



WATER-RIGHT DOCKET

City of Rocks National Reserve

Docket No: 9

WELL

State Water Rights Documentation

06-29-2001: Letter to NPS from Idaho Dept. of Water Resources regarding Revised Preliminary recommendation for WR#43-1111



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

June 29, 2001

Charles Petter
US National Park Service
Water Resources Division
1201 Oak Ridge Dr. Ste 250
Fort Collins, CO 80525

RE: Snake River Basin Adjudication (SRBA)
43-11113

Dear Sir:

I am in receipt of your response to our Notice of Error process, which is part of our Preliminary Director's Report to the Idaho SRBA Court, and have a question regarding the request for change in the diversion rate of the above claim

Upon review, it appears that the original claim filing was for domestic use from a well equipped with a hand pump, and that 0.003 cfs would equal 1.34 gallons per minute. I believe an error may have occurred in data entry that identified the diversion rate for the above claim as 0.03, however the Department does not, as a general policy, issue water rights for under 0.01 cfs.

A diversion rate of 0.01 cfs equals 4.48 gallons per minute, which does not seem overly unreasonable for a hand pump in good working order operated by a relatively strong individual. With your approval, I will change the recommendation of this claim to 0.01 cfs, however this change does not in any way authorize an increase in diversion rate from the described system that was existing in 1906.

To expedite matters, I will complete the data entry changes and, baring any additional word from you, it will be reported to the court with a diversion rate of 0.01 cfs. If you have any concerns, please contact me at this office. Thank you for your cooperation in the SRBA.

Sincerely,

Vikie Hancock
Sr. Water Resource Agent
Southern Regional Office, Twin Falls

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: 43-11113

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):

1. Quantity

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

Change from .03 CFS to .003 CFS

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

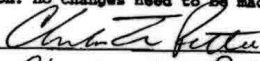
Notice of Claim to a Water Right Reserved Under Federal Law
filed by the National Park Service included:

5. Total Quantity Claimed: 0.003 CFS

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

DATE: May 17, 2001

SIGNATURE:



Please print your name:

Charles W. Pethee

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

MAY-16-01 09:42 FROM: CACI INC

ID: 208 387 0842

PAGE 3

05/10/2001

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

RIGHT NUMBER: 43-11113

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.030 CFS
1.21 AFY

PRIORITY DATE: 11/05/1906

POINT OF DIVERSION:

T15S R23E S26 NWNESE Within CASSIA County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

DOMESTIC

1/01 12/31

0.030 CFS

PRESENT AND FUTURE USES: DOMESTIC

1.21 AFY

PLACE OF USE:

DOMESTIC Within CASSIA County

T15S R23E S26

NESE

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Reserved

LAND WAS RESERVED PURSUANT TO PRESIDENTIAL PROCLAMATION, NOVEMBER
5, 1906 (34 STAT. 3247). THE ARIZONA-IDAHO CONSERVATION ACT OF 1988
(PUBLIC LAW 100-696, 102 STAT. 4571).^{***} NATIONAL PARK SERVICE UNIT: CITY
OF ROCKS NATIONAL RESERVE

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 CRO
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*



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,

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

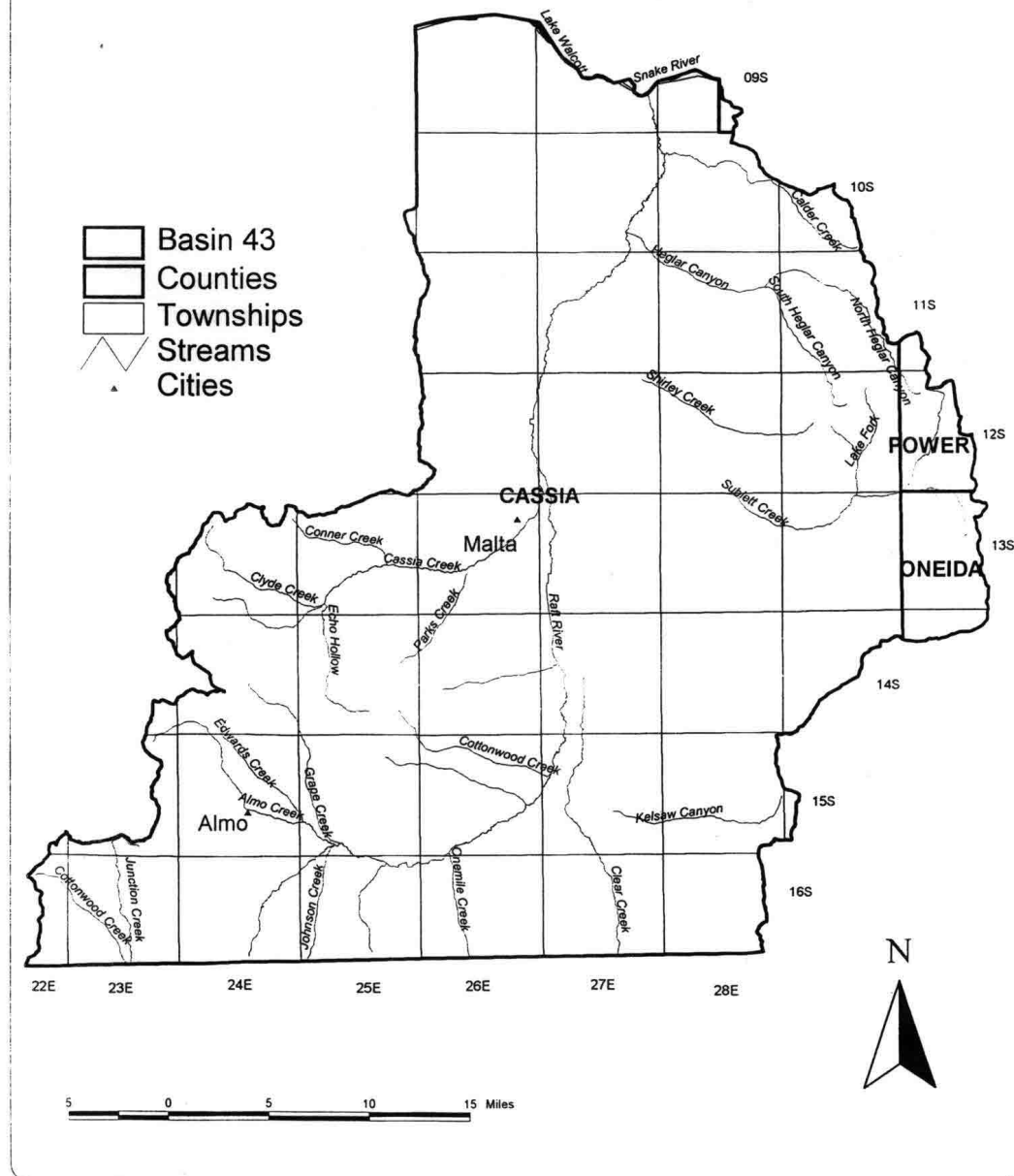
1. The following surface water rights from the following sources of water in Basin 43 shall be administered separately from all other surface water rights in Basin 43:

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 S. Burdick".

Roger S. Burdick
Presiding Judge
Snake River Basin Adjudication

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:

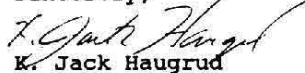
In accordance with certain orders of the district court, please find enclosed notices of claims by the United States of America on behalf of the Department of Defense, the U.S. Fish & Wildlife Service, the U.S. Geological Survey, the Department of Veterans Affairs, the General Services Administration, 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)

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.

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.

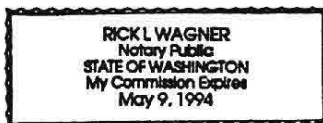
(seal)

Notary Public Rick L. Wagner

Residing at Kirkland.

Washington

My Commission expires May 9, 1994



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTRY 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
Ident. Number _____
Date Received _____
Receipt Number _____

NOTICE OF CLAIM

TO A

WATER RIGHT

RESERVED UNDER FEDERAL LAW

1. Name of Claimant: UNITED STATES OF AMERICA (U.S. Department of the
Interior, National Park Service, Water Rights Branch)
Mailing Address: 1201 Oak Ridge Drive, Suite # 250
Fort Collins, CO 80525
303-225-3506

2. Date of Priority: November 5, 1906

3. Source of water supply: Ground water

4. a. Location of Point of Diversion:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Tract</u>	<u>Gov't Lot</u>	<u>County</u>	<u>Meridian</u>
T15S	R23E	26	NW1/4 NE1/4 SE1/4		Cassia	Boise

b. Location of Place of Use:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Tract</u>	<u>Gov't Lot</u>	<u>County</u>	<u>Meridian</u>
T15S	R23E	26	NW1/4 NE1/4 SE1/4		Cassia	Boise

c. Description of Diversion Works: Hand operated pump, 200 feet deep,
five inch diameter bore hole

5. Total Quantity Claimed:

<u>Cubic feet</u> <u>per second</u>	<u>Acre-feet</u> <u>per annum</u>	<u>Elevation (ft)</u> <u>or Well Depth</u>
0.003	1.21	200

6. Total Consumptive Use Claimed for Present and Future Use is:

<u>Cubic feet</u> <u>per second</u>	<u>Acre-feet</u> <u>per annum</u>	<u>Elevation (ft)</u> <u>or Well Depth</u>
0.003	1.21	200

7. Present and Future Uses to Which the Water is or Will Be Used:

DOMESTIC

Season of Use: January 1 through December 31

8. Attach the legal description of the reservation, and maps showing for each consumptive use the existing and proposed place of use and existing points of diversion.

Attached

9. Remarks: (include a list of documents (s) creating the federal reservation and/or negotiated agreement). Land was reserved pursuant to:

Presidential Proclamation, November 5, 1906 (34 Stat. 3247)
The Arizona-Idaho Conservation Act of 1988 (Public Law 100-696, 102 Stat. 4571)

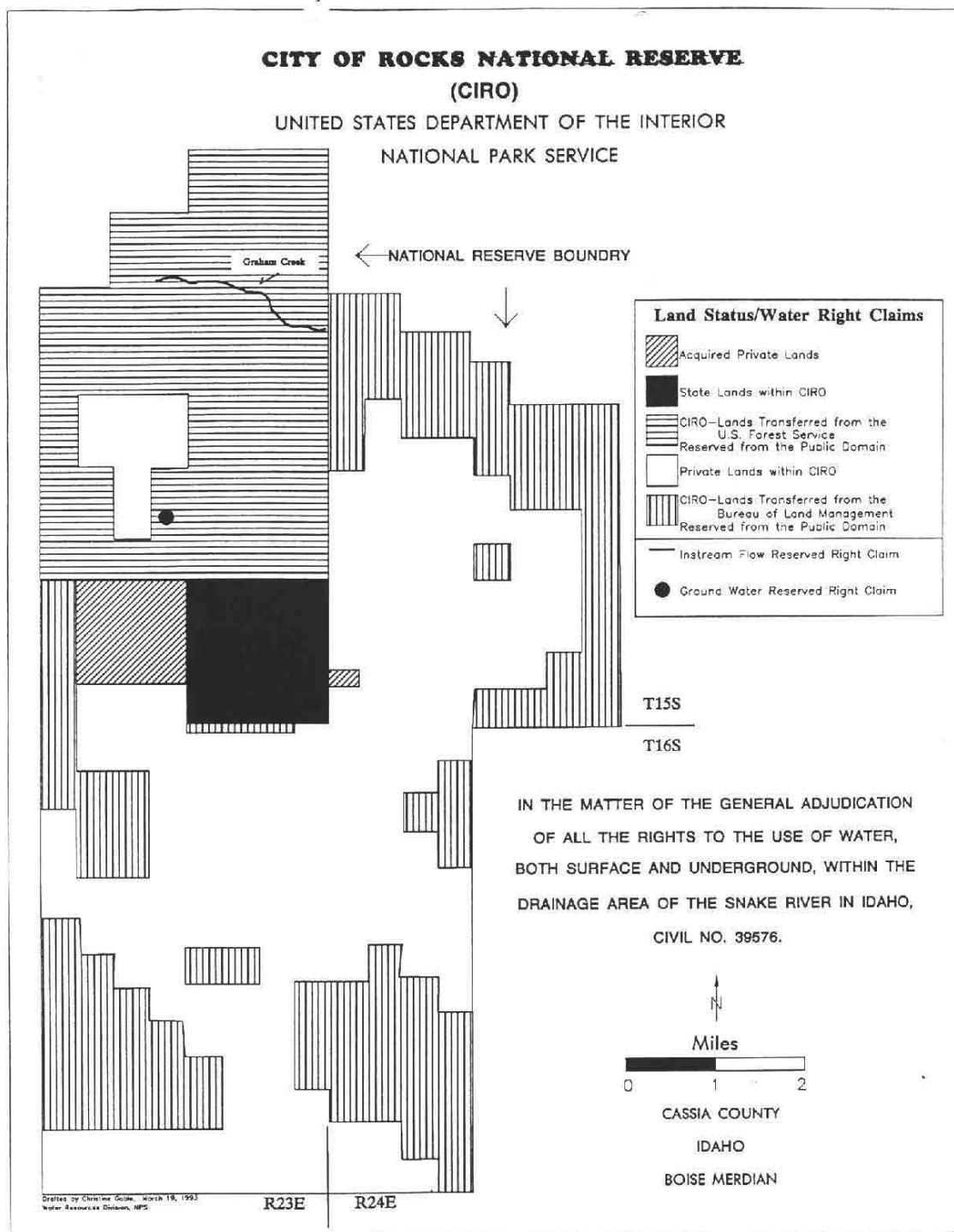
10. Describe any other water rights used at the same place and for the same purposes as described above: **None**

11. Counties within boundaries of reservation: **Cassia**

REFERENCE INFORMATION:

National Park Service Unit: **City of Rocks National Reserve**

State Basin Number: **43**



preparation and implementation of the comprehensive, long-range plan required pursuant to section 103 of this title.

(b) **REPRESENTATION.**—There shall be 7 members of the Committee, who shall be appointed by the Secretary. Members of the Committee shall be appointed for terms of three years, except that of the members first appointed 2 shall be appointed for terms of 1 year and 3 shall be appointed for terms of 2 years. The Secretary shall appoint one member from nominations supplied by the Governor of the State of Arizona, and one member from nominations supplied by the Supervisors of Cochise County, Arizona. The other members shall be persons with recognized backgrounds in wildlife conservation, riparian ecology, archeology, paleontology, or other disciplines directly related to the primary purposes for which the conservation area was created.

LAND ACQUISITION

Sec. 105. The Secretary may acquire lands or interests in lands within the boundaries of the conservation area by exchange, purchase, or donation, except that any lands or interests therein owned by the State or local government may be acquired by donation or exchange only. Any purchase or exchange of lands to be added to the conservation area shall require the consent of the owner of those lands or rights. 16 USC 460xx-4.

REPORT TO CONGRESS

Sec. 106. No later than five years after the enactment of this title, and every ten years thereafter, the Secretary shall report to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, on the implementation of this title. Such report shall include a detailed statement on the condition of the resources within the conservation area and of the progress of the Bureau of Land Management in achieving the purposes of this title. 16 USC 460xx-5.

AUTHORIZATION

Sec. 107. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this title. 16 USC 460xx-5.

TITLE II—CITY OF ROCKS NATIONAL RESERVE

ESTABLISHMENT OF CITY OF ROCKS NATIONAL RESERVE

Sec. 201. (a) There is hereby established the City of Rocks National Reserve (hereinafter referred to as the "reserve"), in order to preserve and protect the significant historical and cultural resources; to manage recreational use; to protect and maintain scenic quality; and to interpret the nationally significant values of the reserve. Historic preservation. 16 USC 460yy.

(b) The reserve shall include approximately fourteen thousand three hundred and twenty acres as depicted on the map entitled "Boundary Map, City of Rocks National Reserve, Idaho" numbered P30-80,005 and dated October 1987. The map shall be on file in the offices of the National Park Service, Department of the Interior and the Offices of the Governor, State of Idaho.

(c) Within six months after the enactment of this title, the Secretary of the Interior (hereinafter in this title referred to as the

102 STAT. 4574

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Public
information.

"Secretary") shall file a legal description of the reserve designated under this section with the Committee on Interior and Insular Affairs of the United States House of Representatives and with the Committee on Energy and Natural Resources of the United States Senate. Such legal description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal description and in the map referred to in subsection (b). The legal description shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior and the offices of the Governor of the State of Idaho.

PLAN AND MANAGEMENT OF RESERVE

State and local
governments.
16 USC 460yy-1.

SEC. 202. (a) To achieve the purpose of this title, the Secretary, acting through the National Park Service, in cooperation with appropriate State and Federal agencies, local units of government and local residents shall formulate a comprehensive plan for the protection, preservation, and interpretation of the reserve. The plan shall identify those areas or zones within the reserve which would most appropriately be devoted to—

- (1) public use and development;
- (2) historic and natural preservation; and
- (3) private use subject to appropriate local ordinances designed to protect the historic rural setting.

(b) Within eighteen months following the date of enactment of this section, the Secretary shall transmit the plan to the President of the Senate and the Speaker of the House of Representatives and to the Governor of the State of Idaho.

(c) At such time as the State or appropriate units of local government having jurisdiction over land use within the reserve have enacted ordinances or established regulations which in the judgment of the Secretary will protect and preserve the historic and natural features of the area in accordance with the comprehensive plan, the Secretary shall, pursuant to cooperative agreement—

- (1) transfer management and administration over all or any part of the property acquired under subsection (d) of this section to the State or appropriate units of local government;
- (2) provide technical assistance to such State or units of local government in the management, protection, and interpretation of the reserve; and

Grants.

- (3) make periodic grants, which shall be supplemental to any other funds to which the grantee may be entitled under any other provision of law, to such State or local unit of government to carry out the purposes of this title.

(d)(1) The Secretary is authorized to acquire such lands and interests as he determines are necessary to accomplish the purposes of this title by donation, purchase with donated funds, or appropriated funds, or exchange, except that the Secretary may not acquire the fee simple title to any land without the consent of the owner. The Secretary shall, in addition, give prompt and careful consideration to any offer made by an individual owning property within the reserve to sell such property, if such individual notifies the Secretary that the continued ownership of such property is causing, or would result in, undue hardship.

(2) Lands and waters, and interests therein, within the boundaries of the reserve which were administered by the Forest Service,

United States Department of Agriculture or the Bureau of Land Management, Department of the Interior prior to the date of enactment of this title are hereby transferred to the administrative jurisdiction of the Secretary to be administered by the National Park Service in accordance with this title.

(3) Lands and interest therein so acquired shall, so long as responsibility for management and administration remains with the United States, be administered by the Secretary subject to the provisions of the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented, and in a manner consistent with the purpose of this title.

(e) If, after the transfer of management and administration of any lands pursuant to subsection (c) of this section, the Secretary determines that the reserve is not being managed in a manner consistent with the purposes of this title, he shall so notify the appropriate officers of the State or local unit of government to which such transfer was made and provide for a one hundred and eighty-day period in which the transferee may make such modifications in applicable laws, ordinances, rules, and procedures as will be consistent with such purposes. If, upon the expiration of such one hundred and eighty-day period, the Secretary determines that such modifications have not been made or are inadequate, he shall withdraw the management and administration from the transferee and he shall manage such lands in accordance with the provisions of this title.

(f) Congress finds that there are unique circumstances with respect to the water and water related resources within the Reserve designated by this title. The Congress recognizes that the management of this area may be transferred to the State of Idaho, that the State has committed to providing the water necessary to fulfill the purposes of this title, and that there is little or no water or water-related resources that require the protection of a Federal reserved water right. Nothing in this title, nor any action taken pursuant thereto, shall constitute either an express or implied reservation of water or water right for any purpose: *Provided*, That the United States shall retain that reserved water right which is associated with the initial establishment and withdrawal of the national forest lands which will be transferred to the Reserve under this title.

Water.

(g) Subject to valid existing rights, Federal lands and interests therein, within the reserve, are hereby withdrawn from disposition under the public land laws and from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from operation of the Geothermal Steam Act of 1970, as amended.

(h) There is hereby authorized to be appropriated not to exceed \$2,000,000 to carry out the provisions of this title.

Appropriation
authorization.

TITLE III—HAGERMAN FOSSIL BEDS NATIONAL MONUMENT

16 USC 431 note.

ESTABLISHMENT OF HAGERMAN FOSSIL BEDS NATIONAL MONUMENT

SEC. 301. (a) In order to preserve for the benefit and enjoyment of present and future generations the outstanding paleontological sites known as the Hagerman Valley fossil sites, to provide a center for continuing paleontological research, and to provide for the display and interpretation of the scientific specimens uncovered at such sites, there is hereby established the Hagerman Fossil Beds

RAFT RIVER FOREST RESERVE
IDAHO AND UTAH

Nov 5, 1905

By the President of the United States of America

A Proclamation

WHEREAS, the public lands in the States of Idaho and Utah, which are hereinafter indicated, are in part covered with timber, and it appears that the public good would be promoted by setting apart said lands as a public reservation;

And whereas, it is provided by section twenty-four of the Act of Congress, approved March third, eighteen hundred and ninety-one, entitled, "An act to repeal timber-culture laws, and for other purposes," "That the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof";

Now, therefore, I, THEODORE ROOSEVELT, President of the United States of America, by virtue of the power in me vested by section twenty-four of the aforesaid act of Congress, do proclaim that there are hereby reserved from entry or settlement and set apart as a Public Reservation, for the use and benefit of the people, all the tracts of land, in the States of Idaho and Utah, shown as the Raft River Forest Reserve on the diagram forming a part hereof.

This proclamation will not take effect upon any lands withdrawn or reserved, at this date, from settlement, entry, or other appropriation, for any purpose other than forest uses, or which may be covered by any prior valid claim, so long as the withdrawal, reservation, or claim exists.

Warning is hereby given to all persons not to make settlement upon the lands reserved by this proclamation.

In ~~Witness~~ ~~Whereof~~, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 5th day of November,
in the year of our Lord one thousand nine hundred and
six, and of the Independence of the United States the
one hundred and thirty-first.

[SEAL.]

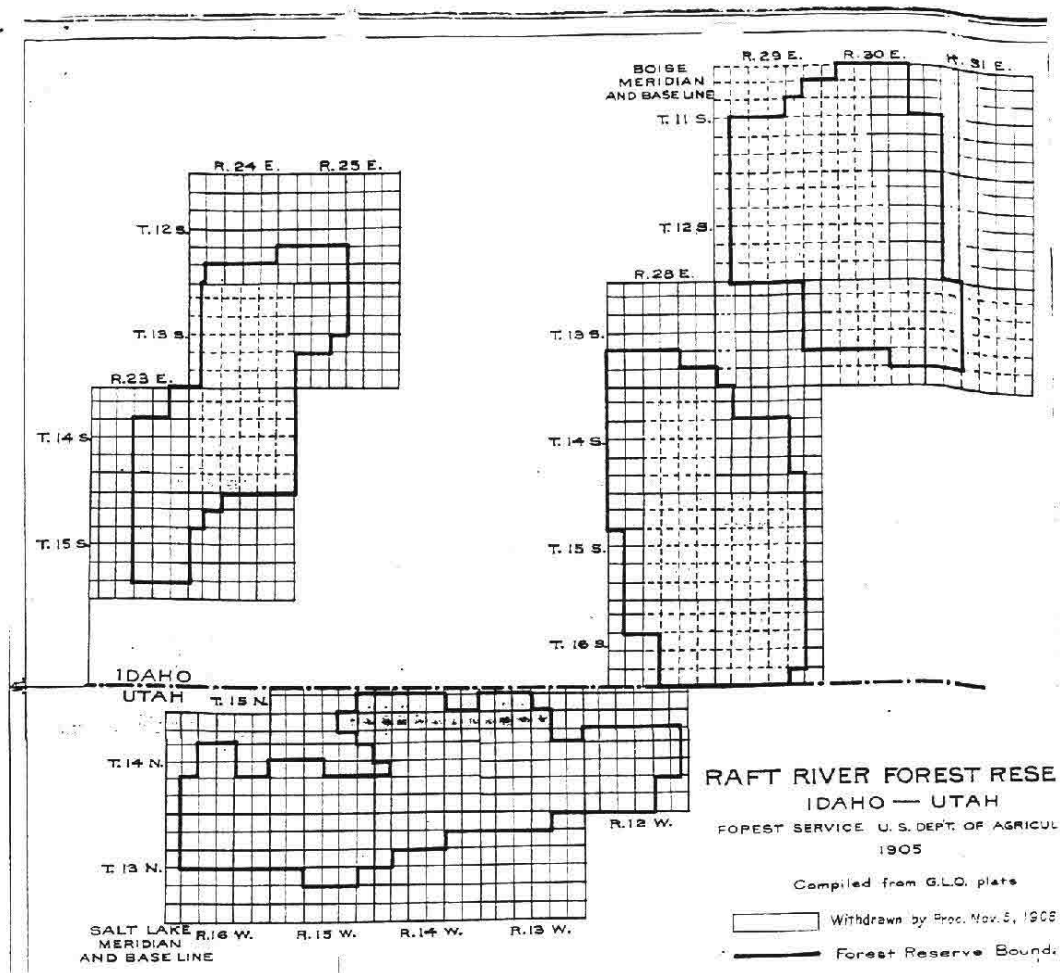
THEODORE ROOSEVELT

By the President:

ROBERT BACON

Acting Secretary of State.

Area, Idaho 293,044 Acres
 • Utah 117,203 "
 Total 410,247 "



Docket Information

Number of Documents in Docket 29

Documents Dated from 11/18/1988 to 11/18/1988

Docket Compiled: 2/7/2011