

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

NAME and  
ADDRESS:

United States of America acting through  
Bureau of Land Management  
Idaho State Office  
1387 South Vinnell Way  
Boise, ID 83709 - 1657

Other Right and date:

AMENDED NOTICE of CLAIM for  
Water Right number:

2112093 (IDWR number)

BLMIDENT:

2103580176

Stg:

J

StFed:

X

WATER FEDERALLY  
RESERVED, SEE  
REMARKS

4/17/1926

SOURCE:

|        |                     |
|--------|---------------------|
| Source | Tributary           |
| SPRING | PUTNEY CANYON CREEK |

QUANTITY:

0.02 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:

1/1/1885

Diversion Means: UNDEVELOPED SPRING

REMARKS:

Also reserved pursuant to Federal law

POINT of  
DIVERSION:

| Twtnship | Range | Section | T1 | T2 | T3 | LOT | B/E | within the | County of |
|----------|-------|---------|----|----|----|-----|-----|------------|-----------|
| 09N      | 42E   | 10      | NE | NW | NE |     |     | 43         | FREMONT   |

PURPOSE  
and  
PERIOD  
OF USE:

| Purpose of Use | Period of Use (from - to): | Rate in CFS | or | Volume in AcF |
|----------------|----------------------------|-------------|----|---------------|
| 04             | 0101 1231                  | 0.02        |    |               |

CONSUMPTIVE  
USE:

de minimis stockwater use

DATE: 28-May-98 2:14 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        | 09N  | 42E | 10  | NW | NE |     | 43 FREMONT           |

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JUN 01 1998

Department of Water Resources



Cert



Water Right Number - R21-12093

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

\*\*\* A - ATTORNEY \*\*\*

HAUGRUD, JACK OR G GARVER OR D ZANE

1 - US DEPT OF JUSTICE

2 - ENV & NR DIV GEN LIT SEC

3 - PO BOX 663

City- WASHINGTON

State- DC Zip- 200440663

Phone - 202-272-4134

\*\*\* C - CURRENT OWNER \*\*\*

AMERICA ACTING THROUGH

UNITED STATES OF

1 - USDI BUREAU OF LAND MANAGEMENT

2 - IDAHO STATE OFFICE

3 - 1387 S VINNELL WAY

City- BOISE

State- ID Zip- 83709

Phone - 208-373-4000

\*\*\* K - ALSO KNOWN AS \*\*\*

BLM

1 -

2 -

3 -

City- X

State- ID Zip- 0

Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +  
01/01/1885 15 EASTERN J I - DISALLOWED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +  
SPRING PUTNEY CANYON CREEK

+ - - - - Point of Diversion - - - - - +  
Twn Rng Sec Tract Lot RFlg County Diversion Name  
09N 42E 10 NE NW NE (43) FREMONT

+ - - - - Water Use - - - - - +  
Code Description Period From Period To Diversion Rate Diversion Volume  
04 - STOCKWATER 01/01 12/31 0.090 0.02  
~~04 - STOCKWATER 01/01 12/31 0.050~~  
~~16 - WILDLIFE 01/01 12/31 0.090~~  
~~16 - WILDLIFE 01/01 12/31 0.050~~

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +  
~~0.140~~ 0.02 0.0

+ - - - - Place of Use - - - - - +  
Twn Rng Sec Tract Lot Acres Code Description County  
09N 42E 10 NW NE 04 STOCKWATER (43) FREMONT  
~~09N 42E 10 NW NE 16 WILDLIFE (43) FREMONT~~

+ - - Diversion Means - IN-STREAM USE

+ - - Non-Irrigation Use - STOCKWATER, 540 RANGE CATTLE; WILDLIFE VAR. AMT.

EXX

DONE  
8/14  
ENC



Water right number - R21-12093

Prefix Translation: RESEARCH

+ - - Other Rights for Same Use - WATER FEDERALLY RESERVED, SEE REMARKS

+ - - - - - Remarks - - - - - +

GEN RECOMMENDED AS RIGHT NO. 21-12091.

EXP BLM RECORD ID = 2103580176

~~RESERVED~~ EXECUTIVE ORDER DATED APR 17, 1926 PWR NO. 107

+ - - - - - Old Water Right Numbers - - - - - +  
No Old Water Right Numbers found.

+ - - - - - Conditions of Approval - - - - - +

P06 - RECOMMENDED AS RIGHT NO. \_\_\_\_\_: This is included for a  
- claim that is PROPOSED to be disallowed because the right claimed  
- is recommended pursuant to another right. The remark indicates  
- the water right number of the OTHER right that is proposed to be  
- recommended. If you are not mailed a notice of the recommendation  
- of the OTHER right, then the OTHER right is recommended in  
- another claimant's name.

D01 - \*\*\*\*\*  
- \* 4/17/1926 CLAIMED UNDER FEDERAL RESERVED WATER RIGHT. \*  
- \* \* \*  
- \* THIS WATER RIGHT IS ALSO CLAIMED BASED ON FEDERAL LAW \*  
- \* WITH AN APRIL 17, 1926, DATE OF PRIORITY PURSUANT TO AN \*  
- \* EXECUTIVE ORDER SIGNED THE SAME DATE AND KNOWN AS PUBLIC \*  
- \* WATER RESERVE 107. \*  
- \*\*\*\*\*

N11 N13

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +  
00/00/0000

+ - - Audit Fields - 11/12/96 CORR1 12/09/96 CFRITSCH 06/02/98 D01-AJCT

+ - - - - - Comments - - - - - +  
No Comments Found

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

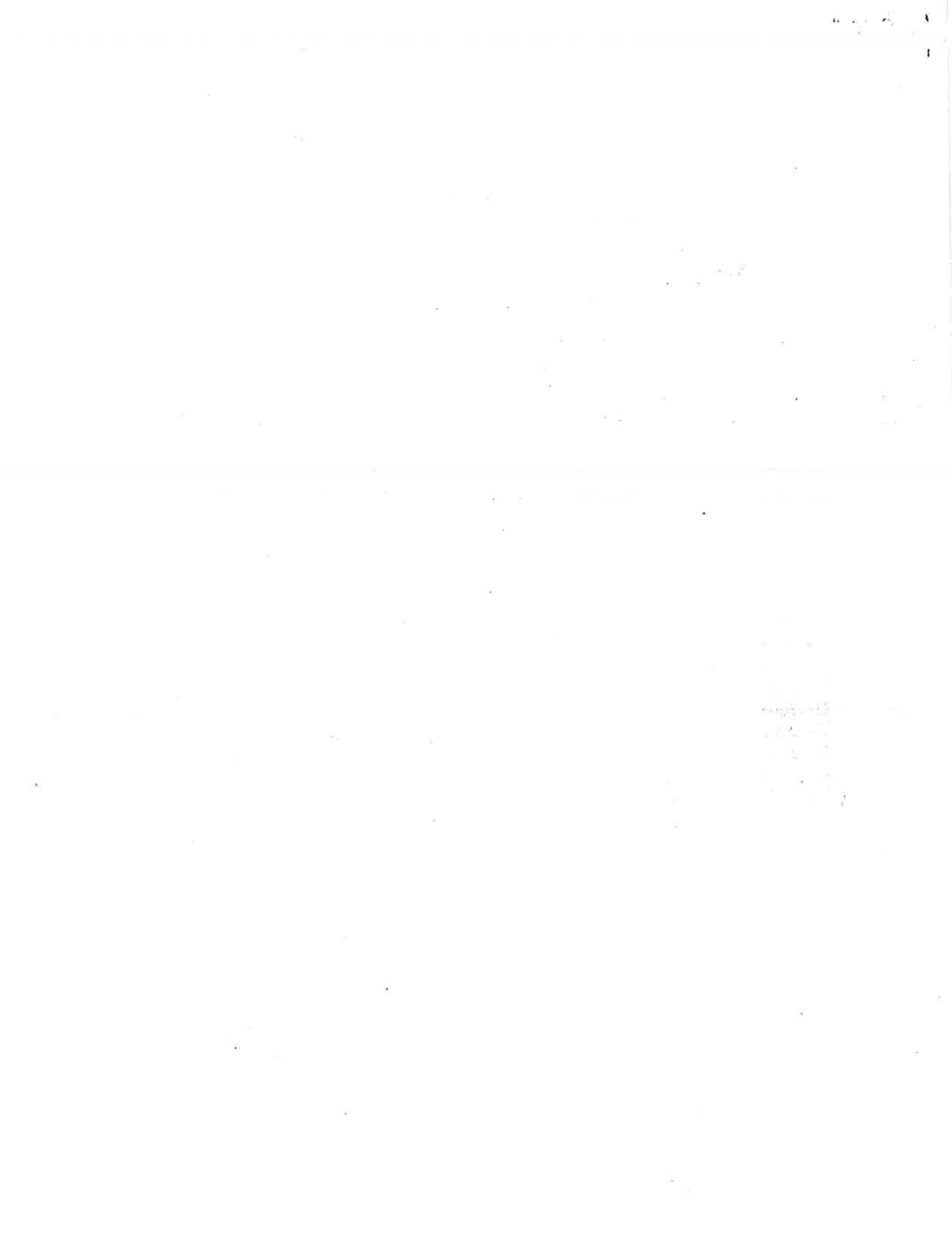
|                      |              |                       |              |                         |         |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing  | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number       | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | -            | Old Case Number         | -       |
| Response Filed Date  | - 00/00/0000 | Verified Date         | - 00/00/0000 | Old Judicial District   | -       |
| Claim Received Date  | - 03/25/1993 | Last Amended Date     | - 00/00/0000 | Temporary Right         | - P     |
| Proof Due Date       | - 00/00/0000 | Proof Made Date       | - 00/00/0000 | Water District          | -       |
| Licensed Date        | - 00/00/0000 | Receipt Number        | - X111111    | Federal/State Indicator | - S     |
|                      |              | POU Ownership Flag    | - Y          | Presumption Flag        | -       |
|                      |              | Name Connector        | -            | Notice of Error Flag    | -       |



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



|          |          |
|----------|----------|
| 21-12003 | 21-12105 |
| 21-12005 | 21-12107 |
| 21-12007 | 21-12109 |
| 21-12009 | 21-12113 |
| 21-12011 | 21-12115 |
| 21-12013 | 21-12117 |
| 21-12015 | 21-12119 |
| 21-12017 | 21-12121 |
| 21-12019 | 21-12123 |
| 21-12021 | 21-12125 |
| 21-12023 | 21-12127 |
| 21-12027 | 21-12129 |
| 21-12029 | 21-12131 |
| 21-12031 | 21-12133 |
| 21-12033 | 21-12135 |
| 21-12035 | 21-12137 |
| 21-12037 | 21-12139 |
| 21-12039 | 21-12141 |
| 21-12041 | 21-12143 |
| 21-12045 |          |
| 21-12047 |          |
| 21-12049 |          |
| 21-12051 |          |
| 21-12053 |          |
| 21-12055 |          |
| 21-12057 |          |
| 21-12059 |          |
| 21-12061 |          |
| 21-12063 |          |
| 21-12065 |          |
| 21-12067 |          |
| 21-12069 |          |
| 21-12071 |          |
| 21-12073 |          |
| 21-12075 |          |
| 21-12077 |          |
| 21-12079 |          |
| 21-12081 |          |
| 21-12083 |          |
| 21-12085 |          |
| 21-12087 |          |
| 21-12089 |          |
| 21-12091 |          |
| 21-12093 |          |
| 21-12095 |          |
| 21-12099 |          |



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JAN - 5 1999

Department of Water Resources  
Adjudication Bureau

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 )  
A. Subcase See Attached List  
(Insert water right number)

DOMESTIC AND  
STOCK WATER RIGHT  
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: State of Idaho  
Address: 700 W. Jefferson, Room 210  
P.O. Box 44449  
Boise, Idaho 83711-4449  
Phone: Work: (208) 334-2400 Home: N/A

Name and Address of Attorney, if any:

Attorney Name: ALAN G. LANCE  
Attorney General  
CLIVE J. STRONG  
Deputy Attorney General  
Chief, Natural Resources Division  
PETER J. AMPE  
Deputy Attorney General  
Attorney Address: Office of the Attorney General  
700 W. Jefferson, Room 210  
P.O. Box 44449  
Boise, ID 83711-4449  
Attorney Phone No. (208) 334-2400

**C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT**

Name: United States of America Acting Through  
Address: USDI Bureau of Land Management  
1387 S. Vinnell Way  
Boise, Idaho 83709-1657

**D.** I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**  
Should be: \_\_\_\_\_
2. ☐ **Source**  
Should be: \_\_\_\_\_
3. ☐ **Quantity**  
Should be: \_\_\_\_\_
4. ☒ **Priority Date**  
Should be: If this water right exists, the State Law based portion of this right should have a priority date no earlier than June 28, 1934.
5. ☐ **Points of Diversion**  
Should be: \_\_\_\_\_
6. ☐ **Instream Flow Description**  
Should be: \_\_\_\_\_
7. ☐ **Purpose(s) of Use**  
Should be: \_\_\_\_\_
8. ☐ **Period of Year**  
Should be: \_\_\_\_\_
9. ☐ **Place of Use**  
Should be: \_\_\_\_\_
11. **I object because:**
  - ☒ This water right should not exist. (Federal Law based portion).
  - ☐ This water right was not recommended, but should be recommended with the elements described above.

**E. REASONS SUPPORTING OBJECTION(S):** To the extent this water right is claimed pursuant to state law. Claimant's assertions that Congress gave permission to private parties to operate on the public domain and that Congress passed various acts insuring that water sources on the public domain were not monopolized does not provide a basis for a water right under state law. Alternatively, the United States has failed to establish any legal and/or factual basis for any claimed priority date for stockwater purposes with a date prior to the enactment of the Taylor Grazing Act, June 28, 1934.

Even if PWR 107 created a federal reserved water right, the United States, or any subdivision thereof, has not complied with the requirements of PWR 107 and/or the United States' and/or its subdivisions' own rules and regulations in regards to this claim. Therefore no water right can be granted based upon PWR 107.

The State further objects to this claim as to any part based on federal law as the claimed source is declared tributary to a flowing stream and so cannot be based upon the executive order known as Public Water Reserve 107 (April 17, 1926).

The State reserves the right to amend this objection as to any part of this claim based on federal law, based on the final decision reached in Basin-Wide Issue #9 (PWR 107) (Idaho Supreme Court No. 23587 and/or any subsequent proceedings).

**F. VERIFICATION (Must be Completed)**

State of Idaho )  
                  ) ss.  
County of Ada)

Peter J. Ampe, Deputy Attorney General, being first duly sworn, upon oath, deposes and says:

That the State of Idaho, in both its sovereign and proprietary capacity, and pursuant to I.C. § 42-1411A(16) is filing this objection and that I am a Deputy Attorney General authorized to represent the State of Idaho, which is a party/claimant in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and I have read this objection, know its contents and that the statements are true to the best of my knowledge and belief.

ALAN G. LANCE  
Attorney General  
CLIVE J. STRONG  
Deputy Attorney General  
Chief, Natural Resources Division  
PETER J. AMPE  
Deputy Attorney General



By Attorney signing in representative capacity

Subscribed and sworn to before me on: January 4, 1999  
(Insert Date)

V. R. O'Connell  
Notary Public for IDAHO  
Residing at: BOISE, ID  
My commission expires: 5/29/2003

### INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

### G. CERTIFICATE OF MAILING

I certify that on January 4, 1999, I mailed the original and copies of this objection, including all attachments, to the following persons:

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. One copy to the owner of the water right at the following address:

United States of America Acting Through  
USDI Bureau of Land Management  
1387 S. Vinnell Way  
Boise, Idaho 83709-1657

3. Copies to:

IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

United States Department of Justice  
Environment and Natural Resource Division  
550 West Fort Street, MSC 033  
Boise, Idaho 83724

Peter O'Connell  
Signature of party claimant or attorney