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Idaho State Bar # 2911

Attorneys for IDWR

RECEIVED

MAY 02 2000

**Department of Water Resources
Southern Region**

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

)
)
) **SUBCASE NOS.: 43-07184 & 43-07187**
)
)

) **NOTICE OF WITHDRAWAL**
) **OF DIRECTOR'S REPORTS**
)

TO ALL INTERESTED PARTIES:

PLEASE TAKE NOTICE that the Idaho Department of Water Resources (IDWR) hereby withdraws its Director's Reports for the above-referenced subcase numbers. These claims were recommended for disallowal in the Director's Report for small domestic and stockwater rights because they appeared to be claims for both an IDWR permit (43-07187) and license (43-

07184) with priority dates that would indicate they were beneficial use claims. During subsequent meetings with the United States Forest Service (USFS), it was discovered that they had intended to submit beneficial use claims to the same springs covered by 43-07184 and 43-07187. The USFS did not intend to claim either the permit or the license; those rights are not subject to the SRBA and exist in addition to the beneficial use rights claimed.

Recommendations of 43-07184 and 43-07187 are hereby withdrawn. They are being replaced and reported as beneficial use rights under claim numbers 43-11194 and 43-11195, in Director's Reports filed simultaneously with this withdrawal.

DATED this 28th day of April, 2000.


NICHOLAS B. SPENCER
Deputy Attorney General
Idaho Department of Water Resources

DATED this 28th day of April, 2000.


IDWR Concurrence
Roxanne Brown
Senior Water Right Agent
Idaho Department of Water Resources

IT IS SO ORDERED that the Director's Reports be withdrawn for the aforementioned subcase numbers.

DATED this ____ day of _____, 2000.

Barry Wood
Administrative District Judge
Interim Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of April, 2000, I mailed and/or delivered the original and copies of this form, including all attachments, to the following persons, in the manner indicated, and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☒ Facsimile

2. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

U.S. Dept. of Justice
Environment & Natural Res. Div.
550 West Fort St., MSC 033
Boise, ID 83724

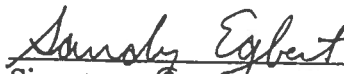
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Cassia County Courthouse
1459 Overland Ave.
Burley, ID 83318

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Idaho Department of Water Resources
Southern Regional Office
1341 Fillmore St. Ste 200
Twin Falls, ID 83301-3380

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☒ Facsimile



Signature of person or attorney mailing the form

Job	Phone Number	Start Time	Pages	Mode	Status
494	912087362121,,,,641859	4/28 2:12PM.....	4/ 4	BC	Completed.....
494	912087363037,,,,641859-----	4/28 2:13PM.....	4/ 4	BC	Completed.....

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Attorneys for IDWR

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

SUBCASE NOS.: 43-07184 & 43-07187

NOTICE OF WITHDRAWAL
OF DIRECTOR'S REPORTS

TO ALL INTERESTED PARTIES:

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**State of Idaho****DEPARTMENT OF WATER RESOURCES****1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098****Phone: (208) 327-7900 FAX: (208) 327-7866****DIRK KEMPTHORNE
GOVERNOR****KARL J. DREHER
DIRECTOR****TRANSMITTAL COVER SHEET****FAX NUMBER: (208) 327-5400****DATE:** 9-10-99**TO:** Kelly
Southern**FROM:** Becky
S.O.**DOCUMENT DESCRIPTION:** Attached is the SF 5/Amended
Claim for 43-07181.**COVER SHEET + 3 PAGES****CONTACT:** Bec: 327-7881 **IF YOU DO NOT RECEIVE ALL THE PAGES.****THANK YOU!**

RECEIVED

APR 02 1999

Department 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

Subcase 43-07187

STANDARD FORM 5

AMENDED CLAIM

For Domestic & Stockwater Rights

This form is used to report the stipulated elements of one "domestic and/or stockwater" right acquired under state law and/or one federal reserved water right and to amend the Notice of Claim. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached Amended Claim. This claim is being recommended as right 43-11195 to distinguish it from the original number claimed, which represents a water right permit also held by the United States Forest Service. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR

Randall J. Bramer

date

CONCURRENCE

Roxanne Brown

Idaho Dept. of Water Resources

As to form

Deputy Attorney General, State of Idaho

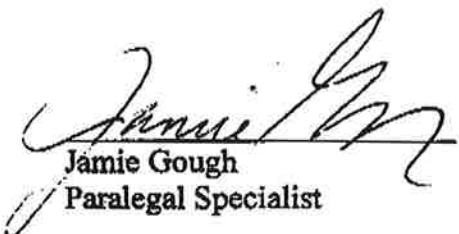
Certificate of Service

I certify that on April 1, 1999 I caused to be served a true and correct copy of the **STANDARD FORM 5 -43-07187** to the addresses listed below, by U.S. mail, postage prepaid:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 W. Fort St. MSC 033
Boise, ID 83724

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720



Jamie Gough
Paralegal Specialist

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OCT 15 1987

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

Department of Water Resources

~~FILED~~ THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER 39576

Ident. Number: **43-07187**

Date received _____

Receipt No: _____

FILED UNDER STATE LAW

1. Name of Claimant: UNITED STATES OF AMERICA on behalf of the U.S.D.A. Forest Service

Address: 550 W. Fort Street MSC033

Boise

ID 83724

2. Date of Priority: 05/01/1880

3. Source of water: UNNAMED STR

From: Stream

4. Location

Description of Diversion Works:

Pond

Location of Point of Use

Meridian BOISE

T: 12 S R: 29 E S: 28 SESE

Location of Point of Diversion

T: 12 S R: 29 E S: 28 SESE Fl:

5. Quantity claimed:

Period	Quantity	For
6/ 01 - 9/ 30	0.02 CFS	Stockwater

6. Total Consumptive Use Claimed for Present and Future Use is:

0.02 CFS

COPY

AE2B010533



7. Present and future uses to which the water is or will be used:

Stockwater

8. Attach the legal description of the reservation, and maps showing for each consumptive use the existing and proposed place of use and existing points of diversion.

Bound separately

9. Remarks:

State Basin: 43

National Forest: Sawtooth

Forest Service Record ID: 04 14 17040210 11 0 0027

10. Describe any other water rights used at the same place and for the same purposes as described above:

None

11. Counties within the reservation: Not available

Notice is hereby given that the United States Department of Justice will represent the Department of Agriculture, Forest Service, in all matters pertaining to the Snake River Basin Adjudication. All notices required by law to be mailed by the Director to the claimant should be mailed to the individuals at the address below:

Bruce Bernard
U.S. Department of Justice
Environment and Natural Resources Division
550 W. Fort Street MSC033
Boise, ID 83724

This form is an attachment to a letter forwarding the claims of the U.S. Department of Agriculture, Forest Service. The signature and affirmation on such letter constitutes the signature of the authorized agent representing the United States of America required for each such claim.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576
Ident. Number: A43-07187
Date received: _____
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: UNITED STATES OF AMERICA (USDA-Forest Service)
Address: 324 25th Street Phone (801) 625-5360
Ogden, Utah 84401

2. Date of Priority: 06/01/1880

3. Source: UNNAMED STR Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	Tract	Lot	County
-----	-----	-----	-----	---	-----
12 S	29 E	28	SESE		CASSIA

5. Description of diverting works: POND

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A. (or)	Elevation/ Well Depth
-----	----	--	-----	----	-----	-----
STOCKWATER	Jun.1	Sep.30	0.02		0.25	0

7. Total Quantity Appropriated is: 0.02 C.F.S. / 0.25 A.F.A.

8. Total consumptive use is: de minimus

9. Non-irrigation uses: CATTLE Livestock Numbers: 487

10. Place of Use:

Township	Range	Section	Tract	Lot	County
-----	-----	-----	-----	---	-----
12 S	29 E	28	SESE		CASSIA

Purpose of use: STOCKWATER Acres Irrigated:

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used: NONE

14. Remarks: Quad No. 100

NEAR VAN CAMP CR

APPLICATION DATE: 01/18/1983

15. Basis of Claim: BENEFICIAL USE/APPLICATION

Reference Information:

National Forest: SAWTOOTH

Priority Dates: SAWTOOTH NATIONAL FOREST LIVESTOCK HISTORY

Forest Service Record ID: 04 14 17040210 11 0 0027 0

IDWR Water State Filing No.: 43-07187

Allotment No.: 10015

Notice is hereby given that the United States Department of Justice will represent the Department of Agriculture, Forest Service, in all matters pertaining to the Snake River Basin Adjudication. All notices required by law to be mailed by the Director to the Claimant should be mailed to the individuals at the address below:

Jack Haugrud
Geoffrey Garver
Daria J. Zane
U.S. Department of Justice
Environment and Natural Resources Division
General Litigation Section
P.O. Box 663
Washington, D.C. 20044-0663
202-272-4134

This form is an attachment to a letter forwarding the claims of the U.S. Department of Agriculture, Forest Service. The signature and affirmation on such letter constitutes the signature of the authorized agent representing the United States of America required for each such claim.