



United States
Department of
Agriculture

Forest
Service

Intermountain Region

324 25th Street
Ogden, UT 84401
801-625-5605

File Code: 2720-3

Date: November 2, 2006

Mr. Lloyd E. Mues
Vice President, Finance and Administration
University of Idaho
P.O. Box 443168
Moscow, ID 83844-3168

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WATER RESOURCES
WESTERN REGION

Dear Mr. Mues:

As you know, we have been reviewing your easement application for an Agriculture Irrigation and Stock Watering easement, commonly referred to as a Ditch Bill easement, to determine if the Taylor Ranch water system located on National Forest System land in unsurveyed Section 3, Township 20 North, Range 19 East, Boise Meridian, qualifies for an easement. A field review was conducted on August 11 with Kathy Nash, Quinn Carver, and Bob Klarich of my staff.

The enabling legislation (Public Law 99-545, October 26, 1986) stipulated that eight criteria be met in order for a water conveyance facility to qualify for a Ditch Bill easement, including a requirement that the water system be used exclusively for agricultural irrigation and stock watering. Agricultural irrigation and livestock watering uses are distinguished from industrial and municipal water uses, but include incidental domestic use of water, which may be either consumptive or non-consumptive per Forest Service policy. Upon inspection, it is apparent that the Pioneer Creek water system is used primarily for agricultural irrigation and stock watering, with incidental (non-commercial) use for drinking water and power generation for the ranch. The Cliff Creek water system is used solely for agricultural irrigation.

We have concluded that the Pioneer Creek and Cliff Creek water systems qualify for a Ditch Bill easement. We intend to address the issuance of the Ditch Bill easement with the assistance of staff from the Payette National Forest. By a copy of this letter, we are notifying the Idaho Department of Water Resources that we are withdrawing our protest of their application for permit 77-14145.

Please contact Bob Klarich, Lands Staff, at 801-625-5159 if you have questions regarding our determination. Thank you for your patience and assistance regarding this matter.

Sincerely,

/s/ Jeanne A. Evenden
JEANNE A. EVENDEN
Director, Lands



cc: Jeanne Evenden
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