

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

Identification No. 443-11146Date Received 3-25-93Receipt Number Y111111 QR

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

Please type or print clearly.

1. Name of Claimant (s) United States of America National Park Service
Water Resources Division Phone (303) 225-3505
Mailing Address 1201 Oak Ridge Dr., Suite 250, Ft. Collins, CO Zip 80525

2. Date of Priority (Only one per claim) December 31, 1969 Month/Day/Year
3. Source of water supply (Check one) () Groundwater or Other () X (a) Circle Creek Spring
which is tributary to (b) North Creek Name or kind of source

4. Location of point of diversion is: Township 15S Range 23E
Section 24 , NE 1/4 of NW 1/4 of SW 1/4, Govt. Lot , BM.,
County of Cassia

Additional points of diversion if any:

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Metal shock tank--3.5 ft. in diameter X 2.0 ft. deep, headbox. Inlet and overflow pipe.

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)
For Stockwater/ wildlife purposes from Jan 1 to Dec 31 amount 0.02 (cfs)
(Both dates are inclusive)
For purposes from to amount

7. Total quantity claimed 0.02 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) Stockwater for wildlife and cattle grazing.

10. Place of use is: Township: 15S Range 23E

Section 24, NW 1/4 of SW 1/4, Govt. Lot _____, B.M.,

County of Cassia for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any _____

11. In which county (ies) are lands listed above as place of use located? Cassia

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. None ()

14. Remarks: _____

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s) _____

Number of Attachments 1

By signing I/We acknowledge reading the notice on the back of this claim form. I/We wish to receive for a small annual fee monthly copies of the docket sheet.
YES _____ NO _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____

of _____, that I have signed the foregoing

document in the space below as _____ of _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or _____)

County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day of _____ 19 _____

SEAL

Notary Public _____

Residing at _____

United States of America
National Park Service

My Commission Expires _____

Last Name _____ Ident No. A43-11146

Copies: White-State, Yellow-Claimant

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

The State of Idaho, ex rel.
Keith Higginson in his official
capacity as Director of the Idaho
Department of Water Resources,

Petitioner,

v.

The United States; The State of Idaho;
and all claimants to the use of water
from the Snake River Basin Water System,

Defendants.

CASE NO. 39576

DECLARATION OF
JEFFREY C. HUGHES

I, Jeffrey C. Hughes, do declare that:

1. I am a resident of Fort Collins, Colorado, and am employed by the U.S. Department of the Interior, National Park Service in Fort Collins, Colorado. I hold a Bachelor of Science degree in Watershed Management and a Master of Science degree in Watershed Sciences, both from Colorado State University.

2. I have been permanently employed as a hydrologist in the National Park Service, Water Resources Division, Water Rights Branch since August of 1988. Previous to this appointment, I was employed at Colorado State University working for the National Park Service as a hydrologist from 1986 to 1988. I have also been employed by the U.S. Forest Service and two private consulting firms, all in hydrology related positions.

3. During my tenure with the National Park Service, Water Resources Division, Water Rights Branch, I have been responsible for determining Federal reserved and State appropriative water rights for National Park Service Units throughout the United States. My duties have included researching water right information in county court houses, National Park and other Federal agency filing systems, and conducting interviews with private citizens.

A43-11146

4. My knowledge of water rights for City of Rocks National Reserve is based on numerous phone calls to Federal, State and private individuals with knowledge of water rights in the area and from three trips to City of Rocks National Reserve on August 20-24, 1989, May 27-29, 1992, and October 13-15, 1992.

5. City of Rocks National Reserve was created on November 18, 1988, by the Arizona-Idaho Conservation Act of 1988. Some of the land designated as City of Rocks National Reserve was previously administered by the U.S. Forest Service. On this same land, several stock tanks exist that were built by U.S. Forest Service personnel and/or private citizens who had/have grazing allotments on these lands previous to the land's transfer to the National Park Service.

6. These stock tanks are used for stock water and wildlife purposes, both of which require water and are beneficial uses within City of Rocks National Reserve.

7. I have examined U.S. Forest Service records which describe the installation and improvements for water developments on lands administered by the U.S. Forest Service

8. To the best of my information and belief, the U.S. Forest Service first put the water claimed as a beneficial use water right for Circle Creek Spring to beneficial use by December 31, 1969.

9. The property on which Circle Creek Spring is located within City of Rocks National Reserve and was previously administered by the U.S. Forest Service.

10. Circle Creek Spring is used in situ, the diversion works are described on the Snake River Basin Adjudication Claim form for Circle Creek Spring.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed this fourth day of March, 1993.



Jeffrey C. Hughes
Hydrologist
U.S. Department of the Interior
National Park Service
Water Resources Division
Water Rights Branch
1201 Oak Ridge Drive, Suite 250
Fort Collins, CO 80525

A43-11146

Verification of United States (Department of the Interior - National Park Service)

As the Regional Director, or his authorized designee, for the Pacific Northwest Region of the United States Department of the Interior - National Park Service, I verify under penalty of perjury pursuant to the provisions of 28 U.S.C. § 1746, that to the best of my knowledge and belief the statements made in this document and in the claims filed herewith on behalf of the United States, acting through the United States Department of the Interior - National Park Service are true and correct.

Although federal compliance with 28 U.S.C. § 1746 satisfies the verification requirements of Idaho Code § 42-1409(5), as a matter of comity I also solemnly swear or affirm under oath that I am the Regional Director, or his designee, and that to the best of my knowledge and belief the statements made in this document and in the claims filed herewith on behalf of the United States, acting through the United States Department of the Interior - National Park Service are true and correct.

By making this verification, neither I, the United States of America, nor any of its agencies or personnel, waive any immunities, rights, privileges, or presumptions, whether based on federal, state, or other statutory and/or common law, except as clearly and unambiguously required by Congress.

William C. Walters is
Deputy Regional Director

William C. Walters
Charles H. Odegard
Regional Director
National Park Service
Pacific Northwest Region
83 South King Street, Suite 212
Seattle, Washington 98104-2887

Executed on: March 19, 1993

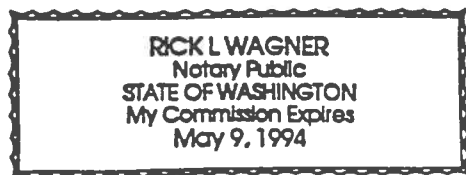
State of Washington
County of King

Subscribed and sworn (or affirmed) before me this 19th day of March 1993.

(seal)

Notary Public Rick L. Wagner

Residing at Kirkland,
Washington



My Commission expires May 9, 1994

RECEIVED

APR 08 1996

COPY

05/10/2001

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 15, 2001

Water right number: 43-11146

UNITED STATES OF AMERICA
NATIONAL PARK SERVICE
WATER RESOURCES DIVISION
1201 OAK RIDGE DR STE 250
FORT COLLINS CO 80525
Telephone Number: (970)225-3500

RECEIVED
JUN 12 2001
Department of Water Resources
Twin Falls Region

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 5/17/01

SIGNATURE: Charles W. Pettee

Please print your name: Charles W. Pettee

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, (208)736-3033

01/02/2001

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

RIGHT NUMBER: 43-11146

NAME AND ADDRESS: UNITED STATES OF AMERICA
NATIONAL PARK SERVICE
WATER RESOURCES DIVISION
1201 OAK RIDGE DR STE 250
FORT COLLINS, CO 80525

SOURCE: CIRCLE CREEK SPRING TRIBUTARY: NORTH CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 12/31/1969

POINT OF DIVERSION: T15S R23E S24 NENWSW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

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

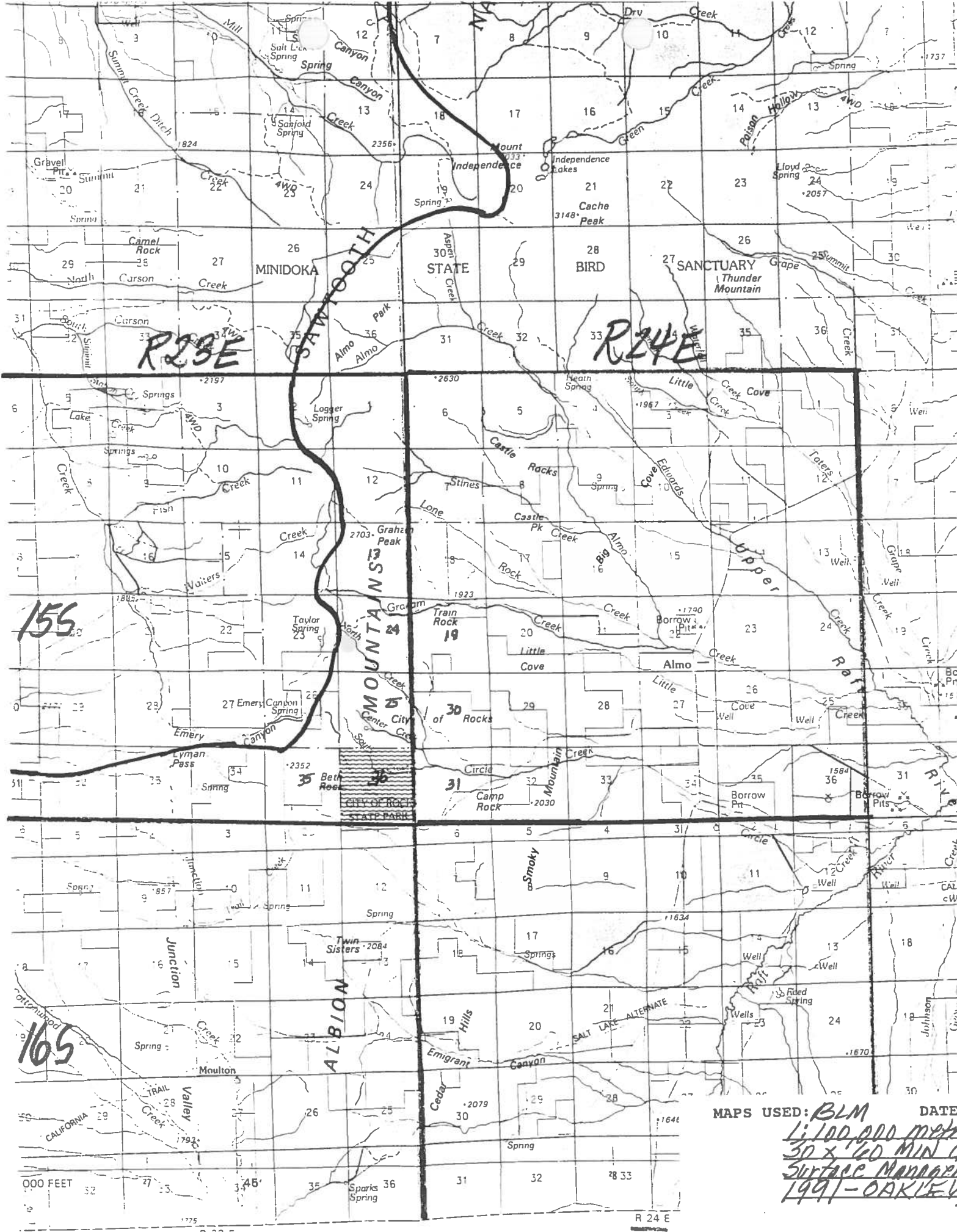
PLACE OF USE:
STOCKWATER Within CASSIA County
T15S R23E S24 NWSW
WILDLIFE Use same as STOCKWATER

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.

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

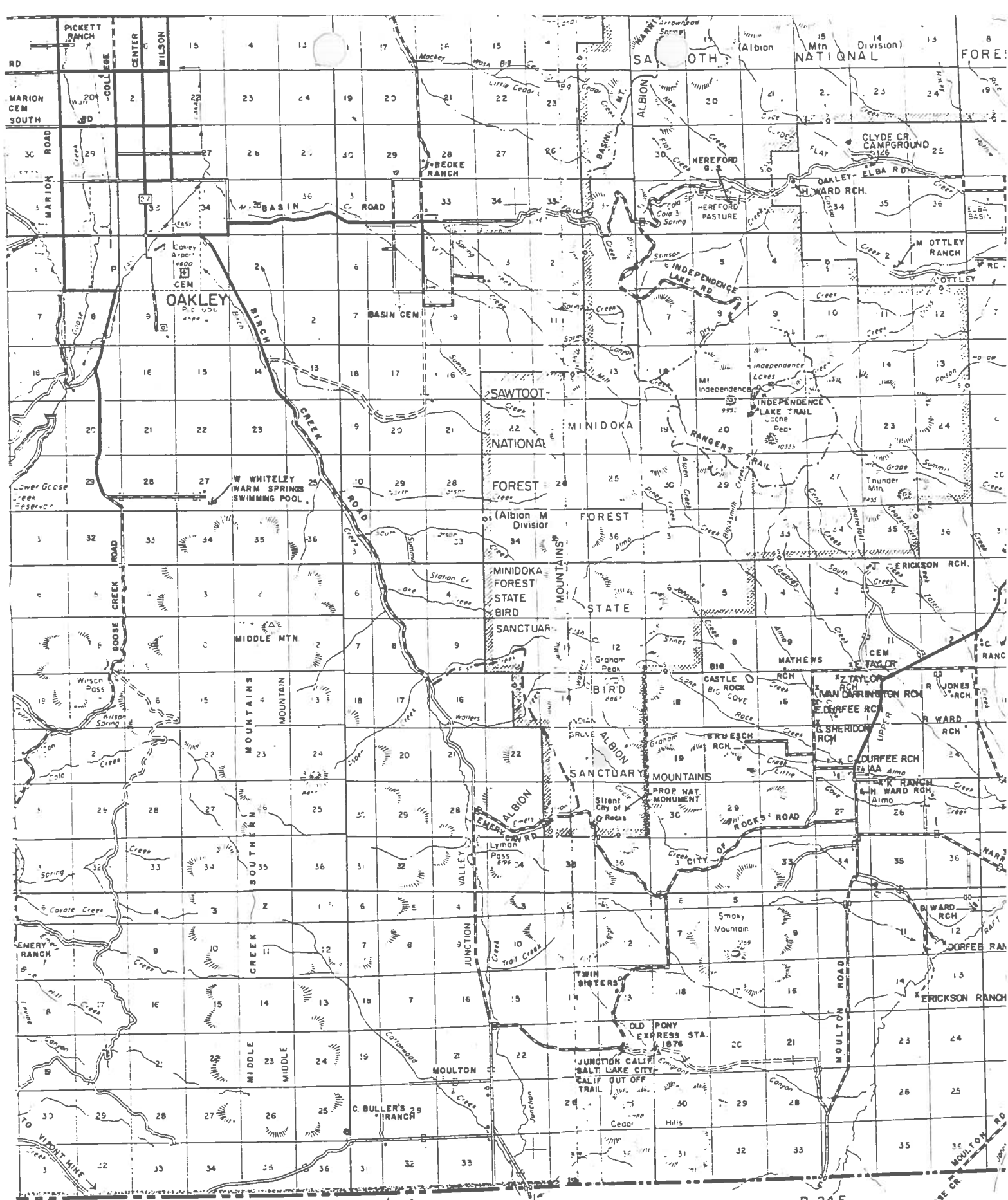
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
STOCKWATER, CATTLE GRAZING, WILDLIFE



MAPS USED: *BLM* DATE *1:100,000 map*
30 x 60 MIN
SURFACE MANAGER
1991-OAKIE

R 23 E

R 24 E



R. 22 E.

R. 23 E.

R. 24 E.

MAPS USED:

ASCS

ORTHO

NAPP

BLM

DATE:

BOX ELDER

COUNTY

U T A H

THEY OFFERED TO SEND ME A DISPLAY OF THE PRESERVE PROPERTY WHICH I SAID WOULD BE VERY HELPFUL AS I HAD NO IDEA OF THE MIX OF OWNERSHIP.

FILE NOTE

CITY OF ROCKS

DOMESTIC CLAIMS

BY FRANK HITCHCOCK 05-01-1996

The following copies were taken from the Water Law Handbook as part of the research done to see if there was any basis for federal claims to be lodged unsigned/without notarization.

Copies of the unsigned signature pages are included to document the receipt of the claims without signatures from Doug Jones.

The claims were received 02-29-1996 and were researched for review at the next regularly scheduled SRBA staff meetings scheduled for every Wednesday. No meeting was held until 04-02-1996 when the claim file was turned over to Doug Jones who didn't remember having given them to me. (see copies of SRBA staff meeting minutes for 04-02-1996 enclosed)

The only question was a request for policy on the signature issue. Doug Jones took the claim file.

Later in the day of 04-02-1996 SRBA staff received a memo from Doug Jones on federal claims signature and review (see copy as received).

This was the first time that there was any mention of mass verification of claims filed by the federal government in my experience in the SRBA.

On 04-08-1996 Southern staff got a mail message from Doug Jones that the state office had sent copies of claim verifications and that they were bound and filed in his office. I had Trisha Fawcett, SRBA secretary, go to the file and get the National Park Service form. She made a copy for me and I ran off duplicates for the individual claim files.

On 04-29-1996 I spent most of the day completing claim files and making copies of exhibits. Map displays were made and dummy files for the DOMESTIC files in the vault were set up to avoid wasted time in the future looking for these claims due to their domestic basis. The originals will be in Frank Hitchcock's cubicle with the Basin 43 claims for the Upper Raft River.

Since the City of Rocks Preserve straddles the department's administrative basin line explanatory notes have been attached to the dummy claim files in the vault to explain the location for future searches by staff. The basin line creates claims in both Basins 43 and 45. (see display memos in original file and on the files in the vault for domestics in Basin 43 and 45)

Incoming Call

Outgoing Call

334-4199

Returning Call

920/922

TO:

PARKS & REC - RESOURCE

DATE:

04-21-1996

SPECIALIST

FROM:

H

FILE:

CITY OF ROCKS - DOM.

FILE NO:

SUBJECT:

OWNERSHIP

REMARKS:

Left msg to call me re:
property transfer. All in a str.
mtg till 10:30.

945

Ron Ford - has done SRBA -

DIP-R -

DO 83720

B -

83720-0065

955

ROUTING
INSTRUCTIONS:

send rec of claims -

CALENDAR
DATES:

w/ card - this cover mtg
issue - look forward to
hearing from him.

From: DWR60::DJONES 8-APR-1996 13:48:09.51
To: @SSTAFF
CC: DJONES
Subj: FEDERAL CLAIM VERIFICATIONS

The State Office has forwarded copies of the "mass" claim verifications which was the subject of an earlier mail message. I have bound them and placed them in the top drawer of the cabinet in my office, behind the general correspondence (alphabetic tabs). If you have need to obtain them you can find them there. The agencies covered are:

USFS

BLM

CORPS OF ENGR - SEATTLE DIST

CORPS OF ENGR - WALLA WALLA DIST

NAT'L PARK SERVICE

USGS (GEOLOGIC SURVEY)

VA (VETERANS AFFAIRS)

GSA (GENERAL SERVICES ADMIN)

MEMORANDUM

TO: SRBA Staff
FROM: Douglas Jones 
DATE: April 2, 1996
RE: Federal Claims Signature and Review

I have checked with the Technical Section in the S.O. and have learned the following:

1) In nearly all cases the Feds did mass verification of claims which are on file in the State Office, and maybe somewhere here, too. I think the bent is that the S.O. will review and accept or reject any Fed claims filed - whether State law or Fed law based. If we are the first to see one then they should be hand delivered to the S.O. for that stage (next available IDWR employee going to Boise). Once received in and D.E.'d thru Boise, then we don't need to assume that the claim is insufficient for lack of signature, but should be diligent in evaluating whether there is a problem with the applicant information and authority to file the claim (ownership).

2) IDWR staff have been and will continue to be responsible for evaluating some Fed claims which might in certain circumstances be assigned to the contractor. In fact it has been relayed that there have been hundreds of claims not assigned to the contractor and that IDWR staff have completed the review and recommendation.

During claim verification review of Fed claims there will be circumstances that the claim may not have information which is needed. We need to be sure to request information in writing and provide a reasonable period for response. Second notice should be sent and if no response is made then an appropriate recommendation can be fashioned on a case-by-case basis with input from other agents, supervisors, administrators -- a fun subject for a staff meeting!

Incoming Call
Outgoing Call
Returning Call

11 30 / 11 35

TO:

J.J. SEIFFERT

DATE:

04-01-1996

FROM:

H

FILE:

CITY OF ROCKS

FILE NO:

8

SUBJECT:

? - all money from TRISH

REMARKS:

J.J. looking for other #5 than
what I have... REWIND wants to pay fees (i.e.
REWIND LODGED, date, & signature, why

suggested FAX to her my record + memo
did so...

ROUTING
INSTRUCTIONS:

CALENDAR
DATES:

Is anyone here.
working on - D my

City of Dallas

Meeting -

Reply to
[J.T.]

RECEIVED

APR 01 1996

Department of Water Resources
Southern Region

MEMORANDUM

TO: Frank Hitchcock
FROM: DOUGLAS JONES
DATE: February 29, 1996
RE: Attached claims

The attached state law-based claims were recently received by this office, delivered from the S.O. Although some of these could be reviewed by the contractor I see from a quick look that there are some questions regarding them, for instance extent of beneficial use (number of cattle). I think I have managed to divvy these by review area.

Please add these to the BC system, and then conduct the required review as you proceed thru the B43 field season work. The claims in B45 could also be completed at the same time when you have access to information on B/U.

Post-it® Fax Note 7671		Date	4-01-96	# of pages	2
To	J.J.	From	H2D-50.		
Co./Dept.	U... AS WC	Co.			
Phone #	discussed...	Phone #			
Fax #	327-5400	Fax #			

MESSAGE CONFIRMATION
TRANSMISSION

APP-01-'96 MON 12:54

TERM ID: TIME SOUTHERN
TEL NO.: 1-308-736-3037

P-9999

NO.	DATE	ST. TIME	TOTAL TIME	ABBR. SED	ID	DEPT CODE	APGS
416	04-01	12:53	02:01:29		3275400	01-2	NG-0

BASIN 43/45 CLAIMS-DOMESTIC-CITY OF ROCKS

NOTE: See attached Memorandum from DRJ dated 02-29-1996.

Both Basin 43 and Basin 45 claims recieved without
signatures.

BASIN 43

43-02687 U.S.A. NATIONAL PARK SERVICE WATER RESOURCES DIVISION.
unnamed tributary to Graham Creek.
stockwater for wildlife and cattle grazing

43-02688 ditto.
unnamed tributary to Emigrant Canyon Creek.
ditto.

A43-11144 ditto.
Indian Grove Spring
Graham Creek
ditto.

A43-11145 ditto.
North Circle Creek Spring.
North Creek.
ditto.

A43-11146 ditto.
Circle Creek Spring.
North Creek.
ditto.

BASIN 45

A45-12763 ditto.
Taylor Spring #2.
Emery Canyon Creek.
ditto.

A45-12764 ditto.
Taylor Spring #1.
Emery Canyon Creek.
ditto.

MEMORANDUM

TO: Frank Hitchcock
FROM: DOUGLAS JONES
DATE: February 29, 1996
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RECEIVED

FEB 29 1996

Department of Water Resources
Southern Region