

05/10/2001

**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: June 15, 2001

Water right number: 43-12918
UNITED STATES OF AMERICA
NATIONAL PARK SERVICE
WATER RESOURCES DIVISION
1201 OAK RIDGE DR STE 250
FORT COLLINS CO 80525
Telephone Number: (970)225-3500

RECEIVED
JUN 12 2001
Department of Water Resources

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: 5/17/01 SIGNATURE: Charles W. Pettee
Please print your name: Charles W. Pettee

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, (208)736-3033

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

01/02/2001

RIGHT NUMBER: 43-12918

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI NATIONAL PARK SERVICE
WATER RIGHTS BRANCH
1201 OAK RIDGE DR STE 250
FORT COLLINS, CO 80525

SOURCE: UNNAMED STREAM TRIBUTARY: GRAHAM CREEK

0.4 AFY

USE OF THIS RIGHT WITH RIGHT NO. 43-12917 IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 0.4 AF.

PRIORITY DATE: 02/04/1963

POINT OF DIVERSION: T15S R24E S20 NWSESE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
WILDLIFE STORAGE	01-01 12-31	0.40 AFY
WILDLIFE FROM STORAGE	01-01 12-31	0.40 AFY

PLACE OF USE:

WILDLIFE STORAGE Within CASSIA
County
T15S R24E S20 SESE
WILDLIFE FROM STORAGE Within
CASSIA County
T15S R24E S20 SESE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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

BRUESCH RESERVOIR NO. 2

01/02/2001

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

RIGHT NUMBER: 43-2687

NAME AND ADDRESS: **SPLIT RIGHT**
XXXX
X, ID 00000

SOURCE: UNNAMED STREAM TRIBUTARY: GRAHAM CREEK

0.4 AFY

PRIORITY DATE: 02/04/1963

POINT OF DIVERSION: T15S R24E S20 NWSESE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER STORAGE	01-01 12-31	0.40 AFY
STOCKWATER FROM STORAGE	01-01 12-31	0.40 AFY
WILDLIFE STORAGE	01-01 12-31	0.40 AFY
WILDLIFE FROM STORAGE	01-01 12-31	0.40 AFY

PLACE OF USE:

STOCKWATER STORAGE Within CASSIA
County
T15S R24E S20 SESE
STOCKWATER FROM STORAGE Within
CASSIA County
T15S R24E S20 SESE
WILDLIFE STORAGE Within CASSIA
County
T15S R24E S20 SESE
SESEWILDLIFE FROM STORAGE Within
CASSIA CountyT15S R24E S20

SESE

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

SPLIT RIGHT: SEE RIGHT NOS. 43-12917 AND 43-12918.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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
43-02687

Ident. Number

Date Received

Receipt Number

43-02687

3-25-93

XIIIIII

**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly.

United States of America National Park Service
Water Resources Division

Phone (303) 225-3505

Mailing Address 1201 Oak Ridge Dr., Suite 250, Fort Collins, CO Zip 80525

2. Date of Priority (Only one (1) per claim) February 4, 1963

3. Source of water supply (a) Unnamed Tributary

which is tributary to (b) Graham Creek

4. a. Location of existing point of diversion is: Township 15S Range 24E Section 20,
NW 1/4 of SE 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of Cassia

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.

Earth dam 8 ft. high; length along the top of dam is 65 ft. Sketch of dam is attached.

6. Water is claimed for the following purposes:

		(both dates are inclusive)		(cfs)		(acre feet)	
For	Stockwater/wildlife	purposes from	Jan 1	to	Dec 31	amount	_____ or 0.4
For	_____	purposes from	_____	to	_____	amount	_____ or _____
For	_____	purposes from	_____	to	_____	amount	_____ or _____
For	_____	purposes from	_____	to	_____	amount	_____ or _____

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

10. Description of place of use:

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.

[illegible]

11. In which county (ies) are lands listed above as place of use located? Cassia
X

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

Former U.S. Dept. of Interior, Bureau of Land Management water right
(Box 460, Burley ID 83318)
License No. D-1678 (see attached copy)

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

Last Name

Ident No.

43-02687

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree _____
If applicable provide IDWR Water Right Number 43-02687
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho/or _____)
County of _____) SS.

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

SEAL

Notary Public _____

Residing at _____

My Commission Expires _____

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ 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 _____

Date _____

United States of America
Last Name National Park Service Ident. Number 43-02687

Copies White-State, Yellow-Claimant

Verification of United States (Department of the Interior - National Park Service)

As the Regional Director, or his authorized designee, for the Pacific Northwest Region of the United States Department of the Interior - National Park Service, I verify under penalty of perjury pursuant to the provisions of 28 U.S.C. § 1746, that to the best of my knowledge and belief the statements made in this document and in the claims filed herewith on behalf of the United States, acting through the United States Department of the Interior - National Park Service are true and correct.

Although federal compliance with 28 U.S.C. § 1746 satisfies the verification requirements of Idaho Code § 42-1409(5), as a matter of comity I also solemnly swear or affirm under oath that I am the Regional Director, or his designee, and that to the best of my knowledge and belief the statements made in this document and in the claims filed herewith on behalf of the United States, acting through the United States Department of the Interior - National Park Service are true and correct.

By making this verification, neither I, the United States of America, nor any of its agencies or personnel, waive any immunities, rights, privileges, or presumptions, whether based on federal, state, or other statutory and/or common law, except as clearly and unambiguously required by Congress.

William C. Walters is
Deputy Regional Director

William C. Walters
Charles H. Odegaard
Regional Director
National Park Service
Pacific Northwest Region
83 South King Street, Suite 212
Seattle, Washington 98104-2887

Executed on: March 19, 1993

State of Washington
County of King

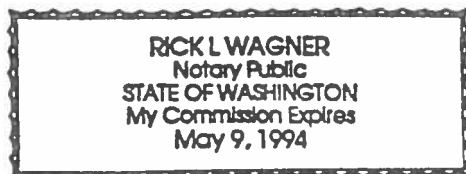
Subscribed and sworn (or affirmed) before me this 19th day of March 1993.

(seal)

Notary Public Rick L. Wagner

Residing at Kirkland,

Washington



My Commission expires May 9, 1994

RECEIVED
APR 08 1996
COPY

From: DWR60::DJONES 8-APR-1996 13:48:09.5'
To: @SSTAFF
CC: DJONES
Subj: FEDERAL CLAIM VERIFICATIONS

The State Office has forwarded copies of the "mass" claim verifications which was the subject of an earlier mail message. I have bound them and placed them in the top drawer of the cabinet in my office, behind the general correspondence (alphabetic tabs). If you have need to obtain them you can find them there. The agencies covered are:

USFS

BLM

CORPS OF ENGR - SEATTLE DIST

CORPS OF ENGR - WALLA WALLA DIST

NAT'L PARK SERVICE

USGS (GEOLOGIC SURVEY)

VA (VETERANS AFFAIRS)

GSA (GENERAL SERVICES ADMIN)

Approval of State Reclamation Engineer

The number of this permit is D 1679

Recorded in Book 4 Page D 1679 Approved February 8, 1963

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Work to begin on or before completed and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

Completion of Works and Beneficial Use of Water appropriated in accordance herewith, to be made on or before completed

Witness my hand this 8 day of February, 19 63

Carl E. Pappan
Asst. State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLLIE Governor of the State of Idaho,

and ARNOLD WILLIAMS Secretary of State of the State of Idaho, have caused this instrument

to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed,

this 8 day of February, 19 63

Counter signed: STATE OF IDAHO

By _____ Secretary of State. By _____ Governor.

No. D <u>1679</u>	PERMIT
Date of first receipt at office of State Reclamation Engineer	
<u>8:00 A.M. February 4, 1963</u>	
Returned to applicant for correction	
<u>February 5, 1963</u>	
Corrected application received	
<u>February 8, 1963</u>	
Fees \$ <u>1.00</u>	
STATE OF IDAHO LICENSE AND CERTIFICATE OF WATER RIGHT	
Water License No. D <u>1679</u> U. S. Department of the Interior TO <u>Bureau of Land Management</u>	
Source of Supply <u>Run-off</u>	
Amount <u>0.5</u>	Sec. Fee:
Place of Use <u>See Sec. 14, T.16S, R.23 EBM</u>	
Purpose <u>Livestock Watering</u>	
Date of Priority <u>February 4, 1963</u>	
Recorded <u>February 13, 1963</u>	
In Book <u>4</u>	of Licenses, Page <u>D-1679</u>

LICENSE AND CERTIFICATE OF WATER RIGHT

Water License No. D 1679 Priority February 4, 1963 Amount 0.5 c.f.s.

This is to certify that Bureau of Land Management of Burley, Idaho

made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of Run-off under Use Permit No. D 1679, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume D 4 of Licenses, at page D 1679, on the 13 day of February, 19 63

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS THE SEAL and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 13 day of February, 19 63

Carl E. Pappan
Asst. State Reclamation Engineer.

P. O.

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO
FOR FARMSTEAD, DOMESTIC, OR STOCK WATERING PURPOSES
BY THE UNITED STATES DEPARTMENT OF THE INTERIOR

BY THE UNITED STATES DEPARTMENT OF THE INTERIOR

Application No. D 1678

Permit No. D 1678 43-2687

District No. _____

- U.S. DEPARTMENT OF THE INTERIOR - BUREAU OF LAND MANAGEMENT
1. Name of Applicant _____
2. Post Office Address Box 460, Burley, Idaho
3. Quantity of water claimed .4 acre feet 2-4-1963
(Not to exceed 0.1 second foot or 16 acre feet)
4. Source of water supply Run off unnamed stream
(Spring, well, unnamed stream, small lake, snow, or runoff)
5. Location of point of diversion N 56° W 1326 feet distant from the section corner of Section 20 | 21
29 | 28,
Twp. 15S, Rge. 24E, B.M., and is in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 20, Twp. 15S, Rge. 24E, B.M.
in the County of Cassia 3/
6. Location of point of use N 56° W 1326 feet distant from the section corner of Section 20 | 21
29 | 28,
Twp. 15S, Rge. 24E, B.M., and in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Sec. 20, Twp. 15S, Rge. 24E.
7. Water to be used for Livestock watering 55 1/1-12/31
8. Estimated cost of works \$185.00
9. Kind of works Reservoir
(Reservoir, dam, ditch, flume, pipe, etc.)
10. Size _____
(Headgate, ditch, flume, pipe, etc.)
11. Time required to apply water to proposed use Now in use
12. If reservoir is used, fill in the following in addition to the above questions:
- (a) Height of dam 8 feet; Length at top 40 feet.
- (b) Material from which dam is constructed earth
(earth, concrete, timber, rock)
- (c) The outlet of the proposed reservoir is located 1326 feet from the southeast corner of
Section 20, Twp. 15S, Rge. 24E, B.M.

REMARKS:

Bruesch Reservoir #2
I2-R-154

Applicant Dept. of the Interior
Bureau of Land Management

Агенс

District Manager

[illegible]