

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: 11-4188

Date Received: 10/20/23

Receipt No: \_\_\_\_\_

Claim Fee: exempt By: MB

RECEIVED

OCT 20 2023

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

IDWR/Preston

Please type or print clearly

1. 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) \_\_\_\_\_
2. Date of priority: (Only one per claim) 6/1/1931 (Explain priority date selected in Remarks)  
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water ( ) or Other (X ) (a) Hanky Spring which is tributary to (b)  
Montpelier Creek
4. Location of point of diversion is: Township 12S, Range 45E, Section 14,  
NE 1/4 of SW 1/4, or Govt. Lot \_\_\_\_\_ BM, County of Bear Lake; Parcel no. \_\_\_\_\_  
Additional points of diversion, if any: \_\_\_\_\_  
If available, GPS coordinates: Latitude: 42.378716 Longitude: -111.166002
5. 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.  
Springbox conveys via pipeline spring water to one stock trough.
6. 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 cfs</u> |           |           |                     |
| For _____ purposes from _____ to _____ amount _____                                     |           |           |                     |
| For _____ purposes from _____ to _____ amount _____                                     |           |           |                     |
7. Total quantity claimed 0.02 cfs (X ) or AFY ( )
8. Non-irrigation uses. Describe fully. (Domestic: give number of homes; Stockwater: list number and kind)  
Waters cattle within the Elk Valley Allotment.

9. Location of place of use is: Township 12S, Range 45E, Section 14,

NW 1/4 of SW 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 GPS: Latitude: 42.378544 Longitude: -111.166431

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 WR 11-4188 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 11-4188

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: 1

**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

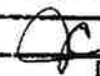
16. **Notice of Appearance:**

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 \_\_\_\_\_

|                                                                                                                    |                                                                                                              |
|--------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| <b>DISTRICT COURT - BRBA</b><br><b>Fifth Judicial District</b><br><b>County of Twin Falls - State of Idaho</b>     |                                                                                                              |
| <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <b>JAN 17 2023</b> </div> |                                                                                                              |
| By _____                                                                                                           | <br>Clerk<br>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  
 550 West Fort Street, MSC 033  
 Boise, Idaho 83724  
[lee.leininger@usdoj.gov](mailto:lee.leininger@usdoj.gov)  
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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:

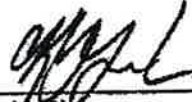
United States Department of Justice  
Environment and Natural Resources Division  
550 West Fort Street, MSC 033  
Boise, Idaho, 83724

All overnight or hand deliveries should be made to the following street address<sup>1</sup>:

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,



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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

<sup>1</sup> 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



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Matthew Smith