

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: 1889-02-23
AGENCY NUMBER: 2903780221
BLM NUMBER: 2903780221
BASIS OF CLAIM: BENEFICAL USE
BASIN NUMBER: 29 -12745

SOURCE	TRIBUTARY TO
-----	-----
LEFT FORK MARSH CREEK	MARS CREEK

DESCRIPTION OF DIVERSION WORKS

NONE, LEFT FORK MARSH CREEK IN-STREAM-USE

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE 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

22 RANGE CATTLE, 30 DEER, 1 MOOSE

POINT OF DIVERSION							
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
---	---	---	---	---	---	---	---
11S	38E	33	SW	SE	SW	00	BANNOCK
11S	38E	33	NW	SE	SW	00	BANNOCK

PLACE OF USE							IRRIGATED	
TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	OWNED	ACRES
---	---	---	---	---	---	---	---	---
11S	38E	33	SE	SW	00	BANNOCK	YES	0.0

MICROFILMED

NOV 14 1934

BLM NUMBER: 2903780221

PAGE: 2

11S 38E 33 SE SW 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

FIRST DATE OF BENEFICIAL USE - 1889

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:

29-12745

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:

2903780221

Stg:

StFed:

J

S

SOURCE:

Source	Tributary
LEFT FORK MARSH CREEK	MARSH 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:

2/23/1889

Diversion Means: IN-STREAM-USE

REMARKS:

POINT of
DIVERSION:

Twntship	Range	Section	T1	T2	T3	LOT	B/E	within the	County of
11S	38E	33	SW	SE	SW		B	5	BANNOCK
11S	38E	33	NW	SE	SW		E	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	Twnt	Rge	Sec	T1	T2	LOT	within the	County of
04	11S	38E	33	SE	SW	0	5	BANNOCK
16	11S	38E	33	SE	SW	0	5	BANNOCK

RECEIVED

NOV 19 1997

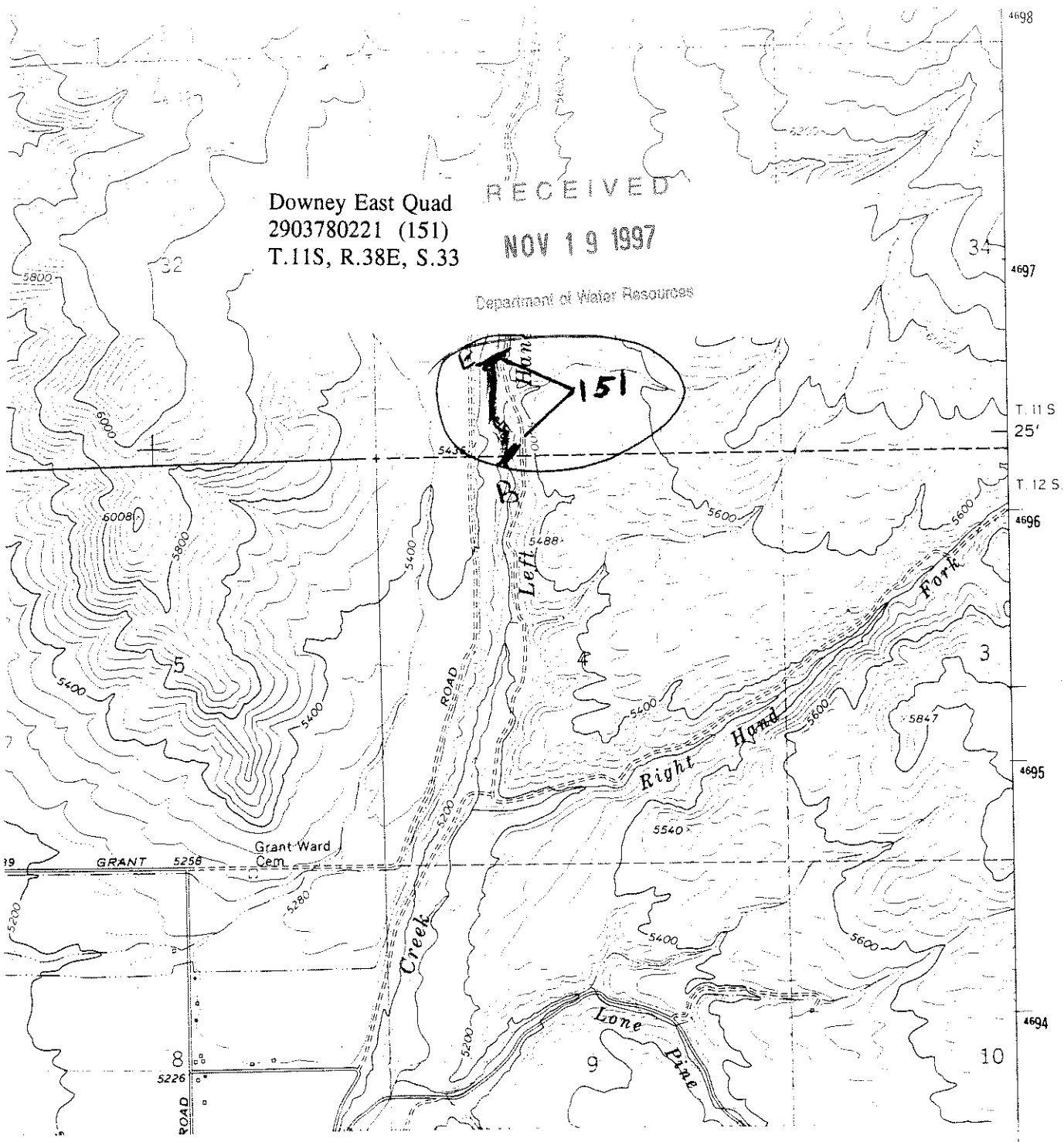
Department of Water Resources

Downey East Quad
2903780221 (151)
T.11S, R.38E, S.33

RECEIVED

NOV 19 1997

Department of Water Resources



MAP KEY

Basin #29

Quad Name: Downey East

003

12-16-92

Map#	BLMIDENT	Map #	BLMIDENT	Map #	BLMIDENT
058	2903788058	112	2903780185	139	2903780210
063	2903788063	113	2903780186	140	2903780211
108	2903780181	114	2903780187	141	2903780212
109	2903780182	131	2903780202	151	2903780221
110	2903780183	132	2903780203	155	2903780225
111	2903780184	134	2903780205	156	2903780226

SWAN LAKE 5 MI

4692000m.N.

42°22'30"
112°00'

AJ5809NP
No. R29-12745

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/24/98
PAGE: 114

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	UNITED STATES OF AMERICA ACTING THROUGH	02/23/1889	STOCKWATER	01-01 12-31	0.02 CFS	

TOTAL DIVERSION: 0.02 CFS

Water Source: MARSH CREEK, LEFT FORK

Tributary to: MARSH CREEK

Stage: BENEFICIAL USE

Point(s) of Beginning Stream Reach: T11S R38E S33

~~NWSESW~~

BANNOCK County

Point(s) of Ending Stream Reach: ~~T11S R38E S33~~

~~NWSESW~~

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 Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac							
11S	38E	33	:	:	:	:	S	:	:	:	:	:	:	:	

POU County: BANNOCK

Other Rights: NONE

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

A29-00595A A29-00595B A29-00595C A29-00595D A29-12745

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 = 2903780221
22 RANGE CATTLE, 30 DEER, 1 MOOSE

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

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

✓
GMC
1-24-98

JH-De. 1/26/98

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
Case No. 39576	)	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 28th 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.

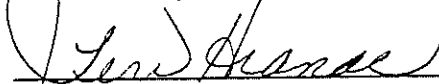
I certify that a true and correct copy of the SPECIAL MASTER'S RECOMMENDATION was mailed with sufficient first-class postage prepaid to the following:

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

1997 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
	)	

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.

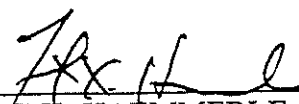

FRITZ X. HAEMMERLE
Special Master
Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

29-12589
29-12591
29-12594
29-12598
29-12617
29-12715
29-12741
29-12742
29-12744
29-12745
29-12746
29-12753
29-12756
29-12760
29-12966
29-12969
29-12972
29-12974
29-12975
29-12976
29-12977
29-12982
29-12983
29-13001
29-13005
29-13006
29-13008
29-13009
29-13011
29-13012
29-13013
29-13014
29-13018

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 29-12745

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

SOURCE: MARSH CREEK, LEFT FORK TRIBUTARY: MARSH 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: T11S R38E S33 SESW Within Bannock County

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

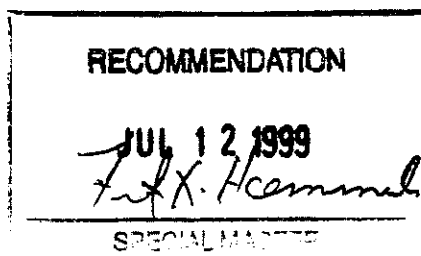
PLACE OF USE: Stockwater Within Bannock County
T11S R38E S33 SESW

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