

Form No. 42-1409-1 (Internet 06/21)

**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: 11-7282Date Received: 1/6/26Receipt No: N/AClaim Fee: N/A By: MB**AMENDED NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

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 US DOJ PO Box 7611; Ben Franklin Square; Washington, DC Zip 20044-7611
Street or Box City State
Email address (optional) Tyler.Larsen@usda.gov
2. Date of priority: (Only one per claim) 1907 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other () (a) Spring
which is tributary to (b) Right Fork of Georgetown Creek
4. a. Location of point of diversion is: Township 11 S, Range 44 E, Section 11,
NW 1/4 of NE 1/4, Govt. Lot , BM, County of Bear Lake
Parcel no.
Additional points of diversion, if any:
If available, GPS Coordinates
b. If instream flow, beginning point of claimed instream flow is:
Township , Range , Section , 1/4 of 1/4,
Govt. Lot , BM, County of
Ending point is: Township , Range , Section , 1/4 of 1/4,
Govt. Lot , BM, County of
5. Description of existing diversion works (dams, reservoirs, ditches, wells, pumps, pipelines, headgates, 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.
The Red Pine Canyon Sheep Allotment has been in continuous service since 1907. Attached is a narrative that describes the operation of the
allotment and the water developments that were constructed on it.

SCANNED

6. Water is claimed for the following purposes:

(dates are inclusive MM-DD) (cfs) (acre-feet)
For Stockwater purposes from 01/01 to 12/31 amount .02 or 5
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .02 (cfs) and/or (b) 5.0 (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) Sheep grazing on the Red Pine Federal Grazing Allotment

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	44E	11		S															

Parcel no(s). _____ Total number of acres irrigated _____

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 (☒) No (☐)
If your 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 (☐)

13. Remarks (Include an explanation of the priority date selected):

This is a federal grazing allotment that has been permitted by the United States Forest Service to local ranchers since 1907 for approximately 1,000 sheep. Several water developments have been constructed and maintained as described in the attached report.

Name of claimant(s) United States of America on behalf of USDA Forest Service Claim ID _____

14. Basis of claim (Check one) Beneficial Use () Posted Notice () License () Permit () Decree ()

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number 11-7282

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 (☒) 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 United States Forest Service, Region 4
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  _____ Date 1-6-2026

Printed Name of Authorized Agent Nathan Haynes

16. **Notice of Appearance:**

Notice is hereby given that I, (please print) _____, will be acting as attorney at law on behalf of 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) United States of America on behalf of USDA Forest Service Claim ID _____

NARRATIVE
ALLOTMENT MANAGEMENT PLAN
RED PINE CANYON SHEEP ALLOTMENT

Montpelier Ranger District
Caribou National Forest
Region 4

Prepared by W. Wayne A. Penolleton Date 8-2-78
Range Conservationist

Plan Recommended Raymond W. Carby Date 8/14/78
for Approval by Range Conservationist

Plan Recommended W. Johnson Date 8/14/78
for Approval by District Ranger

Plan Approved by Frank S. Bectis Date 9/19/78
Acting Forest Supervisor

I. INTRODUCTION

The Red Pine Canyon Sheep Allotment consists of approximately 6,184 acres of National Forest land. Currently, the allotment is grazed from June 16th through September 15th, by 1,000 head of sheep for 3,000 sheep months. A map and written boundary description for the allotment can be found in the appendix.

The allotment is entirely within Bear Lake County, Idaho and is located in Section 24, T. 10 S., R. 43 E.; Sections 7, 8, 9, 10, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 28, 29, 30, and 32, T. 10 S., R. 44 E.

The topography of this allotment is characterized by steep south and west facing slopes. The soils are mostly mountain loams that vary in depth. The elevation of this allotment varies from 6,400 feet to 8,500 feet.

The vegetation on this allotment is comprised of a variety of grasses, forbs, shrubs, and trees. Calamagrostis, arnica, geranium, big sagebrush, snowberry, bluegrasses, wheatgrasses, grouse whortleberry, brome grasses, lupines, asters, conifers, and aspens are just a few of the plant species that can be found.

II. HISTORY

The Red Pine Canyon Sheep Allotment has been grazed since the National Forest was formed in 1907. The Freeman Brothers were the first permittees to have sheep on this allotment. The following table shows all of the permittees since the Freeman Brothers and the years which they ran sheep on this allotment.

<u>Permittees</u>	<u>Years</u>
Freeman Brothers	1907 - 1916
Munk Brothers	1917 - 1929
Lester Munk and John C. Sorenson	1930 - 1935
Lester Munk and Harry M. Steele	1936 - 1946
Harley Cockran	1947 - 1961
Doris Cockran and Sons	1962 - 1964
Ferrell Chambers	1965 - 1976
Ted Whiting	1977 - Present

The opening date for the allotment was established as May 1st; this was cut back to May 6th, then to May 16th, and finally in 1916, the summer season was established at June 16th to September 15th. This season was not changed until the tentative agreement was entered into with the permittees to change the season to June 21st thru September 5th, effective with the 1942 operating season, and then as an experiment. In agreeing to this change, it was definately understood that the former opening date of June 16th would be reinstated in case the later date was not found satisfactory. After using the June 21st to September 5th grazing season for five years, the permittees on this allotment decided that this grazing season was unsatisfactory. So upon request of the permittees, the Forest Officials changed the grazing season back to June 16th to September 15th, starting with the spring of 1947.

There was no grazing system on this allotment until 1938. Previous to this time, the sheep were permitted to graze according to where the herder wanted them to graze. In 1938, this allotment was divided into units and a deferred grazing system was implemented. This deferred grazing system was used until 1976. In 1976, a rest-rotation system was devised and is in current use today. The following table indicates past use and season of use on the Red Pine Canyon Sheep Allotment:

<u>YEAR</u>	<u>SEASON OF USE</u>	<u>ACTUAL NO.</u>	<u>PERMITTED NO.</u>	<u>ACTUAL AM</u>	<u>PERMITTED AM</u>
1938	6/16 - 9/15	1001	1005	3003	3015
1938	"	973	1005	2836	3015
1940	"	993	1005	2574	3015
1941	"	965	1005	2574	3015
1942	6/25 - 9/5	1000	1005	2500	3015
1943	"	1004	1005	2180	3015
1944	"	1063	1005	2480	3015
1945	"	1000	1005	2170	3015
1946	"	982	1000	2455	3000
1947	6/15-9/15 Nonuse	534		776	
		679	1520	2150	4300
1948	" Nonuse	534		776	
		679	1200	2150	3600
1949	" Nonuse	1213	1200	3033	3600
1950	" Nonuse	1213	1200	3033	3600
1951	6/21-9/5 Nonuse	1813		4532	
		200	1250	500	3955
1952	6/11-9/15 Nonuse	150		475	
		1100	1200	3483	3958
1953	"	1266	1250	3989	3958
1954	"	1234	1250	3949	3958
1955	"	1200	1250	3680	3958
1956	"	1304	1250	3912	3958
1957	"	1270	1250	4022	3958
1958	"	1237	1250	3629	3958
1959	"	1137	1250	3600	3958
1960	"	1008	1250	2923	3958
1961	"	1326	1300	4198	4117
1962	"	1043	1250	3303	3958
1963	"	1250	1250	3538	3958
1964	6/16-9/15	2111	1250	3633	3537
1965	"	1162	1250	3486	3962
1966	"	990	1000	2970	3000
1967	" Nonuse	394		1182	
		606	606	1818	1818
1968	" Nonuse	394		1182	
		739	606	2217	1818
1969	"	1228	1000	573	3000
1970	" Nonuse	1000	1000	3000	3000
1971	"	1013	1000	1587	1500
1972	" Nonuse			1500	
		987	1000	1480	3000
1973	"	1105	1000	3315	3000

<u>YEAR</u>	<u>SEASON OF USE</u>	<u>ACTUAL NO.</u>	<u>PERMITTED NO.</u>	<u>ACTUAL AM</u>	<u>PERMITTED AM</u>
1974	6/16-9/15	1023	1000	3069	3000
1975	"	886	900	2658	2700
1976	"	1043	1000	3094	3000
1977	"	836	1000	2061	3000

III. PRESENT USE

Ted L. Whiting of Burley, Idaho is the current permittee on the Red Pine Canyon Sheep Allotment. Mr. Whiting acquired the permit in 1977. His base operation is located near Burley, Idaho. He runs approximately 1,000 head of sheep on the Red Pine Canyon Sheep Allotment and approximately 1,000 head of sheep on the Rattlesnake Sheep Allotment. He also runs 950 head of sheep on the Long Gulch Allotment that is on the Targhee National Forest. These Forest allotments are essential to his operations. Mr. Whiting is permitted to run sheep on this allotment from June 16th to September 15th. While on this allotment, Mr. Whiting is required to follow a rest-rotation grazing system.

Mr. Whiting is currently running a band of ewes and lambs and a band of dry ewes. The dry ewe band of sheep lamb in January and their lambs are usually shipped to market in June. The other band of sheep lamb out about the middle of February thru the middle of March. The lambs stay with these ewes until about the end of August or the first of September. These lambs are then separated from the ewes and shipped to market.

Mr. Whiting ships all of his lambs to markets on the west coast. His January lambs weigh about 120 pounds when they are shipped to market. His range lambs weigh about 103 pounds when they go to market. All total, Mr. Whiting ships about 2,500 lambs to market each year.

After leaving the Forest in the middle of September, Mr. Whiting trails his sheep to some deeded ground near Georgetown Summit. These sheep stay on this deeded ground until the middle to the end of October. They are then trailed back across the Forest to land rented from Eastern Idaho Grazers Association. The sheep graze this Eastern Idaho Grazers Association land until they go on BLM land near Idaho Falls. They graze this BLM land from November 15th thru December 15th; at that time they are then trailed to Burley, Idaho. They are then hay fed from December 15th thru March on Mr. Whiting's private ground. The sheep are then trailed back to Idaho Falls about the first of April, where they graze BLM until the first of June. The sheep are then trailed from Idaho Falls to the Red Pine Canyon and the Rattlesnake Canyon Sheep Allotments. The sheep are paced on the trail so that they will be able to go on to these allotments as soon as they arrive at them. If by chance the sheep arrive before June 16th, they graze on deeded ground around Georgetown Summit until it is time to go on to the Forest.

On July 13, 1978, Raymon Carling, DeWayne Pendleton, and Glade Whiting met and discussed the future of the Red Pine Canyon Sheep Allotment. Glade mentioned that he would like part of the Red Pine Canyon Allotment changed over to the Rattlesnake Canyon Sheep Allotment. This would give him a better watering system for the two

allotments. He would also like to work with the Targhee National Forest in setting up an allotment rest-rotation system using the Rattlesnake Canyon, Red Pine Canyon, and the Long Gulch Allotments. Glade wants to set up this allotment rest-rotation system to accommodate a band of ewes and lambs and a band of dry ewes. Under this system, each of his tree allotments will be rested one year out of three.

IV. CURRENT STATUS OF RANGE ENVIRONMENT

The field portion of the Range Analysis was completed during the summer of 1975. The following is a summarization of the data that was collected at that time:

SUITABILITY BY ACRES						
CONDITION	PRIMARY	UNSUITABLE USED	UNSUITABLE NOT USED	NON-RANGE	TOTAL	PERCENT
Excellent	744		744		1488	24
Good	2694		202	140	3036	49
Fair	1660				1660	27
Total	5098		946	140	6184	
Percent	83		15	2		100

CONDITION BY ACRES					
VEGETATION TYPE	EXCELLENT	GOOD	FAIR	TOTAL	PERCENT
Coniferous Timber	1184	1055	384	2623	42
Sagebrush		334	468	802	13
Browse-Shrub		1392	563	1955	32
Broadleaf Trees	304	115	245	644	11
Heavy Timber	140	140		140	2
Total	1488	3036	1660	6184	
Percent	24	49	27		100

SUITABILITY BY ACRES						
VEGETATION TYPE	PRIMARY	UNSUITABLE USED	UNSUITABLE NOT USED	NON-RANGE	TOTAL	PERCENT
Coniferous Timber	1879		744		2623	42
Sagebrush	802				802	13
Browse-shrub	1753		202		1955	32
Broadleaf Trees	664				664	11
Heavy Timber				140	140	2
Total	5098		946	140	6184	
Percent	82		15	2		100

6184
1660
4524

As the table indicates, almost 75% of the allotment is dominated by conifers and browse-shrubs. Eighty-three percent of the allotment is classified as suitable range. The range analysis also indicates that 49% of the allotment is in good condition and that 24% is in excellent condition. There is no poor or very poor conditioned range on this allotment. The S6 78/65 vegetation type is the only type that has a downward trend in soil and vegetation.

Range trends on all other parts of the allotment were either stable or up. In general, this allotment is in good shape with only minor problems. The following maps can be found in the appendix of this plan: 1) Condition Maps; 2) Suitability Map, and 3) Vegetation Type Map.

Vegetation on the steeper south and west facing slopes cures out quite early and must be grazed early if full use is to be made of the forage resource. The aspen stands provide a good amount of lush forage well into the grazing season. The more dense lodgepole and mixed conifer stands have a considerable amount of non-range due to steep slopes, extensive and dense timber stands, and down timber.

<u>VEGETATION TYPE</u>	<u>NO. OF TRANSECTS</u>	<u>CURRENT PRODUCTION*</u>	<u>AVERAGE CURRENT PRODUCTION</u>	<u>ESTIMATED POTENTIAL PRODUCTION</u>	<u>AVERAGE D&I** PRODUCTION</u>
Coniferous Timber	10	400-2000	883	400-2000	849
Sagebrush	3	600-1638	1179	600-1640	979
Browse-Shrub	7	900-2100	1427	900-2100	1286
Broadleaf Trees	5	1100-2000	1560	1100-2000	1492
Heavy Timber	1	673	673	700	639

*Production figures are given on an air-dry weight per acre basis.

**D&I - Desirable and intermediate forage plants.

The above table indicates the current and estimated forage production for this allotment. One must keep in mind when viewing these values that they vary from year to year depending upon weather condition and that these are estimates and will vary with people doing the estimates.

V. ESTIMATED CURRENT GRAZING CAPACITY UNDER PRESENT MANAGEMENT

The grazing capacity based on present management and allowing twenty percent use on desirable and intermediate plants, is estimated to be 6,294 sheep months. The current obligation of this allotment is 3,000 sheep months. From this evaluation, the allotment is 52 percent understocked.

However, on mountainous sheep range, the degree of soil disturbance, trampling damage to vegetation, water supplies, steep terrain, space requirements, and herding difficulties are often the limiting factors that regulate the stocking rate. On this allotment in particular, these factors are much more critical than the actual sheep months of forage available. Especially on this allotment, there is an exceptionally high percentage of the area that is dominated by conifers. These conifer stands make herding much more difficult than it would be otherwise. However, it is felt that the stocking rate could be increased by an additional 100 head of sheep on a trail or temporary basis. If range conditions are not impaired, this increase could be made permanent after five years.

VI. ESTIMATED CAPACITY UNDER IMPROVED MANAGEMENT

Under improved management as outlined in the "Allotment Management Plan", Section II, it is felt that this allotment would be able to handle up to 1150 head of ewes and lambs. As management objectives are met and as the undesirable range resource conditions improve, it may be possible to make additional increases. However, these increases should be in the form of an extended season rather than a number increase.

VII. RANGE MANAGEMENT OBJECTIVES

The management objectives are to provide sustained forage production and optimum grazing yields consistent with all other resources. The management system used on this allotment will be designed to meet the management objectives listed below and referred to in the Range Management Plan.

A. Stabilize or Reverse Downward Vegetation and Soil Trends

Two areas, S6, 78/65 and S10 82/83, of about 168 acres on the allotment, have a downward vegetation and soil trend. However, to have a truly healthy allotment, these trends must be changed. To accomplish this, better range plants must become established and make up a greater percentage of the total forage. Especially the percentage of bare ground, needs to be decreased, and the amount of soil protected by vegetation and litter must be increased.

B. Improve Sheep Watering Facilities

Most of the existing sheep troughs on the allotment are in poor condition, and should be replaced as soon as possible. If the sheep are able to properly water at these developments, it will reduce the amount of trailing that has been occurring. Additional water may be needed at other locations as well. Watering facilities should be developed at suitable sites as it is located. This will help to meet both objectives A and C.

C. Increase Ground Cover on Selected Sites

The amount of ground cover on several areas, needs to be increased with the eventual goal of having ground cover on all areas exceeding 70%. Under proper management, this goal can be accomplished. Reduced trailing on steep hillsides, and proper bedding practices will go a long ways towards meeting this objective.

D. Improve or Maintain Deer and Elk Winter Range

There are a few important deer and elk winter range areas on this allotment. Under the proposed grazing schedule, these areas would occasionally receive light grazing by sheep during the early part of the grazing season. This is not expected to have a significant negetative impact upon these big game animals.

The deer and elk winter range is in good condition at the present time. Sheep are not expected to cause any decline in this condition. If their is any decline in this condition, it is believed that it will be a result of heavy concentrations of deer and elk in this area.

E. Provide Forage Which Will Maintain an Economic Summer Grazing Operation For Permittee

Livestock forage is one of the major uses for this area. Sustained yields of forage are very important to the livestock permittee, as it increases the stability of his operation.

VIII. ALTERNATIVES FOR MANAGEMENT

A. Environmental Management Without Livestock

Under this alternative, livestock would be excluded from the allotment. The environment would be protected from natural or other disasters, such as wildfires, or pest epidemics. Resource damage would be corrected to maintain a stewardship base.

This area is suited for livestock grazing and restricting grazing is against the Multiple Use Policy of the U.S. Forest Service. This alternative should not be considered.

B. Minimal Investment for Livestock Use

This alternative can be defined as: "Livestock use is within the apparent present capacity of the range environment. Investment for range management is applied only to the extent required to maintain the range at its present level. No attempt will be made to achieve livestock distribution, except through salting. A herder will not be used under this alternative."

Red meat production is a major concern in the management of the National Forest. Management of the allotment under this alternative would not give the desired emphasis to this concern. Using a more intensified management system, more animals could be grazed without degradation to the range.

C. Extensive Management With Moderate Investment

This alternative can be defined as: "Livestock management that will require a grazing system, herding, salting, water developments, and some fencing to get uniform livestock distribution. Drift and allotment boundary fences will be constructed where needed. Herding will be used to keep livestock dispersed and to move them from used to non-used areas."

This is the management strategy that is recommended for the Red Pine Canyon Sheep Allotment. This management alternative comes closest to describing the management as proposed in this plan. A grazing system has been designed for this allotment, additional water developments are recommended, and a full-time sheep herder will be employed to assure proper management goals are achieved.

D. Intensive Management

The definition for this alternative is: "Management seeks full utilization of forage allotted to livestock. Various cultural practices, such as burning or herbicide spraying for plant control, mechanical soil treatments, seeding to better forage species, water developments, and fencing will be used to

promote maximum livestock forage production and use within the constraints of multiple use."

The management described by this alternative exceeds the level of management planned for this allotment. No cultural practices are necessary, and the management system is not as advanced or complex as outlined under this alternative.

E. Maximum Management of Environment and Livestock

This alternative is defined as: "Livestock production is maximized, subject only to stewardship of soil and water resources. The timber may be completely removed. Multiple use is not a constraint. This objective is not consistent with present laws and regulations for public lands, but is included to establish the maximum level of management and production of livestock that is biologically feasible."

Wildlife, fish, recreation, timber, and watershed are all important resources. If livestock production were maximized, these resources would have to be sacrificed. This is not in keeping with the National Forest objectives and should not be considered as an alternative.

IX. UNIT LAND MANAGEMENT PLANNING

Very few conflicts with other resources are apparent on this allotment. Conflicts with wildlife will be minimal. Sheep will use high ridge tops as bedding grounds. Sheep will graze each area on a once over light grazing basis. That is, once an area has been grazed, the sheep will not graze that same area again that year. This type of grazing will allow the plants to replace grazed off portions of the plant so that other animals may graze these same plants later in the year. Deer and elk winter ranges will be used in June and July so as to give plants plenty of time for regrowth.

Conflicts with timber sales will be minimal in this area. There is currently a timber sale planned for this area. If this sale goes through, then logging will commence in 1979 or 1980. No tree plantations are planned for this sale as of this date. Conflicts may exist if tree plantations are implemented into this sale area at a later date. A conflict may exist around the Summitview Campground if sheep stray into the campground. The sheep herder will make sure that the sheep will stay out of the campground.

Beck, Marion

From: Larsen, Tyler - FS, UT <Tyler.Larsen@usda.gov>
Sent: Tuesday, January 6, 2026 4:07 PM
To: IDWR File
Cc: Widerschein, Mark (ENRD); Howe, Bob
Subject: 11-7282 Amended Notice of Claim
Attachments: 11-7282 Amended Notice of Claim (signed).pdf

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Please accept the attached Amended Notice of Claim. Thank you.



Tyler Larsen, JD
Water Rights and Uses Program Manager
Forest Service
Intermountain Region 4, Lands and Minerals Division
p: 801-625-5809
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