

Non-Federal Land

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: **A65-13788**
Date Received: 2/ 1/2000
Receipt No: X111111
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: UNITED STATES OF AMERICA ACTING THROUGH 801-625-5360
Address: USDA FOREST SERVICE
324 25TH ST
OGDEN UT 84401-2394

2. Date of Priority: APR 24, 1998

3. Source: SPRING Trib. to: BEAR CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10N	11E	28	SE	NW	SW		BOISE

5. Description of diverting works:
PIPELINE TO CABIN

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 1 HOME

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10N	11E	28	NW	SW		DOMEST	

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:

14. Remarks:

PLACE OF USE ALSO KNOWN AS LOT 3, BEAR CREEK SUBDIVISION.
FOREST SERVICE RECORD ID: 04 02 17050120 41 0 0015
DOMESTIC USE FOR BEAR CREEK SUMMER HOME.

15. Basis of Claim: PERMIT

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: 65-13788

RECEIVED

FEB 01 2000

WATER RESOURCES
WESTERN REGION

FILED UNDER STATE 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: 04/24/1998
3. Source of water: SPRING Tributary: BEAR CREEK
4. Location Meridian BOISE
Description of Diversion Works: Headbox From: Spring
Location of Point of Diversion
T: 10 N R: 11 E S: 28 NWSW
Location of Point of Use
T: 10 N R: 11 E S: 28 NWSW
5. Quantity claimed: Period Quantity For
1/ 01 -- 12/ 31 0 04 CFS Domestic
6. Total Consumptive Use Claimed for Present and Future Use is:
0.04 CFS
7. Present and future uses to which the water is or will be used:
Domestic
8. Attach the legal description of the reservation, and maps showing for each consumptive use the existing and proposed place of use and existing points of diversion.
Bound separately
9. Remarks:
State Basin: 65
National Forest: Boise
Forest Service Record ID: 04 02 17050120 41 0 0015
Use is for Bear Creek summer home. POD is in the SENWSW of section 28.
10. Describe any other water rights used at the same place and for the same purposes as described above: None
11. Counties within the reservation: Not available

Notice is hereby given that the United States Department of Justice will represent the Department of Agriculture, Forest Service, in all matters pertaining to the Snake River Basin Adjudication. All notices required by law to be mailed by the Director to the claimant should be mailed to the individuals at the address

Bruce Bernard
U.S. Department of Justice
Environment and Natural Resources Division
550 W. Fort Street, Box 33
Boise, ID 83724

This form is an attachment to a letter forwarding the claims of the U.S. Department of Agriculture, Forest Service. The signature and affirmation on such letter constitutes the signature of the authorized agent representing the United States of America required for each such claim.

105 - 13188

T. 10N.
R. 11E.

14

13

16

23

Creek

24

21

Creek

Camp

65-13853-POU

13853-POD

524B

524A

26

AA

SOUTH

525

AG

AE

25

BA

FORK

X504

65-13788

524D

DA

524E

28

Bear

524

1:24000

N

0.5

0

0.5

1 Miles

Non-Federal Land

WR5809NP
No. 65-13788

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/02/00
PAGE: 5

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	US FOREST SERVICE BOISE NATIONAL FOREST 1249 S VINNELL WY STE 200 BOISE ID 83706 (208) 373-4313	04/24/1998	DOMESTIC	01/01 12/31	0.040 CFS	
TOTAL DIVERSION:					0.040 CFS	

Water Source: SPRING

Tributary to: BEAR CREEK

Stage: PERMIT

Point(s) of Diversion:

T10N R11E S28

SENWSW

BOISE County

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
10N	11E	28	:																	:
												D								

Pou County: BOISE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
65-07004

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 65.
- 01P - Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
- 27A - The Director retains jurisdiction to limit diversion of water to in-house uses only.
- 120 - The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary for this purpose will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

Remarks: GEN Water shall not be diverted under this right when flows in the Payette River, South Fork, are below established minimum flows.
When water is not available to fill this right, the right holder shall cease diversion or shall rent water from the Payette River Rental Pool.
Place of use is located within Lot 3, Bear Creek Subdivision.
Domestic use is for 1 home.

WR5809NP
No. 65-13788

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/02/00
PAGE: 6

Dates: App. Received: 04/24/1998 Priority Date: 04/24/1998
Proof Due Date: 01/01/2000 Proof Made Date: 03/23/1999
Exam Made Date: 07/20/1999 Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 65 Field Exam Fee: R (Received)

Comments: Date: 04/28/1998 User-ID: STAYLOR Subject: Permits
Applicants hold USFS permit #2720 which has been in their family
since 1962.
This permit replaces right #65-02644 that was forfeited in the
Payette River adjudication. Right #65-09873 is separate spring
for same home.

Date: 03/30/1999 User-ID: VAULT Subject: Proof of Beneficial Use Rcvd
Proof of Beneficial Use Rcvd

Audit: 04/28/98 STAYLOR 05/04/98 SCURTIS 05/27/98 STAYLOR 07/15/98 STAYLOR
11/09/98 STAYLOR 12/15/98 CZIMMER 12/16/98 CZIMMER 12/18/98 CZIMMER
03/30/99 COMMENTS 07/02/99 JYARBROU 08/12/99 STAYLOR

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-13788

WATER RIGHT NUMBER: 65-13788

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	UNITED STATES OF AMERICA ACTING THROUGH USDA FOREST SERVICE 550 W FORT ST MSC 033 BOISE, ID 83724 (208)387-0835

Priority Date: 04/24/1998

Basis Decreed

Status Active

<u>Source</u>	<u>Tributary</u>
SPRING	BEAR CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0 040 CFS	
	<u>Total Diversion</u>	0 040 CFS	

Location of Point(s) of Diversion

SPRING	SE1/4NW1/4SW1/4	Sec. 28, Twp 10N, Rge 11E, B M
BOISE County		

Place of UseDOMESTIC Within BOISE County

T10N R11E S28 NWSW

Conditions of Approval

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY
2. A01 THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION OF WATER RIGHTS THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS
3. C18 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
4. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE

Remarks

- 1 Explanatory PROPERTY IS ALSO KNOWN AS LOT 3, BEAR CREEK SUBDIVISION.
FOREST SERVICE RECORD ID = 04 02 17050120 41 0 0015

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-13788

Comments:

1. Iharris 5/18/2001 License
Comment Basis of Claim amended per License approved 4/6/2001

Dates and Other information:

Licensed Date:
Decreed Date 11/3/2000
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed
Enlargement Use Priority Date
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number: 65
Generic Max Rate Per Acre.
Generic Max Volume Per Acre:
Decree Defendant
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan. False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Western

RECEIVED

APR 09 2001

WATER RESOURCES
WESTERN REGION

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 65-13788

Priority: April 24, 1998

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 1.2 AF

It is hereby certified that US FOREST SERVICE
BOISE NATIONAL FOREST
1249 S VINNELL WY STE 200
BOISE ID 83706 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated April 24, 1998; and has
submitted Proof of Beneficial Use on March 23, 1999. An examination indicates that the works have a
diversion capacity of 0.04 cfs of water from:

SOURCE

SPRING

Tributary: BEAR CREEK

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRING SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 28, Twp 10N, Rge 11E, B.M., BOISE County

SPRING SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 28, Twp 10N, Rge 11E, B.M., BOISE County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
10N 11E 28										X							

CONDITIONS OF APPROVAL

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 65.
2. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
3. The Director retains jurisdiction to limit diversion of water to in-house uses only.
4. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 65-13788

5. Domestic use is for 1 home.
6. Place of use is located within Lot 3, Bear Creek Subdivision
7. Water shall not be diverted under this right when flows in the South Fork of the Payette River are below established minimum stream flow amounts.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 6TH day of April, 2001.

Acting for


KARL J. DREHER
Director

DATE: 02/02/00
PAGE: 1

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 104

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	UNITED STATES OF AMERICA ACTING THROUGH USDA FOREST SERVICE 324 25TH ST OGDEN UT 844012394 (801) 625-5360	04/24/1998	DOMESTIC	01-01 12-31	0.040 CFS	
				TOTAL DIVERSION:	0.040 CFS	

Water Source: SPRING

Tributary to: BEAR CREEK

Stage: PERMIT

Point(s) of Diversion:

T10N R11E S28

SENW5W**BOISE County**

Place of use Legal Description for: DOMESTIC

[illegible]

POU County: BOISE

Non-Irrigation Uses: 1 HOME

Conditions of Approval:

C18 - 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
A01 - ENTRY OF A FINAL UNIFIED DECREE, SECTION 42-1412(6) IDAHO CODE.
- THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION
- IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION
- OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS
- SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL
- BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY
- IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS.
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 PROPERTY IS ALSO KNOWN AS LOT 3, BEAR CREEK SUBDIVISION.
FOREST SERVICE RECORD ID = 04 02 17050120 41 0 0015

Dates: **Exam Made Date:** **Verified Date:** **Objection Filed Date:**

Misc: Water District Number: 65 Field Inspection Flag:
Presumption Flag:

AJ0749NP
No. R65-13788

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

DATE: 02/02/00
PAGE: 2

Audit: 02/02/00 JSHURTE