

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 03-10166

RECEIVED

MAR 17 2000

Department of Water Resources

NAME AND ADDRESS: USDA FOREST SERVICE
550 W FORT ST, MSC 033
BOISE, ID 83724

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 06/01/1887

POINT OF DIVERSION: T25N R02W S01 SWSW (Instream Beginning Point) Within Idaho County
T26N R01W S09 SESW (Instream Ending 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 R02W S01	NENW	SWNW
		SESW	NWSW
		SWSW	
	T26N R01W S09	SESW	
	S16	NENW	NWNW
		SWNW	
	S17	SENE	NESE
		NWSE	SWSE
	S19	SESE	
	S20	NWNE	SWNE
		SESW	NESW
		NWSW	SWSW
	S30	NENE	NWNE
		SWNE	NESW
		SWSW	SESW
		NWSE	
	R02W S25	SWSE	SESE
	S36	NWNE	SWNE
		NENW	SESW
		NESW	
		NWSE	

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.

A handwritten signature in black ink, appearing to read "B. Wood", is written over a horizontal line.

Barry Wood
Administrative District Judge
Presiding Judge of the
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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576
Ident. Number: 03-10166

RECEIVED
OCT 01 1998

FILED UNDER STATE LAW

Department of Water Resources

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: 06/01/1887
3. Source of water: SNAKE RIVER Tributary: COLUMBIA RIVER
4. Location Meridian BOISE
Description of Diversion Works: Combo From: Stream
Location of Point of Diversion
T: 25 N R: 02 W S: 1 SWSW B T: 26 N R: 01 W S: 9 SESW E
Location of Point of Use
T: 25 N R: 02 W S: 1 NENW T: 25 N R: 02 W S: 1 NWNW
T: 25 N R: 02 W S: 1 NWSW T: 25 N R: 02 W S: 1 SWNW
T: 25 N R: 02 W S: 1 SWSW T: 26 N R: 01 W S: 9 SESW
T: 26 N R: 01 W S: 16 NENW T: 26 N R: 01 W S: 16 NWNW
T: 26 N R: 01 W S: 16 SWNW T: 26 N R: 01 W S: 17 NESE
T: 26 N R: 01 W S: 17 NWSE T: 26 N R: 01 W S: 17 SENE
T: 26 N R: 01 W S: 17 SWSE T: 26 N R: 01 W S: 19 SESE
T: 26 N R: 01 W S: 20 NENE T: 26 N R: 01 W S: 20 NESW
T: 26 N R: 01 W S: 20 NWSW T: 26 N R: 01 W S: 20 SENW
T: 26 N R: 01 W S: 20 SWSE T: 26 N R: 01 W S: 20 SWSW
T: 26 N R: 01 W S: 30 NENE T: 26 N R: 01 W S: 30 NESW
T: 26 N R: 01 W S: 30 NWNE T: 26 N R: 01 W S: 30 NWSE
T: 26 N R: 01 W S: 30 SESW T: 26 N R: 01 W S: 30 SWNE
T: 26 N R: 01 W S: 30 SWSW T: 26 N R: 02 W S: 25 SESE
T: 26 N R: 02 W S: 25 SWSE T: 26 N R: 02 W S: 36 NENW
T: 26 N R: 02 W S: 36 NESW T: 26 N R: 02 W S: 36 NWNE
T: 26 N R: 02 W S: 36 NWSE T: 26 N R: 02 W S: 36 SENW
T: 26 N R: 02 W S: 36 SESW T: 26 N R: 02 W S: 36 SWNE
5. Quantity claimed Period Quantity For
1/ 01 - 12/ 31 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: 03
National Forest: Nez Perce
Forest Service Record ID: 01 17 17060101 01 0 9955
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

RECEIVED

OCT 01 1998

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

Department of Natural Resources

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

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: ~~A79-10584~~ *A03-10150*
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: P.O. Box 7669
Missoula, Montana 59807 Phone: (406) 329-3045

2. Date of Priority: JUN 6, 1863

3. Source: SNAKE RIVER Trib. to:

4. Point of Diversion:

Township	Range	Section	Tract	Lot	County
-----	-----	-----	-----	---	-----
025 N	002 W	1	____ SWSW		Idaho

5. Description of diverting works: NONE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.	Elevation/ Well Depth
-----	-----	-----	-----	----	-----	-----
STOCKWATER	JAN 1	DEC 31	0.0200			

7. Total Quantity Appropriated is: 0.0200 C.F.S.

8. Total consumptive use is: DE MINIMUS

9. Non-irrigation uses: Sheep Livestock Numbers: 2400

10. Place of Use:

Township	Range	Section	Tract	Lot	County
-----	-----	-----	-----	---	-----
026 N	001 W	9	____ SESW		Idaho

Purpose of use: STOCKWATER Acres Irrigated: 0

11. Place of use in counties: Idaho

~~A79-10584~~
A03-10150

WITHDRAWN

Replaced with A03-10166

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

REFERENCE INFORMATION:

NATIONAL FOREST: Nez Perce

FOREST SERVICE RECORD ID: 01 17 17060101 01 0 9955 000

IDWR WATER STATE FILING NO.: A79-10584

ALLOTMENT NO.: 00110

NOTICE IS HEREBY GIVEN THAT THE UNITED STATES DEPARTMENT OF JUSTICE REPRESENTS 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:

K. JACK HAUGRUD
GEOFFREY GARVER
DARIA 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.

~~A79-10584~~
A03-10/50

WITHDRAWN

AJ0749NP
No. R03-10166

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

DATE: 02/14/99
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 06/01/1887 STOCKWATER 01-01 12-31 0.02 CFS
USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE ID 83724
TOTAL DIVERSION: 0.02 CFS

Water Source: SNAKE RIVER Tributary to: COLUMBIA RIVER Stage: BENEFICIAL USE
Point(s) of Beginning Stream Reach: T25N R02W S01 SWSW IDAHO County
Point(s) of Ending Stream Reach: T26N R01W S09 SESW IDAHO County

Place of use Legal Description for: STOCKWATER

	NE				NW				SW				SE			
	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T R S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
25N 02W 1	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
26N 01W 9	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
26N 01W 16	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
26N 01W 17	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
26N 01W 19	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
26N 01W 20	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
26N 01W 30	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
26N 02W 25	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
26N 02W 36	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:

POU County: IDAHO

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 = 0117 17060101 01 9955
STOCKWATER, 2400 SHEEP

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

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

Audit: 02/14/99 KWATERS

AJ5809WP
No. R03-10166

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 02/08/99
PAGE: 3

OWNER CODE: C
NAME & ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE ID 83724
PRIORITY DATE: 06/01/1887
WATER USE: STOCKWATER
USE PERIOD FROM TO: 01-01 12-31
DIVERSION RATE: 0.02 CFS
DIVERSION VOLUME: 0.02 CFS
TOTAL DIVERSION: 0.02 CFS

Water Source: SNAKE RIVER
Tributary to: COLUMBIA RIVER
Stage: BENEFICIAL USE
Point(s) of Beginning Stream Reach: T25N R02W S01
Point(s) of Ending Stream Reach: T26N R01W S09
IDaho County: IDaho County

Place of use Legal Description for: STOCKWATER											
NE						NW					
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt
25N	02W	1									
26N	01W	9									
26N	01W	16									
26N	01W	17									
26N	01W	20									
26N	01W	30									
26N	02W	25									
26N	02W	36									

POU County: IDAHO

Non-Irrigation Uses: 2400 Sheep

Remarks: EXP FOREST SERVICE RECORD ID = 0117 17060101 01 9955

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Audit: 11/18/98 AJCTR

Maps: Kirkwood Creek
Kernan Point SE