

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: 1880-01-01
(RESERVED..... 1926-04-17)
AGENCY NUMBER: 3103580245
BLM NUMBER: 3103580245
BASIS OF CLAIM: BENEFICIAL USE
(SUBSEQUENT FEDERAL RESERVE)
BASIN NUMBER: 31 - 11028

A311028



SOURCE

TRIBUTARY TO

SPRING

BEAVER CREEK

DESCRIPTION OF DIVERSION WORKS

INSTREAM USE

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
STOCKWATER	0.180	0.00	0101	1231
WILDLIFE	0.180	0.00	0101	1231
TOTAL:		0.180 CFS	0.00 AF	

NON-IRRIGATION USES

700 RANGE CATTLE, 12 HORSES, 35 ELK, 30 DEER, 8 MOOSE, GROUSE

POINT OF DIVERSION							
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
14N	35E	15	SE	SE	SE	00	CLARK

PLACE OF USE

PLACE OF USE							IRRIGATED	
TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	OWNED	ACRES
14N	35E	15	SE	SE	00	CLARK	YES	0.0
14N	35E	15	SE	SE	00	CLARK	YES	0.0

TOTAL ACRES IRRIGATED: 0.0

MICROFILMED

APR 15 1994

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

WATER FEDERALLY RESERVED, SEE REMARKS

REMARKS

1926 RESERVED - EXECUTIVE ORDER DATED APR 17

PWR NO. 107

PROPOSED DATE: 1980-01-01
 (RESERVED) 1980-04-17
 AGENCY NUMBER: 103580245
 BLM NUMBER: 103580245
 BASIS OF CLAIM: BUREAU OF LAND MANAGEMENT
 (SUBSEQUENT FEDERAL RESERVE)
 BASIN NUMBER: 103580245

U.S. DEPT. OF INTERIOR
 BUREAU OF LAND MGMT.
 IDAHO STATE OFFICE
 1380 AMERICAN TERRACE
 BOZEMAN, ID 83706
 TELEPHONE: 208-325-1401

TRIBUTARY TO

SOURCE

BEAVER CREEK

SPRING

DESCRIPTION OF DIVERSION WORKS

INSTREAM USE

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF DIVERSION FROM TO
STOCKWATER	0.180	0.00	0101 1231
WINDLIFE	0.180	0.00	0101 1231

TOTAL: 0.180 CFS 0.00 AF

DIVISION-IRRIGATION USES

700 RANGE CATTLE, 12 HORSES, 35 BLK, 30 DEER, 3 MOOSE, GROUSE

TWP	RNG	SEC	TRACT	TRACT	TRACT	POINT OF DIVERSION
14N	35E	12	SE	SE	SE	CLARK

PLACE OF USE

TWP	RNG	SEC	TRACT	TRACT	TRACT	COUNTY	OWNED	ACRES
14N	35E	12	SE	SE	SE	CLARK	YES	0.00
14N	35E	12	SE	SE	SE	CLARK	YES	0.00

TOTAL ACRES IRRIGATED:

APR 1 5 1984

11/2/93

POOR ORIGINAL

Page 1 of 1

Basin 31

The diversion rate for wildlife should be changed to 0.01 cfs.
 3103580231 11002 3103580265 11068 + 11069 for the following claims:

✓ 232 11003 + 11004	266 11070 + 11071
✓ 233 11005 + 11006	267 11072 + 11073
✓ 234 11007 + 11008	268 11074 + 11075
✓ 235 11009 + 11010	269 11076 + 11077
✓ 236 11011 + 11012	270 11078 + 11079
✓ 237 11013 + 11014	271 11080 + 11081
✓ 238 11015 + 11016	✓ 318 11174 + 11175
✓ 239 11017 + 11018	319 11176 + 11177
✓ 242 11022 + 11023	320 11178 + 11179
✓ 245 11028 + 11029	321 11180 + 11181
✓ 246 11030 + 11031	324 11186 + 11187
✓ 247 11032 + 11033	558
✓ 248 11034 + 11035	
✓ 249 11036 + 11037	3103588025
✓ 250 11038 + 11039	
✓ 251 11040 + 11041	
✓ 252 11042 + 11043	
✓ 253 11044 + 11045	
✓ 254 11046 + 11047	
✓ 255 11048 + 11049	
✓ 256 11050 + 11051	
✓ 257 11052 + 11053	
✓ 258 11054 + 11055	
✓ 259 11056 + 11057	
✓ 260 11058 + 11059	
✓ 261 11060 + 11061	
✓ 262 11062 + 11063	
✓ 263 11064 + 11065	
✓ 264 11066 + 11067	

Changes specified
 by Deena Teel
 from Idaho Falls
 District, BLM.

MICROFILMED

APR 15 1994

Water Right Number - A31-11028 Prefix Translation: ADJUDICATION CLAIM Old (D) Number -
+ - - - - Last Name - - - + + - First Name - - + + - - - - Address - - - - - +

*** A - ATTORNEY ***
HAUGRUD, JACK OR G GARVER OR D ZANE

*** C - CURRENT OWNER ***
US DEPT OF INTERIOR

*** K - ALSO KNOWN AS ***
BLM

1 - 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

1 - BUREAU OF LAND MANAGEMENT
2 - IDAHO STATE OFFICE
3 - 3380 AMERICANA TERRACE
City- BOISE
Phone - 208-334-1401
State- ID Zip- 83706

1 -
2 -
3 -
City- X
Phone -
State- ID Zip- 0

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
01/01/1980 15 EASTERN J - BENEFICIAL USE

+ - - Source - - - - - + + - - - - Tributary - - - - - +
SPRING BEAVER CREEK

+ - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot Rflg County Diversion Name

14N 35E 15 SE SE SE (33) CLARK

+ - - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

04 - STOCKWATER 01/01 12/31 0.180
16 - WILDLIFE 01/01 12/31 0.010

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.180 0.180 0.010 0.0

+ - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

14N 35E 15 SE SE 04 STOCKWATER (33) CLARK
14N 35E 15 SE SE 16 WILDLIFE (33) CLARK

+ - - Diversion Means - INSTREAM USE

+ - - Non-Irrigation Use - 700 RANGE CATTLE, 12 HORSES, 35 ELK, 30 DEER, 8 MOOSE, GROUSE

+ - - Other Rights for Same Use - WATER FEDERALLY RESERVED, SEE REMARKS

MICROFILMED

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:

31-11028

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:

3103580245

Stg:

J

StFed:

X

SOURCE:

| | |
|--------|--------------|
| Source | Tributary |
| SPRING | BEAVER 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: UNDEVELOPED SPRING

REMARKS:

Also reserved pursuant to EO 4/17/26, PWR 107

POINT of
DIVERSION:

| Twntship | Range | Section | T1 | T2 | T3 | LOT | B/E | within the | County of |
|----------|-------|---------|----|----|----|-----|-----|------------|-----------|
| 14N | 35E | 15 | SE | SE | SE | | | 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 9:27 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 | Twnt | Rge | Sec | T1 | T2 | LOT | within the County of |
|-----------|------|-----|-----|----|----|-----|----------------------|
| 04 | 14N | 35E | 15 | SE | SE | 0 | 33 CLARK |

RECEIVED

NOV 19 1997

Department of Water Resources

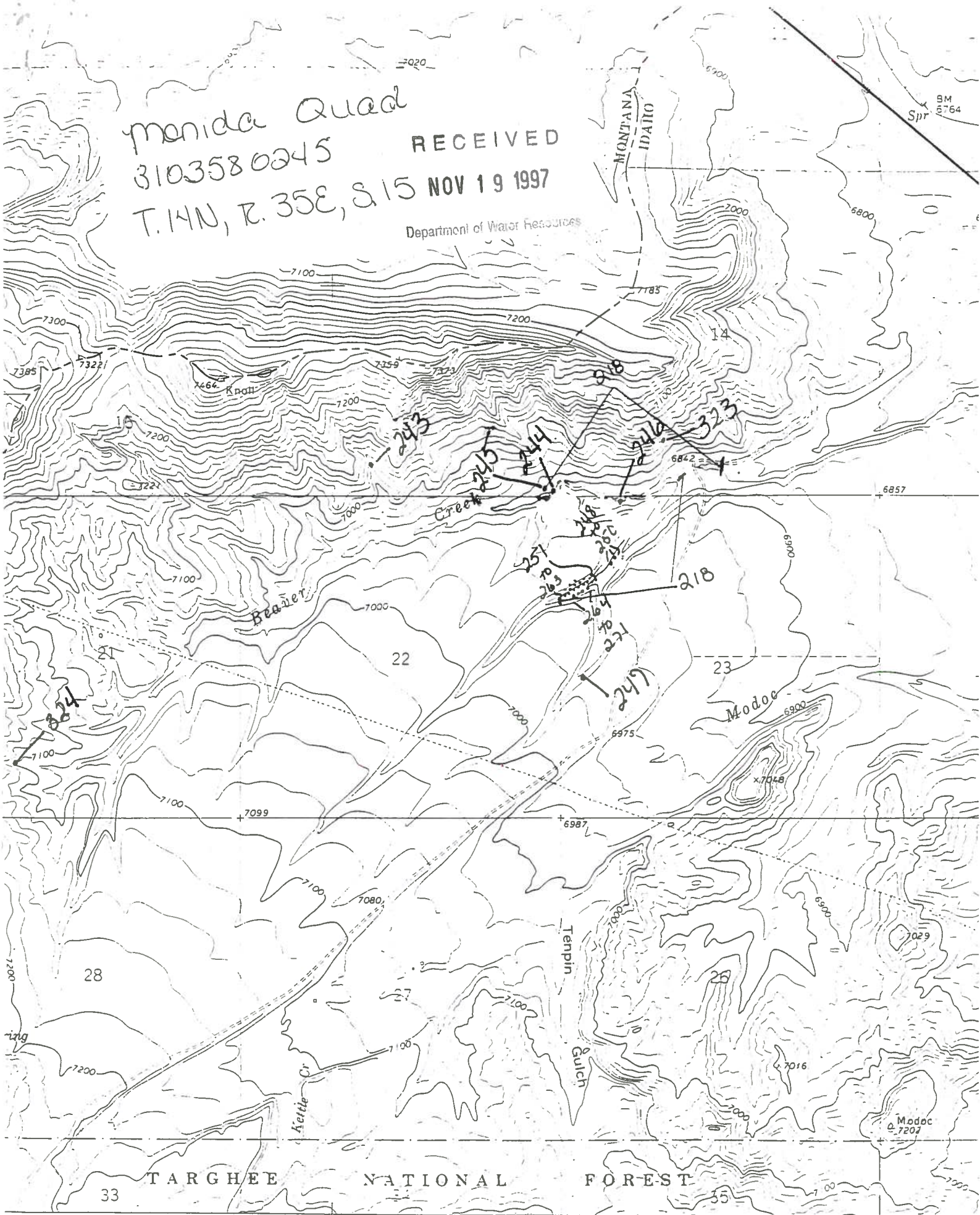
Monida Quad

3103580245

T. 14N, R. 35E, S. 15 NOV 19 1997

RECEIVED

Department of Water Resources



5 E 1 260 000 FEET (MONT.) 20' 395 397 1

ical Survey

(PAUL RESERVOIR)

3572 IV NE

SCALE 1:24 000

AJ5809NP
No. R31-11028

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/16/98
PAGE: 62

| 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: SPRING

Tributary to: BEAVER CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion: T14N R35E S15 SESESE 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 |
| 14N | 35E | 15 | : | : | : | : | : | : | : | : | : | : | : | : | S |

POU County: CLARK

Other Rights: WATER FEDERALLY RESERVED, SEE REMARKS

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

A31-10983 A31-11026 A31-11027 A31-11028 A31-11029 R31-10983 R31-11026

Conditions of Approval:

- D01 - *****
- * 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. *
- *****
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 = 3103580245
700 RANGE CATTLE, 12 HORSES, 35 ELK, 30 DEER, 8 MOOSE, GROUSE

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

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

OK
MS.
1-20-98

2002 NOV 12 PM 02:00
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)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 31-11028

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

NOV 13 2002

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: USDI BLM
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

SOURCE: SPRING TRIBUTARY: BEAVER CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 04/17/1926

* 4/17/1926 CLAIMED UNDER FEDERAL RESERVED WATER RIGHT. *
* *
* THIS WATER RIGHT IS 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: T14N R35E S15 SESESE Within Clark County

| 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 Clark County
T14N R35E S15 SESE

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. 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.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

NOV 14 2002

Department of Water Resources

| | |
|---|-----------------------|
| DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho | |
| NOV 13 2002 | |
| 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

) Subcases: SEE ATTACHED EXHIBIT A
)
) ORDER OF PARTIAL DECREE FOR
) FEDERAL RESERVED WATER
) RIGHTS, AND
)
) ORDER DISALLOWING STATE LAW
) BASIS FOR SAME WATER RIGHTS
)

The above-captioned water rights were claimed by the United States Department of Interior, Bureau of Land Management as "dual based" water rights, meaning the water rights were claimed both pursuant to state law and as federal reserved water rights pursuant to Public Water Reserve (PWR) 107. On September 18, 2002, following a hearing held pursuant to Idaho Code section 42-1411A(14) regarding the factual basis for the federal reserved water right claims, a *Special Master's Report and Recommendation* together with *Findings of Fact and Conclusions of Law* was filed for the above-captioned water rights. The *Special Master's Report and Recommendation* recommended that the federal basis for the claims be decreed as recommended and that the state basis for the same claims be disallowed and not confirmed in any partial or final unified decree. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

ORDER OF PARTIAL DECREE FOR FEDERAL RESERVED WATER RIGHTS,
ORDER DISALLOWING STATE LAW BASIS FOR SAME WATER RIGHTS

Therefore, IT IS ORDERED that the above-captioned water rights are hereby decreed as set forth in the attached *Partial Decree(s) Pursuant to I.R.C.P. 54(b)*.

IT IS FURTHER ORDERED that the state law basis for the same above-captioned water rights is hereby disallowed and shall not be confirmed in any partial decree or in any final unified decree entered in SRBA Case No. 39576, in whatever form that final decree may take or be styled.

Dated Nov. 13, 2002


ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

ORDER OF PARTIAL DECREE FOR FEDERAL RESERVED WATER RIGHTS,
ORDER DISALLOWING STATE LAW BASIS FOR SAME WATER RIGHTS

EXHIBIT A

Subcase Nos:

31-11022
31-11026
31-11028
31-11030
31-11088
31-11090
31-11110
31-11112
31-11114
31-11116
31-11120
31-11122
31-11126
31-11128
31-11130
31-11144
31-11158
31-11160
31-11162
31-11172
31-11180
31-11184
31-11287