

IDAHO DEPARTMENT OF WATER RESOURCES 12/11/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

Water Right 29-13263

NAME AND ADDRESS: KING CREEK GRAZING ASSN
C/O STEVE HEBDON
2924 KELLY TOPONCE RD
BANCROFT ID 83217

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.04 CFS

PRIORITY DATE: 05/01/1932

POINT OF DIVERSION:

T07S R38E S7 NESENE Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.040 CFS

PLACE OF USE: STOCKWATER Within CARIBOU County

T07S R38E S08	NWNW	T07S R38E S08	SWNW
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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.

EXPLANATORY MATERIAL: Beneficial Use

Notes

4/26/04 Lower Hornet troughs. In stream stock watering started in 1932, and in 1990 they developed it into a ~~thick~~ trough because of low flows. Cordie was going to talk to Ernie about the change and she enters a discussion to the SRBA court. CB

**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 29-13263
(Insert water right number)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

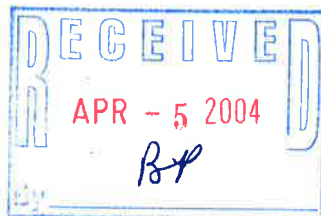
B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Land Management, Idaho State Office
Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657
Daytime Phone: see below
Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: King Creek Grazing Assn.; c/o Steve Hebdon
Address: 2924 Kelly Toponce Road; Bancroft, Idaho 83217
Name: ;
Address: ;
Name: ;
Address: ;
Name: ;
Address: ;



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: See attached.
5. ☐ **Point(s) 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: See attached.
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):

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant's construction of a pipeline and trough on Federal land is unauthorized. Claimant's water right should not include this POU.

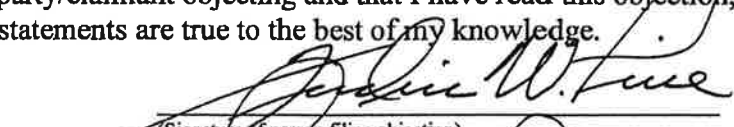
F.

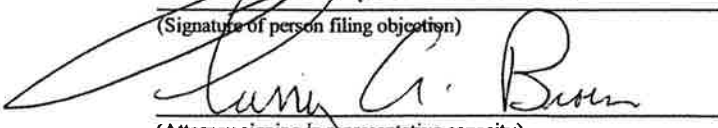
VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

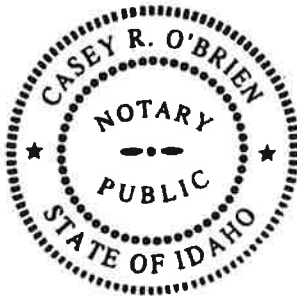
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

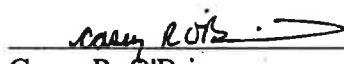
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)


(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 11/05/03




Casey R. O'Brien
Notary Public in and for the State of Idaho
Residing at: Nampa, ID.
My Commission Expires: 10-31-2009

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 Nov, 13, 2003, 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, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: King Creek Grazing Assn.; c/o Steve Hebdon
Address: 2924 Kelly Toponce Road; Bancroft, Idaho 83217

Name:
Address: ;

Name:
Address: ;

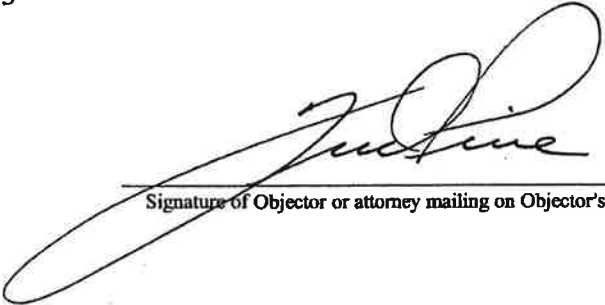
Name:
Address: ;

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

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

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



Signature of Objector or attorney mailing on Objector's behalf

07/10/2003

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

RIGHT NUMBER: 29-13263
NAME AND ADDRESS: KING CREEK GRAZING ASSN
C/O STEVE HEBDON
2924 KELLY TOPONCE RD
BANCROFT ID 83217

POU ON BLM

-Remove POU on BLM

UNAUTHORIZED USE

-POU is not Authorized

SOURCE: SPRING

TRIBUTARY: SINKS

QUANTITY: 0.040 CFS

PRIORITY DATE: 05/01/1932

POINT OF
DIVERSION: T07S R38E S7 NESENE Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

01/01 12/31

0.040 CFS

PLACE OF USE: STOCKWATER Within CARIBOU County

T07S R38E S08

NWNW

T07S R38E S08

SWNW

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

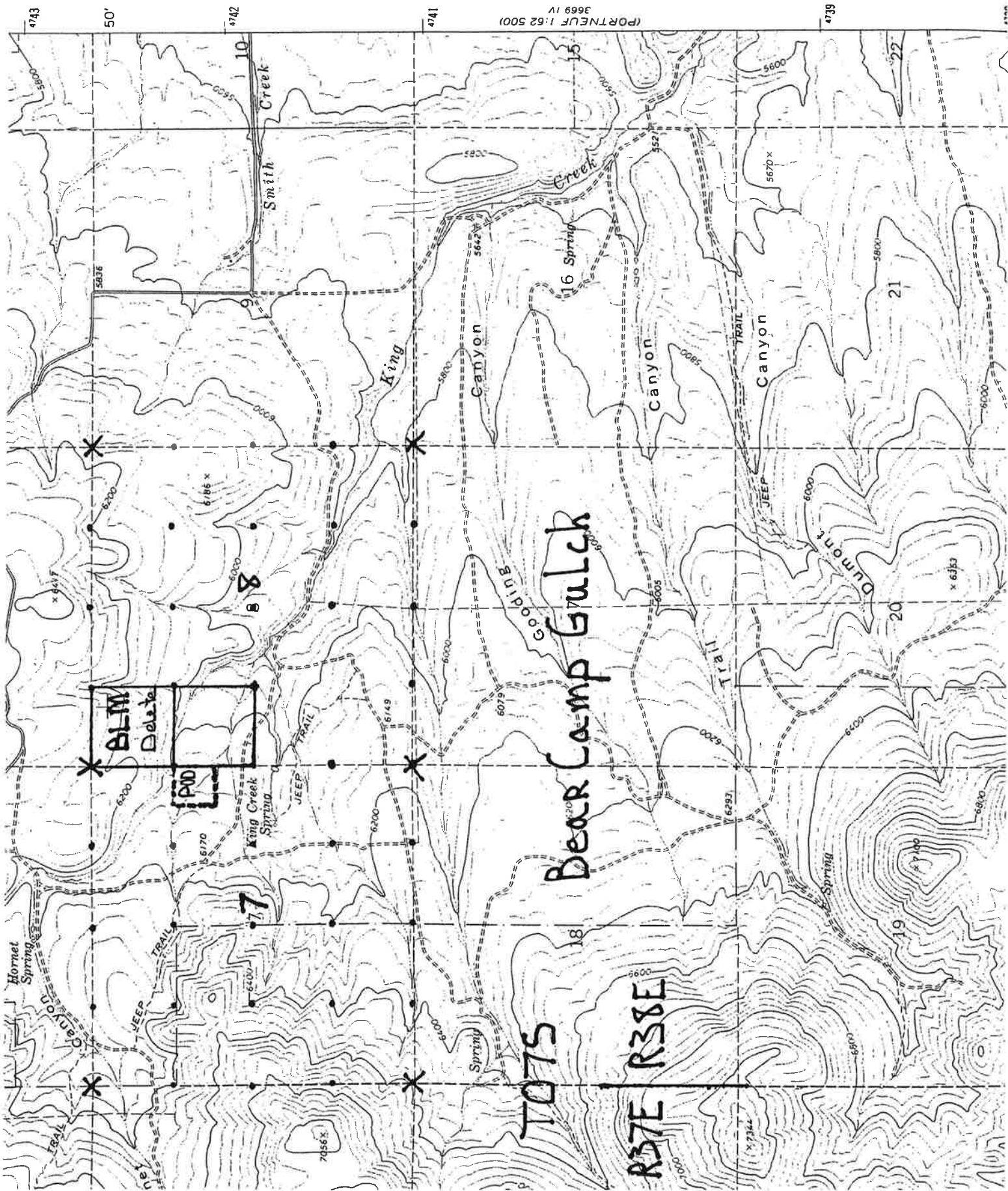
POU on BLM

-POU identified describes Federal Public land entirely

-Original Notice of Claim states that the POU on BLM was not constructed until 1990.

-Idaho Code 42-1425 cannot be used to recognize changes to water uses after the commencement of the SRBA.

-The POU on BLM is not authorized, therefore remove the POU from the claim.

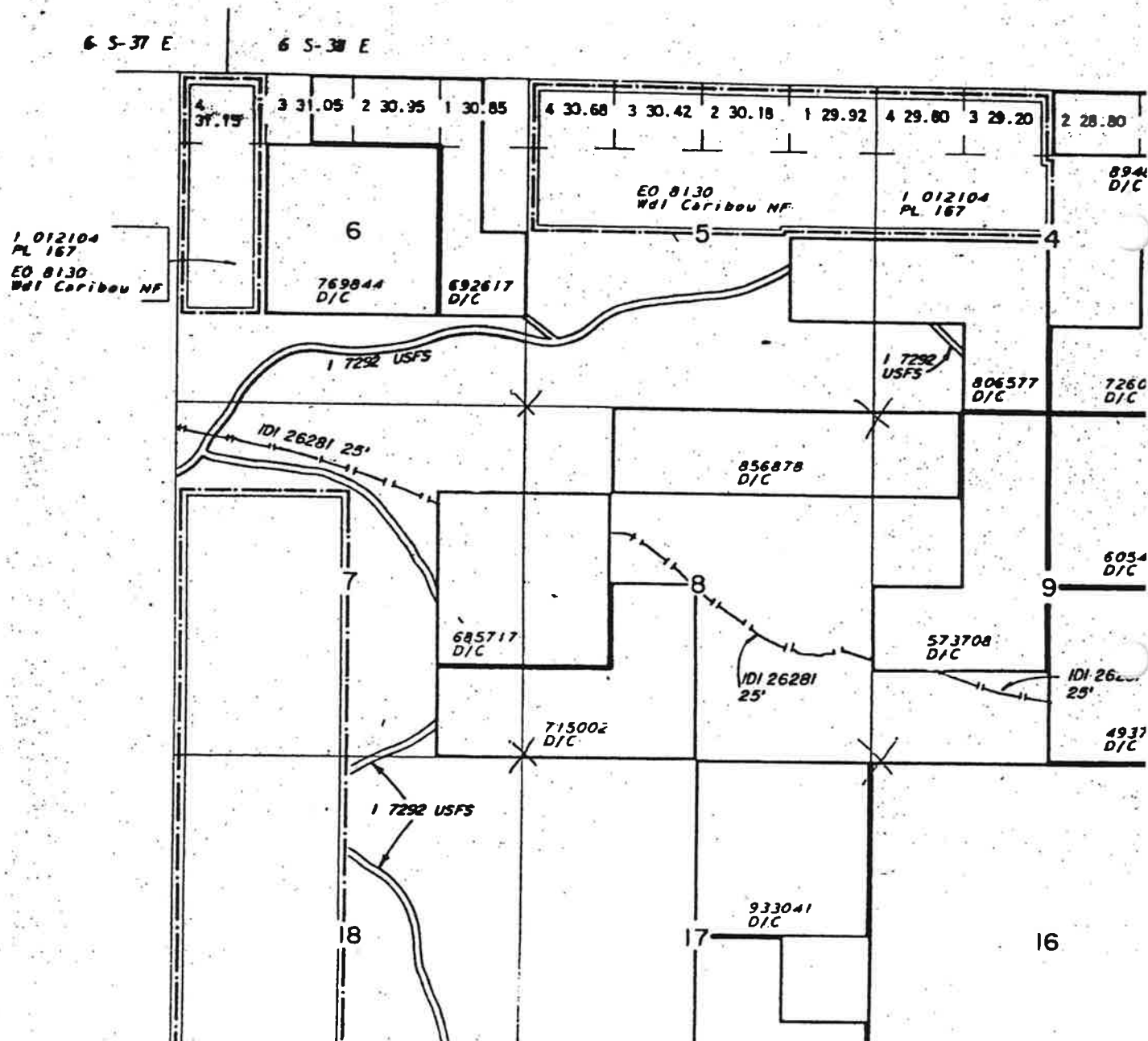


T 07S
R 38E
S 08

TOWNSHIP 7 SOUTH

CAR

ID



POCATELLO RAN

MT PLAT

USE PLAYS

SCALE in Chairs

Memo

To: Jennifer Crabtree
From: Cindy E. Bird
Date: 8/14/03
Re: Claim A27-13263

Hi Jennifer,

As requested in your e-mail I am attaching the file contents of the above referenced claim. If there is anything else you need, please let me know.

Cindy E. Bird *CB*

CEB/bjp

Attachments

King Creek Grazing Association
A29-13263
December 10, 2001
Narrative by Cindy Bird



Photo 1. File name: 240_LwrHornetCrk

October 25, 2001 Steve Hebdon, President of King Creek Grazing Association, and I visited this site. The water is collected in a buried pipe behind the red bushes and diverted into a 1 ½" PVC pipe and gravity flows to the 2 troughs. Steve Hebdon installed the troughs in 1990. Prior to that they watered from the spring.

Photo 1 was taken at 2:01 pm looking westerly at the POD. The spring normally flows from the mountain but after Steve installed the pipe the spring doesn't surface. The flow to the watering troughs did increase after the pipe was installed.

Photo file names refer to the Canon assigned picture number, local name of the POD or a description of the trough.



Figure 1. Lower Hornet.

Figure 1 shows the Global Positions of the Lower Hornet and the 2-500 gallon troughs. No site tags were applied in these locations. The places of use are located in the SWNW and NWNW of section 8, and the POD is located in the SENE of section 7 all within township 7 south, range 38 east of the Boise Meridian.

The 1987-88 NAPP photography doesn't contain imagery in this area.



Photo 2. File name: 241_1stTrough



Photo 3. File name: 242_2ndtrough

Photo 2 was taken at 2:41 pm looking north at the first trough from lower hornet spring.

Photo 3 was taken at 2:16 pm looking south at trough 2. Trough 2 was barely flowing and trough 1 was plugged. When we removed the plug from trough 1 the flow to trough 2 stopped. The flow in trough 1 was measured at 20 gpm. The backpressure in tank 1 helped this flow but Steve also measured the spring flows at 20 gpm. Since it was so late in the season I gave King Creek the benefit of the doubt. King Creek Grazing Association rotates their range cattle to the different troughs as the flows at the different sites decrease or shut off.

The flow was measured with a 5-gallon bucket and stopwatch at trough 1.

The 2 –500 gallon watering troughs water up to 1000 head of range cows each year.

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 29-13263
Date Received: 10/29/2001
Receipt No:
Received By:

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

1. Name of Claimant(s)

KING CREEK GRAZING ASSN Phone: (208) 648-7841

C/O STEVE HEBDON
2924 KELLY TOPONCE RD
BANCROFT ID USA 83217

2. Date of Priority: 05/01/1932

3. Source: SPRING Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07S	38E	7	NE SE NE	CARIBOU	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.04 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
07S	38E	8	SW NW	STOCKWATER 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 500 range cattle each trough.

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 FALLS

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

CIVIL CASE NUMBER: 39576

Identification No. 29-13263Date Received 10/29/01Receipt Number EO27227

NOTICE 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.

Filing Fee \$25

Please type or print clearly

- Name of Claimant (s) King Creek Grazing Assoc. Phone (208) 648-7841
Mailing Address 2924 Kelly Toponce Rd Bancroft Zip B3217
- Date of Priority (Only one per claim) May 1, 1932 Month/Day/Year
- Source of water supply (Check one) () Groundwater or Other () (a) Spring
which is tributary to (b) Sinks Name or kind of source
- Location of point of diversion is: Township 7S Range 38E
Section 7 NE 1/4 of SE 1/4 of NE 1/4, Govt. Lot _____, BM.,
County of Caribou
Additional points of diversion if any: _____
- 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. Burred perforated pipe, gravity to troughs. troughs were installed in 1990. Prior to that they were drinking from the spring.
- Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)
For Stock purposes from 1/1 Month/Day to 12/31 Month/Day amount 0.04 (cfs)
(Both dates are inclusive)
For _____ purposes from _____ to _____ amount _____
- Total quantity claimed 0.04 (cfs)
- Total consumptive use claimed is de minimus
- Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) Range cattle, 500 head. each trough

10. Place of use is: Township: 7S Range 38E
Section 8, SW 1/4 of NW 1/4, Govt. Lot _____, B.M.,

for (Circle One) Domestic Stock Domestic and Stock
Additional places of use, if any NWNW sec. 8, 7S, 38E.

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.
X None or _____

14. Remarks: Lower Horner - 2-500 gal troughs.

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) Steven Holden Date 10-27-01
_____ Date _____

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

of _____, that I have signed the foregoing

document in the space below as _____ of _____

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 _____)

County of Bannock) SS.

NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this 27th day of October 2001

Notary Public Cindy E Bird

Residing at Lava Hot Springs

My Commission Expires 5-1-2007

Last Name King Crk Grazing Ident No. _____

Copies: White-State, Yellow-Claimant

