

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

)  
)  
)  
)  
)  
)

Subcase No. 37-03043

Case No. 39576

**STANDARD FORM 5**

**AMENDED CLAIM**

FOR DOMESTIC & STOCKWATER RIGHTS

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This form is used to report the stipulated elements of one "domestic and/or stockwater" water 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 the facts, date, expert opinions and law supporting the issuance of a partial decree for the water right.

The parties agree that the Snake River 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. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

**CLAIMANT:**

United States on behalf of the  
Bureau of Land Management

Larry A. Brown 3/13/00  
Larry A. Brown *FWP* Date  
Attorney, U.S. Department of Justice  
Environment and Natural Resources Div.

**GARDNER CONCURRENCE:**

Robert Gardner  
Kathryn Gardner

Robert Gardner 3-29-00  
Robert Gardner Date

Kathryn Gardner 3-29-00  
Kathryn Gardner Date

**IDWR CONCURRENCE:**

Ryanne Brown 4/4/00  
Date

**IDWR CONCURRENCE:**

\_\_\_\_\_  
Date

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

-----  
RIGHTS FROM: SOURCE: SPRING TRIBUTARY: SINKS  
-----

RIGHT NUMBER: 37-03043

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: SPRING TRIBUTARY: SINKS

QUANTITY: 0.01 CFS

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

PRIORITY DATE: 02/03/1965

POINT OF

DIVERSION: T02S R19E S11 NENESW Within BLAINE County

PURPOSE AND

| PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|----------------|----------------|---------------|----------|
|                | STOCKWATER     | 01-01 12-31   | 0.01 CFS |

PLACE OF USE: STOCKWATER Within BLAINE County

|           |     |             |
|-----------|-----|-------------|
| T02S R19E | S11 | NESW        |
|           | S14 | SWNW        |
|           |     | SESW        |
|           |     | <u>NESW</u> |

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 - LICENSE  
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE  
PURSUANT TO SECTION 42-1425, IDAHO CODE.  
BLM RECORD ID = 3705488237  
DPERMIT 1912  
~~STOCKWATER, 500 RANGE CATTLE, 13 RANCH HORSES, WILDLIFE~~  
~~VAR. AMT.~~

## CERTIFICATE OF MAILING

I certify that on April 4, 2000, I mailed the original and copies of this form, including all attachments, postage prepaid 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, Idaho 83303-2707

2. Copy to:

Idaho Department of Water Resources  
Adjudication Bureau  
1301 North Orchard Street  
Boise, Idaho 83706

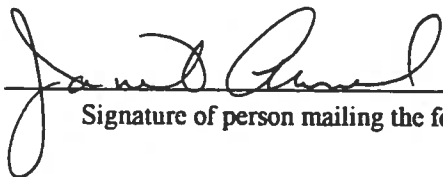
IDWR Document Depository  
P. O. Box 83720  
Boise, Idaho 83720-0098

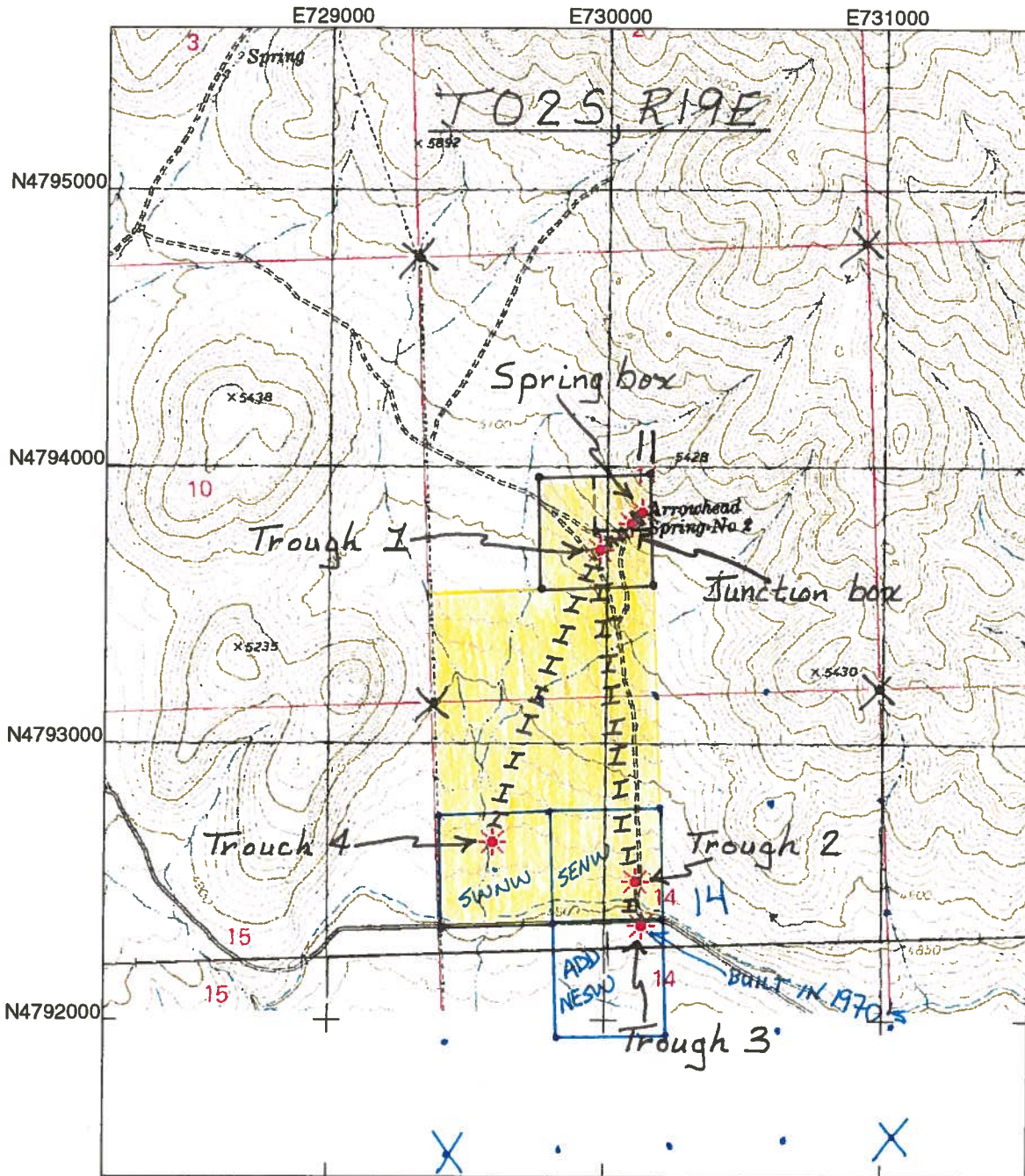
3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice  
Environment and Natural Resources Division  
General Litigation Section  
550 West Fort Street, MSC 033  
Boise, Idaho 83724

Norman M. Semanko  
Rosholt, Robertson & Tucker  
P.O. Box 1906  
Twin Falls, Idaho 83303-1906  
Of Attorneys for the Objector  
who has withdrawn its objection.

Robert & Kathryn Gardner  
Box 470  
Bellevue, Idaho 83313

  
\_\_\_\_\_  
Signature of person mailing the form



## Arrowhead Spring #2 Pipeline - Troughs:

~~37-11783~~ 37-03043

Universal Transverse Mercator  
11 North  
NAD 1927 (Western US)  
Gannett Quadrangle



arrowhead2 sp.cor  
8/6/1999  
Pathfinder Office  
**Trimble**

AJ5809NP  
No. R37-03043

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/27/98  
PAGE: 70

| OWNER<br>CODE    | NAME & ADDRESS                          | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|-----------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | UNITED STATES OF AMERICA ACTING THROUGH | 02/03/1965       | STOCKWATER | 01-01 12-31           | 0.01 CFS          |                     |
| TOTAL DIVERSION: |                                         |                  |            |                       | 0.01 CFS          |                     |

Water Source: SPRING

Tributary to: SINKS

Stage: LICENSE

Point(s) of Diversion: T02S R19E S11

NENESW

BLAINE County

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 | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac |
| 02S  | 19E  | 11   | :       | :     | :     | :     | :     | :     | :     | :     | :     | :     | :     | :     | :     |
| 02S  | 19E  | 14   | :       | :     | :     | :     | :     | :     | :     | :     | :     | :     | :     | :     | :     |

POU County: BLAINE

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

A37-03043 A37-11783 A37-16531 A37-16532 R37-11783 R37-16531

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP BLM RECORD ID = 3705488237  
DPERMIT 1912

STOCKWATER, 500 RANGE CATTLE, 13 RANCH HORSES. WILDLIFE VAR. AMT.

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

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

Comments: Date: 08/26/1998 User-ID: AJU5-DJO Subject: AJU5 STOCK ONLY UPDATE  
USE-NOT-IRRIGATION FIELD TEXT DELETED AND MADE EXP REMARK.  
CONDITION CODES N11 AND N13 ADDED IF NOT ALREADY PART OF RECORD.  
ANY GEN REMARK CHANGED TO EXP REMARK. IF BLM/USFS, DELETED L12.

Audit: 08/13/98 AJCTR 08/25/98 AJU5-DJO

C/S

5-  
2/10/99

D  
9-29-98

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

In Re SRBA

Case No. 3957

AMENDED NOTICE of CLAIM for  
Water Right number:

3703043 (IDWR number)

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:

3705488237

Stg: StFed:

L S

NONE

OtherRight and date:

SOURCE:

Source Tributary

SPRING

SINKS

QUANTITY:

0.01

CFS

or VOLUME:

0

Acre Feet

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

PRIORITY DATE:

2/3/65

Diversion Means:

SPRING BOX, BURIED PIPE, TROUGH, OVERFLOW PIP

REMARKS:

DPERMIT 1912

POINT of  
DIVERSION:

| Twtnship | Range | Section | T1 | T2 | T3 | LOT | B/E | within the | County of |
|----------|-------|---------|----|----|----|-----|-----|------------|-----------|
| 02S      | 19E   | 11      | NE | NE | SW | 0   |     | 13         | BLAINE    |

PURPOSE  
and  
PERIOD  
OF USE:

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

CONSUMPTIVE  
USE:

de minimis stockwater use

DATE:

30-Jul-98

2:09 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.

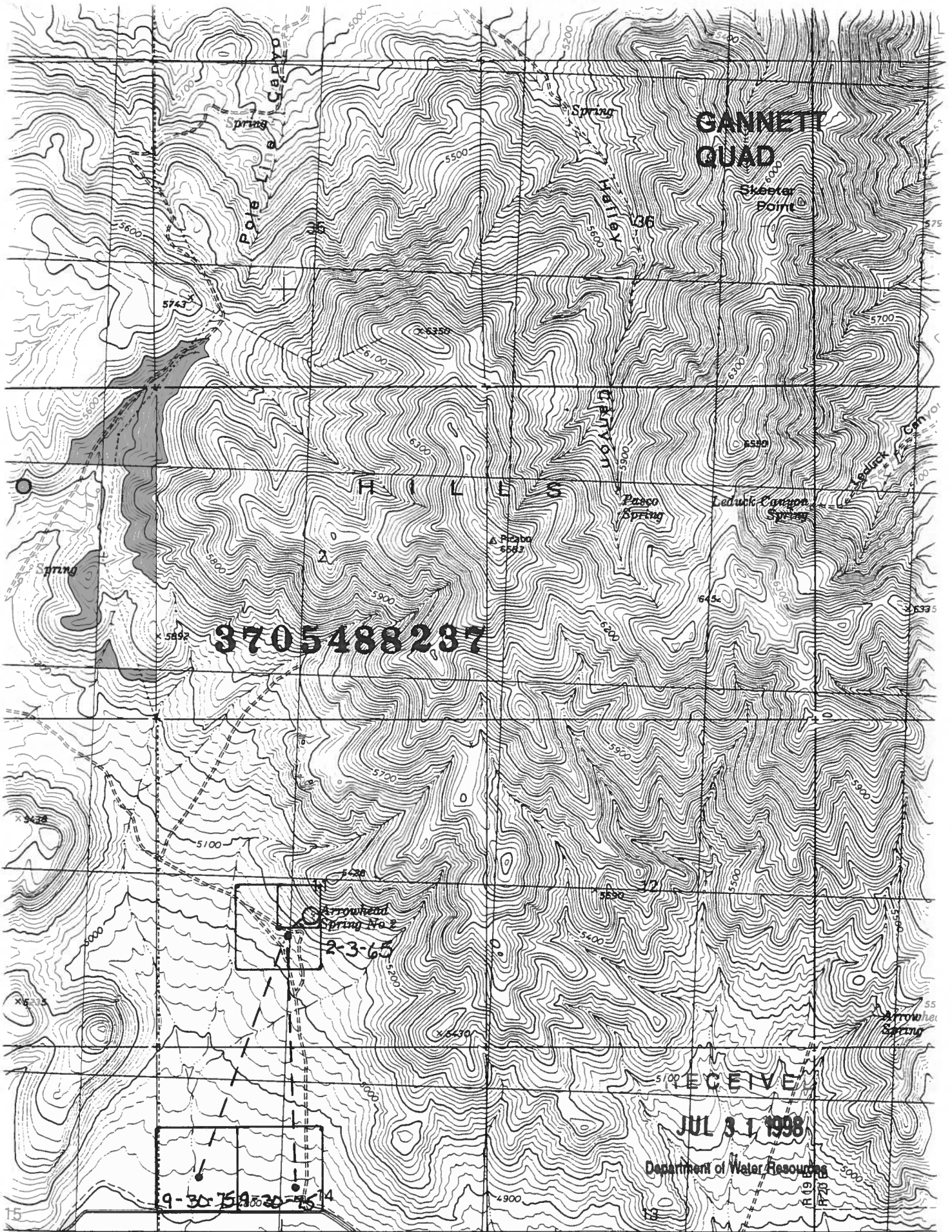
PLACE  
of USE:

| Water Use | Twtn | Rge | Sec | T1 | T2 | LOT | within the | County of |
|-----------|------|-----|-----|----|----|-----|------------|-----------|
| 04        | 02S  | 19E | 11  | NE | SW | 0   | 13         | BLAINE    |
| 04        | 02S  | 19E | 14  | SE | NW | 0   | 13         | BLAINE    |
| 04        | 02S  | 19E | 14  | SW | NW | 0   | 13         | BLAINE    |

RECEIVED

JUL 31 1998

Department of Water Resources



A37-03043

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: 1964-02-03  
IDWR NUMBER: 3703043  
BLM NUMBER: 3705488237  
BASIS OF CLAIM: LICENSE  
BASIN NUMBER: 37

| SOURCE | TRIBUTARY TO |
|--------|--------------|
| -----  | -----        |
| SPRING | SINKS        |

DESCRIPTION OF DIVERSION WORKS

-----  
SPRING BOX, BURIED PIPE, TROUGH, OVERFLOW PIPE

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

NON-IRRIGATION USES

-----  
STOCKWATER, 500 RANGE CATTLE, 13 RANCH HORSES. WILDLIFE VAR. AMT.

|     |     |     |        | POINT OF DIVERSION |        |     |        |       |
|-----|-----|-----|--------|--------------------|--------|-----|--------|-------|
| TWP | RNG | SEC | TRACT1 | TRACT2             | TRACT3 | LOT | COUNTY |       |
| --- | --- | --- | -----  | -----              | -----  | --- | -----  | ----- |
| 02S | 19E | 11  |        | NE                 | SW     | 00  | BLAINE |       |

PLACE OF USE

| TWP | RNG | SEC | TRACT1 | TRACT2 | LOT | COUNTY | IRRIGATED<br>OWNED ACRES |       |
|-----|-----|-----|--------|--------|-----|--------|--------------------------|-------|
| --- | --- | --- | -----  | -----  | --- | -----  | -----                    | ----- |
| 02S | 19E | 11  | NE     | SW     | 00  | BLAINE | YES                      | 0.0   |

**MICROFILMED**  
OCT 24 1994

|     |     |    |    |    |    |        |     |     |
|-----|-----|----|----|----|----|--------|-----|-----|
| 02S | 19E | 11 | NE | SW | 00 | BLAINE | YES | 0.0 |
| 02S | 19E | 11 | NE | SW | 00 | BLAINE | YES | 0.0 |
| 02S | 19E | 11 | NE | SW | 00 | BLAINE | YES | 0.0 |

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

-----  
NONE

REMARKS

-----  
PREVIOUSLY FILED WITH THE DEPARTMENT OF WATER RESOURCESMICROFILMED  
OCT 5 1984

AJ0749NP  
No. R37-03043

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT  
(REGIONAL)

DATE: 02/10/99  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS                                                                                                                                                | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | UNITED STATES OF AMERICA ACTING THROUGH<br>USDI BUREAU OF LAND MANAGEMENT<br>IDAHO STATE OFFICE<br>1387 S VINNELL WAY<br>BOISE ID 837091657<br>(208) 373-4000 | 02/03/1965       | STOCKWATER | 01-01 12-31           | 0.01 CFS          |                     |
| TOTAL DIVERSION: |                                                                                                                                                               |                  |            |                       | 0.01 CFS          |                     |

Water Source: SPRING

Tributary to: SINKS

Stage: LICENSE

Point(s) of Diversion:

T02S R19E S11

NENESW

BLAINE County

Place of use Legal Description for: STOCKWATER

|     |     |    |   | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |   |
|-----|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|---|
| T   | R   | S  | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | : |
| 02S | 19E | 11 | : |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | : |
| 02S | 19E | 14 | : |    |    |    |    |    |    | S  | S  |    |    | S  |    |    |    |    |    | : |

POU County: BLAINE

Other Rights: NONE

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks: EXP BLM RECORD ID = 3705488237  
DPERMIT 1912  
STOCKWATER, 500 RANGE CATTLE, 13 RANCH HORSES. WILDLIFE VAR. AMT.

Dates: Exam Made Date: Verified Date: 02/10/1999 Objection Filed Date:

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