

PAGE 1
JUL-09-1999

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: 3303480120
BLM NUMBER: 3303480120
BASIS OF CLAIM: BENEFICIAL USE
BASIN NUMBER: 33 - 10482

A3310482



SOURCE

TRIBUTARY TO

DRY CREEK

WET CREEK

DESCRIPTION OF DIVERSION WORKS

INSTREAM LIVESTOCK AND WILDLIFE WATERING

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
STOCKWATER	0.250	0.00	0101	1231
WILDLIFE	0.010	0.00	0101	1231
TOTAL:	0.260 CFS	0.00 AF		

NON-IRRIGATION USES

1,153 RANGE CATTLE, 75 ANTELOPE, 100 DEER, 75 ELK, SAGE GROUSE

TWP	RNG	SEC	POINT OF DIVERSION				COUNTY
			TRACT1	TRACT2	TRACT3	LOT	
10N	25E	31	NW	NW	SW	00	CUSTER
10N	25E	21	NW	NW	NW	00	CUSTER
10N	25E	13	NW	SW	SE	00	CUSTER
10N	26E	14	SW	SE	SW	00	CUSTER
10N	26E	24	NW	SW	SE	00	CUSTER

PLACE OF USE

TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY
10N	25E	31	NW	SW	00	CUSTER

MICROFILMED

IRRIGATED
OWNED 151986 ACRES

YES 0.0

10N	25E	31	SW	NW	00	CUSTER	YES	0.0
10N	25E	31	SE	NW	00	CUSTER	YES	0.0
10N	25E	31	NE	NW	00	CUSTER	YES	0.0
10N	25E	30	SE	SW	00	CUSTER	YES	0.0
10N	25E	30	SW	SE	00	CUSTER	YES	0.0
10N	25E	30	NW	SE	00	CUSTER	YES	0.0
10N	25E	30	SW	NE	00	CUSTER	YES	0.0
10N	25E	30	NW	NE	00	CUSTER	YES	0.0
10N	25E	30	NE	NE	00	CUSTER	YES	0.0
10N	25E	19	SE	SE	00	CUSTER	YES	0.0
10N	25E	20	SW	SW	00	CUSTER	YES	0.0
10N	25E	20	NW	SW	00	CUSTER	YES	0.0
10N	25E	20	SW	NW	00	CUSTER	YES	0.0
10N	25E	20	SE	NW	00	CUSTER	YES	0.0
10N	25E	20	SW	NE	00	CUSTER	YES	0.0
10N	25E	20	NW	NE	00	CUSTER	YES	0.0
10N	25E	20	NE	NE	00	CUSTER	YES	0.0
10N	25E	21	NW	NW	00	CUSTER	YES	0.0
10N	25E	13	SW	SE	00	CUSTER	YES	0.0
10N	25E	24	NW	NE	00	CUSTER	YES	0.0
10N	25E	24	NE	NE	00	CUSTER	YES	0.0
10N	26E	19	NW	NW	00	CUSTER	YES	0.0
10N	26E	19	NE	NW	00	CUSTER	YES	0.0
10N	26E	19	NW	NE	00	CUSTER	YES	0.0
10N	26E	19	NE	NE	00	CUSTER	YES	0.0
10N	26E	20	NW	NW	00	CUSTER	YES	0.0
10N	26E	20	NE	NW	00	CUSTER	YES	0.0
10N	26E	20	NW	NE	00	CUSTER	YES	0.0
10N	26E	20	NE	NE	00	CUSTER	YES	0.0
10N	26E	20	SE	NE	00	CUSTER	YES	0.0
10N	26E	21	SW	NW	00	CUSTER	YES	0.0
10N	26E	21	NW	NW	00	CUSTER	YES	0.0
10N	26E	21	NE	NW	00	CUSTER	YES	0.0
10N	26E	21	NW	NE	00	CUSTER	YES	0.0
10N	26E	21	SW	NE	00	CUSTER	YES	0.0
10N	26E	21	SE	NE	00	CUSTER	YES	0.0
10N	26E	22	SW	NW	00	CUSTER	YES	0.0
10N	26E	22	NE	NW	00	CUSTER	YES	0.0
10N	26E	22	SE	NW	00	CUSTER	YES	0.0
10N	26E	22	NW	NE	00	CUSTER	YES	0.0
10N	26E	22	SW	NE	00	CUSTER	YES	0.0
10N	26E	22	NE	NE	00	CUSTER	YES	0.0
10N	26E	22	SE	NE	00	CUSTER	YES	0.0
10N	26E	23	NW	NW	00	CUSTER	YES	0.0
10N	26E	23	NW	SW	00	CUSTER	YES	0.0
10N	26E	23	NE	SW	00	CUSTER	YES	0.0
10N	26E	23	NW	SE	00	CUSTER	YES	0.0
10N	26E	23	NE	SE	00	CUSTER	YES	0.0

10N	26E	23	SE	SE	00	CUSTER	YES	0.0
10N	26E	14	SW	SW	00	CUSTER	YES	0.0
10N	26E	14	SE	SW	00	CUSTER	YES	0.0
10N	26E	24	SW	SW	00	CUSTER	YES	0.0
10N	26E	24	SE	SW	00	CUSTER	YES	0.0
10N	26E	24	SW	SE	00	CUSTER	YES	0.0
10N	25E	31	NW	SW	00	CUSTER	YES	0.0
10N	25E	31	SW	NW	00	CUSTER	YES	0.0
10N	25E	31	SE	NW	00	CUSTER	YES	0.0
10N	25E	31	NE	NW	00	CUSTER	YES	0.0
10N	25E	30	SE	SW	00	CUSTER	YES	0.0
10N	25E	30	SW	SE	00	CUSTER	YES	0.0
10N	25E	30	NW	SE	00	CUSTER	YES	0.0
10N	25E	30	SW	NE	00	CUSTER	YES	0.0
10N	25E	30	NW	NE	00	CUSTER	YES	0.0
10N	25E	30	NE	NE	00	CUSTER	YES	0.0
10N	25E	19	SE	SE	00	CUSTER	YES	0.0
10N	25E	20	SW	SW	00	CUSTER	YES	0.0
10N	25E	20	NW	SW	00	CUSTER	YES	0.0
10N	25E	20	SW	NW	00	CUSTER	YES	0.0
10N	25E	20	SE	NW	00	CUSTER	YES	0.0
10N	25E	20	SW	NE	00	CUSTER	YES	0.0
10N	25E	20	NW	NE	00	CUSTER	YES	0.0
10N	25E	20	NE	NE	00	CUSTER	YES	0.0
10N	25E	21	NW	NW	00	CUSTER	YES	0.0
10N	25E	13	SW	SE	00	CUSTER	YES	0.0
10N	25E	24	NW	NE	00	CUSTER	YES	0.0
10N	25E	24	NE	NE	00	CUSTER	YES	0.0
10N	26E	19	NW	NW	00	CUSTER	YES	0.0
10N	26E	19	NE	NW	00	CUSTER	YES	0.0
10N	26E	19	NW	NE	00	CUSTER	YES	0.0
10N	26E	19	NE	NE	00	CUSTER	YES	0.0
10N	26E	20	NW	NW	00	CUSTER	YES	0.0
10N	26E	20	NE	NW	00	CUSTER	YES	0.0
10N	26E	20	NW	NE	00	CUSTER	YES	0.0
10N	26E	20	NE	NE	00	CUSTER	YES	0.0
10N	26E	20	SE	NE	00	CUSTER	YES	0.0
10N	26E	21	SW	NW	00	CUSTER	YES	0.0
10N	26E	21	NW	NW	00	CUSTER	YES	0.0
10N	26E	21	NE	NW	00	CUSTER	YES	0.0
10N	26E	21	NW	NE	00	CUSTER	YES	0.0
10N	26E	21	SW	NE	00	CUSTER	YES	0.0
10N	26E	21	SE	NE	00	CUSTER	YES	0.0
10N	26E	22	SW	NW	00	CUSTER	YES	0.0
10N	26E	22	NE	NW	00	CUSTER	YES	0.0
10N	26E	22	SE	NW	00	CUSTER	YES	0.0
10N	26E	22	NW	NE	00	CUSTER	YES	0.0
10N	26E	22	SW	NE	00	CUSTER	YES	0.0

MICROFILMED
APR 15 1994

10N	26E	22	NE	NE	00	CUSTER	YES	0.0
10N	26E	22	SE	NE	00	CUSTER	YES	0.0
10N	26E	23	NW	NW	00	CUSTER	YES	0.0
10N	26E	23	NW	SW	00	CUSTER	YES	0.0
10N	26E	23	NE	SW	00	CUSTER	YES	0.0
10N	26E	23	NW	SE	00	CUSTER	YES	0.0
10N	26E	23	NE	SE	00	CUSTER	YES	0.0
10N	26E	23	SE	SE	00	CUSTER	YES	0.0
10N	26E	14	SW	SW	00	CUSTER	YES	0.0
10N	26E	14	SE	SW	00	CUSTER	YES	0.0
10N	26E	24	SW	SW	00	CUSTER	YES	0.0
10N	26E	24	SE	SW	00	CUSTER	YES	0.0
10N	26E	24	SW	SE	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

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:

33-10482

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

BLMIDENT:

3303480120

Stg:

J

StFed:

S

NAME and
ADDRESS:

SOURCE:

Source	Tributary
DRY CREEK	WET 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:

1/1/1879

Diversion Means: INSTREAM USE

REMARKS:

POINT of
DIVERSION:

Twtnship	Range	Section	T1	T2	T3	LOT	B/E	within the	County of
10N	26E	22	NE	SW	NW		E1	37	CUSTER
10N	25E	31	NW	NW	SW		E3	37	CUSTER
10N	25E	21	NW	NW	NW		B3	37	CUSTER
10N	25E	13	NW	SW	SE		E2	37	CUSTER
10N	26E	14	SW	SE	SW		B1	37	CUSTER
10N	26E	24	NW	SW	SE		B2	37	CUSTER

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 9:30 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	Twtn	Rge	Sec	T1	T2	LOT	within the	County of
04	10N	25E	31	NW	SW	0	37	CUSTER
04	10N	25E	31	SW	NW	0	37	CUSTER
04	10N	25E	31	SE	NW	0	37	CUSTER
04	10N	25E	31	NE	NW	0	37	CUSTER
04	10N	25E	30	SE	SW	0	37	CUSTER
04	10N	25E	30	SW	SE	0	37	CUSTER
04	10N	25E	30	NW	SE	0	37	CUSTER
04	10N	25E	30	SW	NE	0	37	CUSTER
04	10N	25E	30	NW	NE	0	37	CUSTER
04	10N	25E	30	NE	NE	0	37	CUSTER
04	10N	25E	19	SE	SE	0	37	CUSTER
04	10N	25E	20	SW	SW	0	37	CUSTER
04	10N	25E	20	NW	SW	0	37	CUSTER
04	10N	25E	20	SW	NW	0	37	CUSTER
04	10N	25E	20	SE	NW	0	37	CUSTER
04	10N	25E	20	SW	NE	0	37	CUSTER
04	10N	25E	20	NW	NE	0	37	CUSTER
04	10N	25E	20	NE	NE	0	37	CUSTER

	04	10N	25E		21	NW	NW	0		37	CUSTER
	04	10N	25E		13	SW	SE	0		37	CUSTER
	04	10N	25E		24	NW	NE	0		37	CUSTER
	04	10N	25E		24	NE	NE	0		37	CUSTER
	04	10N	26E		19	NW	NW	0		37	CUSTER
	04	10N	26E		19	NE	NW	0		37	CUSTER
	04	10N	26E		19	NW	NE	0		37	CUSTER
	04	10N	26E		19	NE	NE	0		37	CUSTER
	04	10N	26E		20	NW	NW	0		37	CUSTER
	04	10N	26E		20	NE	NW	0		37	CUSTER
	04	10N	26E		20	NW	NE	0		37	CUSTER
	04	10N	26E		20	NE	NE	0		37	CUSTER
	04	10N	26E		20	SE	NE	0		37	CUSTER
	04	10N	26E		21	SW	NW	0		37	CUSTER
	04	10N	26E		21	NW	NW	0		37	CUSTER
	04	10N	26E		21	NE	NW	0		37	CUSTER
	04	10N	26E		21	NW	NE	0		37	CUSTER
	04	10N	26E		21	SW	NE	0		37	CUSTER
	04	10N	26E		21	SE	NE	0		37	CUSTER
	04	10N	26E		22	SW	NW	0		37	CUSTER
	04	10N	26E		22	NE	NW	0		37	CUSTER
	04	10N	26E		22	SE	NW	0		37	CUSTER
	04	10N	26E		22	NW	NE	0		37	CUSTER
	04	10N	26E		22	SW	NE	0		37	CUSTER
	04	10N	26E		22	NE	NE	0		37	CUSTER
	04	10N	26E		22	SE	NE	0		37	CUSTER
	04	10N	26E		23	NW	NW	0		37	CUSTER
	04	10N	26E		23	NW	SW	0		37	CUSTER
	04	10N	26E		23	NE	SW	0		37	CUSTER
	04	10N	26E		23	NW	SE	0		37	CUSTER
	04	10N	26E		23	NE	SE	0		37	CUSTER
	04	10N	26E		23	SE	SE	0		37	CUSTER
	04	10N	26E		14	SW	SW	0		37	CUSTER
	04	10N	26E		14	SE	SW	0		37	CUSTER
	04	10N	26E		24	SW	SW	0		37	CUSTER
	04	10N	26E		24	SE	SW	0		37	CUSTER
	04	10N	26E		24	SW	SE	0		37	CUSTER

33-101182

1999 JUL 12 PM 2: 49

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

) NOTICE OF ISSUANCE AND NOTICE
) OF SERVICE

Case No. 39576

)
Water Rights: See Attached Exhibit A

On July 12, 1999, Special Master Fritz X. Haemmerle issued a *Special Master's Report and Recommendation* for the above subcase(s) pursuant to *SRBA Administrative Order 1 (AO1)*, Section 13a.

Pursuant to *SRBA Administrative Order 1*, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend by the 28th day of the month following the publication of the filing of the *Special Master's Report and Recommendation* in the Docket Sheet (*AO1*, Section 13a).

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the *Special Master's Report and Recommendation* shall constitute a waiver of the right to challenge it before the Presiding Judge.

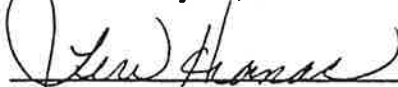
I certify that a true and correct copy of the SPECIAL MASTER'S RECOMMENDATION was mailed with sufficient first-class postage prepaid to the following:

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

U.S. Dept. of Justice
Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

Peter Ampe
Deputy Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

DATED: July 12, 1999


Teri Hranac, Deputy Clerk

1999 JUL 12 PM 2: 49
DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED

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	)	SPECIAL MASTER'S REPORT
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHTS: See Attached List
	)	

I. FINDINGS OF FACT

A notice of claim was filed for these water rights pursuant to I.C. § 42-1409 (1990). The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of these water rights.

The only objections to these water rights were filed by the State of Idaho which were resolved with a *Stipulation to Resolve Objections* filed July 1, 1999. The State of Idaho, the United States, and IDWR are signatories to the *Stipulation to Resolve Objections*. Both parties agreed that the priority date for these rights shall be June 28, 1934.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that these water rights be decreed with the elements as set forth attached in the *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED: July 12, 1999.



FRITZ X. HAEMMERLE
Special Master
Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

33-10463
33-10464
33-10465
33-10466
33-10467
33-10468
33-10472
33-10473
33-10474
33-10475
33-10480
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