

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: 3103580246
BLM NUMBER: 3103580246
BASIS OF CLAIM: BENEFICIAL USE
(SUBSEQUENT FEDERAL RESERVE)
BASIN NUMBER: 31-11030

A311030



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, 30 ELK, 35 DEER, 8 MOOSE

POINT OF DIVERSION							
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
14N	35E	23	NE	NW	NW	00	CLARK

PLACE OF USE

TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	IRRIGATED OWNED	ACRES
14N	35E	23	NW	NW	00	CLARK	YES	0.0
14N	35E	23	NW	NW	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

PRIORITY DATE: 1980-01-01
RESERVED: 1926-04-17
AGENCY NUMBER: 3103580246
BLM NUMBER: 3103580246
BASIS OF CLAIM: BENEFICIAL USE
(SUBSEQUENT FEDERAL RESERVE)
BASIN NUMBER: 31

U.S. DEPT. OF INTERIOR
BUREAU OF LAND MGMT.
LAND STATE OFFICE
3300 ASH AND TERRACE
BOULDER CO 80506
TELEPHONE: 303 334-1401

TRIBUTARY TO

SOURCE

BEAVER CREEK

SPRING

DESCRIPTION OF DIVERSION WORKS

STREAM 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, 30 ELK, 35 DEER, 5 MOOSE

POINT OF DIVERSION

TWP	RNG	SEC	TRACT	TRACT	TRACT	LOT	COUNTY
14N	35E	23	NE	NW	NW	00	CLARK

PLACE OF USE

TWP	RNG	SEC	TRACT	TRACT	TRACT	LOT	COUNTY	OWNER	ACRES
14N	35E	23	NW	NW	NW	00	CLARK	YES	0.0
14N	35E	23	NW	NW	NW	00	CLARK	YES	0.0

TOTAL ACRES IRRIGATED:

RECORDED

APR 1 5 1994

11/2/93

Basin 31

POOR ORIGINAL

Page 1 of 1

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	3103588025
✓249 11036 + 11037	
✓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 - A31-11030

Prefix Translation: ADJUDICATION CLAIM

- JOURNAL (II) PTD

[illegible]

*** 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
Phone - 202-272-4134

State- DC Zip- 200440663

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

1 - 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 ***
BLM

123 City- Phone- X-

State- ID Zip- 0

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

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

+	Twn	Rng	Sec	Tract	Lot	REL9	County	Point of Diversion	Diversion Name	+
---	-----	-----	-----	-------	-----	------	--------	--------------------	----------------	---

14N	35E	23	NE NW NW	(33)	CLARK
-----	-----	----	----------	------	-------

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

04 - STOCKWATER
16 - WILDLIFE

0.180
0.010

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

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

(33) CLARK
(33) CLARK

+ - - Diversion Means - INSTREAM USE

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

+ - - 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:

31-11030

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:

3103580246

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:

Twndship	Range	Section	T1	T2	T3	LOT	B/E	within the	County of
14N	35E	23	NE	NW	NW			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	Twnd	Rge	Sec	T1	T2	LOT	within the County of
04	14N	35E	23	NW	NW	0	33 CLARK

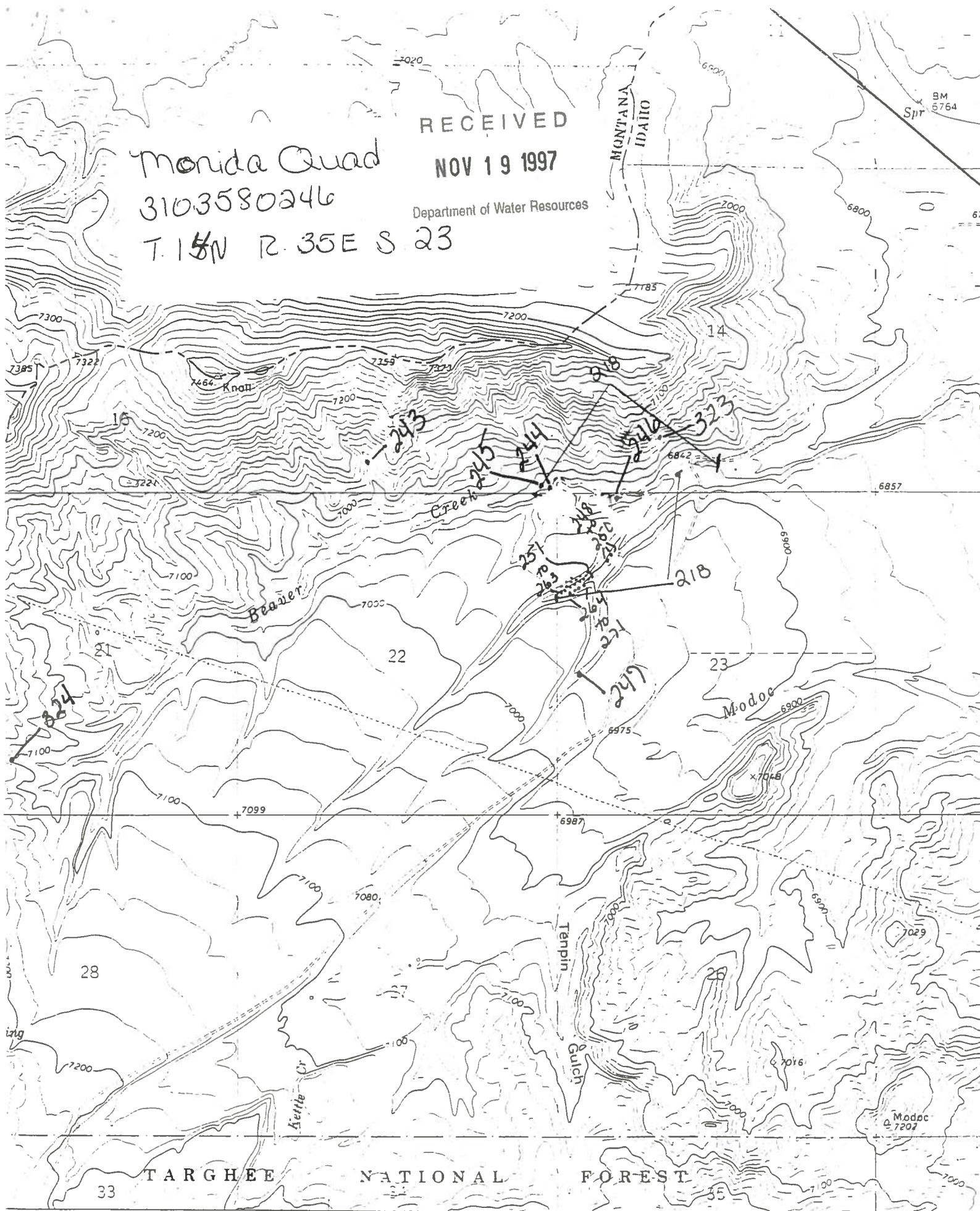
RECEIVED

NOV 19 1997

Department of Water Resources

T. 15N R. 35E S. 23

Spr 9M 6764



T A R G H E E

NATIONAL

FOREST

1 260 000 FEET (MONT.)

20'

395

(PAUL RESERVOIR)

3572 IV NE

397 17

SCALE : 24 000

AJ5809NP
No. R31-11030

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/16/98
PAGE: 63

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 S23 NENWNW 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	23	:				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):
A31-11030 A31-11031

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 = 3103580246
700 RANGE CATTLE, 12 HORSES, 30 ELK, 35 DEER, 8 MOOSE

Dates: Exam Made Date: Verified Date: Objection Filed Date:
Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

OK
AT
1-20-98

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

Water Right 31-11030

NOV 13 2002

By

Deputy Clerk

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 S23 NENWNW 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 S23 NWNW

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

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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