

12/05/2006

RECEIVED

DEC 15 2006

DEPARTMENT OF
WATER RESOURCES

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: December 13, 2006

Water right number: 67-14406

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

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

DATE: 12-13-06 SIGNATURE: Steven M. Spencer

Please print your name: STEVEN M. SPENCER

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED

DEC 18 2006

11/30/2006

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

RIGHT NUMBER: 67-14406

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

SOURCE: SPRING TRIBUTARY: LITTLE PINE 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:

T16N R04W S26 SESW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
STOCKWATER

PERIOD OF USE
06/01 10/31

QUANTITY
0.020 CFS

PLACE OF USE: STOCKWATER in WASHINGTON County

T16N R04W S26 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

Stockwater use is for 652 range cattle.

Place of use is also known as Allotment No. 201.

Forest Service Record No: 0412170501244902290.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-14406

WATER RIGHT NUMBER: 67-14406 ✓

#69-10099 was disallowed
(see remarks)Owner TypeName and Address

Current Owner

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

Priority Date: 06/01/1883 ✓

Basis: Beneficial Use

Status: Active

5/10/1906* (forest reservation date)
(*see 8/23/05 msg.)Source

SPRING ✓

Tributary

LITTLE PINE CREEK ✓

Beneficial Use

STOCKWATER ✓

From To

06/01 to 10/31 ✓

Diversion Rate

0.020 CFS ✓

Annual VolumeTotal Diversion:

0.020 CFS ✓

Location of Point(s) of Diversion

SPRING

WASHINGTON County ✓

SE1/4SW1/4 ✓

Sec. 26, Twp 16N, Rge 04W, B.M. ✓

Place of Use

STOCKWATER ✓

Twp	Rge	Sec	NE				NW				SW				SE				Totals
16N	04W	26	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
														X					

Conditions of Approval:

ADD X02 - Stockwater use is for 652 range cattle.

Remarks:Comments:

ADD N11 & N13 -

Place of use is also known as Allotment No. 201.

Forest Service Record No: 0412 1705012449 07290.

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: A69-10099
Date received: _____
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY

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

2. Date of Priority: 06/01/1883

3. Source: BOOT HILL RES Trib. to: LTL PINE CR

4. Point of Diversion:

Township	Range	Section	Tract	Lot	County
-----	-----	-----	-----	---	-----
16 N	4 W	26	SESW		WASHINGTON

5. Description of diverting works: POND

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	Oct.31	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: 652

10. Place of Use:

Township	Range	Section	Tract	Lot	County
-----	-----	-----	-----	---	-----
16 N	4 W	26	SESW		WASHINGTON

Purpose of use: STOCKWATER Acres Irrigated:

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used: NONE

14. Remarks: Quad No. 297-1

APPLICATION DATE: 00/00/

15. Basis of Claim: BENEFICIAL USE/APPLICATION

COPY

Reference Information:

National Forest: PAYETTE

Priority Dates: PAYETTE NATIONAL FOREST LIVESTOCK HISTORY

Forest Service Record ID: 04 12 17050124 49 0229 0

IDWR Water State Filing No.: 69-10099

Allotment No.: 201

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.

A69-10099

AJ5809NP
No. R69-10099

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 12/02/98
PAGE: 72

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	UNITED STATES OF AMERICA ACTING THROUGH USDA FOREST SERVICE 550 W FORT ST MSC 033 BOISE ID 83724	06/01/1883	STOCKWATER	06-01 10-31	0.02 CFS	
TOTAL DIVERSION:					0.02 CFS	

Water Source: SPRING

Tributary to: LITTLE PINE CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion:

T16N R04W S26

SESW

WASHINGTON County

Place of Use Legal Description for: STOCKWATER

	NE				NW				SW				SE			
T R S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
16N 04W 26	:		:		:		:		:		:		:		:	

POU County: WASHINGTON

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A69-10099

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP → FOREST SERVICE RECORD ID = 0412 17050124 49 0229
652 Cattle

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Comments: Date: 12/02/1998 User-ID: AJU5-JSH Subject: AJU5 STOCK ONLY UPDATE
USE-NOT-IRRIGATION FIELD TEXT DELETED AND MADE EXP REMARK.
CONDITION CODES N11 AND N13 ADDED IF NOT ALREADY PART OF RECORD.
ANY GEN REMARK CHANGED TO EXP REMARK. IF BLM/USFS, DELETED L12.

Audit: 11/18/98 AJCTR 12/02/98 AJU5-JSH

COPY

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 67-14406

11/30/2006

ater Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
69-10099	Claim	16N	04W	26	SE	SW		BOOT HILL RESERVOIR LITTLE PINE CREEK	UNITED STATES OF AMERICA ACTIN THROUGH
67-14406	Claim	16N	04W	26	SE	SW		SPRING LITTLE PINE CREEK	UNITED STATES OF AMERICA ACTIN THROUGH

IDAHO DEPARTMENT OF WATER RESOURCES
 ADJUDICATION CLAIM POU REVIEW REPORT
 ADJUDICATION CLAIM NUMBER: 67-14406

11/30/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
14406	Claim	16N	04W	26	SE	SW		STOCKWATER		UNITED STATES OF AMERICA ACTING THROUGH
10099	Claim	16N	04W	26	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.

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

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 67-14406
Date Received: 1/30/2003
Receipt No:
Received By:

COPY

COPY

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

UNITED STATES OF AMERICA ACTING THROUGH Phone: (208)387-0835

USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE ID USA 83724

2. Date of Priority: 06/01/1883

3. Source: SPRING Trib. to: LITTLE PINE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
16N	04W	26	SE SW	WASHINGTON	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	06/01	10/31	0.02	

7. Total Quantity Appropriated is:
0.02 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
16N	04W	26	SE SW	STOCKWATER	

11. Place of use in counties: WASHINGTON