



WATER-RIGHT DOCKET

Nez Perce National Historical Park

Docket No: 6

WELL, DOMESTIC

State Water Rights Documentation

04-24-2001: Partial Decree for Groundwater Right 79-10481

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
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 79-10481

2001 APR 24 PM 3:31

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 01/01/1923

POINT OF DIVERSION: T28N R01E S12 NESW Within Idaho County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Domestic T28N R01E S12 NESW Within Idaho County

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 Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

July 30, 1999

RE: Water Right No. 79-10481

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

UNITED STATES OF AMERICA
NATIONAL PARK SERVICE
WATER RESOURCES DIVISION
1201 OAK RIDGE DR SUITE 250
FORT COLLINS CO 80525

Dear Property Owners:

Enclosed is a copy of the above referenced water right which reflects your change in address. Also enclosed is a copy of the Notice of Completed Administrative Proceedings which has been sent to the Snake River Basin Court as notification of the change.

Thank you for your patience and cooperation. If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,

Denise Buffington
Denise Buffington
Records Clerk
Adjudication Section
Western Region

DB:db

Enclosures

cc: Peter Monson, US Dept of Justice

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: JUL-30-1999
PAGE: A-4-----
RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 79-10481

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

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 01/01/1923

POINT OF DIVERSION: T28N R01E S12 NESW Within IDAHO County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: DOMESTIC Within IDAHO County
T28N R01E S12 NESW

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

3/30/99
TWIN FALLS PROCESSING
NOTICE OF COMPLETED

**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)
Case No. 39576) **NOTICE OF COMPLETED**
) **ADMINISTRATIVE PROCEEDINGS**
) **Water Right 79-10481**

IDWR has completed the following Administrative Proceeding:

- ☒ Change of Address
☐ Substitution of Party
☐ I.C. 42-222 Transfer

CHANGE OF ADDRESS

Name of Claimant: UNITED STATES OF AMERICA
New Address: NATIONAL PARK SERVICE
WATER RESOURCES DIVISION
FORT COLLINS CO 80525
Phone: (970) 225-3500

Claimant's Water Rights: **79-10481**

The Claimant has filed Objections or Responses to the following water rights:

**NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
7/30/1999**

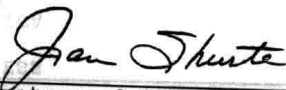
79-10481

PAGE 1

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached Amended Director's Reports for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the Notice of Completed Administrative Transfer and Amended Director's Reports(s) on the claimant(s), prior claimants(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: July 30, 1999


Signature of IDWR Representative

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
7/30/1999

79-10481

PAGE 2

CERTIFICATE OF MAILING

I certify that on July 30, 1999 I mailed the original
and copies of this form to the following persons, postage prepaid
and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707
2. One Copy to:
Each party in the subcase, or attorney of record:

PETER MONSON
INDIAN RES SEC LND & NAT RES
US DEPT OF JUSTICE
DENVER CO 80202
3. One Copy to:
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
4. One Copy to:
United States Dept. of Justice
Environment & Natural Resource Div.
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of person or attorney mailing the form

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
7/30/1999

79-10481

PAGE 3

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

1. Name of Claimant (s) United States of America
National Park Service Phone (303) 221-8301
Mailing Address Water Resources Division
301 S. Howes St. Room 353 Zip 80521
Fort Collins, CO

2. Date of Priority (Only one per claim) 1-1-1923 Month/Day/Year

3. Source of water supply (Check one) (☒) Groundwater or Other () (a) Ground water
Name or kind of source
which is tributary to (b) _____

4. Location of point of diversion is: Township 28N Range 1E
Section 12 , _____ 1/4 of NE 1/4 of SW 1/4, Govt. Lot _____, BM.,
County of Idaho

Additional points of diversion if any: None

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. Well with pump and pipeline to place of use.

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

For Domestic purposes from 1/1 to 12/31 amount .04 (cfs)
(Both dates are inclusive)
For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed .04 (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) Domestic - 1 home

Section 12 , NE 1/4 of SW 1/4, Govt. Lot _____ B.M.,
 County of Idaho 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? Idaho

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 (X)

14. Remarks: The water right claimed herein is used at Nez Perce National Historical Park.

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 None

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 Chief _____

of Water Rights Branch (WRB), Water Resources Division (WRD), Title _____
National Park Service (NPS) _____

document in the space below as Chief of WRB, WRD, NPS
 Title _____ Organization _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature] Date 11/20/89

Title and Organization Chief, WRB, WRD, NPS

State of Idaho/or Colorado)
 County of Larimer) SS.

Subscribed and sworn (or affirmed) before me this 20th day of Jan 19 89

SEAL

Notary Public [Signature]

Residing at 205 W. Oak, Ft. Collins, CO 80521

My Commission Expires 9-29-91

Last Name USA - National Park Service Ident No. _____

Copies: White-State, Yellow-Claimant

I Gaylord R. Colvin, Jr. residing at HCO-1, Box 146
name no. & street
White Bird, Idaho 83554, having resided in
city state zip
the White Bird area since 1919, and familiar since childhood with the
property acquired by the National Park Service from Mr. and Mrs. Darrold V.
Price, do testify that the domestic well located near the house site has been
in use since my earliest recollection of the property, approximately 1923.
year

Gaylord R. Colvin, Jr. 7/25/88
signature date

WITNESSED BY:

We the undersigned, witnessed the signature of Gaylord R. Colvin, Jr.
typed name
above, attesting to the origin of his statement.

Eugene W. Rasmussen Eugene W. Rasmussen 8/5/88
typed name signature date
Roy W. Weaver Roy W. Weaver 8-5-88
typed name signature date

both employed by Nez Perce National Historical Park, Spalding, Idaho

NOTARY:

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

Subscribed and sworn (or affirmed) before me this 5th day of AUGUST 1988

SEAL

Notary Public Constance J. Adams

Residing at LAPWAI

My Commission Expires SEPTEMBER 20, 1990

Other Supporting Information



United States Department of the Interior

OFFICE OF THE SOLICITOR

Pacific Northwest Region
500 N.E. Multnomah Street, Suite 607
Portland, Oregon 97232

MAY 11 1989.

NPS.PN.0329

MEMORANDUM

TO: Owen Williams, Water Resources Division, NPS

FROM: Barbara Scott-Brier, ORS *Barbara Scott-Brier*

SUBJECT: In Re the General Adjudication of Rights to the Use of
Water from the Snake River Basin Water System, Civ. No.
39576 (5th Jud. Dist., Twin Falls, Id.)

Owen -

Enclosed, as you requested, is a copy of the Department of Justice's February 2, 1989, cover letter to the State of Idaho and copies of the United States' filings regarding Snake River water right claims of the National Park Service.

Please let me know if you have any questions or comments.

cc w/attach:
Lynn Collins, Reg. Sol., SLC
Jack Hockberger, Boise FO, SOL
Bob Oser, Reg 1, FWS
Lou Hilderbrand, PAO, BIA



HM:PCMonson:gpt
90-6-2-63

Washington, D.C. 20530

February 2, 1989

Mr. Clive Strong
Assistant Attorney General
State of Idaho
Statehouse
Boise, Idaho 83720

Dear Clive,

Re: In re the General Adjudication of Rights to the
Use of Water from the Snake River Basin Water
System, Civ. No. 39576 (5th Jud. Dist. Twin
Falls).

Please find enclosed the claims of the United States for the Nez Perce National Historic Park and for that portion of Yellowstone National Park which is located in the Snake River Basin in Idaho. The claims for the Nez Perce National Historic Park are for state law appropriative water rights only and are described on the enclosed forms. I have enclosed both parts of each form, and would appreciate you or the Department of Water Resources assigning a number, if necessary, and acknowledging receipt of the form and returning it to me. No reserved water rights are claimed for this historic park because the land was not reserved from the public domain.

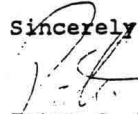
Water rights for Yellowstone are reserved rights and are described in a separate document and enclosures which include a map. I am informed by the Park Service that there are no state appropriative rights for Yellowstone in the area under adjudication.

I am informed that there are two new park units in Idaho--City of Rocks National Reserve and Hagerman Fossil Beds National Monument--which were recently established by congressional act. The Park Service is compiling claims for these two new units which will be submitted at a later date, hopefully within the next six months.

2

Once you have had an opportunity to review these claims, we will be glad to work with you in preparing one or more stipulations to be filed in Court which would be similar to the version which we have proposed for Craters of the Moon. If you have any questions, of course, do not hesitate to call me.

Sincerely,



Peter C. Monson
Attorney, Indian Resources Section
Land and Natural Resources Division
(202) 272-5749

Enclosures
cc: w/o enc.

Lynn Collins, Esquire
Barbara Scott-Brier, Esquire
John Hill, Esquire
Warren Derbidge, Esquire
Stan Ponce

Jeff Hughes
Alice Johns
Owen Williams
Stanley L. Pomeroy

January 20, 1989

LS4(479)
PNWR/NEPE/Water Rights

Memorandum

To: Regional Director, Pacific Northwest Region
Attention: Richard L. Winters

From: Chief, Water Resources Division

Subject: General Adjudication of Rights to the Use of Water From the Snake River Basin Water System (5th Jud. Dist., Twin Falls, ID) on Appeal, No's. 17267 and 17265 (Id. S. Ct.)

NOTICES OF CLAIM TO A WATER RIGHT for Nez Perce National Historical Park and a draft letter from the Regional Director, Pacific Northwest Region, to the Solicitor, Pacific Northwest Region are attached. To meet Court-imposed deadlines, these claims must be received in the Solicitor's Office by January 25, 1989.

If you have any questions, please contact Owen Williams at (303) 221-8301.

Stanley L. Pomeroy

Attachments

cc: NEPE - Superintendent
WASO, WRD - Williams

bcc: PNW - Ron Hyra
Barbara Scott Brier

FNP:JHUGHES:jr:221-8329:01/19/89:WANG #227

January 20, 1989

L54(479)
PNWR/NEPE/Water Rights

Memorandum

To: Solicitor, Pacific Northwest Region
Attention: Barbara Scott-Brier

From: Regional Director, Pacific Northwest Region

Subject: General Adjudication of Rights to the use of water
from the Snake River Basin Water System (5th Jud.
Dist., Twin Falls, ID) on Appeal, Nos. 17267 and
17265 (Id. S. Ct.).

NOTICES OF CLAIM TO A WATER RIGHT for Nez Perce National
Historical Park (NEPE) are enclosed. The Notices are for
appropriative water rights; no Federal reserved water right
claims were prepared since none of the park land was reserved
from public domain.

By memorandum of January 12, 1989 from the Chief, Water Rights
Branch, Water Resources Division (WRD), you were informed of two
new park units in Idaho -- City of Rocks National Reserve and
Hagerman Fossil Beds National Monument -- which were recently
established by Congressional Act. It is my understanding that
water right claims for these units are not needed by January 25,
1989, as are the NEPE claims, and that when the NEPE claims are
submitted, the State of Idaho will be informed that the United
States is developing claims to be submitted at a later date for
the two new units.

If you have any questions regarding the attached, please contact
Owen Williams of the WRD at (303) 221-8301.

Attachments

cc: NEPE - Superintendent
PNWR - Hyra
WASO,WRD - Williams

Docket Information

Number of Documents in Docket 14

Documents Dated from 1/20/1989 to 5/11/1989

Docket Compiled: 6/2/2011