

03/04/2005

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

RIGHT NUMBER: 34-13701

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: GROUND WATER

TRIBUTARY:

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 04/10/1974

POINT OF DIVERSION:

T02N R27E S33 SWSWNE Within BUTTE County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

01/01 12/31

0.020 CFS

Water use includes use by wildlife.

PLACE OF USE: STOCKWATER Within BUTTE County

T02N R27E S33

SWNE

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 ID NO 3403489502

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

JD. P3  
3-11-04

In Re SRBA

PPD?: ☐ PD?: ☐ Adm?: ☐ Prob?: ☐

LC

AMENDED NOTICE of CLAIM for  
Water Right number:

Case No. 39576

3413701 (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:

3403489502

Stg: StFed:

J S

Other Right and date:

SOURCE:

Source Tributary

GROUND WATER

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:

04/10/1974

Diversion Means: WELL

REMARKS:

POINT of  
DIVERSION:

Township Range Section T1 T2 T3 LOT B/E within the County of

02N 27E 33 SW SW NE 23 BUTTE

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 & wildlife

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

|    |    |     |    |    |    |  |    |       |
|----|----|-----|----|----|----|--|----|-------|
| 16 | 02 | 27E | 33 | SW | NE |  | 23 | BUTTE |
| 04 | 02 | 27E | 33 | SW | NE |  | 23 | BUTTE |

RECEIVED

DEC 03 2002

☒ ☐ ☐ 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

AMENDED NOTICE of CLAIM for  
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StFed:

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NAME and  
ADDRESS

United States of America acting through  
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1387 South Vinnell Way  
Boise, ID 83709 - 1657

Other Right and date:

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PRIORITY DATE:

04/10/1974

Diversion Means: WELL

REMARKS:

POINT OF  
DIVERSION:

| Twtnship | Range | Section | T1 | T2 | T3 | LOT | B/E | within the | County of |
|----------|-------|---------|----|----|----|-----|-----|------------|-----------|
| 02N      | 27E   | 33      | SW | SW | NE |     |     | 23         | BUTTE     |

PURPOSE  
and  
PERIOD  
OF USE:

| Purpose of Use | Period of Use (from - to): | Rate in CFS | or | Volume in AaFt |
|----------------|----------------------------|-------------|----|----------------|
| 04             | 0101                       | 1231        |    | 0.02           |
| 16             | 0101                       | 1231        |    | 0.02           |

CONSUMPTIVE  
USE:

do minima stockwater &amp; wildlife

DATE:

23-Jan-02

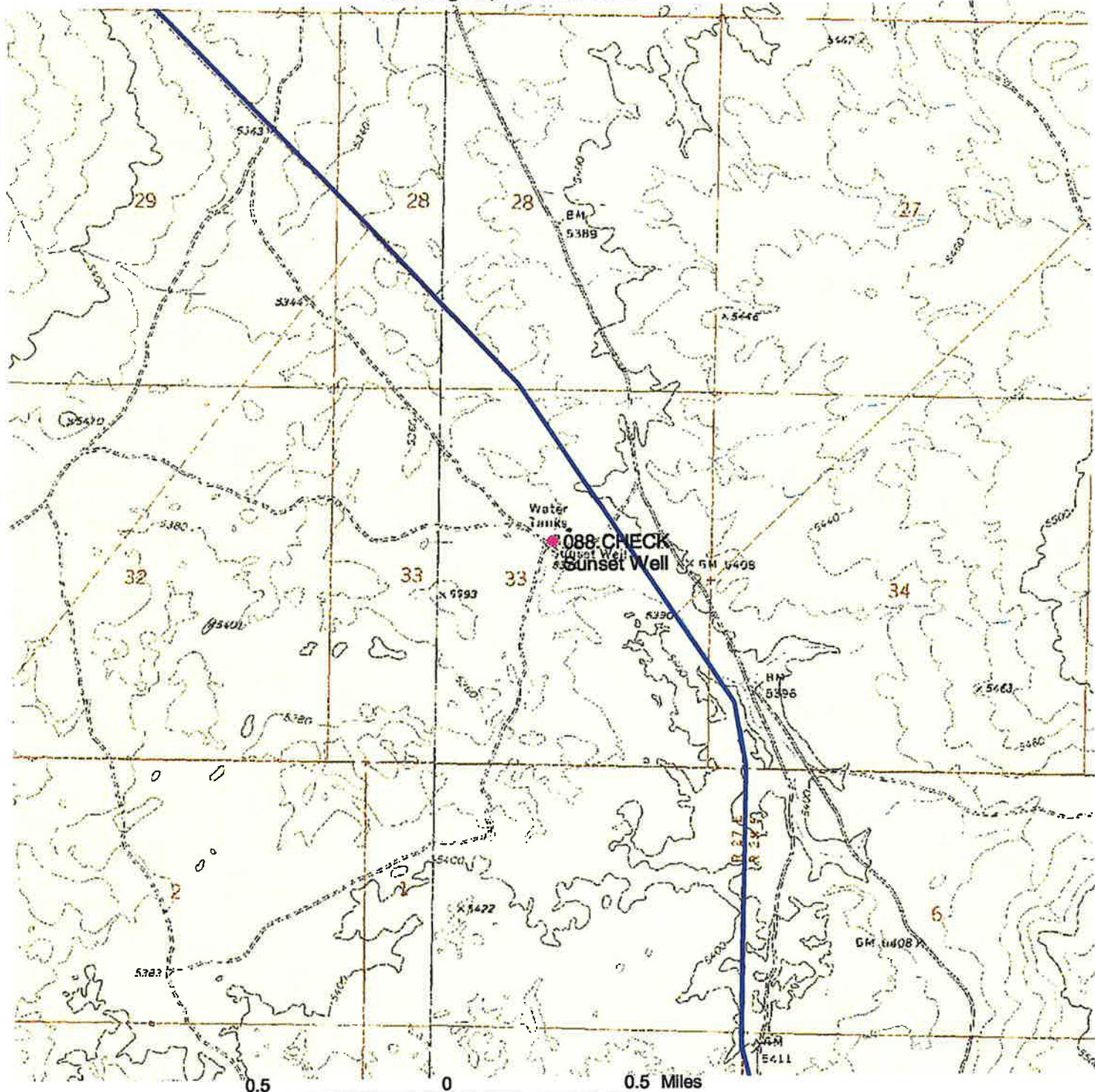
OTHER PROVISIONS NECESSARY FOR DEFINITION or ADMINISTRATION OF THIS WATER RIGHT:

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 | Twtn | Rge | Sec | T1 | T2 | LOT | within the | County of |
|-----------|------|-----|-----|----|----|-----|------------|-----------|
| 16        | 02   | 27E | 33  | SW | NE |     | 23         | BUTTE     |
| 04        | 02   | 27E | 33  | SW | NE |     | 23         | BUTTE     |

Late Claim Filed in the SRBA - Basin 34  
 Sunset Well - Map ID #088 check  
 T.02N, R.27E, S.33 SWNE  
 Sunset Allotment #11044  
 Quaking Aspen Butte Quad



- Lateclaims\_wet\_gps.shp
- Allot\_if
- Craters\_of\_the\_Moon.shp
- lfo\_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

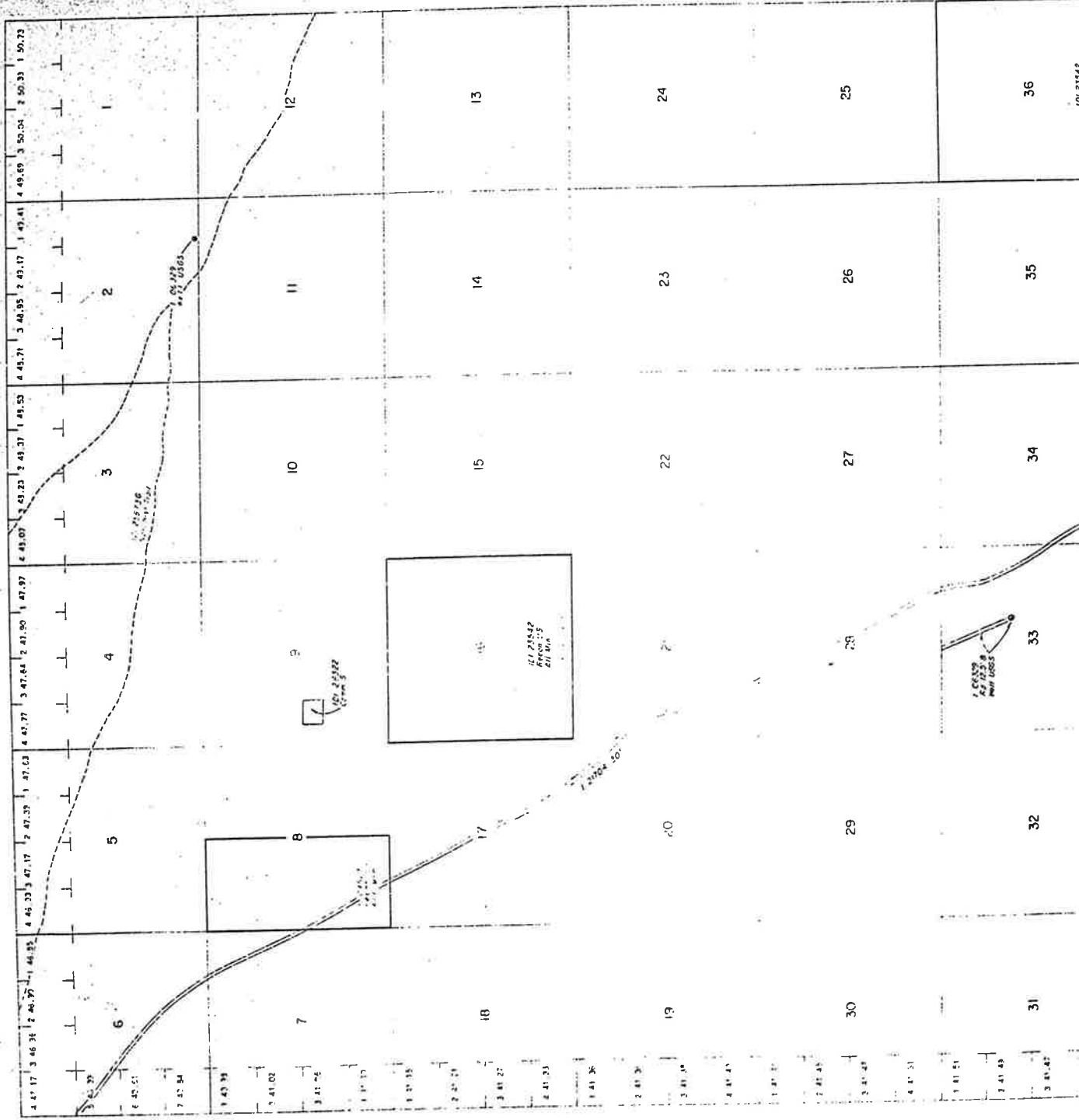
DRAFT: PRODUCED BY THE BLM, IDAHO FALLS FIELD OFFICE.  
 Projection Universal Transverse Mercator  
 Zone 12, 1927 North American Datum  
 No warranty is made by the Bureau of Land Management  
 as to the accuracy, reliability, or completeness of  
 this data for individual or aggregate use with other data.  
 Prepared by Deena Teel on 8/13/2001 from GPS data collected  
 on 4/09/2001.

# TOWNSHIP 2 NORTH RANGE 27 EAST OF THE BOISE MERIDIAN, IDAHO

BUTTE COUNTY 023  
IDaho FALLS DISTRICT SEC 2

STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES

MT PLAT



| INDEX TO SEGREGATED TRACTS |    |    |      |
|----------------------------|----|----|------|
| TRACT NO.                  | T. | R. | SEC. |
| 1                          | 2  | 27 | 1    |
| 2                          | 2  | 27 | 2    |
| 3                          | 2  | 27 | 3    |
| 4                          | 2  | 27 | 4    |
| 5                          | 2  | 27 | 5    |
| 6                          | 2  | 27 | 6    |
| 7                          | 2  | 27 | 7    |
| 8                          | 2  | 27 | 8    |
| 9                          | 2  | 27 | 9    |
| 10                         | 2  | 27 | 10   |
| 11                         | 2  | 27 | 11   |
| 12                         | 2  | 27 | 12   |
| 13                         | 2  | 27 | 13   |
| 14                         | 2  | 27 | 14   |
| 15                         | 2  | 27 | 15   |
| 16                         | 2  | 27 | 16   |
| 17                         | 2  | 27 | 17   |
| 18                         | 2  | 27 | 18   |
| 19                         | 2  | 27 | 19   |
| 20                         | 2  | 27 | 20   |
| 21                         | 2  | 27 | 21   |
| 22                         | 2  | 27 | 22   |
| 23                         | 2  | 27 | 23   |
| 24                         | 2  | 27 | 24   |
| 25                         | 2  | 27 | 25   |
| 26                         | 2  | 27 | 26   |
| 27                         | 2  | 27 | 27   |
| 28                         | 2  | 27 | 28   |
| 29                         | 2  | 27 | 29   |
| 30                         | 2  | 27 | 30   |
| 31                         | 2  | 27 | 31   |
| 32                         | 2  | 27 | 32   |
| 33                         | 2  | 27 | 33   |
| 34                         | 2  | 27 | 34   |
| 35                         | 2  | 27 | 35   |
| 36                         | 2  | 27 | 36   |

FOR ORDERS EFFECTING DISPOSAL OR USE OF  
UNIDENTIFIED LANDS REFER TO INDEX OF  
MISCELLANEOUS DOCUMENTS

CURRENT TO

CURRENT TO

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

|                       |   |                                                                 |
|-----------------------|---|-----------------------------------------------------------------|
| <b>In Re SRBA</b>     | ) | <b>SUBCASE NO:</b> <u>34-13701</u>                              |
|                       | ) | <small>(Insert Water Right Number)</small>                      |
|                       | ) |                                                                 |
| <b>Case No. 39576</b> | ) | <b>STANDARD FORM 4</b>                                          |
|                       | ) |                                                                 |
|                       | ) | <b>MOTION TO FILE:</b>                                          |
|                       | ) | <input checked="" type="checkbox"/> <b>LATE NOTICE OF CLAIM</b> |
|                       | ) | <input type="checkbox"/> <b>AMENDED NOTICE OF CLAIM</b>         |

**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:

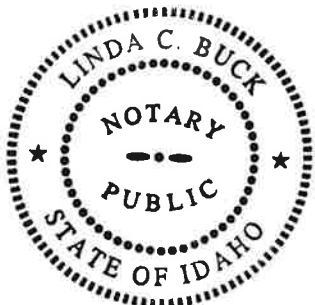
That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that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

Gary W. M. [Signature]  
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

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 34-13701

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 4

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. Madenford  
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

Linda 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

| <input checked="" type="checkbox"/> In Re SRBA<br>Case No. 39576<br><br>NAME and ADDRESS<br><br>SOURCE:<br><br>QUANTITY:<br><br>PRIORITY DATE:<br><br>REMARKS:<br><br>POINT of DIVERSION:<br><br>PURPOSE and PERIOD OF USE:<br><br>CONSUMPTIVE USE:<br><br>OTHER PROVISIONS NECESSARY FOR DEFINITION or ADMINISTRATION OF THIS WATER RIGHT:<br><br>PLACE of USE: | <div style="text-align: center;"> <input type="checkbox"/> <input type="checkbox"/> IN THE DISTRICT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS<br/> <u>LC</u> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>           AMENDED NOTICE of CLAIM for Water Right number:<br/> <div style="border: 1px solid black; padding: 2px; display: inline-block;">3413701</div> (IDWR number)         </div> <div>           BLMIDENT: <div style="border: 1px solid black; padding: 2px; display: inline-block;">3403489502</div><br/>           Stg: <div style="border: 1px solid black; padding: 2px; display: inline-block;">J</div> StFed: <div style="border: 1px solid black; padding: 2px; display: inline-block;">S</div> </div> </div> <div style="margin-top: 10px;">           United States of America acting through<br/>           Bureau of Land Management<br/>           Idaho State Office<br/>           1387 South Vinnell Way<br/>           Boise, ID 83709 – 1657         </div> <div style="margin-top: 10px;">           Other Right and date: <div style="border: 1px solid black; width: 150px; height: 30px; display: inline-block;"></div> </div> <div style="margin-top: 10px;">           Source <u>Tributary</u><br/>           GROUND WATER         </div> <div style="margin-top: 10px;">           0.02 CFS or VOLUME: <div style="border: 1px solid black; width: 50px; height: 20px; display: inline-block;"></div> Acre Feet<br/> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">             The quantity of water under this right for stockwater shall not exceed 13,000 gallons per day.           </div> </div> <div style="margin-top: 10px;">           04/10/1974 Diversion Means: <div style="border: 1px solid black; padding: 2px; display: inline-block;">WELL</div> </div> <div style="margin-top: 10px;"> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Twntship</th> <th>Range</th> <th>Section</th> <th>T1</th> <th>T2</th> <th>T3</th> <th>LOT</th> <th>B/E</th> <th>within the</th> <th>County of</th> </tr> </thead> <tbody> <tr> <td>02N</td> <td>27E</td> <td>33</td> <td>SW</td> <td>SW</td> <td>NE</td> <td></td> <td></td> <td>23</td> <td>BUTTE</td> </tr> </tbody> </table> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <thead> <tr> <th>Purpose of Use</th> <th>Period of Use (from - to):</th> <th>Rate in CFS</th> <th>or</th> <th>Volume in AcFt</th> </tr> </thead> <tbody> <tr> <td>04</td> <td>0101</td> <td>1231</td> <td></td> <td>0.02</td> </tr> <tr> <td>16</td> <td>0101</td> <td>1231</td> <td></td> <td>0.02</td> </tr> </tbody> </table> </div> <div style="margin-top: 10px;"> <div style="display: flex; justify-content: space-between;"> <div> <i>de minimis</i> stockwater &amp; wildlife           </div> <div>DATE: <div style="border: 1px solid black; padding: 2px; display: inline-block;">30-Jan-02</div></div> </div> </div> <div style="margin-top: 10px;"> <div style="border: 1px solid black; padding: 5px;">             The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.           </div> </div> <div style="margin-top: 10px;"> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Water Use</th> <th>Twnt</th> <th>Rge</th> <th>Sec</th> <th>T1</th> <th>T2</th> <th>LOT</th> <th>within the</th> <th>County of</th> </tr> </thead> <tbody> <tr> <td>16</td> <td>02</td> <td>27E</td> <td>33</td> <td>SW</td> <td>NE</td> <td></td> <td>23</td> <td>BUTTE</td> </tr> <tr> <td>04</td> <td>02</td> <td>27E</td> <td>33</td> <td>SW</td> <td>NE</td> <td></td> <td>23</td> <td>BUTTE</td> </tr> </tbody> </table> </div> | Twntship    | Range | Section        | T1 | T2  | T3         | LOT        | B/E       | within the | County of | 02N | 27E | 33 | SW | SW | NE |  |  | 23 | BUTTE | 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 | Water Use | Twnt | Rge | Sec | T1 | T2 | LOT | within the | County of | 16 | 02 | 27E | 33 | SW | NE |  | 23 | BUTTE | 04 | 02 | 27E | 33 | SW | NE |  | 23 | BUTTE |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-------|----------------|----|-----|------------|------------|-----------|------------|-----------|-----|-----|----|----|----|----|--|--|----|-------|----------------|----------------------------|-------------|----|----------------|----|------|------|--|------|----|------|------|--|------|-----------|------|-----|-----|----|----|-----|------------|-----------|----|----|-----|----|----|----|--|----|-------|----|----|-----|----|----|----|--|----|-------|
| Twntship                                                                                                                                                                                                                                                                                                                                                         | Range                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Section     | T1    | T2             | T3 | LOT | B/E        | within the | County of |            |           |     |     |    |    |    |    |  |  |    |       |                |                            |             |    |                |    |      |      |  |      |    |      |      |  |      |           |      |     |     |    |    |     |            |           |    |    |     |    |    |    |  |    |       |    |    |     |    |    |    |  |    |       |
| 02N                                                                                                                                                                                                                                                                                                                                                              | 27E                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 33          | SW    | SW             | NE |     |            | 23         | BUTTE     |            |           |     |     |    |    |    |    |  |  |    |       |                |                            |             |    |                |    |      |      |  |      |    |      |      |  |      |           |      |     |     |    |    |     |            |           |    |    |     |    |    |    |  |    |       |    |    |     |    |    |    |  |    |       |
| 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           |    |     |            |            |           |            |           |     |     |    |    |    |    |  |  |    |       |                |                            |             |    |                |    |      |      |  |      |    |      |      |  |      |           |      |     |     |    |    |     |            |           |    |    |     |    |    |    |  |    |       |    |    |     |    |    |    |  |    |       |
| Water Use                                                                                                                                                                                                                                                                                                                                                        | Twnt                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Rge         | Sec   | T1             | T2 | LOT | within the | County of  |           |            |           |     |     |    |    |    |    |  |  |    |       |                |                            |             |    |                |    |      |      |  |      |    |      |      |  |      |           |      |     |     |    |    |     |            |           |    |    |     |    |    |    |  |    |       |    |    |     |    |    |    |  |    |       |
| 16                                                                                                                                                                                                                                                                                                                                                               | 02                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 27E         | 33    | SW             | NE |     | 23         | BUTTE      |           |            |           |     |     |    |    |    |    |  |  |    |       |                |                            |             |    |                |    |      |      |  |      |    |      |      |  |      |           |      |     |     |    |    |     |            |           |    |    |     |    |    |    |  |    |       |    |    |     |    |    |    |  |    |       |
| 04                                                                                                                                                                                                                                                                                                                                                               | 02                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 27E         | 33    | SW             | NE |     | 23         | BUTTE      |           |            |           |     |     |    |    |    |    |  |  |    |       |                |                            |             |    |                |    |      |      |  |      |    |      |      |  |      |           |      |     |     |    |    |     |            |           |    |    |     |    |    |    |  |    |       |    |    |     |    |    |    |  |    |       |

☒ ☐ ☐ 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

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:  
3413701 (IDWR number)

BLMIDENT: 3403489502 Stg: J StFed: S

Other Right and date:

SOURCE: Source Tributary  
GROUND WATER

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: 04/10/1974 Diversion Means: WELL

REMARKS:

POINT OF DIVERSION:

| Twtnship | Range | Section | T1 | T2 | T3 | LOT | B/E | within the County of |
|----------|-------|---------|----|----|----|-----|-----|----------------------|
| 02N      | 27E   | 33      | SW | SW | NE |     |     | 23 BUTTE             |

PURPOSE and PERIOD OF USE:

| Purpose of Use | Period of Use (from - to): | Rate in CFS | or | Volume in AcsFt |
|----------------|----------------------------|-------------|----|-----------------|
| 04             | 0101                       | 1231        |    | 0.02            |
| 16             | 0101                       | 1231        |    | 0.02            |

CONSUMPTIVE USE: de minimis stockwater & wildlife DATE: 23-Jan-02

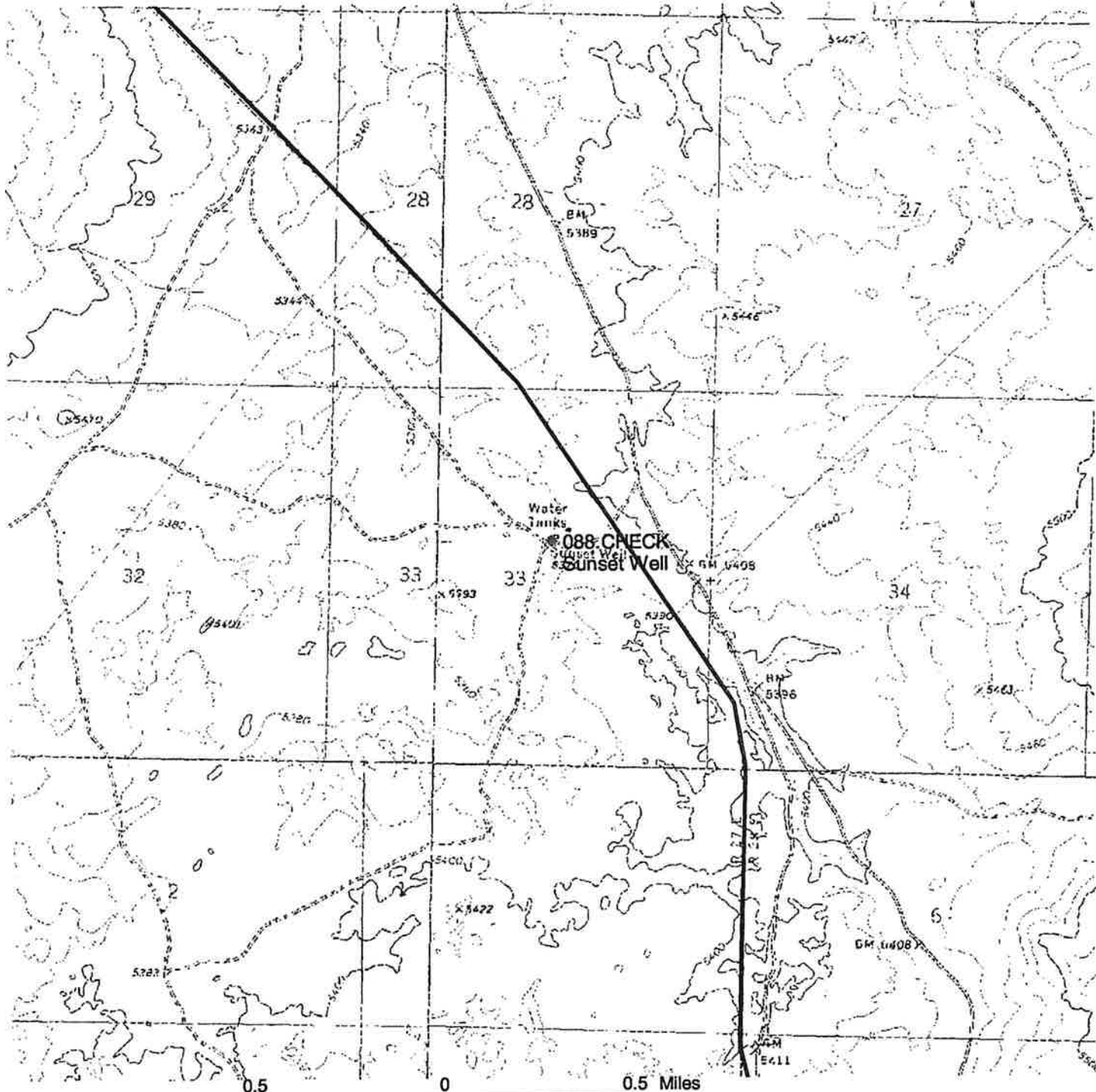
OTHER PROVISIONS NECESSARY FOR DEFINITION or ADMINISTRATION OF THIS WATER RIGHT:

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 | Twtn | Rge | Sec | T1 | T2 | LOT | within the County of |
|-----------|------|-----|-----|----|----|-----|----------------------|
| 16        | 02   | 27E | 33  | SW | NE |     | 23 BUTTE             |
| 04        | 02   | 27E | 33  | SW | NE |     | 23 BUTTE             |

Late Claim Filed in the SRBA - Basin 34  
 Sunset Well - Map ID #088 check  
 T.02N, R.27E, S.33 SWNE  
 Sunset Allotment #11044  
 Quaking Aspen Butte Quad



- Lateclaims\_wet\_gps.shp
- Allot\_if
- Craters\_of\_the\_Moon.shp
- lifo\_pfo\_own\_mfpupdate.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 8/13/2001 from GPS data collected  
 on 4/09/2001.



RECEIVED

JUL 16 2002

Department of Water Resources

2002 JUL 12 PM 3:46

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO

**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

) 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**  
)  
) **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**.

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PAGE 1 - **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' MOTIONS TO FILE LATE NOTICE OF  
CLAIM**

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

DATED this 12<sup>th</sup> day of July, 2002.



Roger S. Burdick  
Presiding Judge  
Snake River Basin Adjudication

Submitted by:



Larry A. Brown  
Of Attorneys for the United States

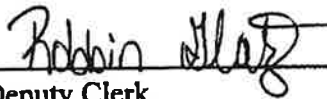
**CERTIFICATE OF SERVICE**

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  
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34-13683  
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