

DEPARTMENT OF
WATER RESOURCES

IDWR Concurrence:

Monica Van Bussum 9/22/2008
IDWR Agent Date
Monica Van Bussum

Chris M. Bromley 9/22/08
Chris M. Bromley Date
Deputy Attorney General

08/13/2008

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

RIGHT NUMBER: 67-13997

NAME AND ADDRESS: BIG ROCK CREEK GRAZING ASSN LP
1648 COVE RD
WEISER ID 83672

SOURCE: SPRING SPRING SPRING UNNAMED STREAM UNNAMED STREAM
TRIBUTARY: LITTLE ROCK CREEK
TRIBUTARY: ROCK CREEK
TRIBUTARY: SCOTT CREEK
TRIBUTARY: ROCK CREEK
TRIBUTARY: MONROE CREEK

QUANTITY: 0.060 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 03/01/1971

POINT OF DIVERSION:

T13N R05W S19 NWNWNW Within WASHINGTON County
T13N R06W S9 NWSESE Within WASHINGTON County
T13N R06W S10 NWSESE Within WASHINGTON County
T13N R06W S11 NWNESW Within WASHINGTON County
T13N R06W S21 NWNESE Within WASHINGTON County
T13N R06W S23 NESESE Within WASHINGTON County
~~T13N R06W S15 NESE Within WASHINGTON County~~ ✓
~~T13N R06W S22 SENE Within WASHINGTON County~~ ✓
~~T13N R06W S23 NENW Within WASHINGTON County~~ ✓
~~T13N R06W S29 NWNE Within WASHINGTON County~~ ✓
~~T13N R06W S29 NWSW Within WASHINGTON County~~ ✓

MB
LCW
CB
MVB
PN

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.060 CFS

PLACE OF USE: STOCKWATER in WASHINGTON County

T13N R05W S19	NWNW	T13N R06W S09	SESE
T13N R06W S10	SESE	T13N R06W S11	NESW
~~T13N R06W S15~~	~~NESE~~	T13N R06W S21	NESE
~~T13N R06W S22~~	~~SENE~~	~~T13N R06W S23~~	~~NENW~~
T13N R06W S23	SESE	~~T13N R06W S29~~	~~NWNE~~
~~T13N R06W S29~~	~~NWSW~~		

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, 400 BEEF CATTLE PARCEL NOS. RP 13N05W193000, RP
13N06W097200, RP 13N06W100000, RP 13N06W111800, RP
13N06W210000, RP 13N06W230000

MB
LEW
CB
MVB
DN

CERTIFICATE OF MAILING

I certify that on 9/26, 2008, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

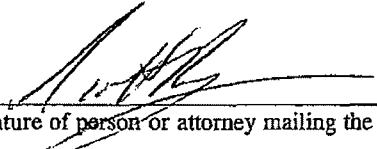
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

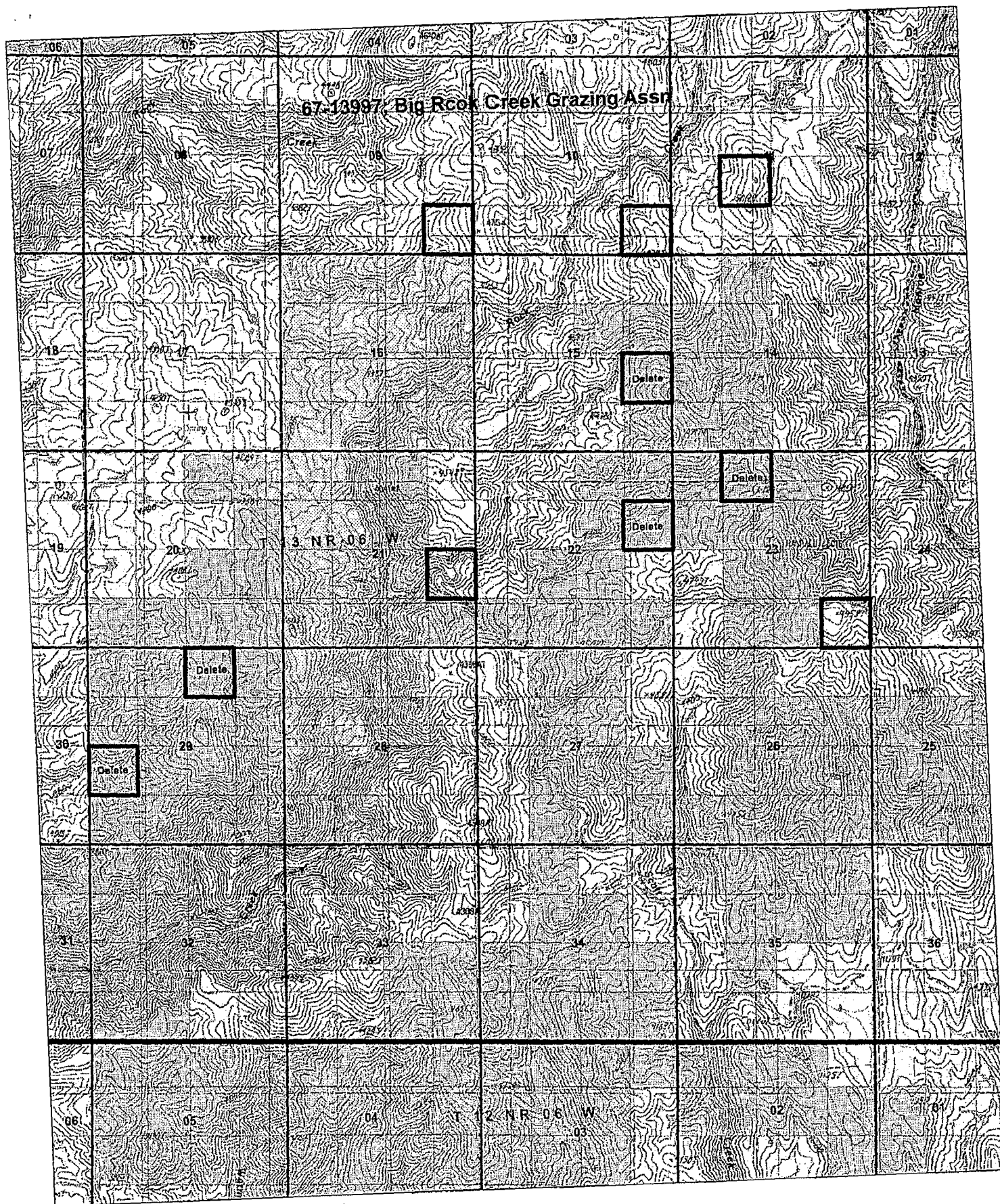
BIG ROCK CREEK GRAZING ASSN., LP
Represented by:
LARY C WALKER
232 E MAIN ST
PO BOX 828
WEISER, ID 83672

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098



Signature of person or attorney mailing the form





IDAHO SECRETARY OF STATE Search Results

Ben Ysursa, Secretary of State

Search Result Summary

[[New Search](#)]

Search Results 1 through 2

(BIG ROCK CREEK GRAZING ASSOC., A LIMITED PARTNERSHIP ... BIG ROCK CREEK GRAZING ASSOCIATION, INC.)

BIG ROCK CREEK GRAZING ASSOC., A LIMITED PARTNERSHIP [View Details]

Organizational ID / Filing number: L4039
232 E MAIN
WEISER, ID 83672

Filed 12 Apr 1999
LIMITED PARTNERSHIP
CURRENT

BIG ROCK CREEK GRAZING ASSOCIATION, INC. [View Details]

Organizational ID / Filing number: C43592

Filed 02 Apr 1971
CORPORATION
FORFEITED

[Idaho Secretary of State's Main Page](#)

[State of Idaho Home Page](#)

Comments, questions or suggestions can be emailed to: sosinfo@sos.idaho.gov



IDAHO SECRETARY OF STATE Viewing Business Entity

Ben Ysursa, Secretary of State

[[New Search](#)] [[Back to Summary](#)]
[[Get a certificate of existence for BIG ROCK CREEK GRAZING ASSOC., A LIMITED PARTNERSHIP](#)]

BIG ROCK CREEK GRAZING ASSOC., A LIMITED PARTNERSHIP

232 E MAIN
WEISER, ID 83672

Type of Business: LIMITED PARTNERSHIP

Status: CURRENT, ANREPT SENT 01 Feb 2008

State of Origin: IDAHO

Date of 12 Apr 1999

Origination/Authorization:

Initial Registered Agent: LARY C WALKER LAW OFFICE
232 E MAIN
WEISER, ID 83672

File Number: L4039

Date of Last Annual Report: 18 Mar 2008

Original Filing:

Filed 12 Apr 1999 CERTIFICATE
OF LP

[[Help Me Print/View TIFF](#)]
[View Image \(PDF format\)](#) [View Image \(TIFF format\)](#)

Amendments:

[[Help Me Print/View TIFF](#)]

Annual Reports:

[[Help Me Print/View TIFF](#)]
Report for year 2008 ANNUAL REPORT [View Image \(PDF format\)](#) [View Image \(TIFF format\)](#)

Report for year 2007 ANNUAL REPORT [View Document Online](#)

[Idaho Secretary of State's Main Page](#)

[State of Idaho Home Page](#)

Comments, questions or suggestions can be emailed to: sosinfo@sos.idaho.gov

No. L 4039	Due no later than April 30, 2008 Annual Report Form		2. Registered Agent and Office NO PO BOX		
Return to: SECRETARY OF STATE 450 NORTH FOURTH STREET	1. Mailing Address - Correct in this box, if applicable BIG ROCK CREEK GRAZING ASSOC., A LI		LARY C WALKER LAW OFFICE 232 E MAIN WEISER, ID 83672		
PO BOX 83720 BOISE, ID 83720-0080	232 E MAIN WEISER, ID 83672				
NO FILING FEE IF RECEIVED BY DUE DATE			3. <u>New</u> Registered Agent Signature		
4. Limited Partnerships: Enter Names and Business Addresses of General Partners.					
<u>Office held</u>	<u>Name</u>	<u>Street or P.O. Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
President	Lloyd Roberts	1648 Cove Rd, Weiser		ID	83672
Secretary	Adele Roberts	1648 Cove Rd, Weiser		ID	83672
5. Organized Under the Laws of: IDAHO L 4039			6. Signature <u>Lloyd E. Roberts</u> Date <u>5/4/08</u> Name (Typed or Printed) _____ Title _____		

Issued 02/01/2008

Do Not Tape or Staple

200804005185

**CERTIFICATE OF
LIMITED PARTNERSHIP****FILED**

(Instructions on back of application)

90 APR 12 AM 10:16

1. The name of the limited partnership is: Big Rock Creek Grazing
Assoc., A Limited Partnership

2. The name and business address of the registered agent are:
Lary C. Walker, Walker Law Office, 232 E. Main, Weiser, ID 83672
(not a P.O. Box)

3. The name and business address of each general partner are:

Name	Address
<u>Lloyd E. Roberts</u>	<u>1648 Cove Road, Weiser, ID 83672</u>
<u>Adelia K. Roberts</u>	<u>1648 Cove Road, Weiser, ID 83672</u>

(If more space is needed, continue in item 5.)

4. Other matters (optional):

5. Signatures of all general partners:

Lloyd E. RobertsLloyd E. RobertsAdelia K. RobertsAdelia K. Roberts

Secretary of State use only

IDAHO SECRETARY OF STATE

04/12/1999 09:00
CX: 5730 CT: 70104 DH: 206117

1 @ 100.00 = 100.00 LTD PTR DM # 2

L 4039

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

RIGHT NUMBER: 67-13997

NAME AND ADDRESS: BIG ROCK CREEK GRAZING ASSN ASSOC., A LIMITED PARTNERSHIP
1648 COVE RD
WEISER ID 83672

SOURCE:

EEK
CK CREEK
K
K
EK

QUANTITY:

SHALL NOT EXCEED

PRIORITY DATE:

POINT OF
DIVERSION:

WASHINGTON County

PURPOSE AND
PERIOD OF USE:

NTITY
60 CFS

PLACE OF USE:

WASHINGTON County

T13N	R06W	S21	NESE
T13N	R06W	S22	SENE
T13N	R06W	S23	NENW
T13N	R06W	S23	SESE
T13N	R06W	S29	NWNE
T13N	R06W	S29	NWSW

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, 400 BEEF CATTLE

PARCEL NOS. RP 13N05W193000, RP 13N06W097200, RP 13N06W100000, RP 13N06W111800, RP 13N06W210000, RP 13N06W230000.

67-13997 e-mailed Sandy & Craig to check what they see

T13N R06W Sec 9 SESE spring
Sandy C. ✓
trib. to
~~Little Rock Cr.~~
unn. stream

✓ C. ✓ Sec 10 SESE unn. str. (doubtable)
trib. to ^{prob. spring} Rock Cr.
Spring trib. to
unn. str.

✓ C. ✓ Sec 11 NESW spr. trib. to
~~Rock Cr.~~
unn. str.

Sandy C. ✓ Sec 21 NESE unn. str.
trib to Rock Cr.

✓ C. ✓ Sec 23 SESE spring trib to
~~unn. str.~~
S Scott Cr.

LMM Lang Walker 8/10/8 1pm.

67-13997 source tributary
POD ID# 488788 Springs - unnamed stream
488795 unnamed stream - Monroe CK
488789 Spring - unnamed stream to Little Rock
Creek
488797 spring - (either sinks or unnamed stream)
488796 spring - (either sinks or unnamed stream)
488790 spring - (either sinks or unnamed stream)
488798 unnamed stream - Rock CK
488791 Scott Creek - Galloway Canal
488792 Scott Creek - Galloway Canal
~~unnamed stream~~

make sure
POD desc. from
Dir. Report

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: **A67-13997**
Date Received: 10/17/1989
Receipt No: W006308
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: BIG ROCK CREEK GRAZING ASSN 208-549-1961
Address: 1648 COVE RD
WEISER ID 83672

2. Date of Priority: MAR 1, 1971

3. Source: UNNAMED STREAMS Trib. to: ROCK CREEK
UNNAMED STREAMS MONROE CREEK
UNNAMED STREAMS SCOTTS CREEK
UNNAMED SPRINGS SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13N	05W	19	NW	NW	NW		WASHINGTON
	06W	9	SE	SE	SE		WASHINGTON
		10	SE	SE	SE		WASHINGTON
		11	NE	SW	SW		WASHINGTON
		15	NE	SE	SE		WASHINGTON
		21	NE	SE	SE		WASHINGTON
		22	SE	NE	NE		WASHINGTON
		23	NE	NW	NW		WASHINGTON
			SE	SE	SE		WASHINGTON
		29	NW	NE	NE		WASHINGTON
			NW	SW	SW		WASHINGTON

5. Description of diverting works:
DEVELOPED SPRINGS AND PONDS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	04/15	11/15	0.060		

7. Total Quantity Appropriated is:
0.060 C.F.S. (and/or)

A.F.A.

SCANNED

AUG 16 2007

MICROFILMED

OCT 22 1996

SCANNED
APR 16 2004

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 400 BEEF CATTLE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13N	05W	19	NW		NW		STOCK	
	06W	9	SE		SE		STOCK	
		10	SE		SE		STOCK	
		11	NE		SW		STOCK	
		15	NE		SE		STOCK	
		21	NE		SE		STOCK	
		22	SE		NE		STOCK	
		23	NE		NW		STOCK	
			SE		SE		STOCK	
		29	NW		NE		STOCK	
			NW		SW		STOCK	

11. Place of use in counties: WASHINGTON

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

14. Remarks:
4550 ACRES PRIVATELY OWNED, 800 ACRES LEASED FROM IDAHO, 2120
ACRES LEASED FROM BLM

15. Basis of Claim: BENEFICIAL USE

MICROFILMED
OCT 22 1998

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 A67-13997
Date Received 10-17-89
Receipt Number W006308

RECEIVED
OCT 17 1989

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Big Rock Creek Grazing Association Phone (208) 549-1961

Mailing Address 1648 Cove Road Weiser, Idaho Zip 83672

2. Date of Priority (Only one (1) per claim) 3/1/71

3. Source of water supply (a) Unnamed Streams and Springs
which is tributary to (b) Rock Creek, Monroe Creek & Scotts Creek

4. a. Location of existing point of diversion is: Township 13 N Range 5&6 W Section See item 10
1/4 of 1/4 of 1/4, Govt. Lot, B.M., County of Washington

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, 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.

(6) earthen dams (ponds) approx. 14' high

(5) developed springs with water troughs

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OCT 22 1986

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Livestock water-springs purposes from 4/15 to 11/15 amount .03 or

For Livestock water-ponds purposes from 4/15 to 11/15 amount .03 or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) .06 (cfs) and/or (b) (acre feet)

8. Total consumptive use claimed is acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 350-400 head of beef cattle (cow/calf operation)

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

b. If water is used for other purposes, place a symbol of use (example: D for Domestic)

in the corresponding place of use below. See instructions for standard symbols.

Ownership - ponds

	TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
				NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
Pvt	13N	6W	9																5	
BLM	13N	6W	15													5				
BLM	13N	6W	22				5													
BLM	13N	6W	23					5												
3LM	13N	6W	29		5								5							
	See Attachment for Springs																			

Total number of acres irrigated

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

12. Do you own the property listed above as place of use? Yes ☒ No ☒ See item 14

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. or None (x)

14. Remarks: Own 4550 acres

Lease 800 acres from state of Idaho

Lease 2120 acres from Bureau of Land Management

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OCT 22 1996

SCANNED

Last Name Big Rock Creek Grazing Association Ident No. 82-0300629

AUG 16 2007
Copies: White -State, Yellow-Claimant

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) _____ (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic)

in the corresponding place of use below. See instructions for standard symbols.

Ownership - springs

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
PVT	13N	5W	19					5											
PVT	13N	6W	11								5								
PVT	13N	6W	10															5	
BLM	13N	6W	21												5				
3LM	13N	6W	23															5	

Total number of acres irrigated - 0 -

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

12. Do you own the property listed above as place of use? Yes x No x See items 10 & 14
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.
_____ or None ()

14. Remarks:

MICROFILMED
OCT 22 1996

SCANNED

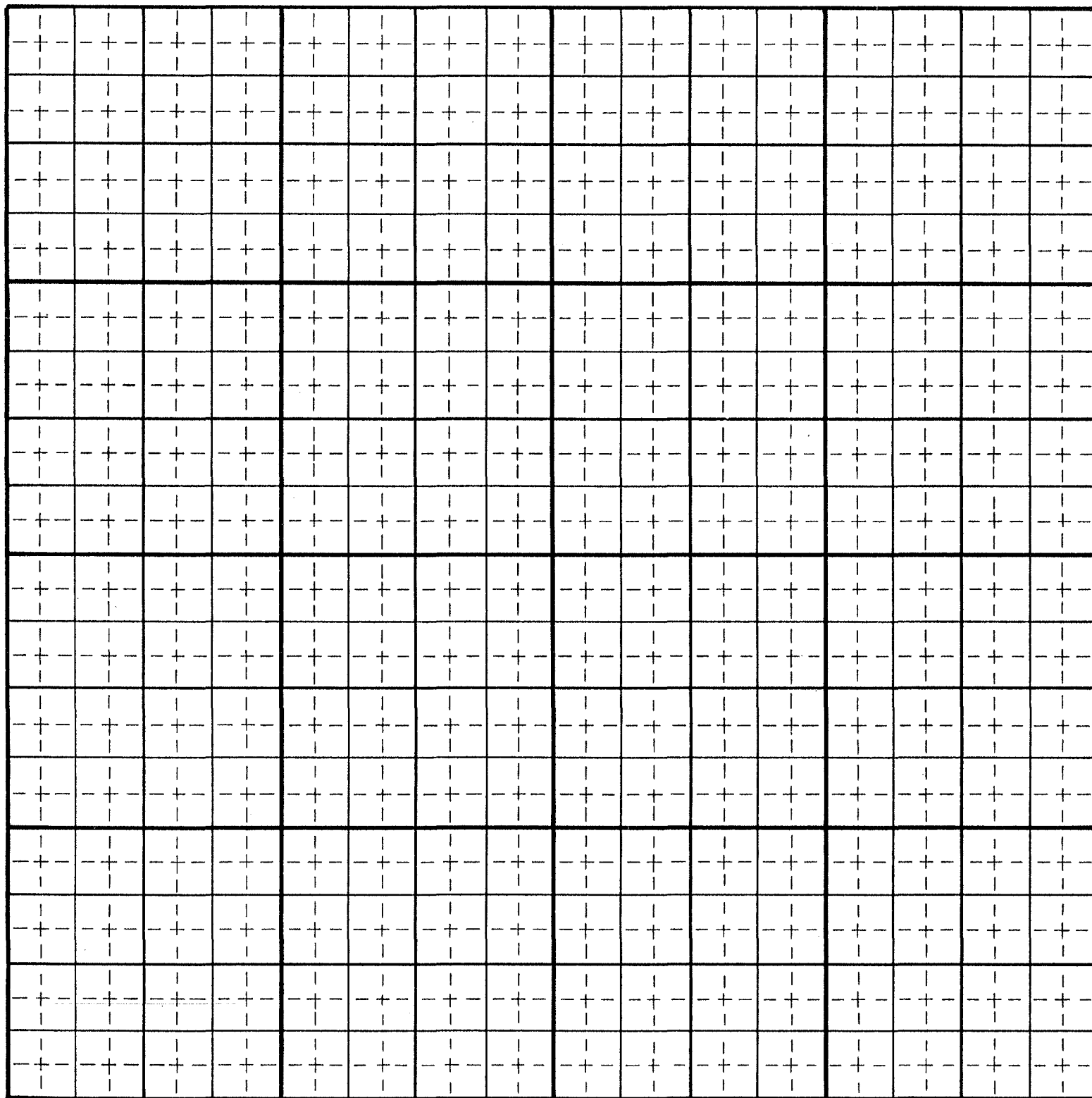
Last Name Big Rock Creek Grazing Ident No. 82-0300629
Association

Copies: White -State, Yellow -Grazing
AUG 16 2007

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

See Attachment "A"



SCANNED

AUG 16 2007

MICROFILMED

OCT 22 1996

Last Name Big Rock Creek
Grazing Assn.

Ident No. 82-0300629

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand 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 1

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

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

Title

of Big Rock Creek Grazing Association, that I have signed the foregoing

Organization

document in the space below as President of Big Rock Creek Grazing Assn.

Title

Organization

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

Signature of Authorized Agent

Title and Organization President, Big Rock Creek Grazing Assn. Date 10/12/89

State of Idaho/or _____)
County of Washington) SS.

Subscribed and sworn (or affirmed) before me this 12th day of October 19 89

SEAL

Notary Public

Residing at

My Commission Expires

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

SCANNED

AUG 16 2007

MICROFILMED

OCT 22 1996

Copies White-State, Yellow-Claimant

R 5 W

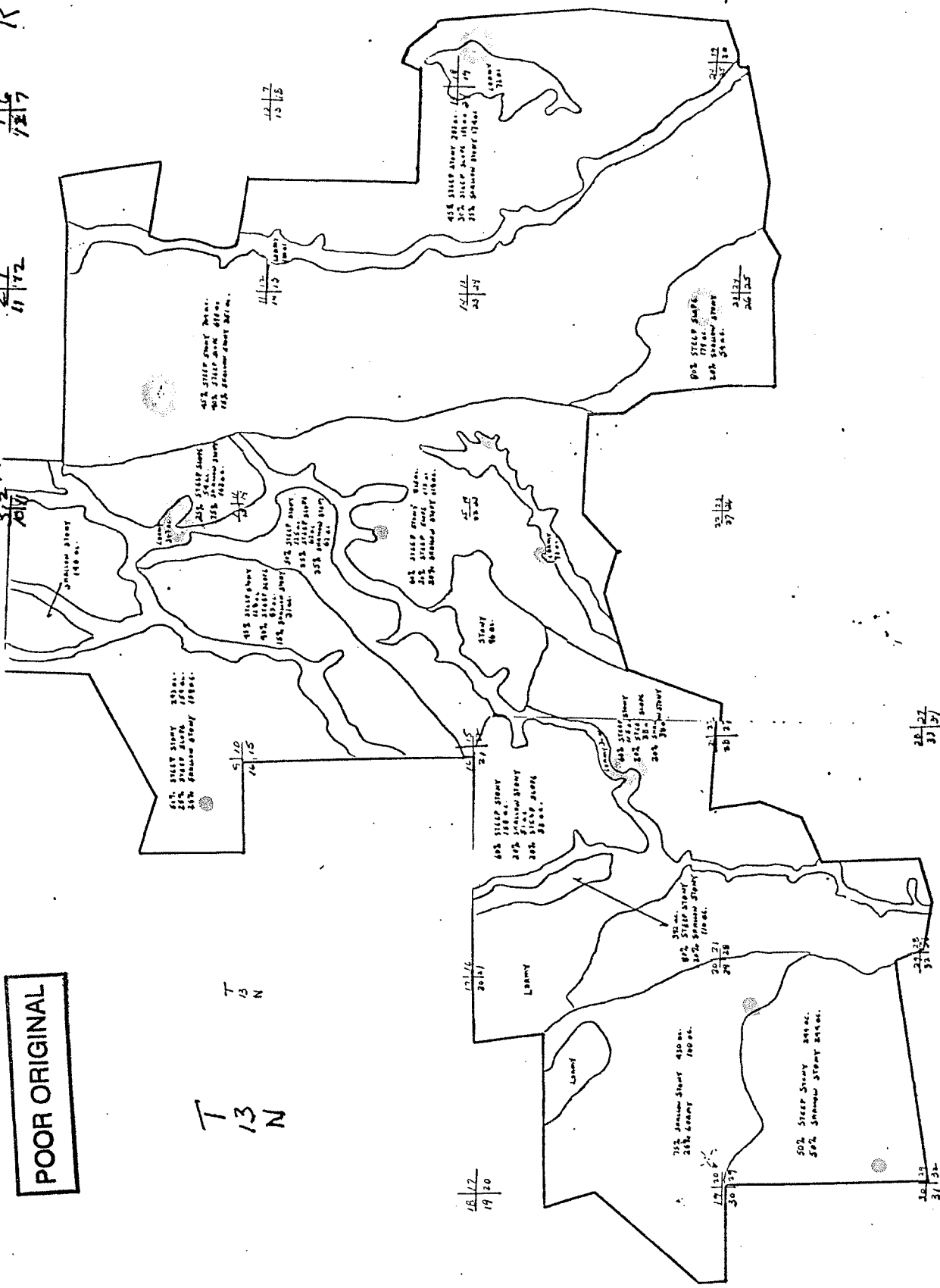
21 1/2
41 1/2

3 1/2
15 1/2

POOR ORIGINAL

T
13 N

T
13 N



Earthen Dams

Developed Springs

ATTACHMENT "A"

SCANNED
AUG 16 2007

MICROFILMED
OCT 22 1996

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: SEP-5-1997
PAGE: A-307

RIGHT NUMBER: 67-13997

NAME & ADDRESS: BIG ROCK CREEK GRAZING ASSN ✓
1648 COVE RD
WEISER ID 83672SOURCE: UNNAMED STREAMS
UNNAMED STREAMS
UNNAMED STREAMS
SPRINGS
TRIBUTARY: ROCK CREEK
MONROE CREEK
SCOTTS CREEK
SINKS

QUANTITY: 0.06 CFS

PRIORITY DATE: 03/01/1971

POINT OF DIVERSION: T13N R05W S19 ✓ NWNW ✓ Within WASHINGTON County
R06W S09 ✓ SESE ✓
S10 ✓ SESE ✓
S11 ✓ NESW ✓
S15 ✓ NESE ✓
S21 ✓ NESE ✓
S22 ✓ SENE ✓
S23 ✓ NENW ✓
SESE ✓
S29 NWNE ✓
NWSW ✓

PURPOSE AND

PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
STOCKWATER STOCKWATER, 400 BEEF CA 04-15 11-15 0.06 CFS

PLACE OF USE:

STOCKWATER Within WASHINGTON County
T13N R05W S19 ✓ NWNW ✓ RP 13N05W193000
R06W S09 ✓ SESE ✓ RP 13N06W097200
S10 ✓ SESE ✓ RP 13N06W100000
S11 ✓ NESW ✓ RP 13N06W111800
S15 ✓ NESE ✓
S21 ✓ NESE ✓ RP 13N06W210000
S22 ✓ SENE ✓
S23 ✓ NENW ✓
S29 NWNE ✓
NWSW ✓ SESE ✓ RP 13N06W230000
NWSW

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

4550 ACRES PRIVATELY OWNED, 800 ACRES LEASED FROM IDAHO, 2120
ACRES LEASED FROM BLM

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

SCANNED

AUG 16 2007

Verified by _____ Date: _____

Verification Source: Alpa

08/04/2008

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

RIGHT NUMBER: 67-13997

NAME AND ADDRESS: BIG ROCK CREEK GRAZING ASSN
1648 COVE RD
WEISER ID 83672

SOURCE: SCOTT CREEK SPRINGS
SPRINGS
UNNAMED STREAM
UNNAMED STREAM

TRIBUTARY: SNAKE RIVER
TRIBUTARY: ROCK CREEK
TRIBUTARY: UNNAMED STREAM
TRIBUTARY: MONROE CREEK
TRIBUTARY: ROCK CREEK

QUANTITY: 0.060 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 03/01/1971

POINT OF DIVERSION:

T13N R05W S19 NWNW Within WASHINGTON County
T13N R06W S9 NWSESE Within WASHINGTON County
T13N R06W S10 NWSESE Within WASHINGTON County
T13N R06W S11 NESW Within WASHINGTON County
T13N R06W S15 NESE Within WASHINGTON County
T13N R06W S21 NESE Within WASHINGTON County
T13N R06W S22 NESENE Within WASHINGTON County
T13N R06W S23 NENENW Within WASHINGTON County
T13N R06W S23 NESESE Within WASHINGTON County
T13N R06W S29 NWNE Within WASHINGTON County
T13N R06W S29 NENWSW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.060 CFS

PLACE OF USE: STOCKWATER in WASHINGTON County

T13N R05W S19	NWNW	T13N R06W S09	SESE
T13N R06W S10	SESE	T13N R06W S11	NESW
T13N R06W S15	NESE	T13N R06W S21	NESE
T13N R06W S22	SENE	T13N R06W S23	NENW
T13N R06W S23	SESE	T13N R06W S29	NWNE
T13N R06W S29	NWSW		

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.

08/04/2008

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

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, 400 BEEF CATTLE PARCEL NOS. RP 13N05W193000, RP
13N06W097200, RP 13N06W100000, RP 13N06W111800, RP
13N06W210000, RP 13N06W230000

RECEIVED

AUG 22 2007

DEPARTMENT OF
WATER RESOURCES

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 67-13997
(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: Big Rock Creek Grazing Assn.
Address: 1648 Cove Rd; Weiser, Idaho 83672

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:
5. ☒ **Point(s) of Diversion**
Should be: See attached.
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 stockwater reservoirs on BLM were constructed without authorization. Claimant's water claims should not include these PODs and POUs.

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)

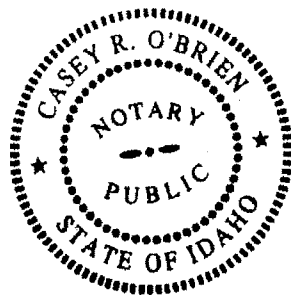
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

Casey R. O'Brien
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: August 20, 2007

Casey R. O'Brien
Casey R. O'Brien



Notary Public for 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 August 20th, 2007, 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:

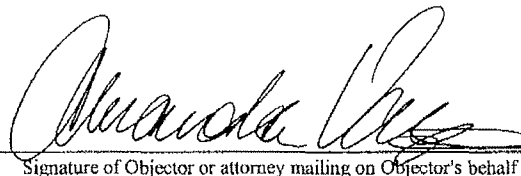
Name: Big Rock Creek Grazing Assn.
Address: 1648 Cove Rd; Weiser, Idaho 83672
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

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

12/21/2006

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

RIGHT NUMBER: 67-13997

PODs/POUs on BLM:

-The stockwater reservoirs on BLM land were constructed without authorization.

NAME AND ADDRESS: BIG ROCK CREEK GRAZING ASSN
1648 COVE RD
WEISER ID 83672

SOURCE:

?

TRIBUTARY:

?

QUANTITY: 0.060 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 03/01/1971

POINT OF
DIVERSION:

T13N R05W S19 NWNW Within WASHINGTON County

T13N R06W S9 SESE Within WASHINGTON County

T13N R06W S10 SESE Within WASHINGTON County

T13N R06W S11 NESW Within WASHINGTON County

T13N R06W S15 NESE Within WASHINGTON County BLM

T13N R06W S21 NESE Within WASHINGTON County

T13N R06W S22 SENE Within WASHINGTON County BLM

T13N R06W S23 NENW Within WASHINGTON County

T13N R06W S23 SESE Within WASHINGTON County

T13N R06W S29 NWNW Within WASHINGTON County BLM

T13N R06W S29 NWSW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

STOCKWATER

01/01 12/31

0.060 CFS

PLACE OF USE: STOCKWATER in WASHINGTON County

T13N R05W S19

NWNW

T13N R06W S09

SESE

T13N R06W S10

SESE

T13N R06W S11

NESW

BLM

T13N R06W S15

NESE

T13N R06W S21

NESE

T13N R06W S22

SENE

T13N R06W S23

NENW

T13N R06W S23

SESE

T13N R06W S29

NWNW

BLM

T13N R06W S29

NWSW

BLM

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

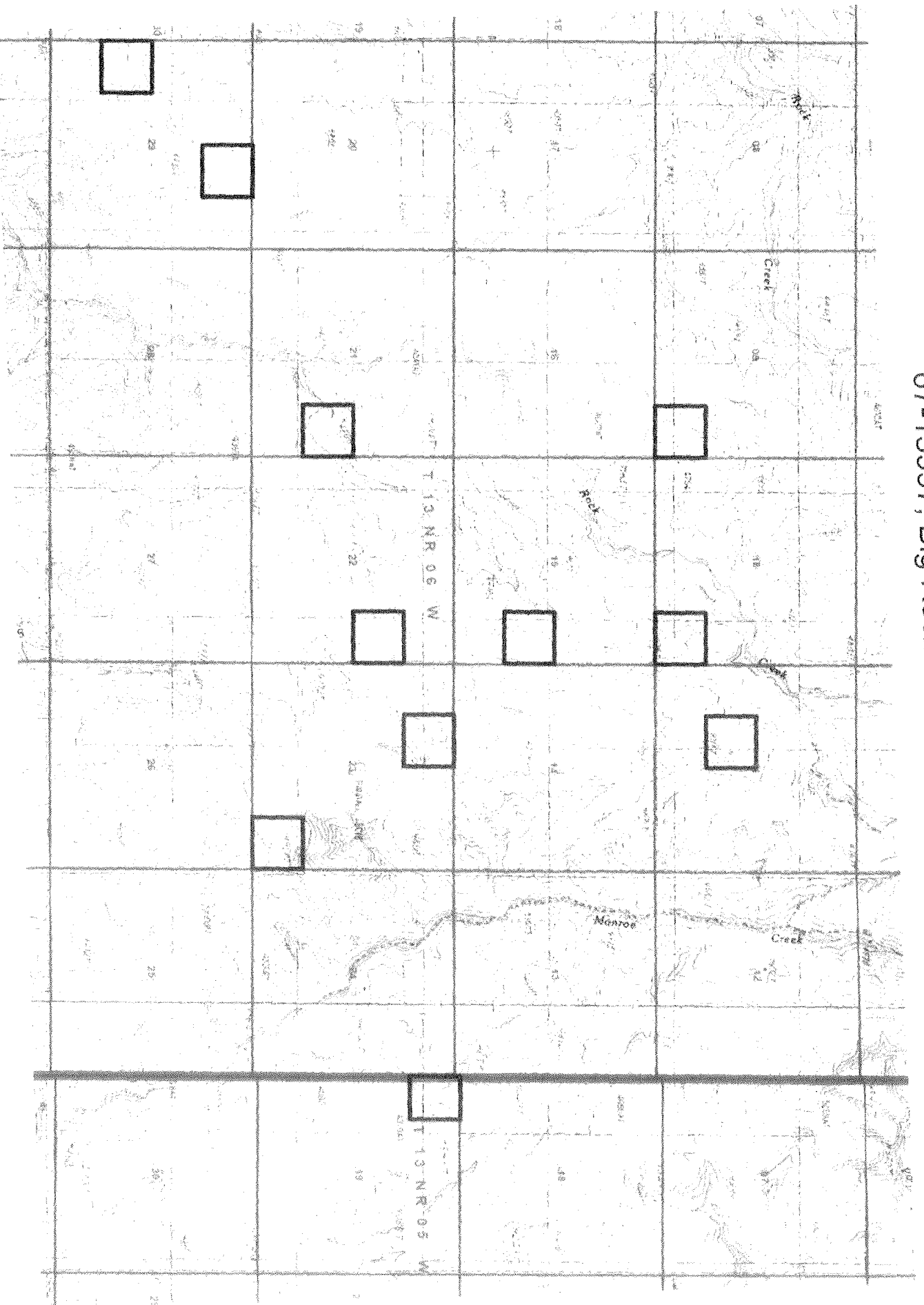
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

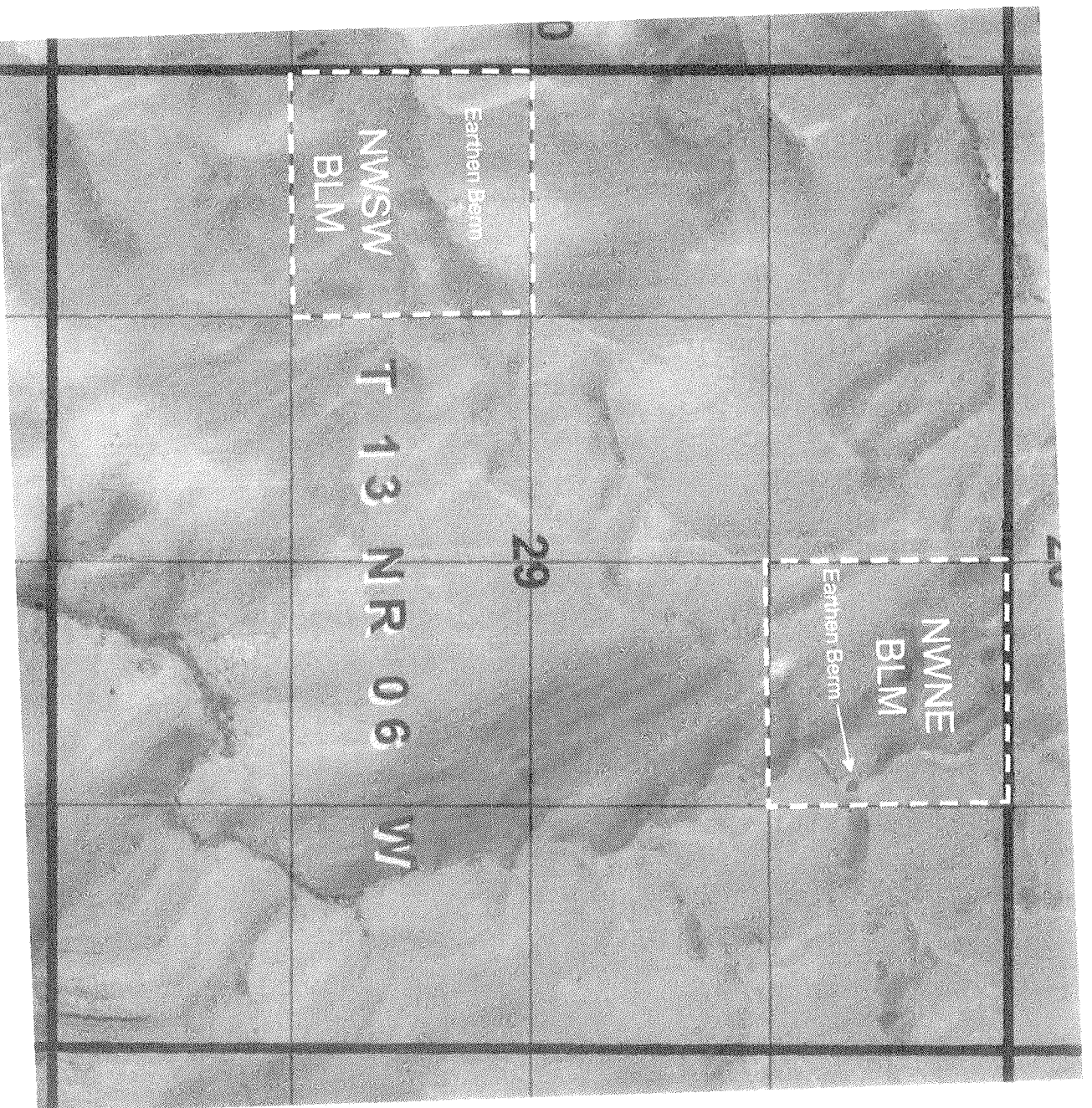
STOCKWATER, 400 BEEF CATTLE PARCEL NOS. RP 13N05W193000, RP 13N06W097200, RP 13N06W100000, RP 13N06W111800, RP 13N06W210000, RP 13N06W230000

67-13997; Big Rock Creek Grazing Ass.

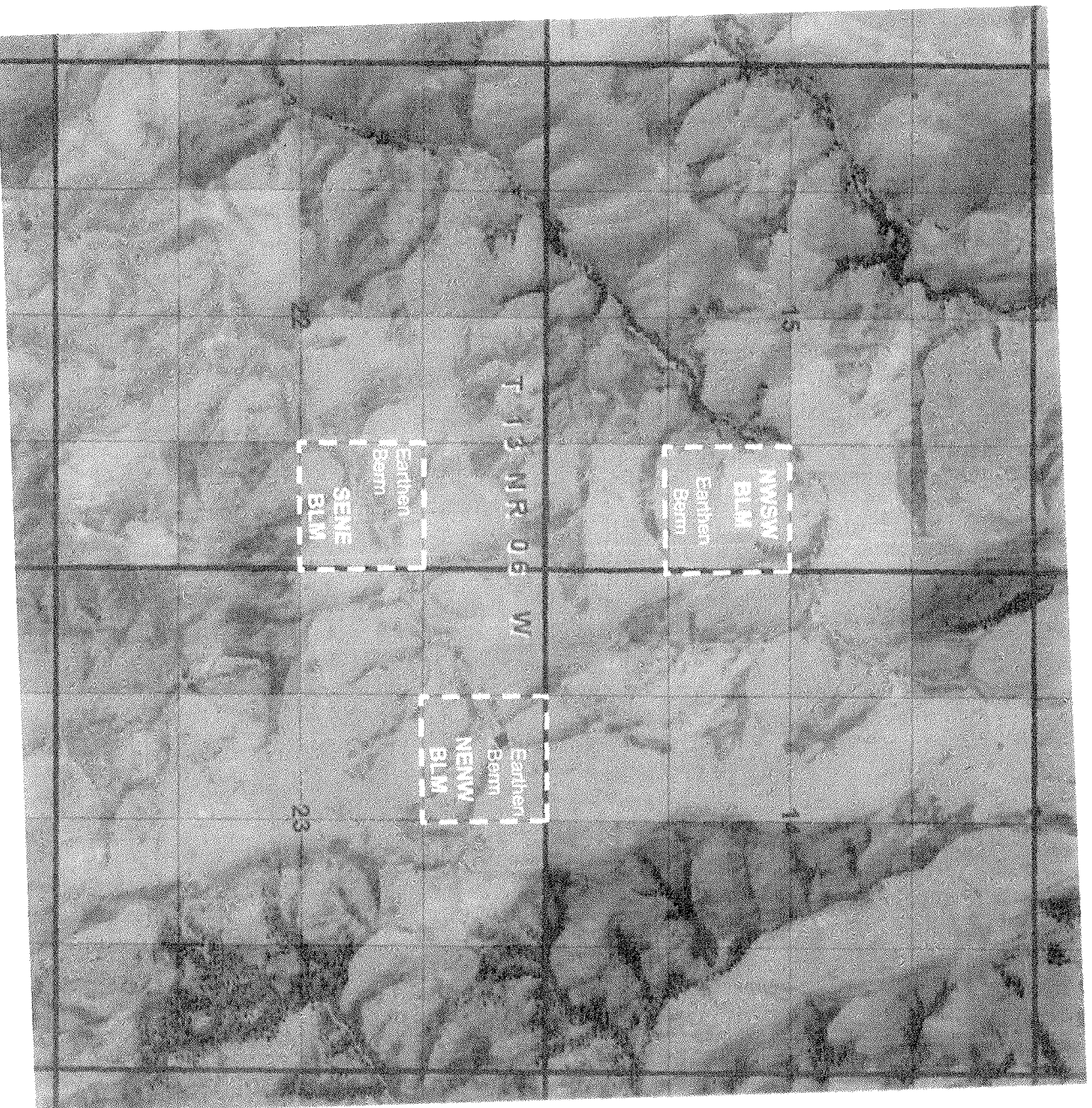


67-13997; Big Rock Creek Grazing Assn.

PODs/POUs on BLM:
-The stockwater reservoirs on
BLM land were constructed
without authorization.

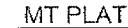


67-13997; Big Rock Creek Grazing Assn.



PODs/POUs on BLM:
-The stockwater reservoirs on BLM land were constructed without authorization.

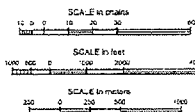
WASHINGTON COUNTY 087
BOISE DISTRICT SEC 3



FBI REF:	TX90132-00000000000000	
CONVERTED TFF:	18/06/2006	OY: LFM
LAST UPDATED:	18/06/2006	OY: LFM
GAGC #1:		GAGC #2:
POSTED TO PUBLIC RECORDS:		OY:
PUBLIC LAND SURVEY SYSTEM (PLSS)		
BLM GDS ACQUIRED:		01/06/2005
OTHER:		N/A
PROJECTED COORDINATE SYSTEM:		UTM ZONE 11N, NAD 1983
NOTES:		
USE PLATS:		



U.S. Bureau of Land Management - Idaho State Office
1387 S. Vinland Way Boise, Idaho 83708
(208) 373-4000



DISCLAIMER:

This plot is only a graphic display of the Bureau of Land Management's (BLM) Record of Title and Township survey data. Records herein do not reflect the changes which may have been effected by lateral movements of river or other bodies of water. Refer to cadastral surveys for official information.

The notation shown on withdrawal represents the last action taken, but may not be the effective date. See the historical index for the date of original withdrawal order.

No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or aggregate use with other data is not guaranteed.

Gravel: 100
T. 13 N
R. 6 W

12/02/2006

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

RIGHT NUMBER: 67-13997

NAME AND ADDRESS: BIG ROCK CREEK GRAZING ASSN
1648 COVE RD
WEISER ID 83672

SOURCE:

TRIBUTARY:

QUANTITY: 0.060 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 03/01/1971

POINT OF DIVERSION:

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.060 CFS

PLACE OF USE: STOCKWATER in WASHINGTON County

T13N R05W S19	NWNW	T13N R06W S09	SESE
T13N R06W S10	SESE	T13N R06W S11	NESW
T13N R06W S15	NESE	T13N R06W S21	NESE
T13N R06W S22	SENE	T13N R06W S23	NENW
T13N R06W S23	SESE	T13N R06W S29	NWNE
T13N R06W S29	NWSW		

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, 400 BEEF CATTLE PARCEL NOS. RP 13N05W193000, RP 13N06W097200, RP 13N06W100000, RP 13N06W111800, RP 13N06W210000, RP 13N06W230000

SCANNED
AUG 16 2007



Idaho Department of Water Resources

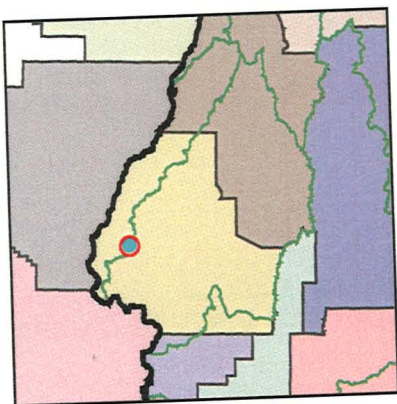
SRBA Recommendation:

67-13997

(Water Use: _____)

Legend

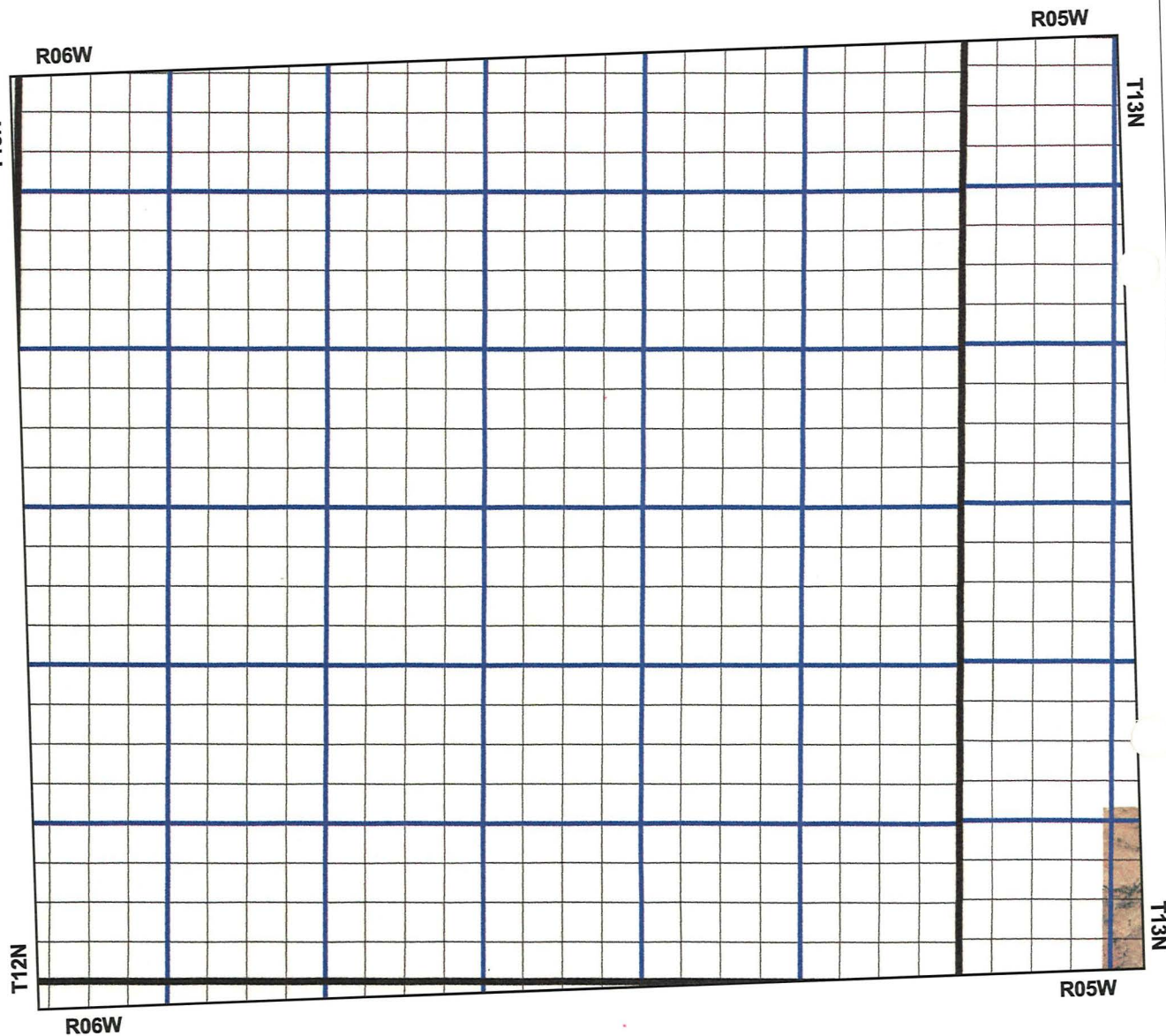
-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Washington County
IDWR Basin 67



SCANNED
AUG 16 2007



R06W

R05W

T13N

T13N

T12N

T13N

R05W

0

2

4 Miles

Prepared by IDWR State Office
On Saturday, December 2, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-13997 V1

WATER RIGHT NUMBER: 67-13997 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BIG ROCK CREEK GRAZING ASSN 1648 COVE RD WEISER, ID 83672 (208)549-1961

Priority Date: 03/01/1971

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
---------------	------------------

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.060 CFS	
	<u>Total Diversion:</u>	0.060 CFS	

Location of Point(s) of DiversionPlace of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N	05W	19						X											
13N	06W	9																X	
13N	06W	10																X	
13N	06W	11								X									
13N	06W	15												X					
13N	06W	21												X					
13N	06W	22			X														
13N	06W	23				X											X		

SCANNED

AUG 16 2007

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-13997 V1

13N 06W 29	X			X	
------------	---	--	--	---	--

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. C18 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.
3. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. STOCKWATER, 400 BEEF CATTLE PARCEL NOS. RP 13N05W193000, RP 13N06W097200, RP 13N06W100000, RP 13N06W111800, RP 13N06W210000, RP 13N06W230000

Remarks:Comments:

1. SEGBERT 9/15/1998 COPIED FROM REMARKS

Comment: 4550 ACRES PRIVATELY OWNED, 800 ACRES LEASED FROM IDAHO, 2120 ACRES LEASED FROM BLM

2. mvanbussum 12/1/2006 de minimus

Comment: This is less than 1000 animals and will be recommended as de minimus with the usual n codes.

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag: NONE RECEIVED
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Contacts	12/1/2006 3:34:52 PM	mvanbussum			Active
Priority Date	12/1/2006 3:35:26 PM	mvanbussum			Active

SCANNED

AUG 16 2007

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-13997 V1

POD	12/1/2006 3:35:38 PM	mvanbussum	Active
Source	12/1/2006 3:35:52 PM	mvanbussum	Active
POU	12/1/2006 3:36:05 PM	mvanbussum	Active
Use	12/1/2006 3:37:06 PM	mvanbussum	Active
Season	12/1/2006 3:37:52 PM	mvanbussum	Active
Quantity	12/1/2006 3:38:38 PM	mvanbussum	Active
Summary	12/01/2006	mvanbussum	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	12/1/2006 3:34:44 PM	mvanbussum	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop review.
General	12/1/2006 3:35:18 PM	mvanbussum	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - de minimus
POD	12/1/2006 3:35:30 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Source	12/1/2006 3:35:44 PM	mvanbussum	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required?

SCANNED

AUG 16 2007

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-13997 V1

POU	12/1/2006 3:35:58 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required?
Use	12/1/2006 3:36:58 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	12/1/2006 3:37:44 PM	mvanbussum	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (No) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	12/1/2006 3:38:30 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?

SCANNED

AUG 16 2007

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-13997 V1

Summary	12/1/2006 3:39:14 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
---------	----------------------	------------	--

Water Supply Bank:

SCANNED

AUG 16 2007

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))

AFFIDAVIT

RECEIVED
SEP 16 2005
Department of Water Resources

67-13997)
State of Idaho)
County of _____)

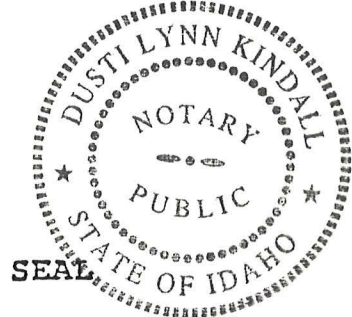
Lloyd Roberts being first duly sworn,
deposes and says: _____

I own Big Rock Creek Grazing association
In 1971 I had Gordon Avery with his heavy equipment
construct and build springs and ponds to be used for watering
cattle (350 cows and calves)

These developments are on Little Rock Creek, Big Rock Creek
Monroe Creek drainages

Lloyd Roberts President Big Rock Creek
(Signature)

Subscribed and sworn to before me this
day 15th of Sept, 192005.



Dusti Lynn Kindall
(Notary Public)

SCANNED
AUG 16 2007

SCANNED
SEP 19 2005

Residing at 2985 Mill Rd Cambridge
My Commission Expires 3/15/09.

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO. (S))

AFFIDAVIT

67-13997)

State of Idaho)
County of _____)

James H Davis

being first duly sworn,

deposes and says: _____

In 1971, while I was employed by Lloyd Roberts, owner of Big Rock Creek Grazing Association, he hired a local contractor, Gordon Avery with his heavy equipment to go to the property described and developed ponds and springs to be used for watering cattle (350 cows and calves)

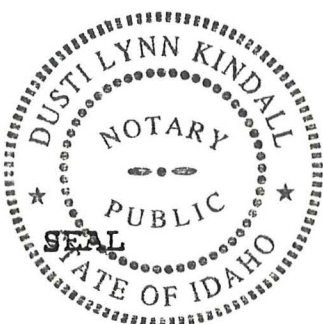
these springs and ponds have been used by Mr. Roberts since 1971 the springs were in the area of Little Rock Creek, Big Rock Creek, Mouse Creek and their drainages.

I worked for Lloyd Roberts between 1971 until approximately 1984 and went to the property on a regular basis during that time. Since then I visit the property every year and have observed Lloyd using the springs for livestock until the present 2005

James H Davis
(Signature)

SCANNED

AUG 16 2007



SCANNED

SEP 1 2005

Subscribed and sworn to before me this
day 15th of Sept, 192005.

Dusti Lynn Kindall
(Notary Public)

Residing at 2985 Mill Rd, Cambridge

My Commission Expires 3/15/09.