



WATER-RIGHT DOCKET

City of Rocks National Reserve

Docket No: 6

CIRCLE CREEK SPRING

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 Circle Creek Spring water right claim.

Jeff Hughes
March 3, 2004

2002 JUN 28 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 43-11146

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTIN
USDI NATIONAL PARK SERVICE
WATER RESOURCES DIVISION
1201 OAK RIDGE DR STE 250
FORT COLLINS, CO 80525

SOURCE: CIRCLE CREEK SPRING TRIBUTARY: NORTH CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 12/31/1969

POINT OF DIVERSION: T15S R23E S24 NENWSW Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS
	Wildlife	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Stockwater	Within Cassia County
	T15S R23E S24 NWSW	
	Wildlife	Within Cassia County
	Same as Stockwater	

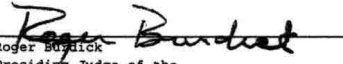
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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.


Roger Bushick
Presiding Judge of the
Snake River Basin Adjudication

05/10/2001

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-11146

NAME AND ADDRESS: UNITED STATES OF AMERICA
NATIONAL PARK SERVICE
WATER RESOURCES DIVISION
1201 OAK RIDGE DR STE 250
FORT COLLINS CO 80525

SOURCE: CIRCLE CREEK SPRING

TRIBUTARY: NORTH CREEK

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 12/31/1969

POINT OF DIVERSION:

T15S R23E S24 NENWSW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.020 CFS
WILDLIFE	01/01 12/31	0.020 CFS

PLACE OF USE:

STOCKWATER Within CASSIA County

T15S R23E S24 NWSW

WILDLIFE same as STOCKWATER

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY
FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF
THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A
POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION
42-1412(6), IDAHO CODE.
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

STOCKWATER, CATTLE GRAZING, WILDLIFE

05/10/2001

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 15, 2001

Water right number: 43-11146

UNITED STATES OF AMERICA
NATIONAL PARK SERVICE
WATER RESOURCES DIVISION
1201 OAK RIDGE DR STE 250
FORT COLLINS CO 80525
Telephone Number: (970)225-3500

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 5/17/01

SIGNATURE: _____

Please print your name: _____

Charles W. Pettee

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, (208)736-3033



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

May 9, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Dear Water Right Claimant(s):

The Idaho Department of Water Resources (IDWR) has completed its initial investigation of your water right claim(s) in the Snake River Basin Adjudication (SRBA). We have enclosed a printout showing our preliminary recommendation for reporting your claim(s) to the SRBA District Court.

Please review the preliminary recommendation carefully. If there is any information on the printout you believe is inaccurate, please fill out the enclosed reply indicating what changes you believe should be made. Further instructions to assist you with the review are enclosed. For water rights with an irrigation water use, a Geographic Information System (GIS) computerized image of the place of use for your claim(s) is also enclosed.

You may return this reply in person to us at a public meeting IDWR will be conducting in your area. **The meeting will be held on Wednesday, May 30, 2001, at 7:00 p.m. in the Raft River Elementary School Cafeteria at 140 W Center St, Malta, ID.** Please come to the public meeting, where you will have an opportunity to find out more about the SRBA process and speak with a department staff member should you have questions regarding your water right claim. Please bring any and all information you have which will help the Department understand your claim(s) and describe them accurately.

This process is intended to ensure IDWR recommends your water right accurately to the SRBA District Court. This is the easiest and least costly means for you to identify corrections you believe should be made to our recommendation. Completion of this process is an important step toward the overall success of the adjudication in Idaho. Your participation is necessary so that accurate information is provided to the SRBA District Court.

We look forward to hearing from you.

Sincerely,

Karl J. Dreher
Director

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 7, 2001

Dear Water Users of the Raft River Valley,

Please find enclosed the Preliminary Director's Report for your water right claims in the Snake River Basin Adjudication. This is an important opportunity to review the Idaho Department of Water Resources' (IDWR) conclusions regarding your water rights, resolve errors, and have questions answered **before** the report is finalized for the SRBA Court.

CONTENTS OF THIS MAILING:

- ❖ Preliminary Director's Report Instructions (blue page, front and back)
- ❖ Letter From Karl Dreher, Director of IDWR
- ❖ **Your Water Right Recommendation(s) & Map(s)** with Notice of Error form(s)
- ❖ Proposed General Provisions for the Raft River Basin (with attachment)
- ❖ General Basin Map for the Raft River Area for vicinity reference
- ❖ Letter from the Presiding Judge, Snake River Basin Adjudication Court

Please join us for an informational presentation at **7:00 pm on May 30th, at Raft River Elementary School in Malta**. If you miss the informational meeting or need additional assistance then give us a call to set up an appointment.

Respectfully yours,

A handwritten signature in black ink, appearing to read 'Douglas Jones', is written over a horizontal line.

Douglas Jones, P.E.
Water Rights Supervisor
Southern Adjudication Unit
Idaho Department of Water Resources

(Other instructions on the back)

HOW TO REVIEW YOUR WATER RIGHT:

- ❖ Examine the water right print out and map carefully.
- ❖ Look for errors in spelling, names, and addresses on the water right print out.
- ❖ Look for differences between what IDWR proposes to recommend and what you think your water right should be. Complete the Notice of Error form(s) as instructed below if you disagree – or even if you agree!
- ❖ If you no longer own the property represented in the water right please forward this mailing to the new owner or contact IDWR-Southern Region Office, Adjudication Unit, (208)736-3033.
- ❖ If your address has changed correct the information on the Notice of Error form, sign it and return to IDWR. Or you may write a letter, signed by the claimant of record, describe the address change, and list the water rights involved.

NOTICE OF ERROR INSTRUCTIONS:

- ❖ Please review the preliminary recommendation carefully. Your name, water right number and address have been pre-printed on this reply for your convenience. Check to be sure that the pre-printed information on this form is accurate.
- ❖ Please fill in your daytime and evening telephone numbers.
- ❖ If there is any portion of the preliminary recommendation that is inaccurate, or with which you disagree, please complete items number 1, 2 and 3 on the reply, sign where indicated, and return the reply in the envelope provided. This reply must be mailed before **June 15, 2001**. If IDWR has questions about the information included in your reply, a staff member will be in contact with you to set up an appointment. You may also return the reply in person at the public meeting on **May 30, 2001, at 7:00 p.m. in the Raft River Elementary School, Malta, ID.**
- ❖ Please indicate on the form if you agree with the proposed recommendation and return it to us. Feel free to write down questions, even if you agree, and we will strive to respond in a timely manner.
- ❖ If you have questions or do not understand this process, please call the Adjudication hotline toll free number: **1-800-451-4129** or contact the IDWR Southern Regional Office, located at 1341 Fillmore St, Twin Falls, ID 83301, **(208)736-3033**.

ATTACHMENT A

Basin 43 General Provisions

a. Almo Creek:

43-375	43-376	43-379	43-380A	43-380B
43-381	43-383	43-384	43-385	43-386
43-2186	43-2232A	43-2586	43-2594	43-10350
43-10356	43-10797	43-10823	43-11227	

b. Grape Creek:

43-402	43-403A	43-404	43-405	43-406
43-407	43-2044	43-2215	43-2247	

c. Stines Creek:

43-11	43-12	43-14	43-10013	43-10280
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d. Graham Creek:

43-10

e. Clear Creek:

43-37	43-43	43-45	43-84	43-85
43-116	43-117	43-118	43-119	43-206
43-286A	43-286B	43-286D	43-286E	43-314
43-347	43-415A	43-415B	43-10813	43-10814

Basin 43 General Provisions

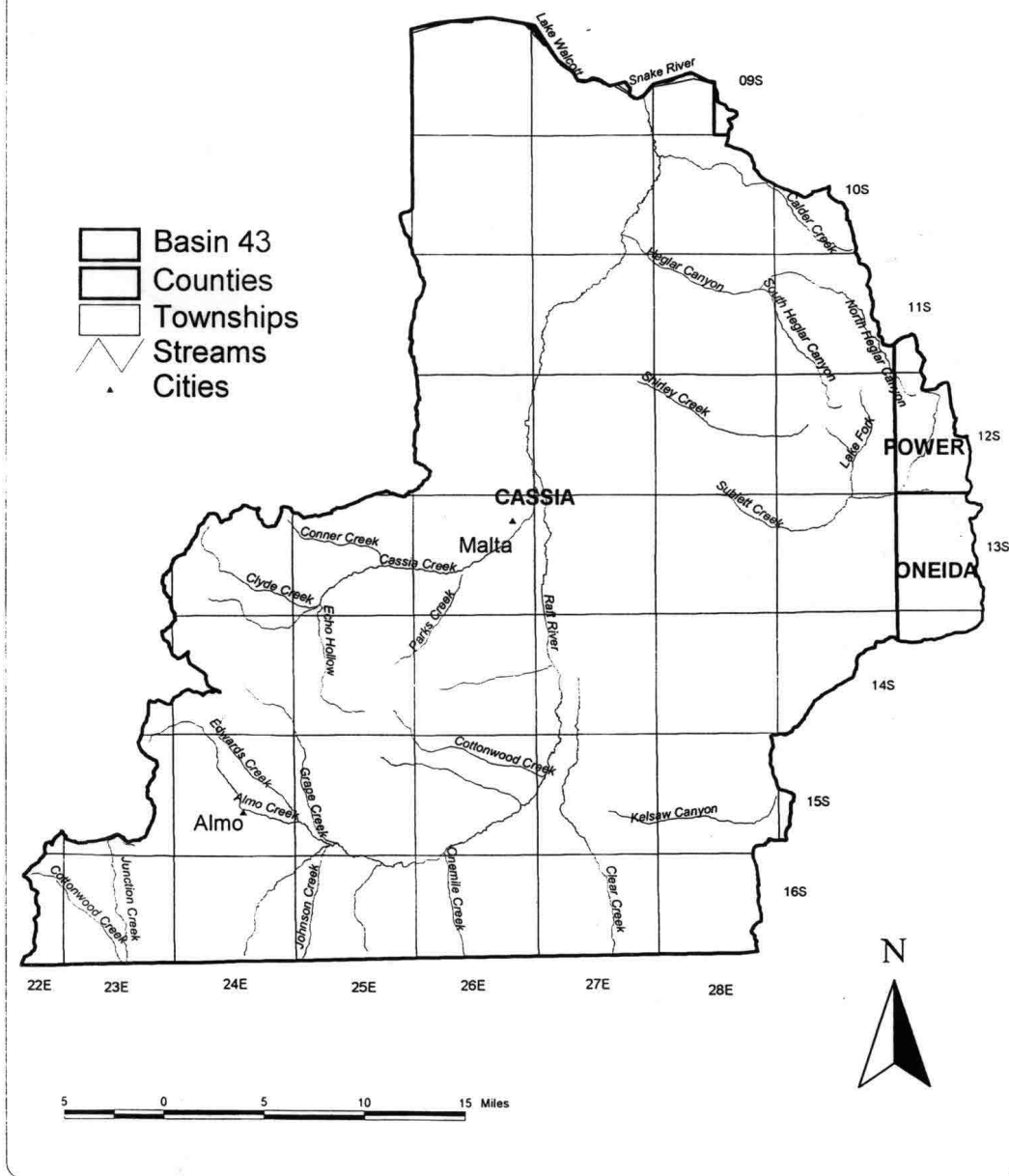
- The following surface water rights from the following sources of water in Basin 43 shall be administered separately from all other surface water rights in Basin 43:

Almo Creek
Grape Creek
Stines Creek
Graham Creek
Clear Creek

See Attachment "A" For Water Right Numbers

(See back side for Attachment A)

Basin 43



DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO



ROGER BURDICK
PRESIDING JUDGE
(208) 736-3011
FAX (208) 736-2121

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

Dear Water Right Claimant:

To help you with your water right claim(s) in the Snake River Basin Adjudication, this letter of explanation is being sent to you along with information sent by the Idaho Department of Water Resources (IDWR). Included are the following important documents which I ask you to please read carefully because they give you the opportunity to save a great deal of time and money:

1. **Preliminary Recommendation.** This is IDWR's *initial* finding and conclusion about your water right and how it should be reported to the SRBA Court. This preliminary recommendation is not filed with the court, but is provided to you to help correct errors or resolve any disagreement you may have over its content. This document has been prepared following IDWR's investigation and may be different than the claim(s) you actually filed.

Therefore, please review this preliminary recommendation carefully to find any errors or disagreements you have with IDWR's findings.

2. **Error Correction/Settlement Process.** This preliminary recommendation is a special service provided to you by IDWR to help you correct errors and resolve any other disagreement you have before the actual recommendations are ultimately filed with the court.

A description of how to work with IDWR is included. Our experience in the SRBA shows that by working in cooperation with IDWR most errors and differences can be addressed before coming into court. It's well worth your time to take full advantage of IDWR's helpful service. If your disagreement cannot be resolved, you will be able to file an objection to IDWR's actual recommendation when it is filed in court and have the final decision made by the Presiding Judge.

This error correction service is an important opportunity for you to work together with IDWR to make sure your water right claim(s) are decreed accurately. There is no cost to you other than your time reviewing the preliminary recommendation and talking to IDWR about any problem you see. Of course, you may always employ the services of an attorney if you wish.

The goal of the SRBA is to see that your water right(s) are decreed by the court as accurately and fairly as possible. It is important to me that this is done efficiently in order to reduce your costs and present you with your decree.

I strongly encourage you to take full advantage of this opportunity to use the fine and courteous services provided by IDWR.

Sincerely yours,

A handwritten signature in cursive script that reads "Roger Burdick".

Roger S. Burdick
Presiding Judge
Snake River Basin Adjudication

James Harte

05/17/01 02:24 PM MDT

To: BARBARA_SCOTT-BRIER@ios.doi.gov
cc: Chuck Pettee/FTCOLLINS/NPS@NPS, Bill Hansen/FTCOLLINS/NPS@NPS
Subject: Re:Snake River Adjudication Preliminary Recommendations for CIRO Claims

Hi Barbara,

We have received Preliminary Recommendations from the Idaho Department of Water Resources (IDWR) for our City of the Rocks Claim Numbers: 43-11113, 43-11144, 43-11145, 43-11146, 43-12915, 43-12916, 43-12917, and 43-12918 filed in the SRA.

IDWR requests that we sign and return the "Notice Of Error Reply" forms indicating whether or not we agree with the Preliminary Recommendation for each water right claim.

For the water rights claims listed above we are requesting that IDWR change the "Quantity" for Water Right Number 43-11113 from .03 CFS to .003 CFS (as per our submitted claim).

The remaining Water Right Claims have been reviewed and we agree with IDWR's Recommendations.

Would you like us to send these "Notice Of Error Reply" forms back to IDWR through you or should Chuck sign them and we can mail them from here?

Thanks Barbara,
Jim Harte
WRD


CHUCK,

5/31/01

I SPOKE WITH BARBARA TODAY AND SHE SAID:

- 1) YOU CAN SIGN AND MAIL THE FORMS
(IF SHE DID IT SHE WOULD HAVE TO SEND THEM THROUGH D.C.)
- 2) FAX HER A COPY OF THE REPLY FORM
SHOWING THE CORRECTION
- 3) FAX HER ONE COPY OF A REPLY FORM
SHOWING WE AGREE WITH THE DETERMINATION. in

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.

Should you have any questions, please contact me at
(202) 272-4134.

Sincerely,


K. Jack Haugrud
Attorney
Environment & Natural
Resources Division
U.S. Department of Justice

Enclosures

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.)
R. Keith Higginson in his)
official capacity as director)
of the Idaho Department of)
Water Resources,)

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

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.)

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.

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

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

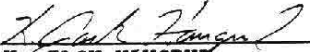
13. On behalf of the Department of Defense (DOD), the United States is filing for water rights reserved under federal law and acquired under state law. In addition, the water usage by the U.S. Army Corps of Engineers at civil works projects is provided as a matter of information to the state. This information, 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

RICK L. WAGNER
Notary Public
STATE OF 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) December 31, 1969 Month/Day/Year

3. Source of water supply (Check one) () Groundwater or Other () ☒ (a) Circle Creek Spring
Name or kind of source
which is tributary to (b) North Creek

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

Section 24 NE 1/4 of NW 1/4 of SW 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. Metal shock tank--3.5 ft. in diameter X 2.0 ft. deep, headbox. inlet and overflow pipe.

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

For Stockwater/ wildlife purposes from Jan 1 to Dec 31 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 24 NW 1/4 of SW 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

By signing I/We acknowledge reading the notice on the back of this claim form.
 I/We wish to receive for a small annual fee monthly copies of the docket sheet.
 YES _____ NO _____

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 _____
 of _____, that I have signed the foregoing
 document in the space below as _____ of _____
 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

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

Petitioner,

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

DECLARATION OF
JEFFREY C. HUGHES

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.

Page 1 of 2 - Declaration of Jeffrey C. Hughes

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 #2 to beneficial use by September 30, 1962.

9. The property on which Taylor Spring #2 is located within City of Rocks National Reserve and was previously administered by the U.S. Forest Service.

10. Taylor Spring #2 is used in situ, the diversion works are described on the Snake River Basin Adjudication Claim form for Taylor Spring #2.

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 Circle Creek Spring 5

site Circle Creek Spring

(#209 on USES spring development location map)

location = $\frac{1}{4}$ mile downstream from 4x4 road on North Creek.

Tank is 18 ft to the north of E. North Creek at this point.

rocks

Apr

North Creek flow →

North Cr. is dry

photos roll 89-CIRO-1

11 + 12 Circle Creek

Spring taken from west side of tank looking east

Inside dimensions

diameter = 3.54 ft

depth = 1.9 ft

discharge measurements

Trial	amount	Time
1	0.75	2.0 min
2	0.75	2.0 min

= 0.375 gal/min =

= 0.0008 cfs.

Notes from CIPCO field 1984-1993 I. H. Lewis 8 Feb 96

USDA—FOREST SERVICE		ADMINISTRATIVE UNIT Sawtooth		SUB UNIT Burley D-7	
PROJECT WORK PLAN		FUNCTION NUMBER 053		ACCOUNTING CODE 002 053.41.07 3939	

1. DESCRIPTION (Name, designation, location, standard, etc.)
Circle Creek Spring, Almo C&H Allotment, T.15S, R.23E, SW¼, Section 24 B.M.
 Develop spring - install headbox and metal stock tank.
 Forest Service to furnish: plastic pipe, fittings and metal tank
 Permittee will furnish materials for headbox and install furnishing all labor

NW ¼ Sec 24 T15S R23E

Planned Work Period		From:	To:	Date Completed:
---------------------	--	-------	-----	-----------------

2. MANPOWER AND ORGANIZATION (FS crews) (List regular personnel by name)	Man Hours	Contributed Hours	Cash Hours	Hourly Rate	Amount	
					Salary	Per Diem and/or Meals
GS-7 William Nix	2			3.80	8.00	
Subtotal Manpower				XXX	8.00	

3. PROJECT EQUIPMENT	Equipment Use		Cost	
	Hours	Miles	Rate	\$ Only
None				
Subtotal Equipment Use				

4. PROJECT MATERIALS, SMALL TOOLS AND MISCELLANEOUS	Quantity		Date Needed	Cost \$ Only
	On Hand	To Buy		
35 feet of 1½" pipe		35		4.00
25 Ft. of 1½" pipe		25		3.00
Misc. Fittings				16.00
Metal Tank		1		
Subtotal Materials, Small Tools, Misc.				23.00

5. CONTRACT	Name of Contractor	Contract to Start	Contract Termination	Cost \$ Only

SUMMARY OF COSTS	P&M	FRKT	SAB	BD	TOTAL
Estimate (Items 2-5 above)	\$30				\$30 #31
Actual Allocation					

SUBMITTED →	Date	Signature	Title
	September 9, 1969	<i>Walter R. Clark</i>	District Ranger
	RECOMMENDED →	Date	Signature
7/22/69	<i>Frederick R. Brugh</i>	Staff Officer	
APPROVED →	Date	Signature	Title
OCT 20 1969	<i>E. A. Fournier</i>	Forest Supervisor	

Transfer between miles & const. funds approved. H.M.C. - FPA #20

1998年12月15日

STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

D-7

REPLY TO: 2240 Range Improvements

SUBJECT: Circle Creek Spring

NOV 1 1969

TO: Forest Supervisor
Attn: Harold Wycoff

SAWTOOTH N.F.		
RECEIVED		
SEP 1 1 1969		
Route	POSITION	Initials
	SUPERVISOR	
	FC-TM STAFF	
	RS-WM STAFF	
	PSL STAFF	
	SC-TM STAFF	
	A.D. STAFF	
	FILES	
		
Permittee Card File Sent Backers		

The permittees who graze on the Circle Creek portion of the Almo C&H Allotment are very desirous of getting in the two troughs covered by the attached 1300-4's. They will do most all the work and want to put them in even though they would have to furnish all of the material. They maintain about three miles of our fences each year.

I would like the requested funds to put in the two developments transferred from 002 053.05.07 to 002 053.41.07.

Merlin R. Stock
MERLIN R. STOCK
District Ranger

MRS:jsj

OK to transfer funds because of the cooperativeness of permittees in maintaining improvements. J. R. Bough.

Bill

Fill in #7 block on back and return

2240 (2140)

MULTIPLE USE SURVEY REPORT
CIRCLE CREEK SPRING WATER DEVELOPMENT

Burley Ranger District, Sawtooth National Forest, Region 4

Report Prepared by MERLIN R. STOCK Date 9-9-69

Approval of Report
Recommended by MERLIN R. STOCK Date 9-9-69

Report Approved by Fredrick R. Baugh Date 10/13/69

I. Introduction and Description

- A. The Circle Creek area, part of the Almo C&H Allotment, is poorly watered. This development would aid in more even cattle distribution and reduced trailing.
- B. The spring is located in the lower part of the intermediate zone on the Almo C&H Allotment.
- C. It is in the SW $\frac{1}{4}$, Section 24, T.15S, R.23E.
- D. This is on National Forest land.
- E. Use will be by permitted cattle.

II. Evaluation of Resource Use and Activities

- A. The cattle on this allotment are short of feed to carry them to the end of the permitted season each year. Trailing in this loose granatic soil is damaging to the range and hard on the animals. This water development will help ease the situation.
- B. Other uses on the area include:
 - 1. Soils. Damage to soils will lessen because of less trailing.
 - 2. The only uses on the area are:
 - a. Grazing - which requests the use.
 - b. Wildlife, some deer, birds, and small animals will all benefit from the proposed development.
 - c. Recreation, an occassional hiker or horse back rider may visit the area. A development would be beneficial to him.
 - d. Fire control - would furnish water for fire suppression and for fire fighters.

III. Recommendations

- A. That project be approved. No special restrictions needed. Install a Nix-type headbox. Overflow to be piped at least 20 feet from trough.

There is not enough water to justify fencing spring area.

IV. Appendix

Reviewed in connection with this survey was:

- A. Multiple Use Management Guide, Intermountain Region.
- B. Burley Ranger District Multiple Use Plan.
- C. Range Improvement Handbook.

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

D-7

REPLY TO: 2240 Range Improvements

September 9, 1969

SUBJECT: Circle Creek Spring



TO: Forest Supervisor
Attn: Harold Wycoff

The permittees who graze on the Circle Creek portion of the Almo C&H Allotment are very desirous of getting in the two troughs covered by the attached 1300-4's. They will do most all the work and want to put them in even though they would have to furnish all of the material. They maintain about three miles of our fences each year.

I would like the requested funds to put in the two developments transferred from 002 053.05.07 to 002 053.41.07.

Merlin R. Stock

MERLIN R. STOCK
District Ranger

MRS:jsj

OPTIONAL FORM NO. 10
5010-104

UNITED STATES GOVERNMENT

Sawtooth National Forest - 1525 Addison Ave., East - Twin Falls, Idaho 83301

OCT 19 1965

Memorandum

2240

TO : Ranger Stock, Burley R. D.

DATE: October 18, 1965

FROM : P. M. Rees, Forest Supervisor

SUBJECT: Improvements (Multiple Use Survey Report, Circle Creek Spring Water Development)

The attached multiple use survey report for the Circle Creek Spring water development is approved with the following recommendations.

1. Fence a large enough area around the spring or below the trough where water and cover can be made available for upland game birds and other small wildlife species.
2. Plant clovers, shrubs (willow, snowberry, elderberry, rose, etc.) and grasses within the fenced area.



RECEIVED

SEP 24 1965

FOREST

MULTIPLE USE SURVEY REPORT
CIRCLE CREEK SPRING WATER DEVELOPMENT

Burley Ranger District, Sawtooth National Forest, Region 4

Report prepared by Merlin R. Stock Date Sept. 15, 1965
Approval of report recommended by Merlin R. Stock Date Sept. 23, 1965
Report approved by C. M. Rees Date 10-17-65

MULTIPLE USE SURVEY REPORT

Circle Creek Spring Water Development

1. Introduction and description

- a. Water is very short in the head of Circle Creek. The development of this spring will enable the cattle permittees to get more even utilization on the Circle Creek part of the Almo C & H allotment.
- b. A standard Nix type headbox with a 4 ft. round stock tank is to be put in.
- c. The spring is in the NE $\frac{1}{4}$, Sec. 25, T15S, R23E. in the Intermediate zone.

2. Summary.

The development of this spring will enable better management on the upper Circle Creek portion of the Almo allotment.

3. Recommendation.

It is recommended that the project be approved.

4. Evaluation of resource uses and activities and multiple use coordination requirements.

a. Range.

The development will effect the range only for good, allowing more even utilization on the area.

b. Outdoor recreation.

None likely in this area.

c. Watershed.

There will be no direct effect on the watershed. Lighter use will benefit other areas.

d. Timber.

None involved.

e. Wildlife and fish.

It will have very little effect on wild life, and none of it will be detrimental.

f. Other functions.

None will be affected.

5. Appendix.

Attention is directed to the following references in connection with the preparation of this project.

- a. Southwest Idaho Subregion Multiple Use Guide.
- b. Burley Ranger District Multiple Use Plan.
- c. Range Improvement Handbook.

COOPERATIVE AGREEMENT
(Act of June 30, 1914 (38 Stat. 432))

This agreement made and entered into this 15 day of September 1965 by and between Wm. Bruesch & Neil Durfee, herein referred to as the Cooperator, and the Forest Supervisor of the Sawtooth National Forest, hereinafter referred to as the Forest Service,
WITNESSETH:

WHEREAS the Cooperator is interested in Installing a water development at Circle Creek on the Sawtooth National Forest and desires to contribute, under authority of the Act of June 30, 1914 (38 Stat. 430; 16 U.S.C. 498) toward the cost of such work:

NOW THEREFORE, the parties hereto agree that:

1. THE COOPERATOR WILL:

1. Install the improvement, headbox and tank
2. Transport material from end of road to the spring.

2. THE FOREST SERVICE WILL:

1. Furnish the materials,
2. Provide one man to supervise installation.
3. This agreement is subject to the requirements of Executive Order 10925 of March 6, 1961 (26 F.R. 1977-9).
4. That this agreement is to extend from the date first shown above until terminated by thirty days' written notice by either party to the other.
5. Nothing herein contained shall be construed as binding the Secretary of Agriculture to expend in any one fiscal year any sum in excess of amounts available from appropriations made by Congress for that fiscal year, or to involve the Government in any contract or other obligation for the future payment of money in excess of any such appropriation.
6. No Member of or Delegate to Congress or Resident Commissioner shall be admitted to any share or part of this contract or to any benefit that may arise therefrom unless it to be made with a corporation for its general benefit.
7. No contribution to the cooperative fund herein provided for shall entitle the Cooperator to any share or interest in the said improvement other than the right to use the same under the regulations of the Forest Service. All improvements shall be and remain the property of the United States.

IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year first hereinabove mentioned.

SAWTOOTH NATIONAL FOREST

By Fredrick R. Baugh
Acting Forest Supervisor

COOPERATOR: Wm. Bruesch & Neil Durfee

By Wm. Bruesch

Title Neil Durfee

14-R4-2200-3

(Revised March 1962)

Docket Information

Number of Documents in Docket 39

Documents Dated from 6/15/1965 to 3/3/2004

Docket Compiled: 3/9/2012