

Keen, Shelley

From: Shaff, Don
Sent: Tuesday, January 25, 2005 12:05 PM
To: Keen, Shelley
Subject: FW: 35-09040, GPS Assist Lic Amd: error in NCAP



35-09040adr.doc

The message from Fred Price to IDWR is at the beginning of this thread of message.

Keep me posted and thanks,
Don Shaff
don.shaff@idwr.idaho.gov
208-287-4921

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

From: McHugh, Candice
Sent: Friday, January 14, 2005 3:45 PM
To: Shaff, Don
Subject: FW: 35-09040, GPS Assist Lic Amd: error in NCAP

Don,

FYI.

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

From: Fred_Price@blm.gov [mailto:Fred_Price@blm.gov]
Sent: Friday, January 14, 2005 2:00 PM
To: candice.mchugh@idwr.idaho.gov; larry.brown@usdoj.gov
Cc: ray.williams@idwr.idaho.gov; Casey_O'Brien@blm.gov
Subject: 35-09040, GPS Assist Lic Amd: error in NCAP

Candice,

RE: 35-09040 NCAP dated 01-11-05

The NCAP filed with the court on 01-13-05 for 35-09040 contains some typos in place of use. The other three subcases addressed in the NCAP were perfect: 35-08009, 08039, and 08644. Using the 01-11-05 NCAP, I have attached a document describing the corrections to 35-09040 needed in order to make it consistent with the Amended License issued on 01-06-05.

There is a Status Conference scheduled for 10 am on 01-20-05.

Fred
(See attached file: 35-09040adr.doc)

01/11/2005

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

PROPOSED AMENDED NCAP

RIGHT NUMBER: 35-09040

NAME & ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709

SOURCE: GROUNDWATER TRIBUTARY:

QUANTITY: 0.04 CFS
6.70 AFY

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

PRIORITY DATE: 05/28/1982

POINT OF DIVERSION: T01N R28E S03 SESW Within BUTTE County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	04/21 07/15	0.04 CFS 6.70 AFY
	WILDLIFE	01/01 12/31	0.02 CFS 6.70 AFY

PLACE OF USE:	STOCKWATER	Within BUTTE County
	T01N R26E S01	Lot 2 (~~SWNE~~ <u>NWNE</u>) Lot 1 (~~SENE~~ <u>NENE</u>)
		<u>SWNE</u> <u>SENE</u>
	R27E S10	NESE NWSE SWSE SESE
	S15	NESW NWSW SWSW SESW NESE NWSE SWSE SESE
	S22	NENE NWNE SWNE SENE
	S28	NENE NWNE SWNE SENE
	S34	NESW NWSW SWSW SESW

		S35		NESE SWSE		NWSE SESE
	R28E	S07		NESE SWSE		NWSE SESE
		S08		NESE SWSE		NWSE SESE
		S10		NESE SWSE		NWSE SESE
		S19		NESE SWSE		NWSE SESE
		S22		NESE SWSE		NWSE SESE
		S29		NESE SWSE		NWSE SESE
		S30		NESE SWSE		NWSE SESE
		S32		NESE SWSE		NWSE SESE
		S34		NESE SWSE		NWSE SESE
T01S	R28E	S05	Lot 4	(~~SWNW~~ <u>NWNW</u>)	Lot 3	(~~SENW~~ <u>NENW</u>)
				<u>SWNW</u>		<u>SENW</u>
		S21		NESE SWSE		NWSE SESE
		S22		NENW SWNW NESW SWSW		NWNW SENW NWSW SESW
		S24		NESE SWSE		NWSE SESE
		S25		NENE SWNE NESE SWSE		NWNE SENE NWSE SESE
		S33		NENE SWNE NESW SWSW		NWNE SENE NWSW SESW
		S34		NENE SWNE		NWNE SENE

T02S	R28E	S02	NESE	NWSE
			SWSE	SESE
		S14	NENW	NWNW
			SWNW	SENW

WILDLIFE Within BUTTE County

<u>T01N</u>	<u>R26E</u>	<u>S01</u>	<u>Lot 2 (NWNE)</u>	<u>Lot 1 (NENE)</u>
			<u>SWNE</u>	<u>SENE</u>
	<u>R27E</u>	<u>S10</u>	<u>NESE</u>	<u>NWSE</u>
			<u>SWSE</u>	<u>SESE</u>
		<u>S15</u>	<u>NESW</u>	<u>NWSW</u>
			<u>SWSW</u>	<u>SESW</u>
			<u>NESE</u>	<u>NWSE</u>
			<u>SWSE</u>	<u>SESE</u>
		<u>S22</u>	<u>NENE</u>	<u>NWNE</u>
			<u>SWNE</u>	<u>SENE</u>
		<u>S28</u>	<u>NENE</u>	<u>NWNE</u>
			<u>SWNE</u>	<u>SENE</u>
		<u>S34</u>	<u>NESW</u>	<u>NWSW</u>
			<u>SWSW</u>	<u>SESW</u>
		<u>S35</u>	<u>NESE</u>	<u>NWSE</u>
			<u>SWSE</u>	<u>SESE</u>
	<u>R28E</u>	<u>S07</u>	<u>NESE</u>	<u>NWSE</u>
			<u>SWSE</u>	<u>SESE</u>
		<u>S08</u>	<u>NESE</u>	<u>NWSE</u>
			<u>SWSE</u>	<u>SESE</u>
		<u>S10</u>	<u>NESE</u>	<u>NWSE</u>
			<u>SWSE</u>	<u>SESE</u>
		<u>S19</u>	<u>NESE</u>	<u>NWSE</u>
			<u>SWSE</u>	<u>SESE</u>
		<u>S22</u>	<u>NESE</u>	<u>NWSE</u>
			<u>SWSE</u>	<u>SESE</u>
		<u>S29</u>	<u>NESE</u>	<u>NWSE</u>
			<u>SWSE</u>	<u>SESE</u>
		<u>S30</u>	<u>NESE</u>	<u>NWSE</u>
			<u>SWSE</u>	<u>SESE</u>
		<u>S32</u>	<u>NESE</u>	<u>NWSE</u>
			<u>SWSE</u>	<u>SESE</u>
		<u>S34</u>	<u>NESE</u>	<u>NWSE</u>
			<u>SWSE</u>	<u>SESE</u>

<u>T01S</u>	<u>R28E</u>	<u>S05</u>	<u>Lot 4 (NWNW)</u>	<u>Lot 3 (NENW)</u>
			<u>SWNW</u>	<u>SENW</u>
		<u>S21</u>	<u>NESE</u> <u>SWSE</u>	<u>NWSE</u> <u>SESE</u>
		<u>S22</u>	<u>NENW</u> <u>SWNW</u> <u>NESW</u> <u>SWSW</u>	<u>NWNW</u> <u>SENW</u> <u>NWSW</u> <u>SESW</u>
		<u>S24</u>	<u>NESE</u> <u>SWSE</u>	<u>NWSE</u> <u>SESE</u>
T01S	R28E	S25	NENE SWNE NESE SWSE	NWNE SENE NWSE SESE
		S33	NENE SWNE NESW SWSW	NWNE SENE NWSW SESW
		S34	NENE SWNE	NWNE SENE
T02S	R28E	S02	NESE SWSE	NWSE SESE
		S14	NENW SWNW	NWNW SENW

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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT
A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

BLM RECORD ID = 3503480013

THIS RIGHT, WHEN CONSIDERED WITH ALL OTHER RIGHTS COMMON
TO THE SAME GRAZING ALLOTMENT, IS LIMITED TO THE QUANTITY OF
WATER BENEFICIALLY USE BY THE NUMBER OF STOCK WITHIN THE
ALLOTMENT.