



04/01/2005

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

RIGHT NUMBER: 22-2262

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH  
USDA FOREST SERVICE  
550 W FORT ST MSC 033  
BOISE ID 83724

SOURCE: PINE CREEK SPRING

TRIBUTARY: LITTLE PINE CREEK

QUANTITY: 0.030 CFS

PRIORITY DATE: 09/28/1965

POINT OF DIVERSION:

T03N R44E S24 NWSE Within TETON County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE  
DOMESTIC

PERIOD OF USE  
06/01 10/31

QUANTITY  
0.030 CFS

PLACE OF USE: DOMESTIC Within TETON County

T03N R44E S24 SWNE

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: License

USFS RECORD ID: 04 15 17040204 22 0 0014

04/01/2005

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:**

Water right number: 22-2262

UNITED STATES OF AMERICA ACTING THROUGH  
USDA FOREST SERVICE  
550 W FORT ST MSC 033  
BOISE ID 83724  
Telephone Number: (208)387-0835

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:

Please add to explanatory material: Pine Creek Campground

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

1 I AGREE with this proposed recommendation: no changes need to be made.

DATE: 7/17/05

SIGNATURE: Steven M. Spurr

Please print your name: \_\_\_\_\_

IDWR Regional Office,

exp remark  
added  
KMT/SH

PROFILED

SCANNED  
AUG 12 2005

RECEIVED  
JUL 27 2005

Department of Water Resources  
Eastern Region

2-Vault

## Ruberry, Allen

---

**From:** McHugh, Candice  
**Sent:** Monday, August 16, 2004 11:26 AM  
**To:** Ruberry, Allen  
**Subject:** RE: USFS Claims

Go with the licenses. Are the claims for something less than what was licensed? If so, they will need to amend their claim. As far as the database is concerned, I'm not concerned about that data being accurate so long as our recommendation ultimately is.

Candice

-----Original Message-----

**From:** Ruberry, Allen  
**Sent:** Wednesday, August 11, 2004 3:38 PM  
**To:** McHugh, Candice  
**Subject:** FW: USFS Claims

FYI.....ADVISE, PLEASE.

-----Original Message-----

**From:** Steven M Spencer [mailto:sspencer@fs.fed.us]  
**Sent:** Wednesday, August 11, 2004 3:01 PM  
**To:** Ruberry, Allen  
**Subject:** Re: USFS Claims

I've looked over the information you FAX'd for 22-02262 and 22-07455. We would like these to proceed in the SRBA exactly as they were licensed.

I can see your quandary with the differences with the paper claim vs the adjudication data base and the water rights data base. I've learned that the water right data base for the license is pretty accurate - and that is how we'd like to proceed with these. I can only surmise that the differences with the claim information are due to time and the FS learning over the course of time IDWR protocols in the SRBA. The adjudication database claim information was probably the original 1993 electronic information submitted by Ogden to the Department. The paper claim date stamped in to the Department in 1998 reflected our state of knowledge at that time, particularly referring to the FS learning that the states numbering system was not limited to the SRBA, but that it reflected the legal (license, statutory claim, decree or beneficial use) status and history of a water right. Ernie will remember training me on this matter because of all the things the FS didn't understand at the time.

In any event, for these two claims we would like our claim to be based on and reflect the elements of the water right as licensed. If you feel you would like to have new claims submitted for your files I can do that if you desire. Otherwise, let's go with the license terms in the SRBA. If you need more information or I've missed something on these, please let me know. I hope I'm close to being up to date on your other SRBA inquiries. Thank you.

Steve Spencer  
Boise Adjudication Team  
161 E. Mallard, Suite A  
Boise, ID 83706

(208) 331-5944  
(208) 387-0842 FAX  
e-mail: sspencer@fs.fed.us

PROFILED

MAY 09 2005

"Ruberry, Allen"  
<ARuberry@idwr.state.id.us>

08/11/2004 11:10  
AM

"Steve Spencer (E-mail)"  
<:sspencer@fs.fed.us>

To

cc

Subject

USFS Claims

Steve, I have found a couple claims that appear to need some of your expert attention. If you will send your fax I'll get them to you so you can see the problems....

Thanks..... al

SCANNED

MAY 09 2005

PROFILED

## Ruberry, Allen

**From:** Steven M Spencer [sspencer@fs.fed.us]  
**Sent:** Wednesday, August 11, 2004 3:01 PM  
**To:** Ruberry, Allen  
**Subject:** Re: USFS Claims

*Kathy Desk*

I've looked over the information you FAX'd for 22-02262 and 22-07455. We would like these to proceed in the SRBA exactly as they were licensed.

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Steve Spencer  
Boise Adjudication Team  
161 E. Mallard, Suite A  
Boise, ID 83706

(208) 331-5944  
(208) 387-0842 FAX  
e-mail: sspencer@fs.fed.us

"Ruberry, Allen"  
<ARuberry@idwr.state.id.us>

08/11/2004 11:10 AM

"Steve Spencer (E-mail)"  
<sspencer@fs.fed.us>

To

cc

Subject

USFS Claims

SCANNED

MAY 09 2005

PROFILED

Steve, I have found a couple claims that appear to need some of your expert

attention. If you will send your fax I'll get them to you so you can see the problems....

Thanks..... al

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MAY 09 2005

To: CANDICE McHUGH

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
EASTERN REGION  
IDAHO FALLS ID  
208-525-7161 - PHONE  
208-525-7177 - FAX

TRANSMITTAL COVER SHEET

387-0842

OMNIFAX

TO: STAVE SPENCER FROM: A. Rubenry

DOCUMENT DESCRIPTION: STONE - NOT SURE WHATS  
GOING ON HERE - I JUST got the copies of  
your claims - they don't match up the LICENSES  
Could be you'd want to amend your records

TOTAL NUMBER OF PAGES (Including this page): 8 AL

Please advise

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\* \* \*

\* Billing address: \_\_\_\_\_ \*  
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SCANNED

MAY 09 2005

PROFILED

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: **22-02262**

RECEIVED

JUN 16 1998

FILED UNDER STATE LAW

Department of Water Resources

1. Name of Claimant: UNITED STATES OF AMERICA on behalf of the U.S.D.A. Forest Service  
Address: 550 W. Fort Street MSC033  
Boise ID 83724
2. Date of Priority: 10/28/1965
3. Source of water: PINE CREEK SPRING Tributary: LITTLE PINE CREEK
4. Location Meridian BOISE  
Description of Diversion Works: Headbox From: Spring  
Location of Point of Diversion  
T: 03 N R: 44 E S: 24 NWSE  
Location of Point of Use  
T: 03 N R: 44 E S: 24 SWNE
5. Quantity claimed: Period Quantity For  
6 / 01 -- 10 / 31 0.02 CFS Domestic
6. Total Consumptive Use Claimed for Present and Future Use is:  
0.02 CFS
7. Present and future uses to which the water is or will be used:  
Domestic
8. Attach the legal description of the reservation, and maps showing for each consumptive use the existing and proposed place of use and existing points of diversion.  
Bound separately
9. Remarks:  
State Basin: 22  
National Forest: Targhee  
Forest Service Record ID: 04 15 17040204 22 0 0014
10. Describe any other water rights used at the same place and for the same purposes as described above: None
11. Counties within the reservation: Not available

Notice is hereby given that the United States Department of Justice will represent the Department of Agriculture, Forest Service, in all matters pertaining to the Snake River Basin Adjudication. All notices required by law to be mailed by the Director to the claimant should be mailed to the individuals at the address below:

Bruce Bernard  
U.S. Department of Justice  
Environment and Natural Resources Division  
550 W. Fort Street, Box 33  
Boise, ID 83724

This form is an attachment to a letter forwarding the claims of the U.S. Department of Agriculture, Forest Service. The signature and affirmation on such letter constitutes the signature of the authorized agent representing the United States of America required for each such claim.

SCANNED

MAY 09 2005

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## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 22-2262

WATER RIGHT NUMBER: 22-2262

|                   |                                                                                                             |
|-------------------|-------------------------------------------------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                                                                     |
| Current Owner     | US DEPT OF AGRICULTURE FOREST SERVICE<br>1249 SOUTH VINNELL WAY STE 200<br>BOISE, ID 83709<br>(208)373-4100 |

Priority Date: 09/28/1965

Basis: License

Status: Active

|                             |                  |
|-----------------------------|------------------|
| <u>Source</u>               | <u>Tributary</u> |
| PINE CREEK SPRING <i>OK</i> |                  |

|                       |                         |                       |                      |
|-----------------------|-------------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| DOMESTIC <i>OK</i>    | / to /                  | 0.030 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.030 CFS             |                      |

Location of Point(s) of Diversion

PINE CREEK SPRING

NW1/4SE1/4 *OK*

Sec. 24, Twp 03N, Rge 44E, B.M.

TETON County

*— OK —*Place of Use

DOMESTIC

| Twp | Rge | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| 03N | 44E | 24  |    |    | X  |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Conditions of Approval:Remarks:

1. General LICENSE ISSUED FOR 0.0267 CFS.

*INTERESTING - 11.98296 gpm*Comments:*RECOMMENDATION:*

1. License @ 0.03 cfs; CLAIMED AT 0.02 cfs =>?
2. License Priority Date 09 (Sept); CLAIMED 10 (Oct.) =>?
3. DATA BASE DON'T MATCH PAPER CLAIM? **SCANNED**

*RECOMMENDED FOR LICENSE.***MAY 09 2005**

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 22-2262

WATER RIGHT NUMBER: 22-2262

|                   |                                                                                                                             |
|-------------------|-----------------------------------------------------------------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                                                                                     |
| Current Owner     | UNITED STATES OF AMERICA ACTING THROUGH<br>USDA FOREST SERVICE<br>550 W FORT ST MSC 033<br>BOISE, ID 83724<br>(208)387-0835 |

Priority Date: 10/28/1965

Basis: License

Status: Active

|                   |                   |
|-------------------|-------------------|
| <u>Source</u>     | <u>Tributary</u>  |
| PINE CREEK SPRING | LITTLE PINE CREEK |

|                       |                         |                       |                      |
|-----------------------|-------------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| RECREATION            | 6/01 to 10/31           | 0.027 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.027 CFS             |                      |

Location of Point(s) of Diversion

|                   |            |                                 |
|-------------------|------------|---------------------------------|
| PINE CREEK SPRING | SW1/4NE1/4 | Sec. 24, Twp 03N, Rge 44E, B.M. |
| TETON County      |            |                                 |

Place of Use

RECREATION

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |        |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 03N | 44E | 24  |    |    | X  |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Conditions of Approval:Remarks:

- General      FOREST SERVICE RECORD ID = 041517040204220014 00

Comments:

PROFILE

SCANNED  
MAY 09 2005