

RECEIVED

MAY 21 2003

2003 MAY 20 PM 2:42

Department of Water Resources

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

Case No. 39576

)
)
)
)
)
)

SPECIAL MASTER'S REPORT

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

FOR WATER RIGHTS 02-10051, 02-10199
& 02-10200

I. FINDINGS OF FACT

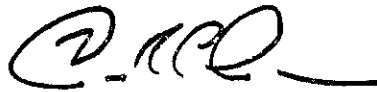
A notice of claim was filed for water right 02-10051 pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

On May 17, 1999, an objection was filed by the United States of America, Bureau of Land Management. On September 31, 2001, the parties filed a *Standard Form 5* splitting water right 02-10051 into water rights 02-10199 and 02-10200. All parties and IDWR are signatures to the *Standard Form 5*.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 02-10051 be decreed **disallowed** and water rights 02-10199 and 02-10200 be **decreed** with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED May 20, 2003.



THOMAS R. CUSHMAN
Special Master
Snake River Basin Adjudication

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 02-10199

2003 MAY 20 PM 2:42
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: ACE BLACK RANCH
C/O ACE BLACK
HC 85 BOX 101
BRUNEAU, ID 83604

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 04/01/1975

POINT OF DIVERSION: T05S R04E S13 LOT 2 (NENE) Within Owyhee County
LOT 3 (SENE)
LOT 4 (NESE)
SESE
S14 LOT 4 (NENE)
LOT 5 (SWNE)
S15 LOT 5 (SESE)
S22 LOT 6 (SWNE)
S24 NENE
S27 LOT 5 (NWNE)
S35 NENW
NESE
NWSE
SESE
S36 SWSW
R05E S16 LOT 3 (SESW)
S19 LOT 3 (NWNE)
SWNE
LOT 8 (SWNW)
LOT 9 (SENW)
LOT 7 ()
S36 LOT 1 (NENE)
LOT 2 (SENE)
R06E S19 LOT 5 ()
S30 LOT 5 (NENW)
LOT 7 (SENW)
LOT 8 (NWSW)
LOT 9 (SWSW)
S33 LOT 5 (SESE)
S34 LOT 5 (SWSW)
T06S R05E S08 NENE
NWNE
S09 SWNE
SENE
S10 NWSW
R06E S03 LOT 1 (NENE)
LOT 2 (SWNE)
S04 LOT 1 (NENE)
LOT 2 (NWNE)
LOT 3 (NENW)
LOT 4 (NWNW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	10-01 TO 05-01	0.02 CFS

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PURPOSE AND PERIOD OF USE (continued)

PLACE OF USE:	Stockwater		Within Owyhee County
	T05S R04E S13 LOT 2 (NENE)		LOT 3 (SENE)
	LOT 4 (NESE)		SESE
	S14 LOT 4 (NENE)		LOT 5 (SWNE)
	S15 LOT 5 (SESE)		
	S22 LOT 6 (SWNE)		
	S24 NENE		
	S27 LOT 5 (NENE)		
	S35 NENW		NESE
	NWSE		SESE
	S36 SWSW		
	R05E S16 LOT 3 (SESW)		
	S19 LOT 3 (NWNE)		SWNE
	LOT 8 (SNNW)		LOT 9 (SENN)
	LOT 7 ()		
	S36 LOT 1 (NENE)		LOT 2 (SENE)
	R06E S19 LOT 5 ()		
	S30 LOT 5 (NENW)		LOT 7 (SENN)
	LOT 8 (NWSW)		LOT 9 (SWSW)
	S33 LOT 5 (SESE)		
	S34 LOT 5 (SWSW)		
	T06S R05E S08 NENE		NWNE
	S09 SWNE		SENE
	S10 NWSW		
	R06E S03 LOT 1 (NENE)		LOT 2 (SWNE)
	S04 LOT 1 (NENE)		LOT 2 (NWNE)
	LOT 3 (NENW)		LOT 4 (NWNW)

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

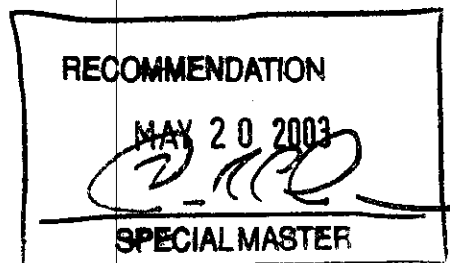
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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
Presiding Judge of the
Snake River Basin Adjudication



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

2003 MAY 20 PM 2:43

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 02-10200

DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED

NAME AND ADDRESS: ACE BLACK RANCH
C/O ACE BLACK
HC 85 BOX 101
BRUNEAU, ID 83604

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 01/01/1936

POINT OF DIVERSION: T05S R05E S17 LOT 6 (SESE) Within Owyhee County
T05S R04E S14 SENE

LOT 6 ()
LOT 7 (NWSW)
SWSW
S22 NENE
LOT 7 (NWSE)
S26 SWNW
NWSW
SWSW
S35 NWNE
R05E S17 LOT 4 (SESW)
LOT 5 ()
S19 LOT 2 (NENE)
S20 LOT 2 (NWNW)
S21 LOT 4 (NENW)
LOT 5 (SENW)
LOT 7 (NESW)
S23 LOT 5 (SWSW)
LOT 6 (SESW)
LOT 7 (SWSE)
LOT 8 (SESE)
S24 LOT 5 (NESW)
LOT 4 ()
LOT 7 (NESE)
LOT 6 (NWSE)
S28 NWNE
R06E S30 LOT 6 (SWNW)
T06S R04E S01 LOT 2 (NWNE)
SENE
LOT 3 (NENW)
R05E S05 SWSW
SESW
SWSE
S06 LOT 5 (SWNW)
NESW
LOT 6 (NWSW)
SESW
SWSE
SESE
S09 LOT 2 (NWNE)
LOT 3 (NENW)
LOT 4 (NWNW)
S10 SWNW

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	10-01 TO 05-01	0.02 CFS
PLACE OF USE:	Stockwater		Within Owyhee County
	T05S R04E S14	SENE	LOT 7 (NWSW)
		SWSW	
	S22	NENE	LOT 7 (NWSE)
	S26	SWNW	NWSW
		SWSW	
	S35	NWNE	
	R05E S17 LOT 4	(SESW)	LOT 6 (SESE)
	LOT 5	()	
	S19 LOT 2	(NENE)	SENW
	S20 LOT 2	(NWNW)	
	S21 LOT 4	(NENW)	LOT 5 (SENW)
	LOT 7	(NESW)	
	S23 LOT 5	(SWSW)	LOT 6 (SESW)
	LOT 7	(SWSE)	LOT 8 (SESE)
	S24 LOT 5	(NESW)	LOT 7 (NESE)
	LOT 6	(NWSE)	LOT 4 ()
	S28	NWNE	
	R06E S30 LOT 6	(SWNW)	
	T06S R04E S01 LOT 2	(NWNE)	SENE
	LOT 3	(NENW)	
	S05	SWSW	
	R05E S05	SESW	SWSE
	S06 LOT 5	(SWNW)	NESW
	LOT 6	(NWSW)	SESW
		SWSE	SESE
	S09 LOT 2	(NWNE)	LOT 3 (NENW)
	LOT 4	(NWNW)	
	S10	SWNW	

THE USE OF WATER WITHIN NWNE, S28, T05S, R05E IS LIMITED TO THE WEST HALF OF THAT PLACE OF USE.

THE USE OF WATER WITHIN LOT 2, LOT 3, AND SENE, S01, T06S, R04E; AND LOT 6 AND SESW, S06, T06S, R05E IS LIMITED TO THE NORTHERN BANK.

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

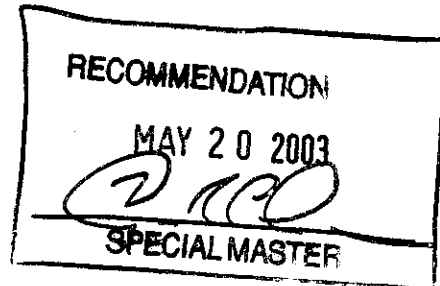
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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
Presiding Judge of the
Snake River Basin Adjudication



2003 MAY 20 PM 2:43

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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 02-10051
02-10199 02-10200

CERTIFICATE OF MAILING

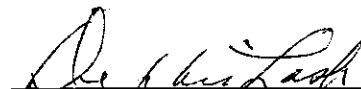
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on May 20, 2003, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ACE BLACK RANCH
Represented by:
GARY D. BABBITT
PO BOX 1617
BOISE, ID 83701
Phone: 208-344-6000

USDI BLM
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING


DEBBIE LASH
Deputy Clerk

PAGE 1
05/20/03

2003 MAY 20 PM 2:43

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)

Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 02-10051
02-10199 02-10200

On May 20, 2003, Special Master THOMAS R CUSHMAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (A01), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED May 20, 2003.



DEBBIE LASH
Deputy Clerk

Sept 31
2001 OCT 2 PM 12:32 LM

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

) Subcase No. 02-10051

)

) **Standard Form 5**

Case No. 39576

)

) **STIPULATED ELEMENTS**

) **OF A WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine the facts, date, expert opinions and law supporting the issuance of a partial decree for the water right.

The parties agree that the Snake River Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

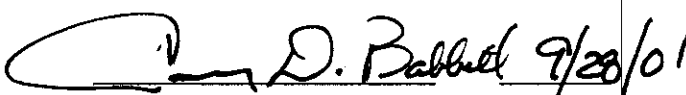
The parties and IDWR agree and stipulate that the original claim shall be "split" into two new claims. The claimant shall hold title to the non-federal land POU's under 02-10199 and certain federal land POU's shall be held by the claimant under 02-10200 pursuant to the stipulated agreement. The parties and IDWR agree and stipulate that the elements of the resulting water rights should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

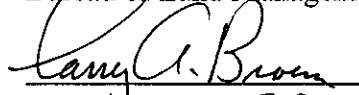
Ace Black Ranch

OBJECTOR:

United States on behalf of the
Bureau of Land Management


Gary D. Babbitt
Of Attorneys for Claimant

Date


Larry A. Brown *Fwp*
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

Date

IDWR CONCURRENCE:


Roxanne Brown
Senior Water Resource Agent

Date

IDWR CONCURRENCE:

Date

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHTS FROM: SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

RIGHT NUMBER: ~~02-10051~~ 02-10199

NAME & ADDRESS: ACE BLACK RANCH
C/O ACE BLACK
HC 85 BOX 101
BRUNEAU, ID 83604

SOURCE: SNAKE RIVER

Tributary: COLUMBIA RIVER

QUANTITY: 0.02 CFS

for # 906 RB

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

PRIORITY DATE: 04-01-1875

POINT OF
DIVERSION:

Within Owyhee County

<u>T05S</u>	<u>R04E</u>	<u>S13</u>	<u>Lot 2 (NENE)</u>
			<u>Lot 3 (SENE)</u>
			<u>Lot 4 (NESE)</u>
			<u>SESE</u>
		<u>S14</u>	<u>Lot 4 (NENE)</u>
			<u>Lot 5 (SWNE)</u>
		<u>S15</u>	<u>Lot 5 (SESE)</u>
		<u>S22</u>	<u>Lot 6 (SWNE)</u>
		<u>S24</u>	<u>NENE</u>
		<u>S27</u>	<u>Lot 5 (NWNE)</u>
		<u>S35</u>	<u>NENW</u>
			<u>NESE</u>
			<u>NWSE</u>
			<u>SESE</u>
		<u>S36</u>	<u>SWSW</u>
	<u>R05E</u>	<u>S16</u>	<u>Lot 3 (SESW)</u>
		<u>S19</u>	<u>Lot 3 (NWNE)</u>
			<u>SWNE</u>

Lot 7 ()
Lot 8 (SWNW)
Lot 9 (SENW)

S36 Lot 1 (NENE)
Lot 2 (SENE)

R06E S19 Lot 5 ()

S30 Lot 5 (NENW)
Lot 7 (SENW)
Lot 8 (NWSW)
Lot 9 (SWSW)

S33 Lot 5 (SESE)

S34 Lot 5 (SWSW)

T06S R05E S08 NENE
NWNE

S09 SWNE
SENE

S10 NWSW (Instream Ending Point)

R06E S03 Lot 1 (NENE) (Instream Beginning Point)
Lot 2 (SWNE)

S04 Lot 1 (NENE)
Lot 2 (NWNE)
Lot 3 (NENW)
Lot 4 (NWNW)

PURPOSE AND
PERIOD OF USE:

Purpose of Use
Stockwater

Period of Use
10-01 TO 05-01 Quantity
0.02 CFS

PLACE OF USE:

Stockwater
T05S R04E S12

SWSW
SWSE

Within Owyhee County
SESW

S13 Lot 2 (NENE)
Lot 3 (SENE)
SESE

NWNE
Lot 4 (NESE)

S14 Lot 4 (NENE)
SENE
SENW
SWSW

Lot 5 (SWNE)
SWNW
NWSW

Handwritten notes:
T1
806
R18
S13

S15	<u>Lot 5 (SESE)</u>	
S22	NENE NWSE	<u>Lot 6 (SWNE)</u> SWSE
S24	NENE	
S26	NWNW NWSW SESW	<i>3</i> SWNW SWSW
S27	NENE SENE	<u>Lot 5 (NWNE)</u>
S35	NWNE NENW NWSE	SWNE NESE SESE
S36	SWSW	
R05E S16	NESW <u>Lot 3 (SESW)</u>	NWSW
S17	SESW SWSE	NWSE SESE
S19	NENE SWNE <u>Lot 8 (SWNW)</u>	<u>Lot 3 (NWNE)</u> <u>Lot 7 ()</u> <u>Lot 9 (SENW)</u>
S20	NWNW	
S21	NENW NESW NWSE SESE	SENW NESE SWSE
S22	SWSW	SESW
S23	SWSW SWSE	SESW SESE
S24	NESW SWSW NWSE	NWSW NESE
S28	NENE	NWNE
S36	<u>Lot 1 (NENE)</u>	<u>Lot 2 (SENE)</u>

RB
QAB
LA

R06E	S19	<u>Lot 5 ()</u> SWSW	NWSW SESW
	S30	<u>Lot 5 (NENW)</u> <u>Lot 7 (SENW)</u> <u>Lot 9 (SWSW)</u>	SWNW <u>Lot 8 (NWSW)</u>
	S31	NESW SESW SESE	NWSW SWSE
	S33	<u>Lot 5 (SESE)</u>	
	S34	<u>Lot 5 (SWSW)</u>	
T06S	R04E	S01	NWNE SENE
			SWNE NENW
	R05E	S05	SWSW SWSE
			SESW
		S06	SWNW NWSW SWSE
			NESW SESW SESE
		S08	NENE
			NWNE
		S09	NWNE SENE NWNW
			SWNE NENW SENW
		S10	SWNW
			NWSW
R06E	S03	<u>Lot 1 (NENE)</u> NENW SENW	<u>Lot 2 (SWNE)</u> NWNW
	S04	<u>Lot 1 (NENE)</u> <u>Lot 3 (NENW)</u>	<u>Lot 2 (NWNE)</u> <u>Lot 4 (NWNW)</u>
	S05	NENE SWNE SWNW	NWNE NWNW SENW
	S06	NENE	

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

~~PLACE OF USE ALSO KNOWN AS ALLOTMENT NO. 1052, BRUNEAU~~
~~ARMS.~~
~~STOCKWATER, 1000 RANGE CATTLE.~~

RG

TH
SAB
SDB
SAB

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHTS FROM: SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

RIGHT NUMBER: ~~02-10051~~ 02-10200

NAME & ADDRESS: ACE BLACK RANCH
C/O ACE BLACK
HC 85 BOX 201
BRUNEAU, ID 83604

QOB *RB*
fab

SOURCE: SNAKE RIVER Tributary: COLUMBIA RIVER

QUANTITY: 0.02 CFS

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

PRIORITY DATE: ~~04-01-1875~~ 01-01-1936

POINT OF DIVERSION: Within Owyhee County

T05S R04E S14

SENE

Lot 6 ()

Lot 7 (NWSW)

SWSW

TH
E

S22

NENE

Lot 7 (NWSE)

S26

SWNW

NWSW

SWSW

S35

NWNE

R05E S17

Lot 4 (SESW)

Lot 5 ()

Lot 6 (SESE)

S19

Lot 2 (NENE)

S20

Lot 2 (NWNW)

S21

Lot 4 (NENW)

Lot 5 (SENW)

Lot 7 (NESW)

	<u>S23</u>	<u>Lot 5 (SWSW)</u> <u>Lot 6 (SESW)</u> <u>Lot 7 (SWSE)</u> <u>Lot 8 (SESE)</u>	
	<u>S24</u>	<u>Lot 5 (NESW)</u> <u>Lot 4 ()</u> <u>Lot 7 (NESE)</u> <u>Lot 6 (NWSE)</u>	
	<u>S28</u>	<u>NWNE</u>	
<u>R06E</u>	<u>S30</u>	<u>Lot 6 (SWNW)</u>	
<u>T06S</u>	<u>R04E</u>	<u>S01</u>	<u>Lot 2 (NWNE)</u> <u>SENE</u> <u>Lot 3 (NENW)</u>
	<u>R05E</u>	<u>S05</u>	<u>SWSW</u> <u>SESW</u> <u>SWSE</u>
	<u>S06</u>	<u>Lot 5 (SWNW)</u> <u>NESW</u> <u>Lot 6 (NWSW)</u> <u>SESW</u> <u>SWSE</u> <u>SESE</u>	
	<u>S09</u>	<u>Lot 2 (NWNE)</u> <u>Lot 3 (NENW)</u> <u>Lot 4 (NWNW)</u>	
	<u>S10</u>	<u>SWNW</u> <u>NWSW</u>	~~{Instream Ending Point}~~
	<u>R06E</u>	<u>S03</u>	<u>NENE</u> ~~{Instream Beginning Point}~~

PURPOSE AND
PERIOD OF USE: Purpose of Use Period of Use Quantity
Stockwater 10-01 TO 05-01 0.02 CFS

PLACE OF USE: Stockwater Within Owyhee County

<u>T05S</u>	<u>R04E</u>	<u>S12</u>	<u>SWSW</u> <u>SWSE</u>	<u>SESW</u>
		<u>S13</u>	<u>NENE</u> <u>SENE</u> <u>SESE</u>	<u>NWNE</u> <u>NESE</u>

RB

JAB H
JAB

S14	NENE SENE SWNW <u>Lot 7 (NWSW)</u> SWSW	SWNE <u>Lot 6 ()</u> SENE	
S15	SESE		RA
S22	NENE <u>Lot 7 (NWSE)</u>	SWNE SWSE	sub
S24	NENE		
S26	NWNW NWSW SESW	SWNW SWSW	739 gab
S27	NENE SENE	NWNE	
S35	NWNE NENW NWSE	SWNE NESE SESE	
S36	SWSW		
R05E S16	NESW SESW	NWSW	
S17	<u>Lot 4 (SESW)</u> NWSE <u>Lot 6 (SESE)</u>	<u>Lot 5 ()</u> SWSE	
S19	<u>Lot 2 (NENE)</u> SWNE ~~Lot 7~~	NWNE SWNW SENE	
S20	<u>Lot 2 (NWNW)</u>		
S21	<u>Lot 4 (NENW)</u> <u>Lot 7 (NESW)</u> NWSE SESE	<u>Lot 5 (SENE)</u> NESE SWSE	
S22	SWSW	SESW	
S23	<u>Lot 5 (SWSW)</u> <u>Lot 7 (SWSE)</u>	<u>Lot 6 (SESW)</u> <u>Lot 8 (SESE)</u>	

	S24	<u>Lot 5 (NESW)</u> NWSW <u>Lot 7 (NESE)</u>	<u>Lot 4 ()</u> SWSW <u>Lot 6 (NWSE)</u>
	S28	NENE	NWNE
	S36	NENE	SENE
R06E	S19	NWSW SESW	SWSW
	S30	NENW SENW SWSW	<u>Lot 6 (SWNW)</u> NWSW
	S31	NESW SESW SESE	NWSW SWSE
	S33	SESE	
	S34	SWSW	
T06S R04E	S01	<u>Lot 2 (NWNE)</u> SENE	SWNE <u>Lot 3 (NENW)</u>
R05E	S05	SWSW SWSE	SESW
	S06	<u>Lot 5 (SWNW)</u> <u>Lot 6 (NWSW)</u> SWSE	NESW SESW SESE
	S08	NENE	NWNE
	S09	<u>Lot 2 (NWNE)</u> SENE <u>Lot 4 (NWNW)</u>	SWNE <u>Lot 3 (NENW)</u> SENW
	S10	SWNW	NWSW
R06E	S03	NENE NENW SENW	SWNE NWNW
	S04	NENE NENW	NWNE NWNW
	S05	NENE SWNE SWNW	NWNE NWNW SENW
	S06	NENE	

R18

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3
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JL/KS

THE USE OF WATER WITHIN NWNE, S28, T05S, R05E IS LIMITED TO THE WEST HALF OF THAT PLACE OF USE.

THE USE OF WATER WITHIN LOT 2, LOT 3, AND SENE, S01, T06S, R04E; AND LOT 6 AND SESW, S06, T06S, R05E IS LIMITED TO THE NORTHERN BANK.

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
~~PLACE OF USE ALSO KNOWN AS ALLOTMENT NO. 1052, BRUNEAU~~
~~ARMS.~~
~~STOCKWATER, 1000 RANGE CATTLE.~~

JE

PR

gab

July

CERTIFICATE OF MAILING

I certify that on 10/1/01, ~~2001~~, I mailed the original and copies of this form, including all attachments, 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. Copy to:

Idaho Department of Water Resources
Adjudication Bureau
1301 North Orchard Street
Boise, Idaho 83706

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

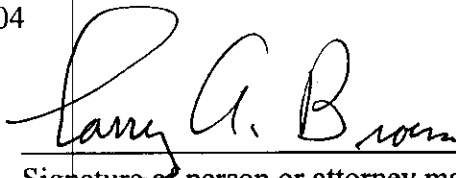
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3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

Ace Black Ranch
C/O Mr. Asa Black
HC 85 Box 101
Bruneau, Idaho 83604

Mr. Gary D. Babbitt
877 Main St.
Boise, Idaho 83704



Signature of person or attorney mailing the form