creek water rights other than Middle Fork Holding Company, and no other private lands that could receive water from Thomas Creek. Water diverted from Thomas Creek and used for hydropower generation at Homestead Entry Survey No. 77 is discharged to the Middle Fork of the Salmon River a short distance upstream from the confluence of Thomas Creek and the Salmon River. Thus, there is no "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," and no junior water rights that could be subject to a delivery call to supply water right no. 77-14219.

(2) IDWR has no authority to include the proposed remark in this water right.

_____ I AGREE with this proposed recommendation; no changes need to be made.

DATE: 1/23/06

SIGNATURE: *Daniel Steenson*

Please print your name: Daniel V. Steenson

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