

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: 1880-01-01  
AGENCY NUMBER: 3203808057  
BLM NUMBER: 3203808057  
BASIS OF CLAIM: BENEFICIAL USE  
BASIN NUMBER: 32 - 10739

A3210739



SOURCE

TRIBUTARY TO

WARM SPRINGS CREEK

SINKS

DESCRIPTION OF DIVERSION WORKS

OPEN CHANNEL USE

| PURPOSE OF USE | DIVERSION<br>RATE | DIVERSION<br>VOLUME | PERIOD OF USE<br>FROM | TO   |
|----------------|-------------------|---------------------|-----------------------|------|
| STOCKWATER     | 0.090             | 0.00                | 0415                  | 1213 |
| WILDLIFE       | 0.030             | 0.00                | 0101                  | 1231 |
| TOTAL:         | 0.150 CFS         | 0.00 AF             |                       |      |

NON-IRRIGATION USES

STOCKWATER, 400 RANGE CATTLE; WILDLIFE VAR. AMT.

| TWP | RNG | SEC | POINT OF DIVERSION |        |        |     | COUNTY |
|-----|-----|-----|--------------------|--------|--------|-----|--------|
|     |     |     | TRACT1             | TRACT2 | TRACT3 | LOT |        |
| 09N | 33E | 04  | SW                 | SE     | SE     | 00  | CLARK  |
| 10N | 33E | 07  | SW                 | SW     | SE     | 00  | CLARK  |
| 10N | 33E | 17  | NW                 | NW     | SW     | 00  | CLARK  |
| 10N | 33E | 17  | SE                 | SE     | SW     | 00  | CLARK  |
| 10N | 33E | 33  | NE                 | NE     | NW     | 00  | CLARK  |
| 10N | 33E | 33  | SE                 | NE     | SW     | 00  | CLARK  |
| 10N | 33E | 33  |                    |        |        | 02  | CLARK  |
| 11N | 32E | 25  | SE                 | SW     | NE     | 00  | CLARK  |

MICROFILMED  
APR 15 1984

11N 32E 36 SW NE NW 00 CLARK

## PLACE OF USE

| TWP | RNG | SEC | TRACT1 | TRACT2 | LOT | COUNTY | IRRIGATED<br>OWNED | ACRES |
|-----|-----|-----|--------|--------|-----|--------|--------------------|-------|
| 09N | 33E | 04  | SE     | SE     | 00  | CLARK  |                    | 0.0   |
| 10N | 33E | 07  | SW     | SE     | 00  | CLARK  |                    | 0.0   |
| 10N | 33E | 17  | NW     | SW     | 00  | CLARK  |                    | 0.0   |
| 10N | 33E | 17  | SW     | SW     | 00  | CLARK  |                    | 0.0   |
| 10N | 33E | 17  | SE     | SW     | 00  | CLARK  |                    | 0.0   |
| 10N | 33E | 33  | NE     | NW     | 00  | CLARK  |                    | 0.0   |
| 10N | 33E | 33  | SE     | NW     | 00  | CLARK  |                    | 0.0   |
| 10N | 33E | 33  | NE     | SW     | 00  | CLARK  |                    | 0.0   |
| 10N | 33E | 33  |        |        | 02  | CLARK  |                    | 0.0   |
| 11N | 32E | 25  | SW     | NE     | 00  | CLARK  |                    | 0.0   |
| 11N | 32E | 25  | NW     | SE     | 00  | CLARK  |                    | 0.0   |
| 11N | 32E | 25  | SW     | SE     | 00  | CLARK  |                    | 0.0   |
| 11N | 32E | 25  | SE     | SW     | 00  | CLARK  |                    | 0.0   |
| 11N | 32E | 36  | NE     | NW     | 00  | CLARK  |                    | 0.0   |
| 09N | 33E | 04  | SE     | SE     | 00  | CLARK  |                    | 0.0   |
| 10N | 33E | 07  | SW     | SE     | 00  | CLARK  |                    | 0.0   |
| 10N | 33E | 17  | NW     | SW     | 00  | CLARK  |                    | 0.0   |
| 10N | 33E | 17  | SW     | SW     | 00  | CLARK  |                    | 0.0   |
| 10N | 33E | 17  | SE     | SW     | 00  | CLARK  |                    | 0.0   |
| 10N | 33E | 33  | NE     | NW     | 00  | CLARK  |                    | 0.0   |
| 10N | 33E | 33  | SE     | NW     | 00  | CLARK  |                    | 0.0   |
| 10N | 33E | 33  | NE     | SW     | 00  | CLARK  |                    | 0.0   |
| 10N | 33E | 33  |        |        | 02  | CLARK  |                    | 0.0   |
| 11N | 32E | 25  | SW     | NE     | 00  | CLARK  |                    | 0.0   |
| 11N | 32E | 25  | NW     | SE     | 00  | CLARK  |                    | 0.0   |
| 11N | 32E | 25  | SW     | SE     | 00  | CLARK  |                    | 0.0   |
| 11N | 32E | 25  | SE     | SW     | 00  | CLARK  |                    | 0.0   |
| 11N | 32E | 36  | NE     | NW     | 00  | CLARK  |                    | 0.0   |

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

## OTHER WATER RIGHTS

-----  
NONE

## REMARKS

-----  
PREVIOUSLY AWARDED STATUTORY WATER RIGHT - BLM ID -> 3203588057

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. 39576

AMENDED NOTICE of CLAIM for  
Water Right number:

32-10739

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:

3203808057

Stg:

StFed:

J

S

SOURCE:

|                    |           |
|--------------------|-----------|
| Source             | Tributary |
| WARM SPRINGS CREEK | SINKS     |

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:

1/1/1880

Diversion Means: INSTREAM

REMARKS:

ASSOCIATED WITH 3203588057

POINT of  
DIVERSION:

| Township | Range | Section | T1 | T2 | T3 | LOT | B/E | within the | County of |
|----------|-------|---------|----|----|----|-----|-----|------------|-----------|
| 09N      | 33E   | 4       | SW | SE | SE |     |     | 33         | CLARK     |
| 10N      | 33E   | 7       | SW | SW | SE |     |     | 33         | CLARK     |
| 10N      | 33E   | 17      | NW | NW | SW |     |     | 33         | CLARK     |
| 10N      | 33E   | 17      | SE | SE | SW |     |     | 33         | CLARK     |
| 10N      | 33E   | 33      | NE | NE | NW |     |     | 33         | CLARK     |
| 10N      | 33E   | 33      | SE | NE | SW |     |     | 33         | CLARK     |
| 10N      | 33E   | 33      |    |    |    | 02  |     | 33         | CLARK     |
| 11N      | 32E   | 25      | SE | SW | NE |     |     | 33         | CLARK     |
| 11N      | 32E   | 36      | SW | NE | NW |     |     | 33         | CLARK     |

PURPOSE  
and  
PERIOD  
OF USE:

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

CONSUMPTIVE  
USE:

de minimis stockwater use

DATE: 19-Nov-97 9:29 AM

RECEIVED

NOV 19 1997

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.

Department of Water Resources

PLACE  
of USE:

| Water Use | Twn | Rge | Sec | T1 | T2 | LOT | within the | County of |
|-----------|-----|-----|-----|----|----|-----|------------|-----------|
| 04        | 09N | 33E | 4   | SE | SE | 0   | 33         | CLARK     |
| 04        | 10N | 33E | 7   | SW | SE | 0   | 33         | CLARK     |
| 04        | 10N | 33E | 17  | NW | SW | 0   | 33         | CLARK     |
| 04        | 10N | 33E | 17  | SW | SW | 0   | 33         | CLARK     |
| 04        | 10N | 33E | 17  | SE | SW | 0   | 33         | CLARK     |
| 04        | 10N | 33E | 33  | NE | NW | 0   | 33         | CLARK     |
| 04        | 10N | 33E | 33  | SE | NW | 0   | 33         | CLARK     |
| 04        | 10N | 33E | 33  | NE | SW | 0   | 33         | CLARK     |
| 04        | 10N | 33E | 33  |    |    | 2   | 33         | CLARK     |
| 04        | 11N | 32E | 25  | SW | NE | 0   | 33         | CLARK     |
| 04        | 11N | 32E | 25  | NW | SE | 0   | 33         | CLARK     |
| 04        | 11N | 32E | 25  | SW | SE | 0   | 33         | CLARK     |

|    |     |     |    |    |    |   |    |       |
|----|-----|-----|----|----|----|---|----|-------|
| 04 | 11N | 32E | 25 | SE | SW | 0 | 33 | CLARK |
| 04 | 11N | 32E | 36 | NE | NW | 0 | 33 | CLARK |
| 16 | 09N | 33E | 4  | SE | SE | 0 | 33 | CLARK |
| 16 | 10N | 33E | 7  | SW | SE | 0 | 33 | CLARK |
| 16 | 10N | 33E | 17 | NW | SW | 0 | 33 | CLARK |
| 16 | 10N | 33E | 17 | SW | SW | 0 | 33 | CLARK |
| 16 | 10N | 33E | 17 | SE | SW | 0 | 33 | CLARK |
| 16 | 10N | 33E | 33 | NE | NW | 0 | 33 | CLARK |
| 16 | 10N | 33E | 33 | SE | NW | 0 | 33 | CLARK |
| 16 | 10N | 33E | 33 | NE | SW | 0 | 33 | CLARK |
| 16 | 10N | 33E | 33 |    |    | 2 | 33 | CLARK |
| 16 | 11N | 32E | 25 | SW | NE | 0 | 33 | CLARK |
| 16 | 11N | 32E | 25 | NW | SE | 0 | 33 | CLARK |
| 16 | 11N | 32E | 25 | SW | SE | 0 | 33 | CLARK |
| 16 | 11N | 32E | 25 | SE | SW | 0 | 33 | CLARK |
| 16 | 11N | 32E | 36 | NE | NW | 0 | 33 | CLARK |
| 04 | 09N | 33E | 4  | SE | SE | 0 | 33 | CLARK |
| 16 | 09N | 33E | 4  | SE | SE | 0 | 33 | CLARK |
| 04 | 10N | 33E | 7  | SW | SE | 0 | 33 | CLARK |
| 04 | 10N | 33E | 17 | NW | SW | 0 | 33 | CLARK |
| 04 | 10N | 33E | 17 | SW | SW | 0 | 33 | CLARK |
| 04 | 10N | 33E | 17 | SE | SW | 0 | 33 | CLARK |
| 04 | 10N | 33E | 33 | NE | NW | 0 | 33 | CLARK |
| 04 | 10N | 33E | 33 | SE | NW | 0 | 33 | CLARK |
| 04 | 10N | 33E | 33 | NE | SW | 0 | 33 | CLARK |
| 04 | 10N | 33E | 33 |    |    | 2 | 33 | CLARK |
| 16 | 10N | 33E | 7  | SW | SE | 0 | 33 | CLARK |
| 16 | 10N | 33E | 17 | NW | SW | 0 | 33 | CLARK |
| 16 | 10N | 33E | 17 | SW | SW | 0 | 33 | CLARK |
| 16 | 10N | 33E | 17 | SE | SW | 0 | 33 | CLARK |
| 16 | 10N | 33E | 33 | NE | NW | 0 | 33 | CLARK |
| 16 | 10N | 33E | 33 | SE | NW | 0 | 33 | CLARK |
| 16 | 10N | 33E | 33 | NE | SW | 0 | 33 | CLARK |
| 16 | 10N | 33E | 33 |    |    | 2 | 33 | CLARK |
| 04 | 11N | 32E | 25 | SW | NE | 0 | 33 | CLARK |
| 04 | 11N | 32E | 25 | NW | SE | 0 | 33 | CLARK |
| 04 | 11N | 32E | 25 | SW | SE | 0 | 33 | CLARK |
| 04 | 11N | 32E | 25 | SE | SW | 0 | 33 | CLARK |
| 04 | 11N | 32E | 36 | NE | NW | 0 | 33 | CLARK |
| 16 | 11N | 32E | 25 | SW | NE | 0 | 33 | CLARK |
| 16 | 11N | 32E | 25 | NW | SE | 0 | 33 | CLARK |
| 16 | 11N | 32E | 25 | SW | SE | 0 | 33 | CLARK |
| 16 | 11N | 32E | 25 | SE | SW | 0 | 33 | CLARK |
| 16 | 11N | 32E | 36 | NE | NW | 0 | 33 | CLARK |

32-10739

July 30, 1999

**NOTICE OF ERROR  
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

**YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:** September 10, 1999

Water right number: 32-10739

HAUGRUD, JACK OR G GARVER OR D ZANE  
US DEPT OF JUSTICE  
ENV & NR DIV GEN LIT SEC  
WASHINGTON DC 20044-0663

Daytime Telephone Number: (208) 524-7533 - Deena Teel (Bureau of Land Management)  
Evening Telephone Number:

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Point of Diversion: Some beginning and ending points have been omitted on the preliminary recommendation

Place of Use: Five places of use listed on the preliminary recommendation are located on the forest and should be deleted.

2. Describe the changes you wish to make in the proposed recommendation:

- ① Need to include additional points of diversion which demonstrate where the stream enters and exits BLM land (see attached amended preliminary recommendation)  
② Need to delete five erroneous places of use (see attached amended preliminary recommendation)

3. Give a brief explanation as to why you disagree with these portions:

- ① Additional points of diversion should be included to demonstrate breaking points between BLM and private land. BLM wishes to avoid any confusion about the description of this water right, and BLM will object to achieve that end if necessary.  
② The five places of use to be deleted are on the forest.

       I AGREE with this proposed recommendation; no changes need to be made.

DATE: 8/26/99

SIGNATURE: Deena Teel

Please print your name: Deena Teel



STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL  
ALAN G. LANCE

December 8, 1999

Diana Delaney, Chief Clerk  
Snake River Basin Adjudication  
P.O. Box 2707  
Twin Falls, ID 83303-2707

Re: In Re SRBA, Subcase Nos. 32-11220, 32-10739 & 32-10381

Dear Diana:

Enclosed for filing regarding the above are three unique original **DOMESTIC AND STOCK WATER OBJECTIONS**. Please conform the enclosed copies of the same and return them in the self addressed, stamped envelope provided.

Thank you for all of your assistance, and please don't hesitate to contact me directly at (208) 334-4536 if I can answer any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kelly R. Jennings", is written over a horizontal line.

KELLY R. JENNINGS  
Natural Resources Division

Enclosures



18374

In Re SRBA )  
 )  
 )  
 )  
 Case No. 39576 )  
 )  
 )  
 )  
 )  
 )  
 )

A. Subcase 32-11220  
(Insert water right number)

**DOMESTIC AND  
STOCK WATER RIGHT  
OBJECTION**

**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  
Idaho State Bar No. 5209





In Re SRBA )  
 )  
 )  
 Case No. 39576 )  
 )  
 )  
 )  
 )

A. Subcase 32-10739  
(Insert water right number)

**DOMESTIC AND  
STOCK WATER RIGHT  
OBJECTION**

**B. NAME AND ADDRESS OF PERSON OBJECTING**

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  
Idaho State Bar No. 5209

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C



SRBA



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     | ) | A. | Subcase 32-10381            |
|                | ) |    | (Insert water right number) |
| Case No. 39576 | ) |    |                             |
|                | ) |    | 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  
Idaho State Bar No. 5209

COPY

E. **REASONS SUPPORTING OBJECTION(S):** This water right is claimed solely 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 ensuring 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.

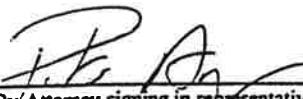
F. **VERIFICATION (Must be Completed)**

State of Idaho )  
                          ) ss.  
County of Ada)

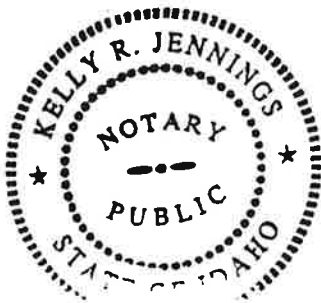
Peter J. Ampe, Deputy Attorney General, being first duly sworn, upon oath, deposes and says:

That the State of Idaho, in both its sovereign and proprietary capacity, 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: December 8, 1999  
(Insert Date)



  
Notary Public for IDAHO  
Residing at: BOISE, ID  
My commission expires: May 29, 2003