

12/13/2006

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

RIGHT NUMBER: 75-10964

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

SOURCE: NORTH FORK SALMON RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 0.800 CFS

PRIORITY DATE: 08/28/1958

POINT OF DIVERSION:

T24N R21E S9 NWSW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FISH PROPAGATION	3/15 11/15	0.800 CFS

PLACE OF USE: FISH PROPAGATION in LEMHI County

T24N R21E S09 NWSW

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: BASIS OF CLAIM - Beneficial Use

08/03/2006

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

RIGHT NUMBER: 75-10964
NAME AND ADDRESS: STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

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

No beneficial use found.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

*no Field exam, screen not present
rebuild in 1993 to meet the ESA
requirements*

Knoblock, Ken

From: Poole, Walton [wpoole@idfg.idaho.gov]
Sent: Tuesday, December 12, 2006 2:56 PM
To: Knoblock, Ken
Cc: Robertson, Cindy; Poole, Walton
Subject: notice of error 75-10964

Hi Ken:

I was just in contact with Larry Weeks in the IDFG screen shop in Salmon concerning the three water rights that we discussed by telephone yesterday. Larry was aware that 75-1079 was combined with 75-10980 and that 75-10794 was a duplicate of 75-2142. When I asked about 75-10964, he checked his records and as well as with other personnel in the screen shop and the notice of error that we filed is correct as to the screen being in place (new in 1993); being a criteria screen and properly functioning. We can provide assistance to a field inspector to look at the screen if you desire. That right should not be disallowed according to our records, so the notice of error filed by Cindy Robertson is the most current information. Please let me know what I can do to help resolve this. Thanks again for your help.

Best,

Walt

Walton Poole, Ph.D.
Staff Biologist
Natural Resource Policy Bureau
Idaho Department of Fish and Game
600 South Walnut Street
P.O. Box 25
Boise, Idaho 83707
(208) 287-2714
Fax (208) 334-2114
wpoole@idfg.idaho.gov

12/12/2006

11/20/2006

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: 12/13/2006

Water right number: 75-10964

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707
Telephone Number: (208)334-3700

RECEIVED
DEC 07 2006
IDWR/North

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

We disagree that the claim should be disallowed.

2. Describe the changes you wish to make in the proposed recommendation:

The water right should be recommended as claimed
(see attached Claim Report)

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

The screen was rebuilt in 1993 and is currently a functioning fish screen.

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

DATE: 27 Nov 2006

SIGNATURE: Cynthia Robertson

Please print your name: Cynthia Robertson

IDWR Regional Office, 7600 Mineral Drive, Suite 100, Coeur D' Alene, ID 83815, 2087622800

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

11/27/2006

WATER RIGHT NO. 75-10964

Owner Type	Name and Address
Current Owner	STATE OF IDAHO DEPT OF FISH & GAME PO BOX 25 BOISE, ID 83707 (208)334-3700

Priority Date: 08/28/1958

Basis: Beneficial Use

Status: Active

Source	Tributary
NORTH FORK SALMON RIVER	SALMON RIVER

Beneficial Use	From	To	Diversion Rate	Volume
FISH PROPAGATION	3/15	11/15	0.8 CFS	
Total Diversion			0.8 CFS	

Location of Point(s) of Diversion:

SALMON RIVER	NWSW	Sec. 09	Township 24N	Range 21E	LEMHI County
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Place(s) of use:

Place of Use Legal Description: FISH PROPAGATION LEMHI County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
24N	21E	9		NWSW										

Conditions of Approval:

1.	EASEMENT AGREEMENT NF-2A FILED AT LEMHI CO. CH ON 8/28/58 .PAGE 62,97 & 228. DITCH OWNERS: W. & M.L. ENGLAND
----	--

Dates:

Licensed Date:

Claim Received Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

4/5/1989

RBA CLAIMS RECEIVING CHECKLIST 2

CLAIMANT'S NAME

IDFG

CLAIM IDENT. NO.

A75--10964

DATE RECEIVED

6/19/90

CK #

T017346

AMOUNT \$

58 applied

YES

NO

Require Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO ☐ Require Info? *
2. Is a priority date entered? ☒ YES ☐ NO ☐ Require Info? *
Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO ☐ Require Info? *
See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO ☐ Require Info? *
3. (a) Is a source entered? ☒ YES ☐ NO ☐ Require Info? *
(b) Is a tributary to entered? (if required) ☒ YES ☐ NO ☐ Require Info? *
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO ☐ Require Info? *
5. Is there a description of the diverting works? ☒ YES ☐ NO ☐ Require Info? *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO ☐ Require Info? *
Is the period of use included? ☒ YES ☐ NO ☐ Require Info? *
Is a quantity claimed for each use? ☒ YES ☐ NO ☐ Require Info? *
7. Is a total quantity claimed entered? ☒ YES ☐ NO ☐ Require Info? *
8. If required is a consumptive use entered? ☒ YES ☐ NO ☐ Require Info? *
Is the consumptive use correct? ☒ YES ☐ NO ☐ Require Info? *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☒ YES ☐ NO ☐ Require Info? *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO ☐ Require Info? *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO ☐ Require Info? *
12. Is the ownership of p.u. checked? ☒ YES ☐ NO ☐ Require Info? *
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO ☐ Require Info? *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☒ YES ☐ NO ☐ Require Info? *
15. Is the basis of the claim indicated? ☒ YES ☐ NO ☐ Require Info? *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☒ YES ☐ NO ☐ Require Info? *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO ☐ Require Info? *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO ☐ Require Info? *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO ☐ Require Info? *
20. Is the fee enclosed correct? ☒ YES ☐ NO ☐ Require Info? *
21. If this claim is based on an existing water right, has the identification number been entered? ☒ YES ☐ NO ☐ Require Info? *
22. Should this claim be data entered? ☒ YES ☐ NO ☐ Require Info? *

Claim checked by:

Ret

Date: 8-1-90

Claim must be returned to claimant:

(Yes)

(No)

Claimant must be notified of modifications:

(Yes)

(No)

Receipt Prepared by:

Claim data entered by:

Sent to claimant by:

Date:

Date:

Date:

Checked by:

Date:

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Comments:

DEC 15 1992

Date Received _____

State of Idaho
Department of Water Resources

REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

The Idaho Department of Water Resources will consider this form as a request that the claimant be granted an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Idaho Department of Fish and Game

Name of Claimant

P. O. Box 25, 600 South Walnut

Post Office Address

Boise, ID 83707

City, State, Zip Code

County(s) where Place of Use is located

Date Claim Originally Due

Identify water right(s) for which extension is requested

State reason(s) why an extension of time is requested:

Changes in personnel responsible for filing claims have resulted in
delays in completing applications.

Claimant requests an extension to July 1 1990.

Tracy Hent
Signature

Chief, Bureau of Program Coordination
Title

=====

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby

X granted _____ denied,
and the filing deadline extended to June 30, 1990.

Signed this 2 day of June, 1990

David B. Shaw
Director or his designated agent

DAVID B. SHAW

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EVIDENCE OF PRIORITY DATE FOR ADJUDICATION CLAIM NO. **A75-10964**

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A75-10964

C.R.P.
LEMHI COUNTY
STRUCTURES CONSTRUCTED
DURING YEAR
1959

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L-18	D.C. 3
L-18A	S.C. 2
L-19	A.C. 1+2
L-21	N.F. 1
L-24	N.F. 2
L-25	N.F. 2A
L-26	N.F. 3
L-28	N.F. 4+5
L-31	H.C. 1
L-35	H.C. 6
L-35A	H.C. 8
L-39	N.F. 8
L-43	N.F. 9
L-43C	N.F. 13
L-46	L-4
L-47	L-5
L-48	L-7
L-49	L-7A
L-50	L-8
L-51	L-9
L-52	L-15
L-57	

475 - 10964

A75-04

NF-2A CW 1-2X4 SCV- (H)
4" by 12" SS

Top Wall = 99.60

Bot Footing = 95.99

Bot by 2ss = 98.10

~~By 2ss pipe~~
40'-4" pipe in place

Access Road ok

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SCANNED
COPY

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: A75-10964
Date Received: 8/21/1990
Receipt No: ~~X999999~~ 7017346/90
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: IDAHO FISH & GAME 208-334-3700
Address: 600 SOUTH WALNUT, BOX 25
BOISE, ID 83707

2. Date of Priority: AUG 28, 1958

3. Source: NORTH FORK OF SALMON RIVER Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
24N	21E	9	NW	SW			LEMHI

5. Description of diverting works:
CONCRETE/METAL SCREEN TO PREVENT FISH FROM ENTERING IRR. DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
FISH PROPAGATION	03/15	11/15	0.800		

7. Total Quantity Appropriated is:
0.800 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
FISH PROPAGATION BYPASS PIPE AT FISH SCREEN FOR FISH PASSAGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
24N	21E	9	NW	SW		FISH	

11. Place of use in counties: LEMHI

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
NONE

14. Remarks:

EASEMENT AGREEMENT NF-2A FILED AT LEMHI CO. CH ON 8/28/58 .PAGE
62,97 & 228. DITCH OWNERS: W. & M.L. ENGLAND

15. Basis of Claim: BENEFICIAL USE

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 Organizations:

I do solemnly swear or affirm that I am _____ of
_____ Title

_____, 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)
County of) SS.
_____)

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

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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: 39576Ident. Number A75-10964Date Received 6/19/90Receipt Number T017346

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Idaho Department of Fish & Game Phone (208) 334-3700Mailing Address 600 South Walnut, Box 25, Boise, Idaho Zip 837072. Date of Priority (Only one (1) per claim) 8/28/583. Source of water supply (a) North Fork of Salmon River
which is tributary to (b) Salmon River4. a. Location of existing point of diversion is: Township 24N Range 21E Section 9
1/4 of NW 1/4 of SW 1/4, Govt. Lot, B.M., County of LemhiAdditional 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 _____

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.

Concrete structure with metal screen which prevents fish from
entering irrigation ditch. Structure includes a bypass pipe which
returns water to the main stream.

A7510964



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DEC 15 1992
NF-2A

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For fish propagation purposes from 3/15 to 11/15 amount 0,800 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0,800 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 0 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Fish propagation - bypass pipe at fish screen to provide for fish passage.

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

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.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
24N	21E	9										H							

Total number of acres irrigated _____

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

12. Do you own the property listed above as place of use? Yes _____ No ☒
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None (☒)

14. Remarks: Easement Agreement NF-2A, filed at Lemhi Co. Courthouse
on 8/28/58. Pages 62, 97 #228
Ditch owners - W. & M. L. England.

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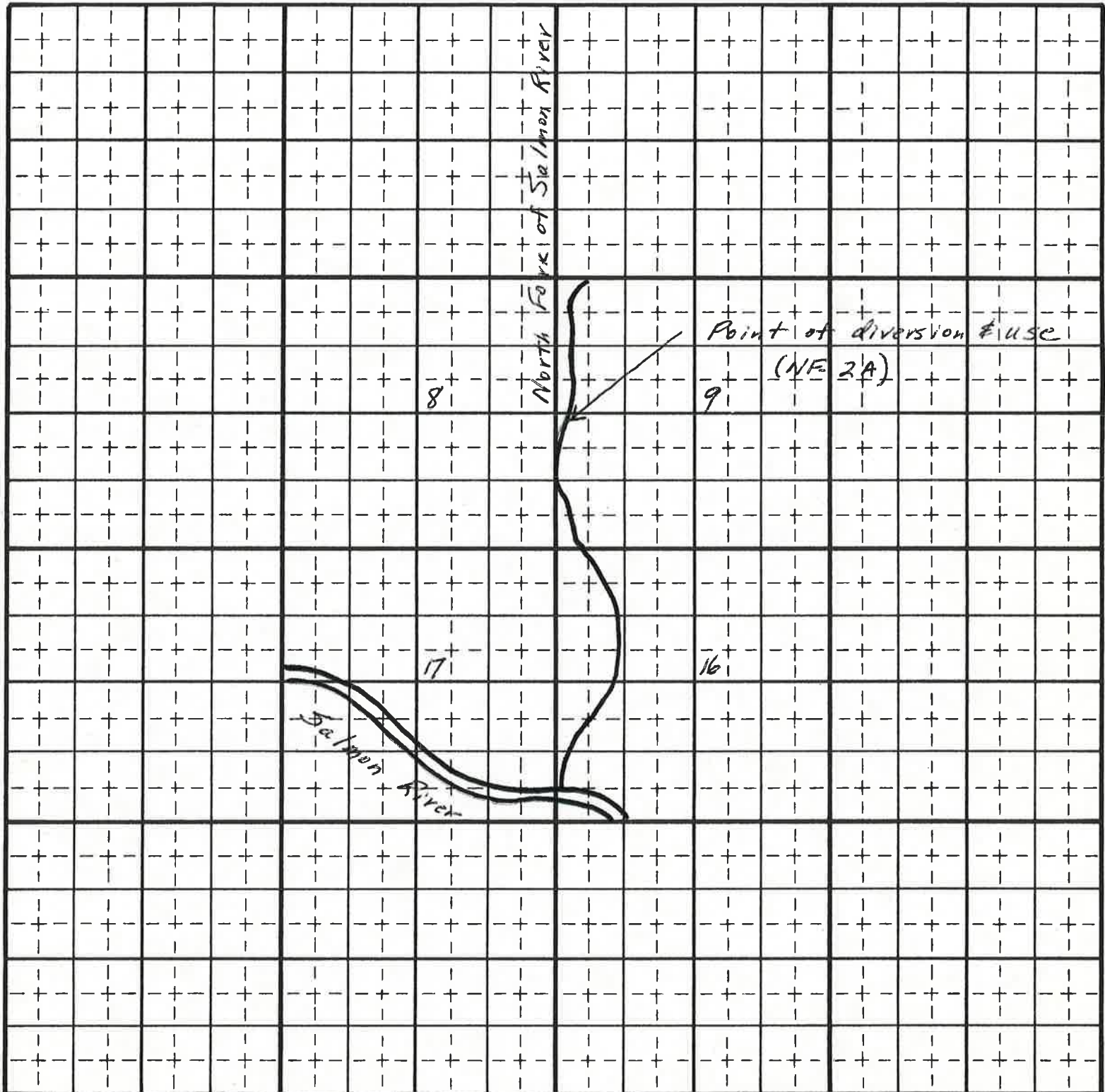
Last Name IDF#G Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

T. 24 N. R. 21 E.



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Last Name IDF#G

Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
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 _____

IDAHO DEPT. OF FISH & GAME

Assistant Director
Title

of _____, that I have signed the foregoing

Organization

document in the space below as Acting Director of _____

Title

IDAHO DEPT. OF FISH & GAME

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Kenneth D. Noice

Title and Organization _____

Assistant Director
IDAHO DEPT. OF FISH & GAME

Date 3-13-90

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

Subscribed and sworn (or affirmed) before me this 13th day of March 19 90

SEAL

Notary Public Larry L. Ulenholm

Residing at Emmett, ID

My Commission Expires 8-15-93

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 _____

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Last Name IDFG Ident. Number _____

Copies White-State, Yellow-Claimant