

03/01/2005

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

RIGHT NUMBER: 34-13689

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657

SOURCE: GRAVEYARD CANYON SPRING TRIBUTARY: DRY FORK CREEK

QUANTITY: 0.020 CFS
The quantity of water under this right when combined with 34-2538 shall not exceed .02 cfs and 13,000 gallons per day.

PRIORITY DATE: 06/28/1934
* 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.

POINT OF DIVERSION:
T04N R24E S21 SESENE Within CUSTER County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: STOCKWATER Within CUSTER County
T04N R21E S21 SENE

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: Beneficial Use
BLM Ident 3403489509

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

In Re SRBA PPD?: ☐ PD?: ☐ Adm?: ☐ Prob?: ☐

Case No. 39576

NAME and ADDRESS: United States of America acting through
 Bureau of Land Management
 Idaho State Office
 1387 South Vinnell Way
 Boise, ID 83709 - 1657

OtherRight and date:

AMENDED NOTICE of CLAIM for
 Water Right number: 3413689 (IDWR number)

BLMIDENT: 3403489509 Stg: J StFed: X

WATER FEDERALLY
 RESERVED, SEE
 REMARKS

SOURCE: Source Tributary
 SPRING GRAVEYARD CANYON

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: 06/28/1934 Diversion Means: UNDEVELOPED SPRING

REMARKS: Also reserved pursuant to Federal law
 PURSUANT TO EXECUTIVE ORDER DATED 04/17/1926 AND KNOWN AS PWR 107.
 ASSOCIATED WITH WATER RIGHT NUMBER 34-02538

POINT of DIVERSION: Twtnship Range Section T1 T2 T3 LOT B/E within the County of
 04N 24E 21 SE SE NE 37 CUSTER

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

CONSUMPTIVE USE: de minimis stockwater DATE: 30-Jan-02

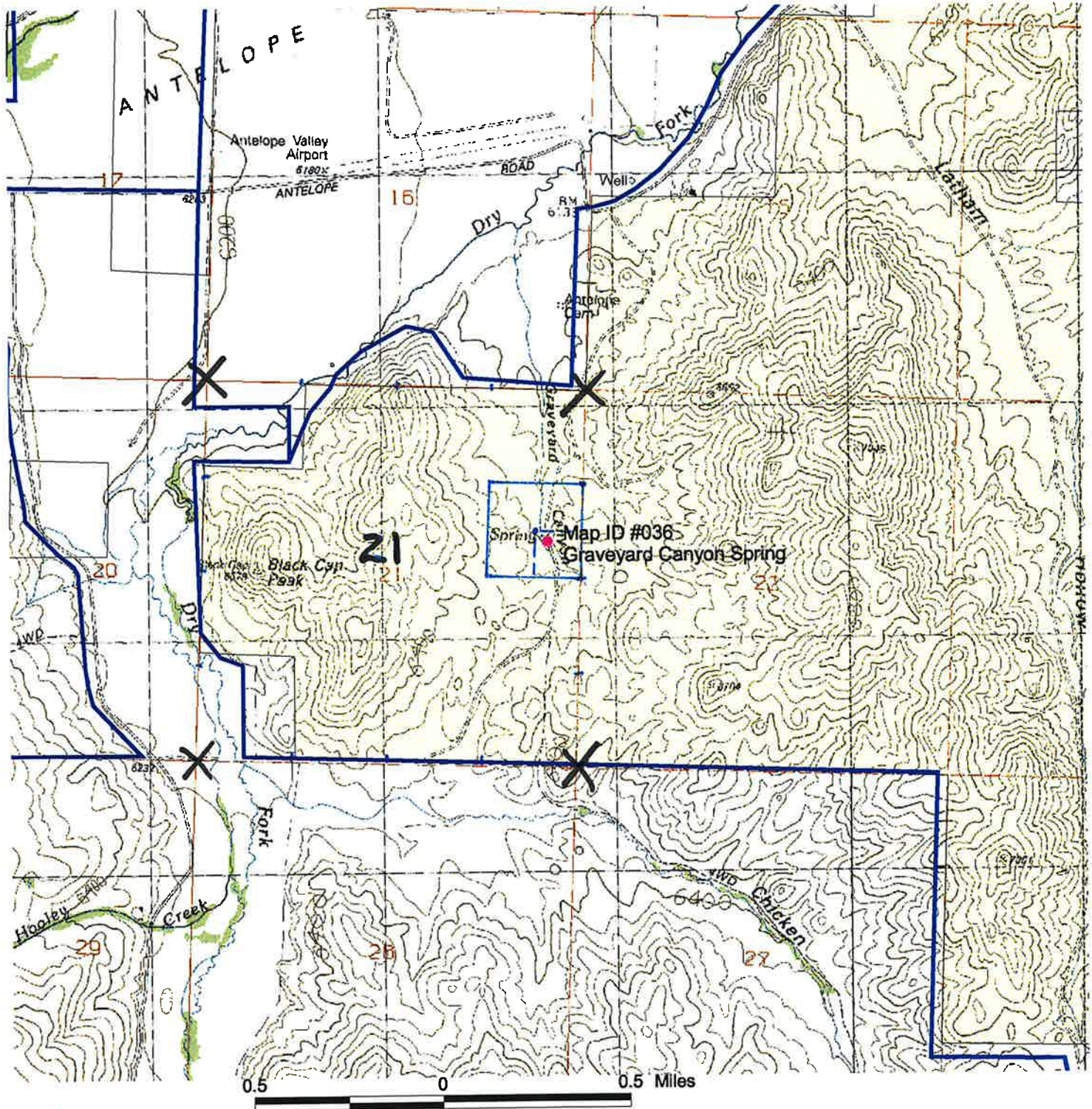
OTHER PROVISIONS NECESSARY FOR DEFINITION or ADMINISTRATION OF THIS WATER RIGHT:
 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

PLACE of USE: Water Use Twn Rge Sec T1 T2 LOT within the County of
 04 04N 24E 21 SE NE 37 CUSTER

RECEIVED

DEC 03 2002

Late Claim Filed in the SRBA - Basin 34
Graveyard Canyon Spring - Map ID #036
T.04N, R.24E, S.21 SENE
Latham Hollow Allotment #11026
Grouse Quad



- Lateclaims_wet_gps.shp
- Allot_lf
- Craters_of_the_Moon.shp
- lifo_pfo_own_mtpupdate.shp
- B.L.M.
- Bureau of Indian Affairs
- Department of Energy
- Forest Service
- Military Reservations
- National Parks & Monuments
- Open water
- Private
- State of Idaho
- U.S. Fish & Wildlife Service

1:24,000 Scale

DRAFT: PRODUCED BY THE BLM, IDAHO FALLS FIELD OFFICE.
Projection Universal Transverse Mercator
Zone 12, 1927 North American Datum
No warranty is made by the Bureau of Land Management
as to the accuracy, reliability, or completeness of
this data for individual or aggregate use with other data.
Prepared by Deena Teel on 8/14/2001 from GPS data collected
on 7/27/2001.

**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: 34-13689

)

(Insert Water Right Number)

)

Case No. 39576

)

STANDARD FORM 4

)

)

MOTION TO FILE:

)

☒ **LATE NOTICE OF CLAIM**

)

☐ **AMENDED NOTICE OF CLAIM**

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a separate form for each late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☒ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is: United States of America, acting through the
Department of Interior,
Bureau of Land Management,
Idaho State Office

My address is: 1387 South Vinnell Way
Boise, Idaho 83709-1657

My phone number is: Work: (208) 373-4000 Home: same

I am an attorney representing:
United States of America, acting through the
Department of Interior,
Bureau of Land Management,
Idaho State Office

My name is: Larry A. Brown

My address is: U.S., Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

My phone number is: (202) 305-0435
(202) 305-0274 Fax

MOTION TO FILE A LATE NOTICE OF CLAIM

- ☒ I did not file a Notice of Claim to the use of water in the SRBA because:
Recent field investigations and/or review of BLM documentation revealed a need
to make this additional claim.
- ☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or
stock watering use. I desire to reinstate my Notice of Claim for domestic or
stockwatering use.
- ☒ I am providing legal and factual documentation for my claimed use of water. You must
describe these documents and attach a readable copy. (You do not need to fill this out if
you are reinstating a Notice of Claim for domestic or stock watering use, but you **must**
attach a copy of your Notice of Claim.)
See attached notice of claim and supporting self-explanatory documentation.

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$_____.
n/a
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a Notice of Claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources (IDWR) in the amount of \$_____.
n/a

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on May 21, 2002, 1:30 pm.
(Insert Date and Time)
at the SRBA Courthouse, 253 Third Avenue North, Twin Falls, Idaho.

VERIFICATION (Must be completed)

State of Idaho

County of Ada

Gary A. Madenford, Water Rights Team Leader, being first duly sworn, upon

(Insert name of person filing form)

oath, deposes and says:

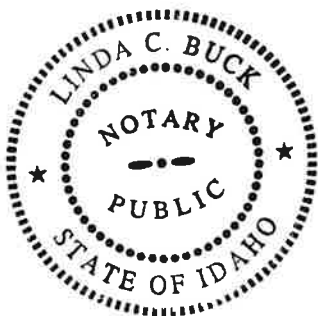
That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Gary A. Madeford
Signature of person filing motion

Larry A. Brown
Attorney signing in representative capacity

STATE OF IDAHO)
) ss:
COUNTY OF ADA)

Subscribed and sworn to before me on this 31st day of January 2002.



Seal

Shirley C. Buck
Notary Public in and for the State of : Idaho

Date: January 31, 2002

Residing at: Mountain Home, Idaho

My Commission Expires: December 21, 2005

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on Feb. 8, 2002 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:

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

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

United States, Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or Special Master, you must serve a copy on all parties to that subcase.



Signature of person or attorney mailing the form

Water Right Number

34-13689

Signature:

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

Number of attachments 2

I do solemnly swear or affirm that I am the Water Rights Team Leader
Title
of the United States of America, acting through U.S.D.I., BLM, that I have signed the foregoing
documents in the space below as Water Rights Team Leader of the United States of
Title
America, acting through U.S.D.I., BLM, and that the statements contained in the foregoing
documents are true and correct.

Signature of Authorized Agent

Larry A. Woodford

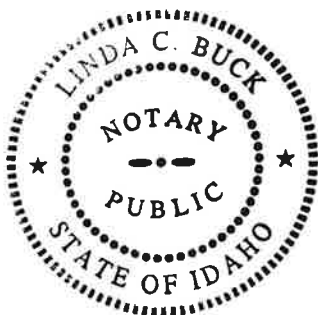
for the United States of America, acting through U.S.D.I., BLM

January 31, 2002

Date _____

STATE OF IDAHO)
) ss:
COUNTY OF ADA)

Subscribed and sworn to before me on this 31st day of January 2002



Seal

Quanta C Buck

Notary Public in and for the State of : Idaho

Date: January 31, 2002

Residing at: Mountain Home, Idaho

My Commission Expires: December 21, 2005

☒ In Re SRBA Case No. 39576 NAME and ADDRESS SOURCE: QUANTITY: PRIORITY DATE: REMARKS: POINT of DIVERSION: PURPOSE and PERIOD OF USE: CONSUMPTIVE USE: OTHER PROVISIONS NECESSARY FOR DEFINITION or ADMINISTRATION OF THIS WATER RIGHT: PLACE of USE:	☐ IN THE DISTRICT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS LC United States of America acting through Bureau of Land Management Idaho State Office 1387 South Vinnell Way Boise, ID 83709 - 1657	AMENDED NOTICE of CLAIM for Water Right number: 3413689 (IDWR number) BLMIDENT: 3403489509 Stg: J StFed: X WATER FEDERALLY RESERVED, SEE REMARKS OtherRight and date:
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Source	Tributary
SPRING	GRAVEYARD CANYON

0.02	CFS	or VOLUME:		Acre Feet
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The quantity of water under this right for stockwater shall not exceed 13,000 gallons per day.

06/28/1934	Diversion Means: UNDEVELOPED SPRING
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Also reserved pursuant to Federal law
 PURSUANT TO EXECUTIVE ORDER DATED 04/17/1926 AND KNOWN AS PWR 107, ASSOCIATED WITH WATER RIGHT NUMBER 34-02538

Twntship	Range	Section	T1	T2	T3	LOT	B/E	within the	County of
04N	24E	21	SE	SE	NE			37	CUSTER

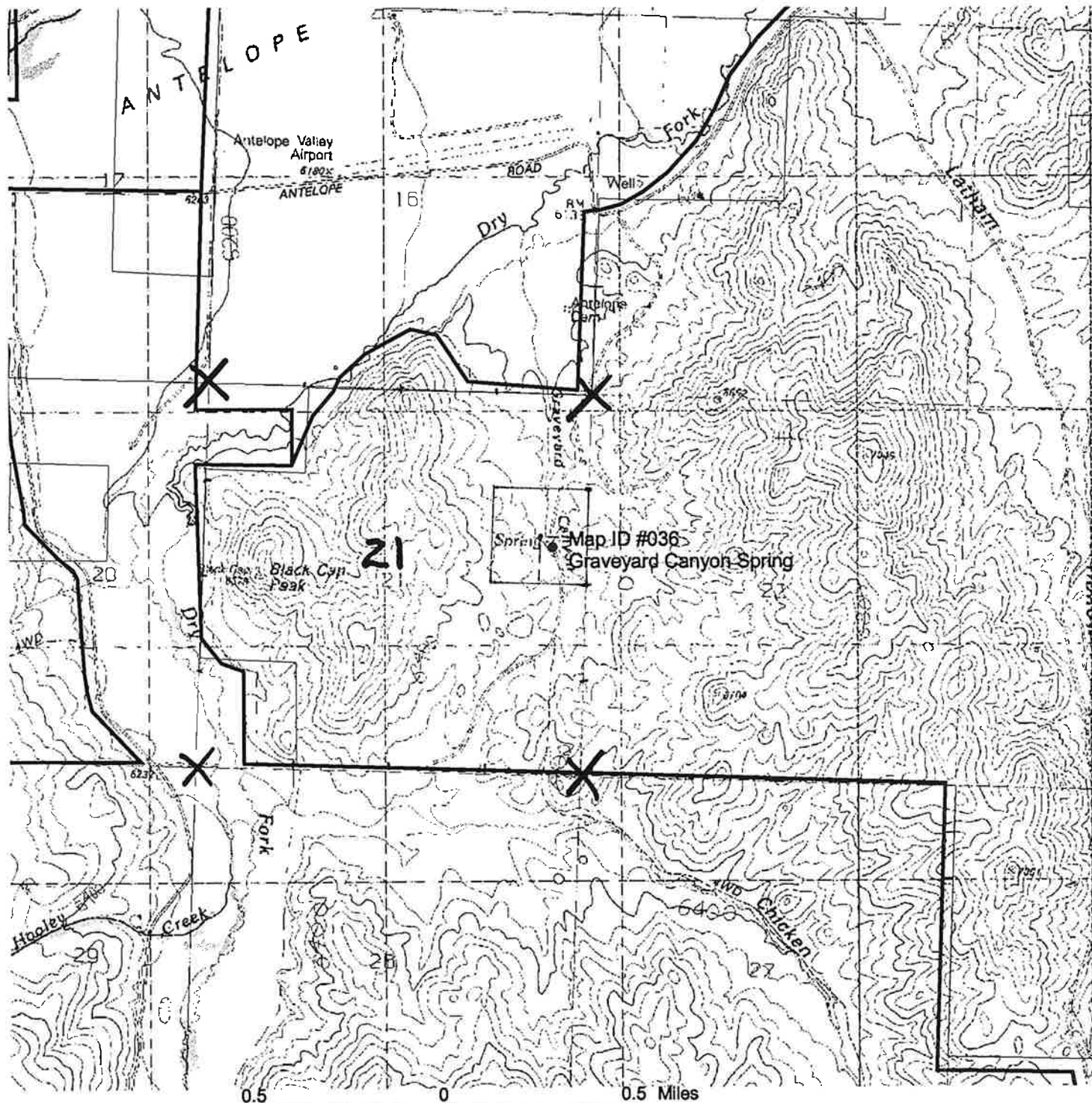
Purpose of Use	Period of Use (from - to):	Rate in CFS	Volume in AcFt
04	0101	1231	0.02

de minimis	stockwater	DATE: 30-Jan-02
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The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

Water Use	Twnt	Rge	Sec	T1	T2	LOT	within the	County of
04	04N	24E	21	SE	NE		37	CUSTER

Late Claim Filed in the SRBA - Basin 34
Graveyard Canyon Spring - Map ID #036
T.04N, R.24E, S.21 SENE
Latham Hollow Allotment #11026
Grouse Quad



0.5 0 0.5 Miles

1:24,000 Scale

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- Craters_of_the_Moon.shp
- lifo_pfo_own_mtpupdate.shp
- B.L.M.
- Bureau of Indian Affairs
- Department of Energy
- Forest Service
- Military Reservations
- National Parks & Monuments
- Open water
- Private
- State of Idaho
- U.S. Fish & Wildlife Service

DRAFT: PRODUCED BY THE BLM, IDAHO FALLS FIELD OFFICE.
Projection Universal Transverse Mercator
Zone 12, 1927 North American Datum
No warranty is made by the Bureau of Land Management
as to the accuracy, reliability, or completeness of
this data for individual or aggregate use with other data.
Prepared by Deena Teel on 8/14/2001 from GPS data collected
on 7/27/2001.

RECEIVED

JUL 16 2002

Department of Water Resources

2002 JUL 12 PM 3:46

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

**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 Numbers: See Attached Exhibit A

)

) **ORDER DENYING STATE OF**
) **IDAHO'S MOTION FOR AN ORDER**
) **DENYING LEAVE TO FILE LATE**
) **NOTICES OF CLAIM IN BASIN 34**

Case No. 39576

)

) **AND GRANTING UNITED STATES'**
) **MOTIONS TO FILE LATE NOTICE OF**
) **CLAIM**

The United States filed Motions to File Late Notice of Claim in each of the above-referenced subcases. The State of Idaho filed a Motion for an Order Denying Leave to File Late Notice of Claim in Basin 34 and Requiring a Status Report and a Brief in Support of Motion Re Stock Watering Claims in the above-captioned subcases. The United States filed a Memorandum in Opposition to the State of Idaho's Motion. Oral argument was heard by the Court on June 18, 2002. Having reviewed the record herein and hearing the argument of counsel, and the Court being fully informed, it is hereby

ORDERED that the State of Idaho's Motion for an Order Denying Leave to File Late Notice of Claim is **DENIED**.

//

//

IT IS FURTHER ORDERED that the United States' Motions to File Late Notice of Claim
are GRANTED.

DATED this 12th day of July, 2002.



Roger S. Burdick
Presiding Judge
Snake River Basin Adjudication

Submitted by:



Larry A. Brown
Of Attorneys for the United States

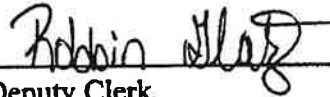
CERTIFICATE OF SERVICE

I certify that on July 12, 2002, I served a true and correct copy of the foregoing **ORDER DENYING STATE OF IDAHO'S MOTION FOR AN ORDER DENYING LEAVE TO FILE LATE NOTICES OF CLAIM IN BASIN 34 AND REQUIRING A STATUS REPORT AND GRANTING UNITED STATES' MOTION TO FILE LATE NOTICES OF CLAIM** by placing the documents in the United States Mail in Twin Falls, Idaho, postage paid, and addressed as follows:

U.S. Department of Justice
General Litigation Section
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

Mr. David J. Barber
Deputy Attorney General
Office of the Attorney General
Natural Resources Division
State of Idaho
P.O. Box 44449
Boise, ID 83720-0098

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



Deputy Clerk

EXHIBIT A

Subcase Numbers:

34-13676
34-13677
34-13678
34-13679
34-13681
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