

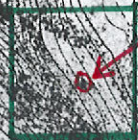
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55-13665

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 55-13665

NAME AND ADDRESS: USDI BLM
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709

SOURCE: POND TRIBUTARY: BOGUS CREEK

QUANTITY: 1.60 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 06/28/1934

POINT OF DIVERSION: T07S R04W S34 SENE Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater Storage	01-01 TO 12-31	1.60 AFY
	Stockwater from Storage	01-01 TO 12-31	1.60 AFY

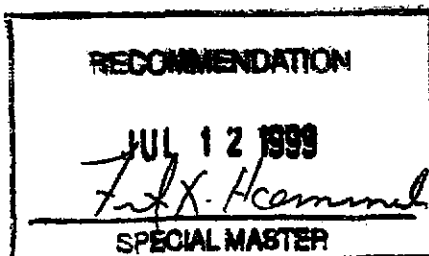
PLACE OF USE:	Stockwater Storage		Within Owyhee County
	T07S R04W S34	SENE	
	Stockwater from Storage		Within Owyhee County
	T07S R04W S34	SENE	

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

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:

~~A55-07322~~ **RENUMBERED TO**
A55-13665

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

NAME and
ADDRESS:

BLMIDENT:

Stg: StFed:

5501588474 J S

SOURCE:

Source	Tributary
UNNAMED STREAM	BOGUS CREEK

QUANTITY:

0 CFS or VOLUME: 1.6 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: 13'H EARTHFILL DAM

POINT of
DIVERSION:

Twtnship	Range	Section	T1	T2	T3	LOT	within the	County of
07S	04W	34		SE	NE	0		73 OWYHEE

PURPOSE
and
PERIOD
OF USE:

Purpose of Use	Period of Use (from - to):	Rate in CFS	or	Volume in Ac
05	0101	1231	0	1.4
06	0101	1231	0	1.4
17	0101	1231	0	0.2
18	0101	1231	0	0.2

CONSUMPTIVE
USE:

de minimis stockwater use

DATE:

09-Jun-97 7:37 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
05	07S	04W	34	SE	NE	0		OWYHEE
06	07S	04W	34	SE	NE	0		OWYHEE
17	07S	04W	34	SE	NE	0		OWYHEE
18	07S	04W	34	SE	NE	0		OWYHEE



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: 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:

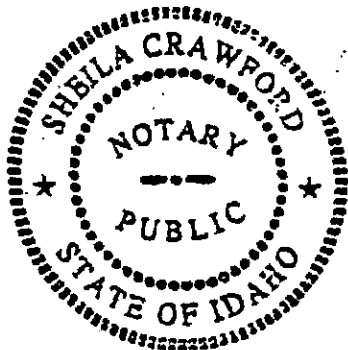
That the State of Idaho, in both its sovereign and proprietary capacity, is filing this objection and that I am a Deputy Attorney General authorized to represent the State of Idaho, which is a party/claimant in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and I have read this objection,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

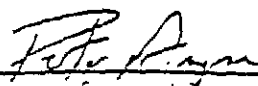
Name: United States of America Acting Through
USDI Bureau of Land Management
1387 S. Vinnell Way
Boise, Idaho 83709-1657

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

55-13381

55-13383

55-13386

55-13388

55-13390

55-13400

55-13403

55-13407

55-13410

55-13422

55-13664



AJ0749NP
No. R55-13665

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

DATE: 07/10/97
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 83709 (208) 373-4000	01/01/1874	STOCKWATER STORAGE STOCKWATER FROM STORAGE	01-01 12-31 01-01 12-31		1.60 AFA 1.60 AFA ----- 1.60 AFA
TOTAL DIVERSION:						

Water Source: POND

Tributary to: BOGUS CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion:

T07S R04W S34

SENE

OWYHEE County

Place of use Legal Description for: STOCKWATER STORAGE

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
07S	04W	34	:																	:
			:																	:

Place of use Legal Description for: STOCKWATER FROM STORAGE

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
07S	04W	34	:																	:
			:																	:

POU County: OWYHEE

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

A55-07322 A55-13665 F55-07322

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 BLM RECORD ID = 5501588474
STOCKWATER, 100 RANGE CATTLE

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

AJ0749NP
No. R55-13665

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

DATE: 07/10/97
PAGE: 2

=====

Comments: Date: 07/10/1997 User-ID: JSHURTE Subject: BLM CLAIM SUBMITTED
THIS CLAIM WAS SUBMITTED ON A LAPSED PERMIT SHOWING A STATUS
BASED ON BENEFICIAL USE. AFTER TALKING WITH THE BLM IT APPEARS
THEY WERE GOING TO DEVELOP THE SOURCE BUT DID NOT. THEREFORE,
THEY WANTED TO FILE THE CLAIM BASED ON AN UNDEVELOPED SOURCE THAT
HAS BEEN USED FOR STOCKWATER SINCE 1874. THE CLAIM NUMBER WAS
THEN CHANGED TO A B/U NUMBER AND IS BEING RECOMMENDED UNDER THAT
NUMBER. THE PERMIT REMAINS LAPSED WITH NO CLAIM REPRESENTING IT.

Date: 07/10/1997 User-ID: JSHURTE Subject: SOURCE CHANGED TO POND
BASED ON THE ORTHOPHOTOQUAD AND NAPP THE SOURCE WAS CHANGED TO
POND. THERE APPEARS TO BE A POND LOCATED IN THE SENE, S34,
HOWEVER, THERE IS NO UNNAMED STREAM RUNNING THROUGH IT.

Audit: 07/10/97 JSHURTE

AJ0749NP
No. R55-13665

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

DATE: 06/16/97
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 83709 (208) 373-4000	01/01/1874	STOCKWATER STORAGE STOCKWATER FROM STORAGE	01-01 12-31 01-01 12-31		1.60 AFA 1.60 AFA
TOTAL DIVERSION:						1.60 AFA

Water Source: UNNAMED STREAM

Tributary to: BOGUS CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion:

T07S R04W S34

SENE

OWYHEE County

Place of use Legal Description for: STOCKWATER STORAGE

	NE				NW				SW				SE			
T R S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
07S 04W 34					S											

Place of use Legal Description for: STOCKWATER FROM STORAGE

	NE				NW				SW				SE			
T R S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
07S 04W 34					S											

POU County: OWYHEE

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

A55-07322 A55-13665 F55-07322

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 BLM RECORD ID = 5501588474
STOCKWATER, 100 RANGE CATTLE

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Audit: 06/16/97 JSHURTE

LAPSED PERMIT

AJ0749NP
No. A55-13665

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

DATE: 06/11/97
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 83709 (208) 373-4000	01/01/1874	STOCKWATER STORAGE	01-01 12-31		1.40 AFA
			STOCKWATER FROM STORAGE	01-01 12-31		1.40 AFA
			~~WILDLIFE STORAGE~~	~~01-01 12-31~~		~~0.20 AFA~~
			~~WILDLIFE FROM STORAGE~~	~~01-01 12-31~~		~~0.20 AFA~~
TOTAL DIVERSION:						1.60 AFA

Water Source: UNNAMED STREAM

Tributary to: BOGUS CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion:

T07S R04W S34

SENE

OWYHEE County

Place of use Legal Description for: STOCKWATER STORAGE

				NE				NW				SW				SE															
				NENE	NWNE	SWNE	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		
07S	04W	34	:																												
			:																												

Place of use Legal Description for: STOCKWATER FROM STORAGE

				NE				NW				SW				SE															
				NENE	NWNE	SWNE	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		
07S	04W	34	:																												
			:																												

Place of use Legal Description for: ~~WILDLIFE STORAGE~~

				NE				NW				SW				SE															
				NENE	NWNE	SWNE	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		
07S	04W	34	:																												
			:																												

Place of use Legal Description for: ~~WILDLIFE FROM STORAGE~~

				NE				NW				SW				SE															
				NENE	NWNE	SWNE	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		
07S	04W	34	:																												
			:																												

POU County: OWYHEE

Non-Irrigation Uses: STOCKWATER, 100 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNTS

Remarks: GEN BLM RECORD ID = 5501588474 → Exp

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Add
N11 + N13

Two claims were missing priority date information, these were: 5501588474 and 5501588384
(455-07322)

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 (16457) 6101780157 (1553) 6101788036 (62289)
5101780829 (10#
4ET) 6101688140 (reestablished) (07548)

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

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

RECEIVED

JUN 09 1997

WATER RESOURCES
WESTERN REGION