

No Color
Documents
In File

51-12439	51-12516
51-12440	51-12517
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51-12471	51-12626
51-12472	51-12627
51-12473	51-12629
51-12474	51-12651
51-12476	51-12652
51-12478	51-12659
51-12479	51-12683
51-12480	51-12703
51-12481	51-12704
51-12482	51-12707
51-12483	51-12715
51-12484	51-12821
51-12485	51-12822
51-12486	51-12823
51-12487	51-12824
51-12491	51-12825
51-12494	51-12826
51-12495	51-12827
51-12497	51-12840
51-12498	
51-12499	
51-12501	
51-12502	
51-12503	
51-12504	
51-12508	
51-12511	
51-12515	

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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

A.

Subcase see attachment 1

(Insert water right number)

Case No. 39576

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.

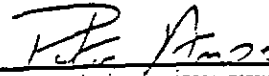
VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

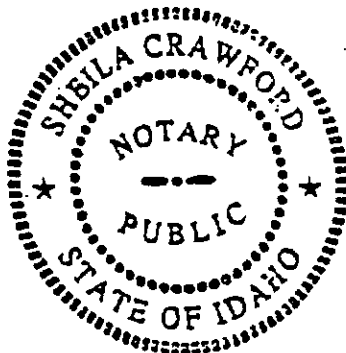
Peter J. Ampe, Deputy Attorney General, being first duly sworn, upon oath, deposes and says:

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:

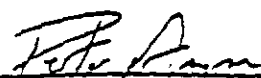
Name: United States of America Acting Through
USDI Bureau of Land Management
1387 S. Vinnell Way
Boise, Idaho 83709-1637

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

DATE: 07/14/97
PAGE: 1

TOTAL DIVERSION: 0.02 CFS

T08S R08E S10

POW County:

Conditions of Approval:
D01 - *****
- * 4/17/1926 CLAIMED UNDER FEDERAL RESERVED WATER RIGHT. *
- * *
- * THIS WATER RIGHT IS ALSO CLAIMED BASED ON FEDERAL LAW *
- * WITH AN APRIL 17, 1926, DATE OF PRIORITY PURSUANT TO AN *
- * EXECUTIVE ORDER SIGNED THE SAME DATE AND KNOWN AS PUBLIC *
- * WATER RESERVE 107. *
- *****
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.

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

DATE: 07/14/97
PAGE: 2

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

AJ0749NP
No. R51-12822

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: 07/14/97 LHARRIS

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

POT HOLE CREEK

Water Source: SPRING Point(s) of Diversion: T08S R08E S10 SWSNW ONYHEE County

Place of use Legal Description for: STOCKWATER

NE		NW		SE	
NENE NWNE SUNE SENE	: NENW NWNW SWNW SENW	: NESW NWSW SWSW SESW	: NESE NWSE SWSE SESE		
T R S : Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac		
08S 08E 10	:	:	:	:	:

POU County: Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources): A51-12822

- Conditions of Approval:
- D01 - 4/17/1926 CLAIMED UNDER FEDERAL RESERVED WATER RIGHT.
 - THIS WATER RIGHT IS ALSO CLAIMED BASED ON FEDERAL LAW
 - WITH AN APRIL 17, 1926, DATE OF PRIORITY PURSUANT TO AN
 - EXECUTIVE ORDER SIGNED THE SAME DATE AND KNOWN AS PUBLIC
 - WATER RESERVE 107.
 - 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.

add in CAP. 5101780823 BLM# 5101780823

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

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

AJ5809NP
No. R51-12822

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 05/10/97 WL-JSHUR 05/10/97 AJU5-JSH

AJ5815NP

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT

DATE: 07/14/97

OPTION: GET ALL USES

ADJUDICATION CLAIM NUMBER: R51-12822

PAGE: 1

A. ROOT WATER RIGHT NUMBERS: A51-12822
R51-12822

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/USE/ACRES	WR #/USE/ACRES	LANDSAT DATA
08S	08E	10	SE	NW		AMERICA ACTING THROUGH, UNITED	R51-12822 /04/		
			SE	NW		AMERICA ACTING THROUGH, UNITED	A51-12559 /04/		
			SE	NW		AMERICA ACTING THROUGH, UNITED	A51-12822 /04/		
TOTAL ACRES							R51-12822		

POU COUNTY:

NOT APT. CK. No papers

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		AMENDED NOTICE of CLAIM for Water Right number:																		
Case No. 39576		A51-12822																		
	United States of America acting through Bureau of Land Management Idaho State Office 1387 South Vinnell Way Boise, ID 83709 - 1657	BLMIDENT: 5101780823 Stg: J StFed: X																		
NAME and ADDRESS:																				
SOURCE:	Source SPRING Tributary POT HOLE CANYON CREEK																			
QUANTITY:	0.02 CFS or VOLUME: 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: SPRING																			
POINT of DIVERSION:	<table border="1"><tr><td>Twndship</td><td>Range</td><td>Section</td><td>T1</td><td>T2</td><td>T3</td><td>LOT</td><td>within the</td><td>County of</td></tr><tr><td>08S</td><td>08E</td><td>10</td><td>SW</td><td>SE</td><td>NW</td><td></td><td></td><td>73 OWYHEE</td></tr></table>		Twndship	Range	Section	T1	T2	T3	LOT	within the	County of	08S	08E	10	SW	SE	NW			73 OWYHEE
Twndship	Range	Section	T1	T2	T3	LOT	within the	County of												
08S	08E	10	SW	SE	NW			73 OWYHEE												
PURPOSE and PERIOD OF USE:	<table border="1"><tr><td>Purpose of Use</td><td>Period of Use (from - to):</td><td>Rate in CFS</td><td>or</td><td>Volume in Ac</td></tr><tr><td>04</td><td>0101 1231</td><td>0.02</td><td></td><td></td></tr></table>		Purpose of Use	Period of Use (from - to):	Rate in CFS	or	Volume in Ac	04	0101 1231	0.02										
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 7:38 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:	<table border="1"><tr><td>Water Use</td><td>Twn</td><td>Rge</td><td>Sec</td><td>T1</td><td>T2</td><td>LOT</td><td>within the</td><td>County of</td></tr><tr><td>04</td><td>08S</td><td>08E</td><td>10</td><td>SE</td><td>NW</td><td></td><td></td><td>OWYHEE</td></tr></table>		Water Use	Twn	Rge	Sec	T1	T2	LOT	within the	County of	04	08S	08E	10	SE	NW			OWYHEE
Water Use	Twn	Rge	Sec	T1	T2	LOT	within the	County of												
04	08S	08E	10	SE	NW			OWYHEE												

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 (10457) 6101780157 (1553) 6101788036 (02289)
5101780829 (104 #) 6101688140 (reestablished) (07548)
YET

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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JUN 09 1997

WATER RESOURCES
WESTERN REGION

RECEIVED

MAY 01 1997

WATER RESOURCES
WESTERN REGION

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:

A51-12822

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:

5101780823

SOURCE:

Source	Tributary
SPRING	POT HOLE CANYON CREEK

QUANTITY:

0.02 CFS or VOLUME: 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:

Twtnship	Range	Section	T1	T2	T3	LOT	within the	County of
08S	08E	10	SW	SE	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		

CONSUMPTIVE
USE:

de minimis stockwater use DATE: 01-May-97 2:42 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	Twtn	Rge	Sec	T1	T2	LOT	within the	County of
04	08S	08E	10	SE	NW			OWYHEE

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:

A51-12822

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:

5101780823

SOURCE:

Source	Tributary
SPRING	POT HOLE CANYON CREEK

QUANTITY:

0.02 CFS or VOLUME: 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:

Township	Range	Section	T1	T2	T3	LOT	within the	County of
08S	08E	10	SW	SE	NW			73 OWYHEE
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: 06-May-97 11:07 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	Twn	Rge	Sec	T1	T2	LOT	within the	County of
04	08S	08E	10	SE	NW			OWYHEE

LATE CLAIM