

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 72-15801

NAME AND ADDRESS:

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

SOURCE:

BIRCH CREEK, NORTH FORK

TRIBUTARY: BIRCH CREEK

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 S14
R19E S19

SESESW
SESUNW

(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 S13

SUNW
NWSW
SWSE
SESW
NESE
NENE
SUNW

Within Custer County
SUNW
SESW
SESE
NWSE
SENE
SENE
NWSW

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

[Signature]

SPECIAL MASTER

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

PURSUANT TO I.R.C.P. 54(b)

RECEIVED

MAR 03 1997

In Re SRBA

AMENDED NOTICE of CLAIM
for Water Right number:

Department of Water Resources

Case No. 39576

A72-15801

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:

7204582134

SOURCE:

Source	Tributary
NORTH FORK BIRCH CREEK	BIRCH CREEK

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:

Twtnship	Range	Section	T1	T2	T3	LOT	within the	County of
13N	18E	14	SE	SE	SW	0	Add-beg	CUSTER
13N	19E	19	SE	SW	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	Twtn	Rge	Sec	T1	T2	LOT	within the	County of
04	13N	18E	14	SE	SW	0		CUSTER
04	13N	18E	14	NW	SE	0		CUSTER
04	13N	18E	14	NE	SE	0		CUSTER
04	13N	18E	14	SE	NE	0		CUSTER
04	13N	18E	13	SW	NW	0		CUSTER
04	13N	18E	13	SW	NW	0		CUSTER
04	13N	18E	13	NW	SW	0		CUSTER
04	13N	18E	13	SE	SW	0		CUSTER
04	13N	18E	13	SW	SE	0		CUSTER
04	13N	18E	13	SE	SE	0		CUSTER
04	13N	18E	24	NE	NE	0		CUSTER
04	13N	18E	24	SE	NE	0		CUSTER
04	13N	19E	19	SW	NW	0		CUSTER
04	13N	19E	19	NW	SW	0		CUSTER
16	13N	18E	14	SW	SE	0		CUSTER
16	13N	18E	14	NW	SE	0		CUSTER
16	13N	18E	14	NE	SE	0		CUSTER
16	13N	18E	14	SE	NE	0		CUSTER
16	13N	18E	13	SW	NW	0		CUSTER
16	13N	18E	13	SW	NW	0		CUSTER
16	13N	18E	13	NW	SW	0		CUSTER
16	13N	18E	13	SE	SW	0		CUSTER
16	13N	18E	13	SW	SE	0		CUSTER
16	13N	18E	13	SE	SE	0		CUSTER
16	13N	18E	24	NE	NE	0		CUSTER

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

A72-15801

pg. 2

RB 4-16-97

AJ5856NP

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

DATE: APR-15-1997
PAGE: A-9

RIGHTS FROM:	SOURCE: BIRCH CREEK, NORTH FORK TRIBUTARY: BIRCH CREEK																														

RIGHT NUMBER:	72-15801																														
NAME & ADDRESS:	UNITED STATES OF AMERICA ACTING THROUGH USD1 BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 1387 S VINNELL WAY BOISE ID 83709-1657																														
SOURCE:	BIRCH CREEK, NORTH FORK TRIBUTARY: BIRCH CREEK																														
QUANTITY:	0.02 CFS																														
PRIORITY DATE:	01/01/1879																														
POINT OF DIVERSION:	T13N R18E S14 SESESW (INSTREAM BEGINNING POINT) Within CUSTER County R19E S19 SESWNW (INSTREAM ENDING POINT)																														
PURPOSE AND PERIOD OF USE:	<table border="0"> <tr> <td>PURPOSE OF USE</td> <td>PERIOD OF USE</td> <td>QUANTITY</td> </tr> <tr> <td>STOCKWATER</td> <td>01-01 12-31</td> <td>0.02 CFS</td> </tr> </table>	PURPOSE OF USE	PERIOD OF USE	QUANTITY	STOCKWATER	01-01 12-31	0.02 CFS																								
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STOCKWATER	Within CUSTER County																														
T13N R18E S13	SWNW	SWNW	NWSW	SESW																											
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S14	SENE	SESW	NESE	NWSE																											
S24	NENE	SENE																													
R19E S19	SWNW	NWSW																													
EXPLANATORY MATERIAL:	BASIS OF CLAIM - BENEFICIAL USE STOCKWATER, 431 RANGE CATTLE BLM IDENT 7204582134																														

AJ5809NP
No. R72-15801

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/09/97
PAGE: 2

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: NORTH FORK BIRCH CREEK

Tributary to: BIRCH CREEK

Stage: BENEFICIAL USE

Point(s) of Beginning Stream Reach: T13N R18E S14
Point(s) of Ending Stream Reach: T13N R19E S19

SESESW
SESWNW

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	
13N	18E	13	:					:			S		:		S		S	:			S	S	:
13N	18E	13	:					:			S		:					:					:
13N	18E	14	:				S	:					:				S	:	S	S			:
13N	18E	24	:	S			S	:					:					:					:
13N	19E	19	:					:			S		:		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:

7204582134

N11
N13



A7215801

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: 7204582134
BLM NUMBER: 7204582134
BASIS OF CLAIM: BENEFICIAL USE
BASIN NUMBER: 72

SOURCE

TRIBUTARY TO

NORTH FORK BIRCH CREEK

BIRCH CREEK

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	14	NW	SW	SE	00	CUSTER

PLACE OF USE

TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	IRRIGATED OWNED	ACRES
13N	18E	14	SW	SE	00	CUSTER	YES	0.0
13N	18E	14	NW	SE	00	CUSTER	YES	0.0

MICROFILMED

NOV 01 1994

13N	18E	14	NE	SE	00	CUSTER	YES	0.0
13N	18E	14	SE	NE	00	CUSTER	YES	0.0
13N	18E	13	SW	NW	00	CUSTER	YES	0.0
13N	18E	13	SW	NW	00	CUSTER	YES	0.0
13N	18E	13	NW	SW	00	CUSTER	YES	0.0
13N	18E	13	SE	SW	00	CUSTER	YES	0.0
13N	18E	13	SW	SE	00	CUSTER	YES	0.0
13N	18E	13	SE	SE	00	CUSTER	YES	0.0
13N	18E	24	NE	NE	00	CUSTER	YES	0.0
13N	18E	24	SE	NE	00	CUSTER	YES	0.0
13N	19E	19	SW	NW	00	CUSTER	YES	0.0
13N	19E	19	NW	SW	00	CUSTER	YES	0.0
13N	18E	14	SW	SE	00	CUSTER	YES	0.0
13N	18E	14	NW	SE	00	CUSTER	YES	0.0
13N	18E	14	NE	SE	00	CUSTER	YES	0.0
13N	18E	14	SE	NE	00	CUSTER	YES	0.0
13N	18E	13	SW	NW	00	CUSTER	YES	0.0
13N	18E	13	SW	NW	00	CUSTER	YES	0.0
13N	18E	13	NW	SW	00	CUSTER	YES	0.0
13N	18E	13	SE	SW	00	CUSTER	YES	0.0
13N	18E	13	SW	SE	00	CUSTER	YES	0.0
13N	18E	13	SE	SE	00	CUSTER	YES	0.0
13N	18E	24	NE	NE	00	CUSTER	YES	0.0
13N	18E	24	SE	NE	00	CUSTER	YES	0.0
13N	19E	19	SW	NW	00	CUSTER	YES	0.0
13N	19E	19	NW	SW	00	CUSTER	YES	0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

REMARKS

FIRST DATE OF BENEFICIAL USE - 1879

