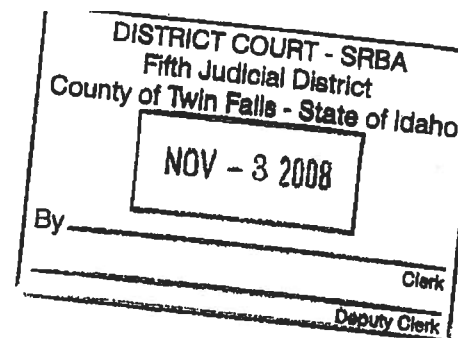


RECEIVED

NOV - 4 2008

Department of Water Resources
Adjudication Bureau



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 RIGHT 79-14204

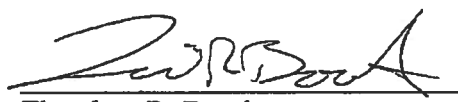
A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

On June 30, 2008, The United States of America, Department of Interior, Bureau of Land Management (BLM) filed an objection to the *Director's Report*. On July 1, 2008, The United States of America, Department of Agriculture, Forest Service, filed an objection to the *Director's Report*. On October 29, 2008, the parties filed a *Standard Form 5 - Stipulated Elements of a Water Right* which resolved the objection. The *Standard Form 5* was executed by Justice Department Attorney David Negri on behalf of both the BLM and the Forest Service. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 79-14204 be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated Nov. 3, 2008


Theodore R. Booth
Special Master
Snake River Basin Adjudication

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 79-14204

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho NOV - 3 2008 By _____ Clerk Deputy Clerk

NAME AND ADDRESS: JIM RUPP
RACHEL A RUPP
10649 HWY 95 S
LUCILE, ID 83542

SOURCE: CRAWFORD CREEK TRIBUTARY: SALMON RIVER
UNNAMED STREAM TRIBUTARY: SALMON RIVER
UNNAMED STREAM TRIBUTARY: CRAWFORD CREEK

QUANTITY: 0.02 CFS

The quantity of water under this right shall not exceed 13,000
gallons per day.

PRIORITY DATE: 02/26/1925

POINT OF DIVERSION:	T25N R01E S11	SWNE (Instream Ending Point)	Within Idaho County
		NENE (Instream Ending Point)	
		NENE (Instream Ending Point)	
		SWNE (Instream Beginning Point)	
		SWNE (Instream Ending Point)	
	LOT 9	(SESE) (Instream Beginning Point)	
	LOT 9	(SESE) (Instream Ending Point)	
	LOT 9	(SESE) (Instream Beginning Point)	
	LOT 9	(SESE) (Instream Ending Point)	
	LOT 9	(SESE) (Instream Beginning Point)	
	LOT 9	(SESE) (Instream Ending Point)	
	S12	SESE (Instream Beginning Point)	
		SWSE (Instream Ending Point)	
		SWSE (Instream Ending Point)	
		NWSE (Instream Beginning Point)	
		SWSE (Instream Ending Point)	
		NESW (Instream Beginning Point)	
		NESW (Instream Ending Point)	
		SENW (Instream Beginning Point)	
		NESW (Instream Ending Point)	
		SWNW (Instream Beginning Point)	
		NWNW (Instream Beginning Point)	
		NWNW (Instream Beginning Point)	
	S13	NENE (Instream Beginning Point)	

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 Idaho County
	T25N R01E S11	NENE SWNE
		SENE LOT 9 (SESE)
	S12	NWNW SWNW
		SENW NESW
		NESE NWSE
		SWSE SESE
	S13	NENE 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.

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION

NOV - 3 2008

Lee B. Smith
SPECIAL MASTER

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
NOV - 3 2008	
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)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

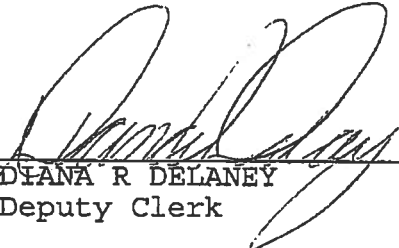
Water Right(s) : 79-14204

On November 03, 2008, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

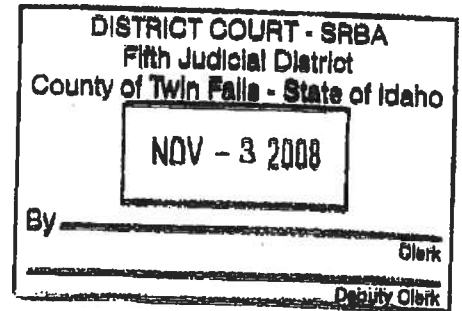
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED November 03, 2008.



DIANA R DELANEY
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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 79-14204

CERTIFICATE OF MAILING

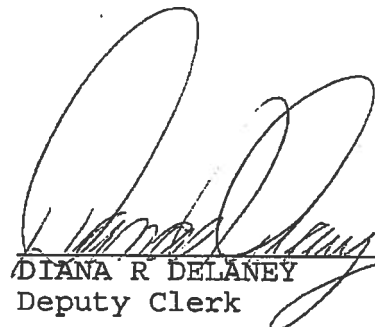
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on November 03, 2008, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

JIM RUPP
RACHEL A RUPP
10649 HWY 95 S
LUCILE, ID 83542
Phone: 208-628-3712

CERTIFICATE OF MAILING



DIANA R DELANEY
Deputy Clerk

PAGE 1
11/03/08

RECEIVED

JUN 30 2008

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

A. Subcase 79-14204

(Insert water right number)

Case No. 39576

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: Jim Rupp
Address: 10649 Hwy 95 S; Lucile, Idaho 83542

Name: Rachel A. Rupp
Address: 10649 Hwy 95 S; Lucile, Idaho 83542

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: See attached.
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: See attached.
9. ☒ **Place of Use**
Should be: See attached.

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):**

This claim describes points of diversion and places of use on federal public land. The season of use for grazing on public land is not year-round. The recommendation of this claim does not describe the land to which this claim is appurtenant as required by I.C. 42-1402.

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)

David Megi
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: June 27, 2008

Linda C. Buck
Linda C. Buck



Notary Public for State of Idaho

Residing at: Mountain Home, ID.

My Commission Expires: 12-21-2011

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 June 27, ²⁰⁰⁸~~2007~~, 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:

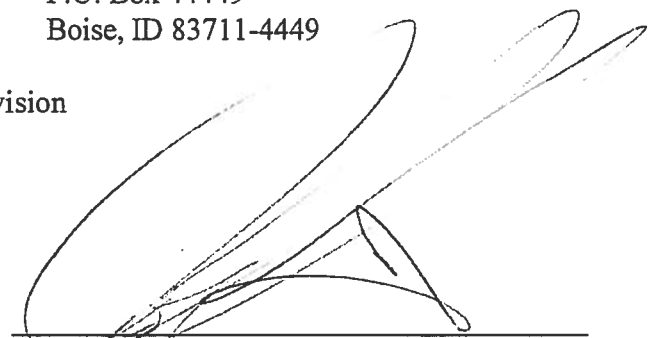
Name: Jim Rupp
Address: 10649 Hwy 95 S; Lucile, Idaho 83542
Name: Rachel A. Rupp
Address: 10649 Hwy 95 S; Lucile, Idaho 83542
Name:
Address: ;
Name:
Address: ;

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

03/20/2008

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

RIGHT NUMBER: TP-14204

NAME AND ADDRESS: RACHEL A RUPP
10649 HWY 95 S
LUCILE ID 83542JIM RUPP
10649 HWY 95 S
LUCILE ID 83542**POUs on BLM:****-Claimed POU's on BLM need to be described consistent with I.C. 42-1402.****-Period of Use is not year round at the POU's on BLM.**SOURCE: CRAWFORD CREEK
SPRING
UNNAMED STREAM
UNNAMED STREAMTRIBUTARY: SALMON RIVER
TRIBUTARY: UNNAMED STREAM
TRIBUTARY: CRAWFORD CREEK
TRIBUTARY: SALMON RIVER

QUANTITY: 0.020 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 02/26/1925

POINT OF
DIVERSION:

T25N R01E S11 NENE End of Stream Flow Within IDAHO County
 T25N R01E S11 NENE End of Stream Flow Within IDAHO County
 T25N R01E S11 SWNE End of Stream Flow Within IDAHO County
 T25N R01E S11 SWNE Begin of Stream Flow Within IDAHO County
 T25N R01E S11 SWNE End of Stream Flow Within IDAHO County
 T25N R01E S11 SESE Begin of Stream Flow Within IDAHO County
 T25N R01E S11 SESE End of Stream Flow Within IDAHO County
 T25N R01E S11 SESE Begin of Stream Flow Within IDAHO County
 T25N R01E S11 SESE End of Stream Flow Within IDAHO County
 T25N R01E S11 SESE Begin of Stream Flow Within IDAHO County
 T25N R01E S11 SESE End of Stream Flow Within IDAHO County
 T25N R01E S12 NWNE Begin of Stream Flow Within IDAHO County
 T25N R01E S12 NWNE Begin of Stream Flow Within IDAHO County
 T25N R01E S12 SWNE Begin of Stream Flow Within IDAHO County
 T25N R01E S12 SENK Begin of Stream Flow Within IDAHO County
 T25N R01E S12 NESW End of Stream Flow Within IDAHO County
 T25N R01E S12 NESW End of Stream Flow Within IDAHO County
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 T25N R01E S12 SWSE End of Stream Flow Within IDAHO County
 T25N R01E S12 SESE Begin of Stream Flow Within IDAHO County
 T25N R01E S13 NENE Begin of Stream Flow Within IDAHO County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: STOCKWATER in IDAHO County

T25N R01E S11	NENE	T25N R01E S11	SWNE
---------------	------	---------------	------

	T25N R01E S11	- SESE	T25N R01E S11	NESE	
BLM	T25N R01E S11	NWSE	T25N R01E S11 Lot 6	SWSE	BLM
BLM & PVT	T25N R01E S11	SESE	T25N R01E S12	SWNE	
	T25N R01E S12	SENE	T25N R01E S12	NWNE	
	T25N R01E S12	SWNW	T25N R01E S12	SENE	
	T25N R01E S12	NESW	T25N R01E S12	NESE	
	T25N R01E S12	NWSE	T25N R01E S12	SWSE	
	T25N R01E S12	SESE	T25N R01E S13	NESE	
	T25N R01E S13	NWNE	T25N R01E S13	SWNE	
BLM	T25N R01E S14 Lot 1	NESE	T25N R02E S07 Lot 4	SWSW	
	T25N R02E S16 Lot 1	NWNE	T25N R02E S16 Lot 2	SWNW	

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(5), 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

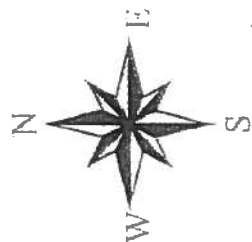
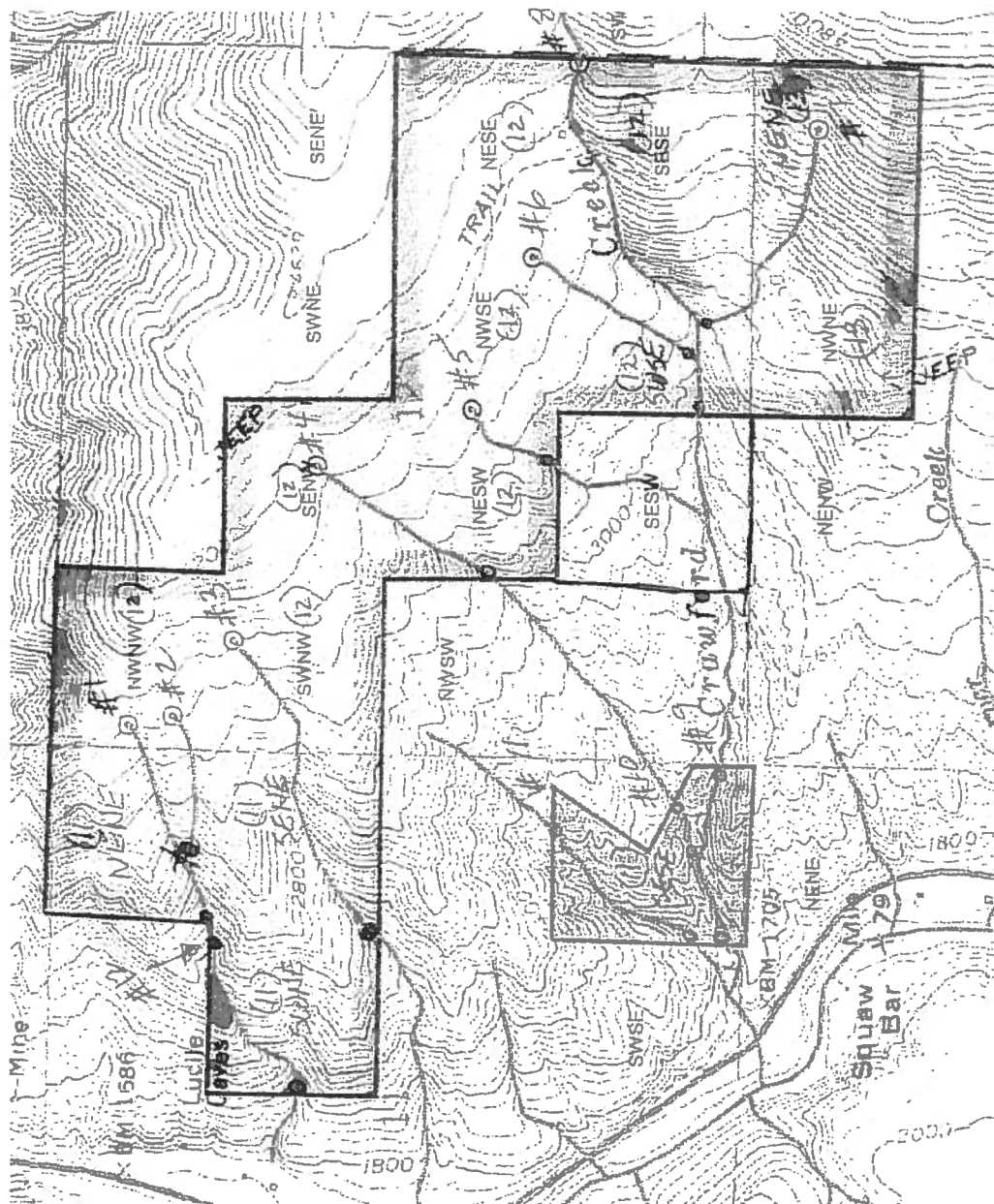
Stockwater use is for 100 head cattle.

POUs on BLM:

- Claimed POUs on BLM need to be described consistent with I.C. 42-1402.
- Period of Use is not year round at the POUs on BLM.

-Claimed POUs on BLM need to be described consistent with I.C. 42-1402.

-Period of Use is not year round at the POU on BLM.



0.8 Miles

0.4

0

0.4

Shows points of beginning of ending at in-stream mine

IDAHO COUNTY 049
COEUR D'ALENE DISTRICT

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES[illegible]

ISO 01/27/1923 Open to Entry Subj to Sec 24 FPA
FRT S RES B SO 04/05/1921

Sec 23: Lot 6

Sec 20: Lots 3 to 5 incl

ISO 03/12/1924 Open to Entry Subj to Sec 24 FPA

Sec 2: Lots 6, 10
 Sec 11: Lot 2

650 01/13/828 Open to Entry Subj to Sec 24 FPA

PAR 5 RES 8 SO 04/05/1921
Sec 22: Lots 1-4

Soc 26: Lots 1,2

Soc 27: Lots 1,2

Per S Res & SO 04/05/1921
O 03/12/1957 Open to Entry Subj to Sec 24 FPA

Sec 2: Lots 8,9

Sec 11: Lots 1,4,5,8

R 07/41 305
09912 Del PL 167 (Act of Cong. 07/23/1955)

completed 09/28/1980. All PD surface Mapped by DLM

PL 0 2608 06/11/1982 Open to Entry Subj to Sac
24 FPA Pwr S Res @ SO 04/03/1921

HON 012977 Del PL 167 (Act of Cong 07/23/1955)
 consolidated 12/02/1964 All NE surface Mgmt by USFS

Act of Cong (Sec 5) 10/02/1968, all public land

within 1/4 mile of Salmon River, With far potential
addition to Wind & Seismic Rivers System

Pat 933557 erroneously describes SWANE Sine 27

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Sec 2: Lot 8 (portion south of drive), Lot 9, SWSE
Sec 11: Lots 1, 4, 5, 8, NWNE, N2SE (minus Box Claim).

All of the Iber & Ajax Claims are surveyed
Sec 12: NW5W (minus Iber and Ajax Claims), SE5W,
SE and then those under Ajax 7th line, 6th, 5th and 4th

[illegible]

Continued on Supplemental Remarks Plat No. 1

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LAND REFER TO INDEX OF
CELLS AND/OR IS DOCUMENTS

INSTRUCTIONS TO DOCUMENTS

FILE REF: 800607504001062AMT00006 2-99	BY: LFIA
CONVERTED TFF: 65/11/2007	

LAST UPDATED:	05/11/2007	BY: JFM
QDOC #1:		QDOC #2:

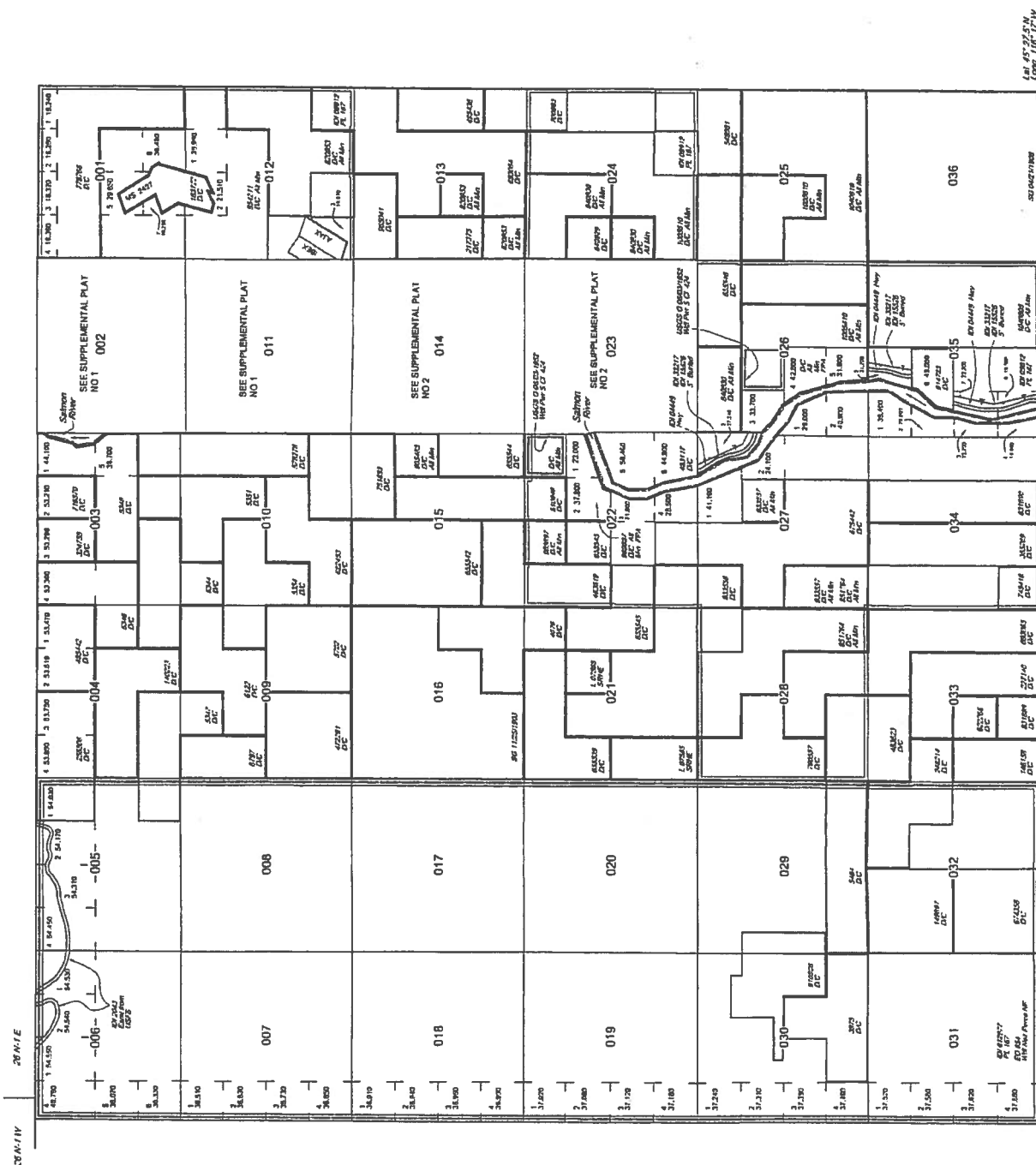
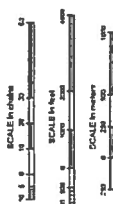
POSTED TO PUBLIC RECORDS: June 19, 2007
BY: [redacted]
PUBLIC LAND SURVEY SYSTEM (PLSS)

BILL ACCOUNT:	04787006
OTHER:	NA

PROJECTED COORDINATE SYSTEM	UTM ZONE 11N, NAD 1983
NOTE:	

USE PLATE:

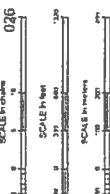
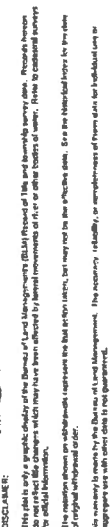
Revised 1
T 25

[illegible]

U.S. Bureau of Land Management - Idaho State Office
1387 S. Vinall Way Boise, Idaho 83709
(208) 377-4000



No. 2
 STATUS OF PUBLIC DOMAIN
 LAND AND MINERAL TITLES
 MT PLAT
 SUPPL Sec 14.23



U.S. Bureau of Land Management - Idaho State Office
1387 S. Van Ness Way Boise, Idaho 83703
(208) 373-4000

[illegible]

	Sect: 23; Lot 6	PLO 07/27/1923 Open to Entry Study to Sect 24 TPA Pw: S Reg 8 SO 04/05/1821
	Sect 12; Lot 8	BULM O 03/12/1937 Open to Entry Study to Sect 24 TPA Pw: S Reg 8 SO 04/05/1921
	Sect 12; Lot 8	PL 09/012 Dwp PL 167 (Act and Chng 07/23/1935) Completed 02/07/1960. All PD surfaces light by BLN
	Sect 14; Lot 1	PL O 20/08 06/11/1982 Open to Entry Study to Sect 24 TPA Pw: S Reg 8 SO 04/05/1821
	Sect 14; Lot 1 Naze Paved with MS 23R1	PL O 14/12 Naze Paved with MS 23R1 Act of Chng (Sec 5) 10/02/1946, all usable land within 1/4 mile of Salmon River. Wdn for potential addition to Wolf & Scarle Rivers System
	Plot 06/10 Lower Salmon River Prod Plot M4B	Sect 14; Lot 8 17.8 SECE Sect 23; Lot 12.6
	Plot 06/10 Lower Salmon River Prod Plot M4C ONLY	Sect 14; NW/4W. W/2SESW W/2NESEW Sect 23; Lot 14

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

FILE REF: 10605204017804100023.dwg	
CONVERTED TFP: 3/31/2007	BY: LPA
LAST UPDATED: 8/1/2007	BY: LPA
QACC F1:	QACC F2:
POSTED TO PUBLIC RECORDS: Jan 20, 2011	
PUBLIC LOAD SURVEY SYSTEM (LSP)	BY: 011
BUILD GRAB ACQUISITZ	UNPROCESSED
OTHER	NA
PROJECTED COORDINATE SYSTEM: UTM ZONE 11N, UTM 11M	
HOLES:	
USE PLAIN:	

chase Mes.
T. 25 N
R. 1 E
No 2

RECEIVED

JUL 02 2008

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)

A. Subcase: 79-14204

Case No. 39576)

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) 365-7055

Name & Address of Attorney, if any:

David L. Negri

550 West Fort Street MSC 033
Boise, Idaho 83724

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

Name: Rachel A Rupp
Jim Rupp

Address: 10649 Hwy 95 S
Lucile, ID 83542

*removed RZE POU
MVB 8/12/2008*

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 of Diversion**
Should be:

6. ☐ **Instream Flow Beginning and Ending Point**
Should be:

7. ☐ **Purpose(s) of Use**
Should be:

8. ☐ **Period of Year**
Should be:

9. ☒ **Place of Use**
Should be: See E below.

10. **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 OBJECTIONS(S):

The places of use in Lot 4 (SWSW) Section 7 and Lots 1 (NWNW) and 2 (SWNW) Section 18, T25N, R2E, as shown on the Directors Report recommendation are on National Forest System (NFS) land. The claimants are not authorized to occupy and use NFS land for this purpose. It appears that these places of use are in error. They do not fall within any of the instream flow beginning and ending points, which are all in R01E.

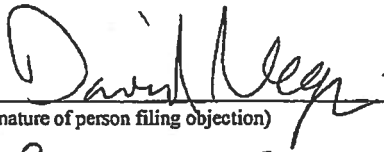
F.

VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Ada)

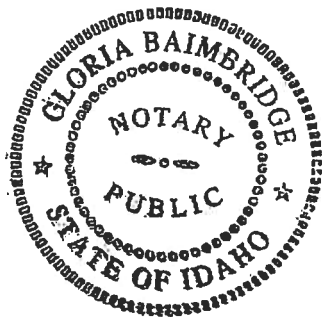
Steven M. Spencer, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

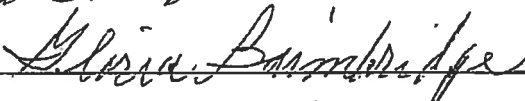
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)


(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 6-30-08




Notary Public for: Idaho

Residing at: Boise, Idaho

My Commission Expires: 10/17/2008

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 June 30, 2008, 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 claimants of the water right at the following address:

Name: Rachel A Rupp
Jim Rupp
Address: 10649 Hwy 95 S
Lucile, ID 83542

3. Copies to:

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

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449



Signature of objector or attorney
mailing on Objector's behalf

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 79-14204 V1

WATER RIGHT NUMBER: 79-14204 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RACHEL A RUPP 10649 HWY 95 S LUCILE, ID 83542 (208)628-3712
Current Owner	JIM RUPP 10649 HWY 95 S LUCILE, ID 83542 (208)628-3712

Priority Date: 02/26/1925

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
CRAWFORD CREEK	SALMON RIVER
SPRING	UNNAMED STREAM
UNNAMED STREAM	CRAWFORD CREEK
UNNAMED STREAM	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	0.020 CFS	

Location of Point(s) of Diversion

CRAWFORD CREEK	SE1/4SE1/4	Sec. 12, Twp 25N, Rge 01E, B.M.
IDAHO County	(Beginning of Reach)	
CRAWFORD CREEK	SW1/4SE1/4	Sec. 12, Twp 25N, Rge 01E, B.M.
IDAHO County	(Ending of Reach)	
SPRING	SE1/4NW1/4	Sec. 12, Twp 25N, Rge 01E, B.M.
IDAHO County	(Beginning of Reach)	
UNNAMED STREAM	NE1/4NE1/4	Sec. 11, Twp 25N, Rge 01E, B.M.
IDAHO County	(Ending of Reach)	
UNNAMED STREAM	SE1/4SE1/4	Sec. 11, Twp 25N, Rge 01E, B.M.
IDAHO County	(Beginning of Reach)	
UNNAMED STREAM	SE1/4SE1/4	Sec. 11, Twp 25N, Rge 01E, B.M.
IDAHO County	(Ending of Reach)	
SPRING	NW1/4NW1/4	Sec. 12, Twp 25N, Rge 01E, B.M.
IDAHO County	(Beginning of Reach)	
UNNAMED STREAM	NE1/4SW1/4	Sec. 12, Twp 25N, Rge 01E, B.M.
IDAHO County	(Ending of Reach)	
SPRING	NW1/4SE1/4	Sec. 12, Twp 25N, Rge 01E, B.M.
IDAHO County	(Beginning of Reach)	

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 79-14204 V1

Location of Point(s) of Diversion

UNNAMED STREAM	NE1/4NE1/4	Sec. 11, Twp 25N, Rge 01E, B.M.
IDAHO County	(Ending of Reach)	
UNNAMED STREAM	SW1/4NE1/4	Sec. 11, Twp 25N, Rge 01E, B.M.
IDAHO County	(Ending of Reach)	
UNNAMED STREAM	SW1/4NE1/4	Sec. 11, Twp 25N, Rge 01E, B.M.
IDAHO County	(Beginning of Reach)	
UNNAMED STREAM	SW1/4NE1/4	Sec. 11, Twp 25N, Rge 01E, B.M.
IDAHO County	(Ending of Reach)	
UNNAMED STREAM	SE1/4SE1/4	Sec. 11, Twp 25N, Rge 01E, B.M.
IDAHO County	(Beginning of Reach)	
SPRING	NW1/4NW1/4	Sec. 12, Twp 25N, Rge 01E, B.M.
IDAHO County	(Beginning of Reach)	
SPRING	SW1/4NW1/4	Sec. 12, Twp 25N, Rge 01E, B.M.
IDAHO County	(Beginning of Reach)	
SPRING	NE1/4SW1/4	Sec. 12, Twp 25N, Rge 01E, B.M.
IDAHO County	(Beginning of Reach)	
UNNAMED STREAM	NE1/4SW1/4	Sec. 12, Twp 25N, Rge 01E, B.M.
IDAHO County	(Ending of Reach)	
UNNAMED STREAM	SW1/4SE1/4	Sec. 12, Twp 25N, Rge 01E, B.M.
IDAHO County	(Ending of Reach)	
UNNAMED STREAM	SW1/4SE1/4	Sec. 12, Twp 25N, Rge 01E, B.M.
IDAHO County	(Ending of Reach)	
SPRING	NE1/4NE1/4	Sec. 13, Twp 25N, Rge 01E, B.M.
IDAHO County	(Beginning of Reach)	
UNNAMED STREAM	SE1/4SE1/4	Sec. 11, Twp 25N, Rge 01E, B.M.
IDAHO County	(Ending of Reach)	
CRAWFORD CREEK	SE1/4SE1/4	Sec. 11, Twp 25N, Rge 01E, B.M.
IDAHO County	(Beginning of Reach)	
CRAWFORD CREEK	SE1/4SE1/4	Sec. 11, Twp 25N, Rge 01E, B.M.
IDAHO County	(Ending of Reach)	

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
25N	01E	11	X		X	X									X	X	X	X	
																	L 8		
25N	01E	12			X	X		X	X	X	X				X	X	X	X	

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 79-14204 V1

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
25N	01E	13	X	X	X														
25N	01E	14	X L 1																
25N	02E	7											X L 4						
25N	02E	18					X L 1	X L 2											

Conditions of Approval:

1. Basin Wide Issue #12, the maximum diversion rate for In-Stream Stockwater is limited to 0.02 cfs.
2. C18 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.
3. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.
4. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
5. X02 Stockwater use is for 100 head cattle.

Remarks:Comments:

1. shemenway 1/14/2008 EVIDENCE OF PRIORITY

Comment: HOMESTEAD, PATENT NUMBER 954211, SHOWING PRIORITY DATE OF 2/26/1925.

2. shemenway 1/14/2008 AMENDED CLAIM

Comment: SENT AMENDED CLAIM FOR CLAIMANT TO SIGN AND RETURN. ADDITIONAL BEGINNING OF REACH AND ENDING OF REACH ON UNNAMED STREAMS, AND POU ADDED TO INCLUDE PROPERTY OWNED BY CLAIMANT (APPROVED BY CRAIG SAXTON, WR SUPERVISOR). 1/24/08 RECEIVED SIGNED AMENDED CLAIM.

Water Supply Bank:



Idaho Department of Water Resources

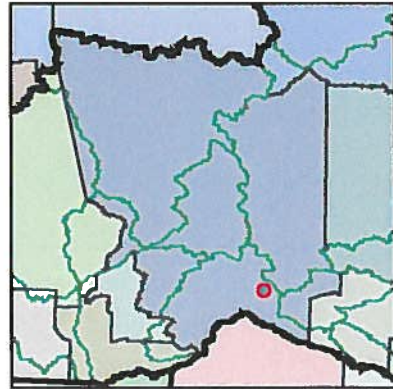
SRBA Recommendation:

79-14204

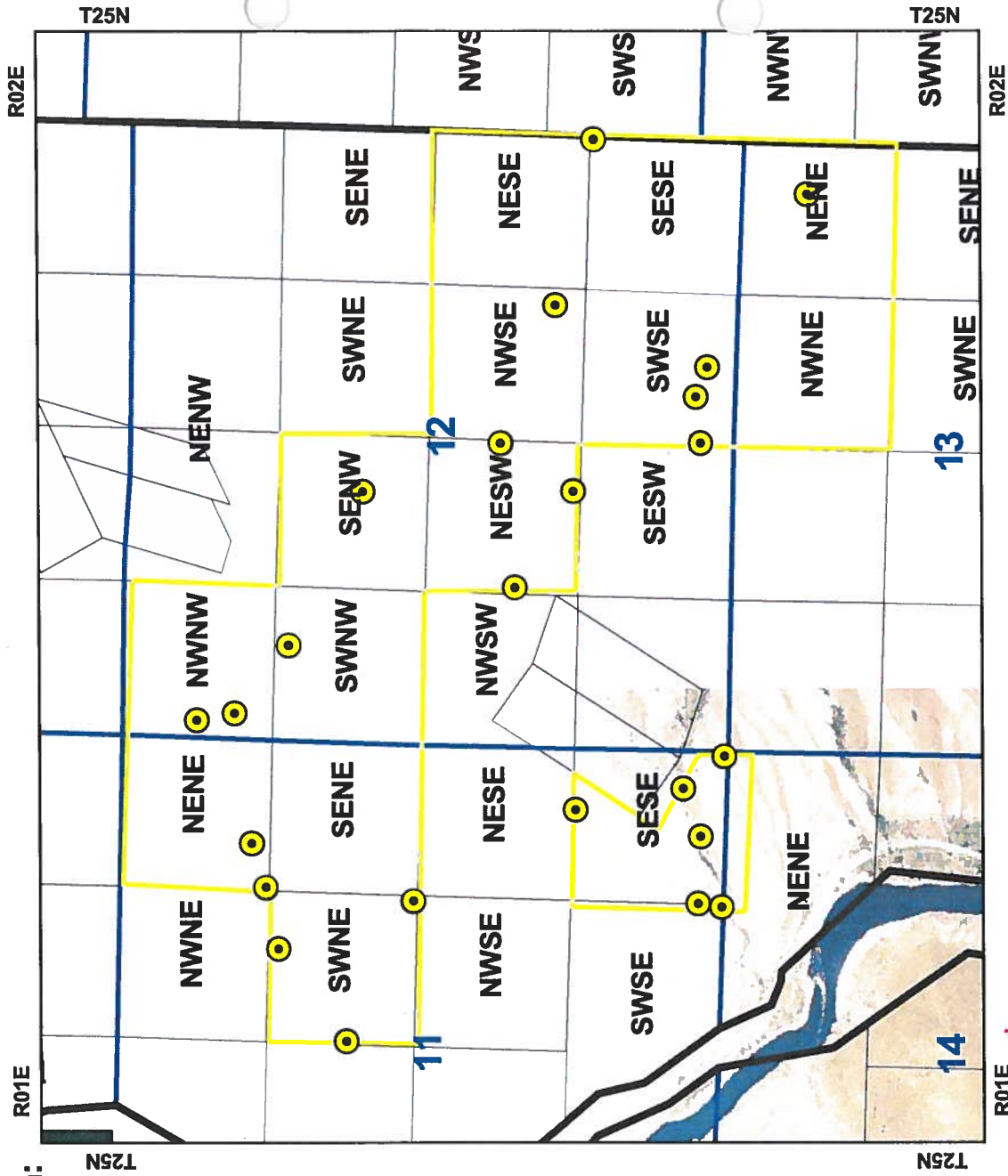
(Stockwater)

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Idaho County
IDWR Basin 79



0 0.6 1.2 Miles

Prepared by S. Hemenway
On Thursday, January 24, 2008
1987/88 Aerial Photography



Idaho Department of Water Resources

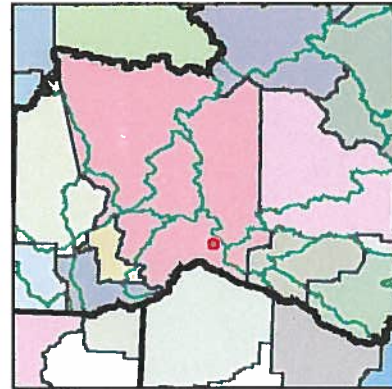
SRBA Recommendation:

79-14204

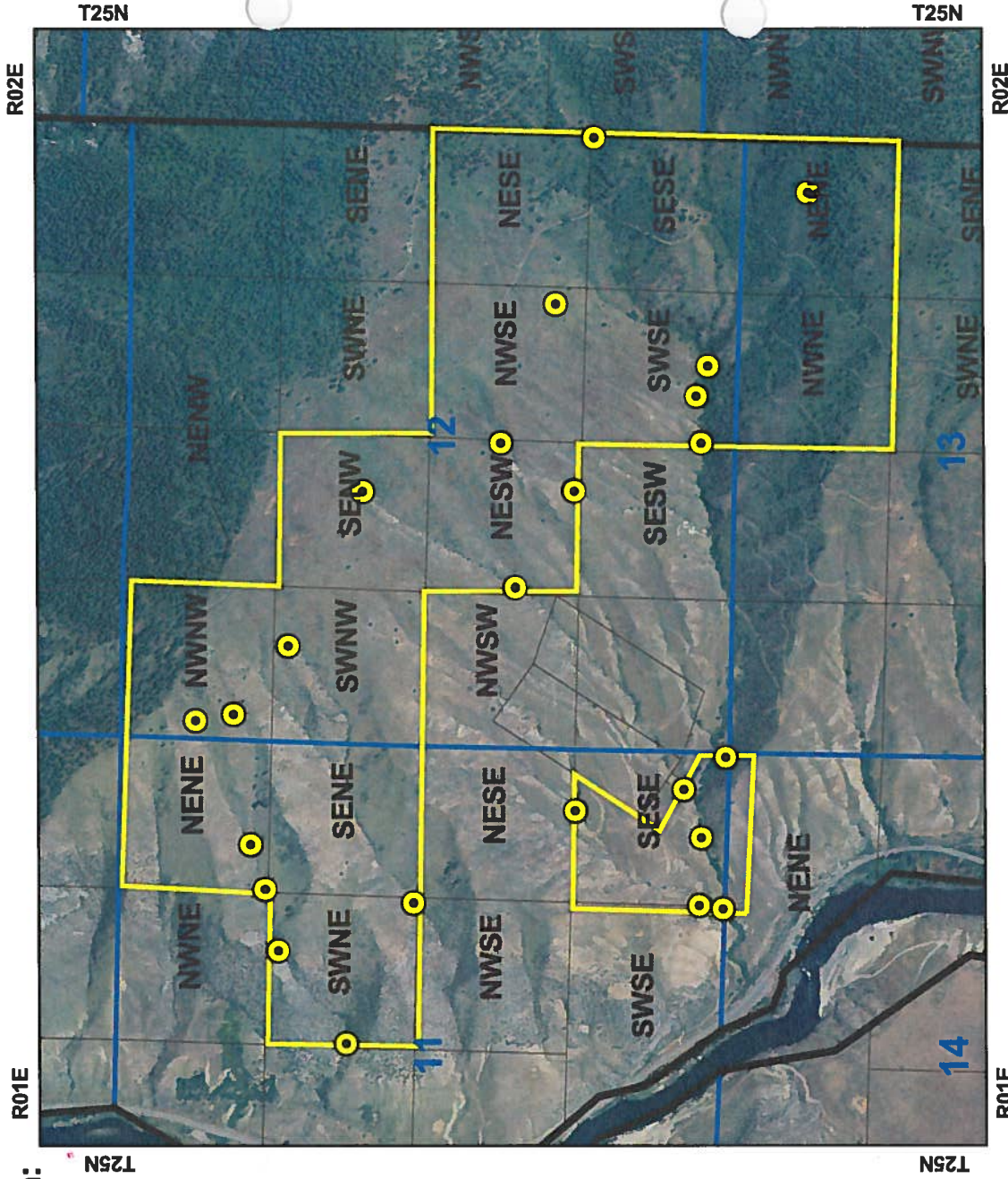
(Stockwater)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Idaho County
IDWR Basin 79



0 0.6 1.2 Miles

Date:
Agent:
Phone Conversation w/claimant:
Claimant:
WR#
Mailing Address:
Phone #:
Location of POD:
System Description:
Field Exam:
Nonirrigation Uses:
Other Uses:
Other WRs Used:
Supplemental Water:
Basis of Claim:
Priority Date:
Evidence of Priority:

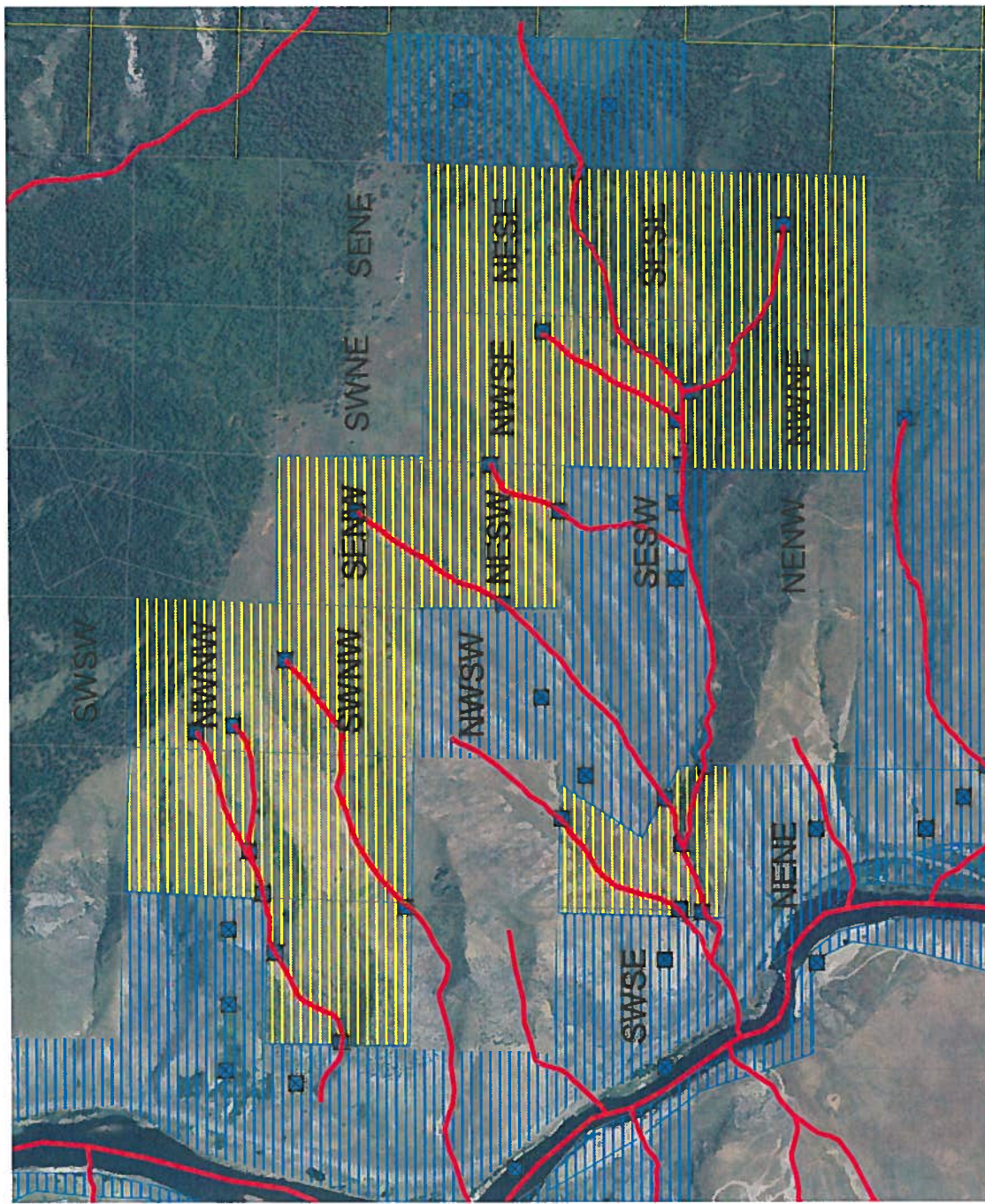
12/18/2007 , 12/19/2007
S. Hemenway
12/18/2007, 1/24/2008
Rachel A, and/or Jim Rupp
79-14204
10649 Hwy 95 S. Lucile, ID 83542 (South is added to Hwy 95, per return envelope, & phone contact)
(208) 628-3712
SEE ATTACHED MAP
In-Stream Stockwater
N/A; No measurement required due to "Basin Wide #12", max. diversion rate is 0.02cfs(in-stream)
100 head cattle
NONE
NONE
NONE
Beneficial Use
2/26/1925, (claim stated 7/20/1915, but I changed date to reflect date on homestead papers)
copy of homestead

NOTES:

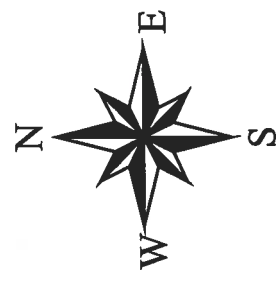
Homestead, patent number 954211; priority date 2/26/1925 (lists POU included in the homestead)
***** changed priority date to reflect date on homestead papers.
1/24/2008 received signed amended claim from Jim Rupp (Craig Saxton, supervisor said it isn't required to have notary any longer, so the copy was accepted as is.)

Recommendation:

N13, N11, X02 (100 head cattle) C18
CFS: No measurement required due to "Basin Wide Issue #12," max. diversion rate is 0.02 cfs
for In-Stream Stockwater.



- Streams.shp
- GCDB25N01E GCDB
- Recommendation POD
- Recommendation POU
- Administrative BasinsAdminbas.shp
- QQ



79-14204

116296 ✓

The United States of America,
to
Joseph Klever.

Lewiston 06836

THE UNITED STATES OF AMERICA.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas, A Certificate of the Register of the Land Office at Lewiston, Idaho, has been deposited in the General Land Office, whereby it appears that pursuant to the Act of Congress of May 20, 1862 "To Secure Homesteads to Actual Settlers on the Public Domain" and the acts supplemental thereto, the claim of JOSEPH KLEVER has been established and duly consummated, in conformity to law, for the Southeast quarter of the Southeast quarter of Section ^{Two} ~~Two~~; the East half of the Northeast quarter and the Southwest quarter of the Northeast quarter of Section Eleven; the Lots One and Two, the West half of the Northwest quarter, the Southeast quarter of the Northwest quarter, the Southwest quarter of the Northeast quarter and the Northeast quarter of the Northeast quarter of Section Twelve; and the Lots Five, Six and Seven, the West half of the Southwest quarter and the Northwest quarter of the Southeast quarter of Section One, in Township Twenty-five North of Range One East of the Boise Meridian, Idaho; containing six hundred seventeen acres and eighty-eight hundredths of an acre, according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant, the tract of Land above described;

TO HAVE AND TO HOLD the said tract of land, with the appurtenances thereof, unto the said claimant, and to the heirs and assigns of the said claimant, forever;

Subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs, used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

Excepting and reserving, however, to the United States, all the coal and other minerals in the lands so entered and patented; together with the right to prospect for, mine, and remove the same pursuant to the provisions and limitations of the Act of December 23, 1916 (39 Stat., 362).

IN TESTIMONY WHEREOF, I, Calvin Coolidge, President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

GIVEN under my hand at the City of Washington, the Twenty-sixth day of February in the year of our Lord One Thousand Nine Hundred and Twenty-five; and of the Independence of the United States, the one hundred and forty-ninth.

By The President: Calvin Coolidge.

United States
General Land Office.

By Viola E. Pugh, Secretary.
H. P. LeRoy, Recorder of the General Land Office.

RECORDED: Patent Number 354211.

State of Idaho,)
County of Idaho;) SS.

Filed for record in the office of the Recorder of Idaho County at the request of Joseph Klever, on the 15 day of Feb. A. D.

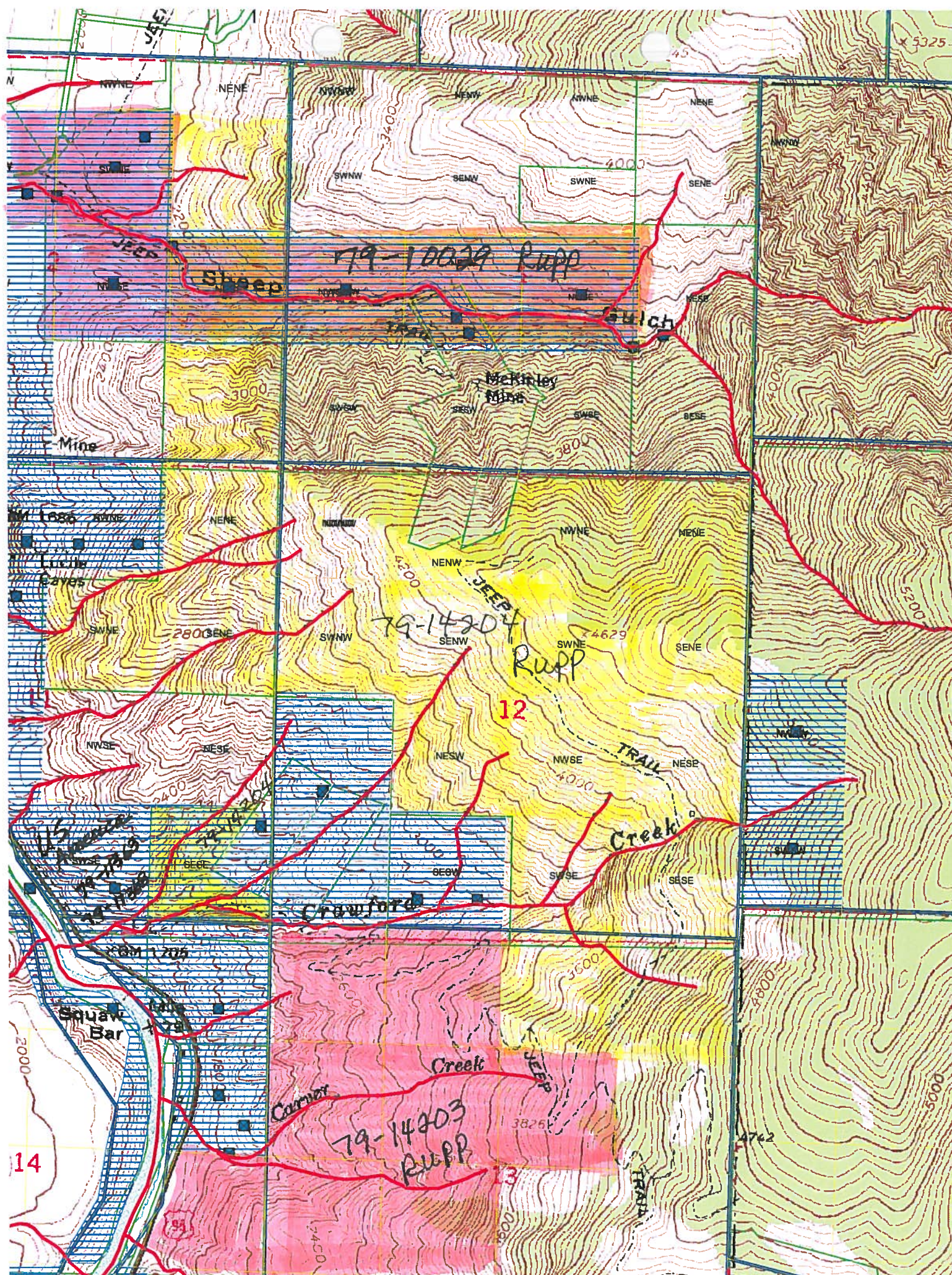
Crawford

2/26/1925

*Crawford
Sheep Creek*

1925

*Subcase
79-14204
Crawford*



Tim Rupp
10649 Highway 95-S
Lucile, IDA, 83542

Address change

79-14203
79-14204

Completed
1-14-2008
K.S.



0000



83720

BT.
Sandy
Hemminger

to →

IDAHO DEPARTMENT OF WATER RESOURCES
322 EAST FRONT ST.
P.O. BOX 83720
BOISE, ID 83720-0088



RECEIVED
JAN 07 2008
DEPARTMENT OF
WATER RESOURCES

SCANNED

1111 1 / 0000



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

December 20, 2007

Jim and Rachel Rupp
HC01 Box 1
Lucile, ID 83542

RE: Claim #79-14204 Point of Use; #79-14203 Amended Claim

Dear Jim and Rachel Rupp,

I have enclosed a map for you to review, and outline any locations that should be included in the Point of Use for Claim #79-14204. In our county lot search, it does not show who owns Sec. 12 SESW, SWSW, NWSW, or the missing portion of Sec. 11 SESE, and NESE. If those quarter quarters are owned by you, please outline them, and I will include them in an Amended Claim for #79-14204. I will mail out the Amended Claim upon receipt of your returned and corrected map.

I have also included an Amended Claim for #79-14203, which once signed and returned, will give you rights on a larger area.

Please update and return the map for #79-14204, and sign and return the Amended Claim for #79-14203. If you have any questions, please give me a call (208) 287-4920, Monday through Thursday 6:00 AM – 4:00 PM (MST). I will be out of the office December 21, 2007, and returning January 2, 2008.

Sincerely,

A handwritten signature in cursive script that reads "Sandy Hemenway". The signature is written in dark ink and is positioned above the printed name and title.

Sandy Hemenway
Sr. Water Resource Agent

RECEIVED

NOV 23 2007
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

NOV 21 2007

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

Subcases: 79-14203 & 79-14204

ORDER GRANTING MOTIONS TO FILE
LATE NOTICES OF CLAIM

On August 8, 2007, Jim and Rachel Rupp filed a *Motion to File Late Notice of Claim* for each of the above-captioned water rights. Hearing was held on the *Motions* on November 20, 2007. These *Motions* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to these late Notices of Claim.

THEREFORE, IT IS ORDERED, that the *Motions to File a Late Notice of Claim* for each of the above-captioned water rights are **granted**.

The original Notices of Claim, as well as any attached filing fees, and a copy of this *Order* will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation for the claims will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of *SRBA Administrative Order 1* 4d(2)(h).

IT IS SO ORDERED.

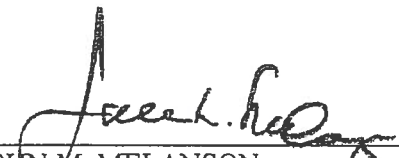
Dated November 21, 2007.

Paid \$200.00

Receipt #: C085388

De-minimus
In-stream

C. Egan
11-27-07


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

ATE NOTICE OF CLAIM

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING
MOTIONS TO FILE LATE NOTICE OF CLAIM was mailed on November
21, 2007, with sufficient first-class postage to the following:

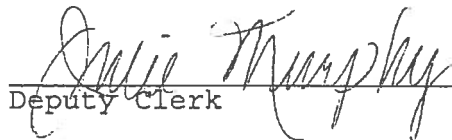
JIM RUPP
RACHEL RUPP
HC01 BOX 1
LUCILLE, ID 83542
Phone: 208-628-3712

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ORDER

Page 1 11/21/07

FILE COPY FOR 00148


Deputy Clerk