

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

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

Water Right 72-15800

NAME AND ADDRESS:

USDI BLM
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

SOURCE:

BIRCH CREEK

TRIBUTARY: SALMON RIVER

QUANTITY:

0.02 CFS

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

PRIORITY DATE:

06/28/1934

POINT OF DIVERSION:

T13N R18E S23
R19E S28

NESWE
SWNENW

(Instream Beginning Point) Within Custer County
(Instream Ending Point)

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
Stockwater

PERIOD OF USE
01-01 TO 12-31

QUANTITY
0.02 CFS

PLACE OF USE:

Stockwater

T13N R18E S23
S24

R19E S19

S20

S21
S28

SWSE
SWSW
NESW
NESE
NESE
SENE
NWSW
SENE
NWSE
SESE
SWSW
NENW

Within Custer County
SESE
NWSW
NWSE
NWSW
NWSE
SWNW
NESW
NESE
NENW

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.

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.

RECOMMENDATION

JUL 12 1999

SPECIAL MASTER

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

RECEIVED

MAR 03 1997

In Re SRBA

Case No. 39576

AMENDED NOTICE of CLAIM

for Water Right number: Department of Water Resources

A72-15800

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:

7204582133

SOURCE:

Source	Tributary
BIRCH CREEK	SALMON RIVER

QUANTITY:

0.02

CFS

or VOLUME:

0

Acre Fee

The quantity of water under this right for stockwater shall not exceed 13,000 gallons per day

PRIORITY DATE:

1/1/1879

POINT of
DIVERSION:

Twnship	Range	Section	T1	T2	T3	LOT	within the	County of
13N	18E	23	NE	SW	SE	0	(begin)	CUSTER
13N	19E	28	SW	NE	NW	0	Add-end	CUSTER

PURPOSE
and
PERIOD
OF USE:

Purpose of Use	Period of Use (from - to):	Rate in CFS	or	Volume in Ac
04	0101	1231	0.02	0
16	0101	1231	0.01	0

CONSUMPTIVE
USE:

de minimis stockwater use

DATE:

01-Mar-97 2:49 PM

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	Twn	Rge	Sec	T1	T2	LOT	within the	County of
04	13N	18E	23	SW	SE	0		CUSTER
04	13N	18E	23	SE	SE	0		CUSTER
04	13N	18E	24	SW	SW	0		CUSTER
04	13N	18E	24	NW	SW	0		CUSTER
04	13N	18E	24	NE	SW	0		CUSTER
04	13N	18E	24	NW	SE	0		CUSTER
04	13N	18E	24	NE	SE	0		CUSTER
04	13N	19E	19	NW	SW	0		CUSTER
04	13N	19E	19	SE	NW	0		CUSTER
04	13N	19E	19	NW	SE	0		CUSTER
04	13N	19E	19	NE	SE	0		CUSTER
04	13N	19E	20	NW	SW	0		CUSTER
04	13N	19E	20	SW	NW	0		CUSTER
04	13N	19E	20	SE	NW	0		CUSTER
04	13N	19E	20	NE	SW	0		CUSTER
04	13N	19E	20	NW	SE	0		CUSTER
04	13N	19E	20	NE	SE	0		CUSTER
04	13N	19E	20	SE	SE	0		CUSTER
04	13N	19E	21	SW	SW	0		CUSTER
04	13N	19E	28	NE	NW	0		CUSTER
04	13N	19E	28	NE	NW	0		CUSTER
16	13N	18E	23	SW	SE	0		CUSTER
16	13N	18E	23	SE	SE	0		CUSTER
16	13N	18E	24	SW	SW	0		CUSTER
16	13N	18E	24	NW	SW	0		CUSTER

RB 4-16-97

AJ5856NP

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

DATE: APR-15-1997
PAGE: A-6

RIGHTS FROM: SOURCE: BIRCH CREEK TRIBUTARY: SALMON RIVER

RIGHT NUMBER: 72-15800

NAME & ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657

SOURCE: BIRCH CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 01/01/1879

POINT OF DIVERSION: T13N R18E S23 NESWE (INSTREAM BEGINNING POINT) Within CUSTER County
R19E S28 SWNEW (INSTREAM ENDING POINT)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.02 CFS

PLACE OF USE:	STOCKWATER	Within CUSTER County			
	T13N R18E S23	SWSE	SESE		
	S24	NESW	NWSW	SWSW	NESE
		NWSE			
	R19E S19	SENW	NWSW	NESE	NWSE
	S20	SWNW	SENW	NESW	NWSW
		NESE	NWSE	SESE	
	S21	SWSW			
	S28	NENW	NENW		

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
STOCKWATER, 431 RANGE CATTLE
BLM IDENT 7204582133

AJ5809NP
No. R72-15800

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/09/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	UNITED STATES OF AMERICA ACTING THROUGH	01/01/1879	STOCKWATER	01-01 12-31	0.02 CFS	
TOTAL DIVERSION:					0.02 CFS	

Water Source: BIRCH CREEK

Tributary to: SALMON RIVER

Stage: BENEFICIAL USE

Point(s) of Beginning Stream Reach: T13N R18E S23
Point(s) of Ending Stream Reach: T13N R19E S28

NESWSE
SWNENW

CUSTER County
CUSTER County

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac	
13N	18E	23	:					:					:					:					:	
13N	18E	24	:					:					:	S	S	S		:	S	S		S	:	
13N	19E	19	:					:				S	:		S			:	S	S			:	
13N	19E	20	:					:			S	S	:	S	S			:	S	S		S	:	
13N	19E	21	:					:					:			S		:					:	
13N	19E	28	:					:	S				:					:					:	
13N	19E	28	:					:	S				:					:					:	

POU County: CUSTER

Non-Irrigation Uses: STOCKWATER, 431 RANGE CATTLE; WILDLIFE VAR. AMT.

Other Rights: NONE

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

7204582133

N11
N13

16	13N	18E	24	NE	SW	0		CUSTER
16	13N	18E	24	NW	SE	0		CUSTER
16	13N	18E	24	NE	SE	0		CUSTER
16	13N	19E	19	NW	SW	0		CUSTER
16	13N	19E	19	SE	NW	0		CUSTER
16	13N	19E	19	NW	SE	0		CUSTER
16	13N	19E	19	NE	SE	0		CUSTER
16	13N	19E	20	NW	SW	0		CUSTER
16	13N	19E	20	SW	NW	0		CUSTER
16	13N	19E	20	SE	NW	0		CUSTER
16	13N	19E	20	NE	SW	0		CUSTER
16	13N	19E	20	NW	SE	0		CUSTER
16	13N	19E	20	NE	SE	0		CUSTER
16	13N	19E	20	SE	SE	0		CUSTER
16	13N	19E	21	SW	SW	0		CUSTER
16	13N	19E	28	NE	NW	0		CUSTER
16	13N	19E	28	NE	NW	0		CUSTER

A72-15800

pg. 2



A7215800

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 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: 1879-01-01
AGENCY NUMBER: 7204582133
BLM NUMBER: 7204582133
BASIS OF CLAIM: BENEFICIAL USE
BASIN NUMBER: 72

SOURCE	TRIBUTARY TO
-----	-----
BIRCH CREEK	SALMON RIVER

DESCRIPTION OF DIVERSION WORKS

IN-STREAM USE

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
-----	-----	-----	-----	-----
STOCKWATER	0.010	0.00	0101	1231
WILDLIFE	0.010	0.00	0101	1231
TOTAL:	0.010 CFS	0.00 AF		

NON-IRRIGATION USES

STOCKWATER, 431 RANGE CATTLE; WILDLIFE VAR. AMT.

POINT OF DIVERSION							
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
---	---	---	---	---	---	---	---
13N	18E	23	NE	SW	SE	00	CUSTER

PLACE OF USE

TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	IRRIGATED OWNED	ACRES
---	---	---	---	---	---	---	---	---
13N	18E	23	SW	SE	00	CUSTER	YES	0.0
13N	18E	23	SE	SE	00	CUSTER	YES	0.0

NOV 01 1994

13N	18E	24	SW	SW	00	CUSTER	YES	0.0
13N	18E	24	NW	SW	00	CUSTER	YES	0.0
13N	18E	24	NE	SW	00	CUSTER	YES	0.0
13N	18E	24	NW	SE	00	CUSTER	YES	0.0
13N	18E	24	NE	SE	00	CUSTER	YES	0.0
13N	19E	19	NW	SW	00	CUSTER	YES	0.0
13N	19E	19	SE	NW	00	CUSTER	YES	0.0
13N	19E	19	NW	SE	00	CUSTER	YES	0.0
13N	19E	19	NE	SE	00	CUSTER	YES	0.0
13N	19E	20	NW	SW	00	CUSTER	YES	0.0
13N	19E	20	SW	NW	00	CUSTER	YES	0.0
13N	19E	20	SE	NW	00	CUSTER	YES	0.0
13N	19E	20	NE	SW	00	CUSTER	YES	0.0
13N	19E	20	NW	SE	00	CUSTER	YES	0.0
13N	19E	20	NE	SE	00	CUSTER	YES	0.0
13N	19E	20	SE	SE	00	CUSTER	YES	0.0
13N	19E	21	SW	SW	00	CUSTER	YES	0.0
13N	19E	28	NE	NW	00	CUSTER	YES	0.0
13N	19E	28	NE	NW	00	CUSTER	YES	0.0
13N	18E	23	SW	SE	00	CUSTER	YES	0.0
13N	18E	23	SE	SE	00	CUSTER	YES	0.0
13N	18E	24	SW	SW	00	CUSTER	YES	0.0
13N	18E	24	NW	SW	00	CUSTER	YES	0.0
13N	18E	24	NE	SW	00	CUSTER	YES	0.0
13N	18E	24	NW	SE	00	CUSTER	YES	0.0
13N	18E	24	NE	SE	00	CUSTER	YES	0.0
13N	19E	19	NW	SW	00	CUSTER	YES	0.0
13N	19E	19	SE	NW	00	CUSTER	YES	0.0
13N	19E	19	NW	SE	00	CUSTER	YES	0.0
13N	19E	19	NE	SE	00	CUSTER	YES	0.0
13N	19E	20	NW	SW	00	CUSTER	YES	0.0
13N	19E	20	SW	NW	00	CUSTER	YES	0.0
13N	19E	20	SE	NW	00	CUSTER	YES	0.0
13N	19E	20	NE	SW	00	CUSTER	YES	0.0
13N	19E	20	NW	SE	00	CUSTER	YES	0.0
13N	19E	20	NE	SE	00	CUSTER	YES	0.0
13N	19E	20	SE	SE	00	CUSTER	YES	0.0
13N	19E	21	SW	SW	00	CUSTER	YES	0.0
13N	19E	28	NE	NW	00	CUSTER	YES	0.0
13N	19E	28	NE	NW	00	CUSTER	YES	0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

BLM NUMBER: 7204582133

PAGE: 3

REMARKS

FIRST DATE OF BENEFICIAL USE - 1879

UNRECORDED
NOV 01 1994

AJ5809NP
NO. A72-15800

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/04/93
PAGE: 39

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706 (208) 334-1401	01/01/1879	STOCKWATER WILDLIFE	01-01 12-31 01-01 12-31	0.01 CFS 0.01 CFS	
TOTAL DIVERSION:					0.01 CFS	

WATER SOURCE: BIRCH CREEK

TRIBUTARY TO: SALMON RIVER

STAGE: BENEFICIAL USE

CUSTER COUNTY

POINT(S) OF DIVERSION: T13N R18E S23
19 28
NESWSE-B
NEUW-E

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
13N	18E	23	:																
13N	18E	24	:																
13N	19E	19	:																
13N	19E	20	:																
13N	19E	21	:																
13N	19E	28	:																
13N	19E	28	:																

PLACE OF USE LEGAL DESCRIPTION FOR: WILDLIFE

				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
13N	18E	23	:																
13N	18E	24	:																
13N	19E	19	:																
13N	19E	20	:																
13N	19E	21	:																
13N	19E	28	:																
13N	19E	28	:																

POU COUNTY: CUSTER

NON-IRRIGATION USES: STOCKWATER, 431 RANGE CATTLE; WILDLIFE VAR. AMT.

OTHER RIGHTS: NONE

REMARKS: BLM RECORD ID = 7204582133
FIRST DATE OF BENEFICIAL USE - 1879

DATES: EXAM MADE DATE:

VERIFIED DATE:

MISC: WATER DISTRICT NUMBER:

FIELD INSPECTION FLAG:
PRESUMPTION FLAG:

DATA ENTRY

ENTERED

CHECKED

"Verified By"
Topo Map/Ortho-PQ
ASCS Map
Watermaster Records
Aerial Photos
Exam
(See Remarks)
County Records
Witness Statement
Project Records
IDWR Records

VERIFIED
SEP 28 1994

CERTIFIED
SEP 28 1994
WATER EXAMINER

72137823 Bayhorse - R7
Bradbury Flat R-1