



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098  
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: [www.idwr.state.id.us](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J DREHER  
Director

March 7, 2003

Greg Shenton, Watermaster  
Birch Creek Water District 32-D  
PO Box 33  
Dubois, Id 83423

Re: Decreed water right 32-10014.

Dear Greg,

Our regional office has forwarded to me a concern raised by a Birch Creek water user, Brandie Terry. (see attached e-mail message) The user is alleging that you are not accepting a copy of her decreed right

Water right 32-10014 has been decreed. The right has a 1951 priority date and should be delivered accordingly. If the district has adopted resolutions requiring headgate and measuring devices for delivery of water, then the owner may be required by the district to provide such items before the right can be delivered.

Feel free to contact me if you have any questions regarding this matter at 327-7864.

Sincerely,

A handwritten signature in black ink that reads "Tim Luke". The signature is written in a cursive style.

Tim Luke, Supervisor  
Water Distribution

encl (2)  
cc Ernie Carlson, Eastern IDWR

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

**From:** Carlsen, Ernie  
**Sent:** Wednesday, March 05, 2003 12:04 PM  
**To:** Luke, Tim  
**Subject:** Partial Decree 32-10014

Tim, I spoke with a Brandy Terry this morning who asked that we send Greg Shenton a copy of her partial decree for 32-10014. Based on what she told me it appears Greg would not accept a copy of the partial decree document issued by the court as proof of her decreed right. I am not sure if she correctly conveyed to me the entire story but she is feeling somewhat flustered. I don't think this is a difficult issue to resolve but thought it would be best to have the solution come through your shop.

Ernie

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report 32-10014

WATER RIGHT NUMBER: 32-10014

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	NATE M BRIDGES STAR RT LEADORE, ID 83464 (208)525-6508
Current Owner	BRANDIE LYNN TERRY HC 31 BOX 1030 LEADORE ID 83464 (208)525-6508
Original Owner	SHIRLEY BRIDGES STAR RT LEADORE, ID 83464 (208)525-6508

Priority Date: 08/28/1951  
Basis: Decreed  
Status: Active

<u>Source</u>	<u>Tributary</u>
BIRCH CREEK	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	5/01	10/31	0.020 CFS	2.10 AF
	<u>Total Diversion:</u>		0.020 CFS	2.10 AF

Location of Point(s) of Diversion  
BIRCH CREEK NE1/4SE1/4NE1/4 Sec. 24, Twp 10N, Rge 29E, B M.  
CLARK County

Place of Use  
IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	29E	24				.6													6

Total Acres: 0.6

Conditions of Approval:

- C18 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

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report 32-10014

Comments:

1. TAYLOR 2/3/1994 COPIED FROM REMARKS  
Comment: FROM ALL ACCOUNTS IT APPEARS THAT THERE MAY HAVE BEEN AN AGREEMENT ALLOWING USE OF WATER FROM BIRCH CREEK. FROM WATER- MASTER RECORDS IT APPEARS THAT WATER DISTRICT 32-D MAY HAVE ASSESSED THE OWNERS OF THIS PROPERTY IN THE PAST THUS GIVING THE IMPRESSION THAT THE OWNERS HAD A WATER RIGHT.
2. AJU10-EC 7/31/1999 AJU10 CONDITION UPDATE  
Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10
3. JHOAGLAN 8/30/1999 OWNERSHIP CHANGE  
Comment: CHANGED OWNERSHIP PER REQUEST

Dates and Other Information:

Licensed Date:  
Decreed Date: 10/27/2000  
Water Supply Bank Enrollment Accepted:  
Water Supply Bank Enrollment Removed:  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
State or Federal: S  
Owner Name Connector: OR  
Water District Number: 32D  
Generic Max Rate Per Acre:  
Generic Max Volume Per Acre:  
Decree Defendant:  
Decree Plaintiff:  
Civil Case Number: 39576  
Judicial District: FIFTH  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Carey Act Number:  
Mitigation Plan: False