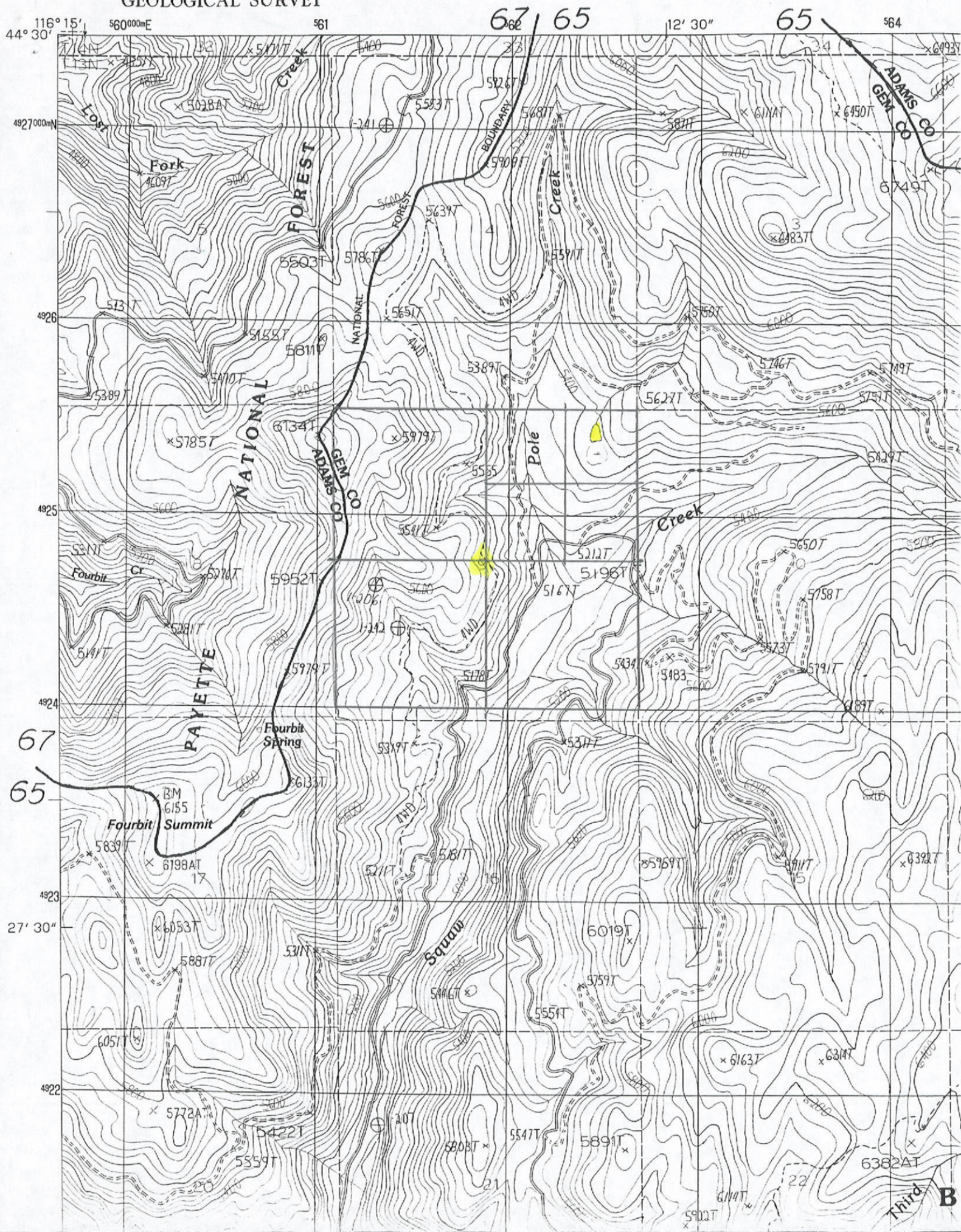


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



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 65-13867
Date Received: 5/3/01
Receipt No:
Received By:

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

1. Name of Claimant(s)

UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
550 W FORT ST MSC033
BOISE ID USA 83724

Phone:

2. Date of Priority: 03/23/1999

3. Source: POLE CREEK POND Trib. to: POLE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
13N	02E	9	NE NE		

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	0.02	

7. Total Quantity Appropriated is:
0.02 C.F.S.

8. Total consumptive use:

*CLAIM DIFFERS FROM PERMIT.
RECOMMENDED AS PERMITTED,
NO A REVIEW ON PERMITS.*

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
13N	02E	9	NE NE		STOCKWATER	

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:

Legal description of the reservation and maps attached to original.

15. Basis of Claim: Permit

05/24/2001

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

RIGHT NUMBER: 65-13867

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
550 W FORT ST MSC033
BOISE, ID 83724

SOURCE: UNNAMED POND TRIBUTARY: POLE CREEK

8.2 AFY

PRIORITY DATE: 04/04/1999

POINT OF DIVERSION: T13N R02E S9 NENE Within County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01-01 12-31	8.20 AFY

PLACE OF USE:

STOCKWATER Within BOISE County
T13N R02E S9 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.

FOREST SERVICE RECORD NO. 040217050122650077.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Permit

STOCKWATER, 550 RANGE CATTLE
SOURCE IS ALSO KNOWN AS POLE CREEK POND.

*As a condition
added to
recommendation*

WR5809NP
No. 65-13867

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/22/01
PAGE: 35

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	US DEPARTMENT OF AGRICULTURE FOREST SERVICE 380 E PARKCENTER STE 330 BOISE ID 83706 (208) 387-0835	04/04/1999	STOCKWATER	01/01 12/31		8.20 AFA
TOTAL DIVERSION:						8.20 AFA

Water Source: POND

Tributary to: POLE CREEK

Stage: PERMIT

Point(s) of Diversion:

T13N R02E S09

NENE

GEM 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	:
13N	02E	9	:	S																:

Pou County: GEM

Conditions of Approval:

- 26A - Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 65A.
- R37 - This right, when considered with all other rights common to the same grazing allotment, is limited to the quantity of water beneficially used by the number of stock within the allotment.

Remarks: GEN Stockwater use is for 550 range cattle which drink from a natural pond known locally as Pole Creek Pond.
Place of use is located within USFS #040217050122650077.

Dates:	App. Received:	03/23/1999	Priority Date:	04/04/1999	(Priority Date Advanced.)
	Proof Due Date:	10/01/2000	Proof Made Date:	11/13/2000	(Proof Received Late.)
	Exam Made Date:		Exam Sent to S.O.:		
	Licensed Date:				

Misc: Water District Number: 65A Field Exam Fee:

05/09/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Water Permit Report

WATER RIGHT NO. 65-13867

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	US DEPARTMENT OF AGRICULTURE FOREST SERVICE 380 E PARKCENTER STE 330 BOISE, ID 83706 (208)387-0835

Priority Date	04/04/1999
Status:	Active

<u>Source</u>	<u>Tributary to</u>
UNNAMED POND	POLE CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	1/01	12/31		8.2 AFA	
Total Diversion				8.2 AFA	

Location of Point(s) of Diversion

UNNAMED POND	NENE	Sec 09	Township 13N	Range 02E	GEM County
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Place(s) of use:

Place of Use Legal Description: STOCKWATER	GEM County
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<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
13N	02E	9		NENE										

Conditions of Approval:

1. 26A Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control
2. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 65A.
3. R37 This right, when considered with all other rights common to the same grazing allotment, is limited to the quantity of water beneficially used by the number of stock within the allotment

Remarks:

- | | | |
|---|---------|---|
| 1 | General | Stockwater use is for 550 range cattle which drink from a natural pond known locally as Pole Creek Pond.
Place of use is located within USFS #040217050122650077 |
|---|---------|---|

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
SCURTIS	9/29/99	USE & VOLUME	This application was originally filed for stockwater storage. With the information stated on the application and per conversations with Steve Lester and Steve Spencer (USFS), there is no "development" planned. This is a natural pond on Forest Service ground from which stockwater drink. Because no excavation or development is planned, it was decided to issue a permit for STOCKWATER purposes (not stockwater storage) with just a volume listed according to the volume given for 550 range cattle

VAULT	10/19/00	Lapse Notice Sent	Lapse Notice Sent
VAULT	11/13/00	Proof of Beneficial Use Rcvd	Proof of Beneficial Use Rcvd

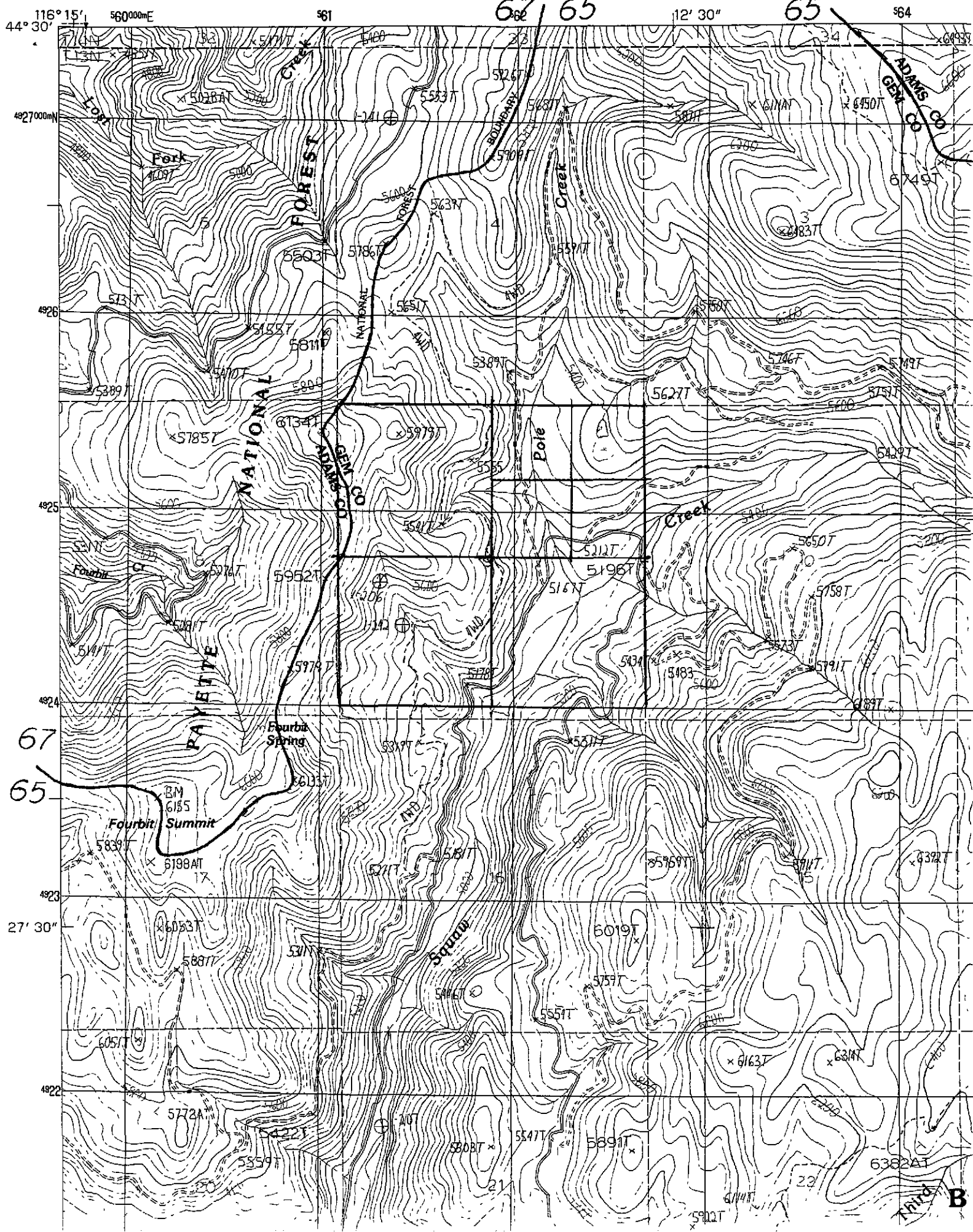
Dates:

Proof Due Date	10/01/2000
Proof Made Date	11/13/2000
Approved Date	09/30/1999
Moratorium Expiration Date	
Enlargement Use Priority Date	
Enlargement Statute Priority Date	
Application Received Date	03/23/1999
Protest Deadline Date	
Number of Protests	0
Field Exam Date	
Date Sent to State Off.	
Date Received at State Off.	

Other Information.

Receipt Number(s).	
State or Federal	
Owner Name Connector:	
Water District Number	65A
Generic Max Rate per Acre	
Generic Max Volume per Acre	
Swan Falls Trust or Nontrust.	
Swan Falls Dismissed	
DLE Act Number	
Cary Act Number	
Mitigation Plan	False

UNITED STATES
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CIVIL CASE NUMBER: 39576
Ident. Number: **65-13867**

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: 03/23/1999

3. Source of water: POLE CREEK POND

Tributary: POLE CREEK

4. Location Meridian BOISE

Description of Diversion Works: Pond

From: Pond

Location of Point of Diversion

T: 13 N R: 02 E S: 9 NENE

Location of Point of Use

T: 13 N R: 02 E S: 9 NENE ac: 0

5. Quantity claimed: Period Quantity For
1/ 01 - 12/ 31 0.02 CFS Stockwater

6. Total Consumptive Use Claimed for Present and Future Use is:

0.02 CFS

7. Present and future uses to which the water is or will be used:

Stockwater

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: 4 2 0 0

Forest Service Legacy Identification Number: 04 02 17050122 65 0077

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 below:

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.

