

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 BEAR RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 79576

Claim ID: 11-4174Date Received: 10-30-23

Receipt No: _____

Claim Fee: Exempt By: mjb

RECEIVED

OCT 20 2023

IDWR/Preston

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day

Please type or print clearly

- Name of claimant(s) United States of America on behalf of USDA Forest Service Phone (801) 625-5809
Mailing address 550 West Fort Street, MSC 033, Boise, Idaho Zip 83724
Street or Box City State
Email address (optional) _____
- Date of priority: (Only one per claim) 06/01/1934 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
- Source of water supply (Check one) Ground Water () or Other (X) (a) Spring
which is tributary to (b) South Elbow Hollow Creek
- Location of point of diversion is: Township 13S, Range 45E, Section 03,
SE 1/4 of NE 1/4, or Govt. Lot _____ BM, County of Bear Lake;
Parcel no. _____
Additional points of diversion, if any: See attached supplemental information
If available, GPS coordinates: Latitude: 42.324013; Longitude: -111.172221
- Description of diverting works (wells, pumps, spring boxes, pipelines, etc.) including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.
One spring source is higher on the slope in a wooden fence enclosure and has a metal CMP. The other spring source is below that a few yards and covered by a wooden lid 2ftx3ft. Both spring sources feed the two troughs below though a pipeline. The spring sources are connected by a T section pipe and follow the draw going from the upper pair of troughs to the lower one.
- Water is claimed for the following: (limited to domestic and/or stockwater uses - see page 1 of the instructions)

	Month/Day	Month/Day	cfs (X) or AFY ()
For <u>Stockwater</u> purposes from <u>06/01</u> to <u>09/30</u> amount <u>0.02</u>			
For _____ purposes from _____ to _____ amount _____			
- Total quantity claimed 0.02 cfs (X) or AFY ()
- Non-irrigation uses. Describe fully. (Domestic: give number of homes; Stockwater: list number and kind)
Cattle within the Montpelier Elk-Valley allotment.

9. Location of place of use is Trough 1: Township 13S, Range R45E, Section 03,
SE 1/4 of NE 1/4, Govt. Lot _____ BM, Parcel no. _____
If different than shown in Item 4
for (check one) **Domestic** () **Stock** (X) **Domestic and Stock** ()

Additional places of use, if any See attached supplemental information

10. In which county(ies) are lands listed above as place of use located? Bear Lake

11. Do you own the property listed above as place of use? Yes (X) No ()
If the answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (X)

13. Remarks (include an explanation of the priority date selected):
IDWR database contains the priority date information associated with WR11-4174 and this claim.

14. Basis of claim (check one) **Beneficial Use** (X) **Posted Notice** () **License** () **Permit** () **Decree** ()

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number 11-4174

15. **Signature(s)**

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Bear River Basin Water System Adjudication."

(b.) I/We do () do not (X) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 2

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) _____ Date: _____

_____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am, and that I have signed the foregoing document in the space below as the

Director of Lands and Minerals of USFS Intermountain Regional Office,
Agent's title (Please print) Name of organization (Please print)

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Kathryn J. Conant Date 10-19-2023

Printed Name of Authorized Agent Kathryn J. Conant

16. **Notice of Appearance:**

Notice is hereby given that I, (please print) United States Department of Justice. See attached NOA., will be acting as attorney at law of behalf on the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____ Date _____

Address _____

Name of claimant(s) _____ Claim ID _____

Supplemental Information

9. Location of use(s):

POU 1 - Trough 1: Township 13S, Range R45E, Section 03,

SE 1/4 of NE 1/4, Govt. Lot _____ BM, Parcel no. _____
If different than shown in Item 4

If available, GPS coordinates: Lat: 42.324452; Long: -111.171779

for (check one) **Domestic** () **Stock** (X) **Domestic and Stock** ()

POU 2 - Trough 2: Township 13S, Range R45E, Section 03,

NE 1/4 of NE 1/4, Govt. Lot _____ BM, Parcel no. _____
If different than shown in Item 4

If available, GPS coordinates: Lat: 42.325563; Long: -111.172744

for (check one) **Domestic** () **Stock** (X) **Domestic and Stock** ()

10. Point(s) of diversion

POD 1 – Spring box 1: Township 13S, Range R45E, Section 03,

SE 1/4 of NE 1/4, Govt. Lot _____ BM, Parcel no. _____
If different than shown in Item 4

If available, GPS coordinates: Lat: 42.324013; Long: -111.172221

for (check one) **Domestic** () **Stock** (X) **Domestic and Stock** ()

POD 2 – Spring box 2: Township 13S, Range R45E, Section 03,

SE 1/4 of NE 1/4, Govt. Lot _____ BM, Parcel no. _____
If different than shown in Item 4

If available, GPS coordinates: Lat: 42.324081; Long: -111.172027

for (check one) **Domestic** () **Stock** (X) **Domestic and Stock** ()

DISTRICT COURT - BRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JAN 17 2023	
By _____	
	Clerk
	Deputy Clerk

Todd Kim
Assistant Attorney General
R. Lee Leininger
Katharine Laubach
Mark Widerschein
Natural Resources Section
Environment and Natural Resources Division
U.S. Department of Justice
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Attorneys for the United States

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

In Re BRBA

Case No. 79576

United States'
Notice of Appearance

PLEASE TAKE NOTICE that R. Lee Leininger, Katharine Laubach, and Mark Widerschein enter their appearances on behalf of the United States in the above titled action and in the subcases resulting from this action. Undersigned counsel enter their appearances under the direction of the Attorney General of the United States and pursuant to 28 U.S.C. §§516 through 519, which authorizes Department of Justice attorneys to conduct litigation on behalf of the United States in any suit before any state court.

All attorneys listed will accept service of papers by regular U.S. Mail at the following address:

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

All overnight or hand deliveries should be made to the following street address¹:

United States Department of Justice
Environment and Natural Resources Division (ENRD)
c/o United States Attorney's Office
1290 West Myrtle Street, Suite 500
Boise, ID 83702
(208)334-1211

Dated January 17, 2023

Respectfully submitted,



Todd Kim
Assistant Attorney General
R. Lee Leininger
Katharine Laubach
Mark Widerschein
Natural Resources Section
Environment and Natural Resources Division
United States Department of Justice

¹ The court modified SRBA Administrative Order 1 Rules of Procedure on March 31, 2021 with respect to service on the United States
<http://164.165.134.61/Images/2021-03/0039576xx09277.pdf>

CERTIFICATE OF SERVICE

I certify that on 17 January, 2023, I served true and correct copies of the foregoing

UNITED STATES' NOTICE OF APPEARANCE as follows:

Original via fax (208) 736-2121:

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

Copies via First Class U.S. Mail, pre-paid:

DIRECTOR OF IDWR
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0010



Matthew Smith