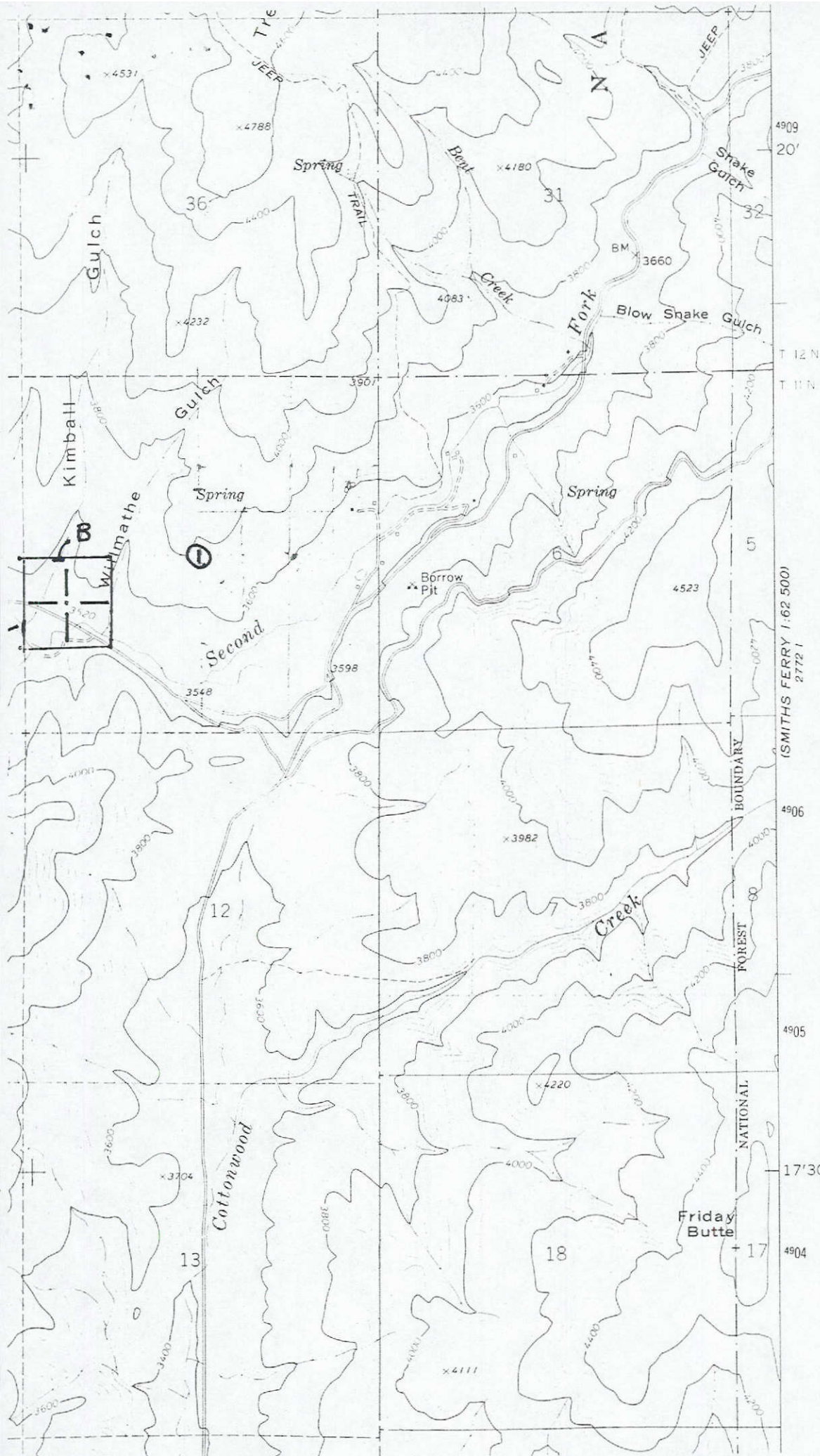




A65-22129

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 65-22129  
Date Received: 5/16/97  
Receipt No: W022389  
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

GERALD CARLOCK Phone: (208)365-3369

2254 PLUM STREET  
EMMETT ID USA 83617

MILDRED M CARLOCK Phone: (208)365-3369

2254 PLUM STREET  
EMMETT ID USA 83617

2. Date of Priority: 03/01/1893

3. Source: KIMBALL GULCH CREEK Trib. to: SQUAW CREEK SECOND FORK

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot |    |    | County | Type            |
|----------|-------|---------|-----------------------|----|----|--------|-----------------|
| 11N      | 01E   | 1       | SW                    | NW | SW | GEM    | Ending Point    |
| 11N      | 01E   | 1       | NW                    | NW | SW | GEM    | Beginning Point |

5. Description of diverting works:

INSTREAM STOCKWATER

6. Water is used for the following purposes:

| Purpose    | From | To    | C.F.S. | (or) A.F.A |
|------------|------|-------|--------|------------|
| STOCKWATER | 1/01 | 12/31 | 0.07   |            |

7. Total Quantity Appropriated is:

0.07 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use        | Acres |
|----------|-------|---------|------------|-----|------------|-------|
| 11N      | 01E   | 1       | NW         | SW  | STOCKWATER |       |

11. Place of use in counties: GEM

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

13. Other Water Rights Used:

14. Remarks:

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  
of \_\_\_\_\_ 20\_\_

Notary Public

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: A65-22129  
Date Received: 5/14/1997  
Receipt No: W022389  
Received By: Rch

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: GERALD CARLOCK 208-584-3521  
Address: 31351 SECOND FORK RD  
OLA ID 83657  
AND/OR  
Name: MILDRED M CARLOCK 208-584-3521  
Address: 31351 SECOND FORK RD  
OLA ID 83657
2. Date of Priority: MAR 1, 1893
3. Source: KIMBALL GULCH Trib. to: SQUAW CREEK, SECOND FORK
4. Point of Diversion:
 

| Township                         | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------------------------------|-------|---------|--------|--------|-----|-----|--------|
| Beginning Point of Instream Flow |       |         |        |        |     |     |        |
| 11N                              | 01E   | 1       | NW     | NW     | SW  |     | GEM    |
| Ending Point of Instream Flow    |       |         |        |        |     |     |        |
| 11N                              | 01E   | 1       | SW     | NW     | SW  |     | GEM    |
5. Description of diverting works:  
INSTREAM STOCKWATER
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 |      |        |
7. Total Quantity Appropriated is:  
0.070 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:  
220 RANGE CATTLE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use   | Acres |
|----------|-------|---------|--------|-----|-----|-------|-------|
| 11N      | 01E   | 1       | NW     | SW  |     | STOCK |       |

11. Place of use in counties: GEM

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

13. Other Water Rights Used:

14. Remarks:

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): Mildred M. Carlock Date: May 16, 1997  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of ADA ) SS.

Subscribed and sworn (or affirmed) before me this 16<sup>th</sup> day  
of May 19 97

Ron Howerton  
Notary Public

Seal

Residing at Ron Howerton  
Residing at Boise, Idaho  
My Commission Expires December 8, 2000



RECEIVED

JAN 24 2002

WATER RESOURCES  
WESTERN REGION

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

In Re SRBA

Case No. 39576

A. Subcase 65-22129

(Insert water right number)

**STANDARD FORM 1  
OBJECTION**

Please fill in the following information:

**B. NAME AND ADDRESS OF PERSON OBJECTING**

Name: United States of America acting through the Department of Interior,  
Bureau of Reclamation, Regional Director PN Code-3100

Address: 1150 N. Curtis Rd. Suite 100  
Boise, Idaho 83706-1234

Daytime Phone: (208) 678-0461 (Dala Walton)

Name & Address of Attorney, if any:

David W. Gehlert (303 312-7352)

Trial Attorney, General Litigation Section

Environment and Natural Resource Division

U.S. Department of Justice

999 18th Street, Suite N 945

Denver, CO 80202

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

Name: Mildred M. Carlock & Gerald Carlock

Address: 2254 Plum Street  
Emmett, ID 83617

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

- ☒ **General Provision Basin 65 Irrigation & Other Part III (3) Separate Streams**
1. ☐ **Name and Address**  
Should be:
  2. ☐ **Source**  
Should be:
  3. ☐ **Quantity**  
Should be:
  4. ☐ **Priority Date**  
Should be:
  5. ☐ **Point(s) 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.

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

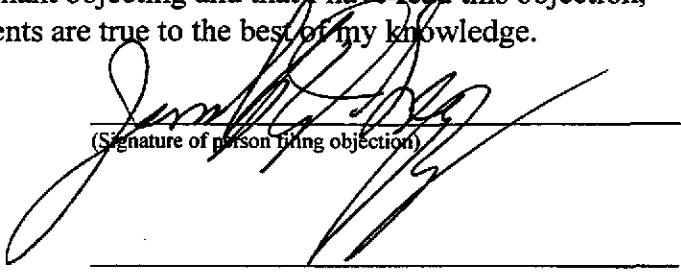
The Bureau of Reclamation objects to the separate stream provision of the Director's Report for Basin 65, Part III. These streams should be administered as part of the Payette River System in order to adequately protect water rights in the Payette River subbasin.

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

State of Idaho )  
 ) ss.  
County of Ada )

Jerrold D. Gregg, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

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

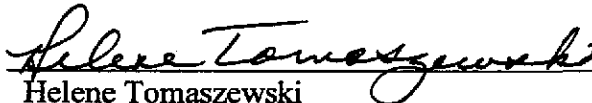
  
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

January 9, 2002



  
Helene Tomaszewski  
Notary Public for: Idaho  
Residing at: Meridian  
My Commission Expires: 01-16-2002

## 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 January 17, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

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

Name: Mildred M. Carlock & Gerald Carlock

Address: 2254 Plum Street  
Emmett, ID 83617

3. Copies to:

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

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

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

  
Signature of Objector or attorney mailing on Objector's behalf

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

04/23/2001

RIGHT NUMBER: 65-22129

NAME AND ADDRESS: GERALD CARLOCK  
MILDRED M CARLOCK  
2254 PLUM STREET  
EMMETT, ID 83617

SOURCE: KIMBALL GULCH CREEK      TRIBUTARY: SECOND FORK SQUAW CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 03/01/1893

|                     |              |        |                          |                   |
|---------------------|--------------|--------|--------------------------|-------------------|
| POINT OF DIVERSION: | T11N R01E S1 | NWNWSW | Beginning of Stream Flow | Within GEM County |
|                     | T11N R01E S1 | SWNWSW | End of Stream Flow       | Within GEM County |

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| STOCKWATER            | 1-01 12-31           | 0.02 CFS        |

PLACE OF USE:

STOCKWATER Within GEM County  
T11N R01E S1      NWSW

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

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

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

STOCKWATER, 220 RANGE CATTLE  
PARCEL NO. RP 00545100

**NOTICE OF ERROR  
REPLY**

---

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

**YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 13, 2001**

Water right number: 65-22129

MILDRED M CARLOCK  
~~31351 SECOND FORK RD~~  
~~OLA ID 83657~~

Telephone Number: (208) ~~584-3521~~

GERALD CARLOCK  
~~31351 SECOND FORK RD~~  
~~OLA ID 83657~~

Telephone Number: (208) ~~584-3521~~

*See 65-3091A*

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
  
2. Describe the changes you wish to make in the proposed recommendation:
  
3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation; no changes need to be made.

DATE:

4/13/01

SIGNATURE:

*Deborah L. Sorenson*

Please print your name:

DEBORAH L. SORENSON

IDWR Regional Office, 2735 Airport Way, Boise, ID 83705, (208) 334-2190

*Daughter of Charmonis and ranch mgr.*

AJ0749NP  
No. R65-22129

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

DATE: 06/02/00  
PAGE: 1

| OWNER<br>CODE | NAME & ADDRESS       | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|---------------|----------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C             | GERALD CARLOCK       | 03/01/1893       | STOCKWATER | 01-01 12-31           | 0.020 CFS         |                     |
| C             | MILDRED M CARLOCK    |                  |            |                       |                   |                     |
|               | 31351 SECOND FORK RD |                  |            |                       |                   |                     |
|               | OLA ID 83657         |                  |            |                       |                   |                     |
|               | (208) 584-3521       |                  |            |                       |                   |                     |
|               |                      |                  |            | TOTAL DIVERSION:      | 0.020 CFS         |                     |

Water Source: KIMBALL GULCH

Tributary to: SQUAW CREEK, SECOND FORK

Stage: BENEFICIAL USE

Point(s) of Beginning Stream Reach: T11N R01E S01  
Point(s) of Ending Stream Reach: T11N R01E S01

NWNWSW  
SWNWSW

GEM County  
GEM 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 | Lt | Ac | : |
| 11N | 01E | 1 | : |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | : |
|     |     |   | : |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | : |

POU County: GEM

Conditions of Approval:

- 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 STOCKWATER, 220 RANGE CATTLE.  
PARCEL NO. RP 00545100.

Dates: Exam Made Date: Verified Date: 06/02/2000 Objection Filed Date:

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

Audit: 06/02/00 MSCHULTE

AJ5809NP  
No. A65-22129

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 06/02/00  
PAGE: 2

| OWNER<br>CODE | NAME & ADDRESS       | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|---------------|----------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C             | GERALD CARLOCK       | 03/01/1893       | STOCKWATER | 01-01 12-31           | 0.070 CFS         | 102                 |
| C             | MILDRED M CARLOCK    |                  |            |                       |                   |                     |
|               | 31351 SECOND FORK RD |                  |            | TOTAL DIVERSION:      | 0.070 CFS         | 102                 |
|               | OLA ID 83657         |                  |            |                       |                   |                     |
|               | (208) 584-3521       |                  |            |                       |                   |                     |

Water Source: KIMBALL GULCH

Tributary to: SQUAW CREEK, SECOND FORK

Stage: BENEFICIAL USE

Point(s) of Beginning Stream Reach: T11N R01E S01

NWNWSW

GEM County

Point(s) of Ending Stream Reach: T11N R01E S01

SWNWSW

GEM 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 | : |
| 11N | 01E | 1 | : |      |      |      |      | :  |      |      |      |      | :  |      |      |      |      | :  |      |      |      |      |    | :  |   |
|     |     |   |   |      |      |      |      |    |      |      |      |      |    |      | S    |      |      |    |      |      |      |      |    |    |   |

POU County: GEM

EXP - RP00545100

Non-Irrigation Uses: 220 RANGE CATTLE

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Audit: 05/16/97 RHOWERTO

See map in claim pack.

N11 & N13

AJ5856NP

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

DATE: AUG-27-1997  
PAGE: A-498

RIGHT NUMBER: 65-22129

NAME & ADDRESS: GERALD CARLOCK  
MILDRED M CARLOCK  
31351 SECOND FORK RD  
OLA ID 83657

SOURCE: KIMBALL GULCH TRIBUTARY: SQUAW CREEK, SECOND FORK

QUANTITY: 0.07 CFS

PRIORITY DATE: 03/01/1893

POINT OF DIVERSION: T11N R01E S01 NWNWSW (INSTREAM BEGINNING POINT) Within GEM County  
SWNWSW (INSTREAM ENDING POINT)

PURPOSE AND

| PERIOD OF USE: | PURPOSE OF USE              | PERIOD OF USE | QUANTITY |
|----------------|-----------------------------|---------------|----------|
|                | STOCKWATER 220 RANGE CATTLE | 01-01 12-31   | 0.07 CFS |

PLACE OF USE: STOCKWATER Within GEM County  
T11N R01E S01 NWSW

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

RP 00545100

Verified by [Signature] Date: 11-7-97  
Verification Source: [Signature]