

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

CIVIL CASE NUMBER: 39576

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER
FROM THE SNAKE RIVER BASIN WATER SYSTEM

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE AND FEDERAL LAW

U.S. DEPT. OF INTERIOR
BUREAU OF LAND MGMT.
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706
TELEPHONE: 208-334-1401

PRIORITY DATE: 1879-01-01
(RESERVED..... 1926-04-17)
AGENCY NUMBER: 7304582566
BLM NUMBER: 7304582566
BASIS OF CLAIM: BENEFICIAL USE
(SUBSEQUENT FEDERAL RESERVE)
BASIN NUMBER: 73 - 10800

SOURCE	TRIBUTARY TO
-----	-----
SPRING	SINKS

DESCRIPTION OF DIVERSION WORKS

UNDEVELOPED SPRING

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
-----	-----	-----	-----	-----
STOCKWATER	0.010	0.00	0101	1231
WILDLIFE	0.010	0.00	0101	1231
TOTAL:	0.010 CFS	0.00 AF		

NON-IRRIGATION USES

STOCKWATER, 25 RANGE CATTLE, 5 HORSES; WILDLIFE VAR. AMT.

POINT OF DIVERSION							
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
-----	-----	-----	-----	-----	-----	-----	-----
10N	24E	32	SW	SW	NE	00	CUSTER

PLACE OF USE

PLACE OF USE							IRRIGATED	
TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	OWNED	ACRES
-----	-----	-----	-----	-----	-----	-----	-----	-----
10N	24E	32	SW	NE	00	CUSTER	YES	0.0
10N	24E	32	SW	NE	00	CUSTER	YES	0.0

TOTAL ACRES IRRIGATED: 0.0

MICROFILMED
APR 18 1994

BLM NUMBER: 7304582566

PAGE: 2

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

WATER FEDERALLY RESERVED, SEE REMARKS

REMARKS

RESERVED - EXECUTIVE ORDER DATED APR 17, 1926 PWR NO. 107

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

In Re SRBA

Case No. 3957

AMENDED NOTICE of CLAIM for
Water Right number:

7310800 (IDWR number)

NAME and
ADDRESS:

United States of America acting through
Bureau of Land Management
Idaho State Office
1387 South Vinnell Way
Boise, ID 83709 - 1657

BLMIDENT:

7304582566

Stg: StFed:

J

X

WATER FEDERALLY
RESERVED, SEE
REMARKS

4/17/1926

SOURCE:

Source Tributary

SPRING

SINKS

QUANTITY:

0.02

CFS

or VOLUME:

0

Acre Feet

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

PRIORITY DATE:

1/1/1879

Diversion Means: UNDEVELOPED SPRING

REMARKS:

Also reserved pursuant to Federal law

POINT of
DIVERSION:

Twtnship	Range	Section	T1	T2	T3	LOT	B/E	within the	County of
10N	24E	32	SW	SW	NE	0		37	CUSTER

PURPOSE
and
PERIOD
OF USE:

Purpose of Use	Period of Use (from - to):	Rate in CFS	or	Volume in AcF
04	0101	1231		0.02

CONSUMPTIVE
USE:

de minimis stockwater use

DATE: 20-Aug-98

OTHER PROVISIONS NECESSARY FOR DEFINITION or ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for stockwater use is not a
determination of historical beneficial use.

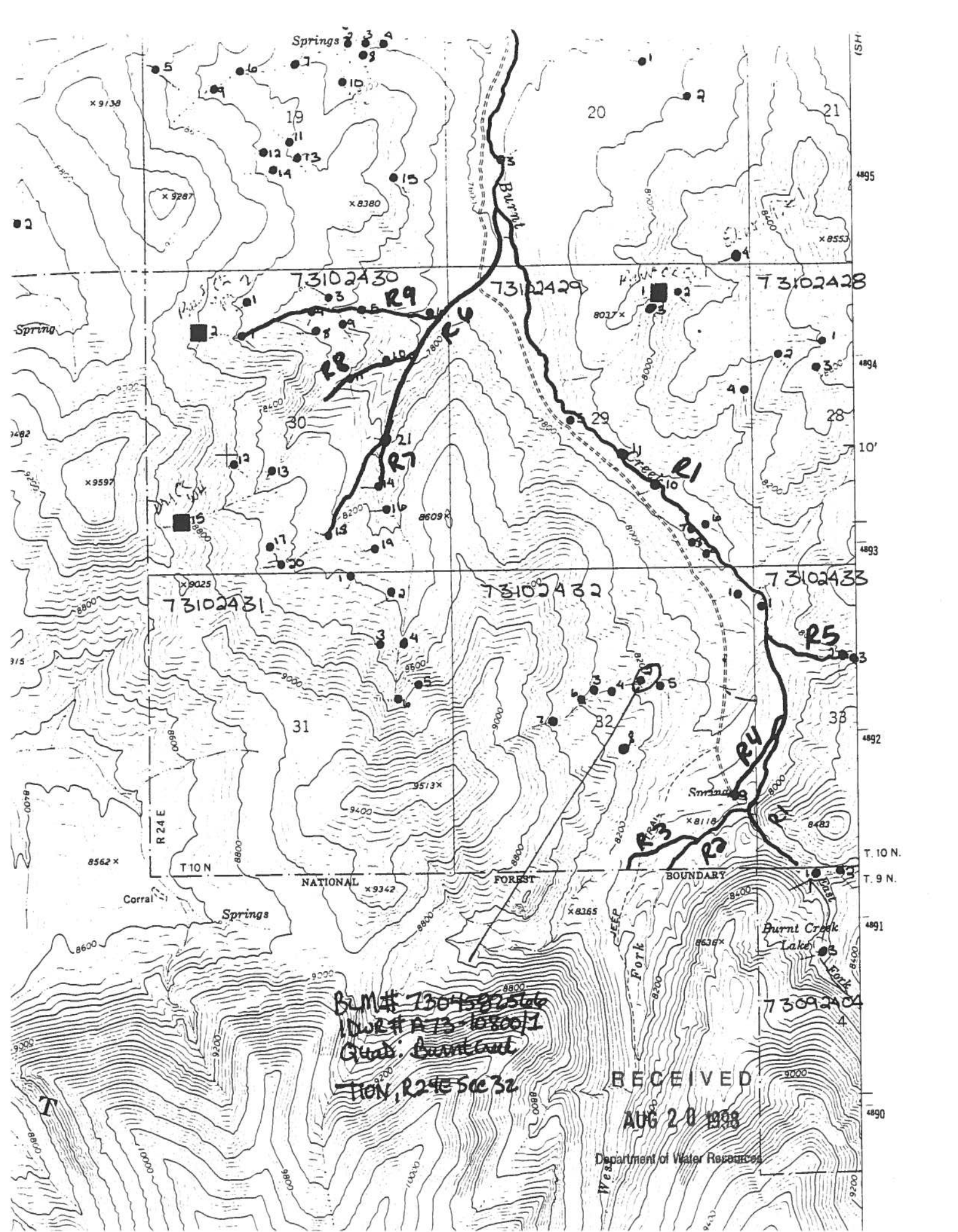
PLACE
of USE:

Water Use	Twtn	Rge	Sec	T1	T2	LOT	within the County of
04	10N	24E	32	SW	NE	0	37 CUSTER

RECEIVED

AUG 20 1998

Department of Water Resources



OCT-13-1998
0328

1

RIGHT NUMBER: 73-10800

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657
83709

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.02 CFS
0101 078

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

PRIORITY DATE: 01/01/1879

* 4/17/1926 CLAIMED UNDER FEDERAL RESERVED WATER RIGHT. *
* *
* THIS WATER RIGHT IS ALSO CLAIMED BASED ON FEDERAL LAW *
* WITH AN APRIL 17, 1926, DATE OF PRIORITY PURSUANT TO AN *
* EXECUTIVE ORDER SIGNED THE SAME DATE AND KNOWN AS PUBLIC *
* WATER RESERVE 107. *

POINT OF DIVERSION: T10N R24E S32 SWSWNE Within CUSTER County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	<u>0.02</u> CFS <u>0101</u> <u>078</u>
	<u>WILDLIFE</u>	<u>01/01 12/31</u>	<u>0101</u> <u>078</u>

PLACE OF USE: STOCKWATER Within CUSTER County
T10N R24E S32 SWNE
WILDLIFE Within CUSTER County
T10N R24E S32 SWNE

OTHER MATTERS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

OCT-13-1998
0329

2

73-10800 CONTINUED

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
BLM RECORD ID = 7304582566
STOCKWATER, 25 RANGE CATTLE, 5 HORSES; WILDLIFE VAR. AMT.

✓OKRBH
10/18/98

WATER RIGHT NUMBER - A73-10800 PREFIX TRANSLATION: ADJUDICATION CLAIM OLD (D) NUMBER -

+ - - - - LAST NAME - - - - + + - FIRST NAME - - + + - - - - - ADDRESS - - - - - +

*** A - ATTORNEY ***
HAUGRUD, JACK OR G GARVER OR D ZANE
1 - US DEPT OF JUSTICE
2 - ENV & NR DIV GEN LIT SEC
3 - PO BOX 663
CITY- WASHINGTON STATE- DC ZIP- 200440663
PHONE - 202-272-4134

*** C - CURRENT OWNER ***
US DEPT OF INTERIOR
1 - BUREAU OF LAND MANAGEMENT
2 - IDAHO STATE OFFICE
3 - 3380 AMERICANA TERRACE
CITY- BOISE STATE- ID ZIP- 83706
PHONE - 208-334-1401

*** K - ALSO KNOWN AS ***
BLM
1 -
2 -
3 -
CITY- X STATE- ID ZIP- 0
PHONE -

+ - - PRIORITY DATE - - + + - - - REGION - - - + + - - - STAGE - - - + + - - - STATUS - - - - +
01/01/1879 15 EASTERN J - BENEFICIAL USE

+ - - - - SOURCE - - - - - + + - - - - - TRIBUTARY - - - - - +
SPRING SINKS

TWN	RNG	SEC	TRACT	LOT	RFLG	COUNTY	POINT OF DIVERSION	DIVERSION NAME
10N	24E	32	SW SW NE			(37)	CUSTER	

CODE	DESCRIPTION	PERIOD FROM	PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
04 - STOCKWATER		01/01	12/31	0.010	
16 - WILDLIFE		01/01	12/31	0.010	

+ - TOTAL DIV. RATE - + + - TOTAL DIV. VOLUME - + + - TOTAL DIV. CAPACITY - + + - TOTAL CONSUMPTIVE USE - + + - KW USAGE - +
0.010 0.0

TWN	RNG	SEC	TRACT	LOT	ACRES	CODE	DESCRIPTION	COUNTY
10N	24E	32	SW NE			04	STOCKWATER	(37) CUSTER
10N	24E	32	SW NE			16	WILDLIFE	(37) CUSTER

+ - - DIVERSION MEANS - UNDEVELOPED SPRING
+ - - NON-IRRIGATION USE - STOCKWATER, 25 RANGE CATTLE, 5 HORSES; WILDLIFE VAR. AMT.
+ - - OTHER RIGHTS FOR SAME USE - WATER FEDERALLY RESERVED, SEE REMARKS

WATER RIGHT NUMBER - A73-10800

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - - - - REMARKS - - - - - +

GEN BLM RECORD ID = 7304582566
RESERVED - EXECUTIVE ORDER DATED APR 17, 1926 PWR NO. 107

+ - - - - OLD WATER RIGHT NUMBERS - - - - - +
NO OLD WATER RIGHT NUMBERS FOUND.

+ - - - - CONDITIONS OF APPROVAL - - - - - +
NO CONDITIONS OF APPROVAL FOUND.

+ - - - - DECREE PLAINTIFF - - - + + - - - - DECREE DEFENDANT - - - + + - DECREE DATE - +
00/00/0000

+ - - AUDIT FIELDS - 08/15/93 AJCTR

+ - - - - COMMENTS - - - - - +
NO COMMENTS FOUND

+ - - - - ADJUDICATION RIGHTS DATES AND FLAGS AREA - - - - - +

COURT REPORT FILING	- 00/00/0000	FIELD INSPECTION MADE	- 00/00/0000	CIVIL CASE NUMBER	- 39576
OBJECTION FILED DATE	- 00/00/0000	FIELD INSPECTION FLAG	-	OLD CASE NUMBER	-
RESPONSE FILED DATE	- 00/00/0000	VERIFIED DATE	- 00/00/0000	OLD JUDICIAL DISTRICT	-
CLAIM RECEIVED DATE	- 03/25/1993	LAST AMENDED DATE	- 00/00/0000	TEMPORARY RIGHT	- P
PROOF DUE DATE	- 00/00/0000	PROOF MADE DATE	- 00/00/0000	WATER DISTRICT	-
LICENSED DATE	- 00/00/0000	RECEIPT NUMBER	- X111111	FEDERAL/STATE INDICATOR	- S
		POU OWNERSHIP FLAG	- Y	PRESUMPTION FLAG	-
		NAME CONNECTOR	-	NOTICE OF ERROR FLAG	-

DENY
No Water Supply
Burnt Creek

VERIFIED
SEP 11 1996

Verified By
Topo Map/Ortho-PQ
AGCS Map
Watermaster Records
NAIP Photos
Field Exam
Claim (See Remarks)
County Records
Witness Statement
Project Records
IDWR Records

DATA ENTRY
ENTERED
CHECKED

CERTIFIED
SEP 12 1996
WATER EXAMINER

73-10398	73-10560	73-10702	73-10812
73-10400	73-10562	73-10706	73-10814
73-10404	73-10568	73-10708	73-10818
73-10418	73-10574	73-10710	73-10820
73-10420	73-10576	73-10712	73-10822
73-10422	73-10578	73-10714	73-10824
73-10424	73-10580	73-10716	73-10826
73-10426	73-10582	73-10718	73-10828
73-10430	73-10586	73-10722	73-10834
73-10432	73-10588	73-10726	73-10836
73-10434	73-10592	73-10728	73-10838
73-10436	73-10594	73-10730	73-10840
73-10438	73-10596	73-10732	73-10844
73-10444	73-10600	73-10734	73-10846
73-10446	73-10602	73-10736	73-10852
73-10448	73-10604	73-10740	73-10854
73-10450	73-10606	73-10742	73-10858
73-10454	73-10608	73-10744	73-10860
73-10458	73-10610	73-10748	73-10870
73-10462	73-10612	73-10750	73-10872
73-10464	73-10614	73-10752	73-10874
73-10466	73-10616	73-10754	73-10876
73-10472	73-10618	73-10756	73-10878
73-10474	73-10620	73-10758	73-10880
73-10476	73-10622	73-10760	73-10882
73-10478	73-10624	73-10764	73-10886
73-10480	73-10628	73-10766	73-10888
73-10482	73-10630	73-10768	73-10890
73-10484	73-10634	73-10770	73-10932
73-10490	73-10636	73-10774	73-10938
73-10492	73-10638	73-10776	73-10940
73-10494	73-10640	73-10778	73-10942
73-10496	73-10646	73-10780	73-10944
73-10504	73-10648	73-10782	73-10946
73-10506	73-10660	73-10784	73-10948
73-10508	73-10680	73-10788	73-10950
73-10510	73-10682	73-10790	73-10952
73-10514	73-10684	73-10792	73-10954
73-10518	73-10686	73-10794	73-10956
73-10528	73-10688	73-10796	73-10958
73-10530	73-10690	73-10798	73-10960
73-10550	73-10692	73-10800	73-10968
73-10552	73-10694	73-10802	73-10974
73-10554	73-10696	73-10804	73-10978
73-10556	73-10698	73-10806	73-10982
73-10558	73-10700	73-10808	73-10986

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MAR 22 1999

Department of Water Resources
Eastern Region

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 See Attached List
	)		(Insert water right number)
Case No. 39576	)		
	)		DOMESTIC AND
	)		STOCK WATER RIGHT
	)		OBJECTION
_____	)		

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: State of Idaho
Address: 700 W. Jefferson, Room 210
P.O. Box 44449
Boise, Idaho 83711-4449
Phone: Work: (208) 334-2400 Home: N/A

Name and Address of Attorney, if any:

Attorney Name: ALAN G. LANCE
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
PETER J. AMPE
Deputy Attorney General
Attorney Address: Office of the Attorney General
700 W. Jefferson, Room 210
P.O. Box 44449
Boise, ID 83711-4449
Attorney Phone No. (208) 334-2400

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

Name: United States of America Acting Through
Address: USDI Bureau of Land Management
1387 S. Vinnell Way
Boise, Idaho 83709-1657

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: If this water right exists, the State Law based portion of this right should have a priority date no earlier than June 28, 1934.
5. ☐ **Points of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
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 water right is claimed solely pursuant to state law, Claimant's assertions that Congress gave permission to private parties to operate on the public domain and that Congress passed various acts ensuring that water sources on the public domain were not monopolized does not provide a basis for a water right under state law. Alternatively, the United States has failed to establish any legal and/or factual basis for any claimed priority date for stockwater purposes with a date prior to the enactment of the Taylor Grazing Act, June 28, 1934.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

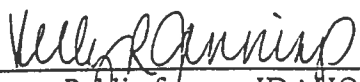
Peter J. Ampe, Deputy Attorney General, being first duly sworn, upon oath, deposes and says:

That the State of Idaho, in both its sovereign and proprietary capacity, is filing this objection and that I am a Deputy Attorney General authorized to represent the State of Idaho, which is a party/claimant in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and I have read this objection, know its contents and that the statements are true to the best of my knowledge and belief.

ALAN G. LANCE
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
PETER J. AMPE
Deputy Attorney General


By Attorney signing in representative capacity

Subscribed and sworn to before me on: February 22, 1999
(Insert Date)


Notary Public for IDAHO
Residing at: BOISE, ID
My commission expires: 5/24/2003

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 February 22, 1999, 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, Idaho 83303-2707

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

United States of America Acting Through
USDI Bureau of Land Management
1387 S. Vinnell Way
Boise, Idaho 83709-1657

3. Copies to:

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

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



Signature of party, claimant or attorney