

5-18-72 RL

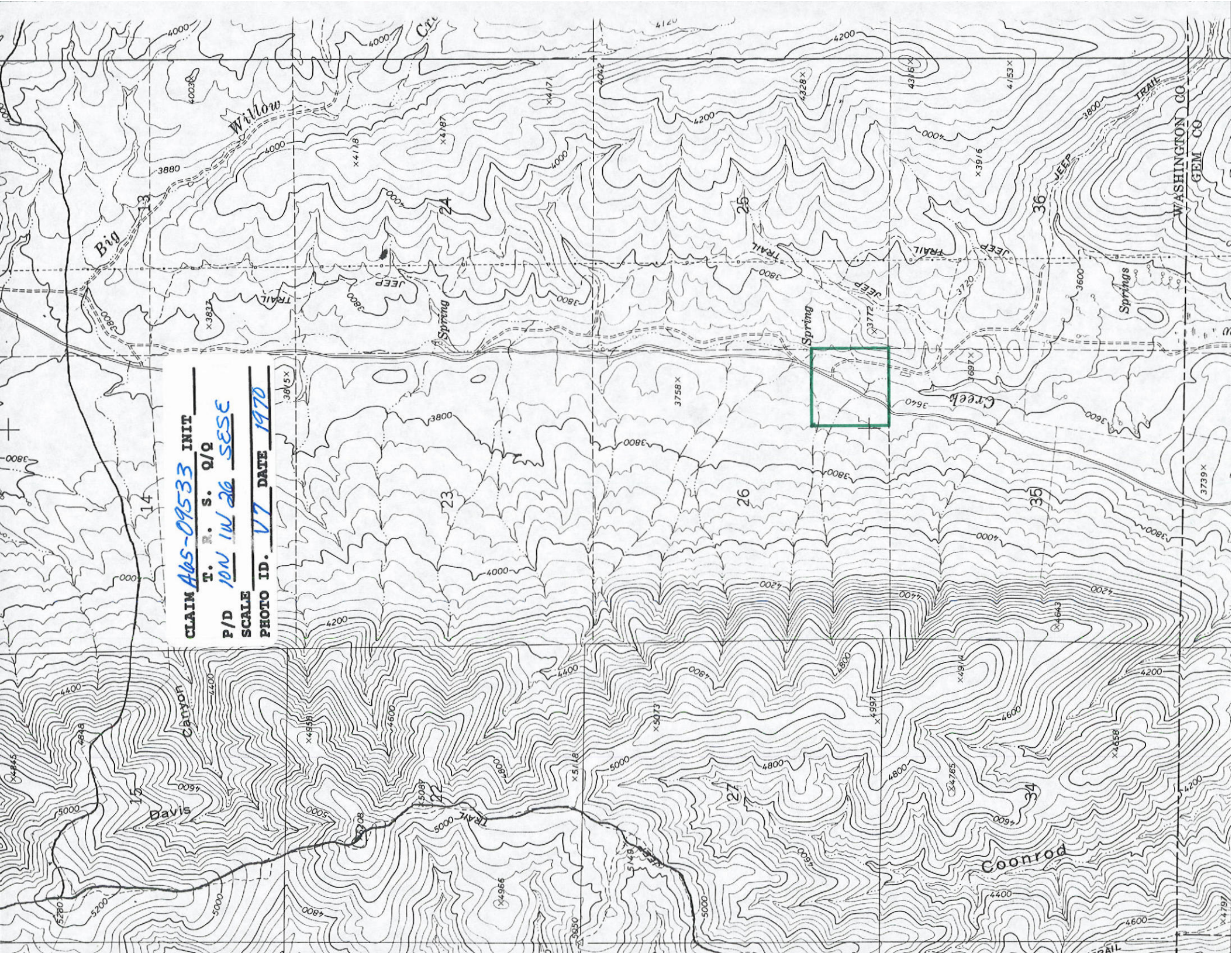
CLAIM 465-09533 INIT

T. R. S. Q/Q

P/D 10N 1W 26 SESE

SCALE

PHOTO ID. V7 DATE 1970



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: A65-09535
Date Received: 10/17/1989
Receipt No: X999999
Received By: AS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: A. L. CATTLE CO., INC. 208-365-2320
Address: P.O. BOX 608
EMMETT, ID 83617

2. Date of Priority: SEP 12, 1910

3. Source: SPRINGS Trib. to: BIG WILLOW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
10N	01W	26	SE	SE	SE		WASHINGTON

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.330		20.10

7. Total Quantity Appropriated is:
0.330 C.F.S. (and/or) 20.10 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
10N	01W	26	SE	SE		STOCK	
		35	NE	NE		STOCK	

11. Place of use in counties: WASHINGTON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT WHEN COMBINED WITH RIGHTS 65-9534 & 65-9533 SHALL
PROVIDE NO MORE THAN .33 CFS NOR 20.1 AFA FOR STOCKWATER.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am president of _____ Title

Al Cattle, Inc. Organization, that I have signed the foregoing

document in the space below as president of _____ Title

Al Cattle, Inc. Organization and that the statements contained in the

foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

pres. Al Cattle, Inc.
Title and Organization

October 17, 1989
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 17th day
of October 19 89

[Signature]
Notary Public

Seal

Residing at Anna Countess, Notary Public
Bozeman, Montana
My Commission Expires July 1, 1994

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

2004 APR 14 PM 3 27

In Re SRBA)
)
Case No. 39576)
)
PARTIAL DECREE PURSUANT TO
I R C P 54(b) FOR
Water Right 65-09535

NAME AND ADDRESS: A L CATTLE INC
PO BOX 608
EMMETT, ID 83617

SOURCE. SPRINGS TRIBUTARY BIG WILLOW CREEK

QUANTITY 0.33 CFS
20.10 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF .33 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 20.10 AF. COMBINED RIGHT
NOS : 65-9533 & 65-9534.

PRIORITY DATE 09/12/1910

POINT OF DIVERSION- T10N R01W S26 SESE Within Washington County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.33 CFS
			20.10 AFY

PLACE OF USE: Stockwater Within Washington County
T10N R01W S26 SESE
S35 NENE

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.

Basin 65 General Provisions No. 3, the Separate Streams
General Provision, does not apply to appropriations of water
after October 18, 1977

This water right shall be administered as being from a
separate source pursuant to Basin 65 General Provision No. 3.
If the holder of this right seeks to change the right pursuant
to Idaho Code Section 42-222 or successor statute, nothing in
this general provision shall preclude any other person or entity
from demonstrating that such change in use would cause injury to
its water right or from receiving any relief provided by law in
the event of injury.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RECOMMENDATION

APR 14 2004


SPECIAL MASTER

RECEIVED
JAN 24 2002
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)

A. Subcase 65-9535
(Insert water right number)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100
Address: 1150 N. Curtis Rd. Suite 100
Boise, Idaho 83706-1234
Daytime Phone: (208) 678-0461 (Dala Walton)

Name & Address of Attorney, if any:
David W. Gehlert (303 312-7352)
Trial Attorney, General Litigation Section
Environment and Natural Resource Division
U.S. Department of Justice
999 18th Street, Suite N 945
Denver, CO 80202

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: A L Cattle Inc.
Address: PO Box 608
Emmett, ID 83617

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

- ☒ **General Provision Basin 65 Irrigation & Other Part III (3) Separate Streams**
1. ☐ **Name and Address**
Should be:
 2. ☐ **Source**
Should be:
 3. ☐ **Quantity**
Should be:
 4. ☐ **Priority Date**
Should be:
 5. ☐ **Point(s) 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.

E. REASONS SUPPORTING EACH OBJECTION(S):

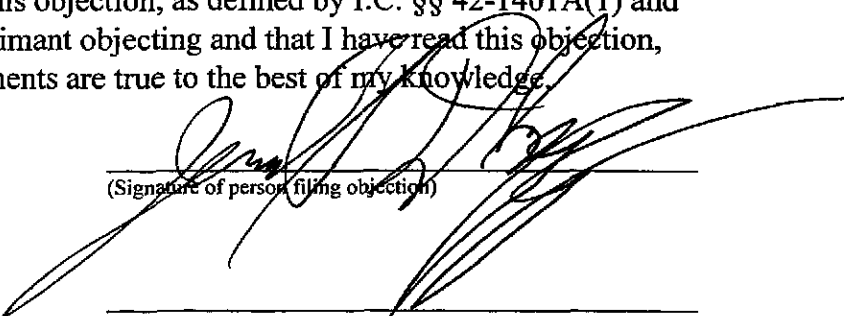
The Bureau of Reclamation objects to the separate stream provision of the Director's Report for Basin 65, Part III. These streams should be administered as part of the Payette River System in order to adequately protect water rights in the Payette River subbasin.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Jerrold D. Gregg, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

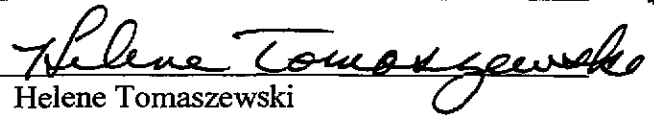

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

January 9, 2002




Helene Tomaszewski

Notary Public for: Idaho

Residing at: Meridian

My Commission Expires: 01-16-2002

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 January 17, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID. 83303-2707

2. One copy to the claimant of the water right at the following address:

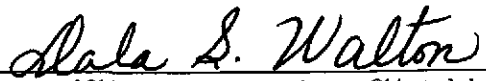
Name: A L Cattle Inc.
Address: PO Box 608
Emmett, ID 83617

3. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724



Signature of Objector or attorney mailing on Objector's behalf



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

May 4, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Dear Basin 65 water user

This letter is to inform you that you may be eligible to file a stockwater claim with the Idaho Department of Water Resources (IDWR) in connection with the Snake River Basin Adjudication (SRBA). IDWR is sending this letter to water users in Basin 65 who might have relied upon the non-irrigation season stockwater provision in the Payette Adjudication. This provision states:

"When stockwater is not a specifically mentioned use for a right that includes irrigation, a reasonable flow is implied and included for the watering of livestock during the non-irrigation season"

In another basin, the Idaho Supreme Court struck down general provisions that contained similar language. The non-irrigation season stockwater language quoted above was not included in the General Provisions for Basin 65 because of the Idaho Supreme Court's ruling.

IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without a separate stockwater claim might desire to file a new stockwater claim with IDWR.

To be eligible for a new non-irrigation season stockwater claim:

1. You must have actually and historically watered livestock during the non-irrigation season without a separate stockwater right.
2. You must have filed a surface water irrigation claim in both the Payette Adjudication and the SRBA.
3. You must not have filed a stockwater claim with the surface water irrigation claim.

If you meet these three requirements, you may file a Notice of Claim form for stockwater with IDWR. **To have a timely filing you must file this claim with IDWR by May 25, 2001.** IDWR will waive filing fees for these stockwater claims if filed before this deadline. Failure to file your claim in a timely manner may prevent you from claiming it in the future. Notice of Claim forms are available on IDWR's website at www.idwr.state.id.us/info/water/srba/forms.htm or from any IDWR office. Claimants can call IDWR, Western Region at (208) 334-2190 to make an appointment if they need assistance filling out a Notice of Claim form.

Sincerely,

David R. Tuthill, Jr., P.E.
Adjudication Bureau Chief

10/30/2000

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 65-9535

NAME AND ADDRESS: A L CATTLE INC
PO BOX 608
EMMETT, ID 83617

SOURCE: SPRINGS TRIBUTARY: BIG WILLOW CREEK

QUANTITY: 0.33 CFS
20.1 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .33
CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION
VOLUME OF 20.10 AF. COMBINED RIGHT NOS.: 65-9533 &
65-9534.

PRIORITY DATE: 09/12/1910

POINT OF DIVERSION: T10N R01W S26 SESE Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1-01 12-31	0.33 CFS 20.1 AFY

PLACE OF USE:

<u>STOCKWATER Within</u> <u>WASHINGTON County</u>			
T10N R01W S26	SESE	T10N R01W S35	NENE

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY
FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY
OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREED
STOCKWATER, 1500 RANGE CATTLE

03/07/2001

RECEIVED

APR 11 2001

NOTICE OF ERROR
REPLY

WATER RESOURCES
WESTERN REGION

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 13, 2001

Water right number: 65-9535

A L CATTLE INC

PO BOX 608

EMMETT ID 83617

Telephone Number: (208)365-2320

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 4.11.01

SIGNATURE: AL Cattle, Inc

Please print your name: by Ogden W. Brailsford

IDWR Regional Office, 2735 Airport Way, Boise, ID 83705, (208) 334-2190

AJ5809NP
No. A65-09535

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/08/00
PAGE: 5

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	A L CATTLE INC PO BOX 608 EMMETT ID 83617 (208) 365-2320	09/12/1910	STOCKWATER	01-01 12-31	0.330 CFS	20.10 AFA
TOTAL DIVERSION:					0.330 CFS	20.10 AFA

Water Source: SPRINGS

Tributary to: BIG WILLOW CREEK

Stage: DECREED

Point(s) of Diversion:

T10N R01W S26

SESE

WASHINGTON 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
10N	01W	26	:															S	:
10N	01W	35	:	S															:

POU County: WASHINGTON

Remarks: *QNT* ~~GEN~~ THIS RIGHT WHEN COMBINED WITH RIGHTS 65-9534 & 65-9533 SHALL
PROVIDE NO MORE THAN .33 CFS NOR 20.1 AFA FOR STOCKWATER.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:

Audit: 10/17/89 BAUMHOFF 10/18/89 BAUMHOFF 03/30/95 POST-STD

EXP - stock = 1500

N11

WR5809NP
No. 65-09535

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/08/00
PAGE: 6

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EST. OF MYRN H. LITTLE C/O AGNES BRAILSFORD P.O. BOX 180 HAGERMAN ID 833320000	09/12/1910	STOCKWATER	01/01 12/31	0.330 CFS	20.10 AFA
TOTAL DIVERSION:					0.330 CFS	20.10 AFA

Water Source: SPRINGS

Tributary to: BIG WILLOW CREEK

Stage: DECREED

Point(s) of Diversion:

T10N R01W S26

SESE

WASHINGTON 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	Lt	Ac
10N	01W	26	:																		
10N	01W	35	:	S																S	

Pou County: WASHINGTON

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
65-01967 65-09533 65-09534

Remarks: GEN THIS RIGHT WHEN COMBINED WITH RIGHTS 65-9534 & 65-9533 SHALL
PROVIDE NO MORE THAN .33 CFS NOR 20.1 AFA FOR STOCKWATER.

Dates: App. Received: Priority Date: 09/12/1910
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 65 Field Exam Fee:

Audit: 04/02/86 04/30/88 CONVERT

5-18-77 RLB

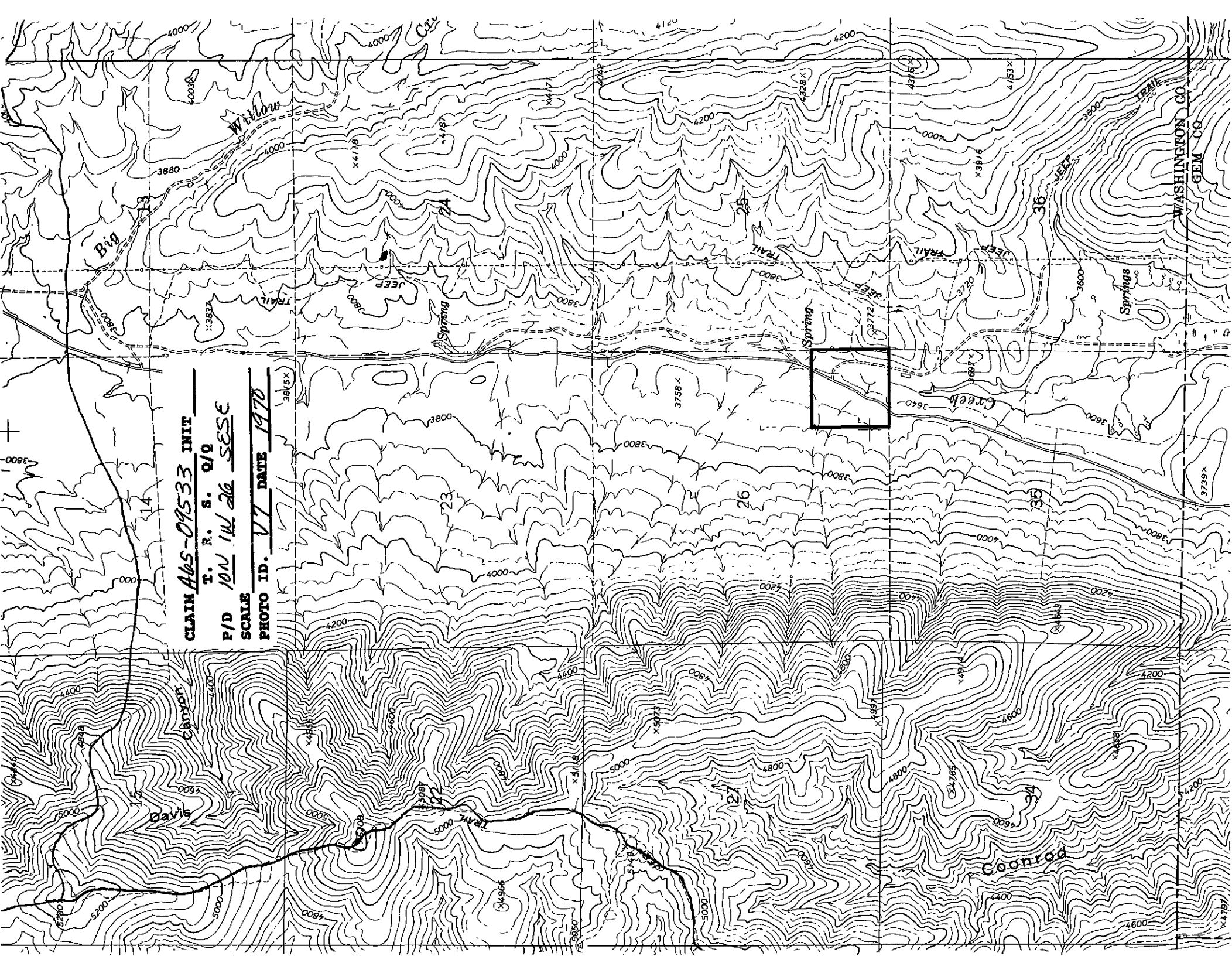
CLAIM 465-09533 INIT

T. R. S. Q/Q

P/D 10N 14W 26 SESE

SCALE

PHOTO ID. V7 DATE 1970



MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 467

INDICATES TOTAL

SOURCE: SPRINGS

TRIBUTARY TO: BIG WILLOW CREEK

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION PCINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-9533	LITTLE, MYRN H. ROUTE 3 BOX 151, EMPETT, IDAHO 83617 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS 65-9533 & 65-9534 SHALL PROVIDE NO MORE THAN .33 CFS NOR 20.1 AFA FOR STOCKWATER.	1/25/1906	STOCKWATER	1/ 1 12/31	20.10 AFA .33 CFS	SESE S26 110N R 1W	SESE S26 110N R 1W NENE S35 110N R 1W	BENEFICIAL USE
65-9534	LITTLE, MYRN H. ROUTE 3 BOX 151, EMPETT, IDAHO 83617 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS 65-9533 & 65-9535 SHALL PROVIDE NO MORE THAN .33 CFS NOR 20.1 AFA FOR STOCKWATER.	8/ 4/1910	STOCKWATER	1/ 1 12/31	20.10 AFA .33 CFS	SESE S26 110N R 1W	SESE S26 110N R 1W NENE S35 110N R 1W	BENEFICIAL USE
65-9535	LITTLE, MYRN H. ROUTE 3 BOX 151, EMPETT, IDAHO 83617 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS 65-9534 & 65-9533 SHALL PROVIDE NO MORE THAN .33 CFS NOR 20.1 AFA FOR STOCKWATER.	9/12/1910	STOCKWATER	1/ 1 12/31	20.10 AFA .33 CFS	SESE S26 110N R 1W	SESE S26 110N R 1W NENE S35 110N R 1W	BENEFICIAL USE