

04/04/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 77-10101

NAME AND ADDRESS: BARRY BRYANT
BRYANT RANCHES INC
HC- 72
CASCADE ID 83611

1667 Johnson Creek Rd
633-3217

SOURCE: BARRY CREEK

TRIBUTARY: JOHNSON CREEK

QUANTITY: 0.050 CFS

PRIORITY DATE: 07/17/1958

POINT OF DIVERSION:

T18N R08E S9 SWNW Within VALLEY County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.150 CFS

PLACE OF USE: IRRIGATION Within VALLEY County

T18N R08E S09	SESW	2.5	T18N R08E S09	NESW	2.5
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5 ACRES TOTAL

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.

EXPLANATORY MATERIAL: Beneficial Use

Knoblock, Ken

From: Steven M Spencer [sspencer@fs.fed.us]
Sent: Tuesday, April 10, 2007 10:47 AM
To: Knoblock, Ken
Subject: Barry Bryant 77-10101



Suggested
77-10101.doc



SF5 77-10101.doc

I talked on the phone with Barry yesterday. He's ready to sign. So here is my best shot on a water right description and SF5. If things look OK with you, please print everything and do the obligatory signature and initial. Then hard copy mail the originals to me. I'll arrange to meet Barry in Emmett to discuss in person and get his signature. Then I'll get Chris and David's signatures and get it filed with the Court. I don't need this immediately, but would like to receive it about Wed next week. I'll be in Idaho Falls, Jackson and Twin Falls, not back in the office until Wed the 18. Then I'll arrange to get with Barry maybe the 19th or 20th.

If there are any questions I believe I'll be able to check my email this week.

(See attached file: Suggested 77-10101.doc)

(See attached file: SF5

77-10101.doc)

Thank you.

Steve Spencer
Boise Adjudication Team
161 E. Mallard, Suite 110
Boise, ID 83706

(208) 331-5944
(208) 387-0842 FAX
e-mail: sspencer@fs.fed.us

In Re SRBA	)	Subcase No. 77-10101
	)	
Case 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT
	)	

Date _____

CERTIFICATE OF MAILING

I certify that on April ____, 2007, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

Barry Bryant
Bryant Ranches Inc
1667 Johnson Creek Road
Cascade, ID 83611

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

US Department of Justice
Environment and Natural Resources Section
550 West Fort Street, MSC 033
Boise, ID 83724

Signature of person mailing the form

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

Right Number: 77-10101

Name and Address: BARRY BRYANT
BRYANT RANCHES INC
HC 72
CASCADE, ID 83611

1667 Johnson Creek Road *1667*

Source: BARRY CREEK Tributary: JOHNSON CREEK

Quantity: .05 CFS

Priority Date: 07-17-1958

Diversion Point: T18N R08E S09 SWNW Within Valley County

Purpose and

Period of Use:	Purpose of Use	Period of Use	Quantity
	Irrigation	04-15 TO 10-31	.15 CFS

Place of Use: Irrigation Within Valley County

T18N R08E S09	SESW 2.5	NESW 2.5
	<u>SESW</u> 2.5	
	5	Acres Total <i>Ken</i>

Other Provisions Necessary for Definition / 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.

Explanatory Material: Basis of Claim - Beneficial Use

File Code:2540

Date:March 26, 2007

Barry Bryant
Bryant Ranches Inc
1667 Johnson Creek Road
Cascade, ID 83611

RECEIVED
MAR 28 2007
IDWR/North

Dear Mr. Bryant,

The Forest Service filed an objection to your water right number 77-10101 in the Snake River Basin Adjudication (SRBA) because of an apparent problem with the legal description of the places of use. The place of use in the SENW of Section 9 appears to be in error because according to our records it is National Forest System (NFS) land. The places of use shown on the map prepared for 77-10101 by Ken Knoblock of IDWR clearly show that the places of use are in the NESW and SESW of Section 9. This would seem to substantiate that the place of use in the SENW should be changed to the SESW.

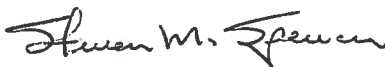
I have discussed this matter with Mr. Knoblock and we agree, based on the map and information available to us that the SENW should be changed to the SESW in the places of use. This would resolve the Forest Service objection to your water right. Accompanying this letter are a new water right description for 77-10101, a copy of the IDWR map referenced above, a copy of the USGS quad of this area delineating private land, and an SRBA Court Standard Form 5 court document.

The new water right description shows additions underlined and deletions ~~lined through~~. Correspondingly the SENW is deleted and the SESW is added to the places of use in Section 9. In addition, your address has been changed from HC 72 to 1667 Johnson Creek Road. There are no other changes to the water right recommendation. Please look at this information. If you have any questions about this matter you can contact me in Boise at (208) 331-5944 or Ken in Coeur d'Alene at (208) 762-2802.

If this appears to be OK with you, settlement documents can be submitted to the Court. The water right description would need to be initialed by you and the Standard Form 5 signed and dated in the appropriate space. These two forms should then be returned to me and I would route them to the other people for their signatures and initials. When this is complete the forms would be filed with the Court and you would receive a copy of the final document.

Again, please look at this information and if you have any questions about this matter and Forest Service involvement in the proceedings, please contact me at (208) 331-5944.

Sincerely,



STEVEN M. SPENCER
Water Use Specialist

Enclosures

CC: Ken Knoblock

**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: _77-10101 _
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 USDA Forest Service
Address: 550 West Fort Street
MSC 033
Boise, Idaho 83724
Daytime Phone: (208) 334-1936

Name and Address of Attorney, if any:

Randall J. Bramer
550 West Fort Street
MSC 033
Boise, Idaho 83724

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

Name: Barry Bryant
Address: Bryant Ranches Inc
1667 Johnson Creek Rd
HC - 72
Cascade, ID 83611

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:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☒ **Places of Use**
Should be: See E below.

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 place of use in the SENW of Section 9, T18N, R8E as recommended in the Directors Report is on National Forest System (NFS) land. The claimant is not authorized to occupy and use NFS land for this purpose. It appears that the SENW should be changed to the SESW as is shown on the map prepared by the Department to depict this recommendation dated April 4, 2005.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

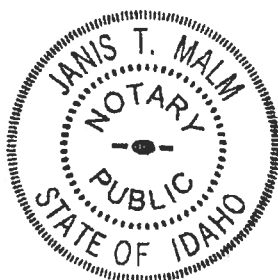
Steve Spencer , duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

Steve M. Spencer
(Signature of person filing objections)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn before me on: July 26, 2006
Janis T. Malm



Notary Public for:
Residing at: Boise, Idaho
Commission Expires: 09/09/2008

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 JUL 28 2006, 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
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Barry Bryant

Address: Bryant Ranches Inc
1667 Johnson Creek Rd
HC - 72
Cascade, ID 83611

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

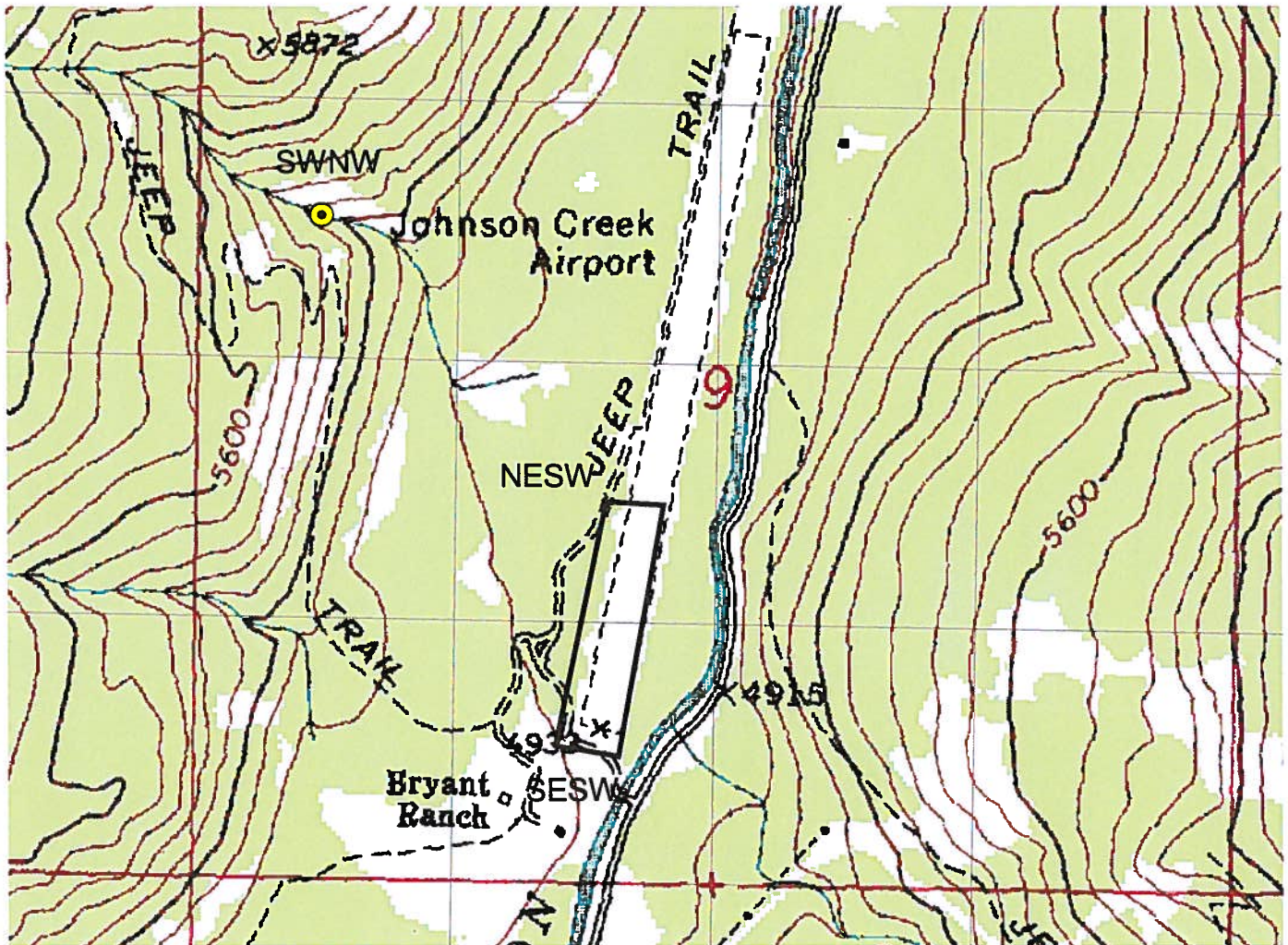
Chief, Natural Resource Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

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



Signature of Objector or attorney
mailing on Objector's behalf

77-10101



Section 9
T18N R8E

- Point of Diversion
- Place of Use

Map prepared on April 4, 2005
By Kenneth Knoblock
Idaho 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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A77-10101
Date Received: 11-17-88
Receipt No: M001960
Received By: lab

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BARRY BRYANT
Address: BRYANT RANCHES INC.
HC-72
CASCADE, ID 83611 208-382-4336

2. Date of Priority: JUL 17, 1958

3. Source: BARRY CREEK Trib. to: JOHNSON CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
18N	08E	9	SW	SW	NW		VALLEY

5. Description of diverting works:
DAMS, DITCHES, GRAVITY FLOWS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	05/01	11/01	0.150		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
18N	08E	9	SE	NW		IRR	2.5
			NE	SW		IRR	2.5

Section Acres 5.0

A77-10101

Page 1

Date: 11/17/88

MICROFILMED
OCT 05 1992

10. Place of Use: Continued

Total Acres

5.0

11. Place of use in counties: VALLEY

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

13. Other Water Rights Used:
NONE

14. Remarks:

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 X wish to receive and 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): *M. Barry Bryant* Date: 11-17-88

Date: _____

State of Idaho)
County of Valley) SS.

Subscribed and sworn (or affirmed) before me this 17 day

of Nov. 19 88

John Dale Cochran
Notary Public

Seal

Residing at Bon Id

My Commission Expires 6/2/94

~~A65-17665~~
A17-10101

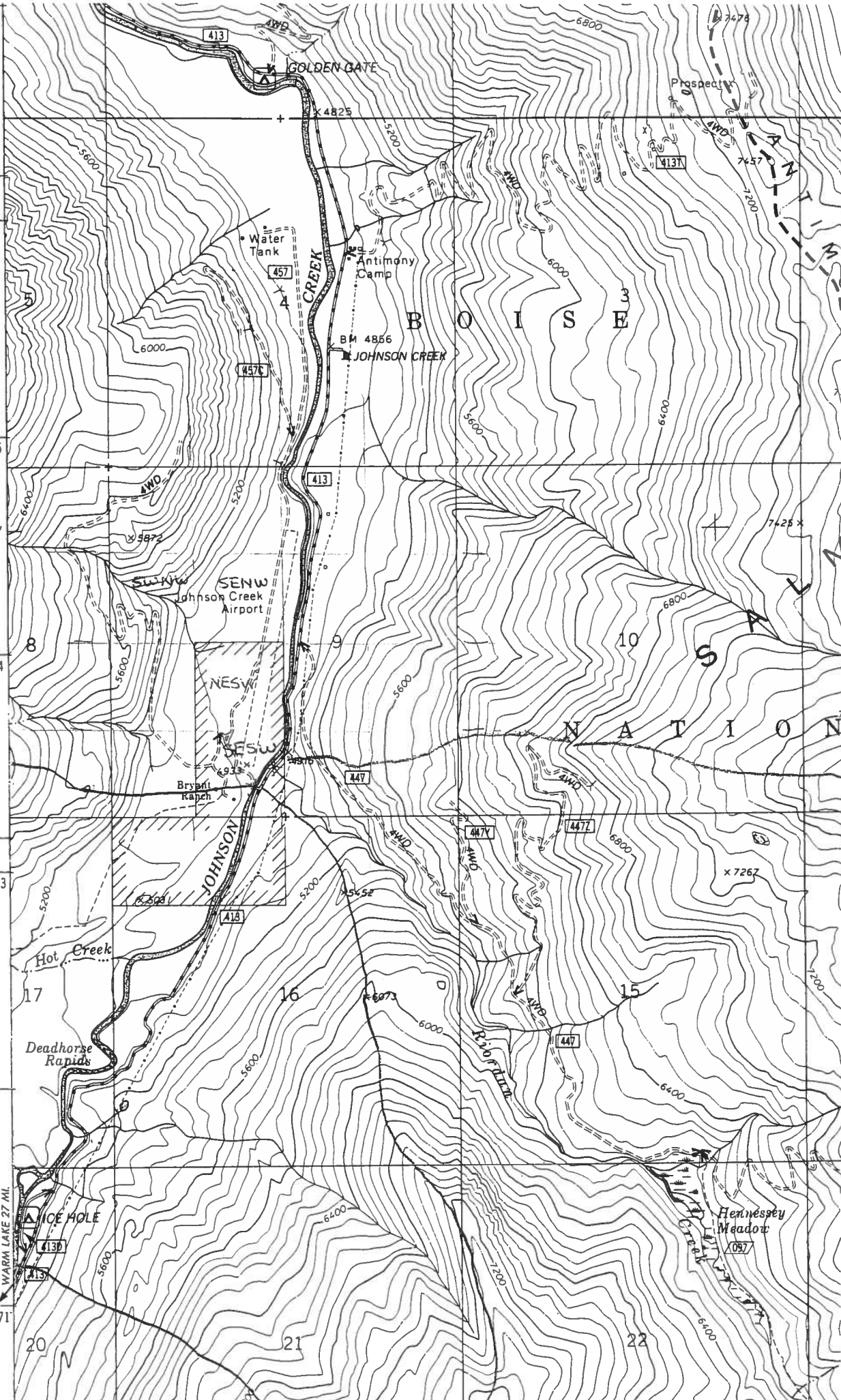
Page

2

Date: 11/17/88

MICROFILMED

OCT 05 1992



118N

4976

4975

4974

4973

4972

4971

P/O

SW NW
SEC 9
18N 8E

P/u
SE NW
NE SW

AGS-17665
S ACRES



44° 52' 30"

115° 30'

19

570 000 FEET

21

Produced by the Geological Survey
in cooperation with the U.S. Forest Service

MICROFILMED

007 05 4000

3/16/05

PMO100 - PARCEL MASTER INQUIRY

11:33:38

PARCEL: RP 18N08E094806 A

F9=MS

F19=SP

LEGAL DESCRIPTION

BRYANT RANCH, INC.

YOPT

E/2 SW, LESS TAX #1 S9 T18N R8E
AND IN N/2 NW4 S16 T18N R8E
MEDIUM CLASS TIMBER

ProVal Area Number 1

C/O BARRY BRYANT

CODE AREA 8-0000 OWNER CD

1667 JOHNSON CREEK RD

PARC TYPE LOC CODE 4700

CASCADE ID 83611

EFFDATE 1011993 EXPDATE

2075 JOHNSON CREEK RD

PREV PARCEL RP18N08E094806A

X for parcel comments

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
7	2001	139000	AC	10430				
10	2001	2000	AC	41640				
19	2001	2065	AC					
31	2001			53940				
TOTALS		143065		106010				

ENTER NEXT PARCEL NUMBER RP A

FKeys: F2=TX F3=Exit F5=SS F6=Nm F7=LG
F8=CT F13=TM F18=HS F20=SRch F22=EU