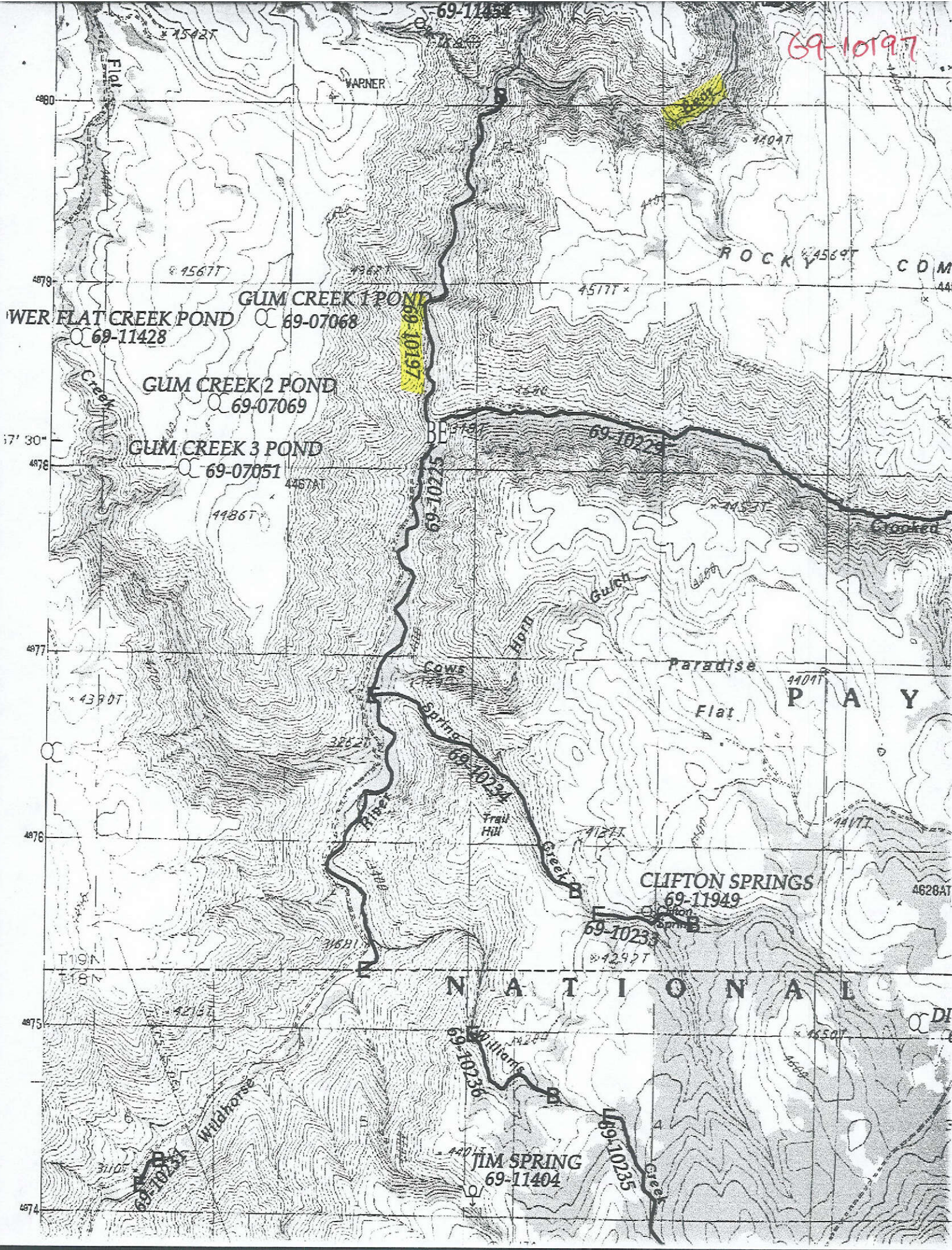


69-10197



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: A69-10197
Date received: _____
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: UNITED STATES OF AMERICA (USDA-Forest Service)
Address: 324 25th Street Phone (801) 625-5360
Ogden, Utah 84401

2. Date of Priority: 06/01/1888

3. Source: BEAR CR Trib. to: WILDHORSE R

4. Point of Diversion:

Township	Range	Section	Tract	Lot	County
19 N	3 W	16	NESE		ADAMS

5. Description of diverting works: NO DEVELOPMENT

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.	(or)	Elevation/ Well Depth
STOCKWATER	Jun.1	Nov.30	0.02		0.00		

7. Total Quantity Appropriated is: 0.02 C.F.S. / 0.00 A.F.A.

8. Total consumptive use is: de minimus

9. Non-irrigation uses: CATTLE Livestock Numbers: 879

10. Place of Use:

Township	Range	Section	Tract	Lot	County
19 N	3 W	29	NWNE		ADAMS

Purpose of use: STOCKWATER Acres Irrigated:

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used: NONE

14. Remarks: Quad No. 313-2

LOCATION OF USE IS IN UNSURVEYED PART OF T19N R3W

APPLICATION DATE: 00/00/

15. Basis of Claim: BENEFICIAL USE/APPLICATION

Reference Information:

National Forest: PAYETTE

Priority Dates: PAYETTE NATIONAL FOREST LIVESTOCK HISTORY

Forest Service Record ID: 04 12 17050201 53 1722 0

IDWR Water State Filing No.: 69-10197

Allotment No.: 102

Notice is hereby given that the United States Department of Justice will represent the Department of Agriculture, Forest Service, in all matters pertaining to the Snake River Basin Adjudication. All notices required by law to be mailed by the Director to the Claimant should be mailed to the individuals at the address below:

Jack Haugrud
Geoffrey Garver
Daria J. Zane
U.S. Department of Justice
Environment and Natural Resources Division
General Litigation Section
P.O. Box 663
Washington, D.C. 20044-0663
202-272-4134

This form is an attachment to a letter forwarding the claims of the U.S. Department of Agriculture, Forest Service. The signature and affirmation on such letter constitutes the signature of the authorized agent representing the United States of America required for each such claim.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT SRBA Fifth Judicial District County of Twin Falls - State of Idaho JUL 31 2003 By _____ Clerk Deputy Clerk

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 69-10197

NAME AND ADDRESS: USDA FOREST SERVICE
550 W FORT ST, MSC 013
BOISE, ID 83724

SOURCE: BEAR CREEK TRIBUTARY: WILDHORSE RIVER

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 05/01/1895

POINT OF DIVERSION: T19N R03W S16 NESE (Instream Beginning Point) Within Adams County
S29 NWNE (Instream Ending Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	06-01 TO 11-30	0.02 CFS

PLACE OF USE:	Stockwater	Within Adams County
	T19N R03W S16	SWSW NESE
		NWSE SWSE
	S17	SESE
	S20	NENE SWNE
		SENE NWSE
		SWSE
	S21	NWNE NENW
		NWNW
	S29	NWNE

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. I.C. SECTION 42-1412(6).

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.


Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

AUG - 8 2003

Department of Water Resources

DISTRICT COURT SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JUL 31 2003	
By _____	Clerk
	Deputy Clerk

**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

ORDER OF PARTIAL DECREE

For Water Rights 69-10110 and 69-10197

On June 10, 2003, a *Special Master's Report and Recommendation* was filed for the above water rights. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water rights 69-10110 and 69-10197 are hereby decreed as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED July 31, 2003.

Roger Burdick

ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

AJ0749NP
No. R69-10197

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 02/16/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	UNITED STATES OF AMERICA ACTING THROUGH USDA FOREST SERVICE 550 W FORT ST MSC 033 BOISE ID 83724	05/01/1895	STOCKWATER	06-01 11-30	0.02 CFS	
				TOTAL DIVERSION:	0.02 CFS	

Water Source: BEAR CREEK

Tributary to: WILDHORSE RIVER

Stage: BENEFICIAL USE

Point(s) of Beginning Stream Reach: T19N R03W S16
Point(s) of Ending Stream Reach: T19N R03E S29

NESE
NWNE

ADAMS County
ADAMS County

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE							
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac	
19N	03W	16	:					:					:			S		:	S	S	S		:
19N	03W	17	:					:					:					:				S	:
19N	03W	20	:		S		S	:					:					:		S	S		:
19N	03W	21	:			S		:	S	S			:					:					:
19N	03W	29	:			S		:					:					:					:

POU County: ADAMS

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 FOREST SERVICE RECORD ID = 0412 17050201 53 1722
STOCKWATER, 879 RANGE CATTLE

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

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

Comments: Date: 12/02/1998 User-ID: AJU5-JSH Subject: AJU5 STOCK ONLY UPDATE
USE-NOT-IRRIGATION FIELD TEXT DELETED AND MADE EXP REMARK.
CONDITION CODES N11 AND N13 ADDED IF NOT ALREADY PART OF RECORD.
ANY GEN REMARK CHANGED TO EXP REMARK. IF BLM/USFS, DELETED L12.

Audit: 02/16/99 CWALKER

AJ5809NP
No. R69-10197

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 12/02/98
PAGE: 175

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	UNITED STATES OF AMERICA ACTING THROUGH USDA FOREST SERVICE 550 W FORT ST MSC 033 BOISE ID 83724	05/01/1895	STOCKWATER	06-01 11-30	0.02 CFS	
TOTAL DIVERSION:					0.02 CFS	

Water Source: BEAR CREEK

Tributary to: WILDHORSE RIVER

Stage: BENEFICIAL USE

Point(s) of Beginning Stream Reach: T19N R03W S16

NESE

Point(s) of Ending Stream Reach: T19N R03E S29

NWNE

ADAMS County

ADAMS County

Place of use Legal Description for: STOCKWATER

T	R	S	NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
19N	03W	16																	
19N	03W	17																	
19N	03W	20																	
19N	03W	21																	
19N	03W	29																	

POU County: ADAMS

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
R69-10199

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 → FOREST SERVICE RECORD ID = 0412 17050201 53 1722
879 Cattle

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

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

Comments: Date: 12/02/1998 User-ID: AJU5-JSH Subject: AJU5 STOCK ONLY UPDATE
USE-NOT-IRRIGATION FIELD TEXT DELETED AND MADE EXP REMARK.

AJ5809NP
No. R69-10197

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 12/02/98
PAGE: 176

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Comments: Date: 12/02/1998 User-ID: AJU5-JSH Subject: AJU5 STOCK ONLY UPDATE
CONDITION CODES N11 AND N13 ADDED IF NOT ALREADY PART OF RECORD.
ANY GEN REMARK CHANGED TO EXP REMARK. IF BLM/USFS, DELETED L12.

Audit: 11/18/98 AJCTR 12/02/98 AJU5-JSH

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: 69-10197

RECEIVED

OCT 01 1998

Department of Water Resources

FILED UNDER STATE LAW

1. Name of Claimant: UNITED STATES OF AMERICA on behalf of the U.S.D.A. Forest Service
Address: 550 W. Fort Street MSC033
Boise ID 83724
2. Date of Priority: 05/01/1895
3. Source of water: BEAR CREEK Tributary: WILDHORSE RIVER
4. Location Meridian BOISE
Description of Diversion Works: None From: Stream
Location of Point of Diversion
T: 19 N R: 03 E S: 29 NWNE E T: 19 N R: 03 W S: 16 NESE B
Location of Point of Use
T: 19 N R: 03 W S: 16 NESE T: 19 N R: 03 W S: 16 NWSE
T: 19 N R: 03 W S: 16 SWSE T: 19 N R: 03 W S: 16 SWSW
T: 19 N R: 03 W S: 17 SESE T: 19 N R: 03 W S: 20 NENE
T: 19 N R: 03 W S: 20 NWSE T: 19 N R: 03 W S: 20 SENE
T: 19 N R: 03 W S: 20 SWNE T: 19 N R: 03 W S: 20 SWSE
T: 19 N R: 03 W S: 21 NENW T: 19 N R: 03 W S: 21 NWNE
T: 19 N R: 03 W S: 21 NWNW T: 19 N R: 03 W S: 29 NWNE
5. Quantity claimed Period Quantity For
6/ 01 - 11/ 30 0.02 CFS Stockwater
6. Total Consumptive Use Claimed for Present and Future Use is:
0.02 CFS
7. Present and future uses to which the water is or will be used:
Stockwater
8. Attach the legal description of the reservation, and maps showing for each consumptive use the existing and proposed place of use and existing points of diversion.
Bound separately
9. Remarks:
State Basin: 69
National Forest: Payette
Forest Service Record ID: 04 12 17050201 53 1722
10. Describe any other water rights used at the same place and for the same purposes as described above: None
11. Counties within the reservation: Not available

Notice is hereby given that the United States Department of Justice will represent the Department of Agriculture, Forest Service, in all matters pertaining to the Snake River Basin Adjudication. All notices required by law to be mailed by the Director to the claimant should be mailed to the individuals at the address

Bruce Bernard
U.S. Department of Justice
Environment and Natural Resources Division
550 W. Fort Street, Box 33
Boise, ID 83724

This form is an attachment to a letter forwarding the claims of the U.S. Department of Agriculture, Forest Service. The signature and affirmation on such letter constitutes the signature of the authorized agent representing the United States of America required for each such claim.

