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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

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

AS1-10475

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

PRIORITY DATE: 1874-01-01
AGENCY NUMBER: 5101680111
BLM NUMBER: 5101680111
BASIS OF CLAIM: BENEFICIAL USE
BASIN NUMBER: 51

SOURCE	TRIBUTARY TO
MARYS CREEK	SHEEP CREEK

DESCRIPTION OF DIVERSION WORKS

IN-STREAM USE

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
STOCKWATER	0.240	0.00	0101	1231
WILDLIFE	0.020	0.00	0101	1231
TOTAL:	0.260 CFS	0.00 AF		

NON-IRRIGATION USES

STOCKWATER, 1100 RANGE CATTLE; WILDLIFE VAR. AMT.

POINT OF DIVERSION							
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
14S	04E	11		NW	NW	00	OWYHEE

PLACE OF USE

PLACE OF USE							IRRIGATED	
TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	OWNED	ACRES
14S	04E	11	NW	NW	00	OWYHEE	YES	0.0
14S	04E	11	NW	NW	00	OWYHEE	YES	0.0

TOTAL ACRES IRRIGATED: 0.0

MICROFILMED

JUL 08 1984

BLM NUMBER: 5101680111

PAGE: 2

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

REMARKS

FIRST DATE OF BENEFICIAL USE - 1874

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

DEC - 4 1997

Department of Water Resources
Adjudication BureauIN 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 I

(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: United States of America Acting Through
Address: 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.

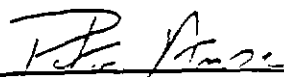
F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

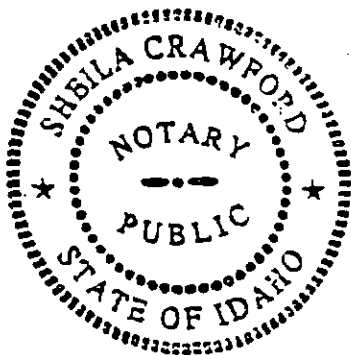
Peter J. Ampe, Deputy Attorney General, being first duly sworn, upon oath, deposes and says:

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.

G. 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
253 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 83720
Boise, ID 83720-0098

Chief of Natural Resource Division (not applicable)
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

VERIFIED BY RB
6/2/97

AJ0749NP
 No. R51-10475

IDAHO DEPARTMENT OF WATER RESOURCES
 ADJUDICATION CLAIM PROFILE REPORT
 (REGIONAL)

DATE: 06/02/97
 PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	UNITED STATES OF AMERICA ACTING THROUGH USDI BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 1387 S VINNELL WAY BOISE ID 837091657 (208) 373-4000	01/01/1874	STOCKWATER	01-01 12-31	0.02 CFS	
					TOTAL DIVERSION:	0.02 CFS

Water Source: MARYS CREEK

Tributary to: SHEEP CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion:

T14S R04E S11

NWNW ✓

OWYHEE 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		
14S	04E	11	:																

POU County: OWYHEE

Other Rights: NONE

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, 1100 RANGE CATTLE ✓
 BLM RECORD ID = 5101680111

Dates: Exam Made Date: Verified Date: 06/02/1997 ✓ Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
 Presumption Flag:

AJ5809NP
No. R51-10475

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/28/97
PAGE: 10

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	UNITED STATES OF AMERICA ACTING THROUGH	01/01/1874	STOCKWATER	01-01 12-31	0.02 CFS	
TOTAL DIVERSION:					0.02 CFS	

Water Source: MARYS CREEK

Tributary to: SHEEP CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion:

T14S R04E S11

NENWNW

SENWNW

NWNW

OWYHEE 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
14S	04E	11	:																

POU County: OWYHEE

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A51-10475

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, 1100 RANGE CATTLE; WILDLIFE VAR. AMT.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Comments: Date: 05/10/1997 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: 05/06/97 AJCTR 05/08/97 NU-JSHUR 05/10/97 WL-JSHUR 05/10/97 AJU5-JSH

RECEIVED

MAY 01 1997

In Re SRBA

Case No. 39576

AMENDED NOTICE of CLAIM
for Water Right number:

A51-10475

WATER RESOURCES
WESTERN REGION

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:

5101680111

SOURCE:

Source	Tributary
MARYS CREEK	SHEEP 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

POINT of
DIVERSION:

Twntship	Range	Section	T1	T2	T3	LOT	within the	County of
14S	04E	11	NE	NW	NW			73 OWYHEE
14S	04E	11	SE	NW	NW			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	
16	0101	1231	0.02	

CONSUMPTIVE
USE:

de minimis stockwater use DATE: 30-Apr-97 5:15 PM

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	Twnt	Rge	Sec	T1	T2	LOT	within the	County of
04	14S	04E	11	NW	NW			OWYHEE

09/18/93 05:06:45
PAGE 1

OLD (D) NUMBER -

+ - - - - - ADDRESS - - - - -

PHONE - 202-272-4134

PHONE - 208-334-1401

STATE- ID ZIP- 0

PHONE -

+ - - - STATUS - - - - +

+ - - - - - - - TRIBUTARY - - - - -
SHEEP CREEK

SEP 20 1966

AJ5808NP
(00726)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

09/18/93 05:06:45
PAGE 2

WATER RIGHT NUMBER - A51-10475

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - - - - REMARKS - - - - - +

BLM RECORD ID = 5101680111
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 DEFENDANT - - - +

+ - DECREE DATE - +
00/00/0000

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

+ - - - - COMMENTS - - - - - +

NO COMMENTS FOUND

+ - - - - ADJUDICATION RIGHTS DATES AND FLAGS AREA - - - - - +

COURT REPORT FILING	- 00/00/0000	FIELD INSPECTION MADE	- 00/00/0000	CIVIL CASE NUMBER	- 39576
OBJECTION FILED DATE	- 00/00/0000	FIELD INSPECTION FLAG	-	OLD CASE NUMBER	-
RESPONSE FILED DATE	- 00/00/0000	VERIFIED DATE	- 00/00/0000	OLD JUDICIAL DISTRICT	-
CLAIM RECEIVED DATE	- 03/25/1993	LAST AMENDED DATE	- 00/00/0000	TEMPORARY RIGHT	- P
PROOF DUE DATE	- 00/00/0000	PROOF MADE DATE	- 00/00/0000	WATER DISTRICT	-
LICENSED DATE	- 00/00/0000	RECEIPT NUMBER	- X111111	FEDERAL/STATE INDICATOR	- S
CLAIMS TAPE ERROR FLG	-	POU OWNERSHIP FLAG	- Y	PRESUMPTION FLAG	-
FEE EXEMPT FLAG	-	NAME CONNECTOR	-	NOTICE OF ERROR FLAG	-

BUCKHORN QUAD

L6-57

DATA ENTRY

ENTERED *11-8-93 RLS*

CHECKED *2/21/01 DW*

MICROFILMED

SEP 20 1996

ACOG
Watermaster
NAPP Files
Field Exam
Other (See Remarks)
County Records
Witness Statement
Project Records
IDWR Records

VERIFIED

OCT 28 1992

CERTIFIED

NOV 12 1993

WATER EXAMINER