

02/07/2007

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

7/0 4/5/10
Moved to R
DJ 1/23/14

RIGHT NUMBER: 37-20502

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: UNNAMED STREAM

TRIBUTARY: SINKS

QUANTITY: 2.300 AFY

The quantity of water under this right and Right No. 37-20496 shall not exceed 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:

T03S R22E S13 SENENW Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER STORAGE	01/01 12/31	2.30 AFY
STOCKWATER FROM STORAGE	01/01 12/31	2.30 AFY

PLACE OF USE:

STOCKWATER STORAGE in LINCOLN County

T03S R22E S13 NENW T03S R22E S13 SENW

STOCKWATER FROM STORAGE in LINCOLN County

T03S R22E S13 NENW T03S R22E S13 SENW

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

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

BLM Identifier 37054899406

Right No. 37-20496 is also diverted through point of diversion described above.

WATER RIGHT CLAIM VERIFICATION

STATE OF IDAHO)
) ss:
COUNTY OF ADA)

RECEIVED
FEB 6 2007
DEPARTMENT OF
WATER RESOURCES

CLAIMANT VERIFICATION:

Water Right Number: 37-20502 (37054899406)

(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.

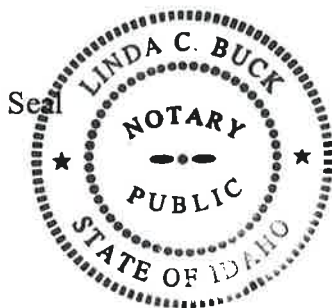
For Organizations:

I do solemnly swear and affirm that I am Fredric W. Price, Water Rights Specialist of 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 Specialist of United States of 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 *Fredric W. Price* for
the United States of America, acting through U.S.D.I., BLM

NOTARY:

Subscribed and sworn to before me on this 1st day of February, 2007.



Linda C. Buck

Linda C. Buck
Notary Public in and for: State of Idaho
Residing at: Mountain Home, Idaho
My Commission Expires: December 21, 2011

SCANNED

FEB 6 2007

☒ PPD? ☐ PD? ☐ Adm? ☐ Prob? ☐ IN THE DISTRICT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN
AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

REVI

AMENDED NOTICE of CLAIM for
Water Right number:

3720502 (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:

3705489406

Stg: StFed:

J X

WATER FEDERALLY
RESERVED, SEE
REMARKS

4/17/1926

SOURCE:

Source Tributary

UNNAMED STREAM

SINKS

QUANTITY:

CFS

or VOLUME:

2.3

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: NATURAL PLAYA

REMARKS:

Also reserved pursuant to Federal law

FY07 ☒

Pursuant to Executive Order dated 04/17/1926 and known as PWR 107. Associated with water right number 37-20496 a pit type reservoir within this natural playa. Use of this right with right number 37-20496 is limited to a combined diversion volume of 3.4 AFY.

POINT of
DIVERSION:

Twship	Range	Section	T1	T2	T3	LOT	B/E	within the	County of
03S	22E	13	SE	NE	NW			63	LINCOLN

PURPOSE
and
PERIOD
OF USE:

Purpose of Use	Period of Use (from - to):	Rate in CFS	or	Volume in AcF
05	0101	1231		2.3
06	0101	1231		2.3

CONSUMPTIVE
USE:

de minimis stockwater

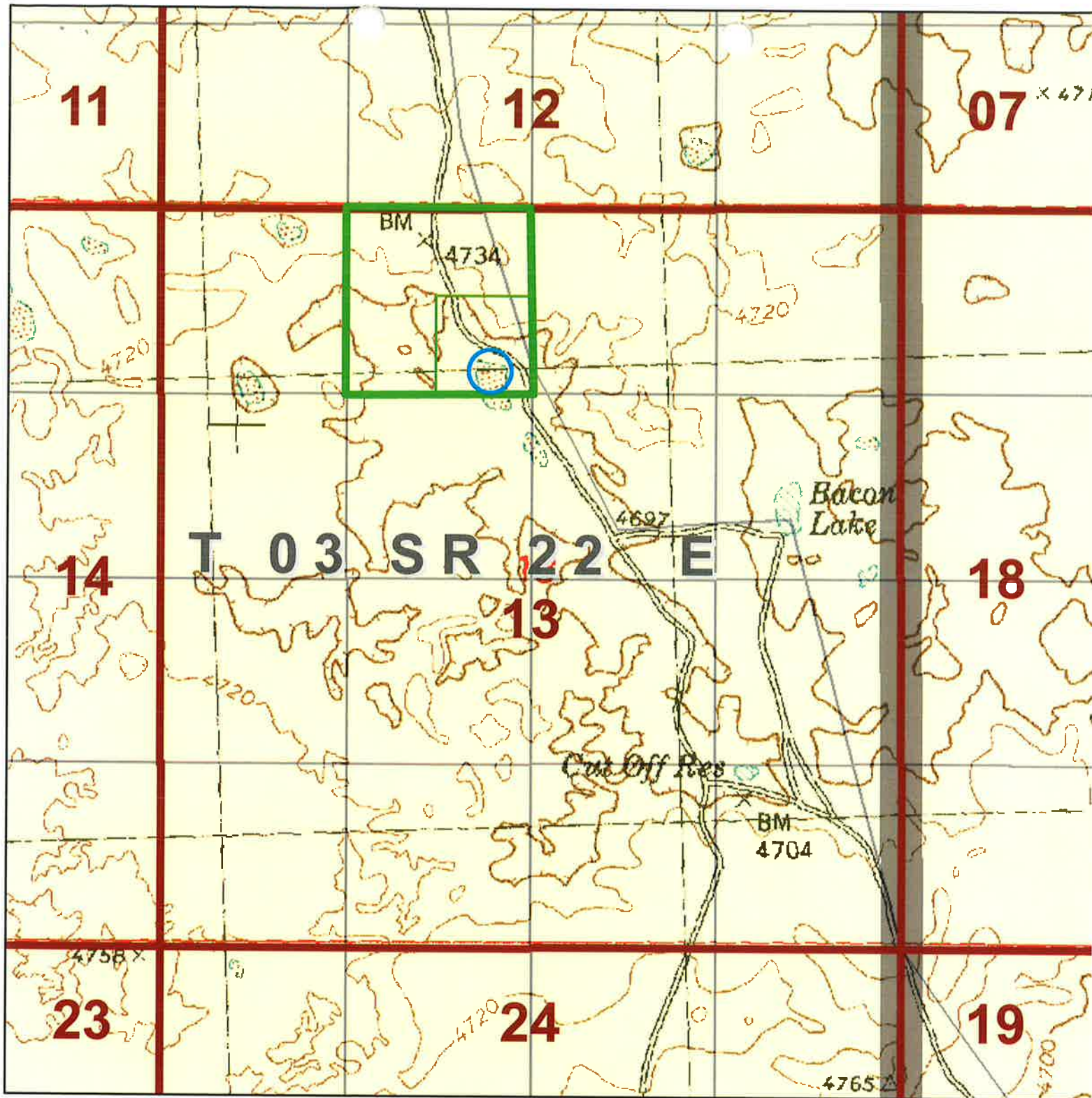
DATE: 01-Feb-07

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	Tw	Rge	Sec	T1	T2	LOT	Acres	within the	County of
05	03S	22E	13	NE	NW			63	LINCOLN
06	03S	22E	13	NE	NW			63	LINCOLN
05	03S	22E	13	SE	NW			63	LINCOLN
06	03S	22E	13	SE	NW			63	LINCOLN



Legend

GCDB_ID24_POLY

<cell other values>

owner_type

BLM

BOR

COE

DOE

IR

LU_DDI

LU_USDA

MIL

NPS

NWR

OTHER

PRIVATE

STATE

STATEFG

STATEOTH

STATEPR

USFS

CTIONS_ID24_POLY

WNSHP_ID24_POLY



37-20502
37 05 48 9406

1:11,035

00.04509 0.18 0.27 0.36



Miles

SCANNED

FEB 6 2007



U.S. Department of the Interior
Bureau of Land Management
1387 S. Vinell Way
Boise, ID 83709

No warranty is made by the
Bureau of Land Management
for use of the data for purposes
not intended by the BLM.
Map date: Jan. 31, 2007

GCDB data maintained by
Bureau of Land Management
Idaho State Office

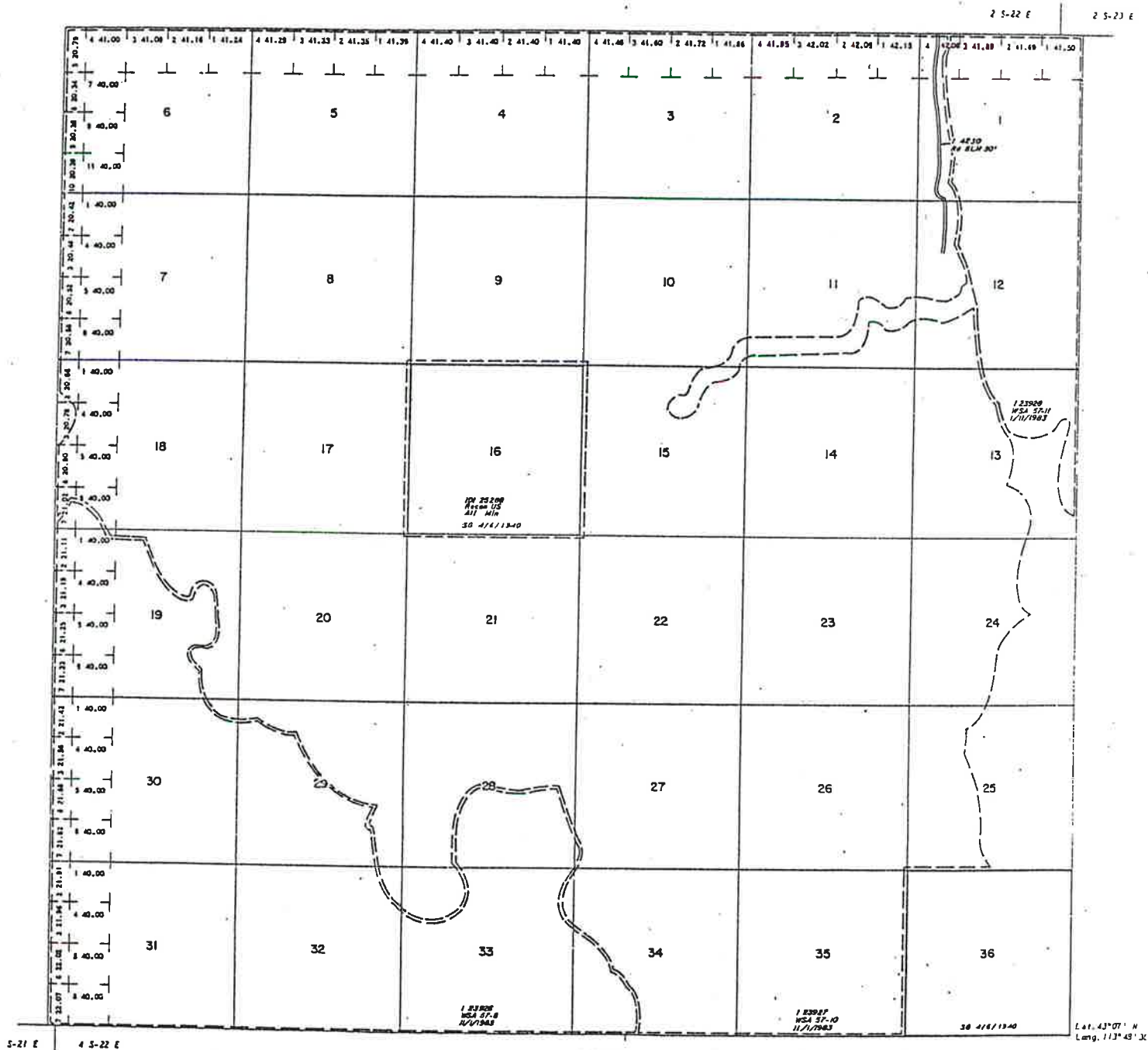
NAD_1983



TOWNSHIP 3 SOUTH RANGE 22 EAST OF THE BOISE MERIDIAN, IDAHO

LINCOLN COUNTY 063

SNOWSHOE DISTRICT SEC 2



MTP Card Date 01 / 16 / 2001
Reviewed by: Jackie Owens
Date of Review 07 / 09 / 2001

SCANNED

FEB 6 2007

☒ ☐ ☐ 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?: ☐

NCAF

NOTICE of CLAIM for
Water Right number:

Case No. 39576

3720502 (IDWR number)

NAME and
ADDRESS

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

BLMIDENT:

Stg: StFed:

3705489406

J

X

WATER FEDERALLY
RESERVED, SEE
REMARKS

Other Right and date:

SOURCE:

Source Tributary

UNNAMED STREAM

SINKS

QUANTITY:

CFS

or VOLUME:

2.3

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: NATURAL PLAYA

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 37-20496 a pit type reservoir within this natural playa. Use of this right with right number 37-20496 is limited to a combined diversion volume of 3.4 AFY.

POINT of
DIVERSION:

Township	Range	Section	T1	T2	T3	LOT	B/E	within the	County of
03S	22E	13	NE	NE	NW			63	LINCOLN

PURPOSE
and
PERIOD
OF USE:

Purpose of Use	Period of Use (from - to):	Rate in CFS	or	Volume in AcFt
05	0101	1231		2.3
06	0101	1231		2.3

CONSUMPTIVE
USE:

de minimis stockwater

DATE: 22-Mar-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.

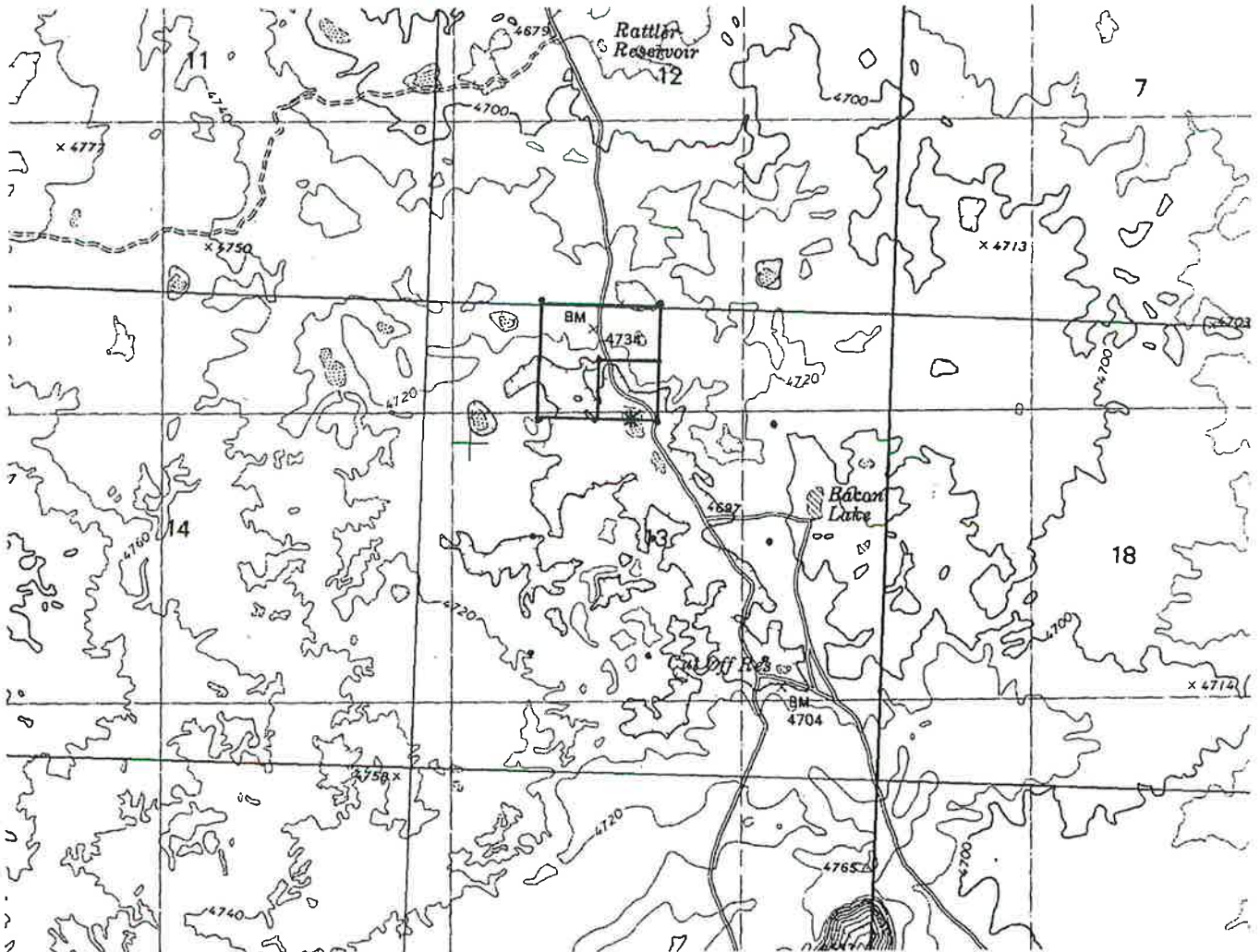
PLACE
of USE:

Water Use	Twn	Rge	Sec	T1	T2	LOT	within the	County of
06	03S	22E	13	NE	NW		63	LINCOLN
05	03S	22E	13	NE	NW		63	LINCOLN
06	03S	22E	13	SE	NW		63	LINCOLN
05	03S	22E	13	SE	NW		63	LINCOLN

RECEIVED

APR 17 2002

Unnamed Playa 3705489406

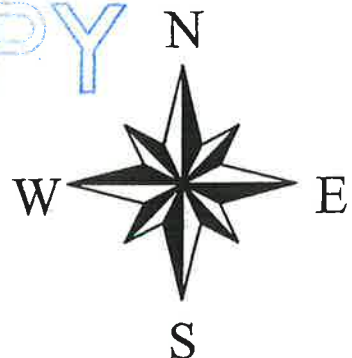


0 1 Miles

* 3705489406.shp

Quad: Wagon Butte
T03S, R22E, Section 13
Scale: 1:24000
Date: September 7, 2001
U:\projects\water\water2001\
wagonbutte\wagonbutte\3705489406

COPY



No warranty is made by the Bureau
of Land Management for use of the
data for purposes not intended by BLM.

DRAFT



MTP Card Date 01 / 16 / 2001
Reviewed by: Jackie Owens
Date of Review 07 / 09 / 2001

WATER RIGHT CLAIM VERIFICATION

STATE OF IDAHO)
) ss:
COUNTY OF ADA)

CLAIMANT VERIFICATION: Signature:

Water Right Claim Number: 37-20502

(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 3

For Organizations:

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

Signature of Authorized Agent

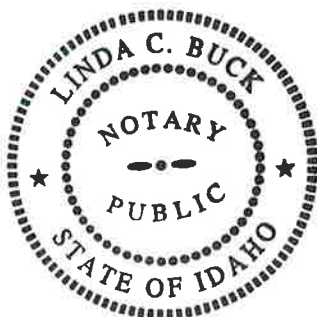


for the United States of America, acting through U.S.D.I., BLM

NOTARY:

Subscribed and sworn to before me on this 15 day of April, 2002

Seal



Linda C. Buck

Notary Public in and for the State of: Idaho
Residing at: Mountain Home, Idaho
My Commission Expires: December 21, 2005

COF

**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. 37-20502

)
)
) Case No. 39576
)
)
_____)

Standard Form 5

**STIPULATED ELEMENTS
OF A WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT /OBJECTOR:

United States on behalf of the
Bureau of Land Management

David L. Negri Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:

Kelly Christensen 8-11-09
Kelly Christensen Date
Senior Water Resources Agent

Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

08/04/2009

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

RIGHT NUMBER: 37-20502

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: UNNAMED STREAM

TRIBUTARY: SINKS

QUANTITY: 2.30 AFY

Right Nos. 37-20496 and 37-20502 are limited to a total combined annual diversion volume of 3.4 AF.
~~The quantity of water under this right and Right No. 37-20496 shall not exceed 13,000 gallons per day.~~

KKC

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:

T03S R22E S13 SENENW Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER STORAGE	01/01 12/31	2.30 AFY
STOCKWATER FROM STORAGE	01/01 12/31	2.30 AFY

PLACE OF USE: STOCKWATER STORAGE in LINCOLN County

T03S R22E S13 NENW T03S R22E S13 SENW

STOCKWATER FROM STORAGE in LINCOLN County

T03S R22E S13 NENW T03S R22E S13 SENW

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

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

BLM Identifier 3705489406

Right No. 37-20496 is also diverted through point of diversion described above.

CERTIFICATE OF MAILING

I certify that on _____, 2009, I mailed the original and copies of this form, including all attachments, 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. Copy to:

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

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

3. Copies to all parties to the subcase (insert names and addresses):

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

Signature of person or attorney mailing the form

Christensen, Kelly

From: Sherman_Beazer@blm.gov
Sent: Wednesday, July 22, 2009 10:27 AM
To: Christensen, Kelly; Fredric_Price@blm.gov
Subject: Fw: 37-20496 20502 BLM 2.3 af pond.

Attachments: 37-20496 BLM SF-5 recom.doc; 37-20502 BLM SF-5 recom.doc



37-20496 BLM SF-537-20502 BLM SF-5
recom.doc (2... recom.doc (2...

Kelly,

It seems to BLM that the combined use remark is unnecessary because the two rights together equal the capacity of the source, which is 3.4 AFY.

Thanks,
Scott Beazer
Water Rights Specialist
Phone: (208) 373-4022
Fax: (208) 373-3839

----- Forwarded by Sherman Beazer/ISO/ID/BLM/DOI on 07/22/2009 10:25 AM

Fredric
Price/ISO/ID/BLM/
DOI
Sent by: Fredric
Price

To
Sherman Beazer/ISO/ID/BLM/DOI@BLM
cc

03/05/2009 04:50
PM

Subject
Fw: 37-20496 20502 BLM 2.3 af pond.

How they look?

----- Forwarded by Fredric Price/IDSO/ID/BLM/DOI on 03/05/2009 04:50 PM

"Christensen,
Kelly"
<Kelly.Christense
n@idwr.idaho.gov>

<Fredric_Price@blm.gov>

To
cc

03/05/2009 08:28
AM

Subject
37-20496 20502 BLM 2.3 af pond.

Attached are two tentative recommendations. I wanted to double check with you to make sure that I covered everything in question before I sent it to Vicki to route for SF-5 signatures.

<<37-20496 BLM SF-5 recom.doc>> <<37-20502 BLM SF-5 recom.doc>>

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190 (See attached file: 37-20496 BLM SF-5 recom.doc) (See attached file:
37-20502 BLM SF-5 recom.doc)

08/04/2009

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

RIGHT NUMBER: 37-20502

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

VERIFIED BY: KKC
8-4-09

SOURCE: UNNAMED STREAM

TRIBUTARY: SINKS

QUANTITY: 2.30 AFY

Right Nos. 37-20496 and 37-20502 are limited to a total combined annual diversion volume of 3.4 AF.

~~The quantity of water under this right and Right No. 37-20496 shall not exceed 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:

T03S R22E S13 SENENW Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER STORAGE	01/01 12/31	2.30 AFY
STOCKWATER FROM STORAGE	01/01 12/31	2.30 AFY

PLACE OF USE: STOCKWATER STORAGE in LINCOLN County

T03S R22E S13	NENW	T03S R22E S13	SENW
<u>STOCKWATER FROM STORAGE in LINCOLN County</u>			
T03S R22E S13	NENW	T03S R22E S13	SENW

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

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

BLM Identifier 3705489406

Right No. 37-20496 is also diverted through point of diversion described above.

Kelly, Vicki

From: Fritschle, Carter
Sent: Thursday, April 03, 2008 8:07 AM
To: Shaff, Don
Cc: Kelly, Vicki; Bromley, Chris
Subject: RE: Basin 37 SF5 Packet

37-20496
-20502

Don,

I am running this by you because it looks like you may have had a hand in adding the combined use limit in the recommendations for 37-20496 and 37-20502. It looks like Fred has found a few examples of where we missed adding the combined 13,000 gallon per limit on some BLM de minimis stockwater rights, but I would like to think these are the exception rather than the norm.

So, I wanted to check with you before capitulating to Fred.

What is interesting is that there are at least five unclaimed water holes on BLM land (identified on the topo and visible on the NAIP) within approximately one-half mile of this one.

Carter

-----Original Message-----

From: Bromley, Chris
Sent: Wednesday, April 02, 2008 1:54 PM
To: Fritschle, Carter
Cc: Kelly, Vicki
Subject: RE: Basin 37 SF5 Packet

Status Conf.
New hearing Aug 12: 2:00-
Work with Fred to resolve
need to define issues pond Vol.
relationships.

Carter, any thoughts?

Chris

-----Original Message-----

From: Fredric_Price@blm.gov [mailto:Fredric_Price@blm.gov]
Sent: Tuesday, April 01, 2008 5:25 PM
To: Bromley, Chris

Cc: Fritschle, Carter; Kelly, Vicki; larry.brown@usdoj.gov
Subject: Re: Basin 37 SF5 Packet

Chris,

37-20313, 37-20513, 37-20535:
yay!

37-20542:

I'm ok with your proposal, we were just trying to adhere to your naming standards.

37-20496 (1.1 AFY), 37-20502 (2.3 AFY):

We've talked about this situation many times and the effect of BWI#12 which has resulted in the removal of these references in those past situations. There can be times that quantity expressed in terms of an instantaneous diversion rate (i.e. cfs) could be interpreted to yield an excessive amount if that quantity is allowed to flow constantly, but in the case of these two water rights, they are already expressed in terms of an annual volume which can't be interpreted to be more water than stated, which is less than de minimis when combined.

A de minimis diversion rate of 0.02 cfs that supplies water to 1000

* head of cattle (who would need the entire amount) would deliver 14.5 acre-feet per year (AFY) if allowed to run continuously during a year-round season of use. If you add up these two claims (1.1 AFY + 2.3 AFY), then you get a total use of 3.4 AFY, which is less than half (42.6%) of the de minimis cap.

37-20496: The quantity of water under this right and Right No. 37-20502 shall not exceed 13,000 gallons per day.

37-20502: The quantity of water under this right and Right No. 37-20496 shall not exceed 13,000 gallons per day.

Other instances of the combined use remark issue:

34-13677, 34-13686, 34-13687, 34-13703

45-13465, 45-13466, 45-13467

74-02276, 74-15514

84-02047

Fred

"Bromley, Chris"
<Chris.Bromley@idwr.idaho.gov>

04/01/2008 11:41
AM

"fred_price@sc.blm.gov"
<Fredric_Price@blm.gov>

To

cc

"Fritschle, Carter"
<Carter.Fritschle@idwr.idaho.gov>,
"Kelly, Vicki"
<Vicki.Kelly@idwr.idaho.gov>

Subject

Basin 37 SF5 Packet

Fred,

I received a packet of SF5s from you on Friday and Carter's had an opportunity to go through them.

We're good to go with 37-20313, -20513, and -20535.

We have a couple of questions with 37-20542 and 37-20496 and -20502.

Regarding 37-20542, Carter's research shows that a partial decree was issued in 37-2835 identifying the source as unnamed stream. To be consistent with 37-2835, which shares the same POD as 37-20542, our proposal would be to call the source unnamed stream with an explanatory remark that the source is also known as Moran Lake.

Regarding 37-20496 and -20502, Carter believes that the combined use language needs to be included in each recommendation. The reference to cfs in 37-20496 should be to acre-feet. And we could add additional POU's to account for what looks to be another waterhole to the southeast in the NAIP photo.

Let me know what you think.