

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS  
IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number: **77-10795**

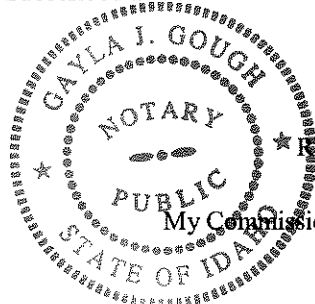
RESERVED UNDER FEDERAL LAW

1. Name of Claimant: UNITED STATES OF AMERICA on behalf of the U.S.D.A. Forest Service  
Address: 550 W. Fort Street MSC033  
Boise ID 83724
2. Date of Priority: 12/27/1919
3. Source of water: BERNARD CREEK  
Tributary: SALMON RIVER, MIDDLE FORK
4. Location Meridian BOISE  
Description of Diversion Works: Ditch or Canal From: Stream  
Location of Point of Diversion  
T: 19 N R 14 E S: 22 SWNW  
Location of Place of Use  
T: 19 N R 14 E S: 22 SENW L 3
5. Quantity claimed: Period Quantity For  
4/ 01 -- 9/ 30 0.03 CFS Administrative
6. Total Consumptive Use Claimed for Present and Future Use is:  
0.03 CFS
7. Present and future uses to which the water is or will be used:  
Administrative
8. Remarks:  
State Basin: 77  
National Forest: Salmon  
Forest Service Record ID: 4 13 17060206 39 0 0004  
BERNARD GUARD STATION.

I verify to the best of my knowledge the statements contained in this document are true and correct.

Steven M. Spencer  
STEVEN M. SPENCER  
Consumptive Use Water Specialist

Subscribed and sworn to before me on:



Aug 24 2005  
[Signature]  
Notary Republic

Residing at:

My Commission Expires:

KUNA, IDAHO  
11-20-2010

RECEIVED

AUG 25 2005

DEPARTMENT OF  
WATER RESOURCES



Steven M  
Spencer/R4/USDAFS  
08/24/2005 11:49 AM

To "Shaff, Don" <Don.Shaff@idwr.idaho.gov>  
cc "Saxton, Craig" <Craig.Saxton@idwr.idaho.gov>  
bcc  
Subject RE: 67-12002

Don, on the way to you in the US Mail today is an amended claim for 67-12002. It turns out this it is a stream segment for stockwater with the beginning and ending points and all quarter-quarters in between identified as POU's. That may explain the cryptic electronic data you received from us back in 1993 with such distant POD and POU locations. It seems to fit the pattern of the data during those early years. The priority date is now the forest reservation date rather than the earliest historic beneficial use known.

In addition there are 4 federal reserved claims for guard stations in Basin 77 also enclosed.

If you or Craig have any questions about these claims, please contact me. Thank you.

Steve Spencer (208) 331-5944  
Boise Adjudication Team (208) 387-0842 FAX  
161 E. Mallard, Suite 110 e-mail: [sspencer@fs.fed.us](mailto:sspencer@fs.fed.us)  
Boise, ID 83706  
"Shaff, Don" <Don.Shaff@idwr.idaho.gov>



"Shaff, Don"  
<Don.Shaff@idwr.idaho.gov>

08/22/2005 02:40 PM

To "Steven M Spencer" <[sspencer@fs.fed.us](mailto:sspencer@fs.fed.us)>  
cc "Saxton, Craig" <Craig.Saxton@idwr.idaho.gov>  
Subject RE: 67-12002

IDWR received the data for the 1993 claim and loaded the data into its computer on 14/23/1994. The irony is the data shows the diversion from Granite Creek in the NWNW of 18 but the use miles downstream where Granite Creek intersects the Middle Fork of the Weiser River in NWNW S 9; maybe but doubtful. At some unknown date the claim data was changed to Withdrawn. I cannot tell you what IDWR received to warrant the change to withdrawn. I don't think we received the paper for the claim to go with the data. Like 67-11995 that is an instream stock claim on the Middle Fork, perhaps 65-12002 was intended to cover instream use on Granite Creek from an upper point in Sec 18 to the mouth in Sec 9. If that so, an amendment to the claim would be justified. Until you come back to us with a claim, IDWR will leave the claim data record in the withdrawn category and neither investigate nor report a recommendation for the number 67-12002.

Don Shaff  
(208) 287-4921  
[don.shaff@idwr.idaho.gov](mailto:don.shaff@idwr.idaho.gov)

-----Original Message-----

From: Steven M Spencer [<mailto:sspencer@fs.fed.us>]  
Sent: Monday, August 22, 2005 1:26 PM  
To: [don.shaff@idwr.idaho.gov](mailto:don.shaff@idwr.idaho.gov)  
Subject: 67-12002

I'm wrestling with a problem with an FS claim, 67-12002. My basic question is whether or not we've sent the Department anything on it in the past, either electronically or on paper, so that you already have a record of it,

or do I have all the information and whatever I might send over to you would be new to the Department. I don't see anything available for it on the web site, so I'm anticipating that I have the record and you have nothing. But I do have a copy of the claim in my file in the format of the original claims the FS filed back in about 1993. So, I don't know exactly where I am with this claim. What do you know?

Steve Spencer  
Boise Adjudication Team  
161 E. Mallard, Suite 110  
Boise, ID 83706

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