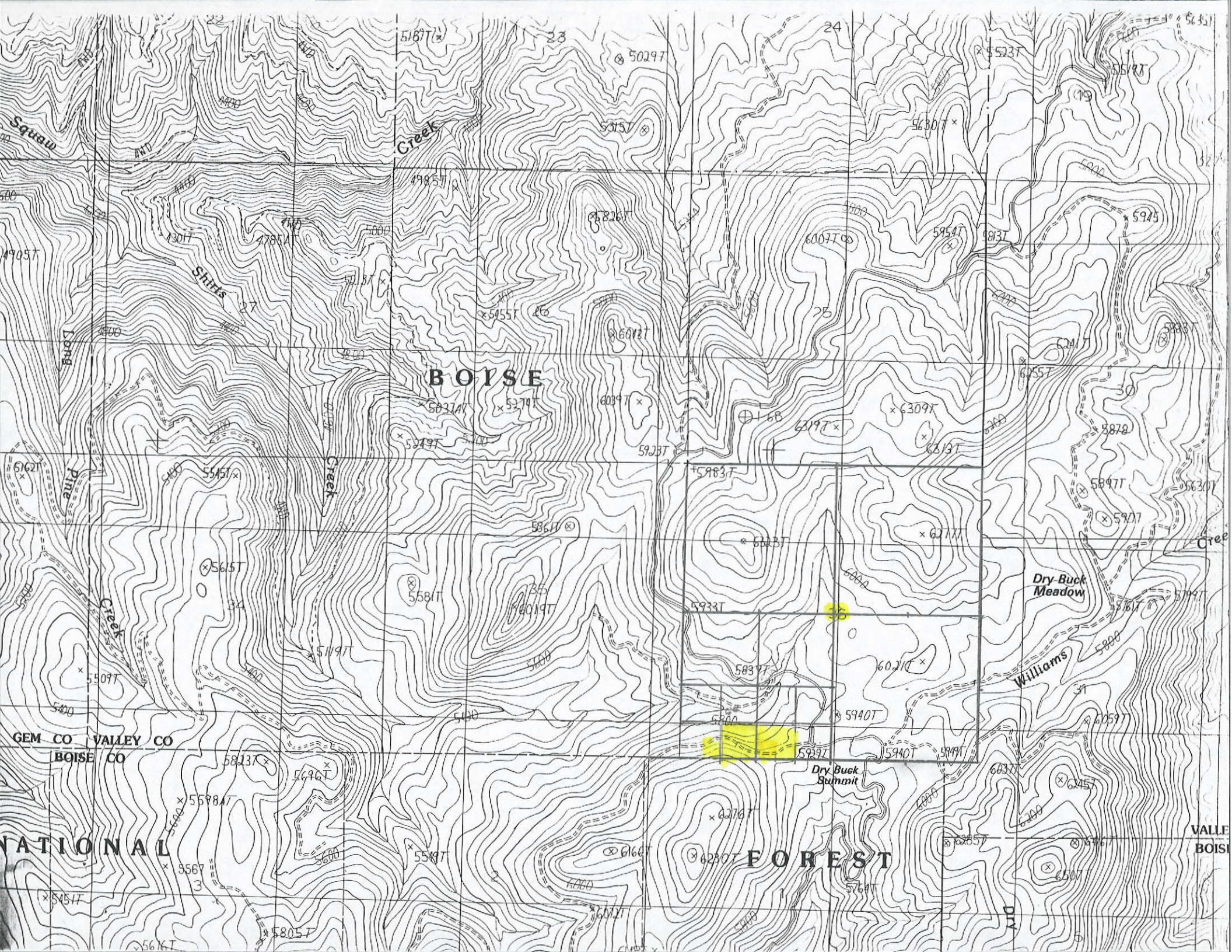
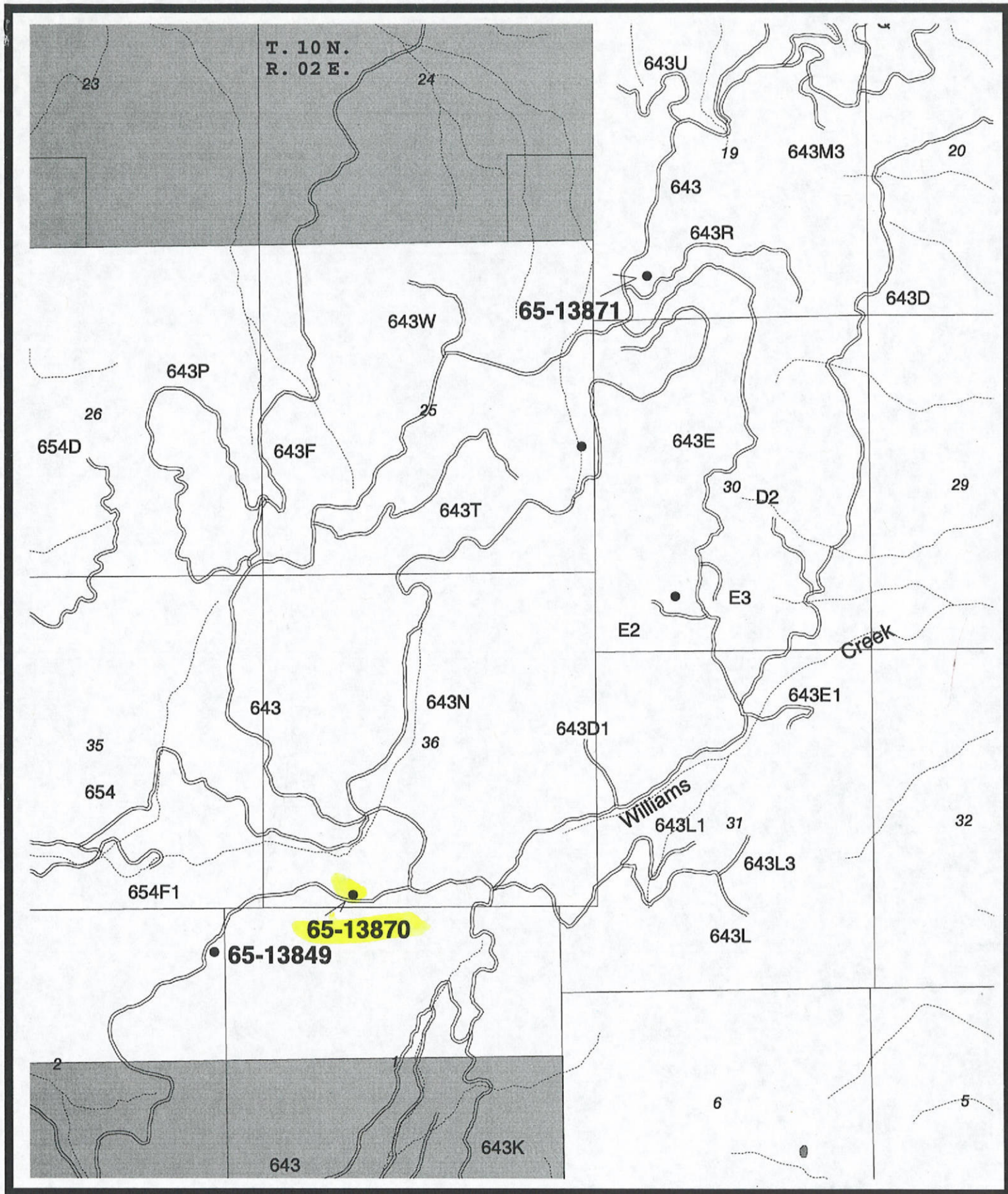






0.5 0 0.5 1 Miles

1:24000

 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 65-13870  
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: DRY BUCK SUMMIT CREEK Trib. to: SHIRTS CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot |    | County | Type |
|----------|-------|---------|-----------------------|----|--------|------|
| 10N      | 02E   | 36      | SW                    | SW | BOISE  |      |
| 10N      | 02E   | 36      | SE                    | SW | BOISE  |      |

5. Description of diverting works:

Combo, Springs

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:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4     | Lot | Use                      | Acres |
|----------|-------|---------|----------------|-----|--------------------------|-------|
| 10N      | 02E   | 36      | SW SW<br>SE SW |     | STOCKWATER<br>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 and maps attached to original

15. Basis of Claim: Permit

CLAIM DIFFERS FROM PERMIT.  
RECOMMENDED AS PERMITTED.

NO AIRVIEW ON PERMITS

05/09/2001

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

RIGHT NUMBER: 65-13870

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

SOURCE: SPRING TRIBUTARY: SHIRTS CREEK

QUANTITY: 0.02 CFS

PRIORITY DATE: 03/23/1999

POINT OF DIVERSION: T10N R02E S36 SESWSW Within BOISE County  
T10N R02E S36 SWSESW Within BOISE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| STOCKWATER            | 01-01 12-31          | 0.02 CFS        |

PLACE OF USE:

|                                       |      |                    |
|---------------------------------------|------|--------------------|
| <u>STOCKWATER Within BOISE County</u> |      |                    |
| T10N R02E S36                         | SWSW | T10N R02E S36 SESW |

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. 040217050122650058.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Permit

SOURCE IS ALSO KNOWN AS DRY BUCK SPRING.  
STOCKWATER, 220 RANGE CATTLE.

*AOI on  
recommendation*

05/09/2001

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Permit Report

WATER RIGHT NO. 65-13870

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

|                           |                      |
|---------------------------|----------------------|
| Priority Date:<br>Status: | 03/23/1999<br>Active |
|---------------------------|----------------------|

|                         |                                     |
|-------------------------|-------------------------------------|
| <u>Source</u><br>SPRING | <u>Tributary to</u><br>SHIRTS CREEK |
|-------------------------|-------------------------------------|

|                                     |                     |                    |                                   |               |                    |
|-------------------------------------|---------------------|--------------------|-----------------------------------|---------------|--------------------|
| <u>Beneficial Use</u><br>STOCKWATER | <u>From</u><br>1/01 | <u>To</u><br>12/31 | <u>Diversion Rate</u><br>0.02 CFS | <u>Volume</u> | <u>Subuse Code</u> |
| Total Diversion                     |                     |                    | 0.02 CFS                          |               |                    |

## Location of Point(s) of Diversion

|        |        |         |              |           |               |
|--------|--------|---------|--------------|-----------|---------------|
| SPRING | SESWSW | Sec. 36 | Township 10N | Range 02E | VALLEY County |
| SPRING | SWSWSW | Sec. 36 | Township 10N | Range 02E | VALLEY County |

## Place(s) of use:

|              |                   |            |               |
|--------------|-------------------|------------|---------------|
| Place of Use | Legal Description | STOCKWATER | VALLEY County |
|--------------|-------------------|------------|---------------|

|                 |              |                |            |              |              |            |              |              |            |              |              |            |              |              |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| <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> |
| 10N             | 02E          | 36             |            | SWSW         |              |            | SESW         |              |            |              |              |            |              |              |

## 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. 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
4. 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
5. 076 This right authorizes a single point of diversion

## Remarks:

- |   |         |                                                                                                                                                         |
|---|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | General | Source is known locally as Dry Buck Summit Spring<br>Place of use is located within USFS 040217050122650058.<br>Stockwater use is for 220 range cattle. |
|---|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------|

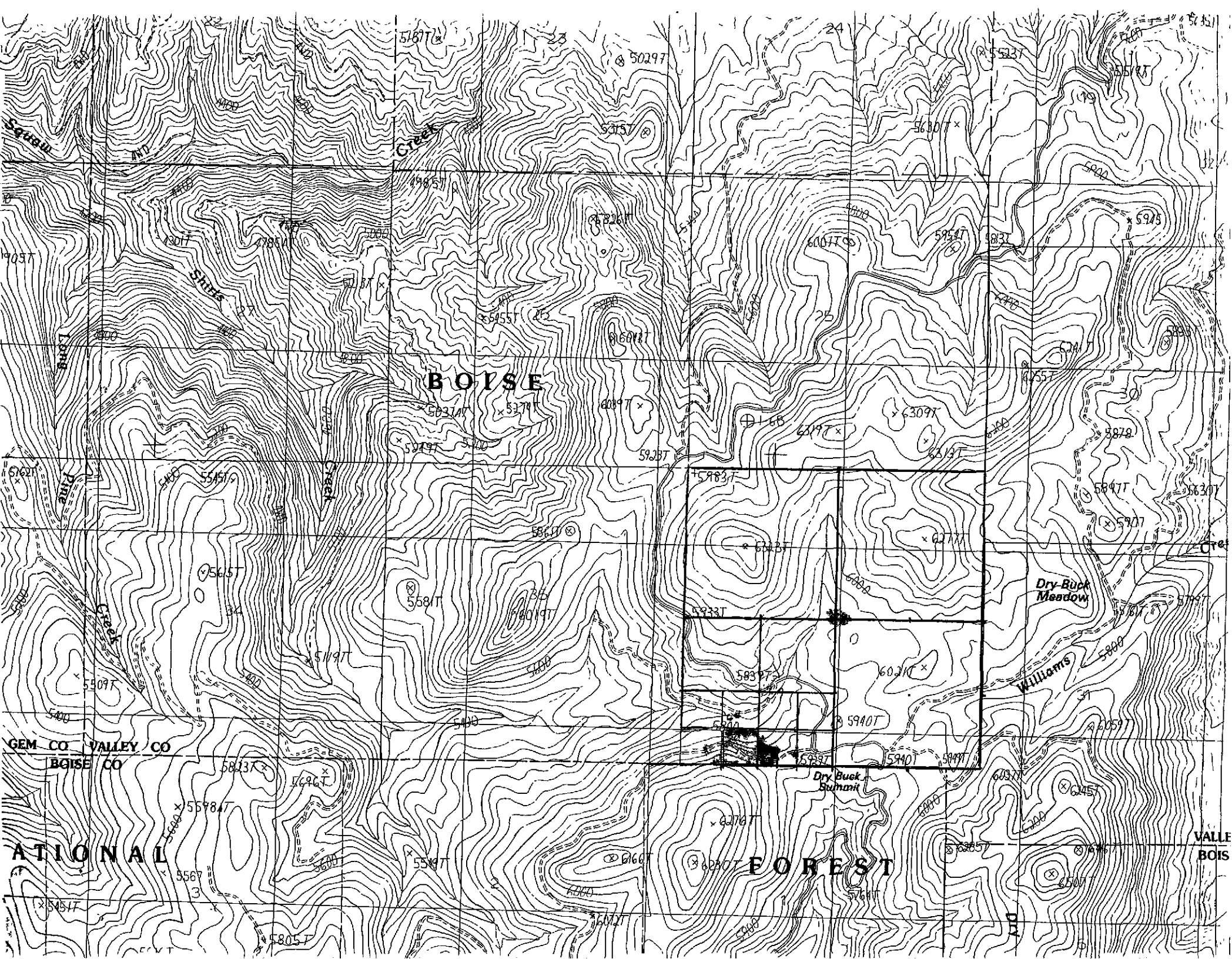
## Dates:

|                  |            |
|------------------|------------|
| Proof Due Date:  | 07/01/2004 |
| Proof Made Date: |            |
| Approved Date:   | 07/13/1999 |

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



WR5809NP  
No. 65-13870

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 05/22/01  
PAGE: 38

| OWNER<br>CODE    | NAME & ADDRESS                                                                                           | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|----------------------------------------------------------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | US DEPT OF AGRICULTURE<br>FOREST SERVICE<br>380 E PARKCENTER STE 330<br>BOISE ID 83706<br>(208) 387-0835 | 03/23/1999       | STOCKWATER | 01/01 12/31           | 0.020 CFS         |                     |
| TOTAL DIVERSION: |                                                                                                          |                  |            |                       | 0.020 CFS         |                     |

Water Source: SPRING

Tributary to: SHIRTS CREEK

Stage: PERMIT

Point(s) of Diversion: T10N R02E S36 SESWSW SWSSEW VALLEY County

Place of use Legal Description for: STOCKWATER

| NENE |     |    |         | NW    |       |       |         | SW    |       |       |         | SE    |       |       |         |       |       |       |
|------|-----|----|---------|-------|-------|-------|---------|-------|-------|-------|---------|-------|-------|-------|---------|-------|-------|-------|
| 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 | Lt Ac | Lt Ac | Lt Ac |
| 10N  | 02E | 36 | :       |       |       |       | :       |       |       |       | :       |       |       |       | :       |       |       |       |

Pou County: VALLEY

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.
- 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.
- 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.
- 076 - This right authorizes a single point of diversion.

Remarks: GEN Source is known locally as Dry Buck Summit Spring.  
Place of use is located within USFS 040217050122650058.  
Stockwater use is for 220 range cattle.

Dates: App. Received: 03/23/1999 Priority Date: 03/23/1999  
Proof Due Date: 07/01/2004 Proof Made Date:  
Exam Made Date: Exam Sent to S.O.:  
Licensed Date:

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

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: **65-13870**

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: DRY BUCK SUMMIT

Tributary: SHIRTS CREEK

4. Location Meridian BOISE

Description of Diversion Works: Combo

From: Spring

Location of Point of Diversion

T: 10 N R: 02 E S: 36 SWSW

T: 10 N R: 02 E S: 36 SESW

Location of Point of Use

T: 10 N R: 02 E S: 36 SWSW

ac: 0

T: 10

N R: 02

E S: 36 SESW

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 0058

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

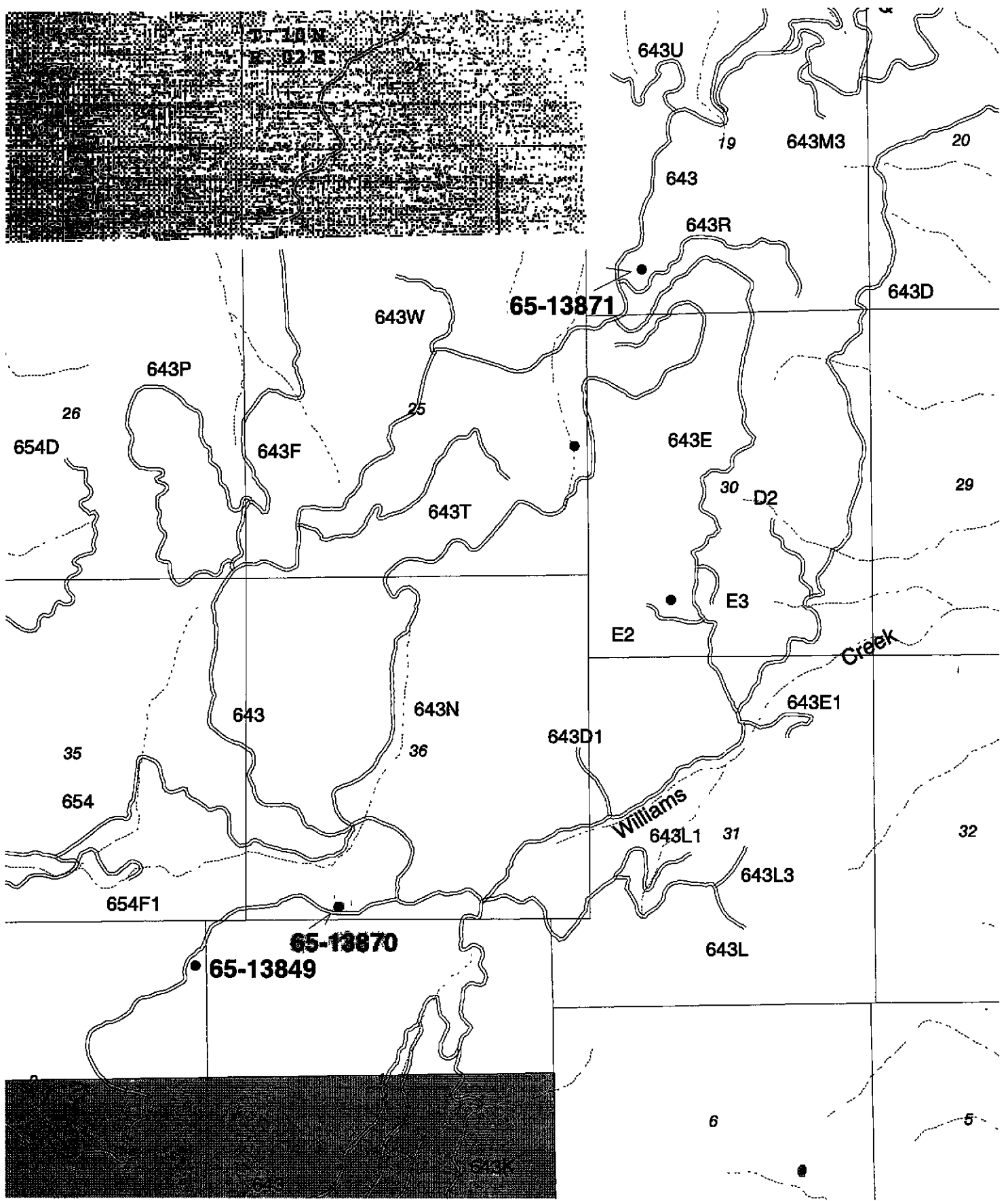
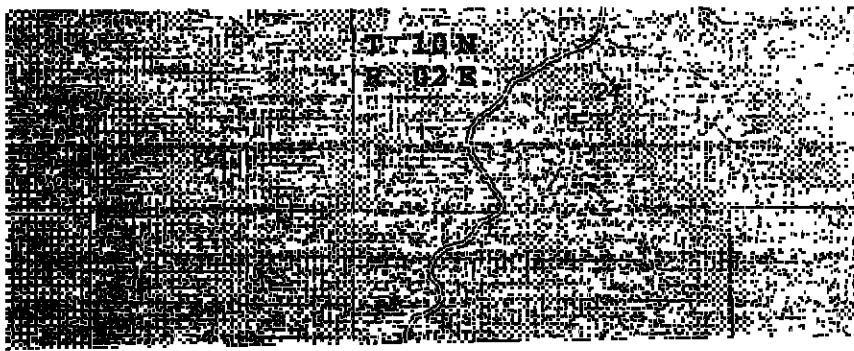
U.S. Department of Justice

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.



1:24000

 Non-Federal Land