

RECEIVED

MAR 05 1997

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

CIVIL CASE NUMBER: 39576

Ident. Number: **72-10648**

Date received _____

Receipt No: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT

AMENDED

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, Box 33
Boise, ID 83724

2. Date of Priority: 12/31/1882

3. Source of water: EAST PASS CREEK

From: Stream

4. Location

Description of Diversion Works:

None

Location of Point of Diversion

Meridian BOISE

T: 07 N R: 18 E S: 7 NESW Fl: B T: 07 N R: 18 E S: 7 NESW Fl:
T: 09 N R: 19 E S: 29 SESW Fl: E

Location of Point of Use

T: 07 N R: 18 E S: 5 NENW	T: 07 N R: 18 E S: 5 NESW
T: 07 N R: 18 E S: 5 NWSW	T: 07 N R: 18 E S: 5 SWNW
T: 07 N R: 18 E S: 5 SWSW	T: 07 N R: 18 E S: 6 SESE
T: 07 N R: 18 E S: 7 NENE	T: 07 N R: 18 E S: 7 NWNE
T: 07 N R: 18 E S: 7 SENW	T: 07 N R: 18 E S: 7 SWNE
T: 08 N R: 18 E S: 1 NESE	T: 08 N R: 18 E S: 1 NESW
T: 08 N R: 18 E S: 1 NWSE	T: 08 N R: 18 E S: 1 SENE
T: 08 N R: 18 E S: 1 SESW	T: 08 N R: 18 E S: 1 SWSW
T: 08 N R: 18 E S: 2 SESE	T: 08 N R: 18 E S: 10 SESE
T: 08 N R: 18 E S: 10 SESW	T: 08 N R: 18 E S: 10 SWSE
T: 08 N R: 18 E S: 11 NENE	T: 08 N R: 18 E S: 11 NESW
T: 08 N R: 18 E S: 11 NWNE	T: 08 N R: 18 E S: 11 NWSW
T: 08 N R: 18 E S: 11 SENW	T: 08 N R: 18 E S: 11 SWNE
T: 08 N R: 18 E S: 11 SWSW	T: 08 N R: 18 E S: 15 NWNW
T: 08 N R: 18 E S: 15 SWNW	T: 08 N R: 18 E S: 16 NESE
T: 08 N R: 18 E S: 16 NESW	T: 08 N R: 18 E S: 16 NWSW
T: 08 N R: 18 E S: 16 SENE	T: 08 N R: 18 E S: 16 SWNE
T: 08 N R: 18 E S: 17 NESE	T: 08 N R: 18 E S: 17 SESE
T: 08 N R: 18 E S: 17 SESW	T: 08 N R: 18 E S: 17 SWSE
T: 08 N R: 18 E S: 20 NENW	T: 08 N R: 18 E S: 20 NWNW
T: 08 N R: 18 E S: 20 NWSW	T: 08 N R: 18 E S: 20 SWNW
T: 08 N R: 18 E S: 20 SWSW	T: 08 N R: 18 E S: 29 NWNW
T: 08 N R: 18 E S: 29 NWSW	T: 08 N R: 18 E S: 29 SWNW
T: 08 N R: 18 E S: 29 SWSW	T: 08 N R: 18 E S: 32 NESW
T: 08 N R: 18 E S: 32 NWNW	T: 08 N R: 18 E S: 32 SENW
T: 08 N R: 18 E S: 32 SESW	T: 08 N R: 18 E S: 32 SWNW
T: 08 N R: 19 E S: 6 NENW	T: 08 N R: 19 E S: 6 NWNE
T: 08 N R: 19 E S: 6 NWNW	T: 08 N R: 19 E S: 6 SWNW
T: 09 N R: 19 E S: 29 SESW	T: 09 N R: 19 E S: 29 SWSW
T: 09 N R: 19 E S: 31 NESE	T: 09 N R: 19 E S: 31 NWSE

T: 09 N R: 19 E S: 31 SENE
T: 09 N R: 19 E S: 32 NWNW

T: 09 N R: 19 E S: 31 SWSE
T: 09 N R: 19 E S: 32 SWNW

5. Quantity claimed:

Period	Quantity	For
6/ 01 -- 10/ 31	0.02 CFS	Stockwater

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

De Minimus

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: 72

National Forest: Challis

Forest Service Record ID: 04 06 17060201 35 9990

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, Box 33
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.

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: AUG-12-1997

PAGE: A-1

RIGHTS FROM: SOURCE: EAST PASS CREEK TRIBUTARY: HERD CREEK

RIGHT NUMBER: 72-10648

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USOA FOREST SERVICE
550 W FORT ST MSC 033
BOISE ID 83724

SOURCE: EAST PASS CREEK TRIBUTARY: HERD CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 12/31/1882

POINT OF DIVERSION: T07N R18E S07 NESW (B) Within CUSTER County
T09N R19E S29 SESW (E)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	06-01 10-31	0.02 CFS

PLACE OF USE:	STOCKWATER	Within CUSTER County		
	T07N R18E S05	NENW	SWNW	<u>SENW</u> NESW
		NWSW	SWSW	
	S06	SESE		
	S07	NENE	NWNE	SWNE SENW
		NESW		
	T08N R18E S01	SENE	NESW	SWSW SESW
		NESE	NWSE	<u>SWSE</u>
	S02	SESE		
	S10	SESW	SWSE	SESE
	S11	NENE	NWNE	SWNE SENW
		NESW	NWSW	SWSW
	S15	NWNW	SWNW	
	S16	SWNE	SENE	NESW NWSW
		NESE		
	S17	SESW	NESE	SWSE SESE
	S20	NENW	NWNW	SWNW NWSW
		SWSW		
	S29	NWNW	SWNW	NWSW SWSW
	S32	NWNW	SWNW	SENW NESW
		SESW		
	R19E S06	NWNE	NENW	NWNW SWNW
	T09N R19E S29	SWSW	SESW	

VERIFIED BY *R. Brown*
8-12-97

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: AUG-12-1997

PAGE: A-2

72-10648 (CONT.)

S31	SENE	NESE	NWSE	SWSE
S32	NWNW	SWNW		

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
FOREST SERVICE RECORD IO = 04 06 17060201 35 9990
122 CATTLE

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: AUG-5-1997

PAGE: A-15

 RIGHTS FROM: SOURCE: EAST PASS CREEK TRIBUTARY: HERD CREEK

RIGHT NUMBER: 72-10648

NAME & ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
 USOA FOREST SERVICE
 550 W FORT ST MSC 033
 BOISE ID 83724

SOURCE: EAST PASS CREEK TRIBUTARY: HERD CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 12/31/1882

POINT OF DIVERSION: T07N R18E S07 NESW (INSTREAM BEGINNING POINT) Within CUSTER County
 T09N R19E S29 SESW (INSTREAM ENDING POINT)

PURPOSE AND
 PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
 STOCKWATER 06-01 10-31 0.02 CFS

PLACE OF USE:	STOCKWATER	Within CUSTER County			
	T07N R18E S05	NENW	SWNW	NESW	NWSW
		SWSW	<i>SENW</i>		
	S06	SESE			
	S07	NENE	NWNE	SWNE	SENW
		NESW			
	T08N R18E S01	SENE	NESW	SWSW	SESW
		NESE	NWSE	<i>SWSE</i>	
	S02	SESE			
	S10	SESW	SWSE	SESE	
	S11	NENE	NWNE	SWNE	SENW
		NESW	NWSW	SWSW	
	S15	NWNW	SWNW		
	S16	SWNE	SENE	NESW	NWSW
		NESE			
	S17	SESW	NESE	SWSE	SESE
	S20	NENW	NWNW	SWNW	NWSW
		SWSW			
	S29	NWNW	SWNW	NWSW	SWSW
	S32	NWNW	SWNW	SENW	NESW
		SESW			
	R19E S06	NWNE	NENW	NWNW	SWNW
	T09N R19E S29	SWSW	SESW		

*Add POW per
 USFS map
 RB 6-7-97*

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: AUG-5-1997
PAGE: A-16

RIGHTS FROM: SOURCE: EAST PASS CREEK TRIBUTARY: HERD CREEK

RIGHT NUMBER: 72-10648 (CONT)

PLACE OF USE: (CONT)

T09N R19E S31	SENE	NESE	NWSE	SWSE
S32	NWNW	SWNW		

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
FOREST SERVICE RECORD ID = 04 06 17060201 35 9990
122 CATTLE

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	UNITED STATES OF AMERICA ACTING THROUGH	12/31/1982	STOCKWATER	06-01 10-31	0.02 CFS	
				TOTAL DIVERSION:		
					0.02 CFS	

Upper Source: EAST PASS CREEK
Tributary to: HERD CREEK
Stage: BENEFICIAL USE

Point(s) of Beginning Stream Reach:	T07N R18E S07	NESW	CUSTER County
Point(s) of Ending Stream Reach:	T09N R19E S29	SESW	CUSTER County

Place of use Legal Description for: STOCKWATER

Place of use			Legat												Description for											
			NE				NW				SW				SE											
T	R	S	NENE Lt Ac	NUNE Lt Ac	SENE Lt Ac	NENW Lt Ac	NUNW Lt Ac	SUNW Lt Ac	SENW Lt Ac	NESW Lt Ac	MUSW Lt Ac	SWSW Lt Ac	SESW Lt Ac	NESE Lt Ac	MNSE Lt Ac	SWSE Lt Ac	SESE Lt Ac									
07N	18E	5				S		S		S	S	S					S									
07N	18E	6							S																	
07N	18E	7	S	S	S					S	S	S	S	S	S											
08N	18E	1															S									
08N	18E	2											S			S	S									
08N	18E	10																								
08N	18E	11	S	S	S		S		S	S	S	S														
08N	18E	15					S																			
08N	18E	16		S	S					S	S			S	S		S									
08N	18E	17											S			S										
08N	18E	20					S	S			S	S														
08N	18E	29					S	S			S	S														
08N	18E	32							S	S			S													
08N	19E	6		S			S	S																		
09N	19E	29																								
09N	19E	31			S									S	S		S									
09N	19E	32					S	S																		

POU County: CUSTER

Remarks: EXP FOREST SERVICE RECORD ID = 04 06 17060201 35 9990
122 CATTLE

Notes:	Exam Made Date:	Verified Date:	Objection Filed Date:
		04/08/1997	

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

VERIFIED BY

OWNER CODE C UNITED STATES OF AMERICA ACTING THROUGH USDA FOREST SERVICE 550 W FORT STREET PO BOX 33C BOISE ID 83724

NAME & ADDRESS

PRIORITY DATE 12/31/1882

WATER USE STOCKWATER

USE PERIOD FROM 06-01 10-31

DIVERSION RATE 0.02 CFS

DIVERSION VOLUME

TOTAL DIVERSION: 0.02 CFS

Water Source: EAST PASS CREEK Tributary to: HERD CREEK Stage: BENEFICIAL USE

Point(s) of Diversion: 107N R18E S07 NESH

Point(s) of Beginning Stream Reach: 107N R18E S07 NESH

Point(s) of Ending Stream Reach: 109N R19E S29 SESW

Place of use Legal Description for: STOCKWATER											
NE				NW				SW			
NENE NWNE SWNE SENE				NNNW NNW NW NW				NWSW SWSW SESW			
Lt Ac Lt Ac Lt Ac				Lt Ac Lt Ac Lt Ac				Lt Ac Lt Ac Lt Ac			
07N 18E 5				S				S			
07N 18E 6											
07N 18E 7	S	S	S					S			
08N 18E 1											
08N 18E 2											
08N 18E 10	S	S	S					S			
08N 18E 11				S							
08N 18E 15											
08N 18E 16											
08N 18E 17											
08N 18E 20				S				S			
08N 18E 29				S				S			
08N 18E 32				S				S			
08N 19E 6	S										
09N 19E 29											
09N 19E 31											
09N 19E 32				S				S			

POU County: CUSTER

Non-Irrigation Uses: 122 Sheep

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

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

Audit: 03/19/97 AJCTR

4/8/97

AJ5809NP
NO. A72-10648

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 11/04/93
PAGE: 185

OWNER
CODE NAME & ADDRESS

C UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
324 25TH STREET
OGDEN UT 844012394
(801) 625-5360

PRIORITY
DATE

WATER USE

USE PERIOD
FROM TO

DIVERSION
RATE

05/01/1882 STOCKWATER
06-01 10-31
0.02 CFS
TOTAL DIVERSION:
0.02 CFS

WATER SOURCE: EAST PASS CREEK

TRIBUTARY TO: HERD CREEK

STAGE: BENEFICIAL USE

POINT(S) OF DIVERSION:

T07N R18E S07
9N 19E 29

SESW - NWSW-B
SESW-E

PLACE OF USE LEGAL DESCRIPTION FOR: STOCKWATER

T	R	S	NE			NW			SW			SE		
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SESW	NESW	NWSW	SWSW	SESE
---	---	---	LT AC	LT AC	LT AC	LT AC	LT AC	LT AC	LT AC	LT AC	LT AC	LT AC	LT AC	LT AC
09N 19E 29 :	---	---	---	---	---	---	---	---	---	---	---	---	---	---
7N 18E 5 :	---	---	---	---	---	---	---	---	---	---	---	---	---	---

POU COUNTY: CUSTER

NON-IRRIGATION USES: 122 SHEEP

REMARKS: FOREST SERVICE RECORD ID = 040617060201359990 00

DATES: EXAM MADE DATE:

VERIFIED DATE:

MISC: WATER DISTRICT NUMBER: 5

FIELD INSPECTION FLAG: S

PRESUMPTION FLAG: S

15 S S S S S

16 S S S S S

17 S S S S S

20 S S S S S

29 S S S S S

32 S S S S S

8N 19E 6 S S S S S

9N 19E 31 S S S S S

32 S S S S S

Herd Lake
Ryan Peak
Mendenhall Peak
Bowery Peak
Challis N.F.

DATA ENTRY

ENTERED 3-13-94
CHECKED 5-8-94

"Verified By"
Topo Map/Crit's-PQ
ASCS Map
Watermaster Records
NAPP Photos
Field Exam
Cliner (Cau. Remarks)
County Records
Witness Statement
Project Records
IDWR Records

VERIFIED

FEB 14 1993

CERTIFIED
FEB 19 1994
WATER EXAMINER