





51-12439	51-12516
51-12440	51-12517
51-12442	51-12518
51-12443	51-12523
51-12448	51-12525
51-12449	51-12526
51-12451	51-12528
51-12452	51-12531
51-12455	51-12532
51-12456	51-12533
51-12457	51-12535
51-12459	51-12540
51-12460	51-12543
51-12461	51-12559
51-12462	51-12575
51-12463	51-12603
51-12468	51-12610
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.

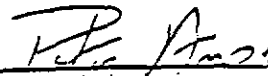
F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

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

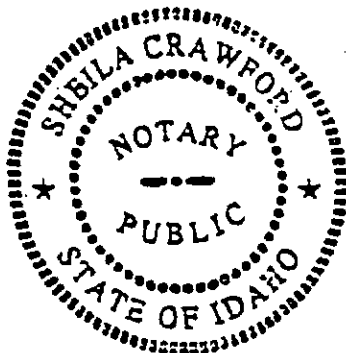
That the State of Idaho, in both its sovereign and proprietary capacity, is filing this objection and that I am a Deputy Attorney General authorized to represent the State of Idaho, which is a party/claimant in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and I have read this objection,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

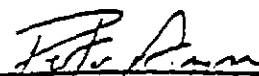
Name: United States of America Acting Through
USDI Bureau of Land Management
1387 S. Vinnell Way
Boise, Idaho 83709-1657

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

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.

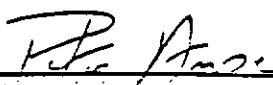
F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

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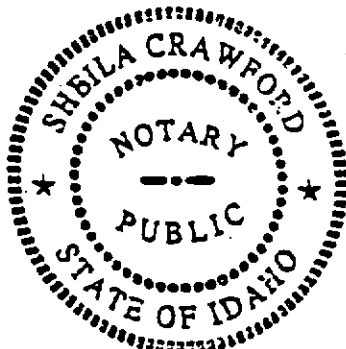
That the State of Idaho, in both its sovereign and proprietary capacity, is filing this objection and that I am a Deputy Attorney General authorized to represent the State of Idaho, which is a party/claimant in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and I have read this objection,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

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



By Attorney signing in representative capacity

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

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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: 07/09/97
PAGE: 1

DIVERSION
VOLUME

0.02 CFS

Stage: BENEFICIAL USE

MSA/NHS

SE

SWSE : SESE :
t AC Lt AC Lt AC

[illegible]

Stage (Includes All Sources)

ED FOR THIS WATER RIGHT IS N

THIS RIGHT SHALL NOT EXCEED
OFFICIAL USE.

RESEARCH DESIGN

Objection Filed Date:

Field Inspection Flag:

AJ5815NP

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT

DATE: 07/09/97

OPTION: GET ALL USES

ADJUDICATION CLAIM NUMBER: R51-12840

PAGE: 1

A. ROOT WATER RIGHT NUMBERS: A51-12840
R51-12840

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/USE/ACRES	WR #/USE/ACRES	LANDSAT DATA
15S	07E	25	NW	SW		AMERICA ACTING THROUGH, UNITEDA51-12840	104/	-	/ /
			NW	SW		AMERICA ACTING THROUGH, UNITEDA51-12840	104/	-	/ /
			NW	SW		AMERICA ACTING THROUGH, UNITEDA51-11990	104/	-	/ /
			NW	SW		AMERICA ACTING THROUGH, UNITEDA51-11990	104/	-	/ /

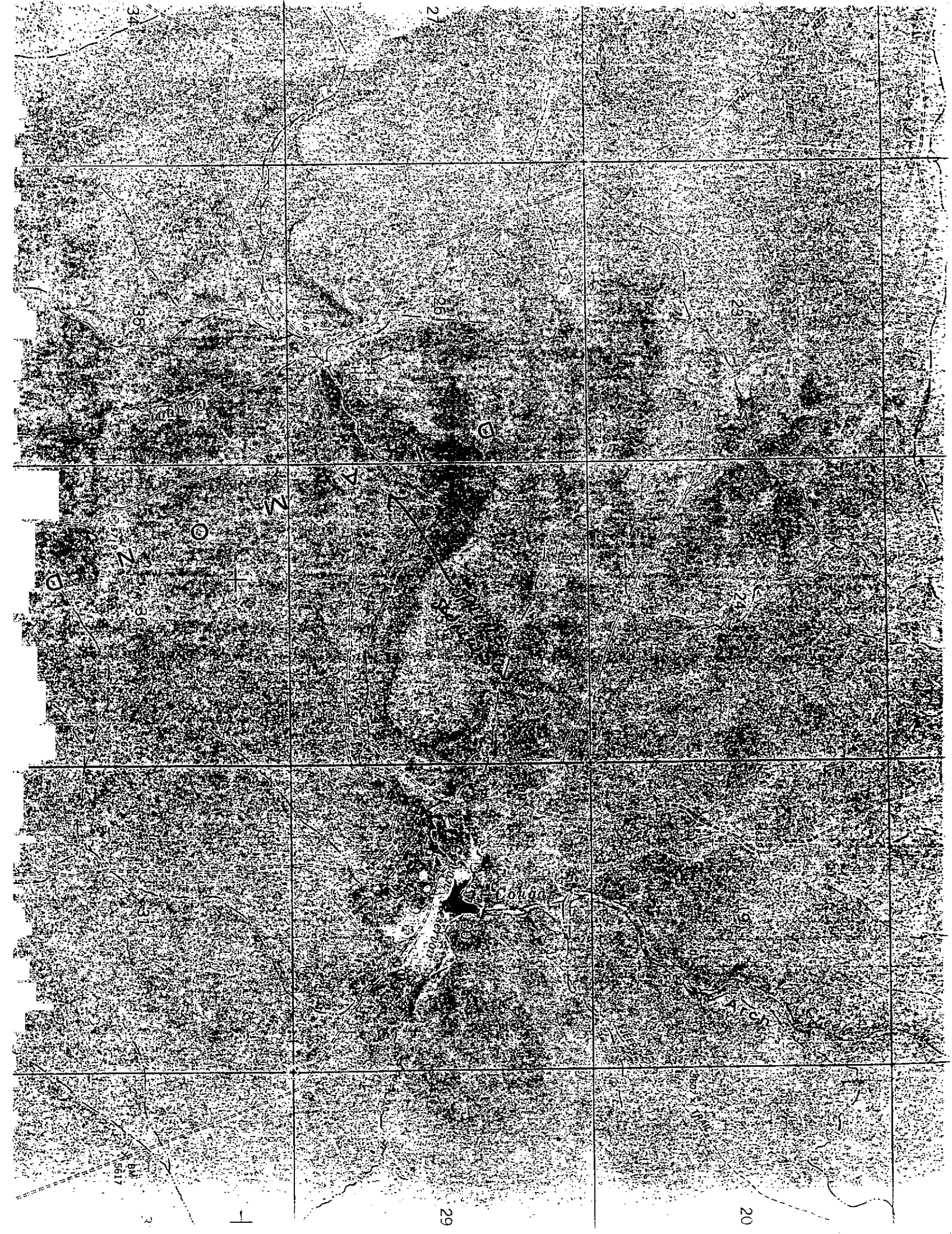
TOTAL ACRES R51-12840

POU COUNTY: ONYHEE

NO OVERLAPS

104/ 104/ 104/ 104/

ONE WEEK





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:

6/16/97

8

Fax #: 334-2348

Pages:

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

Subject: CLAIMS

COMMENTS:JAN, well, here is another round of stuff for you. I'll try to make this as simple as possible, because this process seems to twist itself around and around. Anyways, to begin with, I'm sending you a new sheet for 51-12840(5101780829) the new claim.

Second, is the answer to Roxanne's question concerning 51-12487(510178601). This was a duplicate filing and should have been reported to you as a withdraw. I included a new sheet showing this change.

Third are some answers to some playas that needed a volume instead of a diversion rate.

61-11220(6101680370)	Storage added
61-11226(6101680376)	" "
61-11230(6101680380)	" "
61-11161(6101680295)	" "
51-11405(5101681396)	Spring, JX, Stockwater

This last bunch were from some claims that you gave me on our early June meeting.

I do have a quick answer to 6101780444(61-11621). It was that claim that had a ditch as a source. It looks like that is a withdraw due to it not really being a project and based off of beneficial use.

I'll give you the list of Federal Basis blunders later today, as well as some more answers to other requests.

Thanks, Walt

From: DWR80::JSHURTE 17-JUN-1997 14:45:49.83
To: DWR06::"WKERPA@ID.BLM.GOV"
CC: JSHURTE
Subj: NEW CLAIM NUMBER

The new claim number for 5101780829 is A51-12840. Jan.

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
ASI-12840*

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.

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	United States of America acting through Bureau of Land Management Idaho State Office 1367 South Vinnell Way Boise, ID 83709 - 1657		A51-12840	3RD CLAIM - NOT AMENDED EXCEPT TO SHOW NEW WTR RT #.																		
NAME and ADDRESS:			BLMIDENT:	Stg: StFed:																		
			5101780829	J X																		
SOURCE:	<table border="1"> <tr> <td>Source</td> <td>Tributary</td> </tr> <tr> <td>UNDEVELOPED SPRING</td> <td>COUGAR CREEK</td> </tr> </table>				Source	Tributary	UNDEVELOPED SPRING	COUGAR CREEK														
Source	Tributary																					
UNDEVELOPED SPRING	COUGAR CREEK																					
QUANTITY:	<table border="1"> <tr> <td>0.02</td> <td>CFS</td> <td>or VOLUME:</td> <td>0</td> <td>Acre Feet</td> </tr> </table>				0.02	CFS	or VOLUME:	0	Acre Feet													
0.02	CFS	or VOLUME:	0	Acre Feet																		
	The quantity of water under this right for stockwater shall not exceed 13,000 gallons per day.																					
PRIORITY DATE:	<table border="1"> <tr> <td>1/1/1874</td> <td>Diversion Means:</td> <td>UNDEVELOPED SPRING</td> </tr> </table>				1/1/1874	Diversion Means:	UNDEVELOPED SPRING															
1/1/1874	Diversion Means:	UNDEVELOPED SPRING																				
POINT of DIVERSION:	<table border="1"> <tr> <td>Twntship</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>15S</td> <td>07E</td> <td>25</td> <td>SW</td> <td>NW</td> <td>SW</td> <td></td> <td></td> <td>73 OWYHEE</td> </tr> </table>				Twntship	Range	Section	T1	T2	T3	LOT	within the	County of	15S	07E	25	SW	NW	SW			73 OWYHEE
Twntship	Range	Section	T1	T2	T3	LOT	within the	County of														
15S	07E	25	SW	NW	SW			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 AcF</td> </tr> <tr> <td>04</td> <td>0101</td> <td>1231</td> <td>0.02</td> <td>0</td> </tr> </table>				Purpose of Use	Period of Use (from - to):	Rate in CFS	or	Volume in AcF	04	0101	1231	0.02	0								
Purpose of Use	Period of Use (from - to):	Rate in CFS	or	Volume in AcF																		
04	0101	1231	0.02	0																		
CONSUMPTIVE USE:	<table border="1"> <tr> <td>de minimis</td> <td>stockwater use</td> <td>DATE:</td> <td>18-Jun-97 9:16 AM</td> </tr> </table>				de minimis	stockwater use	DATE:	18-Jun-97 9:16 AM														
de minimis	stockwater use	DATE:	18-Jun-97 9:16 AM																			
OTHER PROVISIONS NECESSARY FOR DEFINITION or ADMINISTRATION OF THIS WATER RIGHT:	<table border="1"> <tr> <td>The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.</td> </tr> </table>				The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.																	
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>15S</td> <td>07E</td> <td>25</td> <td>NW</td> <td>SW</td> <td></td> <td></td> <td>OWYHEE</td> </tr> </table>				Water Use	Twn	Rge	Sec	T1	T2	LOT	within the	County of	04	15S	07E	25	NW	SW			OWYHEE
Water Use	Twn	Rge	Sec	T1	T2	LOT	within the	County of														
04	15S	07E	25	NW	SW			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:

*A51-12840 - 2ND AMENDED
CLAIM*

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:

Stg: StFed:

5101780629

J

X

SOURCE:

Source	Tributary
UNDEVELOPED SPRING	COUGAR CREEK

QUANTITY:

0.02

CFS

or VOLUME:

0

Acre Feet

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

PRIORITY DATE:

1/1/1874

Diversion Means:

UNDEVELOPED SPRING

POINT of
DIVERSION:

Twtnship	Range	Section	T1	T2	T3	LOT	within the	County of
15S	07E	25	SW	NW	SW			73 OWYHEE

PURPOSE
and
PERIOD
OF USE:

Purpose of Use	Period of Use (from - to):	Rate in CFS	or	Volume in AcF
04	0101	1231	0.02	0

CONSUMPTIVE
USE:

de minimis stockwater use

DATE:

17-Jun-97 11:31 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	15S	07E	25	NW	SW			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:

A51-12840 - 1st CLAIM

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:

Stg: StFed:

5101780829

J

X

SOURCE:

Source	Tributary
UNNAMED STREAM	COUGAR 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: UNDEVELOPED SPRING

POINT of
DIVERSION:

Township	Range	Section	T1	T2	T3	LOT	within the	County of
15S	07E	25	SW	NW	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		0

CONSUMPTIVE
USE:

de minimis stockwater use

DATE: 09-Jun-97 7:50 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	15S	07E	25	NW	SW			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) (02548)
4157

ASI-12840

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