

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

)
) **NOTICE OF CLAIM**
)

) **Federal Reserved Water Right** 51-13094
)

) **Cottonwood Creek**
) **Wild & Scenic River**
)

1. Name and address of claimant:

UNITED STATES OF AMERICA, on behalf of the
Department of Interior, Bureau of Land Management
Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709-1657

2. Source of water:

Cottonwood Creek, tributary to Big Jacks Creek

3. Quantity of water claimed:

a. Stream flows at the Cottonwood Creek quantification site:

- (1) When the stream flow at the Cottonwood Creek quantification site, as identified in Section 3.a.(3) below ("Cottonwood Creek quantification site"), is less than 6.38 cfs, the United States claims the following flows (subject to paragraph 3.c. below):

Period of Use	Discharge (cfs)	Period of Use	Discharge (cfs)
January 1-15	1.92	July 1-15	2.86
January 16-31	2.03	July 16-31	2.22
February 1-15	2.09	August 1-15	1.87
February 16-28(29)	2.28	August 16-31	1.68

March 1-15	2.46	September 1-15	1.64
March 16-31	2.99	September 16-30	1.67
April 1-15	3.41	October 1-15	1.77
April 16-30	3.74	October 16-31	1.8
May 1-15	3.96	November 1-15	1.85
May 16-31	4.14	November 16-30	1.89
June 1-15	3.98	December 1-15	1.89
June 16-30	3.56	December 16-31	1.9

- (2) When the stream flow at the Cottonwood Creek quantification site is greater than or equal to 6.38 cfs (as adjusted by accounting for upstream junior depletions), the United States claims all flows.
 - (3) The quantification site for the flows identified above at the Cottonwood Creek quantification site is the Cottonwood Creek located in SW1/4NW1/4, Sec. 23, T.10S., R.03E., Boise Meridian; Latitude 42° 32' 41.071" N, Longitude 116° 04' 41.083" W (NAD 83).
- b. This claimed water right does not prohibit the appropriation, diversion and use of water within the Cottonwood Creek River Basin upstream from the ending point, as identified in element 5.b. below ("Cottonwood Creek Wild and Scenic River Basin"), when the stream flow at the Cottonwood Creek quantification exceeds the flow amount in Section 3.a.(1) and is less than 6.38 cfs.
 - c. The discharges identified in the table in Section 3.a.(1) above are intended to reflect the 20% unimpaired exceedance discharges at the Cottonwood Creek quantification site for each semi-monthly period (except for any semi-monthly period for which the discharge identified as necessary to protect recreation values exceeds the 20% exceedance discharge for that semi-monthly period). The 6.38 cfs discharge identified in the text of Section 3.a.(1), and in Section 3.a.(2) and Section 3.b. above, is intended to reflect the unimpaired 1.5 year peak flow recurrence interval discharge at the Cottonwood Creek quantification site. These discharges have been calculated based upon the best available hydrologic data and without taking into account impairment of discharges (existing upstream depletions). If additional hydrologic data and/or information concerning impairment of discharges become available that indicate a need for adjustment of the stated exceedance discharges, and/or the 1.5 year peak flow recurrence interval discharge, the claimed discharges may be modified accordingly.
 - d. This claimed water right precludes any diversion of water out of the watershed of the Cottonwood Creek Wild and Scenic River Basin.

4. Priority date claimed:

March 30, 2009

5. Point of diversion:

There is no diversion associated with this instream flow water right. The legal description of the beginning and ending points of the instream flow water right are as follows:

a. Location of beginning point:

At the point where Cottonwood Creek intersects the upstream boundary of the Big Jacks Creek Wilderness:

SE1/4NW1/4NE1/4, Sec. 34, T.10S., R.03E., Boise Meridian.
Latitude 42° 31' 02.404" N, Longitude 116° 05' 08.378" W (NAD 83).

b. Location of ending point:

At the point where Cottonwood Creek intersects the confluence with Big Jacks Creek:

SE1/4NW1/4NW1/4, Sec. 23, T.10S., R.03E., Boise Meridian.
Latitude 42° 32' 52.28" N, Longitude 116° 04' 38.884" W (NAD 83).

6. Purpose of use:

To fulfill the purposes of the Wild and Scenic Rivers Act, Pub. L. 90-542, 82 Stat. 906, Oct. 2, 1968 (codified as amended at 16 U.S.C. §§ 1271, et seq.), and the Omnibus Public Land Management Act of 2009, Pub. L. 111-11, 123 Stat. 991 [1037-1039], March 30, 2009 (codified as amended at 16 U.S.C. § 1274(a)(184).

7. Period of use:

January 1 - December 31

8. Place of use:

This instream flow water right is used throughout the designated Cottonwood Creek Wild and Scenic River from the beginning point to the ending point as identified above.

9. Annual volume of consumptive use:

This instream flow water right is non-consumptive (other than evaporation and evapotranspiration that may take place within the designated segment).

10. Remarks:

This is a federal reserved water right established pursuant to the Wild and Scenic Rivers Act, Pub. L. 90-542, 82 Stat. 906, Oct. 2, 1968 (codified as amended at 16 U.S.C. §§ 1271, et seq.), and the Omnibus Public Land Management Act of 2009, Pub. L. 111-11, 123 Stat. 991 [1037-1039], March 30, 2009 (codified as amended at 16 U.S.C. § 1274(a)(184)).

WATER RIGHT CLAIM VERIFICATION

STATE OF IDAHO)
) ss:
COUNTY OF ADA)

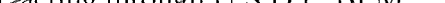
CLAIMANT VERIFICATION:

Water Right Number: _____ Cottonwood Creek

- (a) By signing below, I acknowledge that I have received, read, and understand the form entitled “How you will receive notices in the Snake River Basin Adjudication.”
- (b) I do___ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

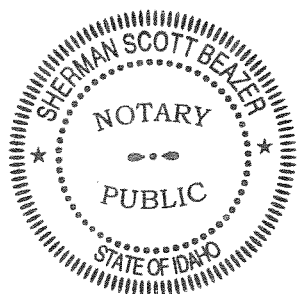
For Organizations:

I do solemnly swear and affirm that I am Fredric W. Price, Water Rights Specialist of United States of America, acting through U.S.D.I., BLM, that I have signed the foregoing documents in the space below as Water Rights Specialist of United States of America, acting through U.S.D.I., BLM and that the statements contained in the foregoing documents are true and correct.

Signature of Authorized Agent  for the
United States of America, acting through U.S.D.I., BLM

NOTARY:

Subscribed and sworn to before me on this 14th day of December, 2012.




Sherman Scott Beazer
Notary Public in and for: State of Idaho
Residing at: Boise, Idaho
My Commission Expires: December 10, 2015

Notice is hereby given that the United States Department of Justice will represent the United States of America, including the United States Department of Interior, Bureau of Land Management, in all matters pertaining to the Snake River Basin Adjudication.

All notices required by law should be mailed to the following identified individuals at the address below:

Bruce D. Bernard
David L. Negri
U.S. Department of Justice
Environment and Natural Resources Division
Natural Resources Section
550 W. Fort Street, MSC 33
Boise, Idaho 83724

This form is an attachment to a general Notice of United States' claims. The signature and affirmation on such Notice constitutes the required signature of the authorized agent representing the United States.

Wild and Scenic Claim Map

Cottonwood Creek

Land Status:
yellow = BLM land
blue = State land
clear = private land

0 0.175 0.35 0.7 1.05 1.4 Miles

1:15,097



"No warranty is made by the
Bureau of Land Management
The accuracy, reliability, or
completeness of these data for
individual use or aggregate use
with other data is not guaranteed."

