

51-04031	51-10671	51-10770
51-04046	51-10672	51-10780
51-10398	51-10673	51-10781
51-10399	51-10674	51-10784
51-10403	51-10676	51-10789
51-10404	51-10678	51-10790
51-10405	51-10679	51-10791
51-10407	51-10681	51-10792
51-10440	51-10682	51-10794
51-10441	51-10683	51-10795
51-10448	51-10684	51-10799
51-10451	51-10685	51-10800
51-10452	51-10687	51-10802
51-10453	51-10688	51-10803
51-10457	51-10689	51-10804
51-10475	51-10690	51-10805
51-10479	51-10691	51-10810
51-10481	51-10693	51-10811
51-10482	51-10695	51-10813
51-10483	51-10701	51-10814
51-10485	51-10703	51-10815
51-10487	51-10704	51-10818
51-10499	51-10710	51-10819
51-10511	51-10713	51-10820
51-10514	51-10714	51-10821
51-10515	51-10723	51-10823
51-10520	51-10726	51-10824
51-10523	51-10727	51-10825
51-10524	51-10728	51-10826
51-10532	51-10730	51-10827
51-10533	51-10731	51-10828
51-10537	51-10732	51-10829
51-10543	51-10737	51-10830
51-10559	51-10738	51-10831
51-10568	51-10740	51-10832
51-10570	51-10747	51-10833
51-10595	51-10748	51-10846
51-10596	51-10751	51-10854
51-10598	51-10753	51-10865
51-10600	51-10755	51-10868
51-10628	51-10756	51-10870
51-10642	51-10757	51-10873
51-10643	51-10763	51-10875
51-10648	51-10765	51-10884
51-10657	51-10767	51-10888

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DEC - 4 1997

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

A.

Subcase see attachment 1

(Insert water right number)

DOMESTIC AND
STOCK WATER RIGHT
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: State of Idaho
Address: 700 W. Jefferson, Room 210
P.O. Box 4449
Boise, Idaho 83711-4449
Phone: Work: (208) 334-2400 Home: N/A

Name and Address of Attorney, if any:

Attorney Name: ALAN G. LANCE
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
PETER J. AMPE
Deputy Attorney General
Attorney Address: Office of the Attorney General
700 W. Jefferson, Room 210
P.O. Box 4449
Boise, ID 83711-4449
Attorney Phone No. (208) 334-2400

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: _____
 Address: _____
 United States of America Acting Through
 USDI Bureau of Land Management
 1387 S. Vinnell Way
 Boise, Idaho 83709-1657

D. I object to the following elements as recommended in the Director's Report (Please check the appropriate box(es))

1. ☐ Name and Address _____ Should be:

2. ☐ Source _____ Should be:

3. ☐ Quantity _____ Should be:

4. ☒ Priority Date _____ Should be:
 The priority date for the claimed right should be no earlier than June 28, 1934.

5. ☐ Points of Diversion _____ Should be:

6. ☐ Instream Flow Description _____ Should be:

7. ☐ Purpose(s) of Use _____ Should be:

8. ☐ Period of Year _____ Should be:

9. ☐ Place of Use _____ Should be:

11. I object because:

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): The United States has failed to establish any legal and/or factual basis for any claimed priority date for stockwater purposes with a date prior to the enactment of the Taylor Grazing Act, June 28, 1934.

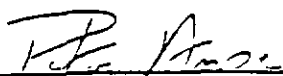
F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Peter J. Ampe, Deputy Attorney General, being first duly sworn, upon oath, deposes and says:

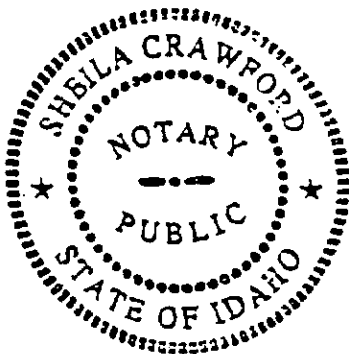
That the State of Idaho, in both its sovereign and proprietary capacity, is filing this objection and that I am a Deputy Attorney General authorized to represent the State of Idaho, which is a party/claimant in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and I have read this objection, know its contents and that the statements are true to the best of my knowledge and belief.

ALAN G. LANCE
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
PETER J. AMPE
Deputy Attorney General



By Attorney signing in representative capacity

Subscribed and sworn to before me on: December 1, 1997
(Insert Date)





Notary Public for IDAHO
Residing at: BOISE, ID
My commission expires: May 9, 2002

INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on December 2, 1997, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
255 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right at the following address:

Name: United States of America Acting Through
USDI Bureau of Land Management
1387 S. Vinnell Way
Boise, Idaho 83709-1657

3. Copies to:

IDWR Document Depository
PO Box 85720
Boise, ID 83720-0098

Chief of Natural Resource Division

Office of the Attorney General

State of Idaho
P.O. Box 44449

Boise, Idaho 83711-4449

United States Department of Justice

Environment and Natural Resource Division
550 West Fort Street MSC 033

Boise, Idaho 83724

Signature of party claimant or attorney

DATE: 07/15/97
PAGE: 1

USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
01-01 12-31	0.02 CFS	1.00
01-01 12-31		1.00
TOTAL DIVERSION:	0.02 CFS	1.00

Stage: BENEFICIAL USE
OWYHEE County

OWYHEE County

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: NESE NWSE SWSE SESE SESE
: Lt AC Lt AC Lt AC Lt AC
: -----

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SE
: NESE NWSE SWSE SESE
: Lt AC Lt AC Lt AC Lt AC
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:      NESE      NWSE      SESE      :
:      Lt AC Lt AC Lt AC Lt AC      :
:      -----      -----      :

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POU County: OWYHEE

Other Rights: NONE

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

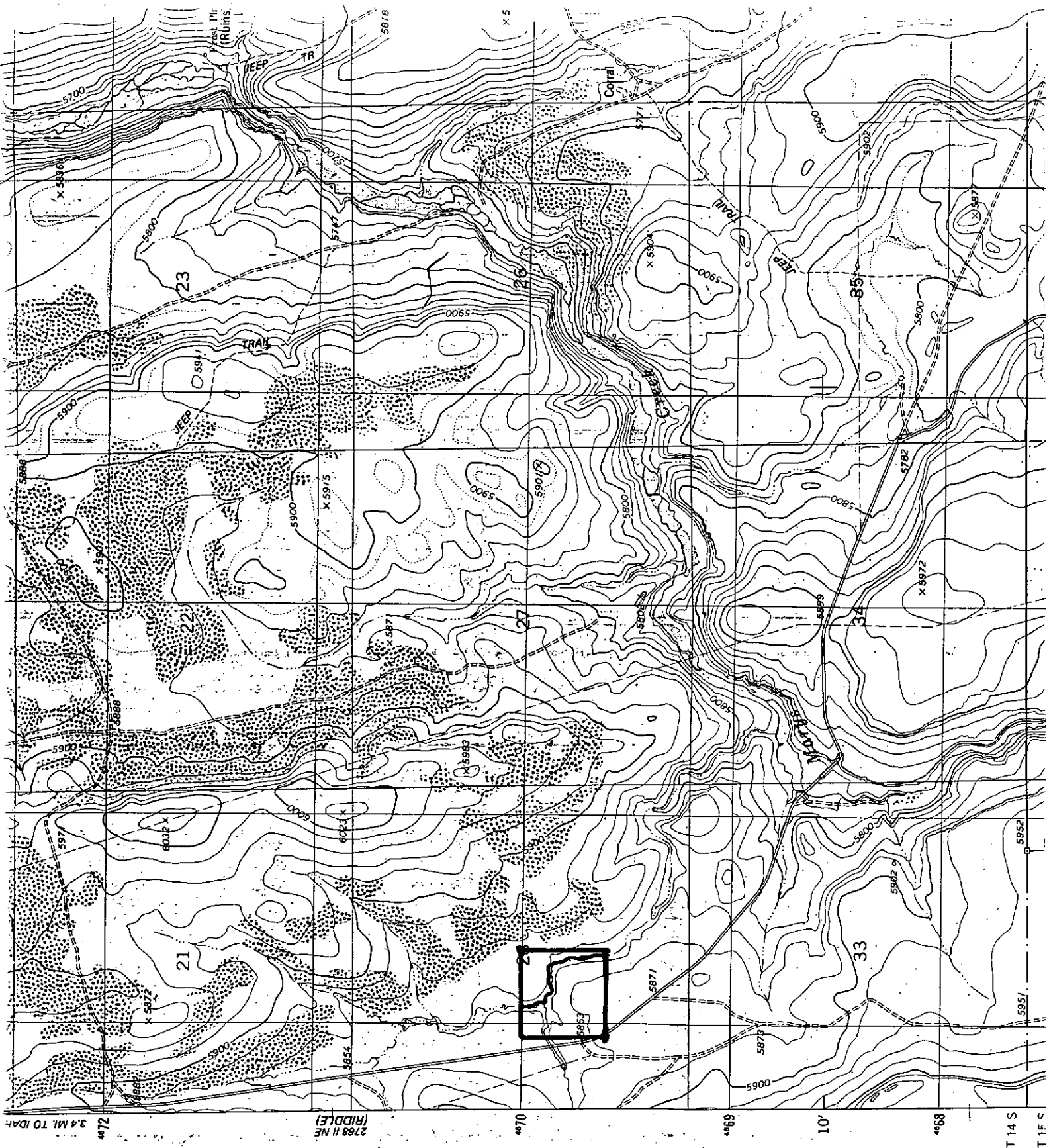
Conditions of Approval:

- 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 STOCKWATER, 300 RANGE CATTLE
BLM RECORD ID = 5101780012

MAP # 0011

2.0
2.1
1.5





FAX TRANSMISSION

BLM, IDAHO STATE OFFICE, ID917

1387 SOUTH VINNELL WAY

BOISE, ID 83709-1657

(208) 373-3829

FAX: (208) 373-3839 OR -3805

To: JAN SHURTE

Date:

6/17/97

Fax #: 334-2348

Pages:

**From: Walter Kerpa
Resource Assistant
Water Rights**

Subject: CLAIMS

COMMENTS:JAN, Ok, here is a long reply to the June 16 and June 4 stuff. The claims that we wanted restored (5101680094, 6101780157,6101788036, 6101688140) are correct. For some reason, they were accidentally dropped.

The new claim, 5101780829 should be an undeveloped spring in the source. We will need an IDWR number for that claim because it is a new claim.

The next item on the agenda was a bunch of 6 1 numbers. They were: 61-02302(6101788049), 61-02277(6101788024), 61-11569/11570(6101780168), and 61-11571(6101780169). 02277 and 11571 should be withdrawn, as they are duplicate claims. 11569/70 is the JX claim and 02302 is the license. I hope that makes sense.

There is still a question in the air for Fred on 61-11621(6101780444). I'm still questioning what the source on this really is. I'll get back to you as soon as I know.

The new numbers for the beneficial use claims are OK. The old numbers were 55-07227 and 07322. The new ones are 55-13644 and 13655.

The four problems from June 4 are as follows:

51-12131(5101780251) no longer shows wildlife.

51-12280(5101780386) no longer shows wildlife.

51-10581(5101680117) has volume instead of diversion rate

51-10487(5101680123) has volume instead of diversion rate.

So, hopefully the only one not up to snuff is 6101780444. The rest have all the new claim sheets attached to this fax. Enjoy!

From: DWR80::JSHURTE 16-JUN-1997 14:10:53.43
To: DWR06::"WKERPA@LID.BLM.GOV"
CC: JSHURTE
Subj: MISC. ONES

Hi Walt. Here's some more confusing ones. There were some claims that you brought in Monday the 9th that you wanted to add to this reporting area. In looking at them it appears they were originally dropped. These numbers are 5101680094, 6101780157, 6101788036 & 6101688140. The drop were from the filings in 1997 - do you still want to add them back in? Just thought I'd check.

Want to add back in

There was also in that group one with no original claim number with a BLM # of 5101780829, that had an unnamed stream as the source and undeveloped spring as the diversion means. Should I list unnamed stream or spring as the source on that one?

spring

I'll list this next bunch:

A61-02302 (6101788049)OK
A61-02277 (6101788024)-W
A61-11569 (6101780168)
A61-11570 (")OK
A61-11571 (6101780169)-W

All of these are claimed for a Spring trib. to Ryegrass Creek with the same point of diversion and same place of use. We will likely recommend one license and one beneficial use claim and disallow the rest. Is there a reason why these are all claimed this way? Could it be they are different springs? They are all in the same 10 acre parcel.

A61-11621 (6101780444) - Claimed for Blair Trail Farms Irrigation Ditch for instream stockwater. However, we do not list ditches for instream uses. Would you want to change the source to something else?

still holding

Last of all - For the new beneficial use claims submitted on the lapsed permit claims A55-07227 (5501588384) and A55-07322 (5501588474) I ended up assigning new numbers to those beneficial use claims. Those numbers are for A55-07227 it will be A55-13664 and for A55-07322 it will be A55-13665. We will actually leave A55-07227 & 07322 in the report as disallowed due to a lapsed permit (since we received two claims on those anyway) and will then recommend A55-13664 & A55-13665 as beneficial use claims. Just for your information.

I know this is a long one - I saved a bunch of questions and thought I'd send them all at once. Thanks, Jan.

Two claims were missing priority date information, these were: 5501588474 and 5501588384

Seven claims were missing information in the Diversion Means column, these were:

5101780828 (12827) 5101780822 (12821) 5101780823 (12822)
5101780824 (12823) 5101780825 (12824) 5101780826 (12825)
5101780827 (12826)

There were some claims that also need to be added to this reporting area, they are:

5101680094 (0457) 6101780157 (1553) 6101788036 (02289)
5101780829 (104)
4ET 6101688140 (reestablished) (09548)

Finally, there are three additional claims that needed to be changed to dual based, they are:

6105680010 (04058) 6105680006 (11215) 6105680011 (04057)

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WATER RESOURCES
WESTERN REGION

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WATER RIGHT NUMBER - A51-10457

PREFIX TRANSLATION: ADJUDICATION CLAIM

TWN	RNG	SEC	TRACT	LOT	ACRES	PLACE OF USE	DESCRIPTION	COUNTY
14S	04E	20	NE SW			04	STOCKWATER	(73) DWYHEE
14S	04E	20	SW SW			04	STOCKWATER	(73) DWYHEE
14S	04E	20	NE SE			04	STOCKWATER	(73) DWYHEE
14S	04E	20	SW SE			04	STOCKWATER	(73) DWYHEE
14S	04E	21	SW NE			04	STOCKWATER	(73) DWYHEE
14S	04E	21	NW NW			04	STOCKWATER	(73) DWYHEE
14S	04E	21	SW NW			04	STOCKWATER	(73) DWYHEE
14S	04E	21	NW SW			04	STOCKWATER	(73) DWYHEE
14S	04E	21	SW SW			04	STOCKWATER	(73) DWYHEE
14S	04E	21	SE SW			04	STOCKWATER	(73) DWYHEE
14S	04E	21	NW SE			04	STOCKWATER	(73) DWYHEE
14S	04E	21	SE SE			04	STOCKWATER	(73) DWYHEE
14S	04E	27	SW SW			04	STOCKWATER	(73) DWYHEE
14S	04E	28	NW NE			04	STOCKWATER	(73) DWYHEE
14S	04E	28	NE NW			04	STOCKWATER	(73) DWYHEE
14S	04E	28	NW NW			04	STOCKWATER	(73) DWYHEE
14S	04E	28	SE NW			04	STOCKWATER	(73) DWYHEE
14S	04E	28	NE SW			04	STOCKWATER	(73) DWYHEE
14S	04E	28	SW SE			04	STOCKWATER	(73) DWYHEE
14S	04E	28	SE SE			04	STOCKWATER	(73) DWYHEE
14S	04E	29	NE NE			04	STOCKWATER	(73) DWYHEE
14S	04E	29	NW NE			04	STOCKWATER	(73) DWYHEE
14S	04E	29	SW NE			04	STOCKWATER	(73) DWYHEE
14S	04E	29	NE NW			04	STOCKWATER	(73) DWYHEE
14S	04E	20	SW SW			16	WILDLIFE	(73) DWYHEE

+ - - DIVERSION MEANS - IN-STREAM USE

+ - - NON-IRRIGATION USE - STOCKWATER, 4148 RANGE CATTLE; WILDLIFE VAR. AMT.

+ - - OTHER RIGHTS FOR SAME USE - NONE

+ - - REMARKS
BLM RECORD ID = 5101680094
FIRST DATE OF BENEFICIAL USE - 1874

+ - - OLD WATER RIGHT NUMBERS -
NO OLD WATER RIGHT NUMBERS FOUND.

+ - - CONDITIONS OF APPROVAL -
NO CONDITIONS OF APPROVAL FOUND.

+ - - DECREE PLAINTIFF - - - +

+ - DECREE DATE - +
00/00/0000

+ - - AUDIT FIELDS - 06/20/93 AJCTR

+ *AMERICAN BUREAU OF LAND SURVEY* *to 40*

SEP 20 1998

CIVIL CASE NUMBER	-	39576
OLD CASE NUMBER	-	
OLD JUDICIAL DISTRICT	-	
TEMPORARY RIGHT	-	P
WATER DISTRICT	-	
FEDERAL/STATE INDICATOR	-	S
PRESUMPTION FLAG	-	
NOTICE OF ERROR FLAG	-	

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

AMENDED NOTICE of CLAIM
for Water Right number:

A51-10457

NAME and
ADDRESS:

United States of America acting through
Bureau of Land Management
Idaho State Office
1387 South Vinnell Way
Boise, ID 83709 - 1657

BLMIDENT:

5101680094

Stg: StFed:

J

S

SOURCE:

Source

Tributary

UNNAMED STREAM

MARYS CREEK

QUANTITY:

0.02

CFS

or VOLUME:

0

Acre Fee

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

PRIORITY DATE:

1/1/1874

Diversion Means: IN-STREAM USE

POINT of
DIVERSION:

Twtnship

Range

Section

T1

T2

T3

LOT

within the

County of

14S

04E

28

NE

SW

73 OWYHEE

PURPOSE
and
PERIOD
OF USE:

Purpose of Use

Period of Use (from - to):

Rate in CFS

or Volume in Ac

04

0101

1231

0.02

CONSUMPTIVE
USE:

de minimis stockwater use

DATE:

09-Jun-97 7:49 AM

OTHER PROVISIONS NECESSARY FOR DEFINITION or ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

PLACE
of USE:

Water Use

Twtn

Rge

Sec

T1

T2

LOT

within the

County of

04

14S

04E

28

NE

SW

OWYHEE

IN THE DISTRICT COURT OF
THE FIFTH JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

CIVIL CASE NUMBER: 39576

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER
FROM THE SNAKE RIVER BASIN WATER SYSTEM

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

U.S. DEPT. OF INTERIOR
BUREAU OF LAND MGMT.
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706
TELEPHONE: 208-334-1401

AS1-10457
PRIORITY DATE: 1874-01-01
AGENCY NUMBER: 5101680094
BLM NUMBER: 5101680094
BASIS OF CLAIM: BENEFICIAL USE
BASIN NUMBER: 51

SOURCE	TRIBUTARY TO
UNNAMED STREAM	MARYS CREEK

DESCRIPTION OF DIVERSION WORKS

IN-STREAM USE

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
STOCKWATER	0.920	0.00	0101	1231
WILDLIFE	0.020	0.00	0101	1231
TOTAL:	0.940 CFS	0.00 AF		

NON-IRRIGATION USES

STOCKWATER, 4148 RANGE CATTLE; WILDLIFE VAR. AMT.

TWP	RNG	SEC	POINT OF DIVERSION				COUNTY
			TRACT1	TRACT2	TRACT3	LOT	
14S	04E	20		SW	SW	00	OWYHEE
14S	04E	20		NE	SW	00	OWYHEE
14S	04E	29		NW	NE	00	OWYHEE
14S	04E	29		NE	NE	00	OWYHEE
14S	04E	29		SW	NE	00	OWYHEE
14S	04E	21		NW	NW	00	OWYHEE
14S	04E	21		SE	SE	00	OWYHEE
14S	04E	21		SW	NE	00	OWYHEE

MICROFILMED

JUL 08 1994

14S	04E	28	NW	NW	00	OWYHEE
14S	04E	28	NE	NW	00	OWYHEE
14S	04E	28	NE	SW	00	OWYHEE
14S	04E	27	SW	SW	00	OWYHEE

PLACE OF USE

TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	IRRIGATED OWNED	ACRES
14S	04E	20	SW	SW	00	OWYHEE	YES	0.0
14S	04E	20	SW	SW	00	OWYHEE	YES	0.0
14S	04E	20	NE	SW	00	OWYHEE	YES	0.0
14S	04E	20	NE	SE	00	OWYHEE	YES	0.0
14S	04E	20	SW	SE	00	OWYHEE	YES	0.0
14S	04E	29	NE	NW	00	OWYHEE	YES	0.0
14S	04E	29	NW	NE	00	OWYHEE	YES	0.0
14S	04E	29	NE	NE	00	OWYHEE	YES	0.0
14S	04E	29	SW	NE	00	OWYHEE	YES	0.0
14S	04E	21	NW	NW	00	OWYHEE	YES	0.0
14S	04E	21	SW	NW	00	OWYHEE	YES	0.0
14S	04E	21	NW	SW	00	OWYHEE	YES	0.0
14S	04E	21	SW	SW	00	OWYHEE	YES	0.0
14S	04E	21	SE	SW	00	OWYHEE	YES	0.0
14S	04E	21	SW	SE	00	OWYHEE	YES	0.0
14S	04E	21	SE	SE	00	OWYHEE	YES	0.0
14S	04E	21	NW	SE	00	OWYHEE	YES	0.0
14S	04E	21	SW	NE	00	OWYHEE	YES	0.0
14S	04E	28	NW	NW	00	OWYHEE	YES	0.0
14S	04E	28	NE	NW	00	OWYHEE	YES	0.0
14S	04E	28	NW	NE	00	OWYHEE	YES	0.0
14S	04E	28	SE	NW	00	OWYHEE	YES	0.0
14S	04E	28	NE	SW	00	OWYHEE	YES	0.0
14S	04E	28	SW	SE	00	OWYHEE	YES	0.0
14S	04E	28	SE	SE	00	OWYHEE	YES	0.0
14S	04E	27	SW	SW	00	OWYHEE	YES	0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

REMARKS

FIRST DATE OF BENEFICIAL USE - 1874