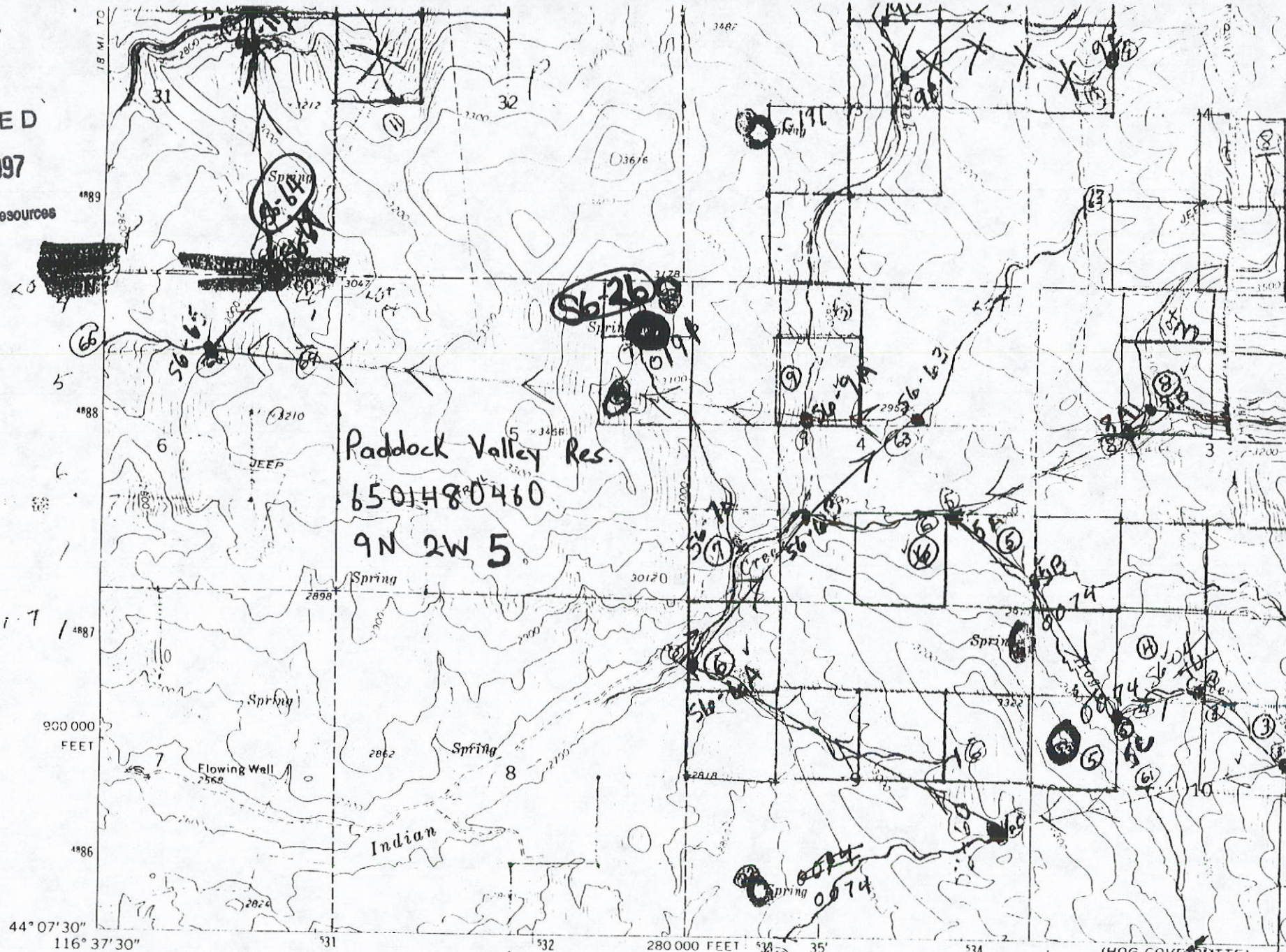


RECEIVED

DEC 11 1997

Department of Water Resources



Paddock Valley Res.

6501480460

9N 2W 5

900 000
FEET

44° 07' 30"
116° 37' 30"

280 000 FEET

(HOG COVER BUTTE)
2672 11 12

SCALE 1:24,000

Mapped, edited, and published by the Geological Survey

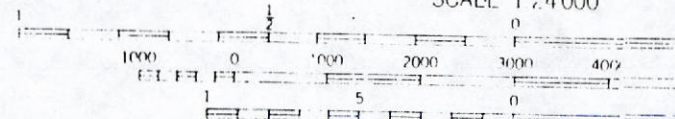
Control by USGS and USC&GS

Topography by photogrammetric methods from aerial
photographs taken 1969. Field checked 1970

Projection and 10,000-foot grid ticks: Idaho coordinate
system, west zone (transverse Mercator)

1000 meter Universal Transverse Mercator grid ticks

0° 18' 19"
5 MILES 338 MILES



CONTOUR INTERVAL 20 FEET

3705

(SHEEP RIDGE)
2672 11 SW

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: A65-20025
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: INDIAN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
09N	02W	5		1	PAYETTE

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:
282 RANGE CATTLE, DOMESTIC

MICROFILMED
OCT 22 1996

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09N	02W	5		1	STOCK	
				1	WILDLF	

11. Place of use in counties: PAYETTE

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 = 6501480460

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)
County of _____) SS.

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

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

AJ0749NP
No. R65-20025

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: INDIAN CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion:

T09N R02W S05 Lot01(SWNE)

PAYETTE County

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE							
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	:	NENW	NWNW	SNNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
09N	02W	5	: 01-S	:					:					:					:

POU County: PAYETTE

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 = 6501480460
STOCKWATER, 282 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. R65-20025

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

DATE: 02/26/98
PAGE: 2

=====

Comments: Date: 01/13/1998 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. R65-20025

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 02/18/98
PAGE: 48

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: INDIAN CREEK

Stage: ~~BENEFICIAL USE~~

Point(s) of Diversion: T09N R02W S05 Lot01(SWNENE)

PAYETTE 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	02W	5	:	01-S																:

POU County: PAYETTE

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 = 6501480460

~~282 RANGE CATTLE, DOMESTIC~~

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

AJ5809NP
No. R65-20025

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 02/18/98
PAGE: 49

=====

Comments: Date: 01/13/1998 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

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

65-20025

(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

6501480460

Stg

StFed.

J

X

SOURCE

Source	Tributary
UNNAMED SPRING	INDIAN 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

UNDEVELOPED 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
09N	02W	5	SW	NE	NE	01		75	PAYETTE

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 11 AM

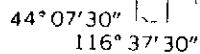
OTHER PROVISIONS NECESSARY FOR DEFINITION or ADMINISTRATION OF THIS WATER RIGHT

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	09N	02W	5	NE	NE	01	75	PAYETTE

Department of Water Resources



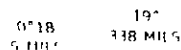
55
(SHEEP RIDGE)
26/2 11 SW

Control by USGS and USC&GS

Projection and 10,000-foot grid ticks Idaho coordinate system, west zone (transverse Mercator)

1000 meter Universal Transverse Mercator grid UTM 18

SCALE 1:24 000



CONTOUR INTERVAL 20 FEET

AJ5405NP
(OD-5405)
SELECTION

IDAHO DEPARTMENT OF WATER RESOURCES
AJCTR AUDIT TRAIL/FILE MAINTENANCE REQUIRED TO WATER RIGHT CLAIMS

DATE 08/06/93
PAGE 2

WRN	AGENCY KEY	VALIDATION MESSAGE
A6520025	6501480460	POD INVALID TRACT 09N 02W 5 SW 1
A6520026	6501480460	POD INVALID TRACT 09N 02W 5 SW 1
A6520027	6501480461	POD INVALID TRACT 09N 02W 5 NE 1
A6520028	6501480461	POD INVALID TRACT 09N 02W 5 NE 1
A6520076	6501481051	INVALID POU COUNTY CODE - 46 IN 08N 01W 13 NENW
A6520079	6501481054	WATER USE IDENTICAL TO PREVIOUS USE 16 101 1231
A6520080	6501481055	WATER USE IDENTICAL TO PREVIOUS USE 16 101 1231
A6520111	6501481221	POD INVALID TOWNSHIP 07N 04W 33 SENWSE
A6520123	6501481286	POD INVALID TRACT 08N 02W 6 SE 7
A6520124	6501481286	POD INVALID TRACT 08N 02W 6 SE 7
A6520125	6501481287	POD INVALID TRACT 09N 01W 19 SE 3
A6520126	6501481287	POD INVALID TRACT 09N 01W 19 SE 3
A6520138	6501481297	POU INVALID TOWNSHIP 09M 03E 34 SWNE
A6520151	6501481306	POD INVALID TRACT 08N 01E 31 SE 2
A6520160	6501481354	POD INVALID TRACT 09N 01E 31 SENE
A6520172	6501481366	POD INVALID TRACT 09N 01W 21 NWSW
A6520243	6501481437	POU INVALID TRACT 09N 03W 25 S3NE
A6520265	6501481459	POD INVALID RANGE 08N 02E 25 SWNE
A6520266	6501481460	POD INVALID RANGE 08N 02E 24 SENW
A6520484	6501481832	POD INVALID TRACT 10N 02W 17 SWEN
A6520492	6501481840	OTHER RIGHTS IS A REQUIRED ENTRY
A6520497	6501481845	OTHER RIGHTS IS A REQUIRED ENTRY
A6520498	6501481846	OTHER RIGHTS IS A REQUIRED ENTRY
A6520499	6501481847	OTHER RIGHTS IS A REQUIRED ENTRY
A6520500	6501481848	OTHER RIGHTS IS A REQUIRED ENTRY
A6520501	6501481849	OTHER RIGHTS IS A REQUIRED ENTRY
A6520568	6501481916	WATER USE IDENTICAL TO PREVIOUS USE 04 101 1231
A6520568	6501481916	WATER USE IDENTICAL TO PREVIOUS USE 16 101 1231
A6520632	6501481984	OTHER RIGHTS IS A REQUIRED ENTRY
A6520633	6501481985	OTHER RIGHTS IS A REQUIRED ENTRY
A6520634	6501481986	OTHER RIGHTS IS A REQUIRED ENTRY
A6507330	6501488006	THIS POU AND PREVIOUS ARE IDENTICAL 09N 03E 35 NWSW
A6512653	6501488027	POD INVALID TRACT 10N 03W 1 SW 7
A6512674	6501488030	CLAIM CURRENTLY IN AJ MASTER - AGENCY CLAIM REJECTED
A6512677	6501488033	POD INVALID TRACT 08N 02W 6 SE 7
A6512683	6501488038	POD INVALID TRACT 08N 01E 31 SE 2

NO MATCH FOR THIS POD RECORD 0 0
NO MATCH FOR THIS POU RECORD 0 0
6501480902 NO MATCH FOR THIS POU RECORD 0 0
6501480902 NO MATCH FOR THIS SOURCE RECORD

NOTE - THERE WERE RECORDS THAT DID NOT MATCH AJ-MASTER-LOAD RECORDS

OCT 22 1996
MICROFILMED

Data Entered code. MAM

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 *A65-20025*
(RESERVED..... 1926-04-17)
AGENCY NUMBER: 6501480460
BLM NUMBER: 6501480460
BASIS OF CLAIM: BENEFICIAL USE
(SUBSEQUENT FEDERAL RESERVE)
BASIN NUMBER: 65

SOURCE	TRIBUTARY TO
-----	-----
UNNAMED SPRING	INDIAN 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

282 RANGE CATTLE, DOMESTIC

				POINT OF DIVERSION			
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
---	---	---	---	---	---	---	---
09N	02W	05	SW			01	PAYETTE

PLACE OF USE							IRRIGATED	
TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	OWNED	ACRES
---	---	---	---	---	---	---	---	---
09N	02W	05			01	PAYETTE	YES	0.0

MICROFILMED

AUG 05 1994

BLM NUMBER: 6501480460

PAGE: 2

09N	02W	05	01	PAYETTE	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

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

Please fill in the following information:

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

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:

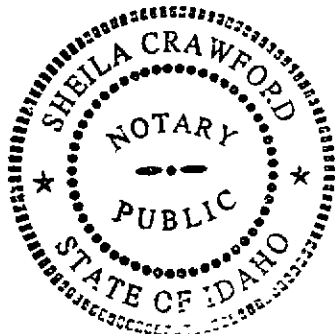
That the State of Idaho, in both its sovereign and proprietary capacity, pursuant to I.C. § 42-1411A(16) is filing this objection and that I am a Deputy Attorney General authorized to represent the State of Idaho, which is a party/claimant in this proceeding, as defined by I.C. § 42-1401A(1) and (7),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

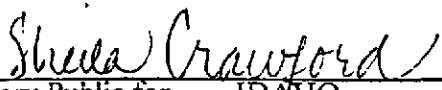
ALAN G. LANCE
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
PETER J. AMPE
Deputy Attorney General



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

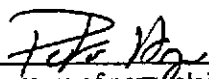
3. Copies to:

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
65-19818	65-20047
65-19820	65-20049
65-19822	65-20051
65-19824	65-20053
65-19826	65-20055
65-19840	65-20057
65-19851	65-20059
65-19853	65-20061
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65-19857	65-20065
65-19859	65-20067
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65-19915	65-20134
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