

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 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: 1902-06-17  
AGENCY NUMBER: 2903780220  
BLM NUMBER: 2903780220  
BASIS OF CLAIM: BENEFICIAL USE  
BASIN NUMBER: 29-12744

SOURCE

TRIBUTARY TO

CRANE CREEK

PORTNEUF RIVER

DESCRIPTION OF DIVERSION WORKS

NONE, CRANE CREEK IN-STREAM-USE

| PURPOSE OF USE | DIVERSION<br>RATE | DIVERSION<br>VOLUME | PERIOD OF USE<br>FROM | TO   |
|----------------|-------------------|---------------------|-----------------------|------|
| STOCKWATER     | 0.020             | 0.00                | 0101                  | 1231 |
| WILDLIFE       | 0.010             | 0.00                | 0101                  | 1231 |
| TOTAL:         | 0.030 CFS         | 0.00 AF             |                       |      |

NON-IRRIGATION USES

10 RANGE CATTLE, 302 DEER

|     |     |     |        | POINT OF DIVERSION |        |     |         |
|-----|-----|-----|--------|--------------------|--------|-----|---------|
| TWP | RNG | SEC | TRACT1 | TRACT2             | TRACT3 | LOT | COUNTY  |
| 08S | 37E | 18  | SW     | SE                 | NE     | 00  | BANNOCK |
| 08S | 37E | 18  | NE     | SE                 | NE     | 00  | BANNOCK |

PLACE OF USE

|     |     |     |        |        |     |         | IRRIGATED |       |
|-----|-----|-----|--------|--------|-----|---------|-----------|-------|
| TWP | RNG | SEC | TRACT1 | TRACT2 | LOT | COUNTY  | OWNED     | ACRES |
| 08S | 37E | 18  | SE     | NE     | 00  | BANNOCK | YES       | 0.0   |

MICROFILMED

APR 14 1964

BLM NUMBER: 2903780220

PAGE: 2

08S 37E 18 SE NE 00 BANNOCK YES 0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

-----  
NONE

REMARKS

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FIRST DATE OF BENEFICIAL USE - 1902

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. 39576

AMENDED NOTICE of CLAIM for  
Water Right number:

29-12744

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

BLMIDENT:

2903780220

Stg:

StFed:

J

S

SOURCE:

| Source      | Tributary      |
|-------------|----------------|
| CRANE CREEK | PORTNEUF RIVER |

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:

6/17/1902

Diversion Means: IN-STREAM-USE

REMARKS:

POINT of  
DIVERSION:

| Twtnship | Range | Section | T1 | T2 | T3 | LOT | B/E | within the | County of |
|----------|-------|---------|----|----|----|-----|-----|------------|-----------|
| 08S      | 37E   | 18      | SW | SE | NE |     | E   | 5          | BANNOCK   |
| 08S      | 37E   | 18      | NE | SE | NE |     | B   | 5          | BANNOCK   |

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: 19-Nov-97 9:26 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        | 08S  | 37E | 18  | SE | NE | 0   | 5          | BANNOCK   |

RECEIVED

NOV 19 1997

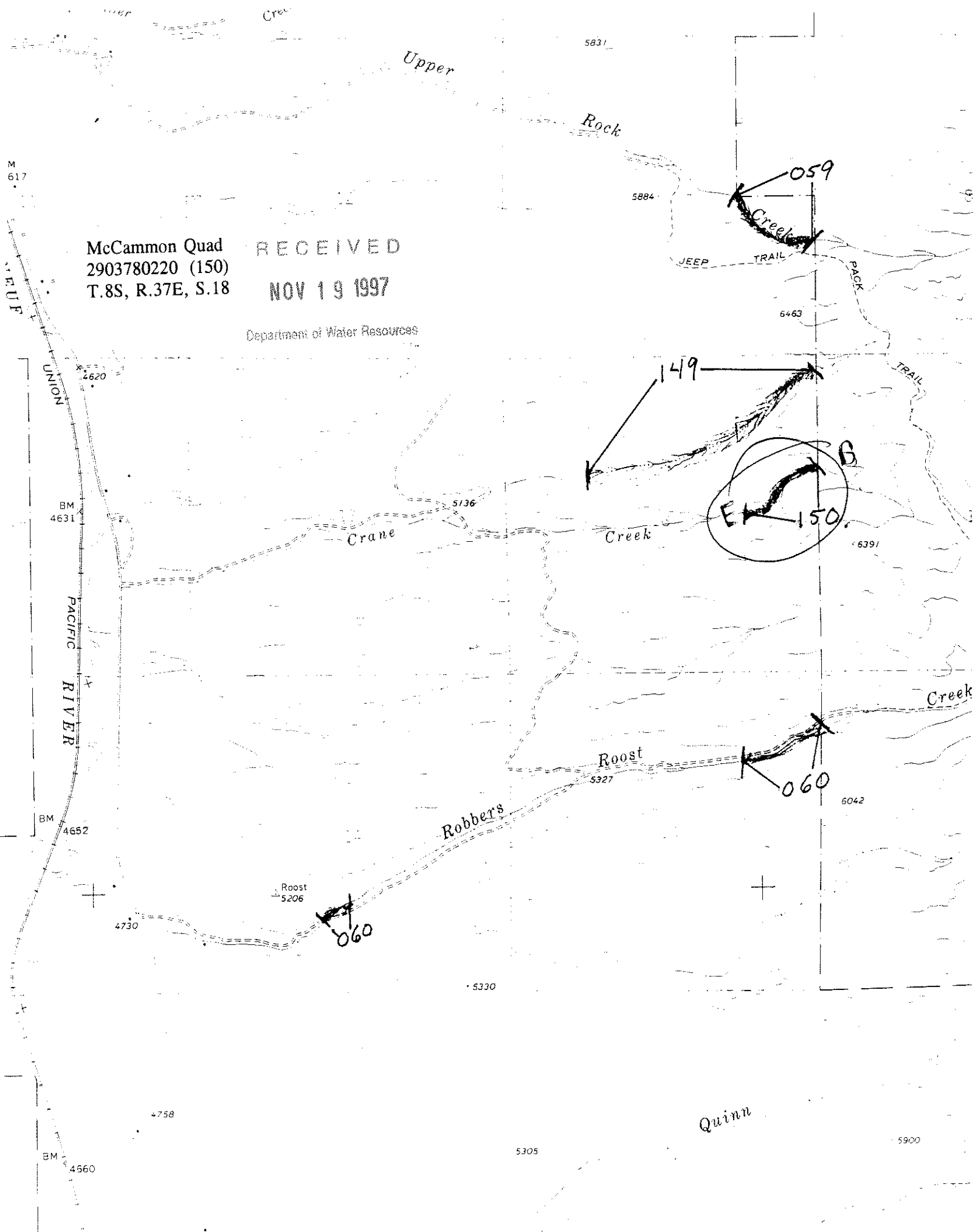
Department of Water Resources

McCammon Quad  
2903780220 (150)  
T.8S, R.37E, S.18

RECEIVED

NOV 19 1997

Department of Water Resources



AJ5809NP  
No. R29-12744

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/24/98  
PAGE: 113

| OWNER<br>CODE | NAME & ADDRESS                          | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|---------------|-----------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C             | UNITED STATES OF AMERICA ACTING THROUGH | 06/17/1902       | STOCKWATER | 01-01 12-31           | 0.02 CFS          |                     |

TOTAL DIVERSION: 0.02 CFS

Water Source: CRANE CREEK

Tributary to: PORTNEUF RIVER

Stage: BENEFICIAL USE

Point(s) of ~~Beginning~~ Stream Reach: T08S R37E S18

~~SENE~~

BANNOCK County

Point(s) of ~~Ending~~ Stream Reach: ~~T08S R37E S18~~

~~SENE~~

BANNOCK 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   | Lt | Ac   | Lt | Ac   | Lt | Ac   | Lt | Ac   | Lt | Ac   | Lt | Ac   |  |
| -----            |   |      |      |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      |  |
| 08S 37E 18 : S : |   |      |      |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      |  |

POU County: BANNOCK

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):  
A29-12744

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 = 2903780220  
10 RANGE CATTLE, 302 DEER

Dates: Exam Made Date: Verified Date: Objection Filed Date:

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

✓  
EMC  
1-24-98

de-jw 1/24/98

1999 JUL 12 PM 4:48  
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            | ) | NOTICE OF ISSUANCE AND NOTICE        |
|                       | ) | OF SERVICE                           |
| <u>Case No. 39576</u> | ) | Water Rights: See Attached Exhibit A |

On July 12, 1999, Special Master Fritz X. Haemmerle issued a *Special Master's Report and Recommendation* for the above subcase(s) pursuant to *SRBA Administrative Order 1 (AO1)*, Section 13a.

Pursuant to *SRBA Administrative Order 1*, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend by the 28<sup>th</sup> day of the month following the publication of the filing of the *Special Master's Report and Recommendation* in the Docket Sheet (*AO1*, Section 13a).

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the *Special Master's Report and Recommendation* shall constitute a waiver of the right to challenge it before the Presiding Judge.

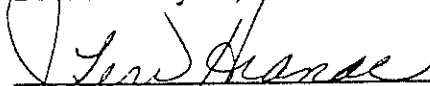
I certify that a true and correct copy of the SPECIAL MASTER'S RECOMMENDATION was mailed with sufficient first-class postage prepaid to the following:

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

U.S. Dept. of Justice  
Environment & Natural Resources  
550 West Fort Street, MSC 033  
Boise, ID 83724

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

DATED: July 12, 1999

  
Teri Hranac, Deputy Clerk

1999 JUL 12 PM 4:48  
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     | ) | SPECIAL MASTER'S REPORT             |
|                | ) |                                     |
| Case No. 39576 | ) | FINDINGS OF FACT AND                |
|                | ) | CONCLUSIONS OF LAW                  |
|                | ) |                                     |
|                | ) | FOR WATER RIGHTS: See Attached List |
|                | ) |                                     |

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I. FINDINGS OF FACT

A notice of claim was filed for these water rights pursuant to I.C. § 42-1409 (1990). The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of these water rights.

The only objections to these water rights were filed by the State of Idaho which were resolved with a *Stipulation to Resolve Objections* filed July 1, 1999. The State of Idaho, the United States, and IDWR are signatories to the *Stipulation to Resolve Objections*. Both parties agreed that the priority date for these rights shall be June 28, 1934.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that these water rights be decreed with the elements as set forth attached in the *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED: July 12, 1999.

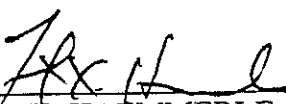
  
\_\_\_\_\_  
FRITZ X. HAEMMERLE  
Special Master  
Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

29-12589  
29-12591  
29-12594  
29-12598  
29-12617  
29-12715  
29-12741  
29-12742  
29-12744  
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29-12756  
29-12760  
29-12966  
29-12969  
29-12972  
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29-13014  
29-13018

1999 JUL 12 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 )  
                  ) PARTIAL DECREE PURSUANT TO  
                  ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
\_\_\_\_\_) Water Right 29-12744

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

SOURCE: CRANE CREEK                      TRIBUTARY: PORTNEUF RIVER

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: T08S R37E S18              SENE              Within Bannock County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 01-01 TO 12-31 | 0.02 CFS |

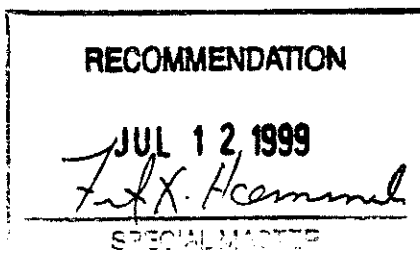
PLACE OF USE: Stockwater                      Within Bannock County  
                  T08S R37E S18              SENE

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