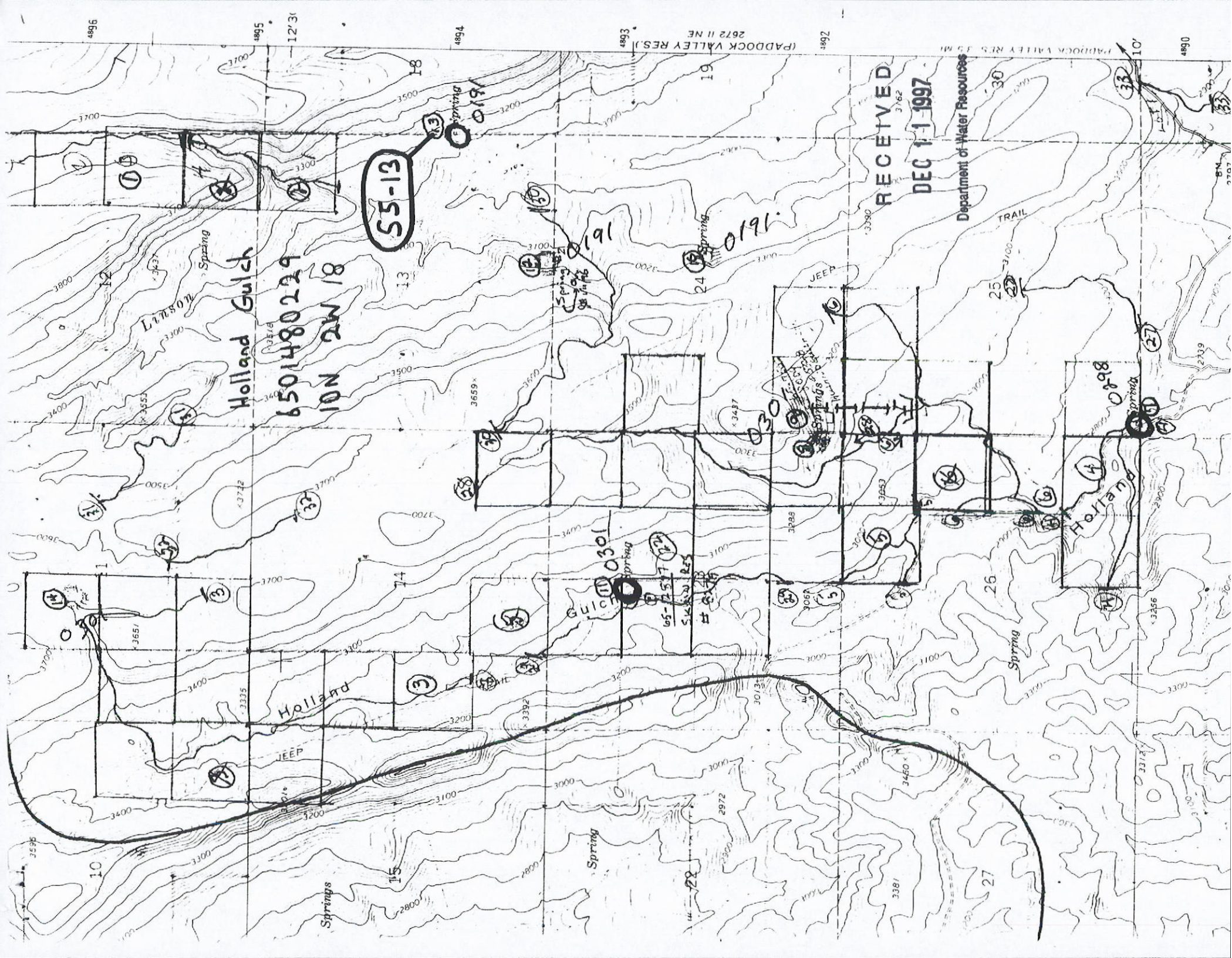




Holland Gulch

6501480229
10N 2W 18

S5-13

Gulch

Holland

RECEIVED
DEC 1-1 1997
Department of Water Resources

PADDOCK VALLEY RES. 1.9 MI

PADDOCK VALLEY RES. 1.9 MI
2672 II NE

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: A65-19748
Date Received: 3/25/1993
Receipt No: X111111
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: US DEPT OF INTERIOR 208-334-1401
Address: BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706

2. Date of Priority: JAN 1, 1874

3. Source: UNNAMED SPRING Trib. to: LINSON CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10N	02W	18	NE	SE			WASHINGTON
10S	02W	18				3	WASHINGTON

5. Description of diverting works:
SPRING

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.070		
WILDLIFE	01/01	12/31	0.070		
DOMESTIC	01/01	12/31	0.020		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

281 RANGE CATTLE, DOMESTIC

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10N	02W	18		3	STOCK	
			NE SE	3	WILDLF STOCK	

11. Place of use in counties: WASHINGTON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

WATER FEDERALLY RESERVED, SEE REMARKS

14. Remarks:

BLM RECORD ID = 6501480229

RESERVED - EXECUTIVE ORDER DATED APR 17, 1926 PWR NO. 107

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)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

AJ5405NP
(0D-5405)
SELECTION

IDAHO DEPARTMENT OF WATER RESOURCES
AJCTR AUDIT TRAIL/FILE MAINTENANCE REQUIRED TO WATER RIGHT CLAIMS
FILE: AJ_SELECTION:BLM_B65.SEL

DATE 08/06/93
PAGE 1

WRN	AGENCY KEY	VALIDATION MESSAGE
A6519702	6501480188	POD INVALID TRACT 13N 04E 6 SE 13
A6519703	6501480189	POD INVALID TRACT 13N 04E 8 SE 6
A6519704	6501480190	POD INVALID TRACT 13N 04E 17 SE 10
A6519705	6501480191	POD INVALID TRACT 13N 04E 20 SE 2
A6519706	6501480192	POD INVALID TRACT 13N 04E 20 SE 11
A6519707	6501480193	POD INVALID TRACT 13N 04E 30 SW 7
A6519708	6501480194	POD INVALID TRACT 13N 04E 29 SW 10
A6519710	6501480196	POD INVALID TRACT 17N 02E 12 SW 7
A6519711	6501480197	POD INVALID TRACT 17N 02E 19 SW 7
A6519712	6501480198	POD INVALID TRACT 17N 03E 30 SW 2
A6519713	6501480199	POD INVALID TRACT 17N 03E 30 SW 6
A6519714	6501480200	POD INVALID TRACT 18N 03E 19 SW 5
A6519724	6501480211	DUPLICATE POD RECORD 07N 02W 23 SENW
A6519730	6501480217	POD INVALID TRACT 10N 03W 12 SE 3
A6519731	6501480218	POD INVALID TRACT 10N 03W 13 SW 1
A6519748	6501480229	POD INVALID TRACT 10N 02W 18 SW 3
A6519749	6501480229	POD INVALID TRACT 10N 02W 18 SW 3
A6519752	6501480231	DUPLICATE POD RECORD 07N 03W 5 1
A6519756	6501480235	POD INVALID TRACT 10N 03E 6 NE 2
A6519758	6501480237	POD INVALID TRACT 08N 03E 5 SW 9
A6519759	6501480238	POD INVALID TRACT 08N 02E 26 SE 2
A6519760	6501480239	POD INVALID TRACT 08N 03E 19 SE 1
A6519762	6501480241	POD INVALID TRACT 08N 02E 26 SE 5
A6519769	6501480248	POD INVALID TRACT 08N 01E 14 SW 1
A6519770	6501480248	POD INVALID TRACT 08N 01E 14 SW 1
A6519785	6501480263	POD INVALID TRACT 09N 04E 1 NW 1
A6519789	6501480267	POD INVALID TRACT 09N 04E 8 SW 1
A6519803	6501480281	POD INVALID TRACT 08N 01W 6 SE 4
A6519807	6501480285	POD INVALID TRACT 09N 01W 18 SW 3
A6519833	6501480302	POD INVALID TRACT 06N 01E 5 NW 4
A6519836	6501480305	POD INVALID TRACT 06N 02E 7 NW 8
A6519842	6501480310	POD INVALID TRACT 06N 01E 6 NW 3
A6519844	6501480312	POD INVALID TRACT 08N 01E 31 SE 2
A6519846	6501480314	POD INVALID TRACT 07N 01W 4 NW 2
A6519867	6501480330	POD INVALID TRACT 08N 04E 2 NE 6
A6519869	6501480332	POD INVALID TRACT 09N 04E 33 NW 1
A6519898	6501480355	POD INVALID TRACT 09N 01W 3 SW 2
A6519902	6501480359	POD INVALID TRACT 09N 01W 1 NE 1
A6519907	6501480364	THIS POU AND PREVIOUS ARE IDENTICAL 10N 01W 24 NENE
A6519919	6501480371	POD INVALID TOWNSHIP 08N 01W 24 SWSW
A6519925	6501480377	POD INVALID TRACT 08N 01W 7 SW 4
A6519939	6501480391	POU INVALID TRACT 09N 01W 27 NSWS
A6519974	6501480414	POD INVALID TRACT 08N 03E 4 NW 3
A6519975	6501480415	POD INVALID TRACT 09N 04E 31 NE 1
A6519976	6501480416	POD INVALID TRACT 09N 04E 30 SE 7
A6519977	6501480417	POD INVALID TRACT 09N 04E 30 SE 7
A6519980	6501480420	POD INVALID TRACT 09N 04E 30 NW 9
A6519982	6501480422	POD INVALID TRACT 09N 04E 31 NE 1
A6519988	6501480428	POD INVALID TRACT 09N 04E 19 NW 1
A6519990	6501480430	POD INVALID TRACT 09N 03E 25 SE 3
A6519991	6501480431	POD INVALID TRACT 09N 03E 22 SW 10
A6519993	6501480433	POD INVALID TRACT 09N 04E 30 NW 10
A6520011	6501480450	POD INVALID TRACT 10N 02W 15 SW 4

Data Entered code. 7mam

MICROFILMED
OCT 22 1996

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

CIVIL CASE NUMBER: 39576

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER
FROM THE SNAKE RIVER BASIN WATER SYSTEM

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE AND FEDERAL LAW

U.S. DEPT. OF INTERIOR
BUREAU OF LAND MGMT.
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706
TELEPHONE: 208-334-1401

PRIORITY DATE: 1874-01-01 *1874-01-01*
(RESERVED..... 1926-04-17)
AGENCY NUMBER: 6501480229
BLM NUMBER: 6501480229
BASIS OF CLAIM: BENEFICIAL USE
(SUBSEQUENT FEDERAL RESERVE)
BASIN NUMBER: 65

SOURCE	TRIBUTARY TO
-----	-----
UNNAMED SPRING	LINSON CREEK

DESCRIPTION OF DIVERSION WORKS

INSTREAM

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
-----	-----	-----	-----	-----
STOCKWATER	0.070	0.00	0101	1231
DOMESTIC	0.020	0.00	0101	1231
WILDLIFE	0.070	0.00	0101	1231
TOTAL:	0.090 CFS	0.00 AF		

NON-IRRIGATION USES

281 RANGE CATTLE, DOMESTIC

POINT OF DIVERSION							
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
---	---	---	---	---	---	---	-----
10N	02W	18	SW			03	WASHINGTON
10N	02W	18		NE	SE	00	WASHINGTON

PLACE OF USE							IRRIGATED	
TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	OWNED	ACRES
---	---	---	---	---	---	-----	-----	-----
10N	02W	18			03	WASHINGTON	YES	0.0

MICROFILMED
AUG 04 1994

BLM NUMBER: 6501480229

PAGE: 2

10N	02W	18			03	WASHINGTON	YES	0.0
10N	02W	18	NE	SE	00	WASHINGTON	YES	0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

WATER FEDERALLY RESERVED, SEE REMARKS

REMARKS

RESERVED - EXECUTIVE ORDER DATED APR 17, 1926 PWR NO. 107

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

In Re SRBA

Case No. 3957

AMENDED NOTICE of CLAIM for
Water Right number:

65-19748

(IDWR number)

NAME and
ADDRESS

United States of America acting through
Bureau of Land Management
Idaho State Office
1387 South Vinnell Way
Boise, ID 83709 - 1657

BLMIDENT

6501480229

Stgr

StFed

J

X

SOURCE

Source	Tributary
SPRING	LINSON CREEK

QUANTITY

0.02

CFS

or VOLUME

0

Acre Feet

The quantity of water under this right for stockwater shall not exceed 13,000 gallons per day

PRIORITY DATE

1/1/1874

Diversion Means

UNNAMED SPRING

REMARKS

Also reserved pursuant to EO 4/17/26, PWR 107

POINT of
DIVERSION

Township	Range	Section	T1	T2	T3	LOT	B/E	within the	County of
10N	02W	18	NE	NW		03		87	WASHINGTON

PURPOSE
and
PERIOD
OF USE

Purpose of Use	Period of Use (from - to)	Rate in CFS	or	Volume in AcFt
04	0101	1231		0.02

CONSUMPTIVE
USE

de minimis stockwater use

DATE

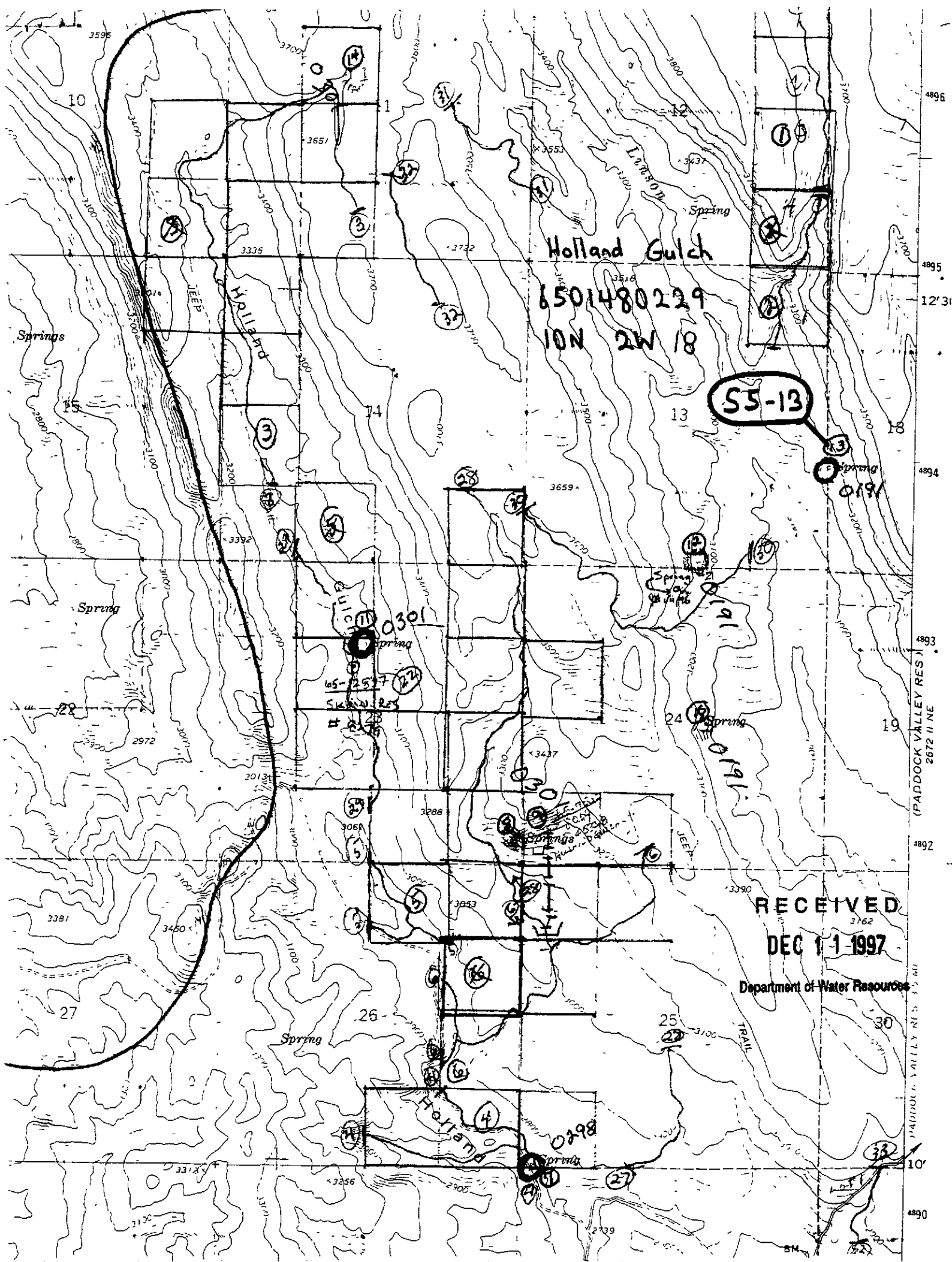
06-Feb-98 7 10 AM

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

The quantity of water decreed for this water right for stockwater use is not a
determination of historical beneficial use

PLACE
of USE:

Water Use	Twn	Rge	Sec	T1	T2	LOT	within the	County of
04	10N	02W	18	NE	NW	03	87	WASHINGTON



AJ0749NP
No. R65-19748

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 02/26/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	UNITED STATES OF AMERICA ACTING THROUGH USDI BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 1387 S VINNELL WAY BOISE ID 837091657 (208) 373-4000	01/01/1874	STOCKWATER	01-01 12-31	0.02 CFS	
TOTAL DIVERSION:					0.02 CFS	

Water Source: SPRING

Tributary to: LINSON CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion:

T10N R02W S18 Lot03(NENW)

WASHINGTON 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
10N	02W	18	:																
			:																

POU County: WASHINGTON

Conditions of Approval:

- D01 - *****
- * 4/17/1926 CLAIMED UNDER FEDERAL RESERVED WATER RIGHT, *
- *
- * THIS WATER RIGHT IS ALSO CLAIMED BASED ON FEDERAL LAW *
- * WITH AN APRIL 17, 1926, DATE OF PRIORITY PURSUANT TO AN *
- * EXECUTIVE ORDER SIGNED THE SAME DATE AND KNOWN AS PUBLIC *
- * WATER RESERVE 107. *
- *****
- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.

Remarks: EXP BLM RECORD ID = 6501480229
STOCKWATER, 281 RANGE CATTLE

Dates: Exam Made Date: Verified Date: 02/26/1998 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

AJ0749NP
No. R65-19748

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 02/26/98
PAGE: 2

=====

Comments: Date: 01/12/1998 User-ID: AJU5-JSH Subject: AJU5 STOCK ONLY UPDATE
USE-NOT-IRRIGATION FIELD TEXT DELETED AND MADE EXP REMARK.
CONDITION CODES N11 AND N13 ADDED IF NOT ALREADY PART OF RECORD.
ANY GEN REMARK CHANGED TO EXP REMARK. IF BLM/USFS, DELETED L12.

Audit: 02/26/98 SBOCK

AJ5809NP
No. R65-19748

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 02/17/98
PAGE: 67

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	UNITED STATES OF AMERICA ACTING THROUGH USDI BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 1387 S VINNELL WAY BOISE ID 837091657 (208) 373-4000	01/01/1874	STOCKWATER	01-01 12-31	0.02 CFS	
TOTAL DIVERSION:					0.02 CFS	

Water Source: SPRING

Tributary to: LINSON CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion:

T10N R02W S18 Lot03(NENW)

WASHINGTON 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	:
10N	02W	18	:																	:
			:																	:

POU County: WASHINGTON

Other Rights: ~~WATER FEDERALLY RESERVED, SEE REMARKS~~

Conditions of Approval:

- D01 - *****
- * 4/17/1926 CLAIMED UNDER FEDERAL RESERVED WATER RIGHT. *
- * * * *
- * THIS WATER RIGHT IS ALSO CLAIMED BASED ON FEDERAL LAW *
- * WITH AN APRIL 17, 1926, DATE OF PRIORITY PURSUANT TO AN *
- * EXECUTIVE ORDER SIGNED THE SAME DATE AND KNOWN AS PUBLIC *
- * WATER RESERVE 107. *
- *****
N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.

Remarks: EXP → BLM RECORD ID = 6501480229
281 RANGE CATTLE, DOMESTIC

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

AJ5809NP
No. R65-19748

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 02/17/98
PAGE: 68

=====

Comments: Date: 01/12/1998 User-ID: AJU5-JSH Subject: AJU5 STOCK ONLY UPDATE
USE-NOT-IRRIGATION FIELD TEXT DELETED AND MADE EXP REMARK.
CONDITION CODES N11 AND N13 ADDED IF NOT ALREADY PART OF RECORD.
ANY GEN REMARK CHANGED TO EXP REMARK. IF BLM/USFS, DELETED L12.

Audit: 01/10/98 AJCTR 01/12/98 AJU5-JSH

AUG 05 1998

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 See Attached List 65-19736⁺
(Insert water right number)

**DOMESTIC AND
STOCK WATER RIGHT
OBJECTION**

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: State of Idaho
Address: 700 W. Jefferson, Room 210
P.O. Box 44449
Boise, Idaho 83711-4449
Phone: Work: (208) 334-2400 Home: N/A

Name and Address of Attorney, if any:

Attorney Name: ALAN G. LANCE
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
PETER J. AMPE
Deputy Attorney General

Attorney Address: Office of the Attorney General
700 W. Jefferson, Room 210
P.O. Box 44449
Boise, ID 83711-4449

Attorney Phone No. (208) 334-2400

COPY

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

Name: United States of America Acting Through
Address: USDI Bureau of Land Management
1387 S. Vinnell Way
Boise, Idaho 83709-1657

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: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Points of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____

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):** This water right is claimed solely pursuant to state law. Claimant's assertions that Congress gave permission to private parties to operate on the public domain and that Congress passed various acts insuring that water sources on the public domain were not monopolized does not provide a basis for a water right under state law. Alternatively, the United States has failed to establish any legal and/or factual basis for any claimed priority date for stockwater purposes with a date prior to the enactment of the Taylor Grazing Act, June 28, 1934.

The State further objects to this claim as to any part based on federal law as the claimed source is declared tributary to a flowing stream and so cannot be based upon the executive order known as Public Water Reserve 107 (April 17, 1926).

The State reserves the right to amend this objection as to any part of this claim based on federal law, based on the final decision reached in Basin-Wide Issue #9 (PWR 107) (Idaho Supreme Court No. 23587).

F. **VERIFICATION (Must be Completed)**

State of Idaho)
) ss.
County of Ada)

Peter J. Ampe, Deputy Attorney General, being first duly sworn, upon oath, deposes and says:

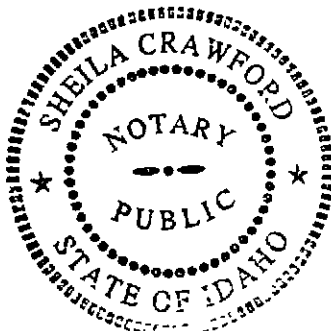
That the State of Idaho, in both its sovereign and proprietary capacity, pursuant to I.C. § 42-1411A(16) is filing this objection and that I am a Deputy Attorney General authorized to represent the State of Idaho, which is a party/claimant in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and I have read this objection, know its contents and that the statements are true to the best of my knowledge and belief.

ALAN G. LANCE
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
PETER J. AMPE
Deputy Attorney General



By Attorney signing in representative capacity

Subscribed and sworn to before me on: August 4, 1998
(Insert Date)




Notary Public for IDAHO
Residing at: BOISE, ID
My commission expires: May 9, 2002

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 August 4, 1998, 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
P.O. Box 2707
Twin Falls, Idaho 83303-2707

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

United States of America Acting Through
USDI Bureau of Land Management
1387 S. Vinnell Way
Boise, Idaho 83709-1657

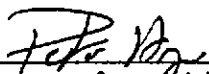
3. Copies to:

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

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

(not applicable)

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



Signature of party claimant or attorney

65-19736	65-20025
65-19738	65-20027
65-19742	65-20029
65-19744	65-20031
65-19746	65-20033
65-19748	65-20035
65-19750	65-20037
65-19810	65-20039
65-19812	65-20041
65-19814	65-20043
65-19816	65-20045
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65-19820	65-20049
65-19822	65-20051
65-19824	65-20053
65-19826	65-20055
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65-19855	65-20063
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65-19890	65-20114
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