

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

NEW

AMENDED NOTICE of CLAIM for
Water Right number:

7414831 (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:

Stg: StFed:

7404681960

J

X

WATER FEDERALLY
RESERVED, SEE
REMARKS

4/17/1926

SOURCE:

Source Tributary

STALL SPRING

PATTEE CREEK

QUANTITY:

0.02

CFS

or VOLUME:

Acre Feet

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

PRIORITY DATE:

8/16/09

iversion Means: UNDEVELOPED SPRING

REMARKS:

Also reserved pursuant to Federal law

ASSOCIATED WITH 7404688032

POINT of
DIVERSION:

Twnship	Range	Section	T1	T2	T3	LOT	B/E	within the	County of
19N	24E	22	SW	NW	NE	02		59	

PURPOSE
and
PERIOD
OF USE:

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

CONSUMPTIVE
USE:

de minimis stockwater use

DATE: 20-Aug-98

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.

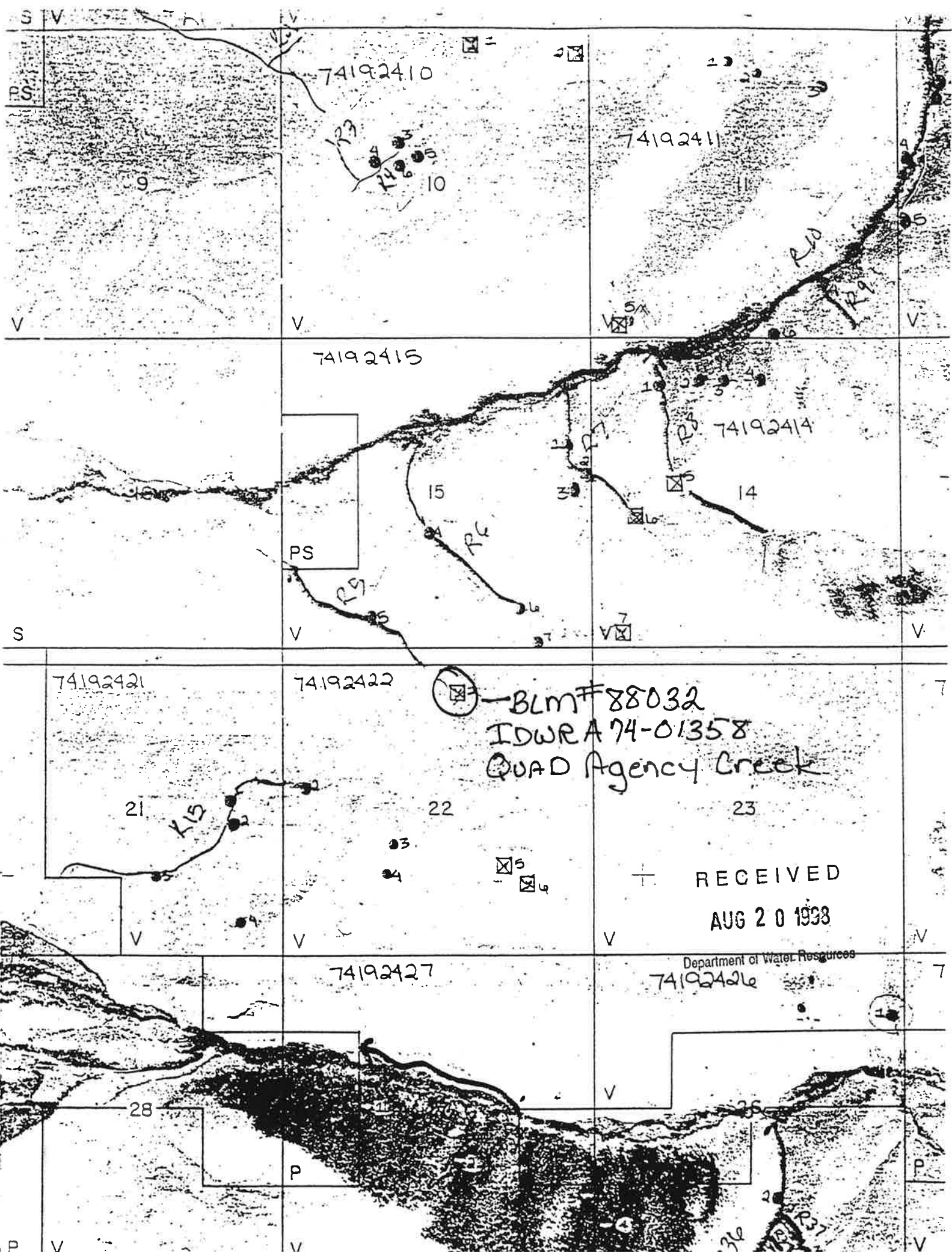
PLACE
of USE:

Water Use	Twn	Rge	Sec	T1	T2	LOT	within the County o
04	19N	24E	22	NW	NE	02	59 LEMHI

RECEIVED

AUG 20 1998

Department of Water Resources



74192410

74192411

74192415

74192414

74192421

74192422

BLM#88032
IDWRA 74-01358
QUAD Agency Creek

RECEIVED

AUG 20 1938

74192427

Department of Water Resources
74192426

AJ5809NP
No. R74-14831

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/26/98
PAGE: 29

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	UNITED STATES OF AMERICA ACTING THROUGH	08/16/1909	STOCKWATER	01-01 12-31	0.02 CFS	
TOTAL DIVERSION:					0.02 CFS	

Water Source: STALL SPRING

Tributary to: PATTEE CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion: T19N R24E S22 Lot02(SWNWNE)

LEMHI County

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE											
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac	
19N	24E	22	:			02-S		:															

POU County: LEMHI

Other Rights: WATER FEDERALLY RESERVED, SEE REMARKS

Conditions of Approval:

- 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 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.

Remarks: EXP BLM RECORD ID = 7404681960
ASSOCIATED WITH 7404688032

Dates: Exam Made Date: Verified Date: Objection Filed Date:

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

VOKRBH
11/7/98

74-13936	74-14050	74-14787	74-14838
74-13940	74-14052	74-14788	74-14839
74-13942	74-14054	74-14790	74-14840
74-13944	74-14056	74-14791	74-14841
74-13946	74-14062	74-14792	74-14842
74-13948	74-14064	74-14793	74-14843
74-13950	74-14066	74-14794	74-14844
74-13954	74-14068	74-14795	74-14845
74-13956	74-14070	74-14796	74-14846
74-13958	74-14072	74-14797	74-14847
74-13960	74-14076	74-14798	74-14848
74-13962	74-14078	74-14799	74-14849
74-13968	74-14080	74-14800	74-14850
74-13974	74-14082	74-14801	74-14851
74-13976	74-14086	74-14802	74-14852
74-13978	74-14088	74-14803	74-14853
74-13980	74-14090	74-14805	74-14854
74-13982	74-14094	74-14806	74-14855
74-13984	74-14098	74-14809	74-14856
74-13986	74-14100	74-14810	74-14857
74-13988	74-14104	74-14811	74-14858
74-13990	74-14106	74-14812	74-14859
74-13992	74-14110	74-14814	74-14860
74-13998	74-14112	74-14815	74-14861
74-14000	74-14116	74-14816	74-14862
74-14002	74-14118	74-14817	74-14863
74-14004	74-14120	74-14818	74-14864
74-14006	74-14122	74-14819	74-14865
74-14008	74-14124	74-14820	74-14866
74-14010	74-14126	74-14821	74-14867
74-14012	74-14128	74-14822	74-14868
74-14014	74-14130	74-14823	74-14869
74-14016	74-14132	74-14824	74-14870
74-14018	74-14136	74-14825	74-14871
74-14020	74-14142	74-14826	74-14874
74-14024	74-14773	74-14827	74-14875
74-14026	74-14774	74-14828	74-14876
74-14028	74-14776	74-14829	74-14877
74-14030	74-14777	74-14830	74-14878
74-14032	74-14778	74-14831	74-14880
74-14034	74-14779	74-14832	74-14882
74-14036	74-14780	74-14833	74-14883
74-14038	74-14781	74-14834	74-14884
74-14040	74-14783	74-14835	74-14885
74-14046	74-14784	74-14836	74-14886
74-14048	74-14785	74-14837	74-14887

MAR 22 1999

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.
☐ 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 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.

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)

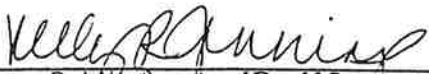
Peter J. Ampe, Deputy Attorney General, being first duly sworn, upon oath, deposes and says:

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: February 22, 1999
(Insert Date)


Notary Public for IDAHO
Residing at: BOISE, ID
My commission expires: 5/24/2003

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 February 22, 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


Signature of party claimant or attorney