



WATER-RIGHT DOCKET

City of Rocks National Reserve

Docket No: 4

TAYLOR SPRING #1

Preliminary Docket Information

03-03-2004: Note to File

Please see the City of Rocks National Monument Idaho Adjudication File entitled:

“CIRO – Idaho Adjud. File – SRBA
State claims for stockwater/wildlife use”

for more information on the Taylor Spring #1 water right claim.

Jeff Hughes
March 3, 2004

U.S. Department of Justice



WMC:KJHaugrud
90-6-2-63C
(202) 272-4134

Washington, D.C. 20530

March 24, 1993

VIA OVERNIGHT MAIL

R. Keith Higginson, Director
Idaho Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83720-9000

Re: In re: General Adjudication of Rights to the Use
of Water from the Snake River Basin Water System,
Civil No. 39576.

Dear Mr. Higginson:

In accordance with certain orders of the district court, please find enclosed notices of claims by the United States of America on behalf of the Department of Defense, the U.S. Fish & Wildlife Service, the U.S. Geological Survey, the Department of Veterans Affairs, the General Services Administration, and the National Park Service. Notices of claims are also being hand delivered to your office on behalf of the U.S. Forest Service and the Bureau of Land Management.

As part of these notices, a general notice of the claims accompanies this letter. The general notice provides information that is of applicability to all the non-tribal claims as well as provides the required verification and notice of appearance. Notices of claims for certain Indian tribes and individuals, as well as on behalf of the United States Department of the Interior, Bureau of Indian Affairs, are being transmitted under separate cover and are not included within the General Notice provided with this letter.

By submitting these claims, of course, neither I nor any agency officer, nor the United States of America waives any immunities, privileges, rights, or presumptions, whether based on federal, state or other applicable law, except as clearly and unambiguously required by act of Congress.

2. The assertions and remarks made in this General Notice supplement the information provided in the claim forms and should be considered a part of each claim.

3. Attached to this General Notice is the Verification of Claims for each agency. In addition, the Notice of Appearance of the Department of Justice is also attached to this General Notice.

4. By filing these claims, the United States does not waive its right to defer adjudication of de minimus claims as authorized by Court Order dated January 17, 1989.

5. By submitting these claims, neither the United States nor any agency or its personnel waives any immunities, privileges, rights, or presumptions, whether based on federal, state or other applicable law, except as clearly and unambiguously required by act of Congress.

6. The United States reserves the right to amend or withdraw its claims subsequent to the ruling by the United States Supreme Court on the applicability of Idaho's filing fees to the federal government.

7. In addition to the separate claims filed in conjunction with this notice, the United States seeks to have asserted into any decree the following provisions regarding its rights: The United States has reserved that quantity of water reasonably necessary for purposes of fire fighting.

8. Many of the claims filed on behalf of the United States involve claims for stock watering where the total use is not in

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)

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as director
of the Idaho Department of
Water Resources,

Plaintiff,

v.

the United States;
the State of Idaho;
and all claimants to the use
of water from the Snake River
Basin Water System,

Defendants.

Case No. 39576

**GENERAL NOTICE OF UNITED
STATES' CLAIMS TO WATER
ACQUIRED UNDER STATE AND
FEDERAL LAW**

General Remarks for All United States Claims

1. The claims filed with this notice are submitted by the United States of America on behalf of the United States Department of Agriculture--Agricultural Research Service and Forest Service; United States Department of the Interior--Bureau of Land Management (BLM), Fish and Wildlife Service (FWS), and Geological Survey (USGS); the United States Department of Defense; the General Services Administration; and the Department of Veterans Affairs. Regardless of the precise wording of each claim, the listed owner of each claim should be the United States of America.

2. The assertions and remarks made in this General Notice supplement the information provided in the claim forms and should be considered a part of each claim.

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7. In addition to the separate claims filed in conjunction with this notice, the United States seeks to have asserted into any decree the following provisions regarding its rights: The United States has reserved that quantity of water reasonably necessary for purposes of fire fighting.

8. Many of the claims filed on behalf of the United States involve claims for stock watering where the total use is not in

excess of thirteen thousand gallons per day. For each of those claims, the purpose of use should include "wildlife" as one of the purposes. This purpose should be listed for each such stockwatering claim.

General Notice Provisions for U.S. Forest Service Claims:

9. In addition to the separate claims filed in conjunction with this notice, the United States on behalf of the USDA--Forest Service seeks to have asserted into any decree provisions regarding its rights. These provisions include but are not limited to:

- a. The United States has reserved that quantity of water reasonably necessary for purposes of road watering.
- b. The United States has reserved that quantity of water reasonably necessary for the following future needs: domestic uses at future administrative sites or expanded existing sites; mixing water for pesticides and fertilizers; irrigation for watershed restoration purposes; watering of Forest Service pack stock; and irrigation for pack stock pasture, tree nurseries and tree seed orchards.

The future uses listed above are needed to fulfill the purposes for which the national forests in Idaho were reserved, including (among other purposes) to secure favorable conditions of water flow, to provide a continuous supply of timber, and to preserve and protect the Forest. The priority date for these rights

should be the date of establishment of the applicable forest reservation.

10. On behalf of the Forest Service, the United States is asserting federal reserved right claims to maintain the integrity of natural stream channels. These claims are needed to fulfill the purposes for which the national forests in Idaho were established including, among other purposes, securing favorable conditions of water flow, providing a continuous supply of timber, and to preserve a healthy forest environment that is sustainable in the long-term. Each claim made to preserve the integrity of stream channels should be deemed to have listed as its purpose the items listed above as well as all other applicable purposes for which the national forests in Idaho were reserved.

11. At a few locations within the national forests, the United States has used water in conjunction with fish screens to aid in fish propagation. The use of water for this purpose is authorized, among other authorities, through an assertion of the federal government's Commerce Clause power under the United States Constitution; the use does not involve water rights that are subject to this adjudication. Nevertheless, if a court of competent jurisdiction rules that this use is subject to this adjudication, the United States on behalf of the USDA-Forest Service intends that this paragraph serve as notice of the United States' claims.

General Notice Provisions Regarding BLM Claims

12. In many instances, the BLM claims for springs and waterholes have more than one basis. In some cases, the claims are for springs and waterholes that were first appropriated by the United States under state law and subsequently reserved pursuant to Executive Order in 1926. In other cases, the claims are for springs and waterholes that were first federally reserved and that subsequently received state licenses. In those instances where the United States has a right pursuant to both federal and state law, the United States has asserted both bases on the claim form. These claims are not intended to be two independent claims to water but rather constitute a single claim to the water with two different bases and priority dates. To the extent that the Department of Water Resources must list the rights separately in Parts 1 and 2 of its Director's Reports, a remark should be included to notify other claimants that a single claim is being asserted with two bases.

General Notice Provisions regarding claims made on behalf of the Department of Defense

13. On behalf of the Department of Defense (DOD), the United States is filing for water rights reserved under federal law and acquired under state law. In addition, the water usage by the U.S. Army Corps of Engineers at civil works projects is provided as a matter of information to the state. This information, which is found at Tab C of the DOD filings, does not constitute claims to water. The use and control of water in

connection with civil projects operated by the U.S. Army Corps of Engineers do not in general involve water rights or water rights claims. Because these projects are authorized through an assertion of the federal government's Commerce Clause power under the United States Constitution, they do not in general involve water rights that are subject to this adjudication.

Nevertheless, the court should include in any decree the information provided as a matter of comity without purporting to alter, deny or restrict such use and control of water, and should include a remark that the information is provided by the United States as a matter of comity and is included in the decree only for the information and use of the State of Idaho and other interest parties.

Notice of Appearance:

Notice is hereby given that K. Jack Haugrud, Daria J. Zane, and Geoffrey Garver will be acting as attorneys of record on behalf of the claimant agencies' referenced in paragraph one of the General Notice, and that all notices required by law to be mailed by the director to the claimant agencies should be mailed to them at the address listed below.

Signature 
K. JACK HAUGRUD

Signature 
DARIA J. ZANE

Signature 
GEOFFREY GARVER

Address: U.S. Department of Justice
Environment & Natural Resources Division
550 West Fort Street, Box 33
Boise, Idaho 83734
(202) 272-4134

Date: March 23, 1993

**Verification of United States (Department of the Interior -
National Park Service)**

As the Regional Director, or his authorized designee, for the Pacific Northwest Region of the United States Department of the Interior - National Park Service, I verify under penalty of perjury pursuant to the provisions of 28 U.S.C. § 1746, that to the best of my knowledge and belief the statements made in this document and in the claims filed herewith on behalf of the United States, acting through the United States Department of the Interior - National Park Service are true and correct.

Although federal compliance with 28 U.S.C. § 1746 satisfies the verification requirements of Idaho Code § 42-1409(5), as a matter of comity I also solemnly swear or affirm under oath that I am the Regional Director, or his designee, and that to the best of my knowledge and belief the statements made in this document and in the claims filed herewith on behalf of the United States, acting through the United States Department of the Interior - National Park Service are true and correct.

By making this verification, neither I, the United States of America, nor any of its agencies or personnel, waive any immunities, rights, privileges, or presumptions, whether based on federal, state, or other statutory and/or common law, except as clearly and unambiguously required by Congress.

William C. Walters is
Deputy Regional Director

William C. Walters
Charles H. Odegaard
Regional Director
National Park Service
Pacific Northwest Region
83 South King Street, Suite 212
Seattle, Washington 98104-2887

Executed on: March 19, 1993

State of Washington
County of King

Subscribed and sworn (or affirmed) before me this 19th day of
March 1993.

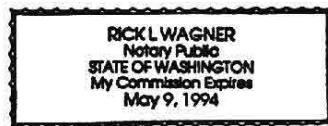
(seal)

Notary Public Rick L. Wagner

Residing at Kirkland,

Washington

My Commission expires May 9, 1994



Form No. 42-1409 (2) b 9/88

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

Identification No. _____

Date Received _____

Receipt Number _____

**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.

Filing Fee \$25

Please type or print clearly.

United States of America National Park Service
1. Name of Claimant (s) Water Resources Division Phone (303) 225-3505

Mailing Address 1201 Oak Ridge Dr., Suite 250, Ft. Collins, CO Zip 80525

2. Date of Priority (Only one per claim) September 30, 1962 Month/Day/Year

3. Source of water supply (Check one) () Groundwater or Other (☒) (a) Taylor Spring #1
Name or kind of source

which is tributary to (b) Emery Canyon Creek

4. Location of point of diversion is: Township 15S Range 23E

Section 23 , SW 1/4 of NE 1/4 of SE 1/4, Govt. Lot _____, BM.,

County of Cassia

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate 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. 1962--5 ft. diameter stock tank. Standard Nix-type headbox. Inlet and overflow pipe. 1977--Replaced stock tank with 1/2 round stock tank, 10 ft. long X 3 ft. wide X 1.5 ft. deep.

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

Stockwater/
For wildlife purposes from Jan 1 ^{Month/Day} to Dec 31 ^{Month/Day} amount 0.02 ^(cfs)

(Both dates are inclusive)
For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed 0.02 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) Stockwater for wildlife and cattle grazing.

10. Place of use is: Township: 15S Range 23E
 Section 23 NE 1/4 of SE 1/4, Govt. Lot _____, B.M.,
 County of Cassia for (Circle One) **Domestic** **Stock** **Domestic and Stock**
 Additional places of use, if any _____

11. In which county (ies) are lands listed above as place of use located? Cassia

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

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

14. Remarks: _____

15. Basis of Claim (Circle One) Beneficial Use **Posted Notice** **License** **Permit** **Decree**
 Court _____ Decree Date _____ Plaintiff vs Defendant _____
 If applicable provide IDWR Water Right Number _____

16. Signature (s) _____
 Number of Attachments 1

For Individuals: I do solemnly swear or affirm 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 that I am _____ Title _____
 of _____, that I have signed the foregoing
 Organization
 document in the space below as _____ of _____
 Title Organization
 and that the statements contained in the foregoing document are true and correct.
 Signature of Authorized Agent _____ Date _____
 Title and Organization _____

State of Idaho/or _____)
 County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day of _____ 19 _____

SEAL Notary Public _____
 Residing at _____
 My Commission Expires _____

United States of America
 National Park Service
 Last Name _____ Ident No. _____
 Copies: White-State, Yellow-Claimant

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

CASE NO. 39576

The State of Idaho, ex rel.
Keith Higginson in his official
capacity as Director of the Idaho
Department of Water Resources,

Petitioner,

v.

DECLARATION OF
JEFFREY C. HUGHES

The United States; The State of Idaho;
and all claimants to the use of water
from the Snake River Basin Water System,

Defendants.

I, Jeffrey C. Hughes, do declare that:

1. I am a resident of Fort Collins, Colorado, and am employed by the U.S. Department of the Interior, National Park Service in Fort Collins, Colorado. I hold a Bachelor of Science degree in Watershed Management and a Master of Science degree in Watershed Sciences, both from Colorado State University.
2. I have been permanently employed as a hydrologist in the National Park Service, Water Resources Division, Water Rights Branch since August of 1988. Previous to this appointment, I was employed at Colorado State University working for the National Park Service as a hydrologist from 1986 to 1988. I have also been employed by the U.S. Forest Service and two private consulting firms, all in hydrology related positions.
3. During my tenure with the National Park Service, Water Resources Division, Water Rights Branch, I have been responsible for determining Federal reserved and State appropriative water rights for National Park Service Units throughout the United States. My duties have included researching water right information in county court houses, National Park and other Federal agency filing systems, and conducting interviews with private citizens.

4. My knowledge of water rights for City of Rocks National Reserve is based on numerous phone calls to Federal, State and private individuals with knowledge of water rights in the area and from three trips to City of Rocks National Reserve on August 20-24, 1989, May 27-29, 1992, and October 13-15, 1992.

5. City of Rocks National Reserve was created on November 18, 1988, by the Arizona-Idaho Conservation Act of 1988. Some of the land designated as City of Rocks National Reserve was previously administered by the U.S. Forest Service. On this same land, several stock tanks exist that were built by U.S. Forest Service personnel and/or private citizens who had/have grazing allotments on these lands previous to the land's transfer to the National Park Service.

6. These stock tanks are used for stock water and wildlife purposes, both of which require water and are beneficial uses within City of Rocks National Reserve.

7. I have examined U.S. Forest Service records which describe the installation and improvements for water developments on lands administered by the U.S. Forest Service

8. To the best of my information and belief, the U.S. Forest Service first put the water claimed as a beneficial use water right for Taylor Spring #1 to beneficial use by September 30, 1962.

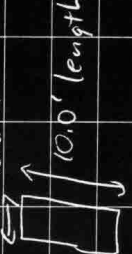
9. The property on which Taylor Spring #1 is located within City of Rocks National Reserve and was previously administered by the U.S. Forest Service.

10. Taylor Spring #1 is used in situ, the diversion works are described on the Snake River Basin Adjudication Claim form for Taylor Spring #1.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed this fourth day of March, 1993.


Jeffrey C. Hughes
Hydrologist
U.S. Department of the Interior
National Park Service
Water Resources Division
Water Rights Branch
1201 Oak Ridge Drive, Suite 250
Fort Collins, CO 80525

Page 2 of 2 - Declaration of Jeffrey C. Hughes

22 Aug 89	CIRO	Taylor Spring #1	3
J. Hughes, equipment: - Lick 200' tape - 2.5 gallon bucket with marks every 0.25 gallons			
inside dimensions 			
Taylor Spring #1 located at Taylor Spring. This structure's diversion is located ~ 200 ft west east of Taylor #2. (located on NE side of fence) photo graph - roll 89-CIRO-1 # 748 Taylor Spring #1 (Taylor #2 in the background) from the North east side looking towards the Southwest			
top view 			
discharge measurements Trial 1 amount time 1 0.8 gal 1.0 min 2 0.8 gal 1.0 min avg = 0.8 gal/minute = 0.0023 ft ³ /sec			

From CIRO #1
 1989-1993 field
 book

3 Feb 86 J. Hughes

SW NE SE of sec 23
R23E T15S

2240 IMPROVEMENTS
2 Water Developments

April 16, 1965

TAYLOR SPRING NO. 1

Location: On the Almo C&H Allotment - Jake Bruesch portion.

Headbox: Nix type.

Inlet pipe: 10' of 1½" galvanized and 65' of 1¼" plastic.

Overflow pipe: 10' of 1½" galvanized.

Tank: 5' round metal.

Installed: In September 1962.

3784

Taylor Spring #1

9/62

Head of Emory Canyon - Approx $\frac{3}{4}$ mile North of entrance to
City of Rocks. T. 15S R. 23E S. 5 $\frac{1}{4}$ Sec 23

Flow

Standard NIX Type Headbox Barrel & cement w/

65' $1\frac{1}{4}$ " plastic } pipeline to

10' $1\frac{1}{4}$ " galv. }

5' Round Stock tank w/

10' $1\frac{1}{2}$ " galv. overflow pipeline from trough

3784

F E WATER DEVELOPMENT INVENTORY

FY 77

PROJECT

Taylor Spring No. 1

MAINTENANCE/CONSTRUCTION/RECONSTRUCTION

ALLOTMENT

1. CONDITION:

- A. Headbox
 B. Pipeline
 C. Trough
 D. Fence
 E. Escape ramp needed? (game bird-small game)

2. REPAIRS NEEDED OR COMPLETED:3. MATERIALS NEEDED OR USED:

Trough	Size	@	\$	\$
Posts		@	\$	\$
Poles		@	\$	\$
Plastic Pipe	Size	@	\$	\$
Overflow	2 Stainless Steel bands	@	\$	.35
Headbox	1- 1 1/4" adaptor	@	\$	.60
	1- 1 1/2" adaptor	@	\$	.80
	20" x 1 1/2" plastic pipe	@	\$	3.00
	1- 1 1/4" 90° elbow	@	\$	.50
	misc.			3.00

4. COST OF JOB COMPLETED OR NEEDED:

Man Hours	@	\$	\$	8.60
Per Diem	@	\$	\$	
Mileage	@	\$	\$	
Other	@	\$	\$	

TOTAL COST TO FOREST SERVICE:

PERMITTEE CONTRIBUTION:

Man Hours

Mileage

Other Costs

TOTAL PERMITTEE CONTRIBUTED COST:

TOTAL COST OF PROJECT

Signature

Date

Docket Information

Number of Documents in Docket 20

Documents Dated from 12/15/1993 to 3/3/2004

Docket Compiled: 3/9/2012