

02/13/2013

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

RIGHT NUMBER: 84-12272

NAME AND ADDRESS: STATE OF IDAHO
DEPARTMENT OF LANDS
300 N 6TH ST, STE 103
PO BOX 83720
BOISE ID 83720-0050

SOURCE: UNNAMED STREAM

TRIBUTARY: MILES CREEK

QUANTITY: 5.280 AFY

The quantity of water under this right for industrial use shall not exceed 0.20 acre-feet per day.

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

The capacity of the 7 storage reservoirs is 1.71 AF. The reservoirs may be refilled multiple times up to the total diversion volume in a single year.

PRIORITY DATE: 09/08/1968

POINT OF
DIVERSION:

T34N R05E S6 NENW Lot 3 Within CLEARWATER County
T34N R05E S6 NWSE Within CLEARWATER County
T34N R05E S7 SENE Within CLEARWATER County
T34N R05E S8 SESW Within CLEARWATER County
T34N R05E S8 NWSE Within CLEARWATER County
T34N R05E S9 NWNW Within CLEARWATER County
T34N R05E S9 NWSW Within CLEARWATER 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	5.28 AFY
STOCKWATER FROM STORAGE	01/01 12/31	5.28 AFY
FIRE PROTECTION STORAGE	01/01 12/31	5.28 AFY
FIRE PROTECTION FROM STORAGE	01/01 12/31	5.28 AFY
INDUSTRIAL FROM STORAGE	01/01 12/31	5.28 AFY
INDUSTRIAL STORAGE	01/01 12/31	5.28 AFY

Industrial use is for forest practices and forest dust abatement as provided for by Section 42-201, Idaho Code.

PLACE OF
USE:STOCKWATER FROM STORAGE in CLEARWATER County

T34N R05E S06 Lot 3 NENW	T34N R05E S06	NWSE
T34N R05E S07	T34N R05E S07	SENE
T34N R05E S08	T34N R05E S09	NWNW
T34N R05E S09		NWSW

INDUSTRIAL FROM STORAGE in CLEARWATER County

T34N R05E S06 Lot 1 NENE	T34N R05E S06 Lot 2 NWNE
T34N R05E S06	T34N R05E S06
T34N R05E S06 Lot 3 NENW	T34N R05E S06 Lot 4 NWNW
T34N R05E S06 Lot 5 SWNW	T34N R05E S06
T34N R05E S06	T34N R05E S06 Lot 6 NWSW
T34N R05E S06 Lot 7 SWSW	T34N R05E S06

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T34N R05E S06	NESE	T34N R05E S06	NWSE
T34N R05E S06	SWSE	T34N R05E S06	SESE
T34N R05E S07	NENE	T34N R05E S07	NWNE
T34N R05E S07	SWNE	T34N R05E S07	SENE
T34N R05E S07	NENW	T34N R05E S07 Lot 1	NWNW
T34N R05E S07 Lot 2	SWNW	T34N R05E S07	SENW
T34N R05E S07	NESW	T34N R05E S07 Lot 3	NWSW
T34N R05E S07 Lot 4	SWSW	T34N R05E S07	SESW
T34N R05E S07	NESE	T34N R05E S07	NWSE
T34N R05E S07	SWSE	T34N R05E S07	SESE
T34N R05E S08	NENE	T34N R05E S08	NWNE
T34N R05E S08	SWNE	T34N R05E S08	SENE
T34N R05E S08	NENW	T34N R05E S08	NWNW
T34N R05E S08	SWNW	T34N R05E S08	SENW
T34N R05E S08	NESW	T34N R05E S08	NWSW
T34N R05E S08	SWSW	T34N R05E S08	SESW
T34N R05E S08	NESE	T34N R05E S08	NWSE
T34N R05E S08	SWSE	T34N R05E S08	SESE
T34N R05E S09	NENE	T34N R05E S09	NWNE
T34N R05E S09	SWNE	T34N R05E S09	SENE
T34N R05E S09	NENW	T34N R05E S09	NWNW
T34N R05E S09	SWNW	T34N R05E S09	SENW
T34N R05E S09	NESW	T34N R05E S09	NWSW
T34N R05E S09	SWSW	T34N R05E S09	SESW
T34N R05E S09	NESE	T34N R05E S09	NWSE
T34N R05E S09	SWSE	T34N R05E S09	SESE

FIRE PROTECTION FROM STORAGE in CLEARWATER
County

T34N R05E S06 Lot 1	NENE	T34N R05E S06 Lot 2	NWNE
T34N R05E S06	SWNE	T34N R05E S06	SENE
T34N R05E S06 Lot 3	NENW	T34N R05E S06 Lot 4	NWNW
T34N R05E S06 Lot 5	SWNW	T34N R05E S06	SENW
T34N R05E S06	NESW	T34N R05E S06 Lot 6	NWSW
T34N R05E S06 Lot 7	SWSW	T34N R05E S06	SESW
T34N R05E S06	NESE	T34N R05E S06	NWSE
T34N R05E S06	SWSE	T34N R05E S06	SESE
T34N R05E S07	NENE	T34N R05E S07	NWNE
T34N R05E S07	SWNE	T34N R05E S07	SENE
T34N R05E S07	NENW	T34N R05E S07 Lot 1	NWNW
T34N R05E S07 Lot 2	SWNW	T34N R05E S07	SENW
T34N R05E S07	NESW	T34N R05E S07 Lot 3	NWSW
T34N R05E S07 Lot 4	SWSW	T34N R05E S07	SESW

02/13/2013

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

T34N R05E S07	NESE	T34N R05E S07	NWSE
T34N R05E S07	SWSE	T34N R05E S07	SESE
T34N R05E S08	NENE	T34N R05E S08	NWNE
T34N R05E S08	SWNE	T34N R05E S08	SENE
T34N R05E S08	NENW	T34N R05E S08	NWNW
T34N R05E S08	SWNW	T34N R05E S08	SENW
T34N R05E S08	NESW	T34N R05E S08	NWSW
T34N R05E S08	SWSW	T34N R05E S08	SESW
T34N R05E S08	NESE	T34N R05E S08	NWSE
T34N R05E S08	SWSE	T34N R05E S08	SESE
T34N R05E S09	NENE	T34N R05E S09	NWNE
T34N R05E S09	SWNE	T34N R05E S09	SENE
T34N R05E S09	NENW	T34N R05E S09	NWNW
T34N R05E S09	SWNW	T34N R05E S09	SENW
T34N R05E S09	NESW	T34N R05E S09	NWSW
T34N R05E S09	SWSW	T34N R05E S09	SESW
T34N R05E S09	NESE	T34N R05E S09	NWSE
T34N R05E S09	SWSE	T34N R05E S09	SESE

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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



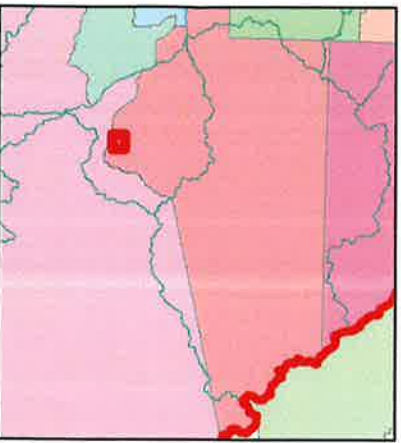
Idaho Department of Water Resources

Adjudication Recommendation

84-12272

(STOCKWATER FROM STORAGE)

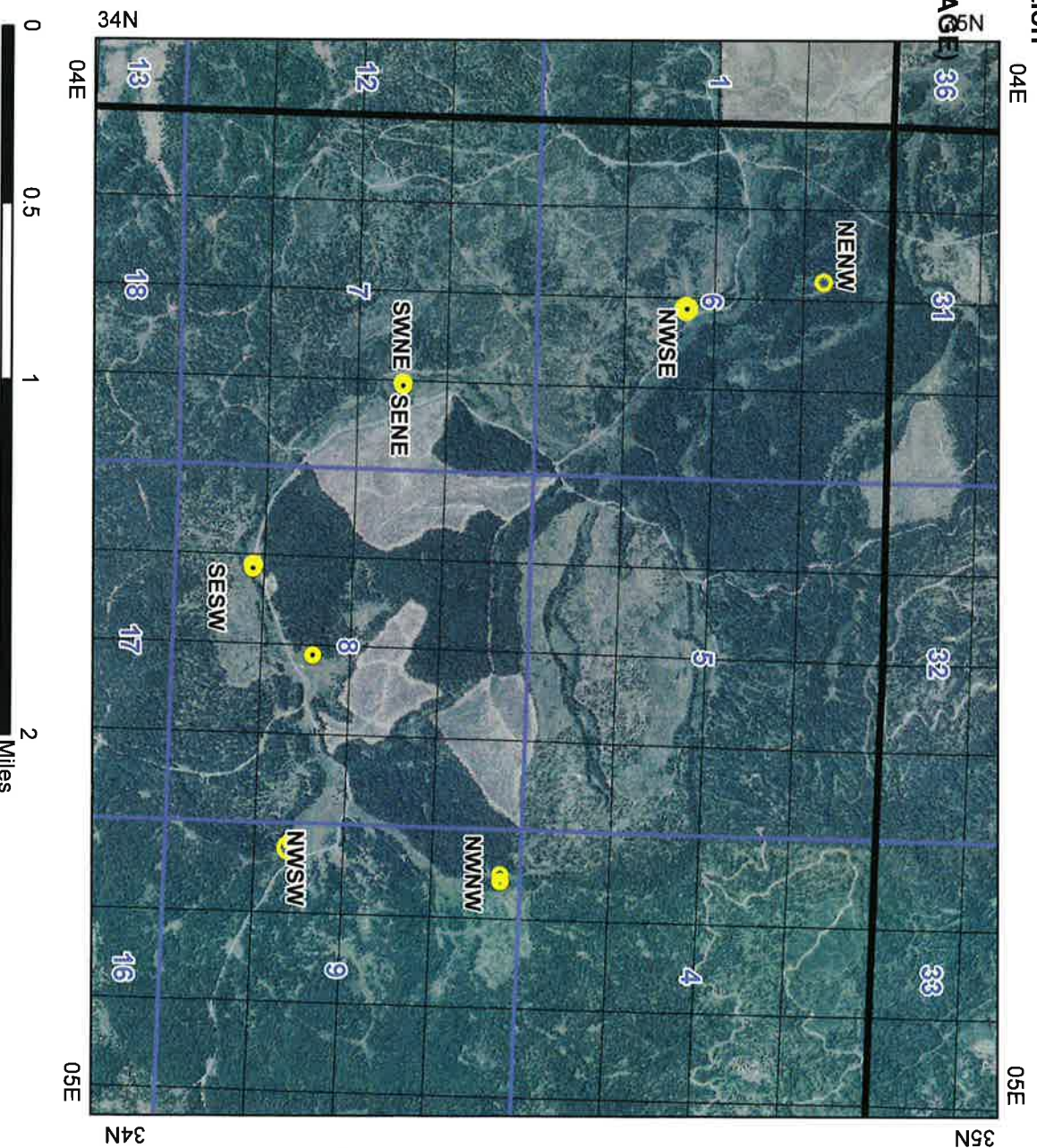
- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Clearwater County
IDWR Basin 84

Prepared by Clelland, Steve

2009 Aerial Photography



Idaho Department of Water Resources

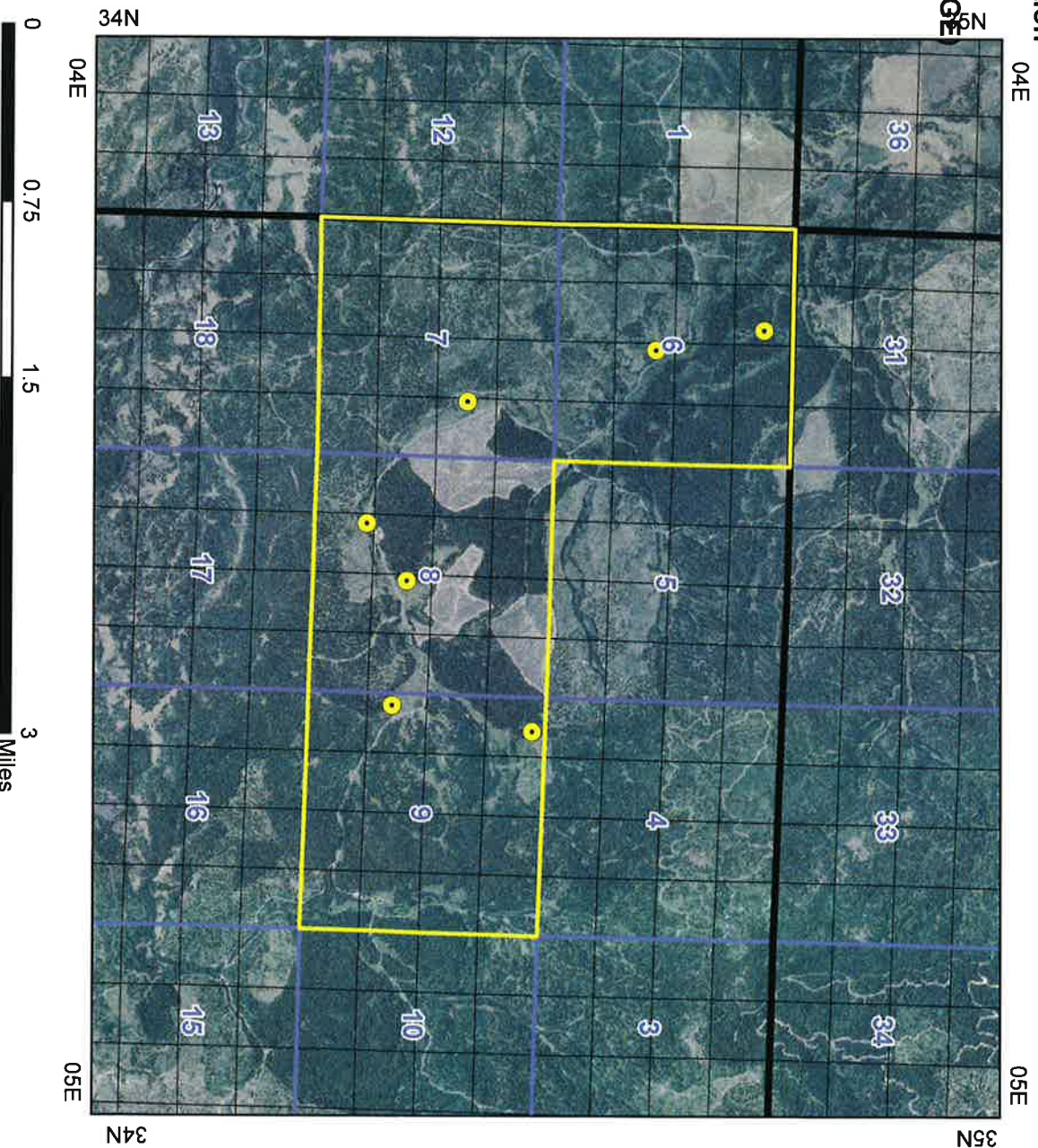
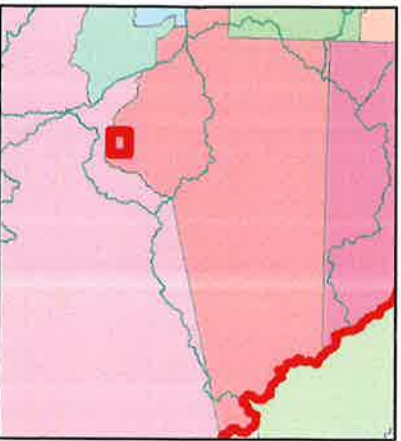


Adjudication Recommendation

84-12272

(INDUSTRIAL FROM STORAGE)

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Clearwater County

IDWR Basin 84

Prepared by Clelland, Steve

2009 Aerial Photography

EMAIL LIST = TYSON

Claim Nos. 81-12000 et al.

Summary of issues to resolve based on the recommendations and objections.

***Revising the industrial use remark is common to all claims.

81-12000

V.2

→ 81-12005

- Split 81-12000 into two claims by grouping the ponds identified on the map that are separated by Maggie Creek.
- A claim will have pond nos. 42-5, 42-6, and 42-20.
- A claim will have pond no. 42-10.

82-12247

- Purpose of Use: Add industrial and industrial from storage.
- Place of Use: Add industrial and industrial from storage; the described POUs is the same as the locations for fire protection from storage.

83-11974

V.2

→ 83-11977

- Split 83-11974 into two claims by grouping the ponds identified on the map that are separated by the North Fork of the Clearwater River.
- A claim will have with pond nos. 40-26, 40-27, 40-28, 40-29, and 40-53.
- A claim will have pond nos. 40-23, 40-24, and 40-30.

84-12267

- Point of Diversion: Delete pond no. 42-44, located in SWNE of Section 19, T35N, R05E.
- Place of Use: Delete the POU in Section 19, T35N, R05E for all purposes.
- Quantity: The quantity should be reduced to 1.41 AFY. Total pond capacity should be reduced to 0.40 AF.

84-12270

- Quantity: The quantity is correct (2.69 AFY), but the total capacity of the two storage reservoirs is 1.26 AF.

84-12272

V.2

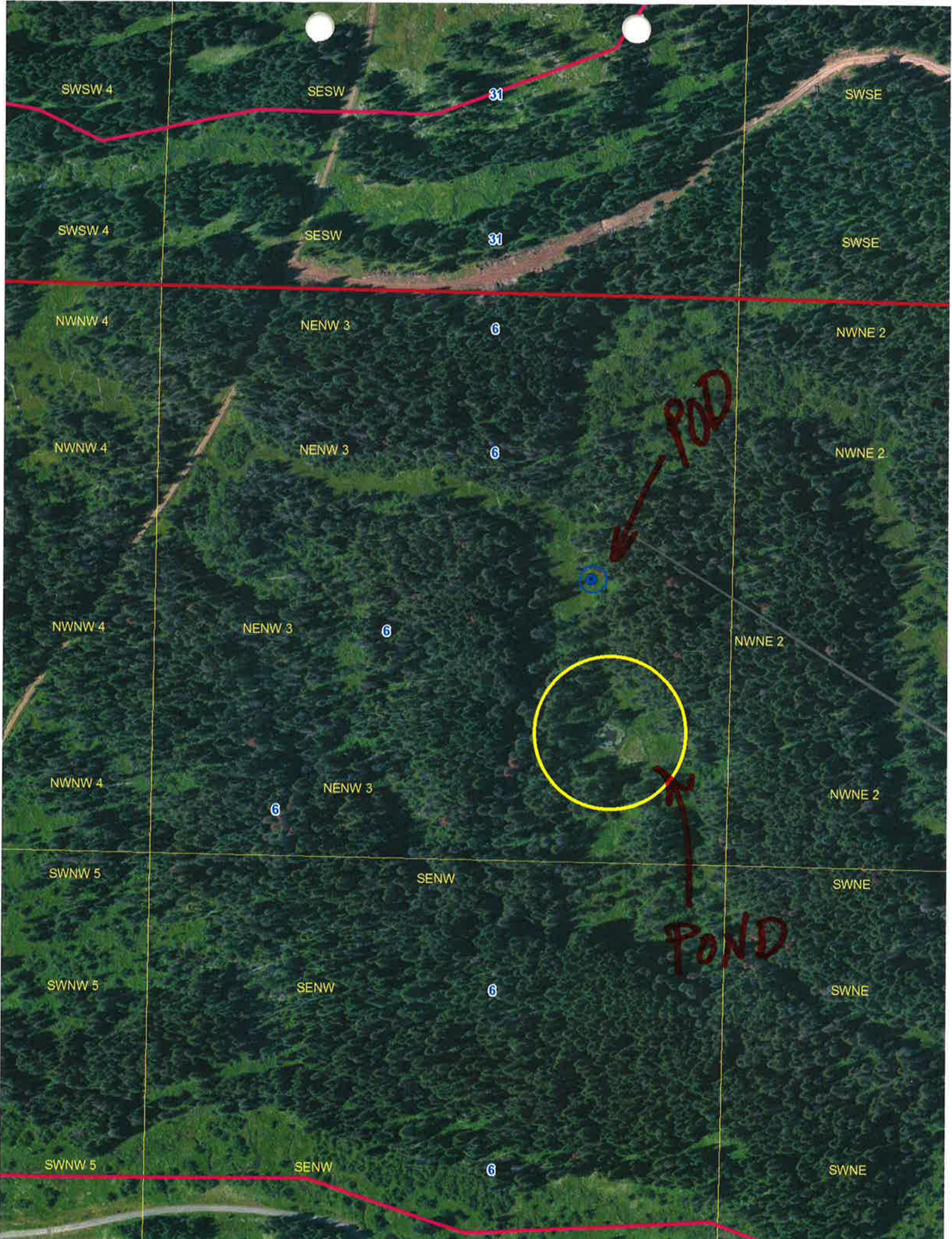
- Purpose of Use: Add stockwater.
- Place of Use: Add stockwater; the described POUs will be the same as the POD locations.

X07-
"IND. USE / DUST"

N17-
"Q limit 0.20 AF/day"

Refill - #164

N105 - N108



SWSW 4

SESW

31

SWSE

SWSW 4

SESW

31

SWSE

NWNW 4

NENW 3

6

NWNE 2

NWNW 4

NENW 3

6

NWNE 2

NWNW 4

NENW 3

6

NWNE 2

NWNW 4

NENW 3

6

NWNE 2

SWNW 5

SENW

SWNE

SWNW 5

SENW

6

SWNE

SWNW 5

SENW

6

SWNE

POD

POND

05/23/2012

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

RIGHT NUMBER: 84-12272

NAME AND ADDRESS: STATE OF IDAHO
DEPARTMENT OF LANDS
300 N 6TH ST, STE 103
PO BOX 83720
BOISE ID 83720-0050

SOURCE: UNNAMED STREAM

TRIBUTARY: MILES CREEK

QUANTITY: 5.280 AFY

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PRIORITY DATE: 09/08/1968

POINT OF DIVERSION:

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T34N R05E S6 NWSE Within CLEARWATER County
T34N R05E S7 SENE Within CLEARWATER County
T34N R05E S8 SESW Within CLEARWATER County
T34N R05E S8 NWSE Within CLEARWATER County
T34N R05E S9 NWNW Within CLEARWATER County
T34N R05E S9 NWSW Within CLEARWATER County

No Pond found at this POD
Location, (GPS)
POU GIS marks pond
seen in Photos...
360 ft South of POD.
see
2/13/13

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
FIRE PROTECTION STORAGE	01/01 12/31	5.28 AFY
FIRE PROTECTION FROM STORAGE	01/01 12/31	5.28 AFY
INDUSTRIAL FROM STORAGE	01/01 12/31	5.28 AFY
INDUSTRIAL STORAGE	01/01 12/31	5.28 AFY
Industrial use is for dust abatement.		

* Add
Stock

PLACE OF USE:

INDUSTRIAL FROM STORAGE in CLEARWATER County

T34N R05E S06 Lot 1 NENE	T34N R05E S06 L
T34N R05E S06 SWNE	T34N R05E S06
T34N R05E S06 Lot 3 NENW	T34N R05E S06 L
T34N R05E S06 Lot 5 SWNW	T34N R05E S06
T34N R05E S06 NESW	T34N R05E S06 L
T34N R05E S06 Lot 7 SWSW	T34N R05E S06
T34N R05E S06 NESE	T34N R05E S06
T34N R05E S06 SWSE	T34N R05E S06
T34N R05E S07 NENE	T34N R05E S07
T34N R05E S07 SWNE	T34N R05E S07
T34N R05E S07 NENW	T34N R05E S07 Lc

Ponds

.08

.17

.13

.26

.28

.62

.17

1.71 AF

84-12272

Changes in Source/Trib

DISALLOW? questions remain on
the cross over of
grazing allotments.

5/23/12 = ~~DISALLOW~~ ✓ B.U. ACROSS
Remove stock use Allotments unconfirmed
ONLY.

Overlap in Section 9 w/ claim 84-12265

2/13/13 updated to V.2

Added in STOCK USE as claimed.
GPS Location in Lot 3 NENW S.6
does not appear accurate and
does not sync with the pond found.
However, this mismatch does it change
the legal descriptions.

**MICA SUPERVISORY
AREA**

3258 West Industrial Loop
Coeur d'Alene ID 83815
Phone (208) 769-1577
Fax (208) 769-1597



TOM SCHULTS, DIRECTOR
EQUAL OPPORTUNITY EMPLOYER

STATE BOARD OF LAND COMMISSIONERS

C.L. "Butch" Otter, Governor
Ben Ysursa, Secretary of State
Lawrence G. Wasden, Attorney General
Donna M. Jones, State Controller
Tom Luna, Sup't of Public Instruction

September 26, 2011

RECEIVED

OCT 03 2011

**DEPARTMENT OF
WATER RESOURCES**

Idaho Department of Water Resources
Attn: Craig Saxton
Idaho Water Center
322 East Front Street
P.O. Box 83720
Boise, Idaho 83720-0098

Re: Fee Payment for Claim No. 84-12272

Dear Mr. Saxton:

The Idaho Department of Lands ("IDL") has prepared a late Notice of Claim for the above-referenced water right claim and will file a Motion to File Late Notice of Claim in the SRBA Court. In the event the SRBA Court grants IDL's motion, IDL requests that the Idaho Department of Water Resources initiate a SA-50 Interagency Billing Statement to bill IDL for the claim filing fee and the late claim fee. *\$119.00 CS*

If you have any questions, feel free to contact me at mdenney@idl.idaho.gov or 208-769-1577. Thank you for your assistance in this matter.

Sincerely,


Michael R. Denney
Area Manager- Mica