

405-18247



MICROFILMED

SEP 29 1992

Brown, Roxanne

From: Baxter, Garrick
Sent: Wednesday, June 19, 2002 4:17 PM
To: 'Steve Schuster'
Cc: Brown, Roxanne
Subject: RE: Black Canyon Grazing 65-18247, 18248, 18250

Hi Steve,
Roxanne is the agent assigned to this subcase. Go ahead and send her the info regarding 65-18248 when you get it from Tim and she can draft up the SF5s for all three.
Thanks,
Garrick

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

From: Steve Schuster [mailto:sschuster@idl.state.id.us]
Sent: Monday, June 17, 2002 4:01 PM
To: Garrick Baxter (gbaxter@idwr.state.id.us)
Subject: 65-18247, 18248, 18250

I got a report from Tim on this. 65-18247 can be resolved with a comments to the effect that use authorized by State of Idaho Grazing Lease No. 6525. *Use to Object*

65-18250 can be resolved similarly, Grazing Lease No. 6088.

65-18248 is a bit more complicated. All of the 1/41/4 sections are split ownership, and Tim reports that 3 of 4 of these are on private land and can be resolved with a "use in _____ not on State endowment land," the other one with "use pursuant to State Grazing Lease No. 6179" comment. Problem is, I'm not sure which is which, so I need to get some clarification from Tim when he returns. Also, the grazing lease is to another party, not Black Canyon, which I do not think is your problem, but we have to sort that out.

We have not spoken with anyone about this resolution to this point in time.

I will be out of the office tomorrow and Wednesday, but available at IDL's Coeur d'Alene office.

FS-7 Forest Service

copy

VALLEY CO 10 N
BOISE CO 10 N

CLAIM 465-18247 INIT

T. R. S. Q/Q
P/D 9N 2E 1 NENE = B
SCALE 13 SESW = E
PHOTO ID V9015 DATE 1985

Mud Lake
x 5184 D

Mountain

Phillips

NATIONAL FOREST

Buck Creek

NT-1088

State R
IDAF
TION 1

14

FS - Forest Service

VALLEY CO. IDAHO
BOISE CO. IDAHO

CLAIM A65-18247 INIT

T. R. S. Q/Q

P/D 9N 2E 1 NENE = B

SCALE 13 SESW = E

PHOTO ID. V90V55 DATE 1985

FOREST

BOISE

NATIONAL FOREST

Mr. Buck Summit
NENE
FS
SWNE
FS
B
FS

1
NENE
FS

SESW
FS

WENN
FS

SENE
FS

13

NESW
FS

SESW
FS

SWSW
FS

SWSW
FS

SWSW
FS

13

NESW
FS

SESW
FS

FS

3

Mud Lake
x 5484

Mountain

Phillips

Creek

Buck

Creek

11E

State Route
IDAHO
SECTION 19

14

4461 T

465-18247



MICROFILMED

SEP 29 1992

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: A65-18247
Date Received: 11/07/1989
Receipt No: C012739
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BLACK CANYON GRAZING ASSN 208-584-3311
Address: C/O ALVIN H. MOSES
8975 SWEET OLA HIGHWAY
SWEET, ID 83670

2. Date of Priority: JAN 01, 1860

3. Source: DRY BUCK CREEK Trib. to: PAYETTE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
Beginning Point of Minimum Instream Flow							
09N	02E	1	NE	NW			BOISE
Ending Point of Minimum Instream Flow							
09N	02E	13	SE	SW			BOISE

5. Description of diverting works:
INSTREAM STOCKWATER USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.140		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER FOR APPROX. 600 HEAD OF CATTLE

A65-18247

Page 1

Date: 12/01/89

MICROFILMED
SEP 29 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
09N	02E	1	NW		NE		STOCK	
			SW		NE		STOCK	
			NE		NW		STOCK	
			SE		SW		STOCK	
		12	NW		SE		STOCK	
			NE		NW		STOCK	
			SE		NW		STOCK	
			NE		SW		STOCK	
			SE		SW		STOCK	
		13	NW		NW		STOCK	
			SW		NW		STOCK	
			NE		SW		STOCK	
			SE		SW		STOCK	

11. Place of use in counties: BOISE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
NONE

14. Remarks:
SEC. 1 AND PORTION OF 12 OWNED BY USDA FOREST SERVICE. WE OWN
OTHER PORTION OF 12 AND SEC. 13.

15. Basis of Claim: BENEFICIAL USE

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 Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

RECEIVED

NOV 07 1989

Ident. Number: A65-18247
Date Received: 11/02/1989, 11-7-89
Receipt No: C012739
Received By: D.K.
raj

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Department of Water Resources

1. Name: BLACK CANYON GRAZING ASSN 208-584-3311
Address: C/O ALVIN H. MOSES
8975 SWEET OLA HIGHWAY
SWEET, ID 83670

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4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
Beginning Point of Minimum Instream Flow					
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Ending Point of Minimum Instream Flow					
09N	02E	13	SE	SW	BOISE

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STOCKWATER	01/01	12/31	0.140		

7. Total Quantity Appropriated is:
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8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER FOR APPROX. 600 HEAD OF CATTLE

A65-18247

Page 1

Date: 11/02/89

MICROFILMED
SEP 29 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	02E	1	NW	NE		STOCK	
			SW	NE		STOCK	
			NE	NW		STOCK	
			SE	SW		STOCK	
		12	NW	SE		STOCK	
			NE	NW		STOCK	
			SE	NW		STOCK	
			NE	SW		STOCK	
		13	SE	SW		STOCK	
			NW	NW		STOCK	
			SW	NW		STOCK	
			NE	SW		STOCK	
			SE	SW		STOCK	

11. Place of use in counties: BOISE

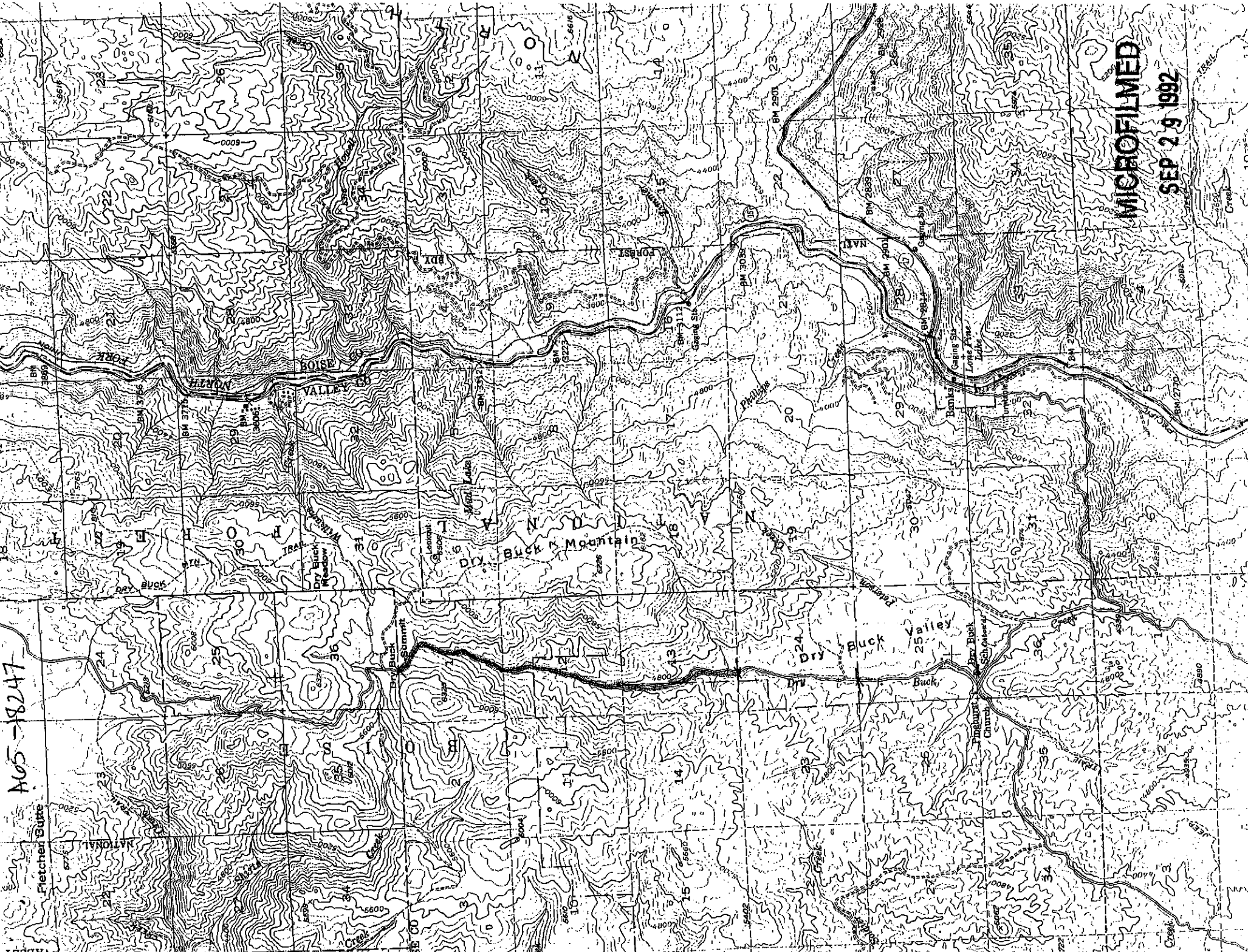
12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
NONE

14. Remarks:
SEC. 1 AND PORTION OF 12 OWNED BY USDA FOREST SERVICE. WE OWN
OTHER PORTION OF ~~12~~ AND SEC. 13.

15. Basis of Claim: BENEFICIAL USE

AGS-18247



MICROFILMED

SEP 29 1992

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am Sec. of _____ Title

Black Canyon Grazing Assn. that I have signed the foregoing document in the space below as Sec. of _____ Title

Black Canyon Grazing Assn. and that the statements contained in the foregoing document are true and correct. _____ Signature of Authorized Agent

Sec. Black Canyon Grazing Assn. Title and Organization

11-2-89 Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 2nd day of November 19 89

Seal

Helen Harrington
Notary Public
Helen Harrington, Notary Public
Residing at Boise, Idaho
My Commission Expires December 1, 1994
Residing at _____
My Commission Expires _____

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Black Canyon Grazing CLAIM IDENT. NO. AGS-18247

DATE RECEIVED 11/7/87 CK # 00 AMOUNT \$ YES NO Required Info?

1. Is the name and address complete with zip code? *

2. Is a priority date entered? *

Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. *

3. (a) Is a source entered? *

(b) Is a tributary to entered? (if required) N/A *

4. Is the legal description of the p.d. sufficient? *

5. Is there a description of the diverting works? *

6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. *

Is the period of use included? *

Is a quantity claimed for each use? *

7. Is a total quantity claimed entered? *

8. If required is a consumptive use entered? N/A *

Is the consumptive use correct? N/A *

9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A *

10. Is (are) the place(s) of use and purpose(s) indicated? *

11. Is (are) the county(ies) entered? *

12. Is the ownership of p.u. checked? *

13. Are other water rights listed or "none" indicated? *

14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A *

15. Is the basis of the claim indicated? *

16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A *

17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. *

18. Has the claim been signed, sealed, and dated by a notary? *

19. Was this claim filed on time, or was an extension granted? *

20. Is the fee enclosed correct? Exempt *

21. If this claim is based on an existing water right, has the identification number been entered? N/A *

22. Should this claim be data entered? *

Claim checked by: AGS Date: 11/30/87

Claim must be returned to claimant: (Yes) (No)

Claimant must be notified of modifications: (Yes) (No)

Receipt Prepared by: Date: Checked by: AGS Date: 12/1/87

Claim data entered by: Date:

Sent to claimant by: Date:

Comments: Instream - not data

MICROFILMED

SEP 29 1992

Brown, Roxanne

From: Baxter, Garrick
Sent: Wednesday, June 19, 2002 4:17 PM
To: 'Steve Schuster'
Cc: Brown, Roxanne
Subject: RE: Black Canyon Grazing 65-18247, 18248, 18250

Hi Steve,
Roxanne is the agent assigned to this subcase. Go ahead and send her the info regarding 65-18248 when you get it from Tim and she can draft up the SF5s for all three.
Thanks,
Garrick

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

From: Steve Schuster [mailto:sschuster@idl.state.id.us]
Sent: Monday, June 17, 2002 4:01 PM
To: Garrick Baxter (gbaxter@idwr.state.id.us)
Subject: 65-18247, 18248, 18250

I got a report from Tim on this. ~~65-18247 can be resolved with a comments to the effect that use authorized by State of Idaho Grazing Lease No. 6525.~~ *Use Objection*

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JAN 16 2002

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

Subcase 65-18247

STANDARD FORM 1 OBJECTION

RECEIVED

JAN 18 2002

**WATER RESOURCES
WESTERN REGION**

Name: Idaho Department of Lands
Address: 954 West Jefferson Street
PO Box 83720
Boise, Idaho 83720-0050

Daytime Phone: (208) 334-0200

Name & Address of Attorney, if any:

Attorney Name: ALAN G. LANCE
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
STEVEN J. SCHUSTER
Deputy Attorney General
Idaho Department of Lands

Attorney Address: 954 West Jefferson Street
PO Box 83720
Boise, Idaho 83720-0050

Attorney Phone No.: (208) 334-0200
Idaho State Bar # 3453

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Black Canyon Grazing Association
Address: c/o Alvin H. Moses
8975 Sweet Ola Highway
Sweet, Idaho 83670

I object to the following elements as recommended in the Director's Report.

1. ☒ **Name and Address**
Should be: Idaho Department of Lands
954 West Jefferson Street
PO Box 83720
Boise, Idaho 83720-0050
2. ☐ **Source**
Should be: As claimed
3. ☐ **Quantity**
Should be: As claimed
4. ☐ **Priority Date**
Should be: As claimed
5. ☐ **Point(s) of Diversion**
Should be: As claimed
6. ☐ **Instream Flow Description**
Should be: As claimed
7. ☐ **Purpose(s) of Use**
Should be: As claimed
8. ☐ **Period of Year**
Should be: As claimed
9. ☐ **Place of Use**
Should be: As claimed
10. **I object because:**
 - ☐ This water right should not exist.
 - ☒ This water right was not recommended, but should be recommended with the elements described above.

REASONS SUPPORTING OBJECTION(S):

The State of Idaho, through the Idaho Department of Lands, is the owner of a portion of the land upon which use is claimed. This land is State Public School endowment land. This land is more particularly described as the SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, Township 9 North, Range 2 East, Boise Meridian, NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, Township 9 North, Range 2 East, Boise Meridian, and the NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13, Township 9 North, Range 2 East, Boise Meridian. The claimant does not have a valid water right for use on the endowment land because a private claim cannot be made on such lands.

VERIFICATION

State of Idaho)
) ss.
County of Ada)

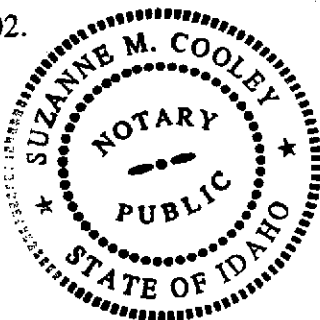
Steven J. Schuster, duly sworn, upon oath, deposes and says:

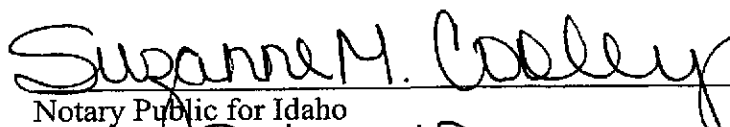
That the State of Idaho, Department of Lands, in its proprietary capacity is filing this objection and that I am a Deputy Attorney General authorized to represent the State of Idaho, Department of Lands which is a party/claimant in this proceeding as defined by I.C. § 42-1401A (1) and (6), and I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

ALAN G. LANCE
Attorney General
CLIVE J. STRONG
Deputy Attorney General
STEVEN J. SCHUSTER
Deputy Attorney General
Idaho Department of Lands


STEVEN J. SCHUSTER
Deputy Attorney General
Idaho Department of Lands

Subscribed and sworn to before me on this 15th day of January, 2002.




Notary Public for Idaho
Residing at: Boise, ID
My Commission expires: 7-22-2002

CERTIFICATE OF MAILING

I certify that on this 15th day of January, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, Idaho 83303-2707

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

Name: Black Canyon Grazing Association
Address: c/o Alvin H. Moses
8975 Sweet Ola Highway
Sweet, Idaho 83670

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, Idaho 83720-0098

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

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


STEVEN J. SCHUSTER
Deputy Attorney General
Idaho Department of Lands

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: ~~65-18247~~ 65-22711

Name and Address: ~~BLACK CANYON GRAZING ASSN~~
~~C/O ALVIN H MOSES~~
~~8975 SWEET OLA HWY~~
~~SWEET, ID 83670~~

UNITED STATES OF AMERICA on behalf
of the USDA Forest Service
550 W. Fort Street MSC#33
Boise, ID 83724

Source: DRY BUCK CREEK Tributary: PAYETTE RIVER

Quantity: .02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
13,000 GALLONS PER DAY.

Priority Date: 01-01-1860

Diversion Point: T09N R02E S01 SWNE (Instream BeginnBoise
~~S12~~ ~~SWSESW~~ (Instream EndingBoise
S01 SWSWNE

Purpose and
Period of Use: Purpose of Use Period of Use Quantity
Stockwater 01-01 TO 12-31 .02 CFS

IN STREAM STOCK WATER.

Place of Use: Stockwater Within Boise County
T09N R02E S01 LOT 1 (NENE) LOT 2 (NWNE)
SWNE ~~SESW~~
~~NWSE~~
S12 ~~NENW~~ ~~SENW~~
~~NESW~~ ~~CSW~~
~~SESW~~
S13 ~~NWNW~~ ~~SWNW~~
~~NESW~~ ~~SESW~~

Other Provisions Necessary for Definition / Administration of this Water Right:

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

Explanatory Material: Basis of Claim - Beneficial Use

STOCKWATER, 600 RANGE CATTLE

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: ~~65-18247~~ 65-22710

Name and Address: BLACK CANYON GRAZING ASSN
C/O ALVIN H MOSES
8975 SWEET OLA HWY
SWEET, ID 83670

Source: DRY BUCK CREEK Tributary: PAYETTE RIVER

Quantity: .02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
13,000 GALLONS PER DAY.

Priority Date: 01-01-1860

Diversion Point: T09N R02E S01 ~~SWNE~~ NW NWSE (Instream BeginnBoise
S13 SWSESW (Instream EndingBoise

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Stockwater	01-01 TO 12-31	.02 CFS

IN STREAM STOCK WATER.

Place of Use:	Stockwater	Within Boise County
	T09N R02E S01 LOT 1 (NENE)	LOT 2 (NWNE)
		SESW
	S12	NENW SENW
		NESW SWSW
		SESW
	S13	NWNW SWNW
		NESW SESW

Other Provisions Necessary for Definition / Administration of this Water Right:

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

Explanatory Material: Basis of Claim - Beneficial Use

STOCKWATER, 600 RANGE CATTLE

(Idaho Dept. of Lands Paragraph)

09/06/2000

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

RIGHT NUMBER: 65-18247

NAME AND ADDRESS: BLACK CANYON GRAZING ASSN
C/O ALVIN H MOSES
8975 SWEET OLA HIGHWAY
SWEET, ID 83670

SOURCE: DRY BUCK CREEK **TRIBUTARY:** Payette River

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL
NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 01/01/1860

POINT OF DIVERSION: T09N R02E S1 SWNENE = 1/2 Within BOISE County
09N R02E S13 SWSESW = 1/2 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:

STOCKWATER Within BOISE County

T09N R02E S1	SESW	T09N R02E S1	SWNE (FS)
T09N R02E S1	NWSE	T09N R02E S1	NENE (FS)
T09N R02E S1	LOT 2 NWNE (FS)	T09N R02E S12	NENW
T09N R02E S12	SESW	T09N R02E S12	NESW
T09N R02E S12	SESW	T09N R02E S12	SWSW
T09N R02E S13	NWNW	T09N R02E S13	SWNW
T09N R02E S13	NESW	T09N R02E S13	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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

STOCKWATER, 600 RANGE CATTLE

AJ5809NP
No. A65-18247

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/01/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BLACK CANYON GRAZING ASSN C/O ALVIN H MOSES 8975 SWEET OLA HIGHWAY SWEET ID 83670 (208) 584-3311	01/01/1860	STOCKWATER	01-01 12-31	0.140 cfs	.02
TOTAL DIVERSION:					0.140 cfs	.02.

Water Source: DRY BUCK CREEK

Tributary to: PAYETTE RIVER

Stage: BENEFICIAL USE

Point(s) of Beginning Stream Reach: T09N R02E S01

Point(s) of Ending Stream Reach: T09N R02E S13

~~SW~~ NENE = B
~~SW~~ SESW = E

BOISE County

BOISE County

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE																			
				NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE	
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		
09N	02E	1	:	(S)		S		S																											
09N	02E	12	:	(S)		Lt+2				S										S		(S)		S											
09N	02E	13	:									S		S						S				S											

POU County: BOISE

Non-Irrigation Uses: STOCKWATER FOR APPROX. 600 HEAD ~~OF~~ CATTLE

Other Rights: NONE

Remarks: GEN SEC. 1 AND PORTION OF 12 OWNED BY USDA FOREST SERVICE. WE OWN
OTHER PORTION OF 12 AND SEC. 13.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Audit: 12/01/89 HARRINGT 03/30/95 POST-STD

N11 + N13 + C18

9-7-2000 Per telephone conversation with Al Moses -
leave Forest Service land in recommendation. If ~~the~~ USFS
objects they will address the issue at that time.

65-18247

J & Q on 4375, will they remove from BHM
Other lands are interspersed with the State
Printer's Mark

Made in U.S.A.
13-782 500 SHEETS, FILLER 9 SQUARE
42-381 50 SHEETS EYE-EASE 9 SQUARE
42-382 100 SHEETS EYE-EASE 9 SQUARE
42-383 200 SHEETS EYE-EASE 9 SQUARE
42-384 200 SHEETS EYE-EASE 9 SQUARE
42-385 200 RECYCLED WHITE 9 SQUARE
42-386 200 RECYCLED WHITE 9 SQUARE
42-387 200 RECYCLED WHITE 9 SQUARE



65-22279: Fortitude Issue: Objection from an outside party.
Issue is Objector wants Right Forfeited.

Recommended in Payette decree in 1985. Recommended
based on AL rules stating forfeiture could not
be recommended

To be fought out by neighbors

65-18247: Stockwater: Al Moses - Charman - Good Guy
(Black Canyon) Recommended WR to private owner on public land
(Grazing Agreement) Objector is Department of Lands.

Sharon + Harvey
Church

Little band + David Little - Recommended on state lands
battle

65-20097: BLM objection - Disallowed - BLM find objection
developed, not included in Payette decree

65-01996: BLM objection

Huntaker: Check Govt lots

65-07574: BLM objection - Says there is no lot 2"
lot 12 LEW - BLM owner.

Vogel: ob, to Priority + PDR

65-22233

RECEIVED

FEB 14 2002

Department of Water Resources

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 No. 65-18247

STANDARD FORM 2
RESPONSE TO OBJECTION

RECEIVED

FEB 19 2002

WATER RESOURCES
WESTERN REGION

B. NAME AND ADDRESS OF PERSON RESPONDING:

Name: United States of America, acting through the USDA Forest Service
Address: 550 W. Fort St. MSC 033
Boise, ID 83724

Name and Address of Attorney:

Attorney Name: David L. Negri
Attorney Address: United States Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 W. Fort St. MSC 033
Boise, ID 83724
Attorney Phone: (208) 331-5943

C. NAME AND ADDRESS OF PERSON WHO FILED OBJECTION TO WHICH YOU
ARE RESPONDING:

Name: Idaho Department of Lands
Address: 954 West Jefferson Street
P.O. Box 83720
Boise, ID 83720-0050

D. I am responding to the objection(s) to the following elements:

1. ☒ Name and Address
2. ☐ Source
3. ☐ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☐ Place of Use

11. Recommendation:

- ☐ This water right should not exist
- ☐ This water right was not recommended, but should be recommended with the elements described above.

VERIFICATION

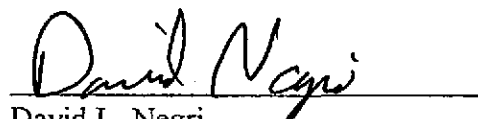
State of Idaho)
) ss.
County of Ada)

MICHAEL COLLETTE, duly sworn, upon oath, deposes and says:

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

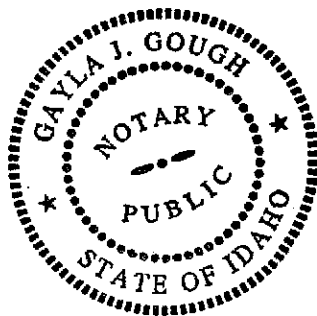


Michael Collette



David L. Negri
United States Department of Justice

Subscribed and sworn to before me on: February 12, 2001



(seal)



Gayla J. Gough
Notary Public for: Idaho
Residing at: Kuna, Idaho
My Commission Expires: 11-17-2004

CERTIFICATE OF MAILING

I certify that on February 12, 2002, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original by U.S. Mail to:

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

2. One copy by U.S. Mail to the claimant of the water right at the following address:

Black Canyon Grazing Association
c/o Alvin H. Moses
8975 Sweet Ola Highway
Sweet, Idaho 83670

3. One copy by U.S. Mail to the party who filed the objection at the following address:

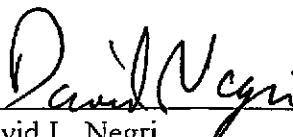
Steven J. Shuster
Deputy Attorney General
Idaho Department of Lands
954 West Jefferson Street
P.O. Box 83720
Boise, Idaho 83720-0050

4. Copies by U.S. Mail to:

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

United States Department of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

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



David L. Negri

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: _65-18247 _

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 USDA Forest Service
Address: 550 West Fort Street
MSC 033
Boise, Idaho 83724
Daytime Phone: (208) 331-5943

Name and Address of Attorney, if any:

David L. Negri
550 West Fort Street
MSC 033
Boise, Idaho 83724

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

Name: Black Canyon Grazing Association
Address: C/O Alvin H Moses
8975 Sweet Ola Hwy
Sweet, ID 83670

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

1. ☒ **Name and Address**
Should be: See E below.
2. ☐ **Source**
Should be:
3. ☐ **Quantity**
Should be:
4. ☐ **Priority Date**
Should be:
5. ☒ **Point(s) of Diversion**
Should be: See E below.
6. ☒ **Instream Flow Description**
Should be: See E below.
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☒ **Places of Use**
Should be: See E below.

11. I object because:

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):**

The beginning point of this water right in the SWNENE of Section 1 T09N, R02E, all places of use in the N 1/2 of Section 1 are on National Forest System land. All portions of this claim as shown in the Directors Report that are on National Forest System land in the N 1/2 of Section 1, T09N, R02E should be decreed to the United States.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Michael Collette , 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.

Michael Collette

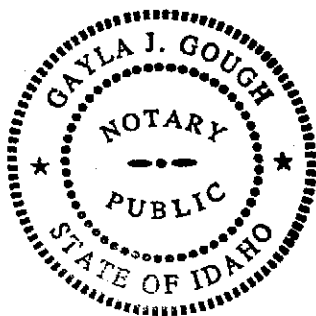
(Signature of person filing objections)

David M.

(Attorney signing in representative capacity)

Subscribed and sworn before me on:

January 18 2002



Gayla J. Gough

Gayla J. Gough

Notary Public for: Idaho
Residing at: Kuna, Idaho
Commission Expires: 11/17/2004

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 Jan. 18, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

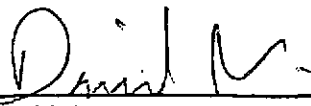
Name: Black Canyon Grazing Association
Address: C/O Alvin H Moses
8975 Sweet Ola Hwy
Sweet, ID 83670

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resource
Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

RECEIVED

JUN 27 2003

WATER RESOURCES
WESTERN RECORDS
06/2000

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

RIGHT NUMBER: 65-18247

NAME AND ADDRESS: BLACK CANYON GRAZING ASSN
C/O ALVIN H MOSES
8975 SWEET OLA HIGHWAY
SWEET, ID 83670

SOURCE: DRY BUCK CREEK TRIBUTARY: Payette River

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL
NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 01/01/1860

POINT OF DIVERSION: T09N R02E S1 SWNENE Within BOISE County
 09N R02E S13 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:

STOCKWATER Within BOISE County

T09N R02E S1	SESW	T09N R02E S1	SWNE
T09N R02E S1	NWSE	T09N R02E S1	NENE
T09N R02E S1	NWNE	T09N R02E S12	NENW
T09N R02E S12	SENW	T09N R02E S12	NESW
T09N R02E S12	SESW	T09N R02E S12	SWSW
T09N R02E S13	NWNW	T09N R02E S13	SWNW
T09N R02E S13	NESW	T09N R02E S13	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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

STOCKWATER, 600 RANGE CATTLE

VALLEY CO 10 N
BOISE CO 10 N

CLAIM A65-18247 INIT

T. R. S. Q/Q

P/D 9N 2E 1 WEN E = B
S E SW = E

SCALE 13 SESW = E
PHOTO ID. V90158ATE 1985

PHOTO ID. V90 V5 DATE 1985

Mud Lake

548 M

Buc

Mountain

State Route
IDAHO
TION 198

BOISE

NATIONAL FOREST

Buck

4461

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: A65-18247
Date Received: 11/07/1989
Receipt No: C012739
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BLACK CANYON GRAZING ASSN 208-584-3311
Address: C/O ALVIN H. MOSES
8975 SWEET OLA HIGHWAY
SWEET, ID 83670

2. Date of Priority: JAN 01, 1860

3. Source: DRY BUCK CREEK Trib. to: PAYETTE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
Beginning Point of Minimum Instream Flow					
09N	02E	1	NE	NW	BOISE
Ending Point of Minimum Instream Flow					
09N	02E	13	SE	SW	BOISE

5. Description of diverting works:
INSTREAM STOCKWATER USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.140		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER FOR APPROX. 600 HEAD OF CATTLE

A65-18247

Page 1

Date: 12/01/89

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SEP 29 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
09N	02E	1	NW		NE		STOCK	
			SW		NE		STOCK	
			NE		NW		STOCK	
			SE		SW		STOCK	
		12	NW		SE		STOCK	
			NE		NW		STOCK	
			SE		NW		STOCK	
			NE		SW		STOCK	
			SE		SW		STOCK	
		13	NW		NW		STOCK	
			SW		NW		STOCK	
			NE		SW		STOCK	
			SE		SW		STOCK	

11. Place of use in counties: BOISE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
NONE

14. Remarks:
SEC. 1 AND PORTION OF 12 OWNED BY USDA FOREST SERVICE. WE OWN
OTHER PORTION OF 12 AND SEC. 13.

15. Basis of Claim: BENEFICIAL USE

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 Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

RECEIVED
NOV 07 1989

Ident. Number: A65-18247
Date Received: ~~11/02/1989~~ 11-7-89
Receipt No: C012739
Received By: O.K.
bat

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Department of Water Resources

1. Name: BLACK CANYON GRAZING ASSN
Address: C/O ALVIN H. MOSES
8975 SWEET OLA HIGHWAY
SWEET, ID 83670
208-584-3311

2. Date of Priority: JAN 01, 1860

3. Source: DRY BUCK CREEK Trib. to: PAYETTE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
Beginning Point of Minimum Instream Flow					
09N	02E	1	NE	NW	BOISE
Ending Point of Minimum Instream Flow					
09N	02E	13	SE	SW	BOISE

5. Description of diverting works:
INSTREAM STOCKWATER USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.140		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER FOR APPROX. 600 HEAD OF CATTLE

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SEP 29 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
09N	02E	1	NW		NE		STOCK	
			SW		NE		STOCK	
			NE		NW		STOCK	
			SE		SW		STOCK	
		12	NW		SE		STOCK	
			NE		NW		STOCK	
			SE		NW		STOCK	
			NE		SW		STOCK	
		13	SE		SW		STOCK	
			NW		NW		STOCK	
			SW		NW		STOCK	
			NE		SW		STOCK	
		SE		SW		STOCK		

11. Place of use in counties: BOISE

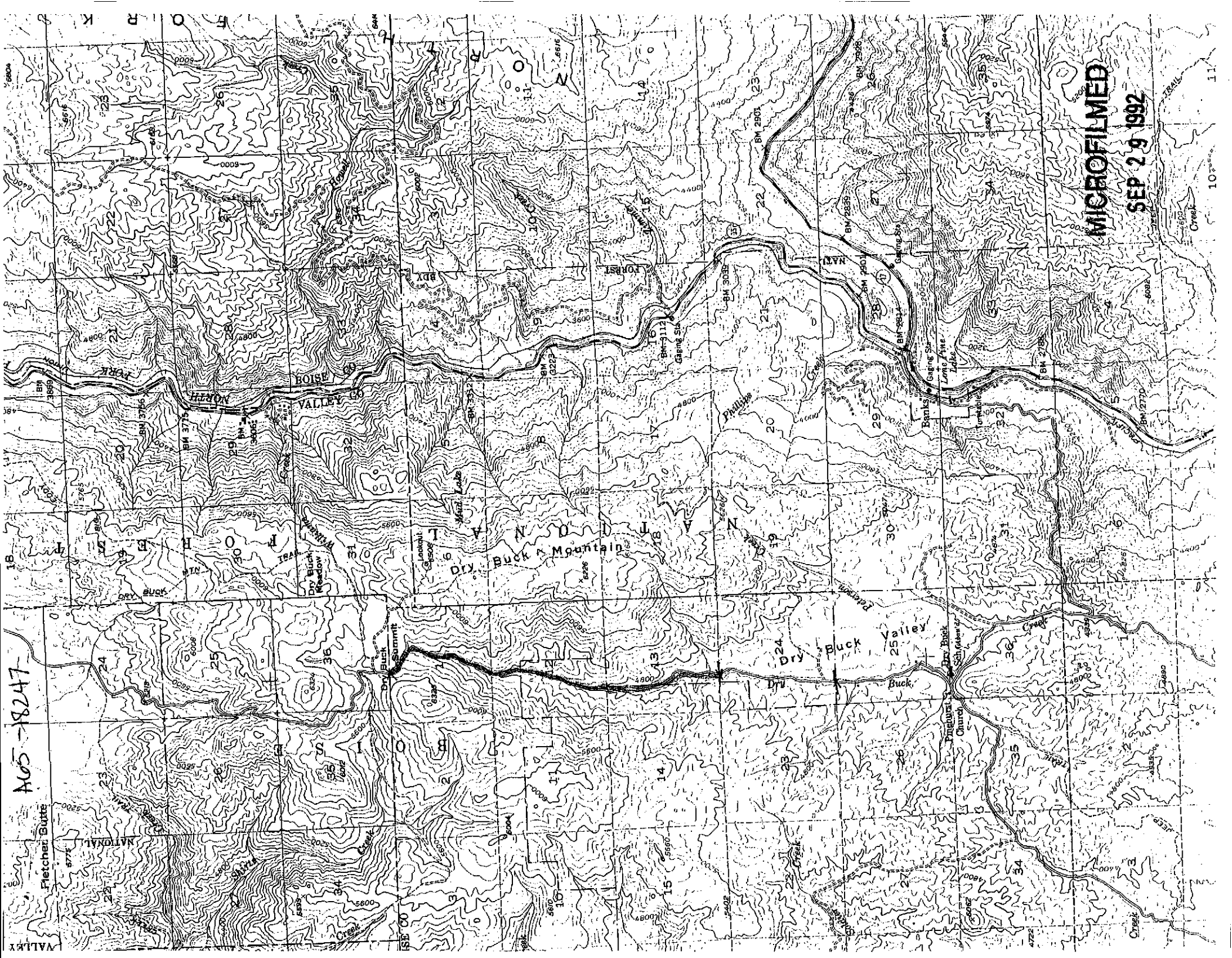
12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
NONE

14. Remarks:
SEC. 1 AND PORTION OF 12 OWNED BY USDA FOREST SERVICE. WE OWN
OTHER PORTION OF ~~12~~ AND SEC. 13.
12

15. Basis of Claim: BENEFICIAL USE

AGS-18247



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SEP 29 1992

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am Sec. of _____ Title

Black Canyon Grazing Assn. that I have signed the foregoing Organization

document in the space below as Sec. of _____ Title

Black Canyon Grazing Assn. and that the statements contained in the Organization
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

Sec. Black Canyon Grazing Assn.
Title and Organization

11-2-89
Date

State of Idaho)
County of Ada) ss.

Subscribed and sworn (or affirmed) before me this 2nd day
of November 19 89

Seal

[Signature]
Notary Public

Helen Harrington, Notary Public
Residing at Boise, Idaho

Residing at _____ My Commission Expires December 1, 1994

My Commission Expires _____

SRBA CLAIMS RECEIVING CHECKLIST #2

4/5/1989

CLAIMANT'S NAME

Black Canyon Grading

CLAIM IDENT. NO.

AL65-18247

DATE RECEIVED

11/7/87

CK #

00

AMOUNT \$

YES

NO

Required
Info?

1. Is the name and address complete with zip code? ☐ YES ☐ NO ☐ *
2. Is a priority date entered? ☐ YES ☐ NO ☐ *
- Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. ☐ YES ☐ NO ☐ *
3. (a) Is a source entered? ☐ YES ☐ NO ☐ *
- (b) Is a tributary to entered? (if required) ☐ YES ☐ NO ☐ N/A ☐ *
4. Is the legal description of the p.d. sufficient? ☐ YES ☐ NO ☐ *
5. Is there a description of the diverting works? ☐ YES ☐ NO ☐ *
6. Are the water uses appropriate for the form? The short form is limited
to domestic and stockwater uses with direct diversion. All claims that
include storage or instream stockwater must use long form. ☐ YES ☐ NO ☐ *
- Is the period of use included? ☐ YES ☐ NO ☐ *
- Is a quantity claimed for each use? ☐ YES ☐ NO ☐ *
7. Is a total quantity claimed entered? ☐ YES ☐ NO ☐ *
8. If required is a consumptive use entered? ☐ YES ☐ NO ☐ N/A ☐ *
- Is the consumptive use correct? ☐ YES ☐ NO ☐ N/A ☐ *
9. Are the non-irrigation uses listed properly? If this claim is on the
short form, and more than one domestic use is listed, single owner-
ship must be stated. If not under single ownership, see
Adjudication Memo # 4. ☐ YES ☐ NO ☐ N/A ☐ *
10. Is (are) the place(s) of use and purpose(s) indicated? ☐ YES ☐ NO ☐ *
11. Is (are) the county(ies) entered? ☐ YES ☐ NO ☐ *
12. Is the ownership of p.u. checked? ☐ YES ☐ NO ☐ *
13. Are other water rights listed or "none" indicated? ☐ YES ☐ NO ☐ *
14. If required, are remarks correct? (If the claimant does not own
the place of use, authority for filing the claim must be
explained in the remarks.) ☐ YES ☐ NO ☐ N/A ☐ *
15. Is the basis of the claim indicated? ☐ YES ☐ NO ☐ *
16. If the claimant requested a monthly docket sheet, is payment enclosed?
(If yes, describe payment status in "Comments" below.) ☐ YES ☐ NO ☐ N/A ☐ *
17. Is the claim signed by the claimant, and is the signature appropriate?
Organizations must complete the organization block. ☐ YES ☐ NO ☐ *
18. Has the claim been signed, sealed, and dated by a notary? ☐ YES ☐ NO ☐ *
19. Was this claim filed on time, or was an extension granted? ☐ YES ☐ NO ☐ See Comments ☐ *
20. Is the fee enclosed correct? ☐ YES ☐ NO ☐ Exempt ☐ *
21. If this claim is based on an existing water right, has the
identification number been entered? ☐ YES ☐ NO ☐ N/A ☐ *
22. Should this claim be data entered? ☐ YES ☐ NO ☐ *

Claim checked by: LatDate: 11/32/87Claim must be returned to claimant: ☐ (Yes) ☐ (No)Claimant must be notified of modifications: ☐ (Yes) ☐ (No)

Receipt Prepared by: _____

Date: _____

Claim data entered by: _____

Date: _____

Sent to claimant by: _____

Date: _____

Checked by: LatDate: 12/1/87Comments: Instream - not late

MICROFILMED

SEP 29 1992