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DEPT OF WATER RESOURCES

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** 55-13903
) **Battle 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:**

Battle Creek, tributary to Owyhee River

3. **Quantity of water claimed:**

a. Stream flows at the Battle Creek quantification site:

- (1) When the stream flow at the Battle Creek quantification site, as identified in Section 3.a.(3) below ("Battle Creek quantification site"), is less than 455 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	17	July 1-15	3.3
January 16-31	44.5	July 16-31	3.4
February 1-15	42.2	August 1-15	3.22

February 16-28(29)	200	August 16-31	7.6
March 1-15	200	September 1-15	7.33
March 16-31	200	September 16-30	8.09
April 1-15	35.2	October 1-15	7.96
April 16-30	22	October 16-31	8.5
May 1-15	17	November 1-15	9.27
May 16-31	23	November 16-30	11.2
June 1-15	11	December 1-15	13.9
June 16-30	5.58	December 16-31	16.4

- (2) When the stream flow at the Battle Creek quantification site is greater than or equal to 455 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 Battle Creek quantification site is the Battle Creek located in SW1/4NE1/4NW1/4, Sec. 01, T.14S., R.02W., Boise Meridian; Latitude 42° 14' 24.088" N, Longitude 116° 31' 26.95" W (NAD 83).
- b. This claimed water right does not prohibit the appropriation, diversion and use of water within the Battle Creek River Basin upstream from the ending point, as identified in element 5.b. below ("Battle Creek Wild and Scenic River Basin"), when the stream flow at the Battle Creek quantification site exceeds the flow amount in Section 3.a.(1) and is less than 455 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 Battle 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 455 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 Battle 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 Battle 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 the Battle Creek intersects with the boundary of the Owyhee River Wilderness:

SE1/4SE1/4NW1/4, Sec. 17, T.12S., R01E., Boise Meridian.
Latitude 42° 22' 57.222" N, Longitude 116° 21' 58.495" W (NAD 83).

b. Location of ending point:

At the point where the Battle Creek intersects with the confluence of the Owyhee River:

SE1/4NW1/4/NW1/4, Sec. 01, T.14S., R.02W., Boise Meridian.
Latitude 42° 14' 21.17" N, Longitude 116° 31' 36.321" 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)(180)).

7. Period of use:

January 1 - December 31

8. Place of use:

This instream flow water right is used throughout the designated Battle 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)(180)).

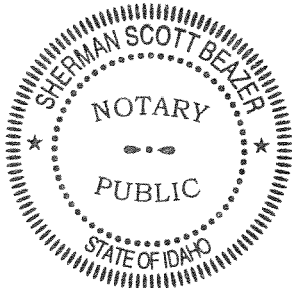
STATE OF IDAHO)
) ss:
COUNTY OF ADA)

Water Right Number: _____ Battle Creek

- ### For Organizations:

Signature of Authorized Agent *John W. Stone* 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.



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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

Battle Creek

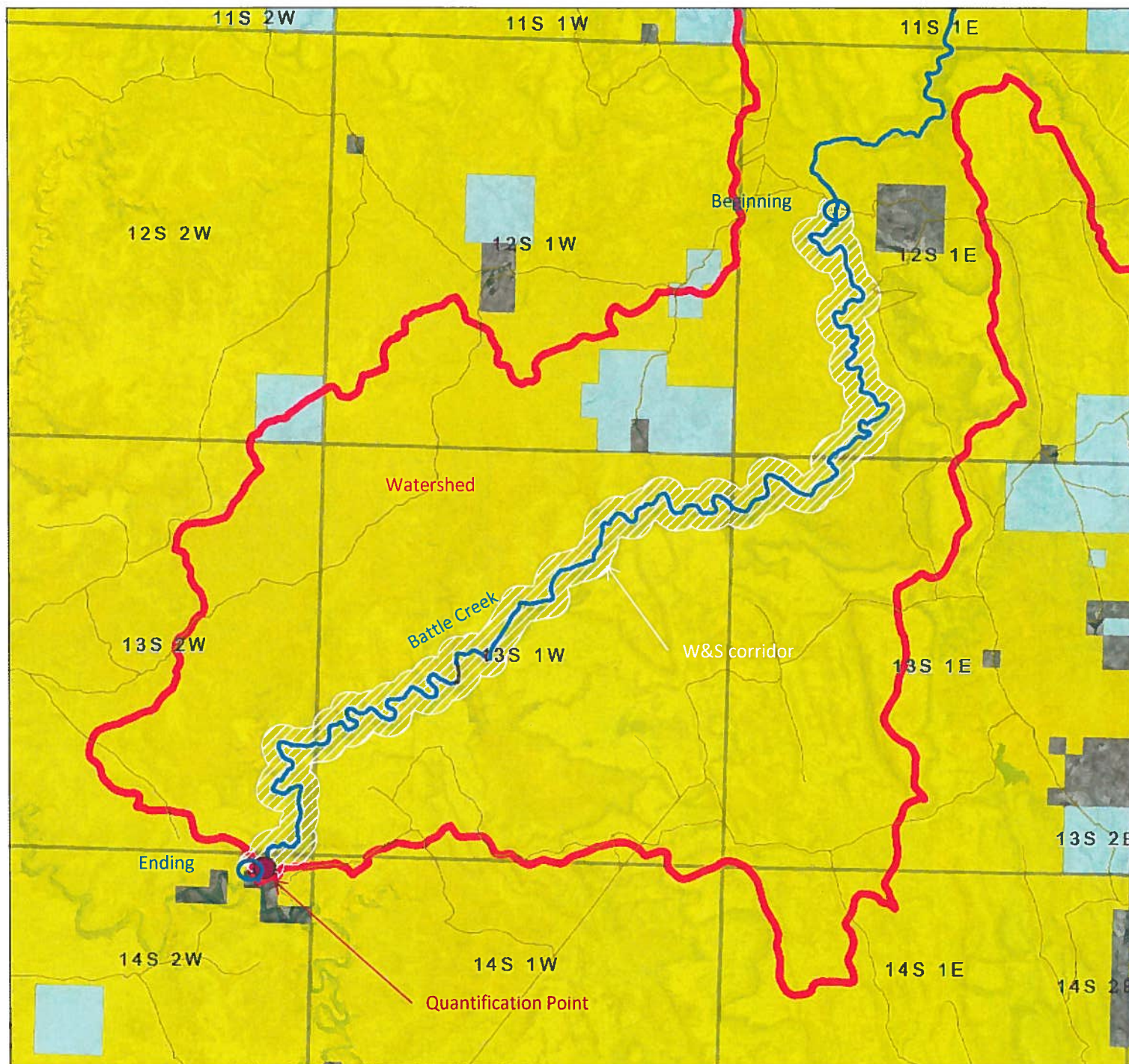
Land Status:
yellow = BLM land
blue = State land
clear = private land

0 0.35 0.7 1.4 2.1 2.8 Miles

1:30,000



"We warrant to make by the
Bureau of Land Management
The accuracy, reliability, or
completeness of these data for
individual use or aggregate use
under other data and guarantees"



Wild and Scenic Claim Map

Battle Creek

0 0.75 1.5 3 4.5 6 Miles

1:79,277



"No warranty is made by the
Bureau of Land Management
The accuracy, reliability or
completeness of these data for
individual use or aggregate use
nor any other data is not guaranteed"

