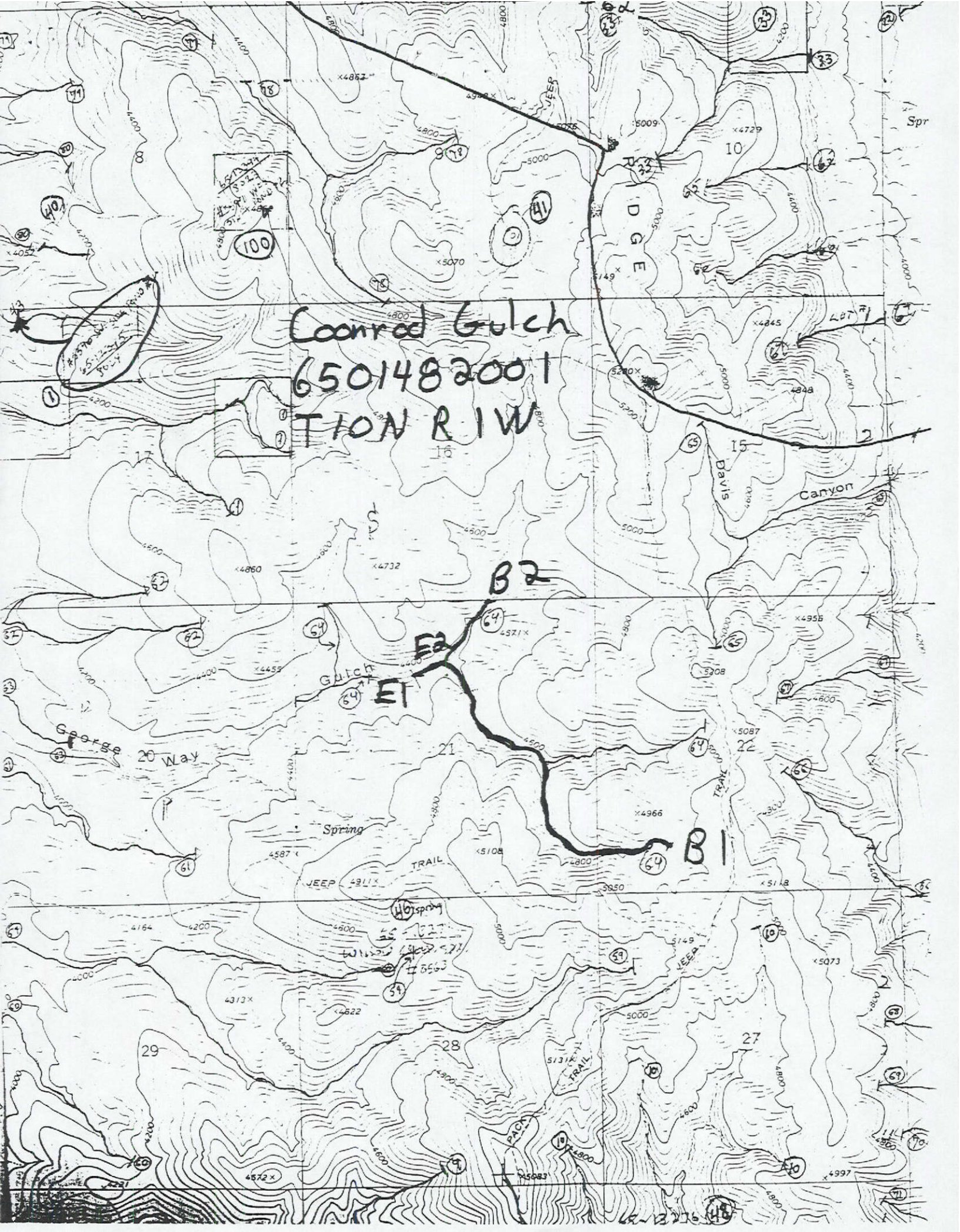




IN THE DISTRICT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN
AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 3957

NEW

AMENDED NOTICE of CLAIM for
Water Right number:

65-22185

(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:

6501482001

Stg:

J

StFed:

S

SOURCE:

Source	Tributary
GEORGEWAY GULCH	LITTLE WILLOW 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: INSTREAM USE

REMARKS:

ASSOCIATED WITH 6501481568

POINT of
DIVERSION:

Twtnship	Range	Section	T1	T2	T3	LOT	B/E	within the	County of
10N	01W	21	NW	NW	NE		B2	75	PAYETTE
10N	01W	21	SE	NE	NW		E1	75	PAYETTE
10N	01W	21	SE	NE	NW		E2	75	PAYETTE
10N	01W	22	NE	SW	SW		B1	75	PAYETTE

PURPOSE
and
PERIOD
OF USE:

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

CONSUMPTIVE
USE:

de minimis stockwater use

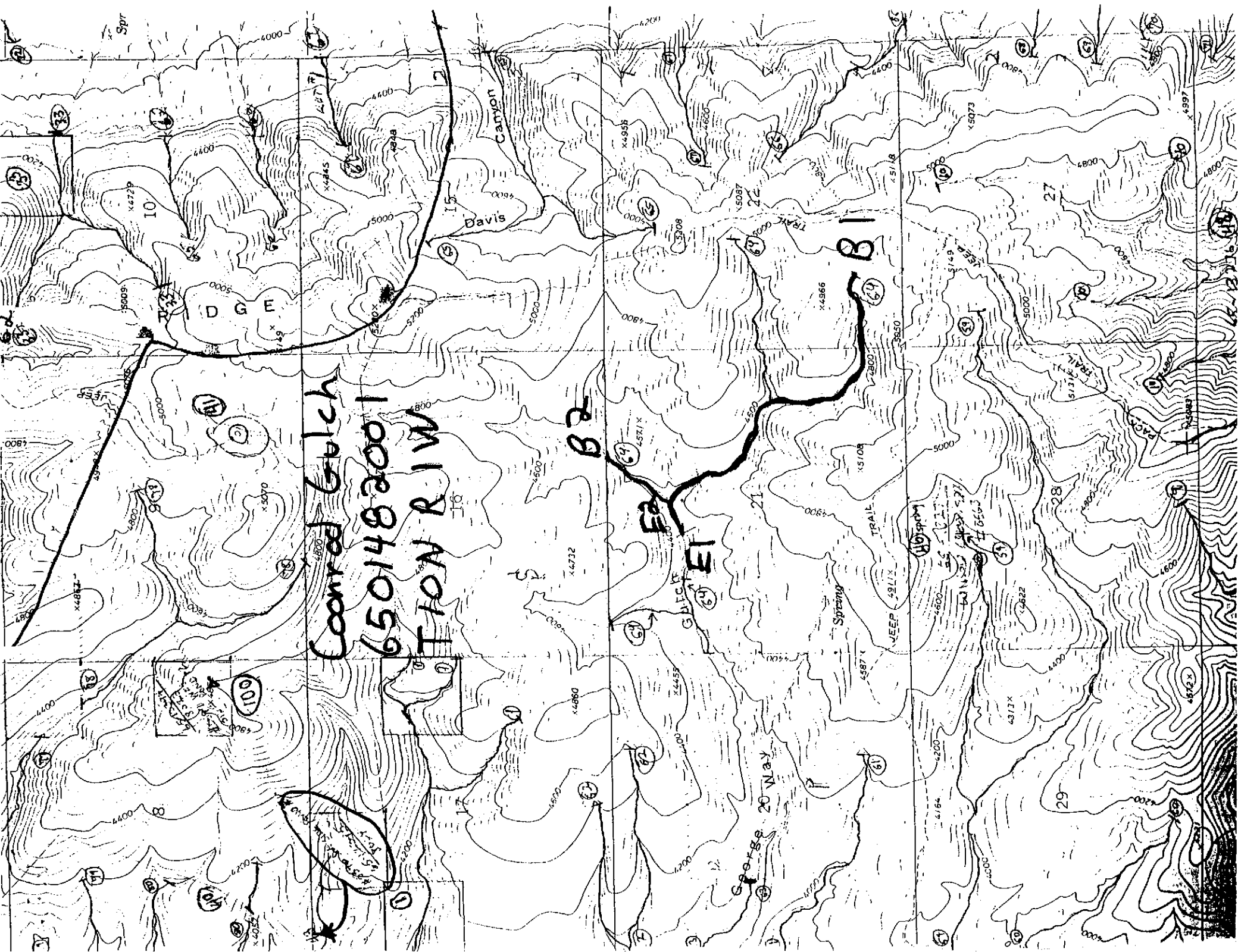
DATE: 06-Feb-98 7:12 AM

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	Twtn	Rge	Sec	T1	T2	LOT	within the	County of
04	10N	01W	21	NW	NE		75	PAYETTE
04	10N	01W	21	SW	NE		75	PAYETTE
04	10N	01W	21	NE	NW		75	PAYETTE
04	10N	01W	21	NE	SE		75	PAYETTE
04	10N	01W	21	NW	SE		75	PAYETTE
04	10N	01W	21	SE	SE		75	PAYETTE
04	10N	01W	22	SW	SW		75	PAYETTE



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)
) PARTIAL DECREE PURSUANT TO
Case No. 39576) I.R.C.P. 54(b) FOR
) Water Right 65-22185

NAME AND ADDRESS: USDI BLM
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

SOURCE: GEORGE WAY GULCH TRIBUTARY: LITTLE WILLOW CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 06/28/1934

POINT OF DIVERSION: T10N R01W S21 NWNWNE (Instream Beginning Point) Within Payette County
SENENW (Instream Ending Point)
S22 NESWSW (Instream Beginning Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Stockwater		Within Payette County
	T10N R01W S21	SESE	NESE
		NWSE	SWNE
		NWNE	NENW
	S22	SWSW	

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.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

RECORDED & INDEXED

JUL 12 1999

For X. H. H. H.

MAIL



200 JUL 14 AM 9:31

DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO
TWIN FALLS SRBA

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

RECEIVED

In Re SRBA

ORDER OF PARTIAL DECREE

JAN 19 2001

Case No. 39576

For Water Right 65-22185

WATER RESOURCES
WESTERN REGION

On July 12, 1999, a *Special Master's Report and Recommendation* was entered for the above subcase.

On December 21, 1999, the United States filed a *Motion to Alter or Amend Special Master's Report to Correct Clerical Error*. The special master denied the motion on January 7, 2000.

On January 24, 2000, the United States filed a *Notice of Challenge*. Said challenge was subsequently withdrawn on March 16, 2000.

On April 10, 2000, this Court entered an *Order Dismissing Challenge*.

This Court has reviewed the findings of fact and conclusions of law contained in the *Special Master's Report and Recommendation* issued July 12, 1999, and wholly adopts them as its own.

IT IS THEREFORE ORDERED that water right 65-22185 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

IT IS SO ORDERED.

DATED: JUL 14 2000

BARRY WOOD

Administrative District Judge and
Presiding Judge of the
Snake River Basin Adjudication

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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 65-22185

2000 JUL 14 AM 9:31
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: USDI BLM
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

SOURCE: GEORGE WAY GULCH TRIBUTARY: LITTLE WILLOW CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 06/28/1934

POINT OF DIVERSION: T10N R01W S21 NWNWE (Instream Beginning Point) Within Payette County
SENENW (Instream Ending Point)
S22 NESWSW (Instream Beginning Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
--	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Stockwater	Within Payette County
	T10N R01W S21	NWNE SWNE
		NENW NESE
	S22	NWSE SESE
		SWSW

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

2000 JUL 14 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 65-22185

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO L.R.C.P. 54(b) for WATER RIGHT 65-22185 was mailed
on July 14, 2000, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

STATE OF IDAHO
Represented by:
PETER J. AMPE
PO BOX 83720
BOISE, ID 83720-0010
Phone: 208-334-2400

USDI BLM
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

DIANA DELANEY
Chief Deputy Clerk

RECEIVED

JAN 19 2001

WATER RESOURCES
WESTERN REGION

RECEIVED

JUL 26 2000

WATER RESOURCES
WESTERN REGION

2000 JUL 14 AM 9:31

DISTRICT COURT
TWIN FALLS, IDAHO
SRBA

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

) ORDER OF PARTIAL DECREE

Case No. 39576

) For Water Right 65-22185

On July 12, 1999, a *Special Master's Report and Recommendation* was entered for the above subcase.

On December 21, 1999, the United States filed a *Motion to Alter or Amend Special Master's Report to Correct Clerical Error*. The special master denied the motion on January 7, 2000.

On January 24, 2000, the United States filed a *Notice of Challenge*. Said challenge was subsequently withdrawn on March 16, 2000.

On April 10, 2000, this Court entered an *Order Dismissing Challenge*.

This Court has reviewed the findings of fact and conclusions of law contained in the *Special Master's Report and Recommendation* issued July 12, 1999, and wholly adopts them as its own.

IT IS THEREFORE ORDERED that water right 65-22185 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

IT IS SO ORDERED.

DATED: JUL 14 2000



BARRY WOOD
Administrative District Judge and
Presiding Judge of the
Snake River Basin Adjudication

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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 65-22185

200 JUL 14 AM 9:31

DISTRICT COURT
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: USDI BLM
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

SOURCE: GEORGE WAY GULCH TRIBUTARY: LITTLE WILLOW CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 06/28/1934

POINT OF DIVERSION: T10N R01W S21 NWNWNE (Instream Beginning Point) Within Payette County
SENENW (Instream Ending Point)
S22 NESWSW (Instream Beginning Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Stockwater	Within Payette County
	T10N R01W S21	SWNE
		NENW
		NWSE
	S22	SESE
		SWSW

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

2000 JUL 14 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 65-22185

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO L.R.C.P. 54(b) for WATER RIGHT 65-22185 was mailed
on July 14, 2000, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

STATE OF IDAHO
Represented by:
PETER J. AMPE
PO BOX 83720
BOISE, ID 83720-0010
Phone: 208-334-2400

USDI BLM
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

DIANA DELANEY
Chief Deputy Clerk

RECEIVED

JAN 10 2000

Department of Water Resources

RECEIVED

JAN 24 2000

WATER RESOURCES
WESTERN REGION

2000 JAN -7 PM 3:49

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

) Subcase: 65-22185

Case No. 39576

) ORDER DENYING MOTION TO
) ALTER OR AMEND
)
)
)
)

I. PROCEDURAL BACKGROUND

A *Special Master's Report and Recommendation* was issued for this subcase on July 12, 1999, following the filing of a *Stipulation to Resolve Subcases* which stated:

[T]he State of Idaho and the United States, acting through the Bureau of Land Management, agree that each listed subcase should be decreed as recommended by the Idaho Department of Water Resources, except that the priority date for each water right shall be June 28, 1934.

Stipulation to Resolve Subcases at 2 (July 1, 1999). The *Stipulation* was signed by all parties to the subcase and IDWR.

Pursuant to *SRBA Administrative Order 1* § 13a, *Motions to Alter or Amend* in these subcases were due on August 28, 1999. On December 21, 1999, the United States filed a *Motion to Alter or Amend Special Master's Report to Correct Clerical Errors*¹ in this subcase. The *Motion* states:

Each claim is made solely pursuant to state law.

The United States asserted "dual-based" claims, i.e. beneficial use and federal reserved water right pursuant to Public Water Reserve 107. The Special Master's

¹ The United States' filed identical *Motions to Alter or Amend* in subcases 32-11171, 33-10513, 33-10515, 33-10523, 33-10531, 33-10533, 33-10899, 33-10901, 55-12439, 61-11161, 61-11220, 61-11226, 61-11230, 72-12169, 72-12775, and 72-16543. An *Order Denying Motions to Alter or Amend* was issued December 23, 1999; however, this subcase was left off the *Order*. This instant decision is identical to the *Order Denying Motions to Alter or Amend* (Dec. 23, 1999).

Reports recognize only the beneficial use claims. The United States wishes to assert the federal reserved bases in addition to the beneficial use bases.

Motion at 1-2.

II. STANDARD OF REVIEW

A motion to alter or amend is provided for in Paragraph 13 of *AOI* and it is similar to a motion to alter or amend as found in Rule 59(e) Idaho Rules of Civil Procedure ("I.R.C.P.") The Special Master believes that the case law concerning Rule 59 (e) is applicable to Paragraph 13, *AOI*. A motion to alter or amend is addressed to the discretion of the court. *Lowe v. Lyn*, 103 Idaho 259, 263, 646 P.2d 1030 (1982).

Rule 59(e) proceedings afford the trial court the opportunity to correct errors both of fact or law that occurred in its proceedings; it thereby provides a mechanism for corrective action short of an appeal. Such proceedings must of necessity, therefore, be directed to the status of the case as it existed when the court rendered its decision upon which the judgment is based.

Id. at 263 (citations omitted).

III. CONCLUSIONS OF LAW

This Special Master find that there is no corrective action to be taken. The United States does not set forth any errors in fact or law that occurred in proceedings. The United States simply wishes to now assert a federal reserved basis for these water rights. A *Motion to Alter or Amend* is not a mechanism to be used to amend a claim.

Further, the Court ruled that a single water right cannot be decreed with both a state and federal basis. *Memorandum Decision and Order Re: Basin-Wide Issue 12* (April 25, 1997). The United States did not appeal Basin-Wide Issue 12, and it is the law of the case. *In re SRBA Case No. 39576*.

Additionally, this *Motion to Alter or Amend* was not timely filed and would be denied on that procedural basis notwithstanding the other substantive grounds for this *Order*. *SRBA Administrative Order 1* § 13a.

Therefore, based on the file and record herein, IT IS ORDERED that the *Motion to Alter or Amend* is denied.

DATED: January 7, 2000.



THOMAS R. CUSHMAN, Special Master
Snake River Basin Adjudication

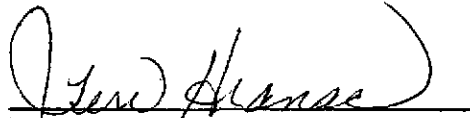
CERTIFICATE OF MAILING

I certify that a true and correct copy of ORDER DENYING MOTION TO ALTER OR AMEND was mailed on January 7, 2000, with sufficient first-class postage prepaid to the following:

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

U.S. Dept of Justice
Environment & Natural Resources Div.
550 W Fort St., MSC 033
Boise, ID 83724

Peter Ampe
Deputy Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449


Deputy Clerk

AJ0749NP
No. R65-22185

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

DATE: 03/24/98
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: GEORGE WAY GULCH

Tributary to: LITTLE WILLOW CREEK

Stage: BENEFICIAL USE

Point(s) of Beginning Stream Reach: T10N R01W S21

NWNWNE

PAYETTE County

S22

NESWSW

PAYETTE County

Point(s) of Ending Stream Reach: T10N R01W S21

SENENW

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	:	
10N	01W	21	:			S		S			S					S		S	:
10N	01W	22	:											S					:

POU County: PAYETTE

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 BLM RECORD ID = 6501482001

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

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.

Date: 03/10/1998 User-ID: SBOCK Subject: COPIED FROM REMARKS
ASSOCIATED WITH 6501481568

Audit: 03/24/98 KWATERS

AJ5809NP
No. R65-22185

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 02/18/98
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: GEORGEWAY GULCH

Tributary to: LITTLE WILLOW CREEK

Stage: BENEFICIAL USE

Point(s) of Beginning Stream Reach: T10N R01W S21

NWNWNE

PAYETTE County

S22

NESWSW

PAYETTE County

Point(s) of Ending Stream Reach: T10N R01W S21

SENEENW

SENEENW

PAYETTE 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
10N	01W	21		S		S		S				S			S	S		S
10N	01W	22																

POU County: PAYETTE

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 BLM RECORD ID = 6501482001
ASSOCIATED WITH 6501481568

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

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

RECEIVED

AUG 15 1998

Department of Water Resources
Adjudication Bureau

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 65-20260+
(Insert water right number)

DOMESTIC AND
STOCK WATER RIGHT
OBJECTION

Please fill in the following information:

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.

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

State of Idaho)
) ss.
County of Ada)

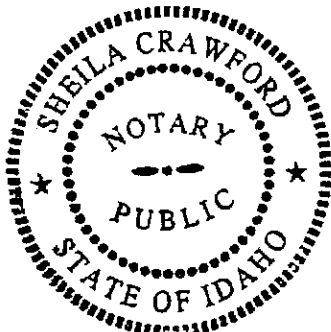
Peter J. Ampe, Deputy Attorney General, being first duly sworn, upon oath, deposes and says:

That the State of Idaho, in both its sovereign and proprietary capacity, 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

65-19685	65-19807	65-19905	65-19996
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