



MICROFILMED

SEP 29 1992

CLAIM 165-18250
T. R. S. Q/Q
P/D 9N 2E 36 NW/4W - B
SCALE 8N 2E S1 NENE = E
PHOTO ID. V59 DATE 1985

SE NW
SW NE
SW SE
NW SE
SE NW

79N
78N

CLAIM 065-18250 INIT

T. R. S. 2/2

P/D $\frac{9N}{2E}$ $\frac{36}{NW}$ $\frac{2D}{NENE} = E$
SCALE $\frac{8N}{2E}$ $\frac{51}{NENE}$

SCALE 8N 2E S1 NENE
PHOTO ID. V59 DATE 1985

CLAIM 165-18250 INIT

T. R. S. Q/Q

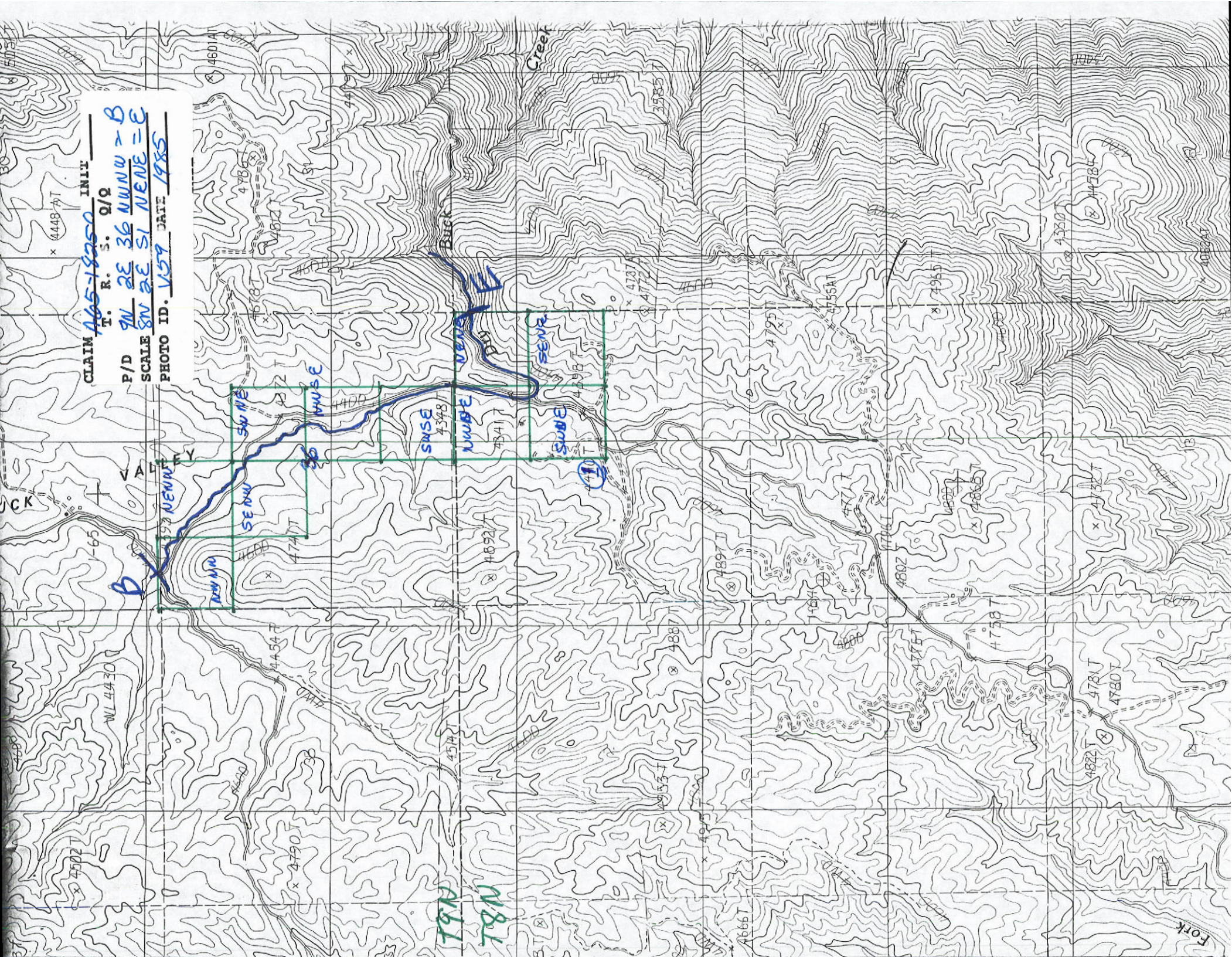
P/D

2E 36 NNNW = B

SCALE

8N 2E SI NENE = E

PHOTO ID. V59 DATE 1985



AGS-18250



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: A65-18250
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	36	NW	NW	BOISE
Ending Point of Minimum Instream Flow					
08N	02E	1	NE	NE	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

A65-18250

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
08N	02E	1	NE		NE		STOCK	
09N	02E	36	SW		NE		STOCK	
			NE		NW		STOCK	
			NW		NW		STOCK	
			SE		NW		STOCK	
			NW		SE		STOCK	
			SW		SE		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. 36 IS STATE OWNED SCHOOL SECTION.
WE OWN SEC. 1

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: A65-18250
Date Received: 11-7-89
Receipt No: C012739
Received By: D.K.
elt

**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	36	NW	NW	BOISE
Ending Point of Minimum Instream Flow					
08N	02E	1	NE	NE	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

A65-18250

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
08N	02E	1	NE		NE		STOCK	
09N	02E	36	SW		NE		STOCK	
			NE		NW		STOCK	
			NW		NW		STOCK	
			SE		NW		STOCK	
			NW		SE		STOCK	
			SW		SE		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. 36 IS STATE OWNED SCHOOL SECTION.
WE OWN SEC. 1

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.

sec [Signature]
Signature of Authorized Agent

Sec, Black Canyon Grazing Ass.
Title and Organization

11-2-89
Date

State of Idaho)
County of Ada) ss.

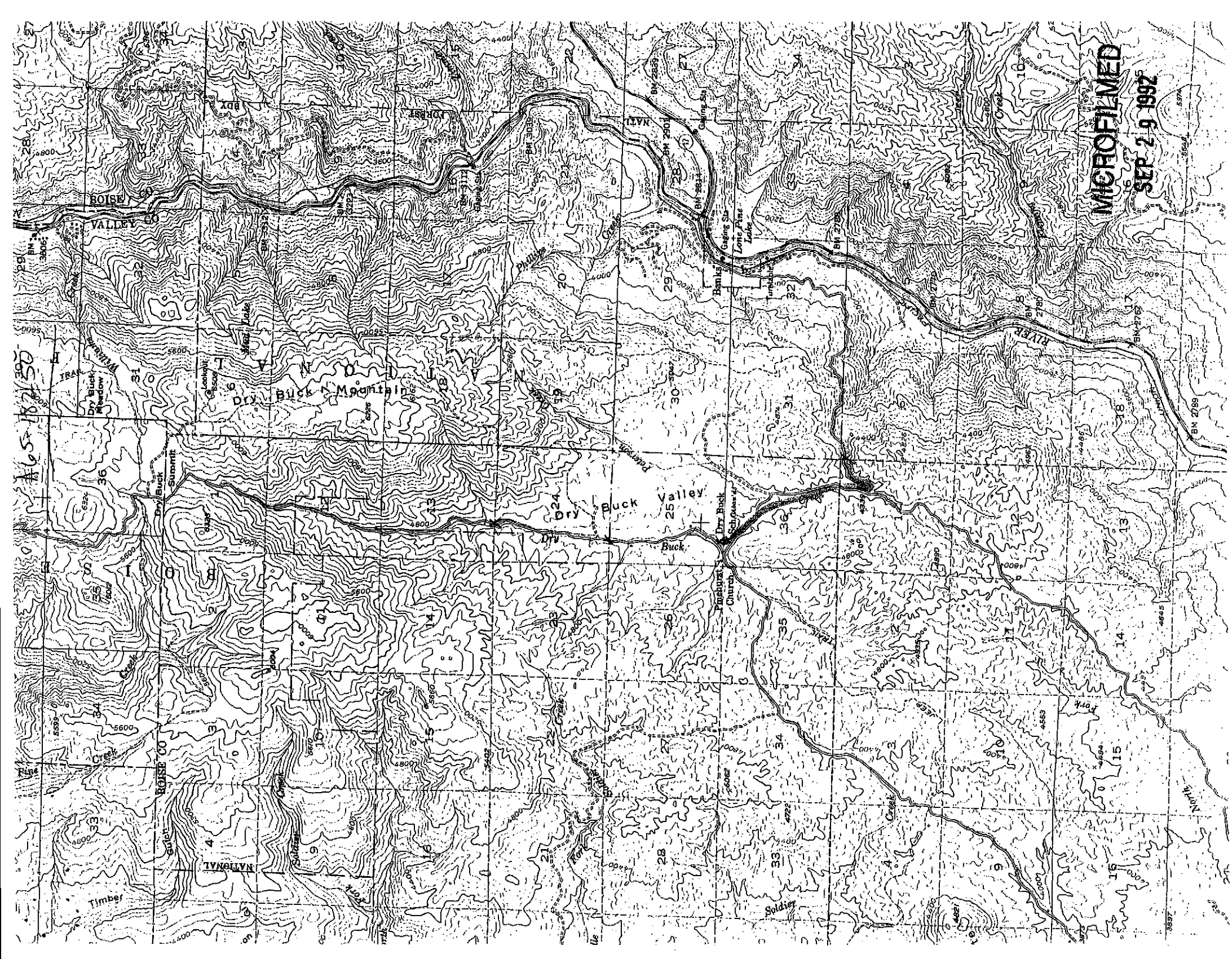
Subscribed and sworn (or affirmed) before me this 2nd day
of November 19 89

[Signature]
Notary Public

Seal

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

STEP 2 9 1992



4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Black Canyon Grays

CLAIM IDENT. NO.

AGS-19250

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. ☐ *
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 ownership 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 ☐ *
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: _____

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: patDate: 12/1/89

MICROFILMED

Comments: Instream stockwater - not late

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 SRBA

Case No. 39576

)
)
)
)
)

SUBCASE NO.: 65-18250

STANDARD FORM 5

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Black Canyon Grazing Assn.

IDWR CONCURRENCE:

date

Roxanne Brown date
Sr. Water Resource Agent

OBJECTOR:

Idaho Dept. of Lands

Steven J. Schuster date
Deputy Attorney General
State of Idaho

RESPONDENT:
U.S. Forest Service

David L. Negri date
Attorney, U.S. Dept. of Justice

CERTIFICATE OF MAILING

I certify that on _____, 2002, I delivered the original and copies of this form to the following persons, postage prepaid if required, and addressed as follows:

1. Original to:

Clerk of the District Court	☐ overnight mail
Snake River Basin Adjudication	☐ regular mail
P.O. Box 2707	☐ hand-delivered
Twin Falls, ID 83303-2707	☐ facsimile

2. Copies to:

IDWR Document Repository	☐ overnight mail
P.O. Box 83720	☐ regular mail
Boise, ID 83720-0098	☐ hand-delivered
	☐ facsimile

U.S. Dept. of Justice	☐ overnight mail
Environment & Natural Resource Div.	☐ regular mail
General Litigation Section	☐ hand-delivered
550 W. Fort St., MSC 033	☐ facsimile
Boise, ID 83724	

Idaho Dept. of Lands	☐ overnight mail
P.O. Box 83720	☐ regular mail
Boise, ID 83720-0050	☐ hand-delivered
	☐ facsimile

Black Canyon Grazing Assn.	☐ overnight mail
C/o Alvin H. Moses	☐ regular mail
8975 Sweet Ola Hwy	☐ hand-delivered
Sweet, ID 83670	☐ facsimile

Signature of person mailing this document

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

RIGHT NUMBER: 65-18250

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: 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:

T08N R02E S1 NENENE End of Stream Flow Within BOISE County

T09N R02E S36 NWNWNW Begin of Stream Flow 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

T08N R02E S01	NENE	T08N R02E S01	NWNE
T08N R02E S01	SWNE	T08N R02E S01	SENE
T09N R02E S36	SWNE	T09N R02E S36	NENW
T09N R02E S36	NWNW	T09N R02E S36	SENW
T09N R02E S36	NWSE	T09N R02E S36	SWSE

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
THE USE OF WATER IS ON STATE PUBLIC SCHOOL ENDOWMENT LAND
PURSUANT TO STATE GRAZING LEASE NO.6088.

**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 NO.: 65-18250

STANDARD FORM 5

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Black Canyon Grazing Assn.

IDWR CONCURRENCE:

date

Roxanne Brown date
Sr. Water Resource Agent

OBJECTOR:

Idaho Dept. of Lands

Steven J. Schuster date
Deputy Attorney General
State of Idaho

RESPONDENT:
U.S. Forest Service

David L. Negri date
Attorney, U.S. Dept. of Justice

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U.S. Dept. of Justice	☐ overnight mail
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General Litigation Section	☐ hand-delivered
550 W. Fort St., MSC 033	☐ facsimile
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Boise, ID 83720-0050	☐ hand-delivered
	☐ facsimile

Black Canyon Grazing Assn.	☐ overnight mail
C/o Alvin H. Moses	☐ regular mail
8975 Sweet Ola Hwy	☐ hand-delivered
Sweet, ID 83670	☐ facsimile

Signature of person mailing this document

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

RIGHT NUMBER: 65-18250

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: 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:

T08N R02E S1 NENENE End of Stream Flow Within BOISE County

T09N R02E S36 NWNWNW Begin of Stream Flow 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

T08N R02E S01	NENE	T08N R02E S01	NWNE
T08N R02E S01	SWNE	T08N R02E S01	SENE
T09N R02E S36	SWNE	T09N R02E S36	NENW
T09N R02E S36	NWNW	T09N R02E S36	SENW
T09N R02E S36	NWSE	T09N R02E S36	SWSE

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
THE USE OF WATER IS ON STATE PUBLIC SCHOOL ENDOWMENT LAND
PURSUANT TO STATE GRAZING LEASE NO.6088.

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.

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

65-18248 is a bit more complicated. All of the 1/4 1/4 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.

FEB 14 2002

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

STANDARD FORM 2
RESPONSE TO OBJECTION

FEB 19 2002

**WATER RESOURCES
WESTERN REGION**

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)

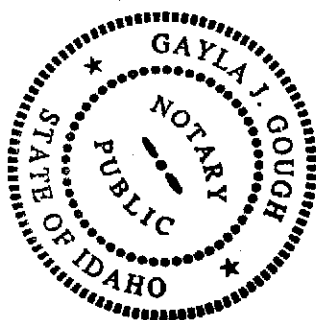
MICHAEL COLLETTE, duly sworn, upon oath, deposes and says:

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.

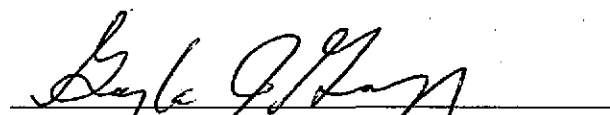

Michael Collette


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:

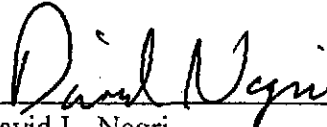
Steven J. Shuster
Deputy Attorney General
Idaho Department of Lands
954 West Jefferson Street
P.O. Box 83720
Boise, Idaho 83720-0050

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: 65-18250

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: T08N R02E S1 NENENE E Within BOISE County
T09N R02E S36 NWNWNW L 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

T08N R02E S1	SWNE	T08N R02E S1	SENE
T08N R02E S1	NENE	T08N R02E S1	NWNE
T09N R02E S36	SENE	T09N R02E S36	SWNE
T09N R02E S36	NWSE	T09N R02E S36	SWSE
T09N R02E S36	NWNW	T09N R02E S36	NENW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

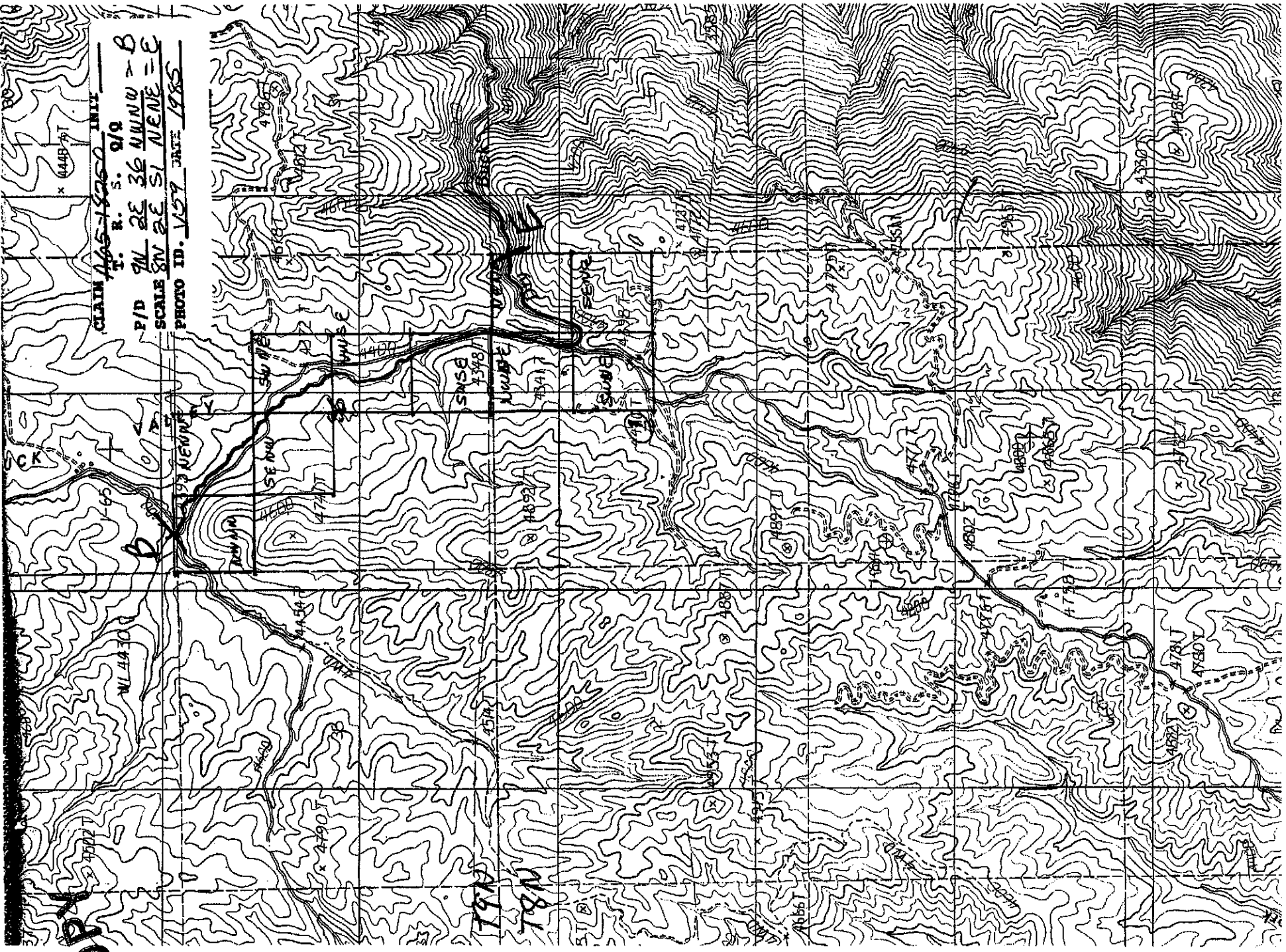
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

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



CLAIM 465-18250 INIT

P/D 9W 2E 36 NNNW - B

SCALE 8N 2E 31 NENE = E

PHOTO ID. 1457 DATE 1985

AJ5809NP
No. A65-18250

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/01/00
PAGE: 3

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	<i>0.02</i>
TOTAL DIVERSION:					0.140 CFS	<i>0.02</i>

Water Source: DRY BUCK CREEK

Tributary to: PAYETTE RIVER

Stage: BENEFICIAL USE

Point(s) of Beginning Stream Reach: T09N R02E S36
Point(s) of Ending Stream Reach: T08N R02E S01

NW NWNW
NENENE

BOISE County
BOISE County

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE										
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:			
Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:
08N	02E	1	:	S	<i>Ⓢ</i>	<i>Ⓢ</i>	<i>Ⓢ</i>	:					:					:					:			:
09N	02E	36	:			S		:	S	S		S	:					:		S	S			:		:

POU County: BOISE

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

Other Rights: NONE

Remarks: GEN SEC. 36 IS STATE OWNED SCHOOL SECTION.
WE OWN SEC. 1

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

Instream stockwater

9-7-2000 - Per Al Moses - leave state land in recommendation.

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

STANDARD FORM 1 OBJECTION

RECEIVED

JAN 18 2002

**WATER RESOURCES
WESTERN REGION**

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 $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36, 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.

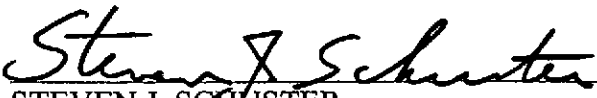
VERIFICATION

State of Idaho)
) ss.
County of Ada)

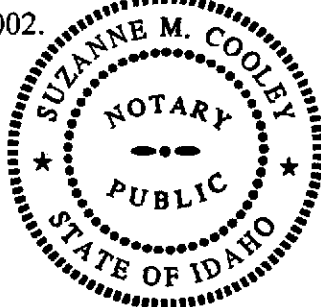
Steven J. Schuster, duly sworn, upon oath, deposes and says:

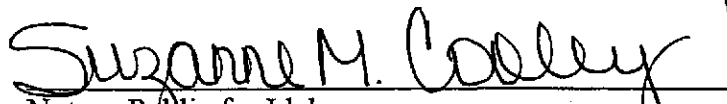
That the State of Idaho, Department of Lands, in its proprietary capacity is filing this objection and that I am a Deputy Attorney General authorized to represent the State of Idaho, Department of Lands which is a party/claimant in this proceeding as defined by I.C. § 42-1401A (1) and (6), and I have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

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: 65-18250

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: T08N R02E S1 NENENE Within BOISE County
T09N R02E S36 NWNWNW 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

T08N R02E S1	SWNE	T08N R02E S1	SENE
T08N R02E S1	NENE	T08N R02E S1	NWNE
T09N R02E S36	SENE	T09N R02E S36	SWNE
T09N R02E S36	NWSE	T09N R02E S36	SWSE
T09N R02E S36	NWNW	T09N R02E S36	NENW

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

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: A65-18250
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	36	NW	NW	BOISE
Ending Point of Minimum Instream Flow					
08N	02E	1	NE	NE	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

A65-18250

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
08N	02E	1	NE		NE		STOCK	
09N	02E	36	SW		NE		STOCK	
			NE		NW		STOCK	
			NW		NW		STOCK	
			SE		NW		STOCK	
			NW		SE		STOCK	
			SW		SE		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. 36 IS STATE OWNED SCHOOL SECTION.
WE OWN SEC. 1

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: A65-18250
Date Received: 11-7-89
Receipt No: C 012739
Received By: D.K.
elt

**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	36	NW	NW	BOISE
Ending Point of Minimum Instream Flow					
08N	02E	1	NE	NE	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

A65-18250

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
08N	02E	1	NE		NE		STOCK	
09N	02E	36	SW		NE		STOCK	
			NE		NW		STOCK	
			NW		NW		STOCK	
			SE		NW		STOCK	
			NW		SE		STOCK	
			SW		SE		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. 36 IS STATE OWNED SCHOOL SECTION.
WE OWN SEC. 1

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.

sec [Signature]
Signature of Authorized Agent

Sec. Black Canyon Grazing Ass.
Title and Organization

11-2-89
Date

State of Idaho)
County of Ada) ss.

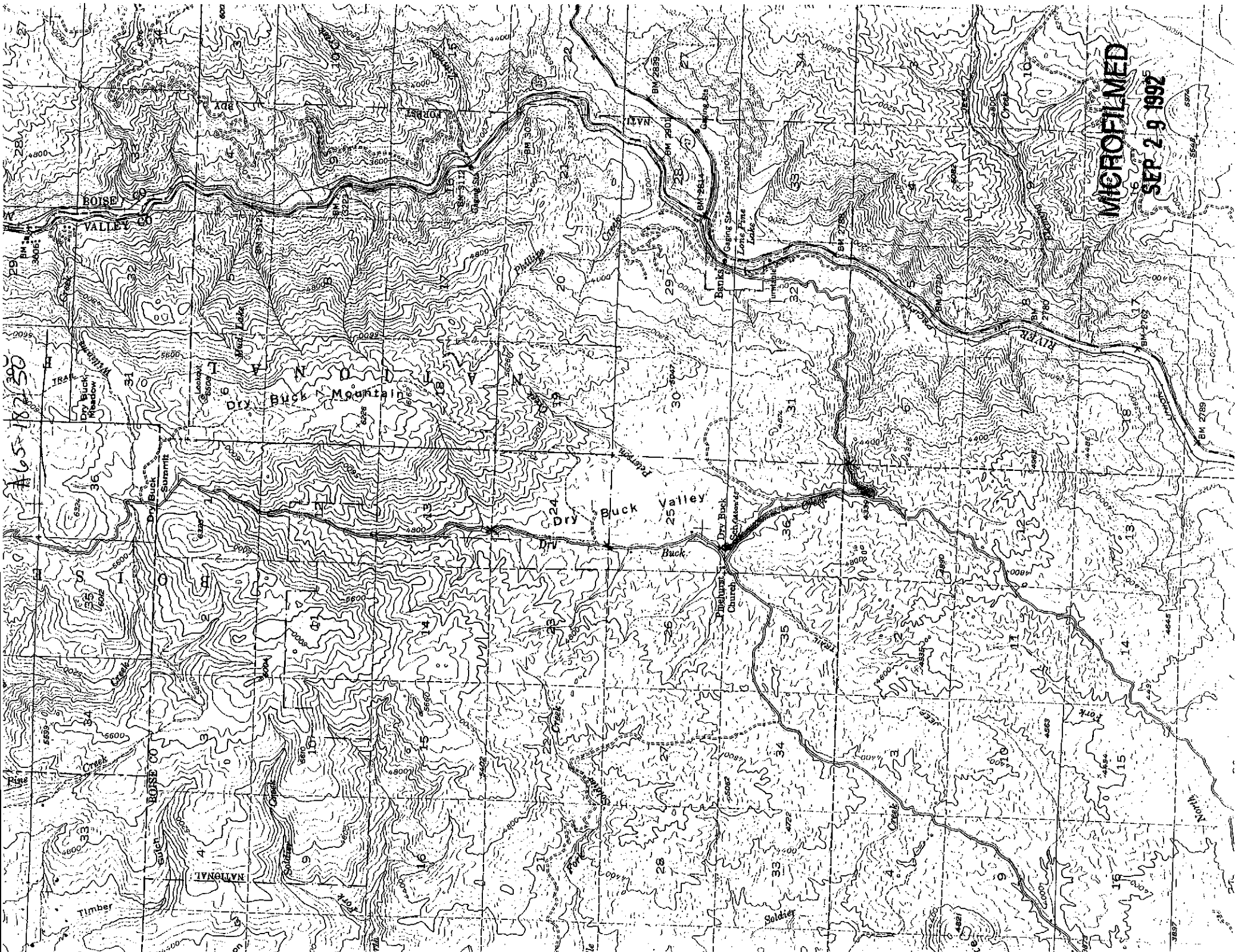
Subscribed and sworn (or affirmed) before me this 2nd day
of November 19 89

[Signature]
Notary Public

Seal

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

165-18230



MICROFILMED

SEP 29 1992

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Black Canyon Gray

CLAIM IDENT. NO.

AGS-18250

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?
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 *
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: _____

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: patDate: 12/1/89Comments: Instream stockwater - not late

MICROFILMED

SEP 29 1992