

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 65-19848

NAME AND ADDRESS: USDI BLM
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

SOURCE: UNNAMED STREAM TRIBUTARY: HAW CREEK

QUANTITY: 0.02 CFS

PRIORITY DATE: 06/28/1934

POINT OF DIVERSION: T07N R01W S05 SESENE (Instream Beginning Point) Within Gem County
NENESE (Instream Ending Point)

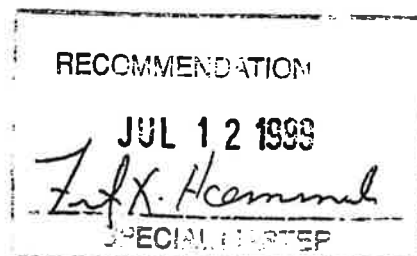
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Stockwater		Within Gem County
	T07N R01W S05	NESE	SENE

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.

Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication



RECEIVED

AUG 15 1998

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 65-26360+
(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

COPY

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: _____
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.
☐ This water right was not recommended, but should be recommended with the elements described above.

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 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.

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: August 4, 1998
(Insert Date)




Notary Public for IDAHO
Residing at: BOISE, ID
My commission expires: May 9, 2002

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 August 4, 1998, 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

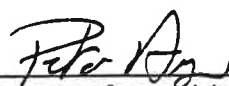
3. Copies to:

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

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

(not applicable)

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



Signature of party claimant or attorney

65-19685	65-19807	65-19905	65-19996
65-19689	65-19809	65-19906	65-19997
65-19702	65-19828	65-19907	65-19999
65-19703	65-19831	65-19907	65-20000
65-19704	65-19833	65-19908	65-20001
65-19705	65-19835	65-19919	65-20003
65-19706	65-19836	65-19920	65-20004
65-19708	65-19837	65-19922	65-20005
65-19709	65-19838	65-19923	65-20006
65-19716	65-19839	65-19924	65-20007
65-19731	65-19842	65-19926	65-20010
65-19732	65-19843	65-19929	65-20011
65-19733	65-19844	65-19930	65-20012
65-19734	65-19846	65-19931	65-20015
65-19735	65-19847	65-19932	65-20073
65-19757	65-19848	65-19933	65-20074
65-19758	65-19849	65-19934	65-20118
65-19759	65-19850	65-19935	65-20158
65-19760	65-19861	65-19936	65-20159
65-19761	65-19862	65-19937	65-20160
65-19762	65-19863	65-19938	65-20161
65-19764	65-19864	65-19939	65-20162
65-19765	65-19865	65-19940	65-20168
65-19766	65-19866	65-19942	65-20169
65-19767	65-19867	65-19943	65-20173
65-19768	65-19868	65-19970	65-20177
65-19771	65-19869	65-19971	65-20179
65-19772	65-19871	65-19972	65-20181
65-19773	65-19872	65-19973	65-20185
65-19774	65-19873	65-19974	65-20189
65-19775	65-19874	65-19975	65-20192
65-19776	65-19875	65-19976	65-20194
65-19780	65-19876	65-19977	65-20195
65-19782	65-19877	65-19978	65-20196
65-19784	65-19878	65-19979	65-20197
65-19785	65-19879	65-19980	65-20198
65-19786	65-19894	65-19981	65-20199
65-19789	65-19895	65-19983	65-20200
65-19790	65-19896	65-19984	65-20201
65-19791	65-19897	65-19985	65-20202
65-19792	65-19898	65-19986	65-20203
65-19793	65-19899	65-19987	65-20211
65-19794	65-19901	65-19988	65-20213
65-19795	65-19902	65-19989	65-20214
65-19803	65-19903	65-19991	65-20258
65-19805	65-19904	65-19993	65-20259

65-20260	65-20372	65-20436	65-20519
65-20261	65-20374	65-20438	65-20520
65-20268	65-20376	65-20439	65-20537
65-20270	65-20377	65-20458	65-20550
65-20271	65-20378	65-20464	65-20552
65-20285	65-20379	65-20466	65-20553
65-20286	65-20380	65-20468	65-20557
65-20289	65-20381	65-20469	65-20558
65-20297	65-20382	65-20471	65-20559
65-20300	65-20383	65-20472	65-20563
65-20308	65-20384	65-20475	65-20571
65-20310	65-20385	65-20476	65-20572
65-20320	65-20388	65-20477	65-20573
65-20321	65-20389	65-20478	65-20574
65-20323	65-20390	65-20479	65-20584
65-20325	65-20401	65-20480	65-20597
65-20326	65-20402	65-20484	65-20609
65-20327	65-20403	65-20486	65-20610
65-20329	65-20404	65-20487	65-20611
65-20330	65-20405	65-20488	65-20612
65-20331	65-20406	65-20489	65-20615
65-20332	65-20407	65-20503	65-20616
65-20333	65-20408	65-20505	65-20629
65-20335	65-20409	65-20506	65-20631
65-20339	65-20410	65-20507	65-20635
65-20343	65-20411	65-20509	65-20636
65-20348	65-20412	65-20510	65-20637
65-20365	65-20413	65-20511	65-20638
65-20366	65-20414	65-20512	65-22170
65-20367	65-20432	65-20513	65-22171
65-20368	65-20433	65-20514	65-22184
65-20370	65-20434	65-20515	65-22185
65-20371	65-20435	65-20518	

AJ0749NP
No. R65-19848

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

DATE: 02/26/98
PAGE: 1

OWNER
CODE C NAME & ADDRESS
UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 837091657
(208) 373-4000

PRIORITY
DATE 01/01/1874

WATER USE
STOCKWATER

USE PERIOD
FROM 01-01 TO 12-31

DIVERSION
RATE 0.02 CFS

DIVERSION
VOLUME 0.02 CFS

TOTAL DIVERSION:

Water Source: UNNAMED STREAM
Tributary to: HAW CREEK
Stage: BENEFICIAL USE

Point(s) of Beginning Stream Reach: T07N R01W S05
Point(s) of Ending Stream Reach: T07N R01W S05

SESENE
NENESE

Place of use Legal Description for: STOCKWATER

NE		NW		SW		SE						
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
07N	01W	5	:	:	:	:	:	:	:	:	:	:

POU County: GEM
Other Rights: NONE

Remarks: EXP BLM RECORD ID = 6501480316
STOCKWATER, 400 RANGE CATTLE

Dates: Exam Made Date: Verified Date: 02/26/1998 Objection Filed Date:

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

Audit: 02/26/98 SBOCK

DATE: 02/17/98
PAGE: 10

DIVERSION
VOLUME

4

Stage: BENEFICIAL USE

SESENE
NENESE

FIN

FS

[illegible]

POU County: BOISE, GEM

Non-Irrigation Uses: 400 RANGE CATTLE, WILDLIFE ✓✓

Other Rights: NONE

Objection Filed Date:

Field Inspection Flag:

Audit: 01/10/98 AJCTR

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:

65-19848

(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:

6501480316

Stg:

J

StFed:

S

SOURCE:

Source Tributary

UNNAMED STREAM

HAW 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:

1/1/1874

Diversion Means: IN-STREAM USE

REMARKS:

POINT of
DIVERSION:

Twntship	Range	Section	T1	T2	T3	LOT	B/E	within the	County of
07N	01W	5	SE	SE	NE		B	15	BOISE
07N	01W	5	NE	NE	SE		E	45	GEM

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	
16	0101	1231	0.02	

CONSUMPTIVE
USE:

de minimis

stockwater use

DATE:

06-Feb-98 7:10 AM

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

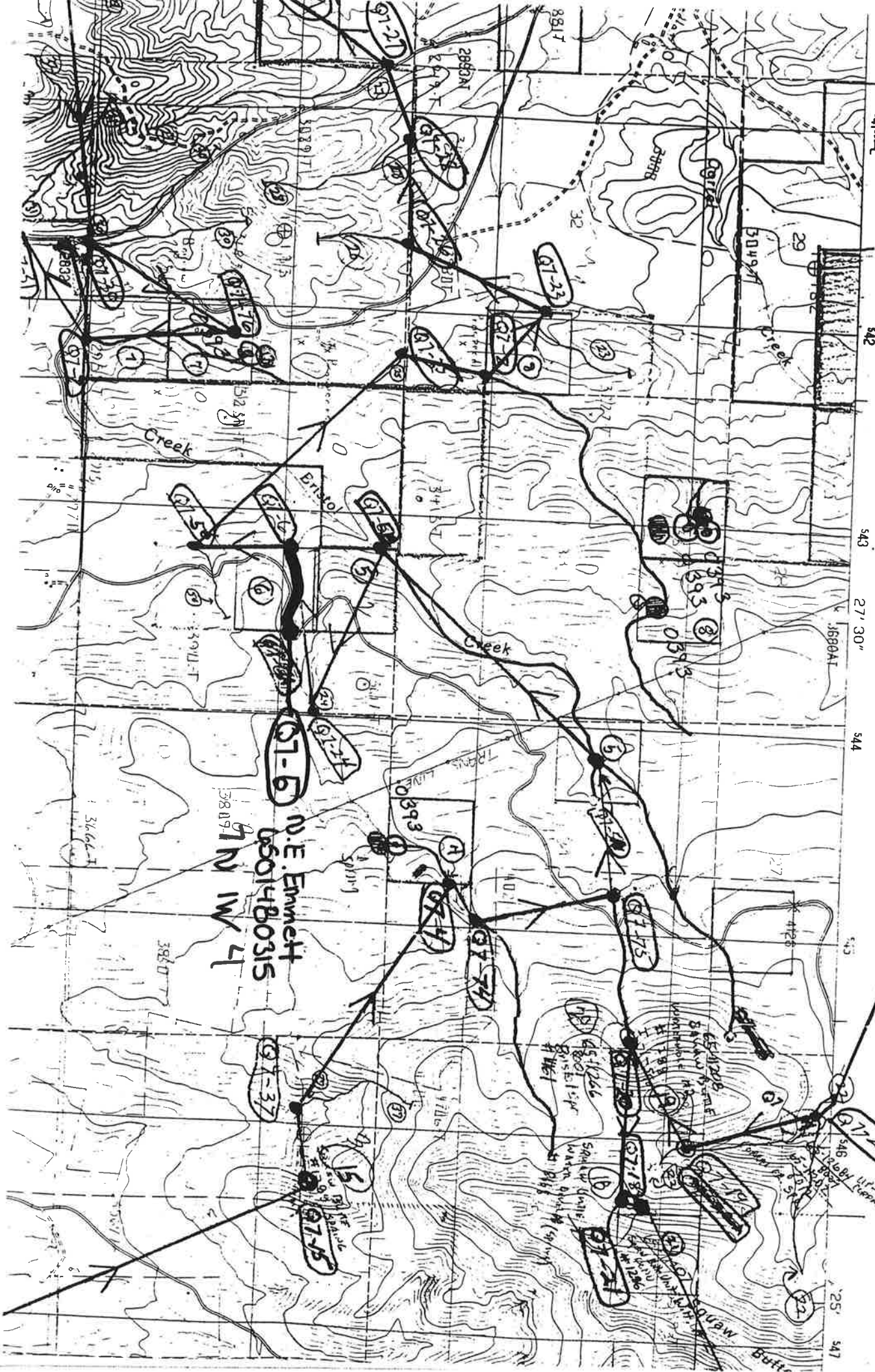
The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

PLACE
of USE:

Water Use	Twnt	Rge	Sec	T1	T2	LOT	within the	County of
04	07N	01W	5	SE	NE		15	BOISE
04	07N	01W	5	NE	SE		45	BOISE

Department of Water Resources

SHEEP RIDGE



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: 1874-01-01
AGENCY NUMBER: 6501480316 *A65-19848*
BLM NUMBER: 6501480316
BASIS OF CLAIM: BENEFICIAL USE
BASIN NUMBER: 65

SOURCE	TRIBUTARY TO
UNNAMED STREAM	HAW CREEK

DESCRIPTION OF DIVERSION WORKS

INSTREAM

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
STOCKWATER	0.090	0.00	0101	1231
WILDLIFE	0.020	0.00	0101	1231
TOTAL:	0.110 CFS	0.00 AF		

NON-IRRIGATION USES

400 RANGE CATTLE, WILDLIFE

		POINT OF DIVERSION					
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
07N	01W	05	SE	SE	SE	00	GEM
07N	01W	05		SE	NE	00	BOISE

PLACE OF USE							IRRIGATED	
TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	OWNED	ACRES
07N	01W	05	SE	SE	00	GEM	YES	0.0

MICROFILMED
AUG 04 1994

BLM NUMBER: 6501480316

PAGE: 2

07N	01W	05	SE	SE	00	BOISE	YES	0.0
07N	01W	05	NE	SE	00	BOISE	YES	0.0
07N	01W	05	SE	NE	00	BOISE	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 - 1874