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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 31-11648
Date Received: 3/5/01
Receipt No: EO26513
Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

A31-11648



1. Name of Claimant(s)

SHIVELY BROTHERS Phone: (208)663-4512

1201 E 1700 N
TERRETON ID USA 83450

2. Date of Priority: 07/05/1929

3. Source: COTTONWOOD CREEK, EAST FORK Trib. to: COTTONWOOD CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
12N	35E	22	SW NW NE	CLARK	

5. Description of diverting works:

HEADGATE/DITCH TO STOCKWATER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	04/01	12/31	0.1	

7. Total Quantity Appropriated is:
0.1 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	35E	3	NE NE SE NE	STOCKWATER STOCKWATER	

12N

35E 34

SW

SE

STOCKWATER

11. Place of use in counties: CLARK

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

13. Other Water Rights Used:

14. Remarks:

STOCKWATER, 300 CATTLE

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 Organizations:

I do solemnly swear or affirm that I am PARTNER of
Title
SHIVELY BROS, that I have signed the foregoing
Organization
document in the space below as PARTNER of
Title
Shively Bros and that the statements contained in the
Organization
foregoing document are true and correct. Don H Shively
Signature of Authorized Agent

Partner
Title and Organization

3-5-01
Date

State of Idaho

County of Bonnerville) SS.

Subscribed and sworn (or affirmed) before me this

5 of March 2001

Don Caz
Notary Public

Residing at Rigby, ID

My commission Expires 2/26/2002

RIGHT NUMBER: 31-11648

NAME AND ADDRESS: SHIVELY BROTHERS
1201 E 1700 N
TERRETON ID 83450

SOURCE: COTTONWOOD CREEK, EAST FORK

TRIBUTARY: COTTONWOOD CREEK

QUANTITY: 0.10 CFS

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

PRIORITY DATE: 07/05/1929

POINT OF DIVERSION:

T12N R35E S22 SWNWNE Within CLARK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	04/01 12/31	0.100 CFS

PLACE OF USE:

STOCKWATER Within CLARK County

T11N R35E S03	NENE	T11N R35E S03	SENE
T12N R35E S34	SWSE		

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: Beneficial Use

STOCKWATER, 300 CATTLE

RECEIVED

SEP 10 2001

Department of Water Resources

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 31-11648

(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
Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax

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

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

Name: Shively Brothers

Address: 1201 E. 1700 N.; Terreton, Idaho 83450

Name:

Address: ;

Name:

Address: ;

Name:

Address: ;

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: See attached

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):

The legal description for element five (POD) above may include Federal land. The description should be specific enough to exclude Federal land.

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
 County of Ada)

Fredric W. Price, Water Rights Specialist, 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.

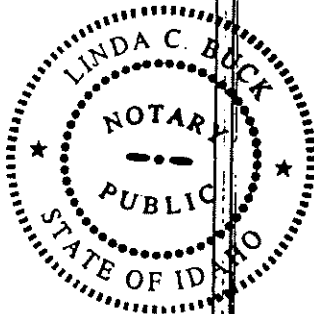
Fredric W. Price
 (Signature of person filing objection)

Larry G. Brown
 (Attorney signing in representative capacity)

Subscribed and sworn to before me on:

September 7, 2001

Linda C. Buck
 Linda C. Buck



Notary Public for State of Idaho

Residing at: Mountain Home, ID.

My Commission Expires: 12-21-2005

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 September 7, 2001, 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:

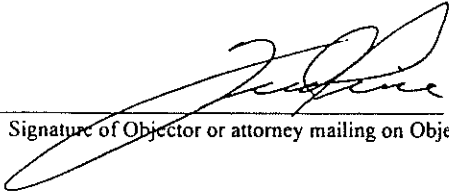
Name: Shively Brothers
Address: 1201 E. 1700 N.; Terreton, Idaho 83450
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

3. Copies to:

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

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


Signature of Objector or attorney mailing on Objector's behalf

05/04/2001

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

RIGHT NUMBER: 31-11648

UNAUTHORIZED Point of Diversion

NAME AND ADDRESS: SHIVELY BROTHERS
1201 E 1700 N
TERRETON ID 83450

SOURCE: EAST FORK COTTONWOOD CREEK

TRIBUTARY:

QUANTITY: 0.100 CFS

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

PRIORITY DATE: 07/05/1929

POINT OF
DIVERSION:

T12N R35E S22 SWNWNE Within CLARK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

04/01 12/31

0.100 CFS

PLACE OF USE:

STOCKWATER Within CLARK County

T11N R35E S03 NENE
T12N R35E S34 SWSE

T11N R35E S03 SENE

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
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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. 300 CATTLE

Issue:

Circled point of diversion
is on public land

CLARK COUNTY 033
SANDS DISTRICT SEC 3

1946-47

[illegible]

1 011617 Det PL 167 Sect of Cong 7/23/1953
completed 3/28/1961. All nr surface right by 85/3
1 249 BLV O C built Use. Clark County.
Sect from appropriation under DLE, Hq. 1A, 6 P3
All unappropriated public land within
Sect 19 to 35 incl

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

USE PLATS	
CURRENT TO	D70 8 215
COMPLET NO	572 30 1970

Previous Major T. 12M 35F

THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST 72

WALTON'S STATIONERY

SCALF in CHINA

3

1

38

9

□

2

15

T12N
R35E
S22

VF

22

101 28323
Comm S



27