

IN THE DISTRICT COURT OF
THE FIFTH JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

CIVIL CASE NUMBER: 39576

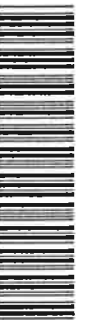
IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER
FROM THE SNAKE RIVER BASIN WATER SYSTEM

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

U.S. DEPT. OF INTERIOR
BUREAU OF LAND MGMT.
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706
TELEPHONE: 208-334-1401

PRIORITY DATE: 1879-01-01
AGENCY NUMBER: 3303480102
BLM NUMBER: 3303480102
BASIS OF CLAIM: BENEFICIAL USE
BASIN NUMBER: 33 - 10464

A3310464



SOURCE	TRIBUTARY TO
SAWMILL CREEK	LITTLE LOST RIVER

DESCRIPTION OF DIVERSION WORKS

INSTREAM LIVESTOCK AND WILDLIFE WATERING

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
STOCKWATER	0.160	0.00	0101	1231
WILDLIFE	0.010	0.00	0101	1231
TOTAL:	0.170 CFS	0.00 AF		

NON-IRRIGATION USES

700 RANGE CATTLE, 300 ANTELOPE, 100 DEER, 100 ELK, SAGE GROUSE

POINT OF DIVERSION							
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
11N	26E	03	NE	NW	NE	00	CUSTER
10N	26E	01	SW	SW	SW	00	BUTTE
10N	27E	18	SW	SE	NW	00	BUTTE
10N	27E	18	NW	NE	NW	00	BUTTE

PLACE OF USE

TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	IRRIGATED OWNED	ACRES
11N	26E	03	NW	NE	00	CUSTER	YES	0.0

MICROFILMED 0.0

APR 13 1994

11N	26E	03	NE	NE	00	CUSTER	YES	0.0
11N	26E	03	SE	NE	00	CUSTER	YES	0.0
11N	26E	03	NE	SE	00	LEMHI	YES	0.0
11N	26E	03	SE	SE	00	CUSTER	YES	0.0
11N	26E	10	NE	NE	00	CUSTER	YES	0.0
11N	26E	10	SE	NE	00	CUSTER	YES	0.0
11N	26E	10	NE	SE	00	CUSTER	YES	0.0
11N	26E	10	SE	SE	00	CUSTER	YES	0.0
11N	26E	11	SW	SW	00	CUSTER	YES	0.0
11N	26E	14	NW	NW	00	LEMHI	YES	0.0
11N	26E	14	SW	NW	00	LEMHI	YES	0.0
11N	26E	14	SE	NW	00	CUSTER	YES	0.0
11N	26E	14	NE	SW	00	LEMHI	YES	0.0
11N	26E	14	SE	SW	00	CUSTER	YES	0.0
11N	26E	23	NE	NW	00	CUSTER	YES	0.0
11N	26E	23	NW	NE	00	CUSTER	YES	0.0
11N	26E	23	SW	NE	00	LEMHI	YES	0.0
11N	26E	23	SW	NE	00	CUSTER	YES	0.0
11N	26E	23	SE	NW	00	CUSTER	YES	0.0
11N	26E	23	NE	SW	00	LEMHI	YES	0.0
11N	26E	23	NW	SW	00	LEMHI	YES	0.0
11N	26E	23	SW	SW	00	LEMHI	YES	0.0
11N	26E	26	NW	NW	00	LEMHI	YES	0.0
11N	26E	26	SW	NW	00	LEMHI	YES	0.0
11N	26E	26	NW	SW	00	LEMHI	YES	0.0
11N	26E	26	SW	SW	00	LEMHI	YES	0.0
11N	26E	35	NW	NW	00	LEMHI	YES	0.0
11N	26E	35	NE	NW	00	LEMHI	YES	0.0
11N	26E	35	SE	NW	00	LEMHI	YES	0.0
11N	26E	35	SW	NE	00	LEMHI	YES	0.0
11N	26E	35	NW	SE	00	LEMHI	YES	0.0
11N	26E	35	NE	SE	00	LEMHI	YES	0.0
11N	26E	35	SE	SE	00	LEMHI	YES	0.0
10N	26E	02	NE	NE	00	BUTTE	YES	0.0
10N	26E	02	SE	NE	00	BUTTE	YES	0.0
10N	26E	02	NE	SE	00	BUTTE	YES	0.0
10N	26E	02	SE	SE	00	BUTTE	YES	0.0
10N	26E	01	SW	SW	00	BUTTE	YES	0.0
10N	27E	18	NE	NW	00	BUTTE	YES	0.0
10N	27E	18	SW	NW	00	BUTTE	YES	0.0
11N	26E	03	NW	NE	00	CUSTER	YES	0.0
11N	26E	03	NE	NE	00	CUSTER	YES	0.0
11N	26E	03	SE	NE	00	CUSTER	YES	0.0
11N	26E	03	NE	SE	00	LEMHI	YES	0.0
11N	26E	03	SE	SE	00	CUSTER	YES	0.0
11N	26E	10	NE	NE	00	CUSTER	YES	0.0
11N	26E	10	SE	NE	00	CUSTER	YES	0.0
11N	26E	10	NE	SE	00	CUSTER	YES	0.0

11N	26E	10	SE	SE	00	CUSTER	YES	0.0
11N	26E	11	SW	SW	00	CUSTER	YES	0.0
11N	26E	14	NW	NW	00	LEMHI	YES	0.0
11N	26E	14	SW	NW	00	LEMHI	YES	0.0
11N	26E	14	SE	NW	00	CUSTER	YES	0.0
11N	26E	14	NE	SW	00	LEMHI	YES	0.0
11N	26E	14	SE	SW	00	CUSTER	YES	0.0
11N	26E	23	NE	NW	00	CUSTER	YES	0.0
11N	26E	23	NW	NE	00	CUSTER	YES	0.0
11N	26E	23	SW	NE	00	LEMHI	YES	0.0
11N	26E	23	SW	NE	00	CUSTER	YES	0.0
11N	26E	23	SE	NW	00	CUSTER	YES	0.0
11N	26E	23	NE	SW	00	LEMHI	YES	0.0
11N	26E	23	NW	SW	00	LEMHI	YES	0.0
11N	26E	23	SW	SW	00	LEMHI	YES	0.0
11N	26E	26	NW	NW	00	LEMHI	YES	0.0
11N	26E	26	SW	NW	00	LEMHI	YES	0.0
11N	26E	26	NW	SW	00	LEMHI	YES	0.0
11N	26E	26	SW	SW	00	LEMHI	YES	0.0
11N	26E	35	NW	NW	00	LEMHI	YES	0.0
11N	26E	35	NE	NW	00	LEMHI	YES	0.0
11N	26E	35	SE	NW	00	LEMHI	YES	0.0
11N	26E	35	SW	NE	00	LEMHI	YES	0.0
11N	26E	35	NW	SE	00	LEMHI	YES	0.0
11N	26E	35	NE	SE	00	LEMHI	YES	0.0
11N	26E	35	SE	SE	00	LEMHI	YES	0.0
10N	26E	02	NE	NE	00	BUTTE	YES	0.0
10N	26E	02	SE	NE	00	BUTTE	YES	0.0
10N	26E	02	NE	SE	00	BUTTE	YES	0.0
10N	26E	02	SE	SE	00	BUTTE	YES	0.0
10N	26E	01	SW	SW	00	BUTTE	YES	0.0
10N	27E	18	NE	NW	00	BUTTE	YES	0.0
10N	27E	18	SW	NW	00	BUTTE	YES	0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

REMARKS

FIRST DATE OF BENEFICIAL USE - 1879

MICROFILMED

APR 15 1994

IN THE DISTRICT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN
AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

AMENDED NOTICE of CLAIM for
Water Right number:

33-10464

NAME and
ADDRESS:

United States of America acting through
Bureau of Land Management
Idaho State Office
1387 South Vinnell Way
Boise, ID 83709 - 1657

BLMIDENT:

3303480102

Stg: StFed:

J S

SOURCE:

Source	Tributary
SAWMILL CREEK	LITTLE LOST RIVER

QUANTITY:

0.02 CFS or VOLUME: 0 Acre Feet

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

PRIORITY DATE:

1/1/1879

Diversion Means: INSTREAM USE

REMARKS:

POINT of
DIVERSION:

Twntship	Range	Section	T1	T2	T3	LOT	B/E	within the	County of
11N	26E	3	NE	NW	NE		B1	37	CUSTER
10N	26E	1	SW	SW	SW		E1	23	BUTTE
10N	27E	18	SW	SE	NW		E2	23	BUTTE
10N	27E	18	NW	NE	NW		B2	23	BUTTE

PURPOSE
and
PERIOD
OF USE:

Purpose of Use	Period of Use (from - to):	Rate in CFS	Volume in AcFt
04	0101	1231	0.02

CONSUMPTIVE
USE:

de minimis stockwater use

DATE: 19-Nov-97 9:30 AM

RECEIVED

NOV 19 1997

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

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

Department of Water Resources

PLACE
of USE:

Water Use	Twnt	Rge	Sec	T1	T2	LOT	within the County of
04	11N	26E	3	NW	NE	0	37 CUSTER
04	11N	26E	3	NE	NE	0	37 CUSTER
04	11N	26E	3	SE	NE	0	37 CUSTER
04	11N	26E	3	NE	SE	0	59 LEMHI
04	11N	26E	3	SE	SE	0	37 CUSTER
04	11N	26E	10	NE	NE	0	37 CUSTER
04	11N	26E	10	SE	NE	0	37 CUSTER
04	11N	26E	10	NE	SE	0	37 CUSTER
04	11N	26E	10	SE	SE	0	37 CUSTER
04	11N	26E	11	SW	SW	0	37 CUSTER
04	11N	26E	14	NW	NW	0	59 LEMHI
04	11N	26E	14	SW	NW	0	59 LEMHI
04	11N	26E	14	SE	NW	0	37 CUSTER
04	11N	26E	14	NE	SW	0	59 LEMHI
04	11N	26E	14	SE	SW	0	37 CUSTER
04	11N	26E	23	NE	NW	0	37 CUSTER
04	11N	26E	23	NW	NE	0	37 CUSTER
04	11N	26E	23	SW	NE	0	59 LEMHI
04	11N	26E	23	SW	NE	0	37 CUSTER
04	11N	26E	23	SE	NW	0	37 CUSTER

04	11N	26E	23	NE	SW	0	59	LEMHI
04	11N	26E	23	NW	SW	0	59	LEMHI
04	11N	26E	23	SW	SW	0	59	LEMHI
04	11N	26E	26	NW	NW	0	59	LEMHI
04	11N	26E	26	SW	NW	0	59	LEMHI
04	11N	26E	26	NW	SW	0	59	LEMHI
04	11N	26E	26	SW	SW	0	59	LEMHI
04	11N	26E	35	NW	NW	0	59	LEMHI
04	11N	26E	35	NE	NW	0	59	LEMHI
04	11N	26E	35	SE	NW	0	59	LEMHI
04	11N	26E	35	SW	NE	0	59	LEMHI
04	11N	26E	35	NW	SE	0	59	LEMHI
04	11N	26E	35	NE	SE	0	59	LEMHI
04	11N	26E	35	SE	SE	0	59	LEMHI
04	10N	26E	2	NE	NE	0	23	BUTTE
04	10N	26E	2	SE	NE	0	23	BUTTE
04	10N	26E	2	NE	SE	0	23	BUTTE
04	10N	26E	2	SE	SE	0	23	BUTTE
04	10N	26E	1	SW	SW	0	23	BUTTE
04	10N	27E	18	NE	NW	0	23	BUTTE
04	10N	27E	18	SW	NW	0	23	BUTTE

33-10464

1999 JUL 12 PM 2:49

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

) NOTICE OF ISSUANCE AND NOTICE
) OF SERVICE

) Water Rights: See Attached Exhibit A

On July 12, 1999, Special Master Fritz X. Haemmerle issued a *Special Master's Report and Recommendation* for the above subcase(s) pursuant to *SRBA Administrative Order 1 (AO1)*, Section 13a.

Pursuant to *SRBA Administrative Order 1*, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend by the 28th day of the month following the publication of the filing of the *Special Master's Report and Recommendation* in the Docket Sheet (*AO1*, Section 13a).

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the *Special Master's Report and Recommendation* shall constitute a waiver of the right to challenge it before the Presiding Judge.

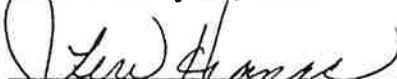
I certify that a true and correct copy of the SPECIAL MASTER'S RECOMMENDATION was mailed with sufficient first-class postage prepaid to the following:

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

U.S. Dept. of Justice
Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

Peter Ampe
Deputy Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

DATED: July 12, 1999


Teri Hranac, Deputy Clerk

1999 JUL 12 PM 2: 49
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	SPECIAL MASTER'S REPORT
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHTS: See Attached List
	)	

I. FINDINGS OF FACT

A notice of claim was filed for these water rights pursuant to I.C. § 42-1409 (1990). The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of these water rights.

The only objections to these water rights were filed by the State of Idaho which were resolved with a *Stipulation to Resolve Objections* filed July 1, 1999. The State of Idaho, the United States, and IDWR are signatories to the *Stipulation to Resolve Objections*. Both parties agreed that the priority date for these rights shall be June 28, 1934.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that these water rights be decreed with the elements as set forth attached in the *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED: July 12, 1999.



FRITZ X. HAEMMERLE
Special Master
Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

33-10463
33-10464
33-10465
33-10466
33-10467
33-10468
33-10472
33-10473
33-10474
33-10475
33-10480
33-10481
33-10482
33-10483
33-10484
33-10485
33-10513
33-10515
33-10523
33-10531
33-10533
33-10641
33-10643
33-10644
33-10649
33-10894
33-10895
33-10896
33-10898
33-10899
33-10901
33-10904

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 33-10464

NAME AND ADDRESS: USDI BLM
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

SOURCE: SAWMILL CREEK TRIBUTARY: LITTLE LOST RIVER

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

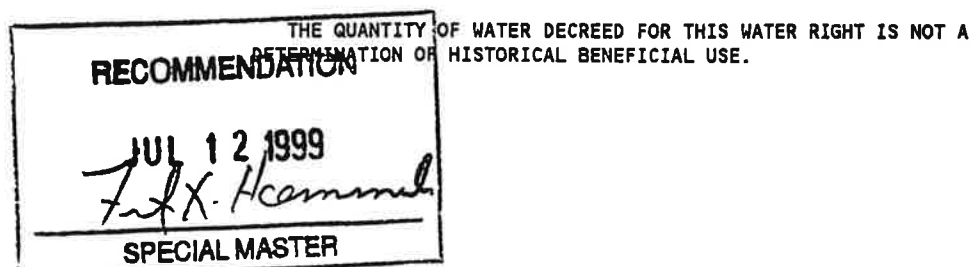
PRIORITY DATE: 06/28/1934

POINT OF DIVERSION: T10N R26E S01 SWSWSW (Instream Ending Point) Within Butte County
R27E S18 NWNENW (Instream Beginning Point)
SWSENW (Instream Ending Point)
T11N R26E S03 NENWNE (Instream Beginning Point) Within Custer County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Stockwater 01-01 TO 12-31 0.02 CFS

PLACE OF USE: Stockwater Within Butte County
T10N R26E S01 SWSW
S02 NENE SENE
SESE NESE
R27E S18 NENW SWNW
T11N R26E S03 SENE NESE
SESE NENE
NWNE
S10 NENE SESE
SENE NESE
S11 SWSW
S14 NWNW SWNW
SENW NESW
SESW
S23 NWSW NESW
SWSW SENW
NENW NWNE
SWNE
S26 SWSW SWNW
NWSW NWNW
S35 NWSE NWNW
NENW SWNE
NESE SESE
SENW

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



11 April 2004

From: [illegible]

To: Fred Price, BLM-ISO

CC: Candice McHugh, IDWR ADJUD.

From: A. Ruberry, IDWR Eastern Region

Re: B33 Irr POD's objected to by BLM

POD LOCATION

T11N R26E S10 NWNENE

This legal description defines the beginning of a channelized portion of Sawmill Creek. Apparently back in the 1920'-1930's there were several attempts tried to preserve water from Sawmill Creek because the stream would "break". Among them were things like a canal dug from Sawmill Creek to Summit Creek and a channelization project aimed at cleaning and to some extent straightening the Sawmill Creek channel as it flowed across Mud Flats (ref: OQ U-82).

*See Attached
List of SWS
at Mud Flats*

In review of the adjudication claims from Sawmill Creek and the Little Lost River, it was initially considered that the source(s) could all be Little Lost River since it was difficult to determine where Little Lost River started and Sawmill Creek ended. Seeing no difference in source recommendations of Sawmill Creek claims were changed to Little Lost River. The Preliminary Director's Report was filed only to find that Sawmill Creek now occasionally breaks at the shearing corrals, which is about half-mile upstream from the confluence of Sawmill Creek and Summit Creek; The beginning of the Little Lost River. This new information seriously impacted recommendations since the Sawmill Creek claims, now changed to Little Lost River, became senior to the junior Little Lost River rights, causing injury to the junior Little Lost River appropriators.

Ultimately, the source issue was changed back to Sawmill Creek. Now a problem arose where a Point of Diversion had to be defined for the Sawmill Creek claims since actual deliveries are made from Little Lost River (except 33-00107 which is a true Sawmill Creek right, but, Decreed as a Little Lost River right). The 1927 Decree states "at the mouth of Sawmill Creek". However, there were no rights diverted at the mouth of Sawmill Creek. And, the dilemma of where was the mouth of Sawmill Creek. In consideration of the channelization project aimed at preserving waters of Sawmill Creek it was determined that the channelization had in-fact changed the streambed to a canal, saving water. Therefore, the beginning of the channelization would now become the Point of Diversion and the ending of the channelization would be a Point of injection back into the Sawmill Creek stream channel. The Point of Injection is near the shearing corrals, about half-mile upstream from the confluence of the streams. The Sawmill Creek claims Point(s) of Diversion are recommended as Points of Re-diversion from Little Lost River at or near their respective Place(s) of Use. This recommendation preserves both the source and the Sawmill Creek priority dates and, forgoes the injury issue of junior Little Lost River rights.

RECEIVED

AUG 03 2004

PROFILE

T9N R27E S4 SWNWNE

This objection is a true error. Apparently a typographical error was made during the recommendation process. The TRUE Point of Diversion should read T9N R26E S4 SWSWNE. The claimant, Mr. Waymire has been notified and is now aware of the issue.

33-00033
00037
000730

T11NR27E S31 NESESE

BLM believes this POD should read S31 SENESE based on GPS data. However, during the field exam of these claims several Points of Diversion were identified to include the one in question. The recommended POD in-question is an actual Point of Diversion where an unnamed stream intersects with the collector ditch and can be verified using OQ V-32. The site proposed by the BLM is a drainage that was dry during the field exam, thus no recommended POD.

33-00035
33-7087

T6N R28E S2 SESWSW

Specifically named is SRBA claim 33-10995. This claim identifies private lands historically irrigated by the Hawley's, later sold without water. The Point of Diversion used during the irrigation era is on BLM but is now longer used. The claimant filed this SRBA claim and Transfer No. 4551 in an effort to preserve the acreage irrigated by surface water. The transfer is in-place awaiting the BLM objection to prompt IDWR to review and act. However, the transfer is currently protested.

33-00051 Thru
33-00060

T6N R 28E S11 SESENW

This is an historic Point of Diversion dating back to the late 1800's (according to the water right priority dates, 1885-1891) and is one of three serving the ranch. One of which previously mentioned above, T6N R28E S2 SESWSW. The other is within the private holding of the ranch.

33-10996 is an enlargement claim for acres on BLM lands that were historically irrigated by the Hawley's and is part of the Transfer No. 4551 aforementioned. BLM is aware of this claim and supports the transfer of acreage to private lands. As mentioned previously, the transfer is protested.

T7N R28E S21 NWNWSW

According to the Proof of Beneficial Use filed for this right (33-07010) this well dates to the 1940's. However, the Licensed date of priority was March 19, 1971, but then Transfer No. 3809 was filed to "unstack" surface and groundwater rights. As a result, the priority date of the well was advanced to July 2, 1990. Surface water decreed to this ranch date to 1885 to 1891.

This particular well dating to the 1940's (unsupported evidence of prior claimant) was located according to the initial survey dating to July 9, 1890, which no doubt established fence lines. A resurvey of the East line of Section 21 was done in August 1941. Then, in 1978, another resurvey was done as, evidenced by the monument caps. This 1978 resurvey puts the TRUE Point of Diversion of the 33-07010 well in the NENWSW (a BLM QQ). However, this matter was discussed with Ms Deena Teal, BLM, Idaho Falls District Office, in October of 1996, shortly after the discrepancy was found. Ms Teal indicated, at

Rocky Ross

that time, that since the well predated some 1976 ruling, by which BLM operated, they (BLM) would not protest the actual POD.

This basically explains the history of the well and the recommendation; however, the listing of the POD as NWNWSW is clearly an error. The CVR shows the POD to be located as NENWSW Sec. 21, which is accurate.

T8N R28E S31 SWNWSE

This POD defines a well used solely for mitigation and is defined as an amendment to the 1927 decree as a Judgement against Orville Nicholson, 1954.

The recommendation does define a Place of Use; however, this POU is by exchange with surface waters as defined in the Judgement. The period of use is 4/1 to 7/15 annually, when all this well does is deliver water to the river. The Objection is not to the Point of Diversion, but rather to the Point of Injection. And, in-fact, as recommended this Point of Injection is accurate.

T6NR29E S31 NWSWNW

This is another typographical error. The recommended POD should read T6N R29E Section 30 NWSWNW. There is a pending Transfer to correct the actual POD location to T6N R28E Section 25 NESENE.

33-02228

33-318
48B
49B
50B
83C

Contor, Bryce
From: Contor, Bryce
Sent: Wednesday, January 19, 2000 4:27 PM
To: Ruberry, Allen; Carlsen, Ernie
Subject: Sawmill Creek Rights

This morning we met via teleconference with Dave Tuthill and Peter Anderson. One of the things we discussed was the Sawmill recommendations. During our call, Bill Stauffer called and reported that he had discussed the Sawmill recommendations with others, including Don Isham, James Andreason, and David Andreason. They all concur with the proposals in the January 6 letter. James Mays has sent us written concurrence.

Per Dave Tuthill's instructions to Al and me, I have gone ahead and changed the source of Sawmill Creek rights back to "Sawmill Creek, tributary to Little Lost River." The point of diversion is 11N 26E section 10, NWNENE, and the point of injection is 10N 27E section 18, NWSESW. The former points of diversion have been identified as points of rediversion. I removed any comments relating to change of source and I removed condition C02.

The rights I changed were:

R33-00023B
R33-00030
R33-00043
R33-00077
R33-10070
R33-10073
R33-10084
R33-10086

I'll put a new profile report and a copy of this memo in each file.

There were other Sawmill rights which I did not change. These are:

R33-00038 1927 decree & claim list source as
Little Lost River
R33-00096B Recommended w/ source "Summit Creek"
R33-00107 Recommended originally w/ source
"Sawmill Creek"

33-10464 Stockwater claim already PD w/ source
"Sawmill Creek"

