

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 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: 1880-01-01
AGENCY NUMBER: 3103580214
BLM NUMBER: 3103580214
BASIS OF CLAIM: BENEFICIAL USE
BASIN NUMBER: 31 - 10979

A310979



SOURCE TRIBUTARY TO

UNNAMED STREAM DRY CREEK

DESCRIPTION OF DIVERSION WORKS

INSTREAM USE

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM TO
STOCKWATER	0.020	0.00	0101 1231
STOCKWATER	0.070	0.00	0101 1231
STOCKWATER	0.070	0.00	0101 1231
WILDLIFE	0.010	0.00	0101 1231
TOTAL:	0.170 CFS	0.00 AF	

NON-IRRIGATION USES

2 HORSES, 240 RANGE CATTLE

			POINT OF DIVERSION				
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
12N	36E	20	SE	NE	SE	00	CLARK
12N	36E	34	SE	NW	NW	00	CLARK
12N	36E	34	NE	SE	NW	00	CLARK

PLACE OF USE							IRRIGATED OWNED ACRES
TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	YES
12N	36E	20	NE	SE	00	CLARK	0.0

MICROFILMED
APR 15 1994

12N	36E	28	NE	NW	00	CLARK	YES	0.0
12N	36E	28	NW	NE	00	CLARK	YES	0.0
12N	36E	28	NE	NE	00	CLARK	YES	0.0
12N	36E	28	SE	NE	00	CLARK	YES	0.0
12N	36E	27	SW	NW	00	CLARK	YES	0.0
12N	36E	27	NW	SW	00	CLARK	YES	0.0
12N	36E	27	SW	SW	00	CLARK	YES	0.0
12N	36E	34	NW	NW	00	CLARK	YES	0.0
12N	36E	34	SE	NW	00	CLARK	YES	0.0
12N	36E	20	NE	SE	00	CLARK	YES	0.0
12N	36E	28	NE	NW	00	CLARK	YES	0.0
12N	36E	28	NW	NE	00	CLARK	YES	0.0
12N	36E	28	NE	NE	00	CLARK	YES	0.0
12N	36E	28	SE	NE	00	CLARK	YES	0.0
12N	36E	27	SW	NW	00	CLARK	YES	0.0
12N	36E	27	NW	SW	00	CLARK	YES	0.0
12N	36E	27	SW	SW	00	CLARK	YES	0.0
12N	36E	34	NW	NW	00	CLARK	YES	0.0
12N	36E	34	SE	NW	00	CLARK	YES	0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

REMARKS

FIRST DATE OF BENEFICIAL USE - 1880

MICROFILM

APR 12 1984

POOR ORIGINAL

AJ5405WP
(CO-5405)
SELECTION FILE: AJ_SELECTION:BLM_B31_SEL

IDAHO DEPARTMENT OF WATER RESOURCES
AJCTR AUDIT TRAIL/FILE MAINTENANCE REQUIRED TO WATER RIGHT CLAIMS

VALIDATION MESSAGE

MRN AGENCY KEY

MRN	AGENCY KEY	WATER USE	IDENTICAL TO PREVIOUS USE	USE	04	101	1231
A3110979	3103580214	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3110979	3103580214	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3110980	3103580215	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3110980	3103580215	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3110984	3103580219	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3110984	3103580219	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3110985	3103580220	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3110986	3103580221	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3110987	3103580222	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3110988	3103580223	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3110989	3103580224	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3110990	3103580225	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3110990	3103580225	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3110991	3103580225	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3110991	3103580225	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3111019	3103580240	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3111019	3103580240	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3111020	3103580240	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3111020	3103580240	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3111024	3103580243	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3111024	3103580243	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3111025	3103580243	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3111025	3103580243	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3111026	3103580244	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3111026	3103580244	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3111027	3103580244	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3111027	3103580244	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3111082	3103580272	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3111082	3103580272	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3111083	3103580272	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3111083	3103580272	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3111084	3103580273	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3111085	3103580273	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3111085	3103580273	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3111086	3103580274	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3111086	3103580274	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3111086	3103580274	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3111087	3103580274	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3111087	3103580274	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3111087	3103580274	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3111087	3103580274	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3111088	3103580275	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3111088	3103580275	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3111088	3103580275	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3111088	3103580275	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3111089	3103580275	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3111089	3103580275	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3111089	3103580275	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3111090	3103580276	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	
A3111090	3103580276	WATER USE	IDENTICAL TO PREVIOUS USE	04	101	1231	

Should have 1 stockwater equaling 0.09 cfs
 Should duplicate water use (0.07 cfs)
 Should have 1 stockwater use = 0.09 cfs
 Delete dup. water use (0.07 cfs)
 Should have 1 s/w use = 0.16 cfs
 Delete dup. water use (0.12 cfs)
 Should have 1 s/w use = 0.09 cfs
 Should have 1 s/w use = 0.09 cfs
 Delete duplicate water use
 Should be 1 s/w use = 0.09 cfs
 Should be 1 w/L use = 0.01 cfs
 1 s/w use = 0.09 cfs
 1 w/L use = 0.01 cfs
 1 s/w use = 0.05 cfs
 1 w/L use = 0.01 cfs
 1 s/w use = 0.01 cfs
 1 w/L use = 0.01 cfs
 1 s/w use = 0.18 cfs
 1 w/L use = 0.01 cfs
 1 s/w use = 0.10 cfs
 1 w/L use = 0.01 cfs
 Same as 3103580243 above
 1 s/w use = 0.09 cfs
 1 w/L use = 0.01 cfs
 1 s/w use = 0.09 cfs
 1 w/L use = 0.01 cfs
 Same as 3103580272 above
 1 s/w use = 0.09 cfs
 Delete duplicate water use (0.07 cfs)
 Should be 1 w/L use = 0.01 cfs
 Should be 1 w/L use = 0.01 cfs above
 Same as 3103580274 (WRN A311086) above
 Same as 3103580274 above
 Should be 1 w/L use = 0.09 cfs
 Delete duplicate water use (0.07 cfs)

S/W = Stockwater
 W/L = Wildlife
 DATE 07/08/93
 PAGE 1

11/2/93

APR 15 1994

APR 15 1994

Water right number - A31-10979

Prefix Translation: ADJUDICATION CLAIM

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Description	County
12N	36E	28	NE NW				STOCKWATER	(33) CLARK
12N	36E	34	NW NW				STOCKWATER	(33) CLARK
12N	36E	34	SE NW				STOCKWATER	(33) CLARK
12N	36E	20	NE SE				WILDLIFE	(33) CLARK
12N	36E	27	SW NW				WILDLIFE	(33) CLARK
12N	36E	27	NW SW				WILDLIFE	(33) CLARK
12N	36E	27	SW SW				WILDLIFE	(33) CLARK
12N	36E	28	NE NE				WILDLIFE	(33) CLARK
12N	36E	28	NW NE				WILDLIFE	(33) CLARK
12N	36E	28	SE NE				WILDLIFE	(33) CLARK
12N	36E	28	NE NW				WILDLIFE	(33) CLARK
12N	36E	34	NW NW				WILDLIFE	(33) CLARK
12N	36E	34	SE NW				WILDLIFE	(33) CLARK

+ -- Diversion Means - INSTREAM USE

+ -- Non-Irrigation Use - 2 HORSES, 240 RANGE CATTLE

+ -- Other Rights for Same Use - NONE

+ -- BLM RECORD ID = 3103580214
FIRST DATE OF BENEFICIAL USE - 1880

+ -- No Old Water Right Numbers found.

+ -- Old Water Right Numbers found.

+ -- Conditions of Approval -

+ -- Conditions of Approval found.

+ -- Decree Plaintiff - +

+ -- Decree Defendant - - - +

+ -- Decree Date - +
00/00/0000

+ -- Audit Fields - 07/08/93 AJCTR 01/31/94 THOMPSON

+ -- Comments -

+ -- No Comments Found

+ -- Adjudication Rights Dates and Flags Area

Court Report Filing	Field Inspection Made	Civil Case Number
Objection Filed Date	Field Inspection Flag	39576
Response Filed Date	Verified Date	Old Judicial District
Claim Received Date	Last Amended Date	Temporary Right
Proof Due Date	Proof Made Date	Water District
Licensed Date	Receipt Number	Federal/State Indicator
Claims Tape Error Flag	POU Ownership Flag	Presumption Flag
Fee Exempt Flag	Name Connector	Notice of Error Flag

POOR ORIGINAL

Water Right Number - A31-10979 Prefix Translation: ADJUDICATION CLAIM Old (D) Number -

+ - - - - Last Name - - - - + + - - - - First Name - - - - + + - - - - Address - - - - - + - - - -

*** A - ATTORNEY ***
HAUGRUD, JACK OR G GARVER OR D ZANE1 - US DEPT OF JUSTICE
2 - ENV & NR DIV GEN LIT SEC
3 - PO BOX 663
City- WASHINGTON
Phone - 202-272-4134
State- DC Zip- 200440663*** C - CURRENT OWNER ***
US DEPT OF INTERIOR1 - BUREAU OF LAND MANAGEMENT
2 - IDAHO STATE OFFICE
3 - 3380 AMERICANA TERRACE
City- BOISE
Phone - 208-334-1401
State- ID Zip- 83706*** K - ALSO KNOWN AS ***
BLM1 -
2 -
3 -
City- X
Phone -

State- ID Zip- 0

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
01/01/1980 J - BENEFICIAL USE+ - - Source - - - - + + - - Tributary - - - - - + - - - -
UNNAMED STREAM DRY CREEK+ - - - - - - - - - - Point of Diversion - - - - - + - - - -
Twn Rng Sec Tract Lot Rng County Diversion Name12N 36E 20 SE NE SE (33) CLARK
34 SE NW NW (33) CLARK
NE SE NW (33) CLARK+ - - Code Description Period From Period To Water Use Diversion Rate Diversion Volume
04 - STOCKWATER 01/01 12/31 0.090
16 - WILDLIFE 01/01 12/31 0.010+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.100 0.0+ - - - - - - - - - - Place of Use - - - - - Description - - - - - County
Twn Rng Sec Tract Lot Acres Code
12N 36E 20 NE SE 04 STOCKWATER (33) CLARK
12N 36E 27 SW NW 04 STOCKWATER (33) CLARK
12N 36E 27 NW SW 04 STOCKWATER (33) CLARK
12N 36E 27 SW SW 04 STOCKWATER (33) CLARK
12N 36E 28 NE NE 04 STOCKWATER (33) CLARK
12N 36E 28 NW NE 04 STOCKWATER (33) CLARK
12N 36E 28 SE NE 04 STOCKWATER (33) CLARKMICROFILMED
APR 15 1994

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. 39576

AMENDED NOTICE of CLAIM for
Water Right number:

31-10979

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:

3103580214

Stg:

J

StFed:

S

SOURCE:

Source	Tributary
UNNAMED STREAM	DRY CREEK

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:

1/1/1880

Diversion Means: INSTREAM USE

REMARKS:

POINT of
DIVERSION:

Twtnship	Range	Section	T1	T2	T3	LOT	B/E	within the	County of
12N	36E	20	SE	NE	SE		B	33	CLARK
12N	36E	34	SE	NW	NW		E	33	CLARK

PURPOSE
and
PERIOD
OF USE:

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

CONSUMPTIVE
USE:

de minimis

stockwater use

DATE:

19-Nov-97

9:26 AM

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	12N	36E	21	SW	SW	0	33	CLARK
04	12N	36E	20	NE	SE	0	33	CLARK
04	12N	36E	28	NE	NW	0	33	CLARK
04	12N	36E	28	NW	NE	0	33	CLARK
04	12N	36E	28	NE	NE	0	33	CLARK
04	12N	36E	28	SE	NE	0	33	CLARK
04	12N	36E	27	SW	NW	0	33	CLARK
04	12N	36E	27	NW	SW	0	33	CLARK
04	12N	36E	27	SW	SW	0	33	CLARK
04	12N	36E	34	NW	NW	0	33	CLARK
04	12N	36E	21	SE	SW	0	33	CLARK

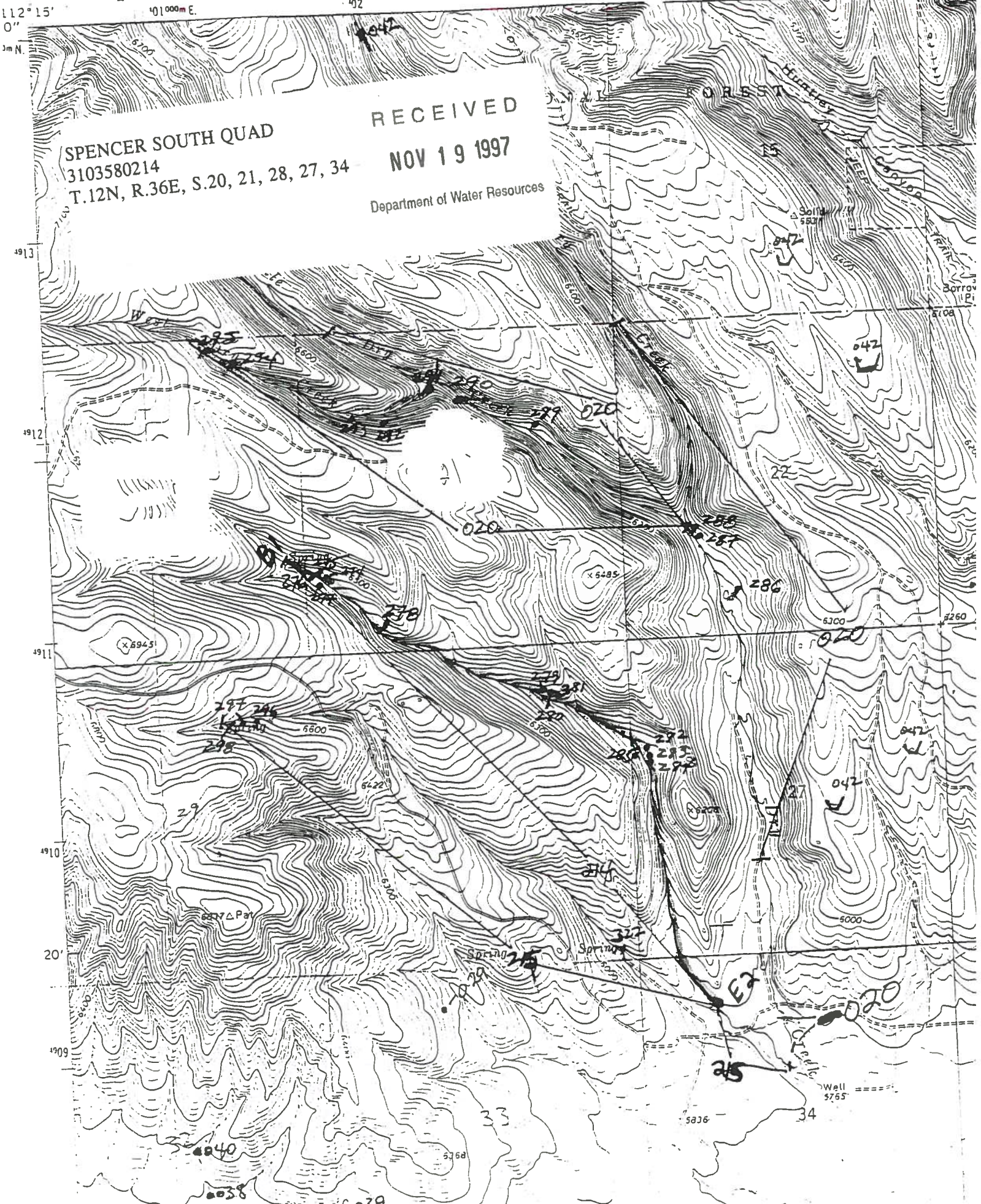
RECEIVED

NOV 19 1997

Department of Water Resources

DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

3572
(SPENCE)



SPENCER SOUTH QUAD
3103580214
T.12N, R.36E, S.20, 21, 28, 27, 34

RECEIVED
NOV 19 1997
Department of Water Resources

AJ5809NP
No. R31-10979

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/16/98
PAGE: 39

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	UNITED STATES OF AMERICA ACTING THROUGH	01/01/1880	STOCKWATER	01-01 12-31	0.02 CFS	
TOTAL DIVERSION:					0.02 CFS	

Water Source: UNNAMED STREAM

Tributary to: DRY CREEK

Stage: BENEFICIAL USE

Point(s) of Beginning Stream Reach: T12N R36E S20

SENESE

CLARK County

Point(s) of Ending Stream Reach: T12N R36E S34

SENWNW

CLARK 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	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac								
12N	36E	20	:	:	:	:	:	:	:	:	:	:	:	:	:
12N	36E	21	:	:	:	:	:	:	:	S	S	:	:	:	:
12N	36E	27	:	:	:	:	S	:	:	S	S	:	:	:	:
12N	36E	28	:	S	S	:	S	:	:	:	:	:	:	:	:
12N	36E	34	:	:	:	:	S	:	:	:	:	:	:	:	:

POU County: CLARK

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

A31-10979 A31-10980 R31-10980

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 BLM RECORD ID = 3103580214
2 HORSES, 240 RANGE CATTLE

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

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

OK
H.T.
1-20-98

1999 JUL 12 PM 4: 57

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

**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	)	NOTICE OF ISSUANCE AND NOTICE
	)	OF SERVICE
Case No. 39576	)	Water Rights: See Attached Exhibit A

On July 12, 1999, Special Master Fritz X. Haemmerle issued a *Special Master's Report and 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 by the 28th day of the month following the publication of the filing of the *Special Master's Report and Recommendation* in the Docket Sheet (*AO1*, Section 13a).

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the *Special Master's Report and Recommendation* shall constitute a waiver of the right to challenge it before the Presiding Judge.

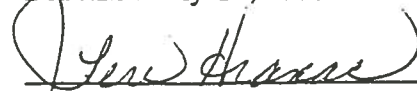
I certify that a true and correct copy of the SPECIAL MASTER'S RECOMMENDATION was mailed with sufficient first-class postage prepaid to the following:

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

U.S. Dept. of Justice
Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

Peter Ampe
Deputy Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

DATED: July 12, 1999


Teri Hranac, Deputy Clerk

1999 JUL 12 PM 4:57
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

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 RIGHTS: See Attached List
_____	)	

I. FINDINGS OF FACT

A notice of claim was filed for these water rights pursuant to I.C. § 42-1409 (1990). The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of these water rights.

The only objections to these water rights were filed by the State of Idaho which were resolved with a *Stipulation to Resolve Objections* filed July 1, 1999. The State of Idaho, the United States, and IDWR are signatories to the *Stipulation to Resolve Objections*. Both parties agreed that the priority date for these rights shall be June 28, 1934.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that these water rights be decreed with the elements as set forth attached in the *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED: July 12, 1999.



FRITZ X. HAEMMERLE
Special Master
Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

31-10975
31-10976
31-10977
31-10978
31-10979
31-10980
31-10986
31-11021
31-11291
31-11292

