

06/06/2013

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

RIGHT NUMBER: 61-12268
NAME AND ADDRESS: STATE OF IDAHO
DEPARTMENT OF LANDS
300 N 6TH ST, STE 103
PO BOX 83720
BOISE ID 83720-0050
SOURCE: FRENCHMAN SPRINGS TRIBUTARY: RATTLESNAKE CREEK
QUANTITY: 0.020 CFS

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

PRIORITY DATE: 08/20/1892

POINT OF
DIVERSION:

T02S R07E S36 SWNW End of Stream Flow Within ELMORE County
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PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
Stockwater use is for the in-stream watering of livestock.		

PLACE OF
USE:

STOCKWATER in ELMORE County
T02S R07E S36 SWNW

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



61-12268 instream review
6/6/20 12 scc

NW 3/4

Source: Esri, DigitalGlobe, GeoEye, Earthstar, USDA, USGS, Aero, Getmapping, Aerog

57-2251- ABANDONMENT ISSUES?

NO PROBLEM w/ M. DENFORD

Shurte, Jan

63-33605

61-12268 - NEEDED TO
REDUCE TO
.02 CFS & A
BEG. & END PT
ADDED.

From: Courtney, Andrea
Sent: Tuesday, February 21, 2012 2:13 PM
To: Shurte, Jan; Williams, Ray
Subject: RE: Late Claims today 57-2251, 61-12268, 61-2236B

Jan~

Twas an interesting hearing. Ray sent a copy of the Notice of Abandonment & Dept notes in 57-2251 to Paul Harrington at the SRBA Court and Charlie Honsinger in advance of the hearing. Judge Wildman continued the hearing so Charlie could talk the matter over with his client. We'll see. Thanks for bringing that to our attention.

* For 61-12268, I sent to you earlier today the latest email exchange between us re: Tyson's late claim for the Dept of Lands. I'd posit that a withdrawn claim is different than an abandoned claim so see no reason why they can't proceed. Tyson noted two problems with the claim – Q should be .02 cfs and not .23 cfs and the instream pod should include beg and end points (and it doesn't currently). Judge Wildman asked Tyson to file an amended claim this week and then he'd reset the hearing to next month.

On 61-2236B, same thinking on the withdrawn action. The Court granted all the BLM late claims, including this one.
Andrea

From: Shurte, Jan
Sent: Tuesday, February 21, 2012 10:52 AM
To: Courtney, Andrea; Williams, Ray
Subject: Late Claims today

Hi there,

I don't know who's day it is so I will send this to both of you to forward it on:

61-4117 & 61-4124 – same as 61-12268.

A letter was sent for 61-4117 from the Dept of Lands stating that the use does not exist and that the right would not be claimed. Then in June 1993 Dept of Lands again sent in a withdrawal notice stating they wished to withdraw the claim. Now they are reapplying under 61-12268. It seems to me as if I may have spoken to these guys and because it could be construed as being instream stockwater because there is a private owner next door where the stream flows from the spring and the adjacent owner's cattle drink – even though it's not the Dept of Lands cows, then they filed on the spring? I'm not sure.

61-2336B – They did file on this right under 61-2336 and withdrew it. They even filed on it under 61-10901 and withdrew it. So, I don't know.

57-2251 – A claim was filed in the SRBA, however, a notice of abandonment was filed later and is attached. This should be an interesting one.

I won't be here this afternoon, so I am attaching everything I can. Jennifer got in a car accident last week (not her fault, some lady ran a stop sign), but the loan is in my name so needless to say we have to take care of business.

Hope all this helps.

Jan

Ps – The papers are in the files. In some cases I just copied the whole file for you.