

RECEIVED

FEB 03 1999

Department of Water Resources

1999 JAN 29 PM 1:03

FILED

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

In Re SRBA

Case No. 39576

) ORDER OF PARTIAL DECREE

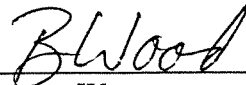
) For Water Right 27-11448

On December 30, 1998, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 27-11448 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED 1-29-99.



BARRY WOOD
Administrative District Judge
Interim Presiding Judge of the
Snake River Basin Adjudication

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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 27-11448

1999 JAN 29 PM 2:09
DISTRICT COURT - SRBA
TWIN FALLS, IDAHO

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

SOURCE: COLD SPRING CREEK TRIBUTARY: SLUG CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 06/01/1880

POINT OF DIVERSION: T10S R44E S03 SESE Within Caribou County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	06-01 TO 09-30	0.02 CFS

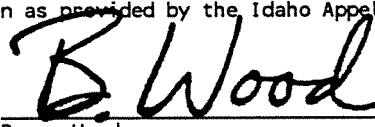
PLACE OF USE: Stockwater Within Caribou County
T10S R44E S03 SESE

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.

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.


Barry Wood
Administrative District Judge
Interim Presiding Judge of the
Snake River Basin Adjudication

1999 FEB 02 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA)
)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s) : 27-11448

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 27-11448 was mailed
on February 02, 1999, with sufficient first-class postage prepaid
to the following:

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

USDA FOREST SERVICE
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

DIANA DELANEY
Chief Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576
Ident. Number: 27-11448

RECEIVED

FILED UNDER STATE LAW

1. Name of Claimant: UNITED STATES OF AMERICA on behalf of the U.S.D.A. Forest Service **MAR 18 1998**
Address: 550 W. Fort Street MSC033
Boise ID 83724 **Department of Water Resources**
2. Date of Priority: 06/01/1880
3. Source of water: COLD SPRING CREEK Tributary: SLUG CREEK
4. Location Meridian BOISE
Description of Diversion Works: None From: Spring
Location of Point of Diversion
T: 09 S R: 44 E S: 36 NESW B T: 10 S R: 44 E S: 3 SESE E
Location of Point of Use
T: 09 S R: 44 E S: 35 NESE T: 09 S R: 44 E S: 35 SESE
T: 09 S R: 44 E S: 36 NESW T: 09 S R: 44 E S: 36 NWSW
T: 10 S R: 44 E S: 2 NESW T: 10 S R: 44 E S: 2 NWNE
T: 10 S R: 44 E S: 2 NWSE T: 10 S R: 44 E S: 2 SESW
T: 10 S R: 44 E S: 2 SWNE T: 10 S R: 44 E S: 2 SWSW
T: 10 S R: 44 E S: 3 SESE
5. Quantity claimed: Period Quantity For
6/ 01 - 9/ 30 0.02 CFS Stockwater
6. Total Consumptive Use Claimed for Present and Future Use is:
0.02 CFS
7. Present and future uses to which the water is or will be used:
Stockwater
8. Attach the legal description of the reservation, and maps showing for each consumptive use the existing and proposed place of use and existing points of diversion.
Bound separately
9. Remarks:
State Basin: 27
National Forest: Caribou
Forest Service Record ID: 04 05 17040207 16 0739
10. Describe any other water rights used at the same place and for the same purposes as described above: None
11. Counties within the reservation: Not available

Notice is hereby given that the United States Department of Justice will represent the Department of Agriculture, Forest Service, in all matters pertaining to the Snake River Basin Adjudication. All notices required by law to be mailed by the Director to the claimant should be mailed to the individuals at the address below:

Bruce Bernard
U.S. Department of Justice
Environment and Natural Resources Division
550 W. Fort Street, Box 33
Boise, ID 83724

This form is an attachment to a letter forwarding the claims of the U.S. Department of Agriculture, Forest Service. The signature and affirmation on such letter constitutes the signature of the authorized agent representing the United States of America required for each such claim.

AJ5809NP
No. R27-11448

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/98
PAGE: 32

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	UNITED STATES OF AMERICA ACTING THROUGH	04/04/1894	STOCKWATER	06-01 09-30	0.02 CFS	
TOTAL DIVERSION:					0.02 CFS	

Water Source: ~~cold~~ *creek* *765 44E 36* Tributary to: SLUG CREEK
Points(s) of Diversion: *765 44E 36* *NESE* SESE
CARIBOU County

Place of use Legal Description for: STOCKWATER

NE	NW	SW	SE
T R S : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac			
10S 44E 3 :			S :

POU County: CARIBOU

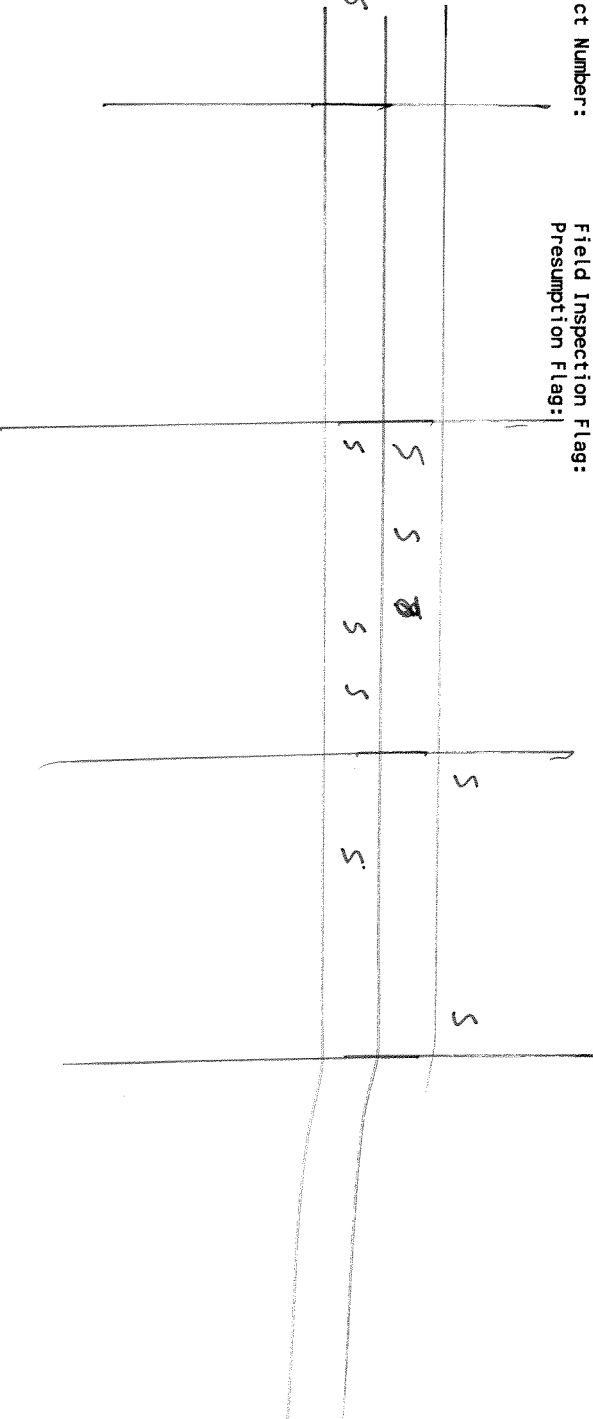
Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP FOREST SERVICE RECORD ID = 040517040207160739 00
2240 Sheep

Dates: Exam Made Date: Verified Date: Objection Filed Date:
Misc: Water District Number: Field Inspection Flag: Presumption Flag:

09S 44E 35
67S 44E 36
10S 44E 2



DATE: 04/24/98
PAGE: 25

TOTAL DIVERSION: 0.02 CFS

Point(s) of Beginning Stream Reach:	T09S R44E S36	NESH	CARIBOU County
Point(s) of Ending Stream Reach:	T10S R44E S03	SESE	CARIBOU County

20

[illegible]

Non-Irrigation Uses: 2240 **Sheep**

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
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Misc:	Water District Number:	Field Inspection Flag:
		Presumption Flag:

SEP 18 1998

Department of Water Resources

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

In Re SRBA

Case No. 39576

A. Subcase: 27-11448
STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America, Acting through the USDA Forest Service
Address: 550 West Fort Street
MSC 033
Boise, Idaho 83724
Daytime Phone:

Name and Address of Attorney, if any:

Randall J. Bramer
550 West Fort Street
MSC 033
Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN THE DIRECTOR'S REPORT

Name: United States of America, Acting through the USDA Forest Service
Address: 550 West Fort Street
MSC 033
Boise, Idaho 83724

D. I object to the following elements as recommended in the Director's Report.
(Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be:

2. ☒ **Source**

Should be: See Attached Claim Form

3. ☐ **Quantity**

Should be:

4. ☐ **Priority Date**

Should be:

5. ☒ **Point(s) of Diversion**

Should be: See Attached Claim Form

6. ☒ **Instream Flow Description**

Should be: See Attached Claim Form

7. ☐ **Purpose(s) of Use**

Should be:

8. ☐ **Period of Year**

Should be:

9. ☒ **Places of Use**

Should be: See Attached Claim Form

11. I object because:

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

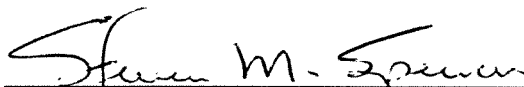
E. **REASONS SUPPORTING OBJECTION(S):**

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Steve Spencer , duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

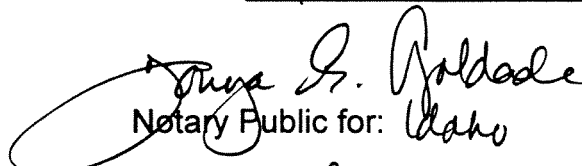


(Signature of person filing objections)

(Attorney signing in representative capacity)

Subscribed and sworn before me on:

9.16.98



Notary Public for: Idaho

Residing at: Boise, Idaho

Commission Expires: 8/23/99

INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on SEP 16 1998, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

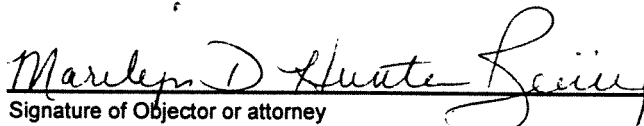
Name: United States of America, Acting through the USDA Forest Service
Address: 550 West Fort Street
MSC 033
Boise, Idaho 83724

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resource
Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS.
IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number: 27-11448

FILED UNDER STATE LAW

1. Name of Claimant: UNITED STATES OF AMERICA on behalf of the U.S.D.A. Forest Service
Address: 550 W. Fort Street MSC033
Boise ID 83724
2. Date of Priority: 06/01/1880
3. Source of water: COLD SPRING Tributary: SLUG CREEK
4. Location Meridian BOISE
Description of Diversion Works: None From: Spring
Location of Point of Diversion
T: 09 S R: 44 E S: 3 SESE
Location of Point of Use
T: 10 S R: 44 E S: 3 SESE
5. Quantity claimed: Period Quantity For
6/ 01 - 9/ 30 0.02 CFS Stockwater
6. Total Consumptive Use Claimed for Present and Future Use is:
0.02 CFS
7. Present and future uses to which the water is or will be used:
Stockwater
8. Attach the legal description of the reservation, and maps showing for each consumptive use the existing and proposed place of use and existing points of diversion.
Bound separately
9. Remarks:
State Basin: 27
National Forest: Caribou
Forest Service Record ID: 04 05 17040207 16 0739
10. Describe any other water rights used at the same place and for the same purposes as described above: None
11. Counties within the reservation: Not available

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Bruce Bernard
U.S. Department of Justice
Environment and Natural Resources Division
550 W. Fort Street, Box 33
Boise, ID 83724

This form is an attachment to a letter forwarding the claims of the U.S. Department of Agriculture, Forest Service. The signature and affirmation on such letter constitutes the signature of the authorized agent representing the United States of America required for each such claim.

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. <u>See Attached List</u>
	)	
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 the facts, date, expert opinions and law supporting 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.

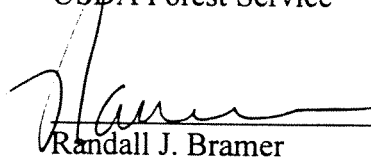
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initializing each of the attached pages.

CLAIMANT:

United States on behalf of the
USDA Forest Service

OBJECTOR:

United States on behalf of the
USDA Forest Service

 12/2/98
Randall J. Bramer Date

IDWR CONCURRENCE:

 12/1/98
Roxanne Brown Date

ATTORNEY FOR IDWR:

 12/1/98
Date

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 Dec 2, 19 98, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

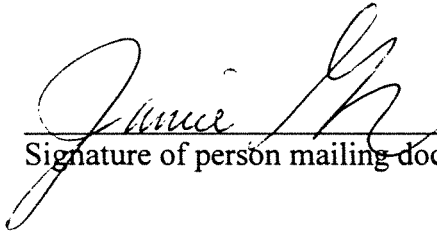
1. Original to:

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

2. Copy to:

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

United States Department of Justice
Environment and Natural Resources Division
550 W. Fort Street, MSC 033
Boise, ID 83724



Signature of person mailing documents

Exhibit A

27-11448
27-11467
27-11470
27-11483

RIGHTS FROM: SOURCE: COLD SPRING CREEK TRIBUTARY: SLUG CREEK

RIGHT NUMBER: 27-11448

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
 USDA FOREST SERVICE
 550 W FORT ST MSC 033
 BOISE ID 83724

SOURCE: COLD SPRING CREEK TRIBUTARY: SLUG CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 06/01/1880

POINT OF DIVERSION: T10S R44E S03 SESE Within CARIBOU County
 SESE (E)
 T09S R44E S36 NESH (B)

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
 STOCKWATER 06-01 09-30 0.02 CFS

PLACE OF USE: STOCKWATER Within CARIBOU County
 T10S R44E S03 SESE
 T09S R44E S36 NESH SESE
 NESH NESH
 T10S R44E S02 NNE SNE NESH SNE
 SESE NNE

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
 FOREST SERVICE RECORD ID = 040517040207160739 00
 2240 Sheep

RIGHTS FROM: SOURCE: LANES CREEK TRIBUTARY: BLACKFOOT RIVER

RIGHT NUMBER: 27-11467

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE ID 83724

SOURCE: LANES CREEK TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 06/01/1880

POINT OF DIVERSION: T05S R45E S30 SWSW (E) Within CARIBOU County
T06S R45E S09 NWNW (B)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	07-01 09-30	0.02 CFS

PLACE OF USE:	STOCKWATER	Within CARIBOU County
	T05S R45E S30	SWSW
	S31	SWNE
		NENW
		NWSE
	T06S R45E S05	NWNW
		SWNW
		SENW
		NESW
	S06	NENE
	S08	NENE
	S09	NWNW

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.EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
FOREST SERVICE RECORD ID = 040517040207160655 00
2200 Sheep

 RIGHTS FROM: SOURCE: BROWNS CANYON TRIBUTARY: LANES CREEK

RIGHT NUMBER: 27-11470

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
 UNITED STATES OF AMERICA ACTING THROUGH
 USDA FOREST SERVICE
 550 W FORT ST MSC 033
 BOISE ID 83724

SOURCE: BROWNS CANYON TRIBUTARY: LANES CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 06/01/1880

POINT OF DIVERSION: T06S R44E S13 NWNW (B) Within CARIBOU County
 S23 NWNW (E)
~~T06S R44E S13~~ ~~NWNW (B)~~
~~T06S R44E S23~~ ~~NWNW (E)~~

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	07-01 09-30	0.02 CFS

PLACE OF USE:	STOCKWATER	Within CARIBOU County			
	T06S R44E S13	NWNW			
	S14	NENE	SWNE	SENE	NESW
		SWSW	SESW	NWSE	
	S23	NWNW			
	~~S13~~	~~NWNW~~			
	~~S14~~	~~NENE~~	~~SWNE~~	~~SENE~~	~~NESW~~
		~~SWSW~~	~~SESW~~	~~NWSE~~	
	~~S23~~	~~NWNW~~			

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
 FOREST SERVICE RECORD ID = 040517040207160658 00

27-11470 (CONT.)

FOREST SERVICE RECORD ID = 040517040207160658 00

2200 . Sheep

2200 Sheep

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

DATE: DEC-01-1998

PAGE: A-1

RIGHTS FROM: SOURCE: COYOTE CREEK TRIBUTARY: DIAMOND CREEK

RIGHT NUMBER: 27-11483

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE ID 83724

SOURCE: COYOTE CREEK TRIBUTARY: DIAMOND CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 06/01/1880

POINT OF DIVERSION: T08S R45E S06 SESE (E) Within CARIBOU County
S08 NENE (B)

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

PLACE OF USE:	STOCKWATER	Within CARIBOU County		
	T08S R45E S05	NWSW	SWSW	SESW
	S06	SESE		SWSE
	S08	NENE	NWNE	
	~~S09~~	~~NWNE~~		

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.EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
FOREST SERVICE RECORD ID = 040517040207160671 00
546 Cattle