

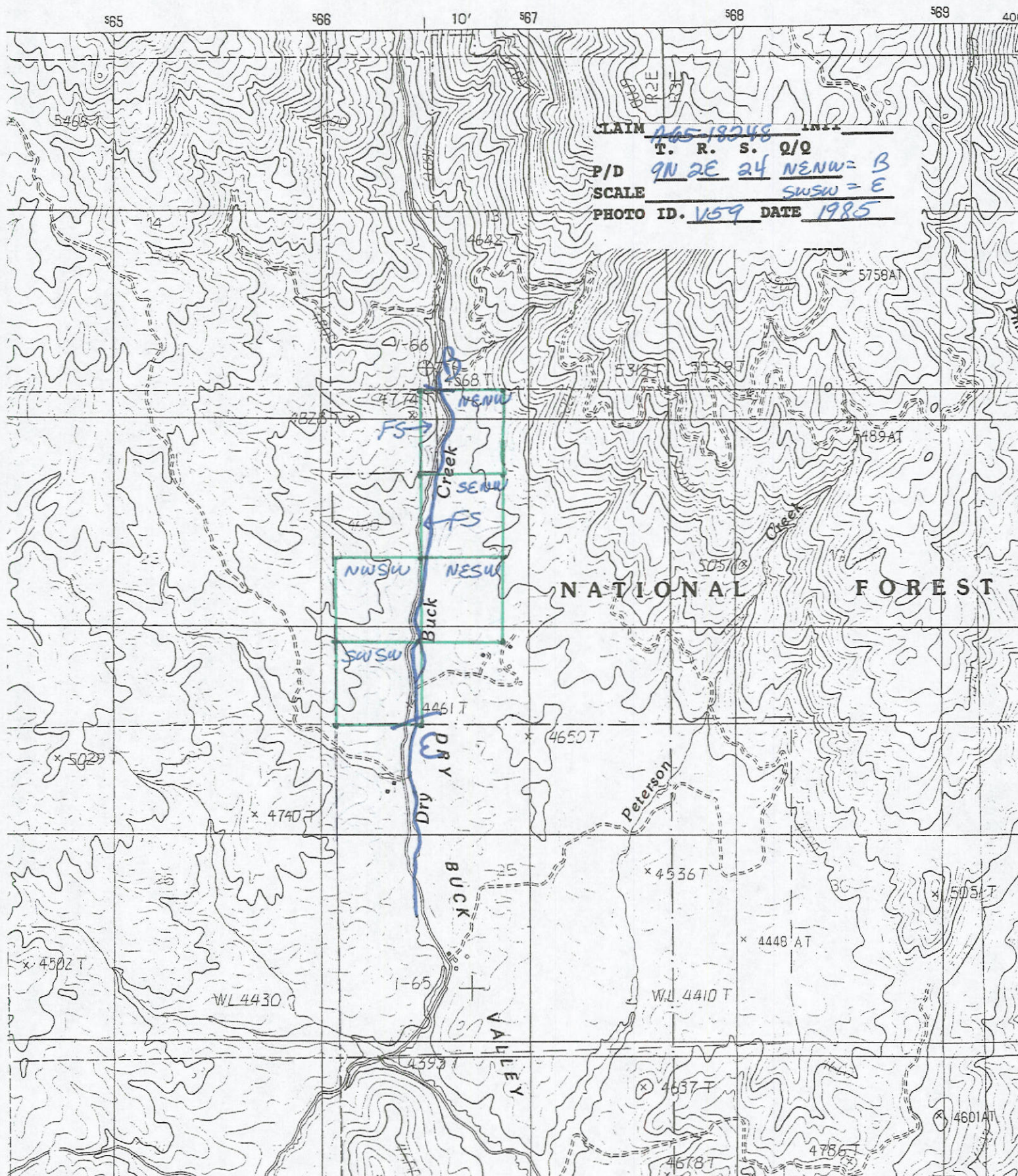
AG 5-18248



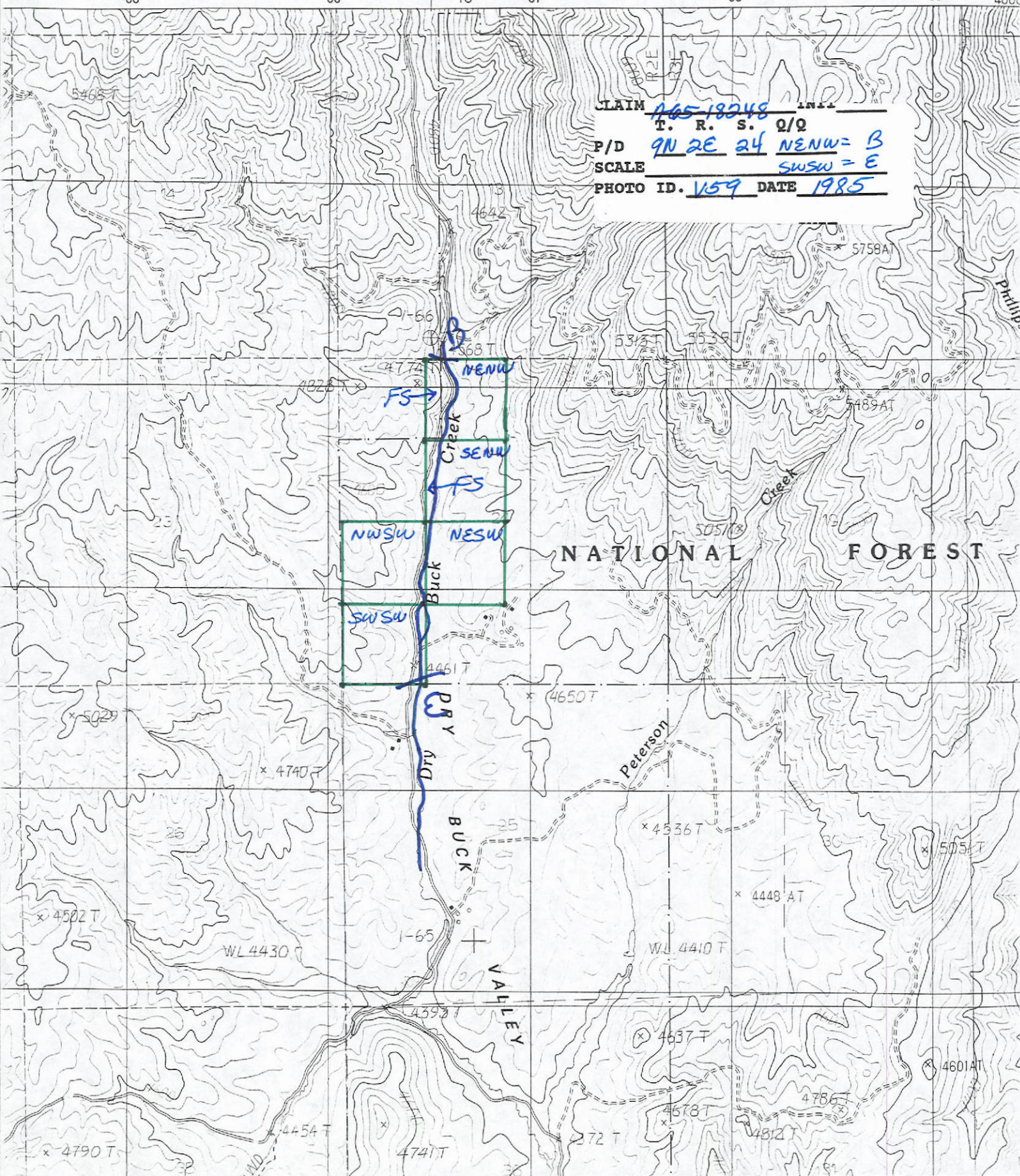
MICROFILMED

SEP 29 1992

DRY BUCK VALLEY QU  
IDAHO-BOISE CO  
7.5 MINUTE SERIES (TOPC



|     |     |     |     |     |     |      |
|-----|-----|-----|-----|-----|-----|------|
| 565 | 566 | 10' | 567 | 568 | 569 | 4000 |
|-----|-----|-----|-----|-----|-----|------|



VALLEY

AG 5-18248



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: A65-18248  
Date Received: 11-7-89  
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   | 24      | NW                | NE  | BOISE  |
| Ending Point of Minimum Instream Flow    |       |         |                   |     |        |
| 09N                                      | 02E   | 24      | SW                | 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 | 09/15 | 11/15 | 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

A65-18248

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   | 13      | NE     | NW  |     | STOCK |       |
|          |       |         | SE     | NW  |     | STOCK |       |
|          |       |         | NW     | SW  |     | STOCK |       |
|          |       |         | SW     | 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:  
PROPERTY IS OWNED BY USDA FOREST SERVICE AND CHURCH RANCH,  
RESPECTIVELY.

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

Ident. Number: A65-18248

Date Received: 11-7-89

Receipt No: C012739

Received By: D.K.

RECEIVED

NOV 07 1989

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   | 24      | NW                | NE  | BOISE  |
| Ending Point of Minimum Instream Flow    |       |         |                   |     |        |
| 09N                                      | 02E   | 24      | SW                | 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 | 09/15 | 11/15 | 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

A65-18248

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   | 13      | NE     | NW  |     | STOCK |       |
|          |       |         | SE     | NW  |     | STOCK |       |
|          |       |         | NW     | SW  |     | STOCK |       |
|          |       |         | SW     | 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:  
PROPERTY IS OWNED BY USDA FOREST SERVICE AND CHURCH RANCH,  
RESPECTIVELY.

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 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 Ass. that I have signed the foregoing Organization document in the space below as Sec. \_\_\_\_\_ of Title

Black Canyon Grazing Ass. 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 2<sup>nd</sup> day  
of November 19 89

[Signature]  
Notary Public

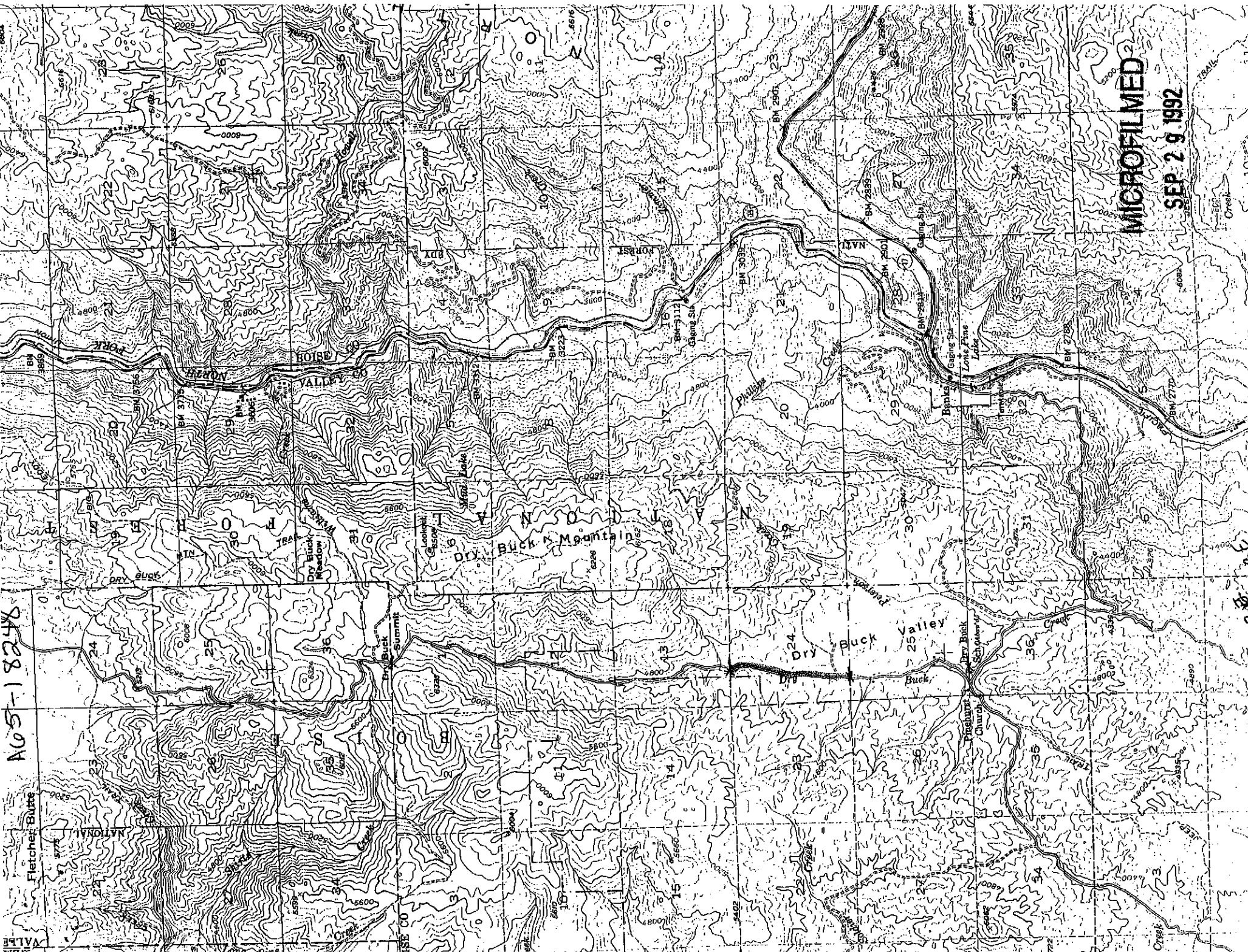
Seal

Helen Harrington, Notary Public

Residing at Residing at Boise, Idaho

My Commission Expires December 1, 1994  
My Commission Expires \_\_\_\_\_

AG 5-18246



MICROFILMED

SEP 29 1992

4/5/1989

## SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Black Canyon Gray

CLAIM IDENT. NO.

AG-18248

DATE RECEIVED

CK #

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 ☐ \*
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 ☐ \*
- Is the consumptive use correct? ☐ YES ☐ NO ☐ \*
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 ☐ \*
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 ☐ \*
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 ☐ \*
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 ☐ \*
20. Is the fee enclosed correct? ☐ YES ☐ NO ☐ \*
21. If this claim is based on an existing water right, has the  
identification number been entered? ☐ YES ☐ NO ☐ \*
22. Should this claim be data entered? ☐ YES ☐ NO ☐ \*

Claim checked by: \_\_\_\_\_

Date: \_\_\_\_\_

Claim must be returned to claimant: \_\_\_\_\_

(Yes) (No)

Claimant must be notified of modifications: \_\_\_\_\_

(Yes) (No)

Receipt Prepared by: \_\_\_\_\_

Claim data entered by: \_\_\_\_\_

Sent to claimant by: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Checked by: RLTDate: 12/1/8Comments: Instream stock - not late

MICROFILMED

SEP 29 1992

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. 65-18248  
  
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)

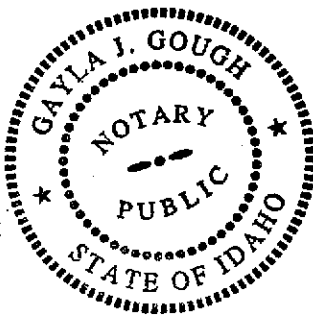
MICHAEL COLLETTE, duly sworn, upon oath, deposes and says:

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.

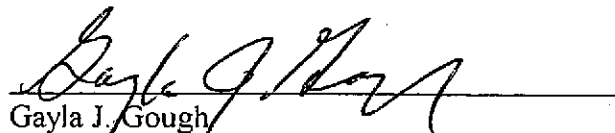
  
Michael Collette

  
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:

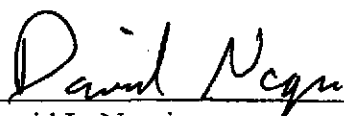
Steven J. Shuster  
Deputy Attorney General  
Idaho Department of Lands  
954 West Jefferson Street  
P.O. Box 83720  
Boise, Idaho 83720-0050

4. Copies by U.S. Mail to:

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

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

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

  
\_\_\_\_\_  
David L. Negri

09/06/2000

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

RIGHT NUMBER: 65-18248

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: 0.2 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 S24 NWNENW Within BOISE County  
T09N R02E S24 SESWSW Within BOISE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| STOCKWATER            | 09-15 11-15          | 0.02 CFS        |

PLACE OF USE:

| <u>STOCKWATER Within BOISE County</u> |      |               |      |
|---------------------------------------|------|---------------|------|
| T09N R02E S24                         | NENW | T09N R02E S24 | SENW |
| T09N R02E S24                         | NWSW | T09N R02E S24 | SWSW |
| T09N R02E S24                         | NESW |               |      |

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.

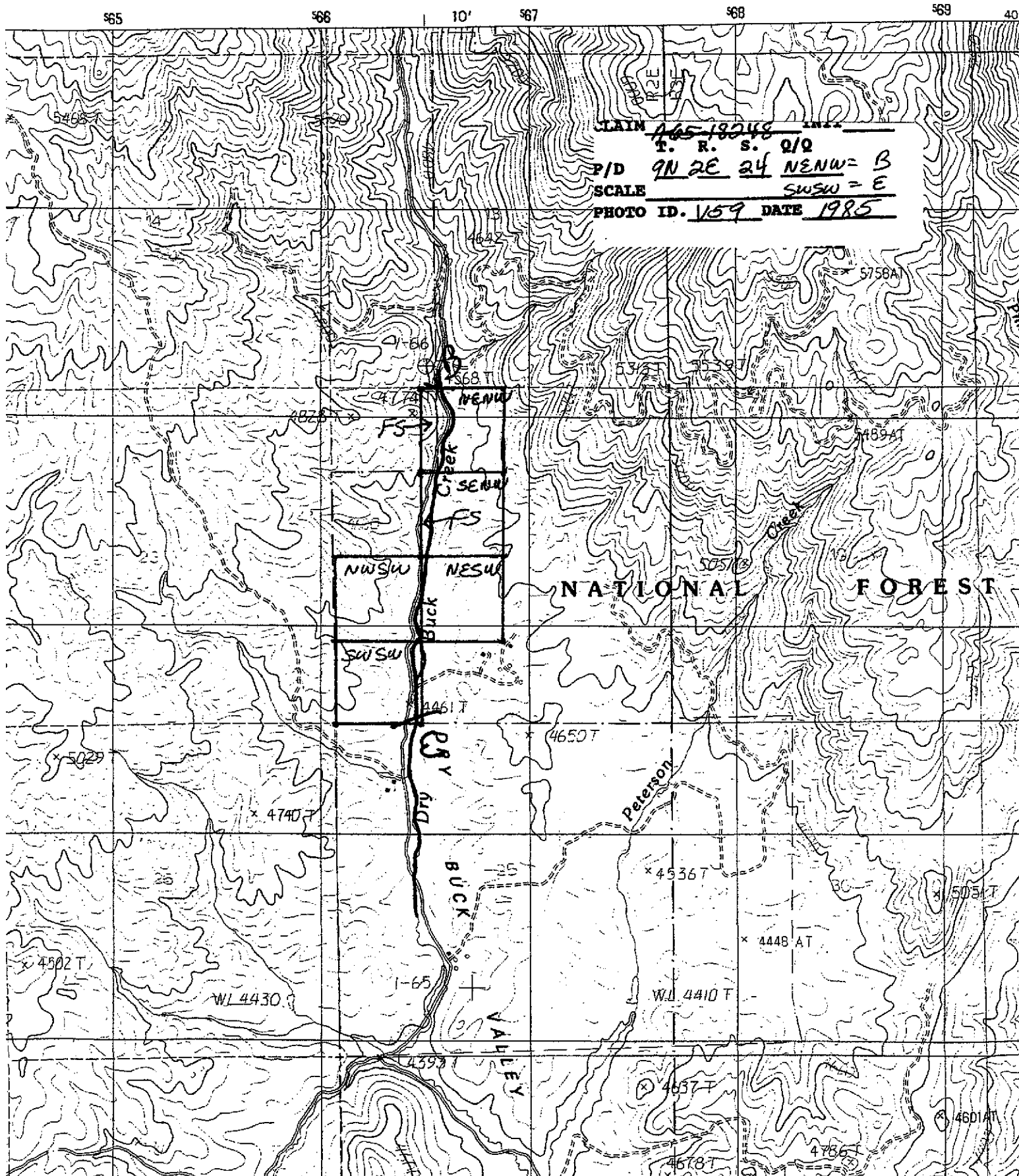
THE QUANTITY OF WATER DECREED FOR THIS WATER  
RIGHT IS NOT A DETERMINATION OF HISTORICAL  
BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

STOCKWATER, 600 RANGE CATTLE

COPY

DRY BUCK VALLEY QUA  
IDAHO-BOISE CC  
7.5 MINUTE SERIES (TOPC)



AJ5809NP  
No. A65-18248

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/01/00  
PAGE: 2

| OWNER<br>CODE    | NAME & ADDRESS                                                                                               | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE    | DIVERSION<br>VOLUME |
|------------------|--------------------------------------------------------------------------------------------------------------|------------------|------------|-----------------------|----------------------|---------------------|
| C                | BLACK CANYON GRAZING ASSN<br>C/O ALVIN H MOSES<br>8975 SWEET OLA HIGHWAY<br>SWEET ID 83670<br>(208) 584-3311 | 01/01/1860       | STOCKWATER | 09-15 11-15           | <del>0.140 CFS</del> | .02                 |
| TOTAL DIVERSION: |                                                                                                              |                  |            |                       | <del>0.140 CFS</del> | .02                 |

Water Source: DRY BUCK CREEK

Tributary to: PAYETTE RIVER

Stage: BENEFICIAL USE

Point(s) of Beginning Stream Reach: T09N R02E S24

Point(s) of Ending Stream Reach: T09N R02E S24

*NE NW = B*  
*SE SWSW*

BOISE County

BOISE 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 | : |
| 09N | 02E | 13 | : |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | : |
|     |     |    | : |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | : |

POU County: BOISE

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

Other Rights: NONE

Remarks: GEN PROPERTY IS OWNED BY USDA FOREST SERVICE AND CHURCH RANCH, RESPECTIVELY.

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

*Instream*

*N11 + N13 + C18*

*9-7-2000 Re Al Moses - leave USFS land in recommendation*

*Wrong  
see map  
and POA's*

RECEIVED

JAN 16 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

Subcase 65-18248

STANDARD FORM 1  
OBJECTION

RECEIVED

JAN 18 2002

WATER RESOURCES  
WESTERN REGION

NAME AND ADDRESS OF PERSON OBJECTING

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 NE $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 24, 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            )

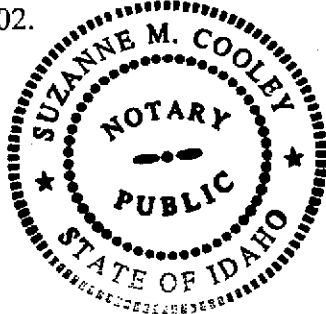
Steven J. Schuster, duly sworn, upon oath, deposes and says:

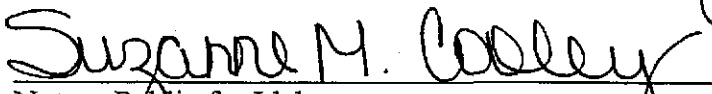
That the State of Idaho, Department of Lands, in its proprietary capacity is filing this objection and that I am a Deputy Attorney General authorized to represent the State of Idaho, Department of Lands which is a party/claimant in this proceeding as defined by I.C. § 42-1401A (1) and (6), and I have 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 15<sup>th</sup> 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 15<sup>th</sup> 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

RECEIVED

JUN 27 2003

WATER RESOURCES  
WESTERN REGION 09/06/2000

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

RIGHT NUMBER: 65-18248

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: 0.2 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 S24 NWNENW Within BOISE County  
T09N R02E S24 SESWSW Within BOISE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| STOCKWATER            | 09-15 11-15          | 0.02 CFS        |

PLACE OF USE:

| <u>STOCKWATER Within BOISE County</u> |      |               |      |
|---------------------------------------|------|---------------|------|
| T09N R02E S24                         | NENW | T09N R02E S24 | SENW |
| T09N R02E S24                         | NWSW | T09N R02E S24 | SWSW |
| T09N R02E S24                         | NESW |               |      |

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.

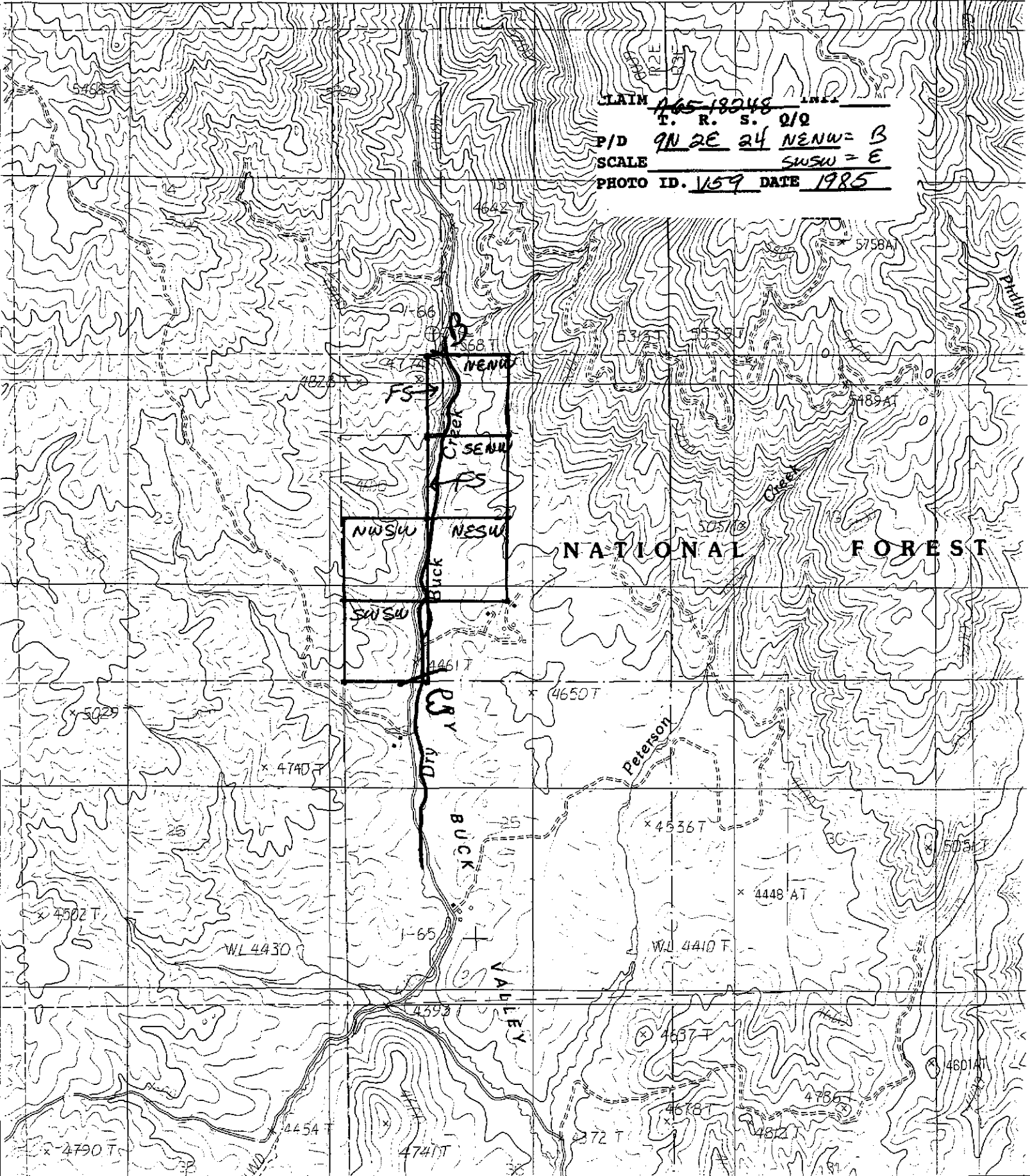
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

STOCKWATER, 600 RANGE CATTLE

DRY BUCK VALLEY QUAI  
IDAHO-BOISE CO.  
75 MINUTE SERIES (TOPO)

565 566 10' 567 568 569 400C

CLAIM 465-18248 LINE 1  
T. 9N R. 2E S. 24 Q/Q  
P/D 9N 2E 24 NENW = B  
SCALE SWSW = E  
PHOTO ID. 169 DATE 1985



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: A65-18248  
Date Received: 11-7-89  
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   | 24      | NW                | NE  | BOISE  |
| Ending Point of Minimum Instream Flow    |       |         |                   |     |        |
| 09N                                      | 02E   | 24      | SW                | 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 | 09/15 | 11/15 | 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

A65-18248

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   | 13      | NE  |    | NW  |     | STOCK |       |
|          |       |         | SE  |    | NW  |     | STOCK |       |
|          |       |         | NW  |    | SW  |     | STOCK |       |
|          |       |         | SW  |    | 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:  
PROPERTY IS OWNED BY USDA FOREST SERVICE AND CHURCH RANCH,  
RESPECTIVELY.

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: A65-18248  
Date Received: 11-7-89  
Receipt No: C012739  
Received By: D.K.  
*had*

**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

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   | 24      | NW                | NE  | BOISE  |
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|------------|-------|-------|--------|------|--------|
| STOCKWATER | 09/15 | 11/15 | 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

A65-18248

Page 1

Date: 11/02/89

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SEP 29 1992

10. Place of Use:

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

PROPERTY IS OWNED BY USDA FOREST SERVICE AND CHURCH RANCH,  
RESPECTIVELY.

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 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 Ass. \_\_\_\_\_, that I have signed the foregoing Organization

document in the space below as Sec. \_\_\_\_\_ of \_\_\_\_\_ Title

Black Canyon Grazing Ass. \_\_\_\_\_ 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

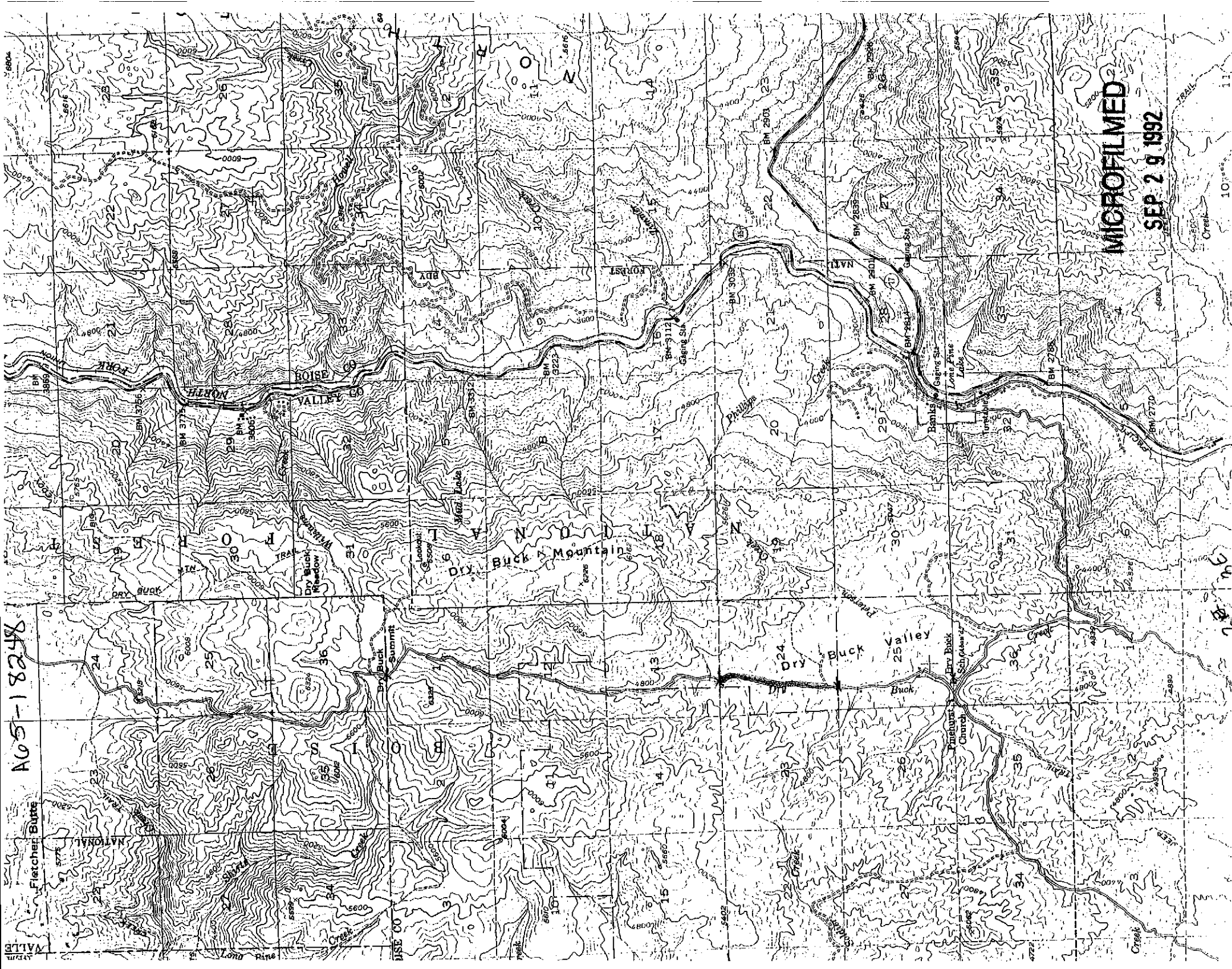
[Signature]  
Notary Public

Seal

Helen Harrington, Notary Public

Residing at \_\_\_\_\_ Residing at Boise, Idaho  
My Commission Expires December 1, 1994  
My Commission Expires \_\_\_\_\_

AG 5-18248



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SEP 29 1992

4/5/1989

## SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Black Canyon Gray

CLAIM IDENT. NO.

AG-18248

DATE RECEIVED

CK #

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 ☐ YES ☐ NO \*
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 ☐ YES ☐ NO \*
- Is the consumptive use correct? ☐ YES ☐ NO N/A ☐ YES ☐ NO \*
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 ☐ YES ☐ NO \*
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 ☐ YES ☐ NO \*
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 ☐ YES ☐ NO \*
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 \*
20. Is the fee enclosed correct? ☐ YES ☐ NO Exempt ☐ YES ☐ NO \*
21. If this claim is based on an existing water right, has the  
identification number been entered? ☐ YES ☐ NO N/A ☐ YES ☐ NO \*
22. Should this claim be data entered? ☐ YES ☐ NO \*

Claim checked by: \_\_\_\_\_

Date: \_\_\_\_\_

Claim 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: ldtDate: 12/1/89Comments: Instream Stock - not late

MICROFILMED

SEP 29 1992