



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

May 18, 2006

David J. Barber, Deputy Attorney General
State House Mail

RE: Fish & Game Claims in Basin 69

Dear David:

On April 27, 2006, Chris Bromley sent a letter to you indicating that the Director's Report for Basin 69 did not list tributaries to the claimed sources for four claims to water rights filed by the Idaho Department of Fish & Game. It has come to the Department's attention that a similar error occurred with water right numbers 69-10078 and 69-10087. It is apparent that water right number 69-10078 also contained typographical errors in the place of use and point of diversion descriptions contained in the Director's Reports.

I have enclosed objections and SF5's to resolve those issues. If the forms meet with your approval, please sign the documents and return them to Ray Williams.

If you should have any questions, please do not hesitate to contact me.

Very Truly Yours,

A handwritten signature in cursive script, appearing to read "Susan".

Susan Hamlin Nygard
Deputy Attorney General, IDWR

Enclosures

cc: Michael Ciscell

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 69-10078
(Insert water right number)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: State of Idaho
Department of Fish & Game
Address: P.O. Box 25
Boise, ID 83707
Daytime Phone: (208) 334-3700

Name & Address of Attorney, if any:

Attorney Name: LAWRENCE G. WASDEN
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
DAVID J. BARBER (ISB # 2597)
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

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

Name: State of Idaho
Department of Fish & Game
Address: P.O. Box 25
Boise, ID 83707

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. ☒ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: _____

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.

E. REASONS SUPPORTING OBJECTION(S): _____

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
Stockwater use is for 1000 range cattle.

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of _____)

_____, 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: _____

Notary Public for _____
Residing at: _____
My Commission Expires: _____

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 _____, 2006, 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, ID 83303-2707

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

State of Idaho
Department of Fish & Game
P.O. Box 25
Boise, ID 83707

3. Copies 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 and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Signature of Objector or attorney mailing on Objector's behalf

**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 No. 69-10078
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

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/OBJECTOR:

David J. Barber	Date
Attorney for Department of Fish & Game	

IDWR Concurrence:

Michael Ciscell	Date
IDWR Senior GIS Analyst	

Susan Hamlin Nygard	Date
Deputy Attorney General	
Attorney for IDWR	

05/15/2006

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

RIGHT NUMBER: 69-10078

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

SOURCE: SPRING TRIBUTARY: ~~UNNAMED STREAM~~
SPRING TRIBUTARY: GRADE CREEK
TRIBUTARY: FLAT CREEK

QUANTITY: 0.230 CFS

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

PRIORITY DATE: 01/01/1912

POINT OF
DIVERSION:

T17N R04W S19 SWNE Within WASHINGTON County
T17N R04W S30 NENWNE Within WASHINGTON County
T17N R04W S30 SWSWNE Within WASHINGTON County
T17N R04W S30 SENENW Within WASHINGTON County
T17N R04W R05W S24 NWSESE Within WASHINGTON County
T17N R04W R05W S25 NENENE Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	STOCKWATER	1/01 12/31	0.230 CFS
PLACE OF USE:	<u>STOCKWATER Within WASHINGTON County</u>		
	T17N R04W S19 NESW	T17N R04W <u>R05W</u> S25	NENE
	T17N R04W S30 NWNE	T17N R04W S30	SWNE
	T17N R04W S30 NENW	T17N R04W <u>R05W</u> S24	SESE

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 use is for 1000 range cattle.

CERTIFICATE OF MAILING

I certify that on _____, 2006, I mailed the original and copies of this form, 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, Idaho 83303-2707

2. Copies to:

State of Idaho
Department of Fish & Game
P.O. Box 25
Boise, ID 83703

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

IDWR Repository
P.O. Box 83720
BOISE, ID 83720-0098

Signature of person or attorney mailing the form

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 69-10087
(Insert water right number)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: State of Idaho
Department of Fish & Game
Address: P.O. Box 25
Boise, ID 83707
Daytime Phone: (208) 334-3700

Name & Address of Attorney, if any:

Attorney Name: LAWRENCE G. WASDEN
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
DAVID J. BARBER (ISB # 2597)
Deputy Attorney General
Attorney Address: Office of the Attorney General
700 W. Jefferson, Room 210
P.O. Box 44449
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Attorney Phone No. (208) 334-2400

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

Name: State of Idaho
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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: _____
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Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____

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.

E. REASONS SUPPORTING OBJECTION(S): _____

05/12/2006

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

RIGHT NUMBER: 69-10087

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

SOURCE:	SPRING	TRIBUTARY: MIDDLE BROWNLEE CREEK
	SPRING	TRIBUTARY: ~~UNNAMED-STREAM~~
		<u>MIDDLE BROWNLEE CREEK</u>
	SPRING	TRIBUTARY: WEST BROWNLEE CREEK
	SPRING	TRIBUTARY: ~~UNNAMED-STREAM~~
		<u>WEST BROWNLEE CREEK</u>
	SPRINGS	TRIBUTARY: CHERRY CREEK
	UNNAMED STREAM	TRIBUTARY: WEST BROWNLEE CREEK

QUANTITY: 0.230 CFS

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

PRIORITY DATE: 06/01/1969

POINT OF
DIVERSION:

T16N R05W S13 SENWNE Within WASHINGTON County
T16N R05W S14 NESWNE Within WASHINGTON County
T16N R05W S14 SWNENW Within WASHINGTON County
T16N R05W S14 SENESW Within WASHINGTON County
T16N R05W S14 NENESE Within WASHINGTON County
T16N R05W S22 SWSWNE Within WASHINGTON County
T16N R05W S22 NWNESE Within WASHINGTON County
T16N R05W S22 NWSWSE Within WASHINGTON County
T16N R05W S23 NWNENW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1/01 12/31	0.230 CFS

PLACE OF USE: STOCKWATER Within WASHINGTON County

T16N R05W S13	NWNE	T16N R05W S14	SWNE
T16N R05W S14	NWNW	T16N R05W S14	NESW
T16N R05W S14	NESE	T16N R05W S22	SWNE
T16N R05W S22	NESE	T16N R05W S22	SWSE
T16N R05W S23	NENW		

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
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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 1000 range cattle.

F.

VERIFICATION (Must be Completed)

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) ss.
County of _____)

_____, duly sworn, upon oath, deposes and says:
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(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: _____

Notary Public for _____
Residing at: _____
My Commission Expires: _____

INSTRUCTIONS FOR MAILING

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Boise, ID 83711-4449

United States Department of Justice
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550 West Fort Street, MSC 033
Boise, ID 83724

Signature of Objector or attorney mailing on Objector's behalf

**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 No. 69-10087
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
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	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

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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.

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David J. Barber	Date
Attorney for Department of Fish & Game	

IDWR Concurrence:

Michael Ciscell	Date
IDWR Senior GIS Analyst	

Susan Hamlin Nygard	Date
Deputy Attorney General	
Attorney for IDWR	

05/12/2006

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

RIGHT NUMBER: 69-10087

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

SOURCE:	SPRING	TRIBUTARY: MIDDLE BROWNLEE CREEK
	SPRING	TRIBUTARY: ~~UNNAMED STREAM~~
		MIDDLE BROWNLEE CREEK
	SPRING	TRIBUTARY: WEST BROWNLEE CREEK
	SPRING	TRIBUTARY: ~~UNNAMED STREAM~~
		WEST BROWNLEE CREEK
	SPRINGS	TRIBUTARY: CHERRY CREEK
	UNNAMED STREAM	TRIBUTARY: WEST BROWNLEE CREEK

QUANTITY: 0.230 CFS

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GALLONS PER DAY.

PRIORITY DATE: 06/01/1969

POINT OF
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T16N R05W S14 SENESW Within WASHINGTON County
T16N R05W S14 NENESE Within WASHINGTON County
T16N R05W S22 SWSWNE Within WASHINGTON County
T16N R05W S22 NWNENE Within WASHINGTON County
T16N R05W S22 NWSWSE Within WASHINGTON County
T16N R05W S23 NWNENW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1/01 12/31	0.230 CFS

PLACE OF USE: STOCKWATER Within WASHINGTON County

T16N R05W S13	NWNE	T16N R05W S14	SWNE
T16N R05W S14	NWNW	T16N R05W S14	NESW
T16N R05W S14	NESE	T16N R05W S22	SWNE
T16N R05W S22	NESE	T16N R05W S22	SWSE
T16N R05W S23	NENW		

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

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

IDWR Repository
P.O. Box 83720
BOISE, ID 83720-0098

Signature of person or attorney mailing the form