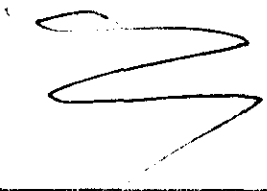


No Color
Documents
In File



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
FILED

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT
I.R.C.P. 54(b) FOR

2003 APR 2 AM 10 23

Water Right 79-04291

NAME AND ADDRESS: USDA FOREST SERVICE
550 W FORT ST, MSC 033
BOISE, ID 83724

SOURCE: SPRING

TRIBUTARY: SINKS

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 05/01/1877

POINT OF DIVERSION: T26N R02E S01 NWSW Within Idaho County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	06-01 TO 10-31	0.02 CFS

PLACE OF USE: Stockwater Within Idaho County
T26N R02E S01 NWSW

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

06/03/83

UNITED STATES OF AMERICA - USDA FOREST SERVICE NORTHERN REGION
PO BOX 7669 MISSOULA, MONTANA 59807
RON RUSSELL 329-3594 OR GAIL DAHL 329-3759

RIGHT NUMBER - 79-4291
STATE BASIN NO. - 79
COUNTY - IDAHO

F.S. RECORD ID - 17060209020D00317
NATIONAL FOREST - NEZPERCE
RANGER DISTRICT - 1

PRIMARY PURPOSE OF USE - STOCKWATER
SECONDARY PURPOSE OF USE - W

SOURCE - SPRING
RESERVOIR CAPACITY - 0.00 ACRE FEET

SOURCE NAME - CHAMBERLIN SPR

USE NAME - CHAMBERLIN SPR

TRIBUTARY TO -

POINT OF DIVERSION - NWSW SEC 1 26 N 2 E

NO. OF DIVERSION POINTS - 1
NO. OF USE POINTS - 1

MEANS OF DIVERSION - HEADBOX

POINT OF USE - NWSW SEC 1 26 N 2 E

ACRES IRRIGATED - 0
NO. OF LIVESTOCK - 106
TYPE OF LIVESTOCK - CATTLE
ALLOTMENT NO. - 308
IMPROVEMENT NO. - D-1810
RIM NUMBER -
POTABLE WATER NO. -
DAM NUMBER -

VERIFIED AMS

PRIMARY USE RATE - .01 CFS
- 0.00 AC-FT/YR
SECONDARY USE RATE - .01 CFS
- 0.00 AC-FT/YR

TOTAL DIVERSION RATE - .01 CFS
- 0.00 AC-FT/YR

PERIOD OF USE - JUN JUL AUG SEP OCT
PRIORITY DATE - 19050522
BASIS FOR CLAIM - BENEFICIAL USE

NOTARIZED STATEMENT FOR THIS DOCUMENT SIGNED BY REGIONAL FORESTER,
NORTHERN REGION, ON TRANSMITTAL DOCUMENT.

MICROFILMED

Priority Date: 05/10/1906
Diversion Pt: NWSE Sec 11
T 27N R 01W
Use: STOCKWATER (.01
CFS) WILDLIFE (.01 CFS)
In: NWSE Sec 11 T 27N R
01W.

79-4359

UNITED STATES OF
AMERICA
USDA FOREST SERVICE,
FEDERAL BLDG., P.O.
BOX 7669, MISSOULA, MT
59807

Source: SUNNYSIDE SPR
Priority Date: 05/10/1906
Diversion Pt: NENE Sec 12
T 27N R 01W
Use: STOCKWATER (.01
CFS) WILDLIFE (.01 CFS)
In: NENE Sec 12 T 27N R
01W.

79-4360

UNITED STATES OF
AMERICA
USDA FOREST SERVICE,
FEDERAL BLDG., P.O.
BOX 7669, MISSOULA, MT
59807

Source: MOTHORN
SPRING
Priority Date: 05/10/1906
Diversion Pt: SENW Sec 13
T 27N R 01W
Use: STOCKWATER (.01
CFS) WILDLIFE (.01 CFS)
In: SENW Sec 13 T 27N R
01W.

79-4361

UNITED STATES OF
AMERICA
USDA FOREST SERVICE,
FEDERAL BLDG., P.O.
BOX 7669, MISSOULA, MT
59807

Source: PAPOOSE BSN
SPR
Priority Date: 05/10/1906
Diversion Pt: NENW Sec 02
T 27N R 01W
Use: STOCKWATER (.01
CFS) WILDLIFE (.01 CFS)
In: NENW Sec 02 T 27N R
01W.

79-4362

UNITED STATES OF
AMERICA
USDA FOREST SERVICE,
FEDERAL BLDG., P.O.
BOX 7669, MISSOULA, MT
59807

Source: PITTSBURG SPR
Priority Date: 05/10/1906
Diversion Pt: NWNW Sec 19
T 27N R 01E
Use: STOCKWATER (.01
CFS) WILDLIFE (.01 CFS)
In: NWNW Sec 19 T 27N R
01E.

79-4363

UNITED STATES OF
AMERICA
USDA FOREST SERVICE,
FEDERAL BLDG., P.O.
BOX 7669, MISSOULA, MT
59807

Source: LOST SPRING
Priority Date: 05/10/1906
Diversion Pt: NESW Sec 17
T 26N R 01E
Use: STOCKWATER (.01
CFS) WILDLIFE (.01 CFS)
In: NESW Sec 17 T 26N R
01E.

79-4364

UNITED STATES OF
AMERICA
USDA FOREST SERVICE,
FEDERAL BLDG., P.O.
BOX 7669, MISSOULA, MT
59807

Source: RIDGE SPRING
Priority Date: 05/10/1906
Diversion Pt: SWNW Sec 09
T 26N R 01E
Use: STOCKWATER (.01
CFS) WILDLIFE (.01 CFS)
In: SWNW Sec 09 T 26N R
01E.

79-4365

UNITED STATES OF
AMERICA
USDA FOREST SERVICE,
FEDERAL BLDG., P.O.
BOX 7669, MISSOULA, MT
59807

Source: BOISE SPRING
Priority Date: 05/10/1906
Diversion Pt: NESW Sec 18
T 26N R 01E
Use: STOCKWATER (.01
CFS) WILDLIFE (.01 CFS)
In: NESW Sec 18 T 26N R
01E.

79-4366

UNITED STATES OF
AMERICA
USDA FOREST SERVICE,
FEDERAL BLDG., P.O.
BOX 7669, MISSOULA, MT
59807

Source: CAMP HOWARD
SP2
Priority Date: 05/10/1906
Diversion Pt: SENE Sec 02 T
24N R 01W
Use: STOCKWATER (.01
CFS) WILDLIFE (.01 CFS)
In: SENE Sec 02 T 24N R
01W.

79-4367

UNITED STATES OF
AMERICA
USDA FOREST SERVICE,
FEDERAL BLDG., P.O.
BOX 7669, MISSOULA, MT
59807

Source: WISDOM SPRING
Priority Date: 05/10/1906

AFFIDAVIT OF PUBLICATION

Nona Donaldson being first duly

sworn, says he is the office manager
of the IDAHO COUNTY FREE PRESS, a weekly newspaper which
is published and issued weekly at Grangeville, Idaho County,
State of Idaho, and which is of general circulation in said county
and state; that the said notice, of which the one hereto attached
is a true copy, was published in said paper for 2 weeks,
being published 2 times, the first publication being
26 October, 1983,
on the 26 day of October, 1983,
and the last publication on the 2 day of
November, 1983; and that the said notice
was published in the newspaper proper and not a supplement;
that said newspaper has been continuously and uninterruptedly
published in said county during a period of more than seventy-
eight consecutive weeks prior to the first publication of said
notice or advertisement.

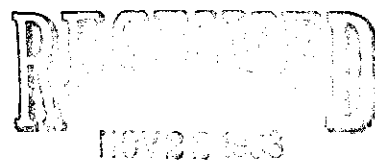
Nona Donaldson

Subscribed and sworn to before me this 2 day
of November, 1983

[Signature]

Notary Public

for State of Idaho, residing at Grangeville, Idaho.



Department of Water Resources
Western Regional Office



State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

March 12, 1984

Mr. Tom Coston
Regional Forester
U. S. Dept. of Agriculture
Forest Service
Federal Bldg.
P. O. Box 7669
Missoula, MT 59807

Re: Claims 77-4094 - 77-4115; 78-4190 - 78-4249 & 78-4291 - 78-4293;
79-4134 - 79-4283 & 79-4291 - 79-4375 & 79-4435

Dear Mr. Coston:

The Department of Water Resources has completed the advertising of your claims to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claims will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claims does not confirm the water rights claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claims, you may have that information or evidence added at any time. Please refer to the claims identification number when corresponding with this office.

We are enclosing copies of four claims that required number changes during our processing. An additional claim 77-4116 was forwarded to our Northern Region office for further processing and a number change. You will be notified by that office when processing is complete. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

DAVID B. SHAW
Western Regional Supervisor

DES:jp
cc: Mr. Lawrence M. Jakub w/enc.
IDWR Northern Region w/o enc.

Enc:

MICROFILMED

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: DBS

Right Number 79-4291-4375 Applicant U.S.F.S.

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee. Receipt #28788 7/15/83

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. 11/22/83 Conn 1/9/84
- ☒ Claim published correctly. SD entry free press 10/26 & 11/21/83
- ☐ Exceptions processed.

By DBS Date 3/15/84

STATE OFFICE PROCESSING:

- ☐ Claim review complete.

By _____ Date _____

MICROFILMED



United States
Department of
Agriculture

Forest
Service

Region One

Federal Building
P.O. Box 7669
Missoula, MT 59807

Reply to: 2540

Date: JUN 6 1983
RECEIVED

JUL 27 1983

Department of Water Resources

Mr. Robert G. Haynes
Department of Water Resources,
Northern District
4055 Government Way
Coeur d'Alene, ID 83814

Dear Mr. Haynes:

Enclosed are water right forms for the filing of Northern Region, United States Department of Agriculture, Forest Service water claims. The Department of Water Resources, Northern District in Coeur d'Alene will accept all claims by the USDA Forest Service, Northern Region as previously agreed upon (ref. meetings of Jan 25, Coeur d'Alene and Feb. 10, Boise), and will distribute them to the appropriate State of Idaho, Department of Water Resources Regions. The filings of National Forest claims are prepared in the following formats:

1. A notarized statement (transmittal affidavit) signed by the Regional Forester attesting to the validity of the enclosed claims, a listing of state file numbers assigned by State Basins as per list of available numbers provided by the Department of Water Resources and Federal provisions;
2. Computer printouts containing the information compatible with the Idaho State Department of Water Resources claim forms for each water claim;
3. Computer printouts in Idaho's advertising format for each water claim;
4. Computer tape compatible with the State of Idaho's water rights program with water claims sorted by State basin;
5. Computer printouts identifying Federal Reserved rights and/or claims not admissible under Idaho Department of Water Resources administrative codes.

MICROFILMED



Mr. Haynes

2

Printouts are sorted by Idaho State Basin within each of the Northern Region National Forests. These include the Bitterroot, Clearwater, Nezperce, and Idaho Panhandle National Forests.

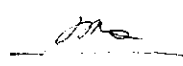
A purchase order for \$13,680 is enclosed to cover the filing cost of 456 claims at \$30 per claim.

Copies of any resultant legal documents associated with the claims should be sent to:

Mr. Lawrence M. Jakub
Attorney-in-Charge
Office of the General Counsel
P.O. Box 7669
Missoula, MT 59807

Mr. Tom Coston
Regional Forester
USDA Forest Service
P.O. Box 7669
Missoula, MT 59807


TOM COSTON
Regional Forester

U. S. Forest Service
Check # 77 495 616 }
Vendor I.D. # 4003+331135 }
\$13,680.00 }
Received 7/15/83
Receipt # 28788


MICROFILMED

AFFADAVIT OF TRANSMITTAL

I, Charles T. Coston, having been duly sworn, depose and say that I, being the claimant for the National Forest Claims for the Northern Region of the United States Department of Agriculture, Forest Service, attest to the validity of these claims and that the matters and things stated within are true and correct to the best of my knowledge.

The enclosed claims to a water right are for uses established prior to March 25, 1963, for groundwater and prior to May 20, 1971 for surface water right. These claims do not include all USDA Forest Service water uses or rights within each Idaho State Basin. Notification of other USDA Forest Service water uses, not all inclusive, is included in the interest of comity.

The state file numbers assigned by State basins are as follows:

Basin	Nezperce	Clearwater	Idaho Panhandle	Bitterroot
77	4094-4116			
78	4190-4249			
79	4134-4283			
79	4291-4375			
81	4044-4053	4054-4064		4065-4067
82	4057-4075	4025		4076
83		4024-4064		
84		4180-4188 4189		
85		4248		
86		4092-4111		
87		4061-4063 4064		
91			4028-4032	
92			4037-4040	
94			4102-4104	
95			4521	
96			4323-4325	
97			4113	
98			4126-4128	

Tom Coston
TOM COSTON
Regional Forester

Subscribed and sworn before me this 6th Day of June 1983.

Marilyn J. Barnes
Notary Public for Montana

Residing in: NOTARY PUBLIC for the State of Montana
Residing at Florence, Montana
My Commission Expires May 30, 1986

MICROFILMED

On June 6, 1983, the USDA Forest Service delivered claims for 456 water uses for processing.


for GERHART H. NELSON
Director of Range & Watershed

I have received the above-referenced claims.


ROBERT G. HAYNES
Department of Water Resources, Northern District

MICROFILMED

UNITED STATES DEPARTMENT OF AGRICULTURE

PURCHASE ORDER

THIS NUMBER MUST
APPEAR ON ALL
INVOICES, PACKAGES AND
PAPERS RELATING TO
THIS ORDER

PAGE NUMBER	CONTRACT NUMBER	ORDER DATE	ORDER NUMBER	SUB
OF 1	001	060383	40-0340-3-1135	

CHECK ONE	TO: (Seller)	SHIP TO: (Consignee and Destination)
☒ Purchase Order (See Reverse)	Department of Water Resources Northern District 4055 Government Way Coeur d'Alene, ID 83814	USDA-Forest Service Federal Building P.O. Box 7669 Missoula, MT 59807
☐ Delivery Order		

LINE ITEM	ACT. CODE	DESCRIPTION	QUANTITY	UNIT ISSUE	UNIT PRICE	AMOUNT
		Water rights filing within the State of Idaho for the Northern Region United States Department of Agriculture, Forest Service.	455	ea	30.00	13,650.00
SELLER'S ORIGINAL						

FOB POINT Destination	DISCOUNT TERMS Net	TOTAL	13,680
TIME FOR DELIVERY 1 day	SHIP VIA		

BILLING INSTRUCTIONS:

Furnish invoice with our ORDER NUMBER to:
U.S. DEPARTMENT OF AGRICULTURE
National Finance Center
P.O. Box 60075
New Orleans, Louisiana 70160

FAILURE TO SHOW OUR PURCHASE ORDER NUMBER ON INVOICE WILL DELAY PAYMENT
FREIGHT CHARGE OVER \$100 REQUIRES BILL OF LADING

ISSUING OFFICE NAME AND ADDRESS

USDA - Forest Service
Federal Building
P.O. Box 7669
Missoula, MT 59807

ORDERED BY (Name and Title)

JOHN C. SUNDT, Contracting Officer

PHONE (Area Code and Number)

(406) 329-3925, FTS 585-3925

AUTHORIZED SIGNATURE

John C. Sundt

FORM AD-838-9 (3/80)

SELLER'S ORIGINAL

TREASURY - FISCAL SERVICE TFS 3039 (1-80)
(Formerly TFS 1285)

VENDOR NAME
STATE OF IDAHO
AGENCY BILLING ADDRESS:
**USDA-NFC
P O BOX 60800
NEW ORLEANS LA 70160
INQUIRIES 504-255-5370**

NOTICE TO CHECK RECIPIENT

VENDOR I.D. NUMBER
40034331135
CHECK INFORMATION
**KANSAS CITY
77 495 616
\$13,680.00
07-12-83**

PAYMENT

IDENTIFICATION

INFORMATION

P O # 40-0343-3-1135
INV AMOUNT \$13,680.00
#1

SCHD/SEQ L23191-00052

CREDIT ACCT OF USDA - FOREST SERVICE

RECEIVED

JUL 12 1983

Department of Water Resources
Northern District Office

Gen-Dev. Inc. - 2055

(SEE REVERSE FOR FURTHER INFORMATION)

STATE OF IDAHO
Department of Water Resources

N^o 28788

Boise, Idaho, 7/15, 1983

RECEIVED FROM U.S. Forest Service of \$13,680.00
Thirteen thousand six hundred eighty & no/100 DOLLARS
Chk 15-51

FOR

<u>456 Claims to</u>	<u>\$13,680</u>	<u>00</u>
<u>Water Rights</u>	<u>\$</u>	<u></u>
<u></u>	<u>\$</u>	<u></u>
<u></u>	<u>\$</u>	<u></u>
<u></u>	<u>\$</u>	<u></u>
TOTAL - - -	<u>\$ 13680</u>	<u>00</u>

Chk # 77 495 616
Vendor I.D. # 40034331135

[Signature]

MICROFILMED