

11/30/2006

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

RIGHT NUMBER: 67-12109

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

SOURCE: FAWN CREEK SPRING TRIBUTARY: FAWN CREEK

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 05/10/1906

POINT OF DIVERSION:

T20N R02W S34 SESW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
STOCKWATER

PERIOD OF USE
06/01 11/30

QUANTITY
0.020 CFS

PLACE OF USE: STOCKWATER in ADAMS County
T20N R02W S34 SESW

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

Place of use is also known as Allotment No. 102.

Stockwater use is for 879 range cattle.

Forest Service Record ID: 0412170502015301010.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-12109

WATER RIGHT NUMBER: 67-12109 ✓

Owner Type

Current Owner

Name and Address

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

Priority Date: ~~06/01/1888~~

Basis:

Beneficial Use ✓

Status:

Active

Source

FAWN CREEK SPRING ✓

Tributary

FAWN CREEK ✓

Beneficial Use

STOCKWATER ✓

From To

6/01 to 11/30 ✓

Diversion Rate

0.020 CFS ✓

Annual VolumeTotal Diversion:

0.020 CFS ✓

Location of Point(s) of Diversion

FAWN CREEK SPRING

ADAMS County ✓

SE1/4SW1/4 ✓

Sec. 34, Twp 20N, Rge 02W, B.M. ✓

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
20N	02W	34	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
														X					

Conditions of Approval:

1.

FOREST SERVICE RECORD ID = 041217050201530101 00.

Remarks:Comments:

(# no signature page is required.)

ADD X02 - Stockwater use is for 87g range cattle.

ADD N11 & N13 -

Place of use is also known Allotment No. 102.

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 67-12109

11/30/2006

1

ater Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
67-12109	Claim	20N	02W	34	SE	SW		FAWN CREEK SPRING FAWN CREEK	UNITED STATES OF AMERICA ACTIN THROUGH
69-11420	Claim	20N	02W	34	SE	SW		FAWN CREEK SPRING FAWN CREEK	UNITED STATES OF AMERICA ACTIN THROUGH
69-11420	Water Right	20N	02W	34	SE	SW		FAWN CREEK SPRING FAWN CREEK	UNITED STATES OF AMERICA ACTIN THROUGH

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 67-12109

11/30/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
I2109	Claim	20N	02W	34	SE	SW		STOCKWATER		UNITED STATES OF AMERICA ACTING THROUGH
I1420	Water Right	20N	02W	34	SE	SW		STOCKWATER		UNITED STATES OF AMERICA ACTING THROUGH

Saxton, Craig

From: Shaff, Don
Sent: Tuesday, August 23, 2005 4:00 PM
To: Saxton, Craig
Cc: 'sspencer@fs.fed.us'
Subject: FW: 67-14406

Looks like Steve has researched this one and made our job straight forward for a recommendation. Carry on please.

Thanks,

Don Shaff

(208)287-4921

don.shaff@idwr.idaho.gov

Don Shaff

(208)287-4921

don.shaff@idwr.idaho.gov

Don Shaff

(208)287-4921

don.shaff@idwr.idaho.gov

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

From: Steven M Spencer [mailto:sspencer@fs.fed.us]
Sent: Tuesday, August 23, 2005 1:54 PM
To: don.shaff@idwr.idaho.gov
Subject: 67-14406

I don't know who you might have handling Basin 67, but I have a loose end I'd like to get tied up.

Claim no. 67-14406 resulted from 69-10099, which was recommended in the D&S, objected to by the Federal Stockwater Group and also found to actually be located in Basin 67 instead of Basin 69. In the end, as shown on the Summary Sheet of the SRBA Court web site, 69-10099 was decreed disallowed - should be filed as 67-14406.

I see on the IDWR site no recommendation has been made, but the claimed priority date is 6/1/1883. This is a claim for stockwater from a spring and we have been changing our priority dates for these beneficial use claims from the earliest historic use to the forest reservation date. As such, the priority date for this claim should be changed to 5/10/1906. The other elements of the claim on the site are accurate. If this change can be made, we'll look forward to seeing it in the preliminary recommendations when they are circulated.

} Applied to
#67-12109.
- K. Brown

Thank you. If you have any questions about this, please contact me.

Steve Spencer
Boise Adjudication Team
161 E. Mallard, Suite 110
Boise, ID 83706

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

Saxton, Craig

From: Saxton, Craig
Sent: Friday, August 12, 2005 9:33 AM
To: 'sspencer@fs.fed.us'
Cc: Shaff, Don; Van Bussum, Monica
Subject: 5 SRBA claims in B-67

Hey Steve,

I have 5 SRBA claims for stock water filed by the Forest Service. I have attached a spreadsheet. I have two questions;

Are the priority dates claimed for these rights the dates that the "forest" was established and can you send documentation supporting that? If not, how where the priority dates established?

Secondly. Two of the claims 67-13503 and 67-13504 shows their basis as license. However there are also SRBA claims filed on the licenses. Note that if recommended, the basis on the recommendation will be changed to beneficial use. Is there a reason you doubled up with claims on that land?

Thanks,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau
craig.saxton@idwr.idaho.gov
(208) 287-4916



Forest Service
Stock claims.xl...

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: A67-12109
Date received: _____
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: UNITED STATES OF AMERICA (USDA-Forest Service)
Address: 324 25th Street Phone (801) 625-5360
Ogden, Utah 84401

2. Date of Priority: 06/01/1888

3. Source: FAWN CR SPRING Trib. to: FAWN CREEK

4. Point of Diversion:

Township	Range	Section	Tract	Lot	County
-----	-----	-----	-----	---	-----
20 N	2 W	34	SESW		ADAMS

5. Description of diverting works: NO DEVELOPMENT

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.	(or)	Elevation/ Well Depth
-----	----	--	-----	----	-----	-----	-----
STOCKWATER	Jun.1	Nov.30	0.02		0.00		

7. Total Quantity Appropriated is: 0.02 C.F.S. / 0.00 A.F.A.

8. Total consumptive use is: de minimus

9. Non-irrigation uses: CATTLE Livestock Numbers: 879

10. Place of Use:

Township	Range	Section	Tract	Lot	County
-----	-----	-----	-----	---	-----
20 N	2 W	34	SESW		ADAMS

Purpose of use: STOCKWATER Acres Irrigated:

11. Place of use in counties: ADAMS

SCANNED
APR 12 2004

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used: NONE

14. Remarks: Quad No. 329-4

APPLICATION DATE: 00/00/

15. Basis of Claim: BENEFICIAL USE/APPLICATION

Reference Information:

National Forest: PAYETTE

Priority Dates: PAYETTE NATIONAL FOREST LIVESTOCK HISTORY

Forest Service Record ID: 04 12 17050201 53 0101 0

IDWR Water State Filing No.: 67-12109

Allotment No.: 102

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:

Jack Haugrud
Geoffrey Garver
Daria J. Zane
U.S. Department of Justice
Environment and Natural Resources Division
General Litigation Section
P.O. Box 663
Washington, D.C. 20044-0663
202-272-4134

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.