

PD

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 A31-10939Date Received 5-1-90Receipt Number X111111

**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant (s) United States of America, USDA, ARS Phone (208) 374-5307Mailing Address HC 62, Box 2010, USSES, Dubois, Idaho Zip 834232. Date of Priority (Only one (1) per claim) May 1, 18913. Source of water supply (a) spring
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 14N Range 36E Section 21,
SW 1/4 of SE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Clark

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Undeveloped spring.

A310939



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Nov 18 1992

2/2

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Livestock purposes from 5/15 to 11/15 amount 0.28 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.28 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 500 - 600 cattle and up to 3000 sheep.

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
14N	36E	21															S		

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? Clark

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

numerous springs and ground water or None ()

14. Remarks:

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Nov 18 1992

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

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 Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Research Leader

Title _____

of USDA, ARS, USSES, Dubois, Idaho, that I have signed the foregoing

Organization

document in the space below as Research Leader of USDA, ARS, USSES

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Hudson A. Glimp

Title and Organization Research Leader, USDA, ARS, USSES Date 12-15-89

State of Idaho/~~or~~ _____)
County of Clark) SS.

Subscribed and sworn (or affirmed) before me this 15th day of December 1989

SEAL

Notary Public [Signature]

Residing at Dubois, ID

My Commission Expires 9-30-91

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Peter Monson, Esq. will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

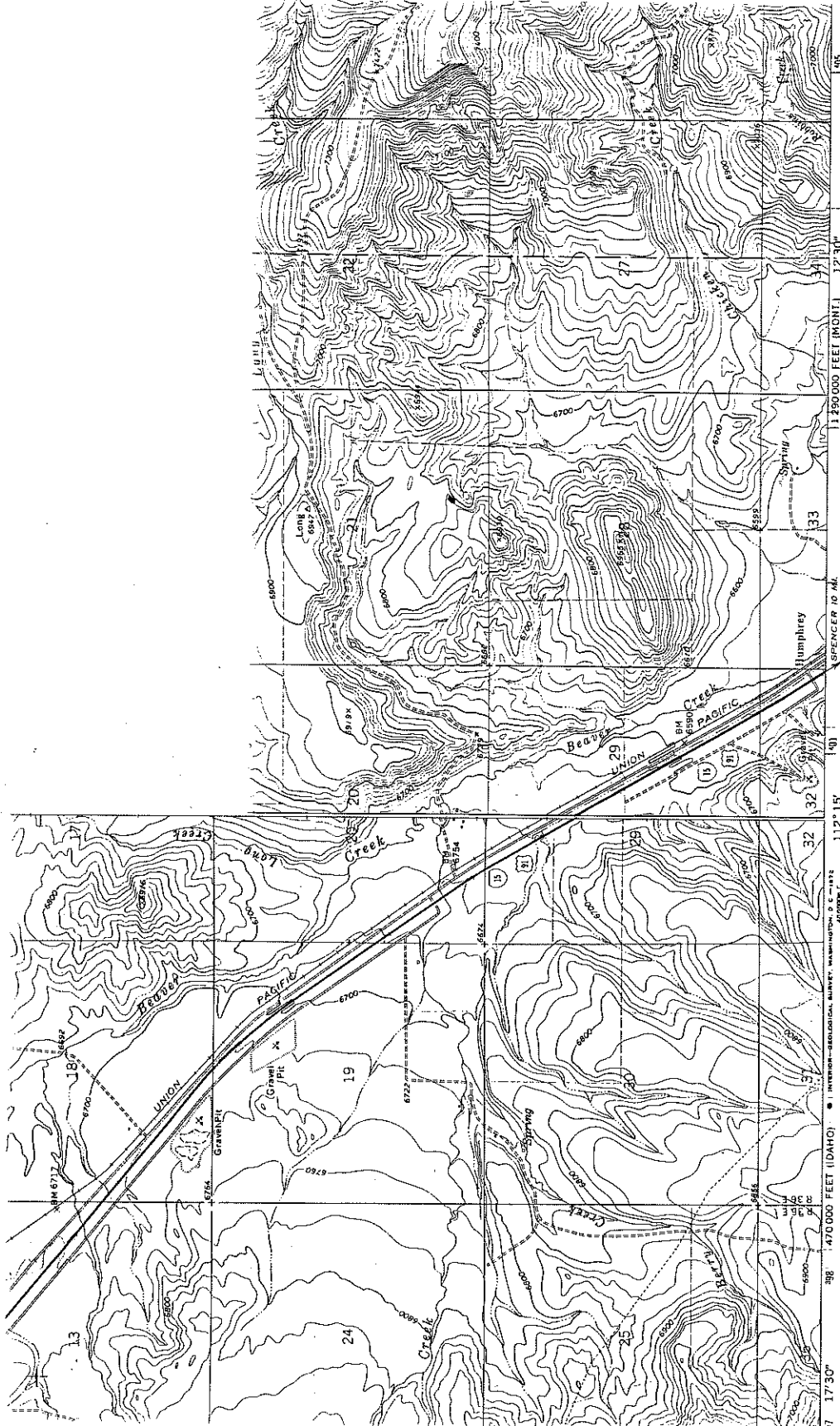
Address Indian Sresources Section, Land and Natural Resource Section, U.S. Dept. of Justice
P. O. Box 44378, Washington, D.C. 20026-4378

Date _____

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

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NOV 18 1992



Maped, edited, and published by the Geological Survey
Control by USGS and USCA&GS
Topography by photogrammetric methods from aerial
photographs taken 1967. Field checked 1968
Polyconic projection. 1927 North American datum
10,000-foot grids based on Montana coordinate system,
south zone and Idaho coordinate system, east zone
1000-meter Universal Transverse Mercator grid ticks,
zone 12, shown in blue
Fine red dashed lines indicate selected fence lines
Areas covered by dashed light blue pattern are
subject to controlled inundation

1 MILE
1:730"
470,000 FEET (IDAHO) 1:250,000 FEET (MONT.)
UTM GRID AND 1983 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET

SC
1 1000 0 1000 2000
CONTOUR
DAMUM 1
5

THIS MAP COMPLIES WITH
FOR SALE BY U.S. GEOLOGICAL SURVEY, DI
A FOLDER DESCRIBING TOPOGRAPHIC

* = Spring
* = Well
= stream

ROAD CLASSIFICATION
Primary highway, all weather, Light-duty road, all weather,
hard surface Improved surface
Secondary highway, all weather, Unimproved road, fair or dry
hard surface weather
Interstate Route U.S. Route

MONIDA, MONT.-IDAHO
N4430-W11215/7.5
1968
AMS 3573 III SE-SERIES V894



4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

US ARS

CLAIM IDENT. NO.

A31-10939

DATE RECEIVED

5-01-90

CK #

XIIIIII

AMOUNT \$

—

YES

NO

Required
Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO ☐ *
2. Is a priority date entered? ☒ YES ☐ NO ☐ *
- Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO ☐ *
- See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO ☐ *
3. (a) Is a source entered? ☒ YES ☐ NO ☐ *
- (b) Is a tributary to entered? (if required) ☐ YES ☒ NO ☐ *
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO ☐ *
5. Is there a description of the diverting works? ☒ YES ☐ NO ☐ *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO ☐ *
- Is the period of use included? ☒ YES ☐ NO ☐ *
- Is a quantity claimed for each use? ☒ YES ☐ NO ☐ *
7. Is a total quantity claimed entered? ☒ YES ☐ NO ☐ *
8. If required is a consumptive use entered? ☐ YES ☒ NO ☐ *
- Is the consumptive use correct? ☐ YES ☒ NO ☐ *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☐ YES ☒ NO ☐ *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO ☐ *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO ☐ *
12. Is the ownership of p.u. checked? ☒ YES ☐ NO ☐ *
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO ☐ *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☐ YES ☒ NO ☐ *
15. Is the basis of the claim indicated? ☒ YES ☐ NO ☐ *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☐ YES ☒ NO ☐ *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO ☐ *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO ☐ *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO ☐ *
20. Is the fee enclosed correct? ☐ YES ☒ NO ☐ *
21. If this claim is based on an existing water right, has the identification number been entered? ☐ YES ☒ NO ☐ *
22. Should this claim be data entered? ☒ YES ☐ NO ☐ *

Claim checked by: [Signature]Date: 8-21-91

Claim must be returned to claimant:

☐ (Yes) ☒ (No)

Claimant must be notified of modifications:

☐ (Yes) ☒ (No)

Receipt Prepared by:

Claim data entered by: [Signature]Sent to claimant by: [Signature]

Date:

Date: 8-23-91

Date:

Checked by: [Signature]Date: 8-27-91

Comments:

MICROFILMEDNOV 18 1990

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: **A31-10939**
Date Received: 5/ 1/1990
Receipt No: X111111
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: UNITED STATES OF AMERICA, ACTING THROUGH 208-334-1577
Address: US DEPT OF AGRICULTURE
FARMERS HOME ADMINISTRATION
3232 ELDER ST
BOISE, ID 83705

2. Date of Priority: MAY 1, 1891

3. Source: SPRING Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	36E	21	SW	SE			CLARK

5. Description of diverting works:
UNDEVELOPED SPRING

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	05/15	11/15	0.280		

7. Total Quantity Appropriated is:
0.280 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
500 -600 CATTLE AND UP TO 3000 SHEEP

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	36E	21	SW	SE		STOCK	

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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:
NUMEROUS SPRINGS AND GROUNDWATER

14. Remarks:
NONE

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 Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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NOV 18 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

FEBRUARY 9, 1993

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

POOR ORIGINAL

RE: EVIDENCE OF PRIORITY

Dear Claimant(s):

The Notice(s) of Claim identified with the number shown above in the "address" label and at the "end" of this letter has been filed in the Snake River Bas Adjudication (SRBA). The Notice indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

It is important that each element of the Notice be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some examples of Documents Which May Be Evidence of the Priority Date".

EVIDENCE OF PRIORITY
Page - 2 -

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel.

The Department will not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.

Please submit the required evidence supporting the priority date by MARCH 9, 1993, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

Eric Verner
Senior Water Agent

EV:jt

Enclosure: Brochure on "Evidence of Priority"
Proof Report

Other Water Right Numbers Needing Evidence of Priority

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APR 15 1994



United States
Department of
Agriculture

Farmers
Home
Administration

3232 Elder Street
Boise, Idaho 83705

March 4, 1994

Mr. Dave Carlson
Water Right Agent, Adjudications
Department of Water Resources
900 North Skyline Dr.
Idaho Falls, Idaho 83402-1718

RECEIVED
MAR 7 1994

Department of Water Resources
-Eastern District Office

Dear Mr. Carlson:

On March 3, 1994 Farmers Home Administration (FmHA) received a letter from you advising the agency that we needed to provide proof to support the priority date on several different water right claims. Out of concern I called you today concerning this matter. This letter is to summarize the results of our telephone conversation regarding this issue.

During our visit you indicated that the letter we received was sent due to the filings not matching a computer module of the system. You further indicated that it would not be necessary to submit any proof to support the priority dates claimed. The rights in question were as follows:

1. A31-10937 for domestic use from groundwater sources
2. A31-10938 for stockwater use from a spring
3. ~~A31-10939~~ for stockwater use from a spring
4. A31-10940 for stockwater use from a spring
5. A31-10941 for stockwater use from a spring
6. A31-10942 for stockwater use from a spring
7. A31-10943 for stockwater use from a spring

In the case of water right number A31-10937 for domestic use with a .4 CFS diversion rate you indicated that the total diversion rate may be reduced to .04 CFS which would still be adequate for household use, washing and gardening. Based on our conversation it is my understanding that the other water right claims would remain unchanged.

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APR 15 1994



Farmers Home Administration is an Equal Opportunity Lender.
Complaints of discrimination should be sent to:
Secretary of Agriculture, Washington, D.C. 20250

If my understanding is not correct or if FmHA is required to submit any information on this matter please contact me at (208) 334-9148. Thank you for your consideration in this matter.

William A. York

WILLIAM A. YORK
Farmer Program Specialist

cc: County Supervisor, FmHA, Rexburg, Idaho
District Director, FmHA, Blackfoot, Idaho

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APR 15 1994

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: A31-10939
Date Received: 5/ 1/1990
Receipt No: X111111
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: UNITED STATES OF AMERICA, ACTING THROUGH 208-374-5409
Address: USDA, ARS
HC 62 BOX 2010
USSES
DUBOIS ID 83423

2. Date of Priority: MAY 1, 1891

3. Source: SPRING Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	36E	21	SW	SE			CLARK

5. Description of diverting works:
UNDEVELOPED SPRING

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	05/15	11/15	0.280		

7. Total Quantity Appropriated is:
0.280 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
500 -600 CATTLE AND UP TO 3000 SHEEP

10. Place of Use:

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Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	36E	21	SW	SE		STOCK	

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:
NUMEROUS SPRINGS AND GROUNDWATER

14. Remarks:
NONE

15. Basis of Claim: BENEFICIAL USE

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NOV 14 1990

PCUV

12/15/2000

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 31-10939

Owner Type Name and Address
Current Owner UNITED STATES OF AMERICA, USDA ARS
USDA ARS
HC 62 BOX 2010
USSES
DUBOIS, ID 83423
(208)374-5409

Attorney PETER MONSON
INDIAN RES SEC LND & NAT RES
US DEPT OF JUSTICE
999 18TH ST STE 945
DENVER, CO 80202
(303)294-1950

Also Known As US DEPT OF AGRICULTURE
Also Known As ARS
AGRICULTURAL RESEARCH SERVICE
US SHEEP EXP STATION
HC 62 BOX 2010
DUBOIS, ID 83423
(208)374-5409

Priority Date: 05/01/1891
Basis: Beneficial Use
Status: Valid

Source Tributary to
SPRING

Is rate
OK?
reduce
per acre

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	5/15	11/15	0.28 CFS		

Total Diversion 0.28 CFS

Point(s) of Diversion:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
14N	36E	21	SW SE 0		CLARK

Place(s) of use:

Place of Use Legal Description: STOCKWATER CLARK County

<u>Townsh</u>	<u>Rang</u>	<u>Secti</u>	<u>Lo</u>	<u>Tract</u>	<u>Acres</u>	<u>Lo</u>	<u>Tract</u>	<u>Acres</u>	<u>Lo</u>	<u>Tract</u>	<u>Acres</u>	<u>Lo</u>	<u>Tract</u>	<u>Acres</u>
<u>ip</u>	<u>e</u>	<u>on</u>	<u>t</u>			<u>t</u>			<u>t</u>			<u>t</u>		
14N	36E	21		SWSE										

Remarks:

1. General NONE

Dates:

Licensed Date:
Claim Received Date: 05/01/1990
Enlargement Use Priority Date:

1-N11
1-N13
1-C18
- no parcel #
per county
assessor

Water Right 31-10939

J.P. done
GC
12/28/00
Stockwater, 600 cattle &
3000 sheep

Enlargement Statute Priority Date:
Decreed Date:
Date Filed with Court:
Objection Filed Date:
SF5 Filed:
Special Master Recom Signed Date:

Element Reviewed/Verified Dates: No dates found

Other Information:

Receipt Number(s):
State or Federal: S
Owner Name Connector: OR
Overall Max Diversion Rate: 0.28
Overall Max Diversion Volume: 0
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
PresumptionFlag:
Notice of Error Flag:NONE RECEIVED
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Verification Log: No log entries

RECEIVED

01/25/2001
MAR 02 2001

Department of Water Resources
Eastern Region

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: March 9, 2001

Water right number: 31-10939

UNITED STATES OF AMERICA ACTING THROUGH
USDA ARS
US SHEEP EXPERIMENT STATION
HC 62 BOX 2010

DUBOIS ID 83423

Telephone Number: (208)374-5409

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 02/21/01

SIGNATURE: Gregory S. Lewis

Please print your name: Gregory S. Lewis

IDWR Regional Office, 900 N Skyline, Idaho Falls, ID 83402, 2085257161