

05/12/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-12079
NAME AND ADDRESS: DORIS BOLLAR HAYDEN
PO BOX 598
SODA SPRINGS ID 83276



SOURCE: CALDWELL CREEK TRIBUTARY: SINKS

QUANTITY: 0.020 CFS
The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 08/02/1945

POINT OF DIVERSION:
T08S R44E S7 NENWSE Begin of Stream Flow Within CARIBOU County
T08S R44E S13 NENWNW End of Stream Flow Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	05/01 11/30	0.020 CFS

PLACE OF USE: STOCKWATER Within CARIBOU County

T08S R43E S12	SWSE	T08S R43E S12	SESE
T08S R43E S13	NWNE	T08S R43E S13	NENW
T08S R43E S13	NWNW	T08S R44E S07	SENE
T08S R44E S07	NESW	T08S R44E S07	SWSW
T08S R44E S07	NESE	T08S R44E S07	NWSE
T08S R44E S07	SESE		

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.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
Stockwater use is for 250 cattle

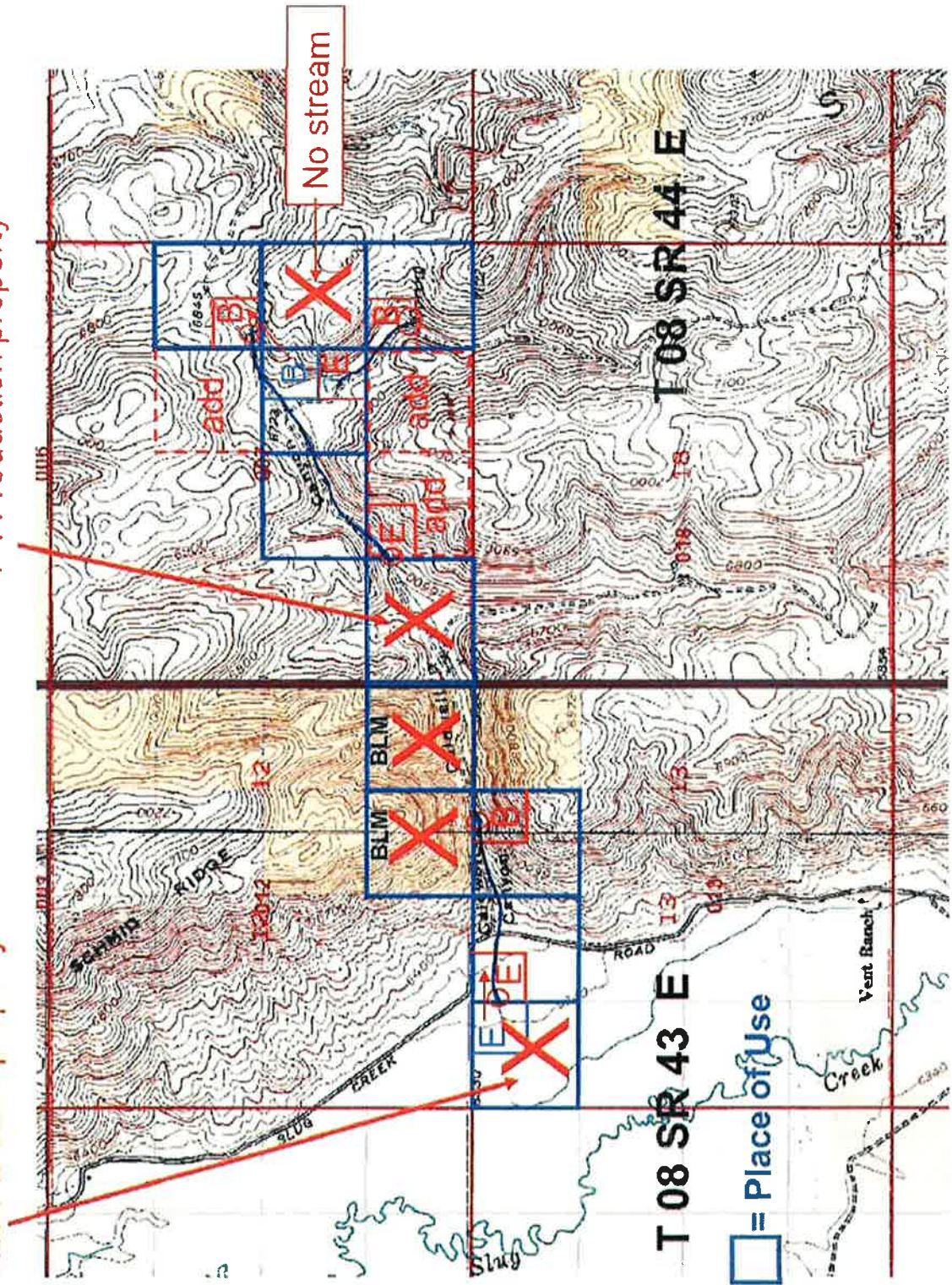
SCANNED
JAN 31 2006

FILED

27-12079, Doris Bollar-Hayden

Allen & Sons property

P4 Production property

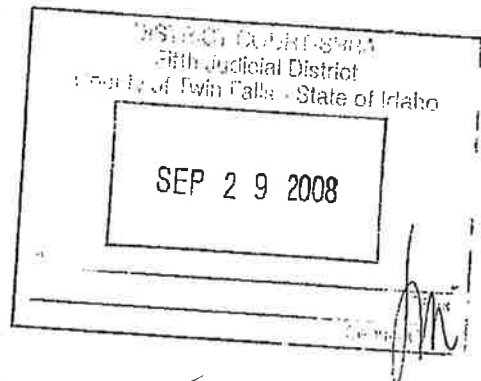


AMENDED 3FS

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 27-12079



NAME AND ADDRESS: DORIS BOLLAR HAYDEN
PO BOX 598
SODA SPRINGS, ID 83276

SOURCE: UNNAMED STREAM TRIBUTARY: CALDWELL CREEK ✓
Caldwell CR SINKS
QUANTITY: 0.02 CFS
1.6 1.97 AFY

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

PRIORITY DATE: 08/02/1945 ✓

POINT OF DIVERSION: T08S R43E S13 ✓ NENWNE (Instream Beginning Point) Within Caribou County
R44E S07 ✓ NWNENW (Instream Ending Point)
✓ SWSENE (Instream Beginning Point)
✓ NWSESW (Instream Ending Point)
✓ SENWSE (Instream Beginning Point)
✓ NWSESE (Instream Ending Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Stockwater	Stockwater	05-01 TO 11-30 5-10 11-15	0.02 CFS 1.97 AFY 1.6

PLACE OF USE:	Stockwater	Within Caribou County
T08S R43E S13	✓ NWNE	✓ NENW
R44E S07	✓ SWNE	✓ SENE
	✓ NESW	✓ SESW
	✓ NWSE	✓ SWSE
	✓ SESE	

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.
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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.

X02 140 pairs
E53 w/ 27-12076

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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

1-5-2010

RIGHT NUMBER: 27-12079

NAME AND ADDRESS:

DORIS BOLLAR HAYDEN
PO BOX 598
SODA SPRINGS ID 83276

SOURCE:

Source:

CALDWELL CANYON CREEK

Tributary:

SINKS

Source:

UNNAMED STREAM

Tributary:

CALDWELL CANYON CREEK

QUANTITY:

0.020 CFS

1.600 AFY

1.970 AFY

Right Nos. 27-12076 and 27-12079 are limited to a total combined annual diversion volume of 1.6 AF.

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

PRIORITY DATE:

08/02/1945

POINT OF DIVERSION:

T08S R43E S13 NENWNE Begin of Stream Flow
Within CARIBOU County

T08S R43E S13 NWNENW End of Stream Flow
Within CARIBOU County

T08S R44E S7 SWSENE Begin of Stream Flow
Within CARIBOU County

T08S R44E S7 NWSESW End of Stream Flow
Within CARIBOU County

~~T08S R44E S7 SENWSE End of Stream Flow
Within CARIBOU County~~

T08S R44E S7 NWSESE Begin of Stream Flow
Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

STOCKWATER

05/10 11/15

0.020 CFS 1.60 AFY

~~05/01 11/30~~

~~0.020 CFS 1.97 AFY~~

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

PLACE OF USE: STOCKWATER within CARIBOU County

T08S R43E S13 NWNE

T08S R43E S13 NENW

T08S R44E S07 SWNE

T08S R44E S07 SENE

T08S R44E S07 NESW

T08S R44E S07 SESW

T08S R44E S07 NWSE

T08S R44E S07 SWSE

T08S R44E S07 SESE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

~~The quantity of water decreed for this water right is not a determination of historical beneficial use.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 140 cow-calf pairs.

~~Stockwater use is for 250 cattle~~

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. 27-12079
)
)

Case No. 39576

) **STANDARD FORM 5**
)
)

) **AMENDED CLAIM**
)

) **FOR DOMESTIC & STOCKWATER RIGHTS**

This form is used to report the stipulated elements of one domestic and/or stockwater 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, data, expert opinions and law support 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 in the attached Amended Claim. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Doris Bollar-Hayden


Doris Bollar-Hayden

9/12/07
Date

OBJECTOR:

United States on behalf of the
Bureau of Land Management

Larry A. Brown Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

RESPONDENT:

State of Idaho

David J. Barber Date
Deputy Attorney General
Office of the Attorney General

OBJECTOR:

Shoshone-Bannock Tribes

Jeanette Wolfley Date
Attorney

IDWR CONCURRENCE:

Cindy E. Bird

Cindy Bird
Water Resource Agent

6/7/07

Date

IDWR CONCURRENCE:

Garrick L. Baxter
Deputy Attorney General

Date

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

RIGHT NUMBER: 27-12079

NAME AND ADDRESS: DORIS BOLLAR HAYDEN
PO BOX 598
SODA SPRINGS ID 83276

CB
DBH

SOURCE: CALDWELL CREEK
UNNAMED STREAM TRIBUTARY: SLUG CREEK
CALDWELL CREEK

QUANTITY: 0.020 CFS
1.97 AFY

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

PRIORITY DATE: 08/02/1945

POINT OF DIVERSION: Within CARIBOU County
T08S R43E S13 NENWNW End of Stream Flow
T08S R44E S7 NENWSE Begin of Stream Flow

<Caldwell Creek>
T08S R43E S13 NENWNE Begin of Stream Flow
T08S R43E S13 NWNENW End of Stream Flow

T08S R44E S07 SWSENE Begin of Stream Flow
T08S R44E S07 NWSESW End of Stream Flow

<Unnamed Stream>
T08S R44E S07 NWSESE Begin of Stream Flow
T08S R44E S07 SENWSE End of Stream Flow

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
STOCKWATER 05/01 11/30 0.020 CFS
1.97 AFY

PLACE OF USE: STOCKWATER Within CARIBOU County
T08S R43E S12 SWSE <BLM>
T08S R43E S12 SESE <BLM>
T08S R43E S13 NWNE <Canyon Creek>
T08S R43E S13 NENW <Canyon Creek>
T08S R43E S13 NWNW <Allen & Sons>
T08S R44E S07 SWNE <Canyon Creek>
T08S R44E S07 SENE <Canyon Creek>
T08S R44E S07 NESW <Canyon Creek>
T08S R44E S07 SESW <Canyon Creek>
T08S R44E S07 SWSW <P4 Production>
T08S R44E S07 NESE <no stream>
T08S R44E S07 NWSE <Canyon Creek & Unnamed Stream>
T08S R44E S07 SWSE <Unnamed Stream>
T08S R44E S07 SESE <Unnamed Stream>

CB

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.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
Stockwater use is for 250 cattle

Mailed to Ray
10/10/07

CERTIFICATE OF MAILING

I certify that on _____, 2007 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:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

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

Doris Bollar-Hayden
P.O. Box 598
Soda Springs, Idaho 83276

Jeanette Wolfley
202 N. Arthur
Pocatello, Idaho 83204
Of Attorneys for
Shoshone-Bannock Tribe

Signature of person or attorney mailing the form

05/12/2005

**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:

Water right number: 27-12079

DORIS BOLLAR HAYDEN

PO BOX 598

SODA SPRINGS ID 83276

Telephone Number: (208)547-3730

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

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

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

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

DATE: JUNE 13/2005

SIGNATURE:

Doris Bollar Hayden

Please print your name:

Doris BOLLAR HAYDEN

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

SCANNED
JAN 31 2006
PROFILE

RECEIVED
JUN 20 2005

Department of Water Resources
Eastern Region

KMC
6/12/1

15 West Center
Soda Springs, ID 83276
Phone (208) 547-3993
FAX (208) 547-3939

Idaho Department of Water Resources

Fax

To: Ernie Carlsen

From: Barbara Payne

Fax: 525-7177

Pages: 3

Phone:

Date: 8/22/2005

Re: 27-12079

CC:

Hi Ernie,

As requested, I am attaching a copy of the original Notice of Claim. I will put the entire file in the boxes I will give to Trent on Tuesday, August 23rd.

Barbara



FAXED
9:40am



Close

From: Carlsen, Ernie
To: Payne, Barbara
Cc:
Subject: RE: Basin 27 Preliminary - 27-12079
Sent: 8/18/2005 4:46 PM

Importance: Normal

Yes

-----Original Message-----

From: Payne, Barbara
Sent: Thursday, August 18, 2005 9:04 AM
To: Carlsen, Ernie
Cc: Bird, Cindy
Subject: FW: Basin 27 Preliminary - 27-12079

Hayden

Hi Ernie,

I looked for this file in Soda. We never had the file. We were sent the original Notice of Claim to a Water Right and a copy of the PDR. I sat up a temporary file that contains these 2 documents. The file folder contains a "red star" which indicates to me, at least, that it was handled in IF. Do you want me to FAX you a copy of the original Water Right Claim?

Barbara :-}

-----Original Message-----

From: Steven M Spencer
To: Barbara.Payne@idwr.idaho.gov; Cindy.Bird@idwr.idaho.gov
Cc: ernie.carlsen@idwr.idaho.gov; Linda R Moore
Sent: 8/17/2005 12:40 PM
Subject: Basin 27 Preliminary - 27-12079

As we've reviewed the preliminary recommendations for Basin 27, we have
a

question about 27-12079. This is an instream flow stockwater claim by
Doris Bollar Hayden. We detect that the End of Stream Flow should be
T08S

R43E S13 NENWNW, not T08S R44E S13 NENWNW as the preliminary
recommendation

shows. This is a recommendation that we would have to object to if it
is

not corrected at this time. Please take a look at this and let me know
if

you agree and can make this change, or if there is something that I may
not

totally understand about the preliminary recommendation. Thank you.

Steve Spencer (208) 331-5944
Boise Adjudication Team (208) 387-0842 FAX
161 E. Mallard, Suite 110 e-mail: sspencer@fs.fed.us

Claim 27-12079

File was never in Soda Springs.

5/25/05/bjp

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 27-12079
Date Received: 5/11/2005
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

DORIS BOLLAR HAYDEN Phone: (208)547-3730
PO BOX 598
SODA SPRINGS ID USA 83276

2. Date of Priority: 08/02/1945

3. Source: CALDWELL CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
08S	44E	7	NE NW SE	CARIBOU	Beginning Point
08S	44E	13	NE NW NW	CARIBOU	Ending Point

5. Description of diverting works:

IN STREAM STOCKWATER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	05/01	11/30	0.02	

7. Total Quantity Appropriated is:
0.02 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
08S	43E	12	SE SE SW SE	STOCKWATER STOCKWATER	

08S	43E	13	NW	NE	STOCKWATER
			NW	NW	STOCKWATER
			NE	NW	STOCKWATER
08S	44E	7	SE	NE	STOCKWATER
			NE	SE	STOCKWATER
			NW	SE	STOCKWATER
			SE	SE	STOCKWATER
			NE	SW	STOCKWATER
			SW	SW	STOCKWATER

11. Place of use in counties: CARIBOU

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

Stockwater use is for 250 cattle

15. Basis of Claim: Beneficial Use

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. 27-12079Date Received 5-9-05Receipt Number E030868NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.RECEIVED
MAY 09 2005
Department of Water Resources
Eastern Region

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) DORIS BOLLAR HAYDEN Phone (208) 547-3730Mailing Address Box 598 Soda Springs, ID. Zip 832762. Date of Priority (Only one per claim) 8/2/1945 Month/Day/Year3. Source of water supply (Check one) () Groundwater or Other () (a) Caldwell Crk.
Name or kind of sourcewhich is tributary to (b) Sinks4. Location of point of diversion is: Township 8S Range 44E.Section 7 NE 1/4 of NW 1/4 of SE 1/4, Govt. Lot —, BM.County of Caribou Pt of beginningAdditional points of diversion if any: T8S, R43E, Sec 13 NE NW NW. Pt. of EIV5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. IN Stream stockwater.6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)For Stockwater purposes from May 1 ^{Month/Day} to November 30 ^{Month/Day} amount (cfs)For purposes from to amount
(Both dates are inclusive)7. Total quantity claimed .02 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) Used for livestock. Mother cows and calves, yearling replacement heifers. The total number would not exceed 250 head on any one day

10. Place of use is: Township: BS Range 44 E.
Section 7 South 1/2 1/4 of _____ 1/4, Govt. Lot _____ B.M.,

Sec. 7. Pol:
SENE, N 1/2 SE,
SESE, NESW,
SWSW.

for (Circle One) Domestic Stock Domestic and Stock
Additional places of use, if any T. 4. S Range 43 section 12 SE 1/4 of SE 1/4, SWSE.
Section 13 NW 1/4 of NE 1/4 and N 1/2 of NW 1/4

11. In which county (ies) are lands listed above as place of use located? Caribou.

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
() None or _____

14. Remarks: Instream stock.

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood the form entitled "How you will receive notice in the Snake River Basin Adjudication". (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of Attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Paris Bruce Hayden Date MAR 4, 2005

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

of _____ Title _____
Organization _____ that I have signed the foregoing
document in the space below as _____ of _____
Title _____ Organization _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

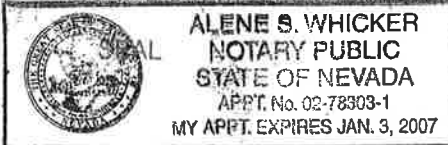
State of Idaho/or Nevada)

County of Clark)

SS.

NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this 4th day of March 2005



Notary Public Alene S. Whicker

Residing at Mesquite, NV.

My Commission Expires Jan. 3, 2007

Last Name Whicker Hayden Ident No. 02-78303-1

Copies: White-State, Yellow-Claimant