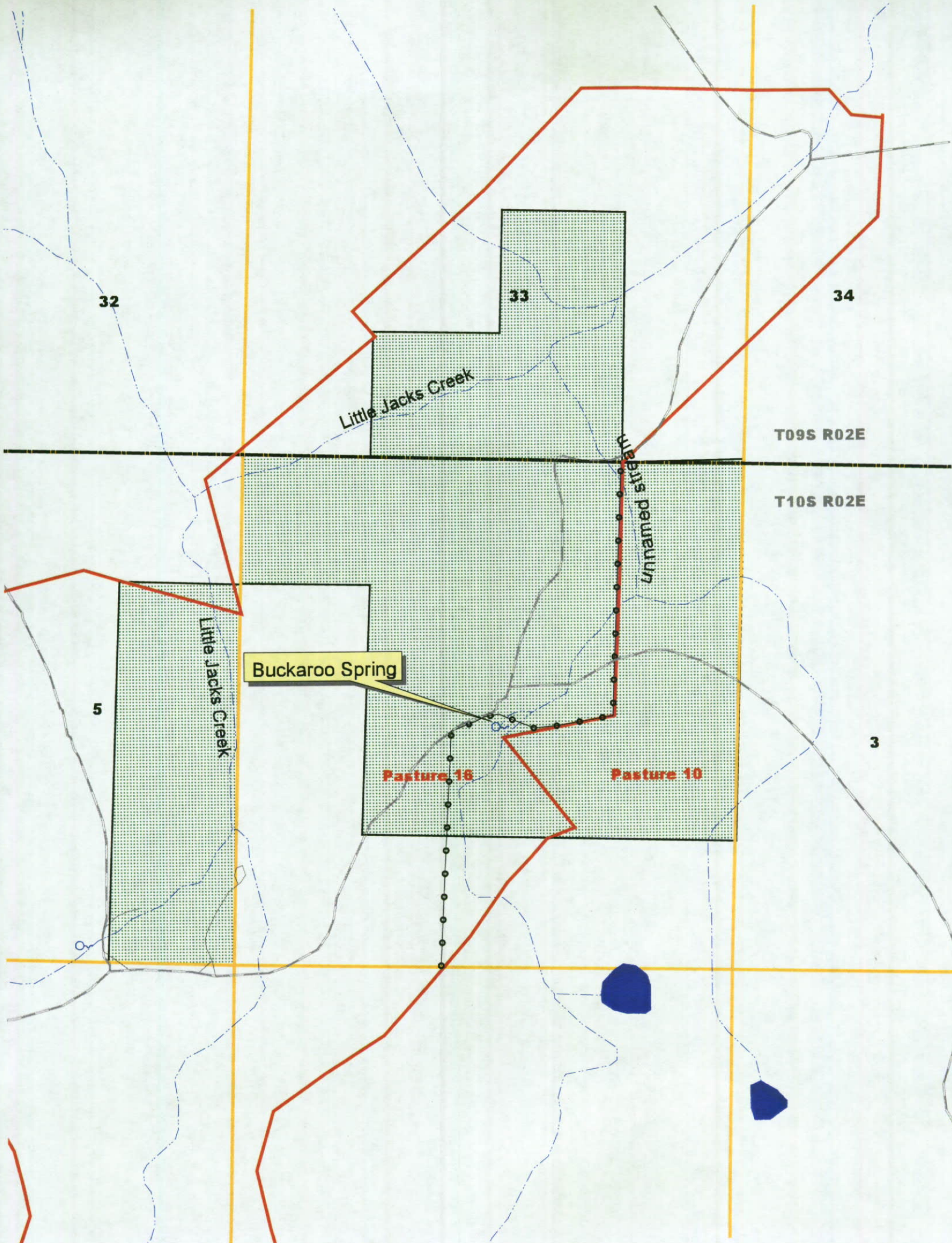




32

33

34

Little Jacks Creek

T09S R02E

T10S R02E

unnamed stream

Little Jacks Creek

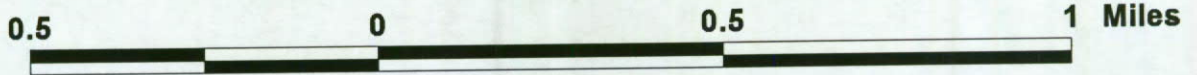
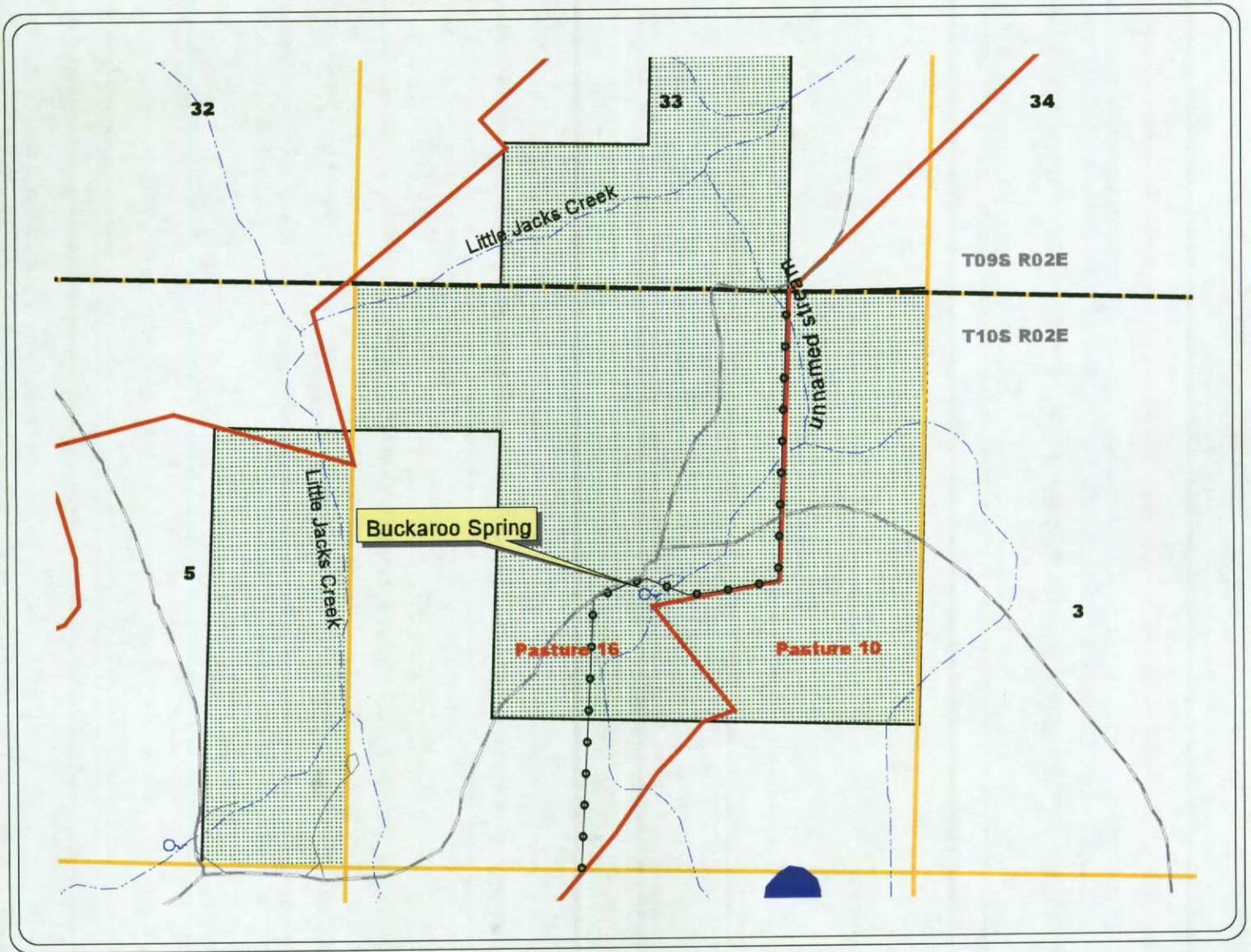
Buckaroo Spring

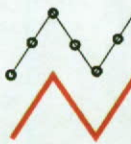
5

3

Pasture 16

Pasture 10

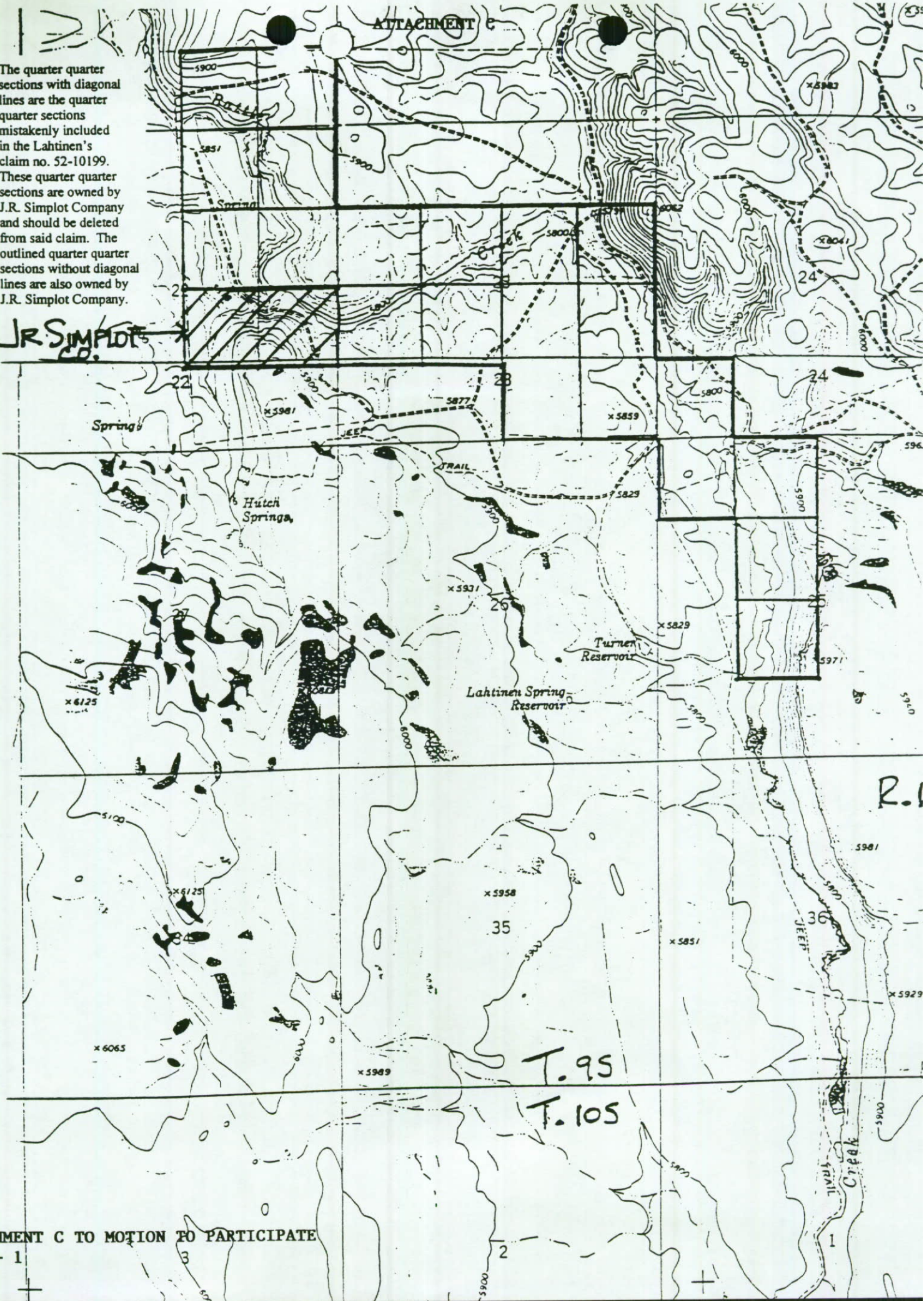


 **fenceline**
pasture boundary



The quarter quarter sections with diagonal lines are the quarter quarter sections mistakenly included in the Lahtinen's claim no. 52-10199. These quarter quarter sections are owned by J.R. Simplot Company and should be deleted from said claim. The outlined quarter quarter sections without diagonal lines are also owned by J.R. Simplot Company.

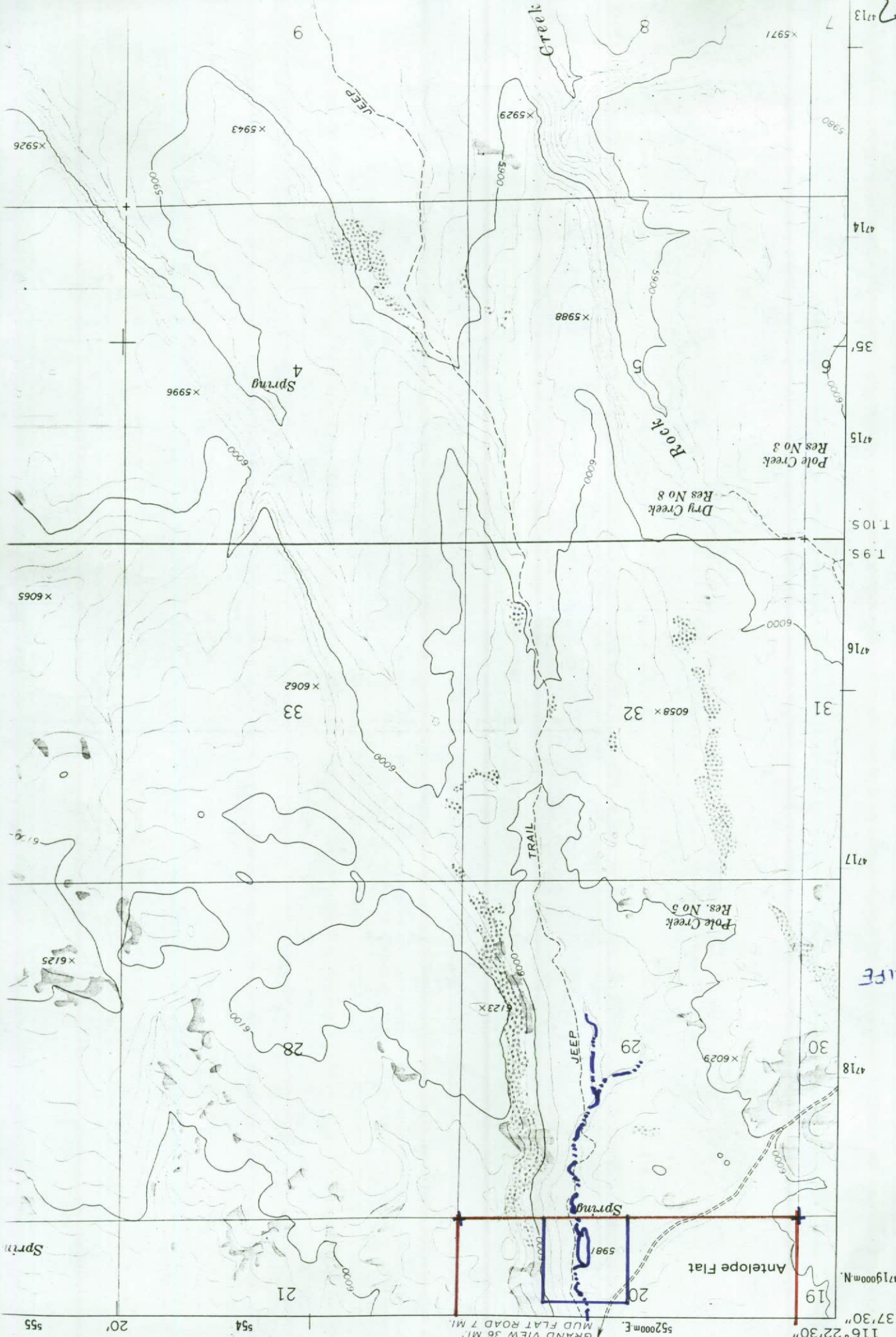
JR SIMPLOT
CO.



DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

116°22'30" 42°37'30" E 52000m

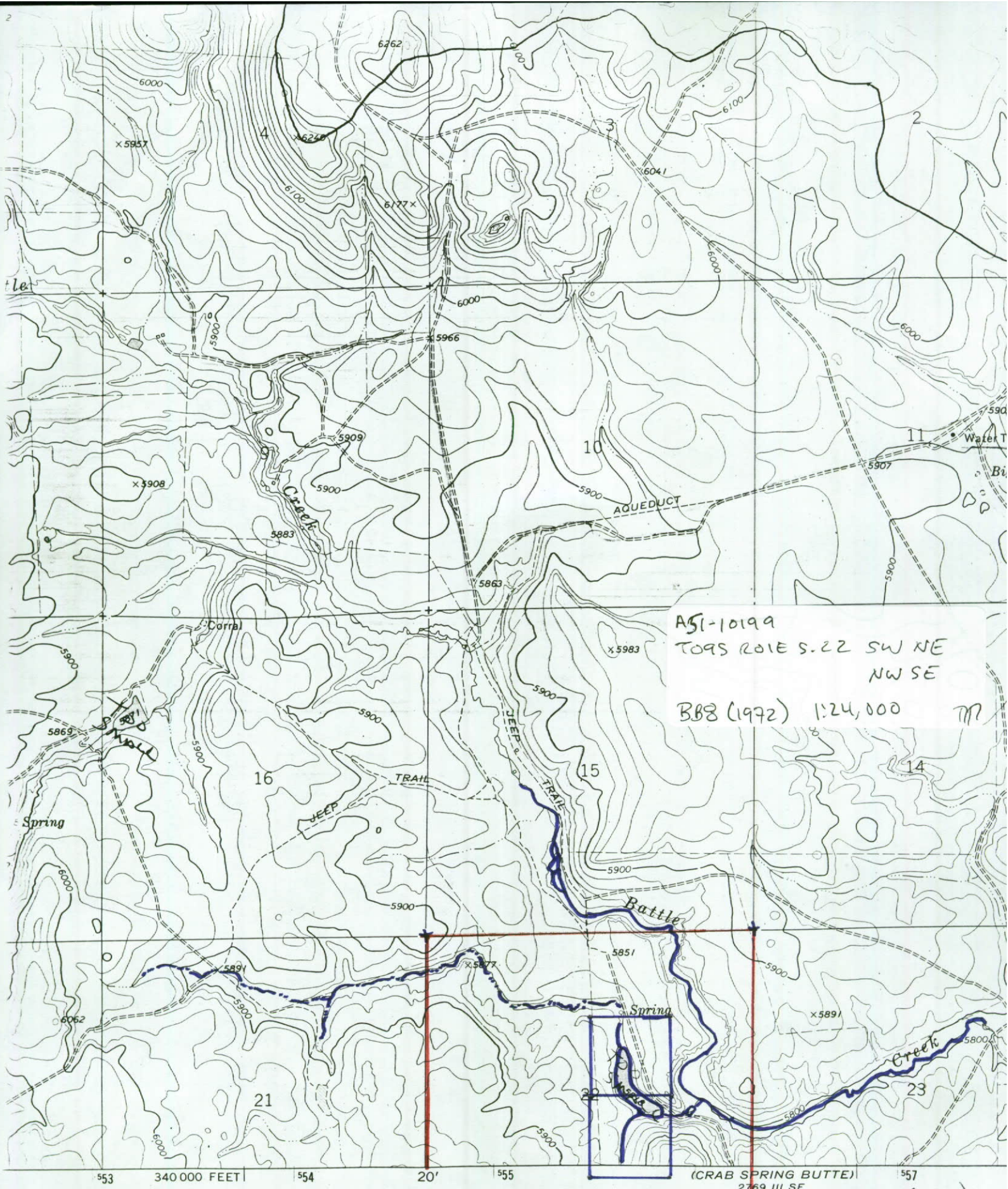
GRAND VIEW 36 MI.
MUD FLAT ROAD 7 MI.



①

A51-10199.
858 (1942)
T095 E01E
S-20
SWSE
BLN
A55-13370
STOCK/WILDLIFE
STORAGE

1:24,000
8858
(1942)



the Geological Survey

NO OVERLAPS

SCALE 1:24 000

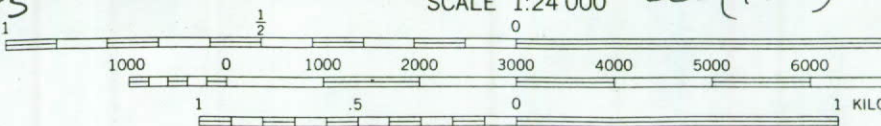
BB8 (1972)

s from aerial
1972

show coordinate

or grid ticks,

2



CONTOUR INTERVAL 20 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929

1-10199

995 02E

13, 14

20

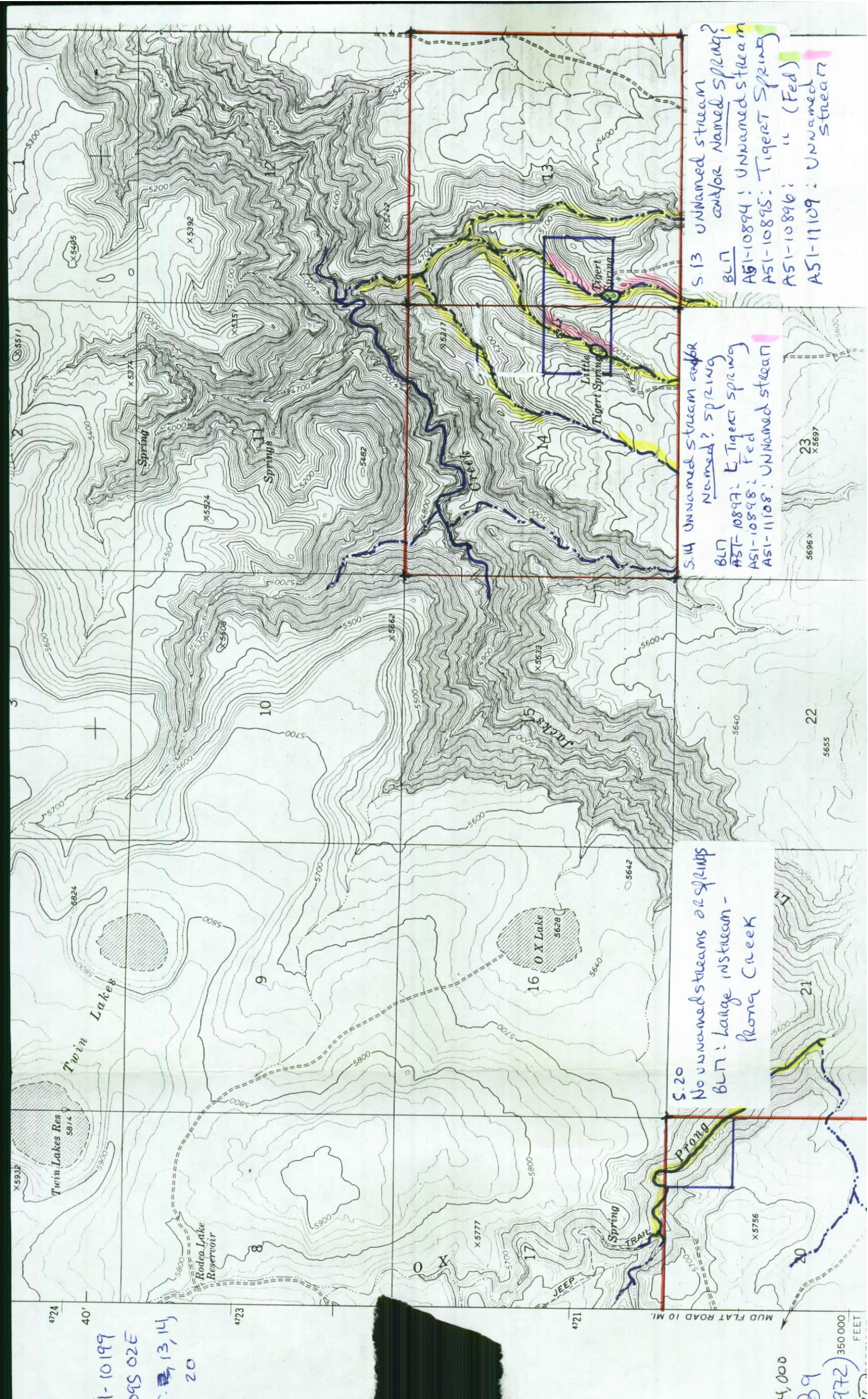
4,000

39

972

350 000

FEET



S.20

No unnamed streams or springs

BUT: Large stream -

Prona Creek

S.14 Unnamed stream and/or

Named? spring

BLN

A51-10897: T. Tiger spring

A51-10898: Fed

A51-11108: UNnamed stream

S.13 Unnamed stream and/or

Named spring?

BLN

A51-10894: UNnamed stream

A51-10895: Tiger spring

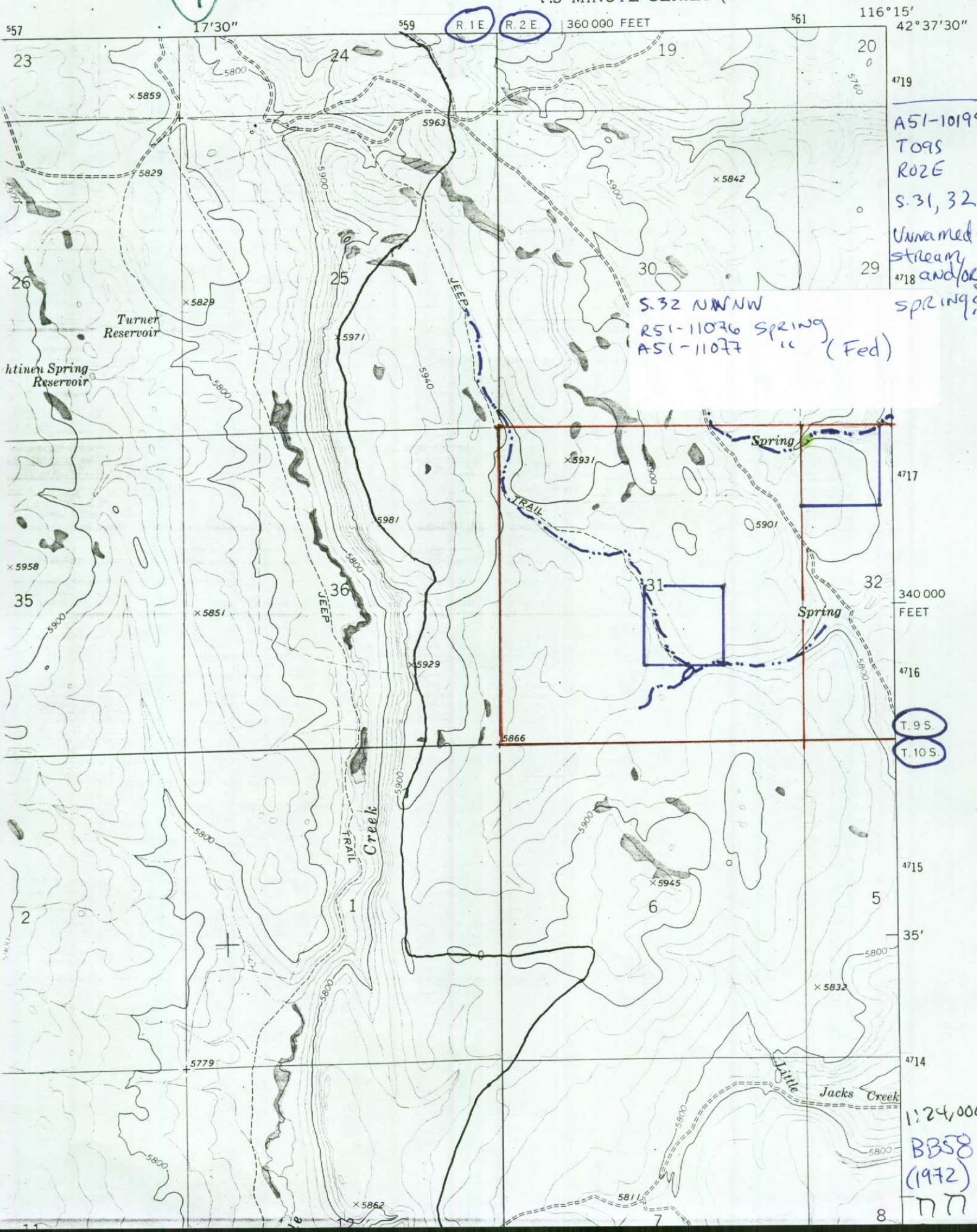
A51-10896: " (Fed)

A51-11109: UNnamed stream

CRAB SPRING BUTTE QUADRANGLE
IDAHO-OWYHEE CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

2769 11 M
10 X LAKE

4



A51-1019
T09S
R02E
S. 31, 32
Unnamed
stream
and/or
spring

S. 32 NWN
R51-11036 Spring
A51-11077 " (Fed)

T. 9 S
T. 10 S

1:24,000
BB58
(1972)
77

AS1-10199

TOSS ROWS 35 SWSE

unnamed stream and/or spring? Trib to sinks?

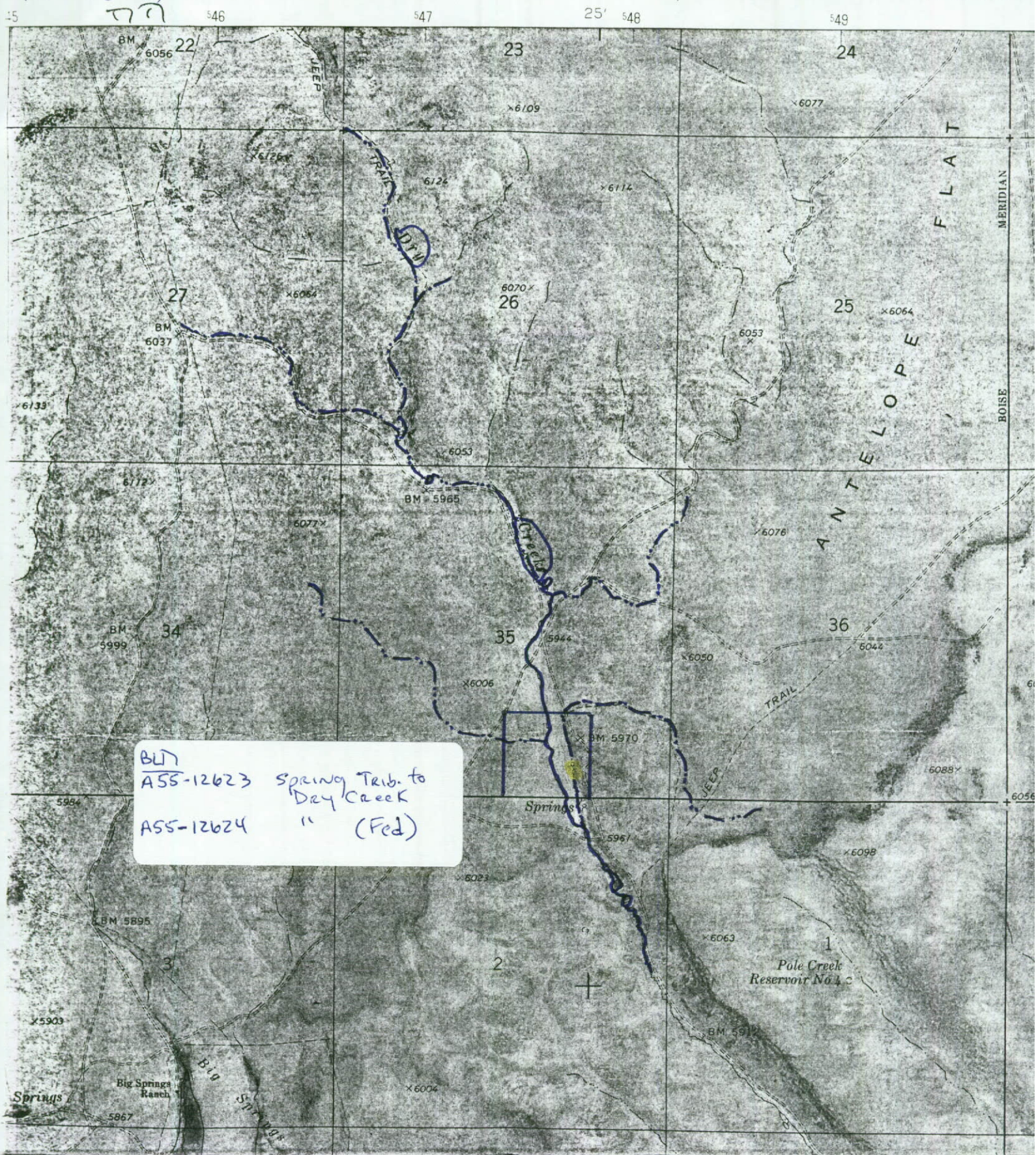
5

RIW

BIG SPRING

7.5 MINUTE

BB57 (1979) 1:24,000



PRIVATE

AS1-10199

T10S R02E

S. 4+5

S. 5 NENE

UNNamed
stream
trib to
swks?

AS1-10229

PRIVATE
CLAIMANT
UNNamed
str

L. JACKS CREEK

Overlaps w/
AS1-10229
NOT
investigated
At This time

S. 4 NESW

No overlaps

BL17

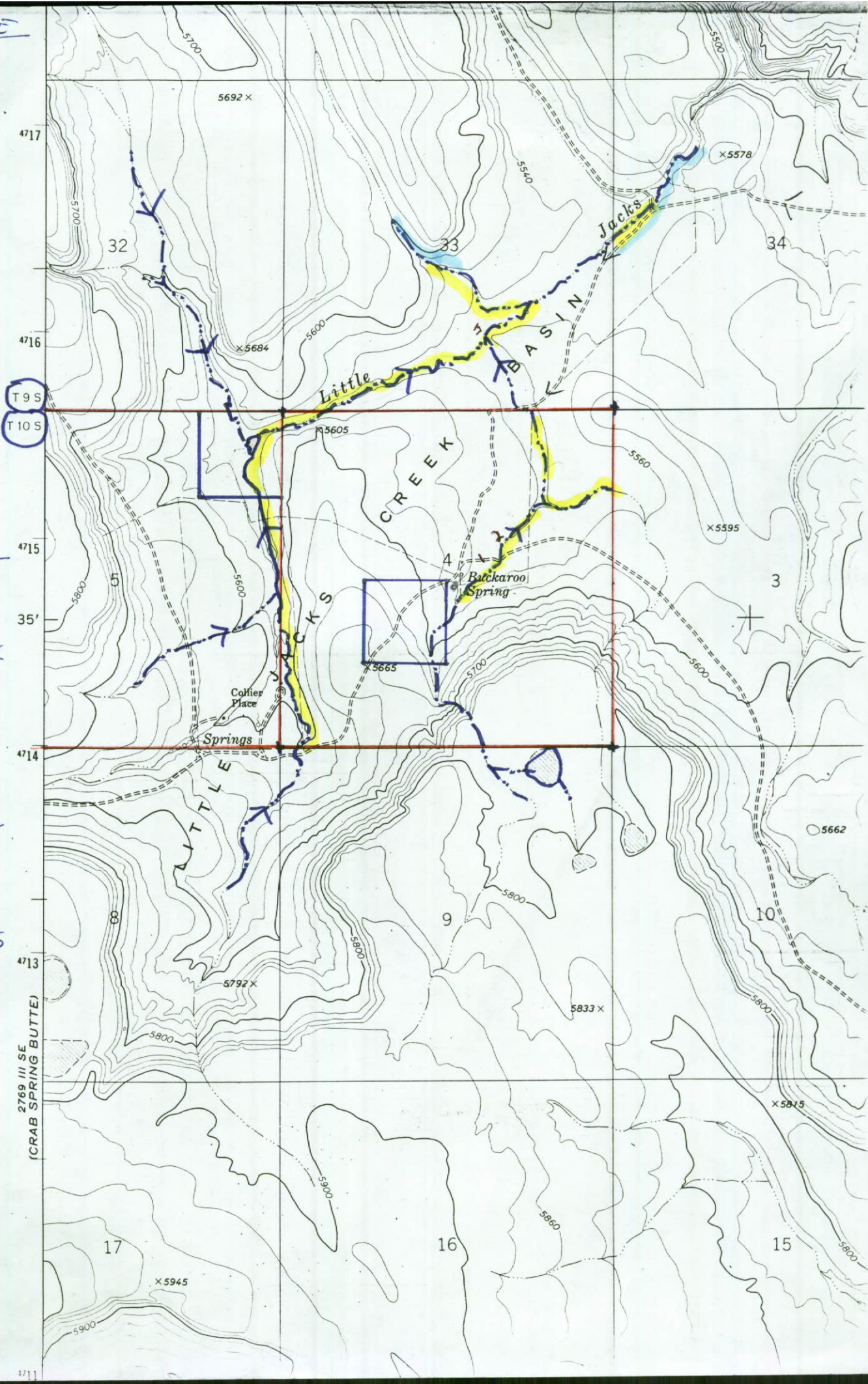
AS1-10714

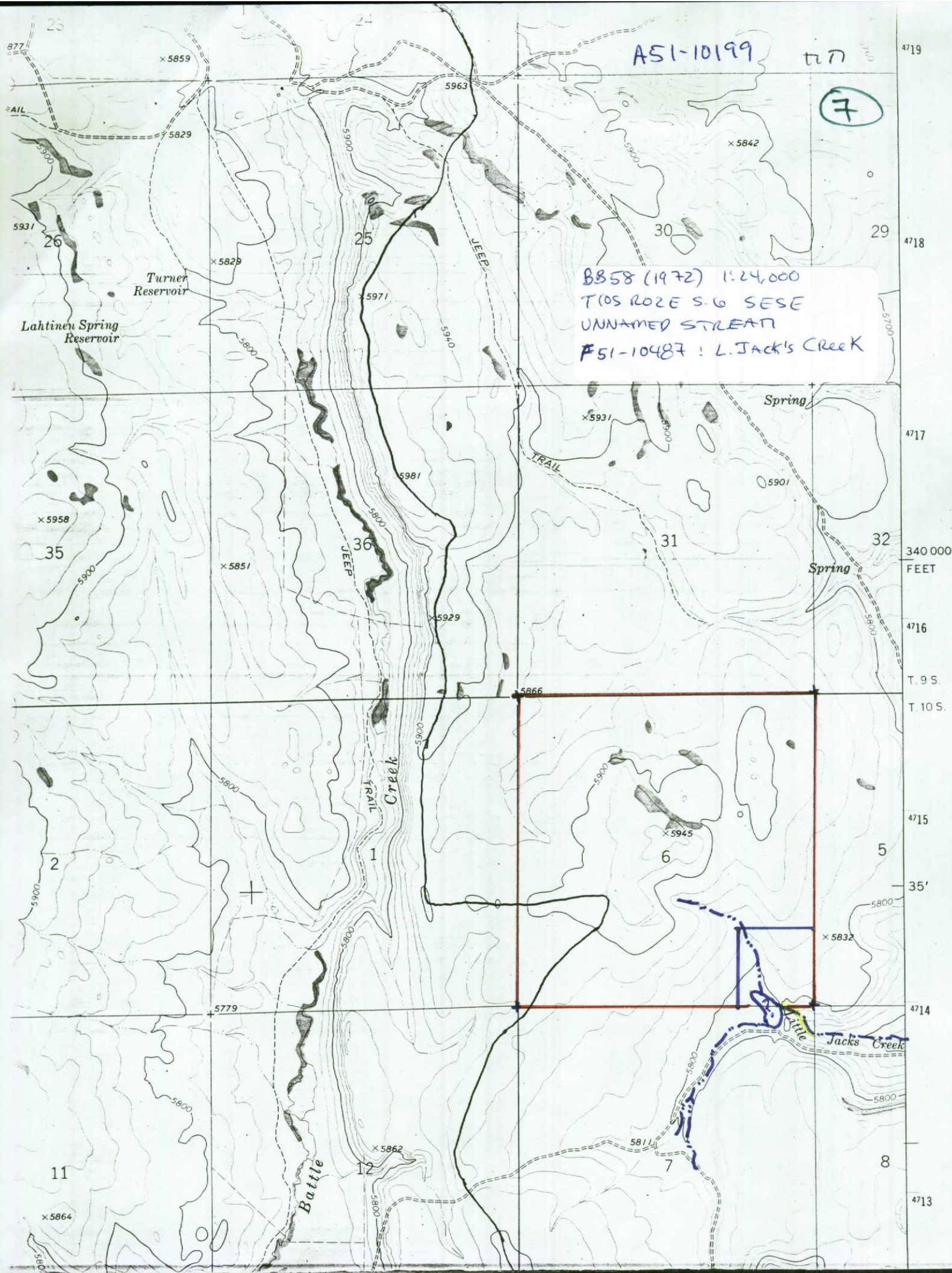
⑥

1:24,000

BBS9 (1972)

777





A51-10199

(7)

BB58 (1972) 1:24,000
T10S R02E S.6 SESE
UNNAMED STREAM
F51-10487: L. JACK'S CREEK

Turner Reservoir

Lahtinen Spring Reservoir

Battle Creek

Jacks Creek

Spring

Spring

TRAIL

JEOP

JEOP

877

x5859

5963

x5842

5931

x5829

x5971

26

25

30

29

35

x5851

5981

x5929

x5931

x5945

x5832

x5862

11

x5864

Battle

12

7

8

4719

4718

4717

4716

4715

4714

4713

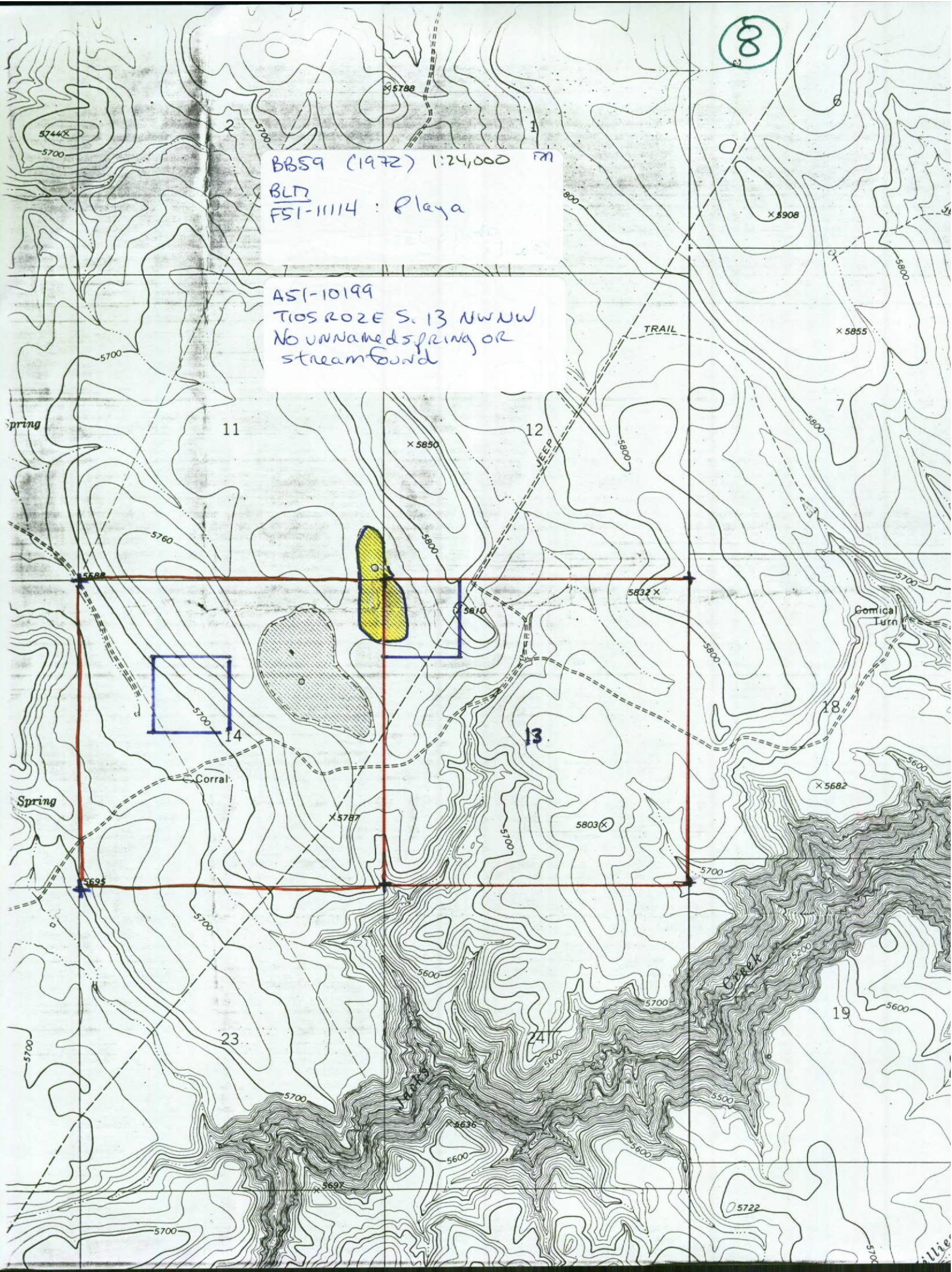
340 000
FEET

T. 9 S.
T. 10 S.

35'

BLT
F51-11114 : Playa

AS1-10199
TIO5 ROZE S. 13 NWNW
No unnamed spring or
stream found



9

BB60(1972) 1:24,000 FRR
BB59(1972) 1:24,000
T105 R03 E S. 8 NWSE
UNNAMED spring trail to
sink?

A51-12749 Private Claimant
Connors Spring trail
to unnamed spring

9

Connors Spring

Jacks

Whites Point

TRAIL

JEEP

Whites Canyon

5514

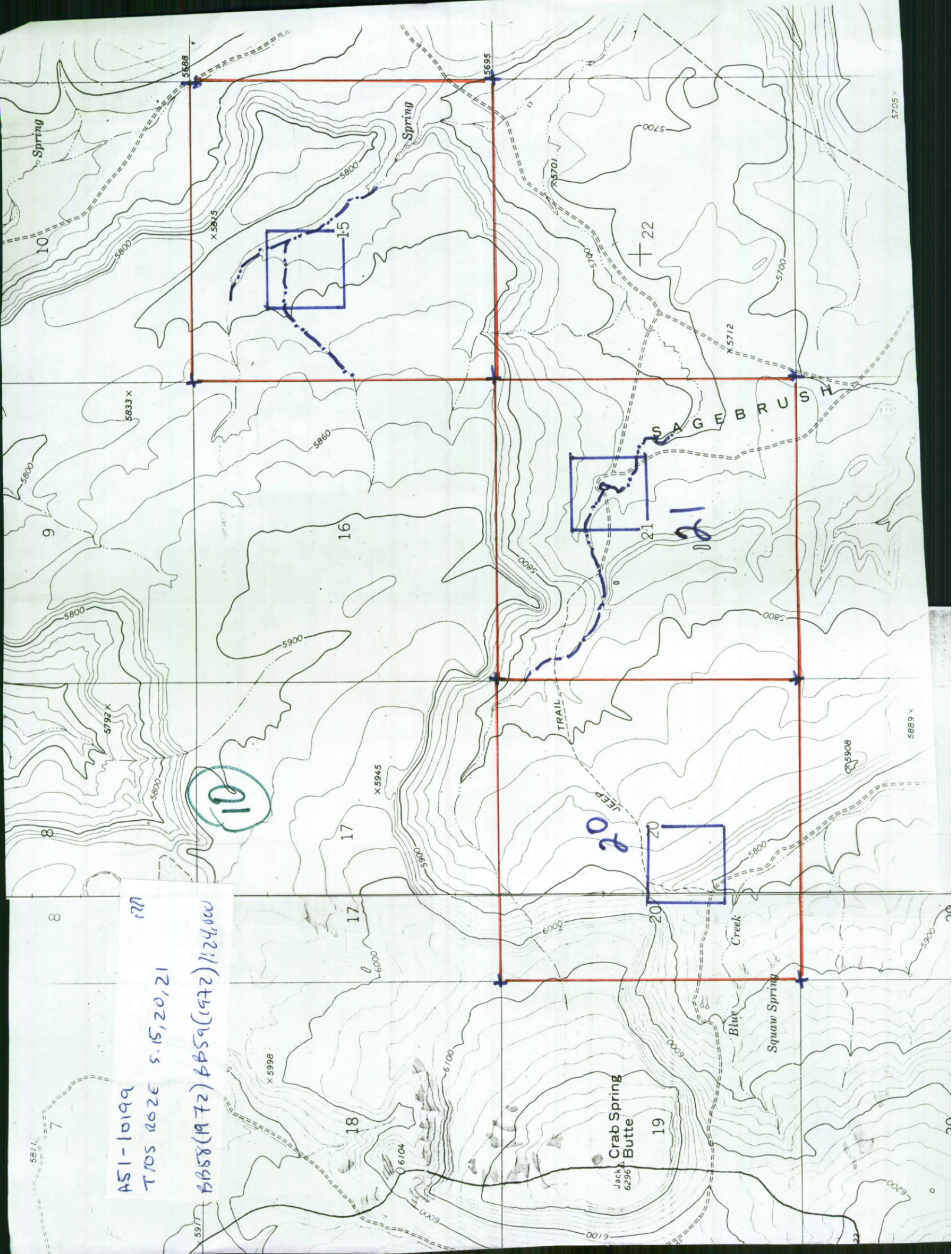
5664

5514

5514

T10S 202E S. 15, 20, 21

mo'h2il(2t5)6599(276)8599



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

Ident. Number: A51-10199
Date Received: 1/11/1989
Receipt No: C005053
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: BARBARA LAHTINEN 208-845-2208
Address: P.O. BOX 167A
BRUNEAU, ID 83604
AND/OR
Name: DAVID LAHTINEN 208-845-2208
Address: P.O. BOX 167A
BRUNEAU, ID 83604

2. Date of Priority: MAR 31, 1882

3. Source: UNNAMED STREAMS Trib. to: SINKS
SPRINGS SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	01E	20		SW	SE		OWYHEE
		22		SW	NE		OWYHEE
				NW	SE		OWYHEE
	02E	13		NW	SW		OWYHEE
		14		NE	SE		OWYHEE
		20		NE	NE		OWYHEE
		31		NW	SE		OWYHEE
		32		NW	NW		OWYHEE
	01W	35	SE	SW	SE		OWYHEE
10S	02E	4		NE	SW		OWYHEE
		5		NE	NE		OWYHEE
		6		SE	SE		OWYHEE
		13		NW	NW		OWYHEE
		14		SE	NW		OWYHEE
		15		SE	NW		OWYHEE
		20		NE	SW		OWYHEE
		21		SW	NE		OWYHEE
	03E	3		NW	SW		OWYHEE
		8		NW	SE		OWYHEE

A51-10199

Page 1

Date: 01/17/89

MICROFILMED
AUG 11 1992

4. Point of Diversion: Continued

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10S	03E	9	NW	SW			OWYHEE

5. Description of diverting works:
EARTHEN DAMS, CATCHMENT PONDS, TANKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.070		

7. Total Quantity Appropriated is:
0.070 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/205 RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres	
09S	01E	20	SW	SE		STOCK		
		22	SW	NE		STOCK		
			NW	SE		STOCK		
	02E	13	NW	SW		STOCK		
		14	NE	SE		STOCK		
		20	NE	NE		STOCK		
		31	NW	SE		STOCK		
		32	NW	NW		STOCK		
		35	SW	SE		STOCK		
		01W						
	10S	02E	4	NE	SW		STOCK	
			5	NE	NE		STOCK	
			6	SE	SE		STOCK	
		03E	13	NW	NW		STOCK	
14			SE	NW		STOCK		
15			SE	NW		STOCK		
20			NE	SW		STOCK		
21			SW	NE		STOCK		
3			NW	SW		STOCK		
8			NW	SE		STOCK		
9	NW	SW		STOCK				

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
IN-STREAM STOCKWATER

14. Remarks:
BLM LESSEE

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): + Barbara Kattner Date: 1-17-89

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 17th day
of January 19 89

Seal

Helen Harrington
Notary Public

Helen Harrington, Notary Public
Residing at _____ Residing at Boise, Idaho
My Commission Expires December 1, 1994
My Commission Expires _____

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

Ident. Number: A51-10199
Date Received: 1/11/1989
Receipt No: C005053
Received By: RAT

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BARBARA LAHTINEN 208-845-2208
Address: P.O. BOX 167A
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AND/OR
Name: DAVID LAHTINEN 208-845-2208
Address: P.O. BOX 167A
BRUNEAU, ID 83604

2. Date of Priority: MAR 31, 1882

3. Source: UNNAMED STREAMS Trib. to: SINKS
SPRINGS SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	02E	13	NW	SW			OWYHEE
		14	NE	SE			OWYHEE
		20	NE	NE			OWYHEE
		31	NW	SE			OWYHEE
		32	NW	NW			OWYHEE
10S	02E	4	NE	SW			OWYHEE
		5	NE	NE			OWYHEE
		6	SE	SE			OWYHEE
		13	NW	NW			OWYHEE
		14	SE	NW			OWYHEE
		15	SE	NW			OWYHEE
		20	NE	SW			OWYHEE
		21	SW	NE			OWYHEE
	03E	3	NW	SW			OWYHEE
		8	NW	SE			OWYHEE
		9	NW	SW			OWYHEE

5. Description of diverting works:
EARTHEN DAMS, CATCHMENT PONDS, TANKS

A51-10199

Page 1

Date: 01/11/89

MICROFILMED
AUG 11 1992

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.070		

7. Total Quantity Appropriated is:

0.070 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

S/205 RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
09S	02E	13	NW		SW		STOCK	
		14	NE		SE		STOCK	
		20	NE		NE		STOCK	
		31	NW		SE		STOCK	
		32	NW		NW		STOCK	
10S	02E	4	NE		SW		STOCK	
		5	NE		NE		STOCK	
		6	SE		SE		STOCK	
		13	NW		NW		STOCK	
		14	SE		NW		STOCK	
		15	SE		NW		STOCK	
		20	NE		SW		STOCK	
		21	SW		NE		STOCK	
	03E	3	NW		SW		STOCK	
		8	NW		SE		STOCK	
		9	NW		SW		STOCK	

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

IN-STREAM STOCKWATER

14. Remarks:

BLM LESSEE

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): + David L. Peterson Date: 1-11-89

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 11th day

of January 19 89

Seal

Helen Harrington
Notary Public

Helen Harrington, Notary Public
Residing at _____ Residing at Boise, Idaho
My Commission Expires December 1, 1994
My Commission Expires _____

2002 APR 11 AM 9:11
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**

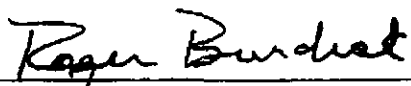
In Re SRBA	)	
	)	ORDER OF PARTIAL DECREE
Case No. 39576	)	
_____	)	For Water Right 51-10199

On November 19, 2001, a *Special Master's Report and Recommendation* was filed for the above water right. On December 28, 2001, a *Motion to Alter or Amend the Special Master's Report and Recommendation* was filed. On February 28, 2002, an Order Denying Urquidí's Motion to Alter or Amend was issued.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 51-10199 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED 4/11/02



ROGER S. BURDICK
Presiding Judge
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 51-10199

2002 APR 11 AM 9:11

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

NAME AND ADDRESS: BARBARA LAHTINEN
DAVID LAHTINEN
HC 85 BOX 167A
BRUNEAU, ID 83604

SOURCE: BUCKAROO SPRING TRIBUTARY: LITTLE JACKS CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 04/01/1963

POINT OF DIVERSION: T10S R02E S04 NWSE Within Owyhee County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Stockwater	06-01 TO 09-30	0.02 CFS

PLACE OF USE: Stockwater Within Owyhee County
T10S R02E S04 NWSE

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

2002 APR 11 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

Case No. 39576

)
)
)
)
CERTIFICATE OF MAILING

Water Right(s): 51-10199

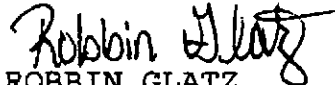
CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 51-10199 was mailed
on April 11, 2002, with sufficient first-class postage prepaid
to the following:

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

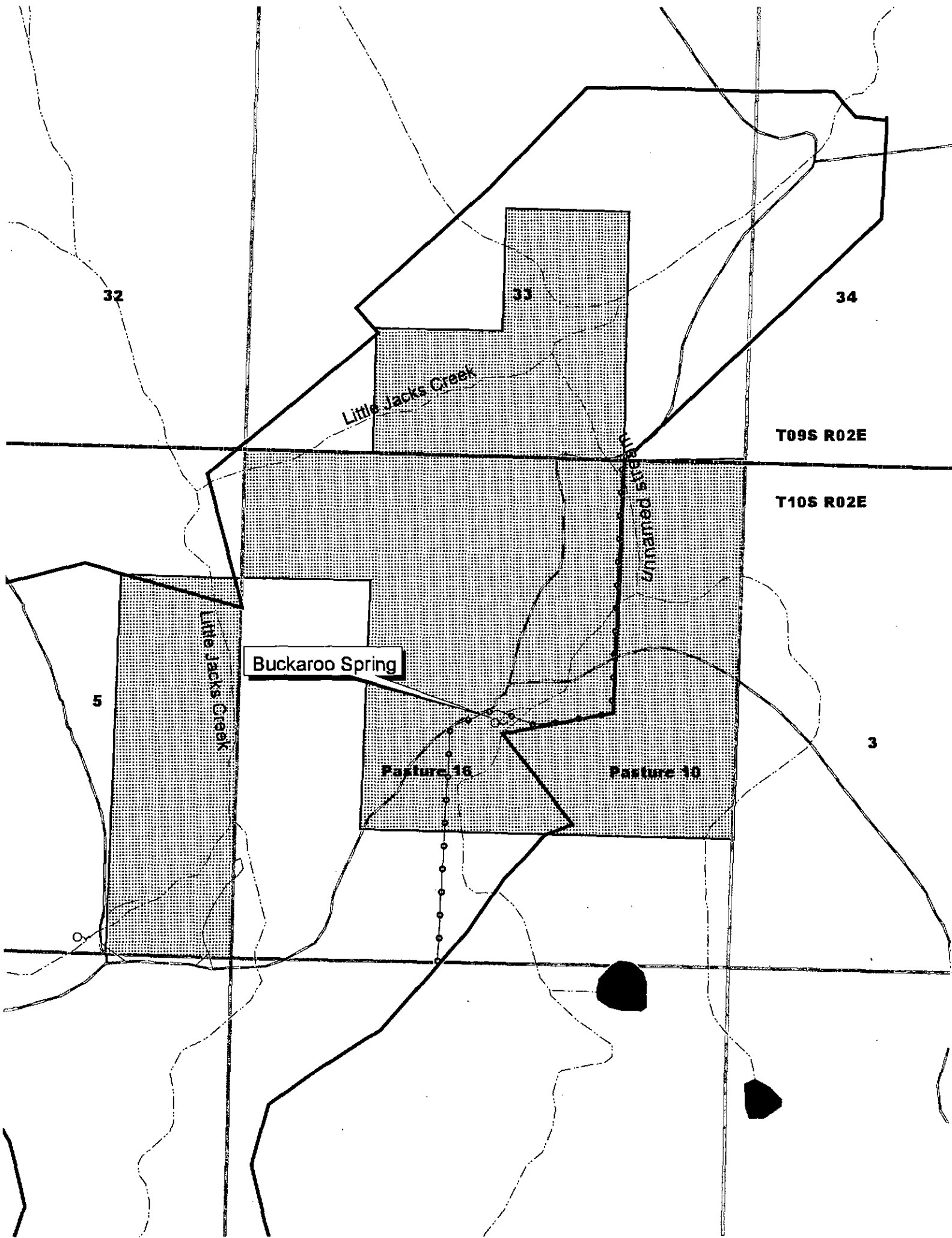
BARBARA LAHTINEN
DAVID LAHTINEN
Represented by:
JAY R FRIEDLY
340 E 2ND N
MOUNTAIN HOME, ID 83647
Phone: 208-587-4412

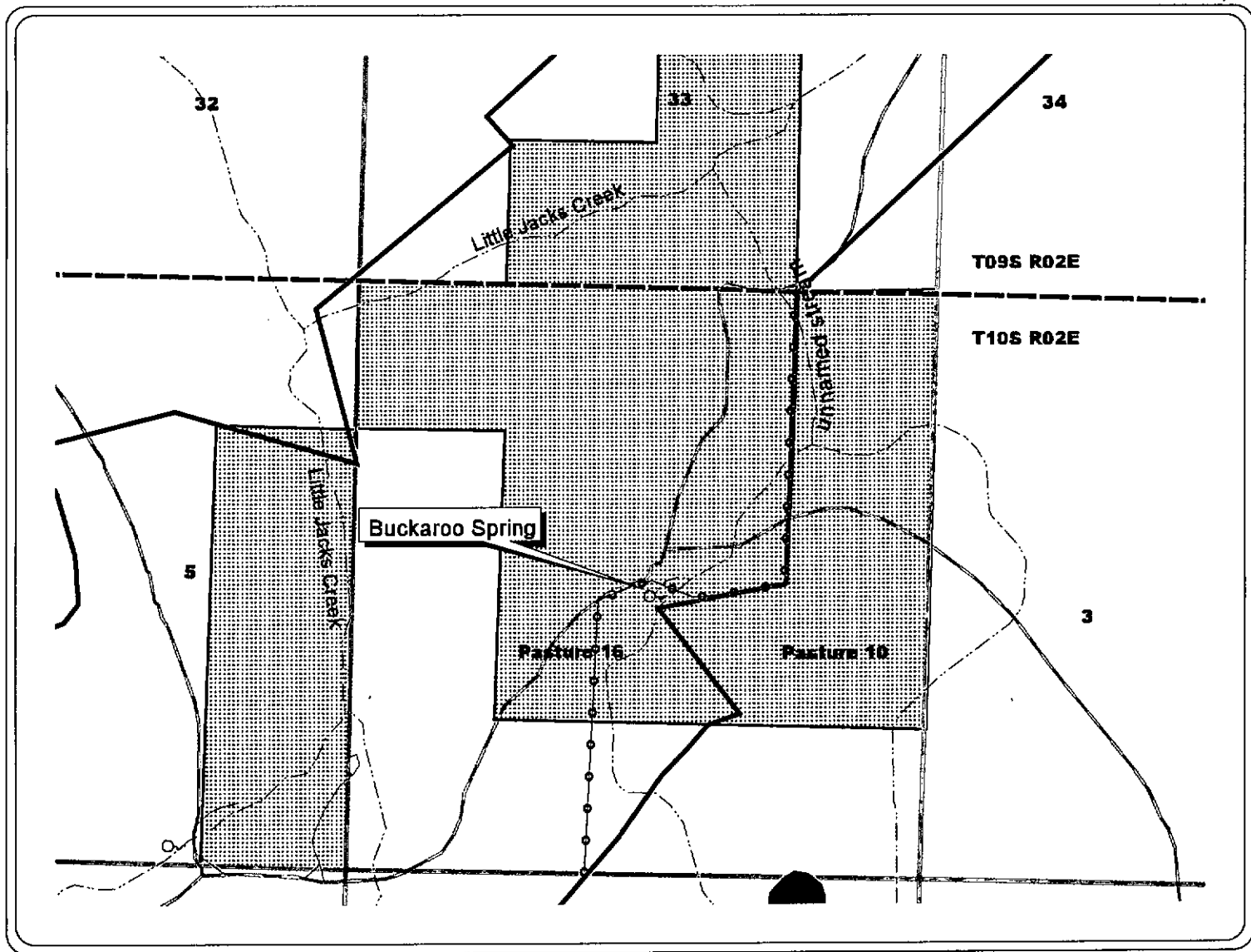
JOHN B URQUIDI
Represented by:
PAUL A. TURCKE
MOORE SMITH BUXTON & TURCKE
225 NORTH 9TH STREET, STE. 420
BOISE, ID 83702
Phone: 208-331-1800


ROBBIN GLATZ
Chief Deputy Clerk

CERTIFICATE OF MAILING

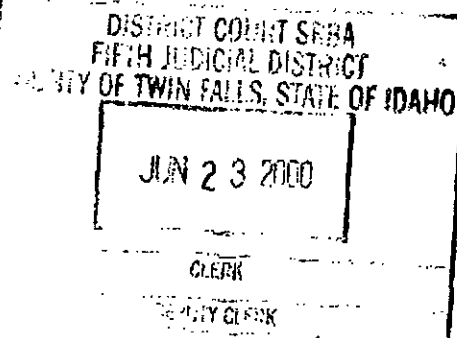
PAGE 1
04/11/02





 **fenceline**
pasture boundary





**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: 51-10199
	)	
Case No. 39576	)	ORDER VACATING PARTIAL
	)	SUMMARY JUDGMENT AND ORDER
	)	SETTING SCHEDULING
	)	CONFERENCE ON TRESPASS ISSUE
	)	

BACKGROUND

Claim

David and Barbara Lahtinen, HC 85, Box 167A, Bruneau, Idaho 83604, filed an amended *Notice of Claim to a Water Right* on January 11, 1989, claiming .07 cfs from unnamed streams and springs "trib. to sinks" for year 'round stockwater use with a priority date of March 31, 1882, based on beneficial use. The diversion works were described as "earthen dams, catchment ponds, tanks" and the use was for "s / 205 range cattle." On the claim form, the Lahtinens said they do not own the property listed as the place of use. Under remarks, they stated: "BLM lessee." Finally, under the paragraph "other water rights used," the Lahtinens wrote: "in-stream stockwater."

Director's Report

The Director of the Idaho Department of Water Resources filed his *Director's Report for Domestic and Stockwater, Reporting Area 6, Volume One (IDWR Basin 51)*, on July 31, 1997. He recommended the claim as filed and listed the sources as 11 unnamed streams and springs tributary to various creeks, sinks and "O X Prong." Most relevant here, the sources included unnamed streams and springs tributary to Little Jacks Creek.

Objections

1. United States

Two *Objections* to the claim were filed on December 5, 1997. The United States of America, Department of Interior, Bureau of Land Management, objected to priority date, points of diversion and place of use. The United States *Objection* was settled on August 17, 1998, when it and the Lahtinens filed a *Stipulation to Resolve Subcase*. They agreed that the Lahtinens would dismiss the portions of their claim located on federal land. In exchange, the United States agreed that stockwater rights decreed for its competing claims "shall not be changed so long as a valid BLM-issued grazing permit exists for the land on which a particular water right is located."

2. John B. Urquidi

John B. Urquidi, J&J Ranches, filed the other *Objection*, objecting to all recommended elements except the claimed purpose of use. He also alleged, "this water right should not exist." Mr. Urquidi wrote:

Most, if not all, of the specified or actual points of diversion [and places of use] exist on property owned by either the objecting party, other private parties, or government bodies, none of whom have authorized development of water rights for or on behalf of claimant.

Partial Summary Judgment

On December 15, 1998, then-Special Master Fritz X. Haemmerle entered his *Order Denying, in Part, and Granting, in Part, Summary Judgment*. By then, the claimed sources were narrowed to a single spring -- Buckaroo Spring, tributary to Little Jacks Creek -- and the issues were whether the water right was perfected by trespass and whether the source is a spring constituting "private water."

Special Master Haemmerle found the following facts:

1. The source for this water is a spring. The spring is located on property owned by Urquidi.
2. Some portion of the Urquidi property is fenced. However, the portion of the Urquidi property where the spring is located is not fenced.
3. Lahtinen has watered cattle out of the spring since 1963.

4. Urquidi has not conveyed any water rights to Lahtinen, and neither has Urquidi given Lahtinen express permission to use the spring for the watering of livestock.
5. As to the area where the spring is located, Urquidi has an agreement with the Bureau of Land Management (BLM) whereby the BLM manages the land. In connection with that agreement, Urquidi acknowledges that the spring may be used by stockmen who may operate stock where the spring is located.

Special Master Haemmerle then concluded that because 1) the land where Buckaroo Spring is located is managed by the BLM and 2) the spring is left open for use by stockmen, "Urquidi has acquiesced in the use of this spring by other stockmen, including Lahtinen." Therefore, Special Master Haemmerle held, as a matter of law, the water right was not initiated by trespass.¹ However, he also held that, because there was a material issue of fact as to whether the spring constituted private water, a trial on the private water issue was necessary.²

J.R. Simplot Company Motion to Participate

J.R. Simplot Company filed a *Motion to Participate* on April 14, 1999, alleging that some points of diversion and places of use included in the Lahtinen's claim are located on Simplot property. However, on April 19, 1999, the Lahtinens and Simplot filed a *Stipulation and Joint Motion for Order Approving Stipulation and Deleting Points of Diversion and Places of Use in Claim No. 51-10199*. In the *Stipulation*, the Lahtinens agreed to delete from their claim points of diversion and places of use on Simplot's land.

Amended Order of Reference

On July 30, 1999, Presiding Judge Barry Wood entered an *Amended Order of Reference Appointing Terrence A. Dolan Special Master* in subcase 51-10199.

¹ Special Master Haemmerle used the phrases "perfected by trespass", "perfected through trespass" and "initiated by trespass" interchangeably. Presumably, he thought they meant the same even though "perfected" suggests that a valid water right exists regardless of how the private water issue is decided.

² The portion of Special Master Haemmerle's *Order Denying, in Part, and Granting, in Part, Summary Judgment* dealing with the private water issue is entitled; "There is no material question of fact as to whether the spring constitutes private water." However, he concluded that there is a material issue of fact as to whether the spring constitutes private water. There is no apparent explanation for the discrepancy.

Dismissals

On November 12, 1999, the parties filed a *Stipulation of Dismissal* agreeing that Simplot and the BLM be dismissed from the subcase. On December 7, 1999, the Special Master entered an *Order Dismissing J.R. Simplot Company and United States as Parties*.

Trial

Trial on the private water issue was held on March 24, 2000, at the Owyhee County Courthouse in Murphy, Idaho. Jay R. Friedly appeared for claimants David and Barbara Lahtinen and Paul A. Turcke and Joseph D. Mallet appeared for objector John B. Urquidi. J&J Ranches. Roxanne Brown spoke for IDWR.

Post-Trial Memoranda

The Lahtinens lodged their *Post Trial Memorandum* on April 21, 2000, and their *Reply Brief* on May 8, 2000. John B. Urquidi lodged his *Objector's Closing Argument* on April 21, 2000, and his *Objector's Final Post Trial Memorandum* on May 8, 2000.

Amended Claim

In their *Post Trial Memorandum*, the Lahtinens effectively amended their claim under 51-10199. Instead of claiming year 'round stockwater use from unnamed streams and springs, the claim was amended to an unspecified amount of water from Buckaroo Spring for 205 head of cattle from June 1 through September 30 with a priority date of April 1, 1963.

DISCUSSION**Nature of Spring Water**

Before proceeding with a discussion, and for some perspective, it might be useful to consider the nature of the water source claimed by the Lahtinens and the general law of the West concerning springs:

Spring waters are waters that break out upon the surface of the earth through natural openings in the ground. They necessarily originate from the ground-water supply. The essential difference between a spring and a well is that the former is a natural outlet for ground water, and the latter is an artificial excavation. Natural

springs, however, are sometimes "developed" by artificial means in order to increase the flow. Springs often constitute important sources of supply of surface stream systems. In other cases they may form marshes or bogs, with no natural outlet. The ground water that supplies the spring has come from some higher elevation. The discharge from the spring may sink into the ground again, or it may evaporate, or it may create a seepage area and become diffused surface water, or it may flow away in a definite surface channel that constitutes a watercourse.

Whether a landowner has the exclusive right to use a spring on his land depends, in various jurisdictions, upon whether the flow from the spring remains on his land. If the spring waters have been dedicated to the public, prior to the acquisition of a private right of use, the only way in which the landowner can acquire an exclusive right of use ordinarily is by appropriating the water, regardless of whether it remains on his land. And if the spring water flows away from his land in a defined stream which constitutes a watercourse, the law of watercourses generally applies, which means that he has no exclusive right to use the spring solely by virtue of land ownership.

The uniform holding in most high-court Western cases in which the question has been litigated is that a spring that constitutes the source of a watercourse is subject to the law of watercourses.

WELLS A. HUTCHINS, WATER RIGHTS LAWS IN THE NINETEEN WESTERN STATES, Vol. II, at 592-593.

Statutes and Case Law

Special Master Haemmerle correctly stated that, in general, all water located in the State of Idaho is public water subject to appropriation:

All the waters of the state, when flowing in their natural channels, including the waters of all natural springs and lakes within the boundaries of the state are declared to be the property of the state, whose duty it shall be to supervise their appropriation and allotment to those diverting the same therefrom for any beneficial purpose, and the right to the use of any of the waters of the state for useful or beneficial purposes is recognized and confirmed.

I.C. § 42-101.

The exception is private water which, by statute, is not subject to appropriation:

Diversion of private waters. -- The department of water resources is hereby prohibited from issuing or granting permits to divert or appropriate the waters of any lake not exceeding five (5) acres in surface area at highwater mark, pond, pool or spring in this state, which is located or situated wholly or entirely upon the lands of a person or corporation, except to the person or corporation owning said land, or with

his or its written permission, executed and acknowledged, as required for the conveyance of real estate [emphasis added].

I.C. § 42-212.

The Idaho Supreme Court has gone so far as to hold that spring water rising on private land, not flowing off the premises and not forming any watercourse is the private property of the landowner. *Hall v. Taylor*, 57 Idaho 662, 67 P.2d 901 (1937).

The Idaho Supreme Court has summarized the distinction between public water (subject to appropriation) and private water (not appropriable):

While the rule prevails that lakes of a surface area of less than five acres and pools and springs, located *wholly* upon and within the lands of a person or corporation, are appurtenant to and part of the lands and belong exclusively to the owners of the land . . . it is also well settled that the waters of natural springs, which form a natural stream or streams flowing off the premises on which they arise, are public waters subject to acquirement by appropriation, diversion and application to a beneficial use.

Jones v. McIntire, 60 Idaho 338, 352, 91 P.2d 373, 379 (1939).

In *Jones*, the Supreme Court recognized that a water right cannot be initiated in trespass upon private lands. But in that case, because water from the natural springs located on private land flowed in a natural channel upon the land of another, the water was subject to appropriation by the lower landowner for use on his own land, as against the owner of the land on which the spring rose. However, at trial, the lower landowners conceded they had no right to enter the private land without the landowner's consent to clean out the springs or ditches, the right being "limited to such waters as naturally flow from the springs to and upon [the lower landowners'] lands." *Jones*, 60 Idaho at 353, 91 P.2d at 380.

In *Maher v. Gentry*, 67 Idaho 559, 186 P.2d 870 (1947), the Idaho Supreme Court held that water from a spring which sank into the soil and did not flow off the premises upon which the spring rose constituted private waters. Therefore, the adjoining landowner had no right to the use of that water in the absence of strict compliance with the provisions of the statute prohibiting State officials from issuing permits to divert such waters except to the person or corporation owning the land or with his written permission. Also, see HUTCHINS, WATER RIGHTS LAWS IN THE NINETEEN WESTERN STATES, Vol. II, at 608.

In *Short v. Praisewater*, 35 Idaho 691, 208 P. 844 (1922), the Idaho Supreme Court held that when water from a spring does not flow sufficiently to create a natural stream that runs beyond the lines of private property, that water is not appropriable without the landowner's consent. But in the *Short* case, a neighbor paid \$100 for the exclusive right to use the water, plus an easement for a pipeline from the spring to his land. Hence, there was a valid appropriation as against all others.

Errors in Order Granting Summary Judgment

Special Master Haemmerle granted the Lahtinens partial summary judgment on the issue of whether the water right was initiated in trespass. As noted earlier, he held as a matter of law that the water right was not initiated in trespass because, "Urquidi has acquiesced in the use of this spring by other stockmen, including Lahtinen." In support of his holding, Special Master Haemmerle cited *Clipper Mining v. Eli Mining & Land Co.*, 194 U.S. 220 (1904). That case concerned a mine owner's right of present and exclusive possession of a perfected mining claim:

[E]xclusive right of possession forbids any trespass. No one, without his consent, or, at least, his acquiescence, can rightfully enter upon the premises or disturb its surface. [emphasis added by Special Master Haemmerle].

The above quote from *Clipper Mining* was, in turn, cited as authority by the Idaho Supreme Court in *Matter of General Determination of Rights*, 107 Idaho 221, 226, 687 P.2d 1348, 1353 (1984). In the latter case, the Idaho Court upheld an appropriation of .02 cfs for domestic use from an open flow of water from the Birthday Mine #24. The Court held the water was groundwater brought to the surface through excavation of the mine and therefore appropriable.³ For approximately 29 years, a ¾-inch pipe was used to collect water from the mine tunnel stream and the owner's father routinely cleaned the screen at the pipe's inflow each spring. The Court found the mine owner "consented, or at least, acquiesced," in the diversion of water from the mine tunnel. Thus, the water right was not initiated by trespass onto another's property. That being said, the Court remanded the case for a further factual hearing on whether the appropriator established a legal or equitable right (prescriptive easement, adverse possession or "any other theory") to enter the mining claim in order to maintain their flow of water.

³ "Ground waters are public waters" and subject to appropriation under I.C. § 42-226.

It was error for Special Master Haemmerle to rely on *Matter of General Determination of Rights* as authority to conclude that acquiescence somehow avoids a claim of trespass on the Urquidis' private property. The reason is the uniqueness of the water flowing from the Birthday Mine #24:

The evidence offers no support for the water flow being either a lake, pond or pool; the waters here involved are running waters. The [mine owners'] argument that the mine water is a spring similarly is not persuasive. As the Oregon Supreme Court stated in *Beisell v. Wood*, "[a] 'spring' is a place where the water issues naturally from the surface of the earth." There was no dispute but that the water flow emanating from the mine was created as a result of the mining operation The water flow did not issue naturally from the surface of the earth; thus it was not a spring.

Matter of General Determination of Rights, 107 Idaho at 225, 687 P.2d at 1357 (citations omitted).

Because the source of water from the Birthday Mine #24 was groundwater and not a lake, pond, pool or spring, the Idaho Supreme Court held, as a matter of law, that I.C. § 42-212 did not apply. In other words, even though the source of the water was located on private land [mining claim], water from the mine was public water and could be appropriated without written permission from the landowner. That is not the situation with the Lahtinens' claim for stockwater from Buckaroo Spring on the Urquidis' land.

There seems to be no argument that 1) Buckaroo Spring is a spring, 2) it is located on private land, and 3) the Urquidis have not given the Lahtinens express (written) permission to use the spring to water livestock. Those being the facts, and assuming the water from the spring is private water ("located or situated wholly or entirely upon the lands of a person or corporation"), the factual question remains whether the Lahtinens can avoid the requirement of I.C. § 42-212 that they have the Urquidis' written permission to divert or appropriate the water of Buckaroo Spring.⁴ In any event, Special Master Haemmerle's *Order Denying, in Part, and Granting, in Part, Summary Judgment* must be vacated. It was erroneous to conclude as a matter of law that the Lahtinens did

⁴ For instance, it might be argued the Urquidis' agreement with the BLM to manage the land and the Lahtinens' grazing permit satisfy the "written permission" requirement of I.C. § 42-212. However, the following point should be considered. The Lahtinens' claim is unique in that they have claimed a stockwater right on private land where most, if not all, the places of use are on the private land. Virtually all Idaho cases reporting successful appropriations of water on private land involved diversions of the water from the private land onto the appropriators' land. Hence, the place of use of the water did not implicate a continuing trespass nor a claim of adverse possession.

RFX

not initiate a water right in trespass because "Urquidi has acquiesced in the use of this spring by other stockmen, including Lahtinen."⁵

Authority to Reconsider Prior Ruling

It might be suggested that the doctrine of "law of the case" prevents a special master from reconsidering an issue previously decided by his or her predecessor, unless the decision was clearly erroneous. By analogy, the same circumstance was addressed in *Farmer's Nat. Bank v. Shirey*, 126 Idaho 63, 878 P.2d 762 (1994):

Under Rule 11(a)(2)(B) of the Idaho Rules of Civil Procedure, a court may reconsider its legal rulings before a final judgment has been entered. In this case, Judge Wood reconsidered the rulings of Judge Becker before the entry of a final judgment, and, therefore, acted with authority under the rule. The doctrine of "law of the case" is inapposite to these proceedings. Cf. *Frazier v. Neilsen & Co.*, 118 Idaho 104, 106, 794 P.2d 1160, 1162 (Ct.App.1990) (doctrine of "law of the case" similar to doctrine of *stare decisis* protecting against re-litigation of settled issues in different appellate stages of case).

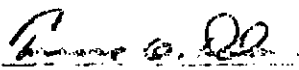
Farmer's National Bank, 126 Idaho at 68, 878 P.2d at 767.

ORDER

THEREFORE, IT IS ORDERED that:

1. Special Master Haemmerle's *Order Denying, in Part, and Granting, in Part, Summary Judgment*, entered December 15, 1998, is vacated, and
2. A scheduling conference will be held, by telephone, on Friday, July 21, 2000, 10:00 a.m., concerning trial settings on the issue of trespass. Counsel for Urquidis shall initiate a single telephone conference to the Special Master which shall include all parties and IDWR.

DATED June 23, 2000.


Terrence A. Dolan
Special Master
Snake River Basin Adjudication

⁵ The word "acquiesce" is defined as: "To give an implied consent to a transaction, to the accrual of a right, or to any act, by one's mere silence, or without express assent or acknowledgment." BLACK'S LAW DICTIONARY, Fifth Ed., at 22. In the context of this subcase, the word suggests that 1) there was a trespass, 2) consent was implied, not express, and 3) consent is revocable.

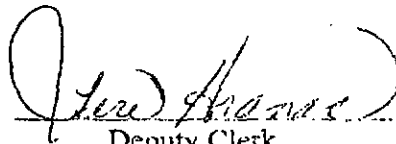
CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER VACATING PARTIAL SUMMARY JUDGMENT AND ORDER SETTING SCHEDULING CONFERENCE ON TRESPASS ISSUE as mailed on June 23, 2000, with sufficient first-class postage prepaid to the following:

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

Jay Friedly
340 E 2nd N
Mountain Home, ID 83647

Paul Turke
225 N 9th St
Boise, ID 83702


Deputy Clerk

RECEIVED

JUL 21 2000

WATER RESOURCES
WESTERN REGION

FOX

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF IDAHO -5 AM 10:48

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
DISTRICT COURT-SRBA
TWIN FALLS CO, IDAHO
FILED...

In Re SRBA

Subcases: 51-10199

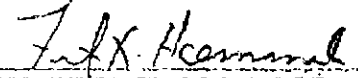
Case No. 39576

ORDER VACATING TRIAL and
RESETTING HEARING ON MOTION
TO PARTICIPATE

On April 22, 1999, a *Stipulation to Continue Trial Setting* was filed by J & J Ranches, John C. Urquidi and John B. Urquidi.

Therefore, based on the files and records herein, IT IS ORDERED that the trial set for the above subcase for May 7, 1999 is vacated. IT IS FURTHER ORDERED that the hearing set for the *Motion to Participate* currently set for May 6, 1999, is reset for a telephone hearing May 7, 1999, at 10:30 am at the SRBA Courthouse at 208-736-3013.

DATED May 5, 1999.


FRITZ X. HAEMMERLE
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER VACATING TRIAL and RESETTING HEARING ON MOTION TO PARTICIPATE was faxed on May 5, 1999, to the following:

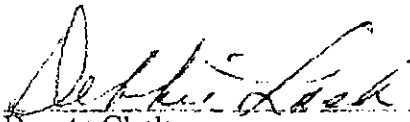
Director of IDWR
P O Box 83720
Boise, Idaho 83720-0098
Fax 208-327-5400

Paul Turke
One Capital Center - Ste 910
999 Main Street
Boise, ID 83702
Fax 208-331-1202

United States Department of Justice
Bureau of Land Management
550 West Fort Street, MSC 033
Boise, Idaho 83724
Fax 208-387-0842

Shawn Del Ysursa
P O Box 27
Boise, Idaho 83707
Fax 208-389-7515

Jay Friedly
340 E 2nd N
Mountain Home, ID 83647
Fax 208-587-3144

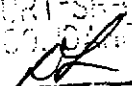

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Department of Water Resources

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DISTRICT COURT-SRBA
TWIN FALLS, 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

) Subcase 51-10199

Case No. 39576

)
) ORDER DENYING SECOND MOTION
) FOR SUMMARY JUDGMENT and
) ORDER SETTING SCHEDULING
) CONFERENCE

BACKGROUND¹

Claim

David and Barbara Lahtinen filed an amended *Notice of Claim to a Water Right* on January 11, 1989, claiming .07 cfs from unnamed streams and springs "trib. to sinks" for year 'round stockwater use with a priority date of March 31, 1882, based on beneficial use. The diversion works were described as "earthen dams, catchment ponds, tanks" and the use was for "s / 205 range cattle." On the claim form, the Lahtinens said they do not own the property listed as the place of use. Under remarks, they stated: "BLM lessee." Finally, under the paragraph "other water rights used," the Lahtinens wrote: "in-stream stockwater."

Director's Report

On July 31, 1997, the Director of the Idaho Department of Water Resources filed his *Director's Report for Domestic and Stockwater, Reporting Area 6, Volume One (IDWR Basin 51)*. He recommended the claim as filed and listed the sources as 11 unnamed streams and springs tributary to various creeks, sinks and "O X Prong." Most relevant here, the sources included unnamed streams and springs tributary to Little Jacks Creek.

¹ Much of the Background is taken from the *Order Vacating Partial Summary Judgment and Order Setting Scheduling Conference on Trespass Issue*, entered June 23, 2000. Many of the facts are repeated because it is important to understand the context of the *Motion* and the present *Order*.

Urquidi Objection

John B. Urquidi, J&J Ranches, filed an *Objection* on December 5, 1997, objecting to all recommended elements except the claimed purpose of use. He also alleged, "this water right should not exist." Mr. Urquidi wrote:

Most, if not all, of the specified or actual points of diversion [and places of use] exist on property owned by either the objecting party, other private parties, or government bodies, none of whom have authorized development of water rights for or on behalf of claimant.

Urquidis' First Motion for Summary Judgment

The Urquidis filed their first *Motion for Summary Judgment* on September 23, 1998, seeking dismissal of the Lahtinens' claim for any water right "which is within private property owned solely by the Urquidis." The Motion was argued before then-Special Master Fritz X. Haemmerle on November 20, 1998. On December 15, 1998, Special Master Haemmerle entered his *Order Denying, in Part, and Granting, in Part, Summary Judgment*. By then, the claimed sources were narrowed to a single spring -- Buckaroo Spring, tributary to Little Jacks Creek -- and the issues were whether the water right was perfected by trespass and whether the source is a spring constituting "private water."

Special Master Haemmerle found the following facts:

1. The source for this water is a spring. The spring is located on property owned by Urquidi.
2. Some portion of the Urquidi property is fenced. However, the portion of the Urquidi property where the spring is located is not fenced.
3. Lahtinen has watered cattle out of the spring since 1963.
4. Urquidi has not conveyed any water rights to Lahtinen, and neither has Urquidi given Lahtinen express permission to use the spring for the watering of livestock.
5. As to the area where the spring is located, Urquidi has an agreement with the Bureau of Land Management (BLM) whereby the BLM manages the land. In connection with that agreement, Urquidi acknowledges that the spring may be used by stockmen who may operate stock where the spring is located.

Special Master Haemmerle then concluded that because 1) the land where Buckaroo Spring is located is managed by the BLM, and 2) the spring is left open for use by stockmen, "Urquidi has acquiesced in the use of this spring by other stockmen, including Lahtinen." Therefore, Special Master Haemmerle held, as a matter of law, the water right was not initiated by trespass.

However, he also held that, because there was a material issue of fact as to whether the spring constitutes private water, a trial on the issue was necessary.

Trial on Private Water Issue

Trial on the issue of whether Buckaroo Spring is private water was held on March 24, 2000, in Murphy, Idaho, before Special Master Terrence A. Dolan. After trial, the Lahtinens lodged their *Post Trial Memorandum* and then a *Reply Brief*. The Urquidis lodged their *Objector's Closing Argument* and then a *Final Post Trial Memorandum*.

Based on testimony and evidence produced during the trial, Special Master Dolan entered an *Order Vacating Partial Summary Judgment* on June 23, 2000, vacating Special Master Haemmerle's summary judgment order on the trespass issue. Special Master Dolan reasoned as follows:

There seems to be no argument that 1) Buckaroo Spring is a spring, 2) it is located on private land, and 3) the Urquidis have not given the Lahtinens express (written) permission to use the spring to water livestock. Those being the facts, and assuming the water from the spring is private water ('located or situated wholly or entirely upon the lands of a person or corporation'), the factual question remains whether the Lahtinens can avoid the requirement of I.C. § 42-212 that they have the Urquidis' written permission to divert or appropriate the water of Buckaroo Spring. In any event, Special Master Haemmerle's *Order Denying, in Part, and Granting, in Part, Summary Judgment* must be vacated. It was erroneous to conclude as a matter of law that the Lahtinens did not initiate a water right in trespass because 'Urquidi has acquiesced in the use of this spring by other stockmen, including Lahtinen.'

With the summary judgment was set aside, trial was set on the issue of trespass. No decision was made on the private water issue because the two issues seemed inseparable and unsolvable apart from one another.

Urquidis' Second Motion for Summary Judgment

On November 16, 2000, the Urquidis filed their *Second Motion for Summary Judgment and Brief*, again seeking dismissal of the Lahtinens' claim to a water right on "private property owned by the Urquidis since 1966." The Urquidis argued that because 1) Buckaroo Spring is on private land, 2) the spring is private water and 3) the Lahtinens did not have written permission to perfect or maintain a right to that water, there are no material issues of fact. The water right was initiated in trespass and hence, is invalid.

The Lahtinens lodged their *Brief in Opposition to Urquidis' Second Motion for Summary Judgment and Affidavit of David Lahtinen* on December 15, 2000. The Lahtinens agreed that Buckaroo Spring is located on the Urquidis' private property, but argued it is public water subject to appropriation because it flows off the Urquidis' property. The Lahtinens also argued the water right was not initiated in trespass because the Urquidis "consented to or acquiesced in the use of Buckaroo Springs by Lahtinens and others for many years" and because the "Urquidis' agreement with the BLM to allow other livestock owners access to the springs in exchange for the Urquidis' use of BLM property." Finally, the Lahtinens argued that even if Buckaroo Spring is now private water, the Lahtinens established a stockwater right prior to the spring becoming private water because the "Urquidis' predecessors obtained their patent subject to Lahtinens' prior stockwater right." This last argument raised a new issue not presented in trial on the private water issue.

In his *Affidavit*, Mr. Lahtinen said:

My predecessors in interest and my ancestors, some of whom are the same, have been running cattle in the Jack's Creek Basin area and using Buckaroo Springs and other springs in the area since long before the United States patent was issued to Urquidis' predecessors in 1922....To the best of my knowledge, information and belief, this has continued uninterrupted since the issuance of the patent to the land.

The following documents (arranged by date, with one exception) were attached to the *Affidavit of David Lahtinen*:

- *Homestead Certificate No. 1596*, a patent deed, dated July 21, 1900, from the United States conveying 160 acres (T 7S, R 4E, § 13, E½ NE¼ and E½ SE¼) to Richard M. Stone (David Lahtinen's great-grandfather). According to David Lahtinen's *Affidavit*, this parcel ("base ranch property"²) is a portion of his base property for his BLM grazing permits.
- A *Warranty Deed*, dated June 2, 1900, from Richard and Elen Stone conveying the base ranch property to Thomas B. Frost.³
- An Owyhee County real and personal property *Tax Receipt*, dated December 8, 1900, issued to J.F. Black for 8 horses, 42 cattle and 1 vehicle.
- A hand-written *Warranty Deed*, dated March 19, 1903, from Thomas and Laura Frost

² The term "base ranch property", similar to the phrase "base property" required for BLM grazing permits, is used for convenience only and implies no legal significance.

conveying the base ranch property to James F. Black (David Lahtinen's grandfather).

- A patent deed, dated February 23, 1922, from the United States conveying a 326 acre homestead to Edward F. Hicks. Buckaroo Spring is located on this land now owned by the Urquidis.⁴
- An Owyhee County *Tax Collector's Receipt*, dated June 20, 1925, issued to J.F. Black for, among other items, 339 cattle and 4 horses (personal property) and "Imp. Jack Creek Pot Holes" (real property). Mr. Lahtinen's *Affidavit* offered no explanation for the meaning of that last item.
- A *Warranty Deed*, dated February 23, 1932, from J.F. and Sylvia Black conveying the base ranch property to Lauri and Fay Lahtinen (David Lahtinen's parents).
- A *Warranty Deed*, dated June 20, 1962, from Lauri and Faye Lahtinen conveying the base ranch property to David L. Lahtinen.
- Two color photographs taken by David Lahtinen on August 17, 1998, alleged to "show water standing in reservoirs constructed by the Urquidis and the natural drainage below Buckaroo Springs."

Finally, the Urquidis lodged their *Reply Brief in Support of Second Motion for Summary Judgment* on December 22, 2000.

Hearing on Urquidis' Second Motion for Summary Judgment

A hearing on the Urquidis' *Second Motion for Summary Judgment* was held on January 5, 2001, in Mountain Home, Idaho. Jay R. Friedly appeared for claimants the Lahtinens; Joseph D. Mallet appeared for objectors the Urquidis; and Garrick Baxter appeared for IDWR.

At the hearing, the Special Master provided counsel with copies of then-Presiding Judge Barry Wood's *Memorandum Decision and Order on Challenge* in subcases 55-10288A & B, *et al.* ("*LU Ranching Decision*"), entered April 25, 2000. Because the 28 page *LU Ranching Decision* may have determined some issues in the present subcase (51-10199), counsel were given the opportunity of submitting supplemental memoranda no later than January 24, 2001. After that

³ Apparently, it was not unusual for homesteaders to convey their land to others before the patent deed was actually issued, as appears to have been done here.

⁴ The patent deed includes T10S, R 2E, § 4, NE¼ SW¼ where the parties agreed Buckaroo Spring is located. However, Court Exhibit 3, prepared by IDWR and admitted during trial on the private water issue (March 24, 2000), depicts Buckaroo Spring slightly over the line in the NW¼ SE¼. That quarter-quarter is also part of the patent deed (N½ SE¼) describing land now owned by the Urquidis.

date, the matter would be deemed fully submitted for decision. The Urquidis lodged their *Post Hearing Memorandum* on January 23, 2001.

Discussion

In Judge Wood's *LU Ranching Decision*, the LU Ranching Company filed claims for instream stockwater rights on federal public land (i.e., grazing allotments) and claimed a priority date of 1872, established by its predecessors-in-interests. The United States opposed LU's claims and filed its own claims for instream stockwater rights on the allotments. Special Master Haemmerle held LU was only entitled to a priority date of 1976, the date LU was incorporated. He reached that conclusion because 1) the water rights are appurtenant to the federal public land, not LU's base ranch property, and 2) there was no written conveyance of the water rights from LU's predecessors-in-interest to LU. On challenge to the Presiding Judge, the key issue was whether those water rights were transferred from LU's predecessors-in-interest to LU by mesne conveyances of LU's privately owned base ranch property to which the grazing preference is attached.

Judge Wood held "the question of whether any water rights, perfected by LU's predecessors-in-interest, have become appurtenant to any particular property interest which has been conveyed to LU, is an issue of fact to be ascertained from the instruments of conveyance and the circumstances surrounding each conveyance." *LU Ranching Decision* at 13-14. Judge Wood noted there is no hard and fast rule that water rights perfected on federal public land are, as a matter of law, *per se* appurtenant to the federal public land. That is because a permittee can lawfully perfect a water right on a federal grazing allotment-- land which the permittee does not own. It is this "non-unity of title" between the water right and its place of use which arguably "effectuates a severance of any alleged appurtenancy relationship." *LU Ranching Decision* at 16. Therefore, Judge Wood concluded:

At a minimum, an examination of the intent of the grantor is required to determine if the water right was intended to be transferred and if so then by what method the water right was transferred. The circumstances surrounding the mesne conveyances of the water right and the land on which the water right is claimed to be appurtenant become relevant in arriving at the grantor's intent. As such, genuine issues of material fact exist and summary judgment was not appropriate.

LU Ranching Decision at 16.

Admittedly, the facts surrounding the LU Ranching Company's claims are different from the Lahtinens' claim to Buckaroo Spring. LU claimed instream stockwater rights on federal grazing allotments while in the present case, the Lahtinens claimed stockwater rights from a spring located on privately owned land. Significantly, though, the Lahtinens' claim relates back to an appropriation allegedly made in 1882- well before the land was patented in 1922.

It is also true that Judge Wood's *LU Ranch Decision* was not a final determination in those subcases since the Special Master's order granting summary judgment was effectively reversed and recommitted for further proceedings. Therefore, some might argue, it is not the law of the case. Nevertheless, the reasoning concerning summary judgment is sound.

The Lahtinens presented evidence in response to the Urquidis' *Second Motion for Summary Judgment* which may prove the Lahtinens are entitled to a water right with a priority date as early as 1900- a full 22 years before the Urquidis' predecessors-in-interest acquired title to the property where Buckaroo Spring is located. For instance, given the documents now before the Court, the Lahtinens may be able to prove: 1) David Lahtinen's great-grandfather, Richard M. Stone, appropriated the water from Buckaroo Spring for stockwater in 1900 or before; 2) the water right was appurtenant to Mr. Stone's 160 acre homestead, the base ranch property; and 3) Mr. Stone and each of his successors-in-interest conveyed the Buckaroo Spring water right along with title to the base ranch property. In any event, the circumstances surrounding the mesne conveyances of the base ranch property are relevant and raise genuine issues of material fact precluding summary judgment.

If the Lahtinens can prove they are entitled to a water right in Buckaroo Spring relating back to before 1922, the two issues of "private water" and "trespass" will be moot. The land where the spring is located was federal public land until 1922, and hence, it is unlikely there would be valid claims of private water or trespass. On the other hand, if the Lahtinens fail to prove entitlement before 1922, those two issues remain. The private water issue has been argued and taken under advisement, but the trespass issue has yet to be heard.

THEREFORE, IT IS ORDERED that:

1. The Urquidis' *Second Motion for Summary Judgment* is denied, and
2. A scheduling conference will be held, by telephone, on Friday, March 9, 2001, 10:00 a.m., concerning trial settings for all remaining issues, including the Lahtinens' claim to a pre-1922 priority date and the issue of trespass.

DATED February 7, 2001.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

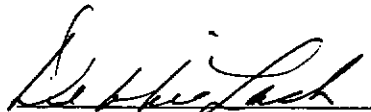
CERTIFICATE OF MAILING

I certify that a true and correct copy of ORDER DENYING SECOND MOTION FOR SUMMARY JUDGMENT and ORDER SETTING SCHEDULING CONFERENCE was mailed on February 7, 2001, with sufficient first-class postage prepaid to the following:

Director of IDWR
P.O. Box 83720
Boise, ID 83720-0098

Jay R. Friedly
340 E. 2nd North
Mountain Home, ID 83647

Paul A. Turcke
999 Main Street, Suite 910
Drawer A
Boise, ID 83702


Deputy Clerk

Terry T. Uhling
Shawn Del Ysursa
J.R. SIMPLOT COMPANY
P.O. Box 27
Boise, ID 83707
Telephone: (208) 389-7317
Facsimile: (208) 389-7464

RECEIVED

APR 14 1999

Department of Water Resources

RECEIVED

JUL 21 2000

WATER RESOURCES
WESTERN REGION

ATTORNEYS FOR J.R. SIMPLOT COMPANY

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

IN RE:	SRBA	)	Subcase No.: 51-10199
		)	
CASE NO.	39576	)	
		)	MOTION TO PARTICIPATE
		)	
		)	

MOTION

J.R. Simplot Company, by and through its undersigned counsel, pursuant to SRBA Administrative Order 1, Section 10(k) and Rule 24(a) I.R.C.P. hereby moves this court for an order allowing Simplot to participate in this subcase. This Motion is supported by the following Memorandum in Support.

MEMORANDUM IN SUPPORT OF MOTION

1. Standard for Intervention

This Motion to Participate is filed pursuant to Section 10(k) of AO1, which provides for Motions to Participate. This Motion to Participate is governed by Rule 24(a) of the Idaho Rules of Civil Procedure, which provides in pertinent part:

Rule 24(a) Intervention of Right

Upon timely application anyone shall be permitted to intervene in an action...when the applicant claims an interest relating to the property or transaction which is the subject of the action and the applicant is so situated that the disposition of the action may as a

practical matter impair or impede applicant's ability to protect that interest, unless the applicant's interest is adequately represented by existing parties.

2. Grounds for Motion

a) Simplot's Motion to Participate is Timely

This Motion to Participate is being filed in order to allow Simplot to participate in the trial set in this subcase. Accordingly, the Motion to participate is timely filed.

b) Simplot has interests that relate to the water right that is the subject of this subcase.

David and Barbara Lahtinen ("Lahtinen") filed claim no. 51-10199 for stockwater. Upon the issuance of the Preliminary Director's Report for Basin 51 for Stockwater and Domestic Use Claims, J.R. Simplot Company ("Simplot") identified points of diversion and places of use in the claim which are located on Simplot property. *See Attachment A* (copy of claim No. 51-10199 with identified points of diversion and places of use on Simplot property marked with asterisk); *Attachment B* (copy of Warranty Deed for property owned by Simplot with asterisk identifying land claimed in claim no. 51-10199); and *Attachment C* (copy of map identifying Simplot owned land claimed in claim no. 51-10199).

c) Simplot's rights will be impaired or impeded by the disposition of this subcase.

During the notice of error and correction timeframe Lahtinen and Simplot agreed to amendment of the claim deleting the points of diversion and places of use in the claim which are located on Simplot property, but such amendment was not filed with the Idaho Department of Water Resources.

d) Simplot is not adequately represented by another party to this subcase and has standing to appear.

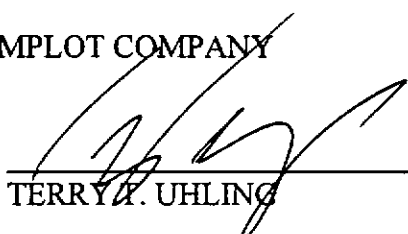
No other party in this subcase represents Simplot's interests.

WHEREFORE, Simplot respectfully requests that this court grant this Motion in all respects by entering the attached proposed order. Simplot further requests expedited consideration of this matter. A hearing is not requested because no other parties to the subcase will be prejudiced by the entry of said order.

DATED this of April, 1999.

J.R. SIMPLOT COMPANY

By:


TERRY A. UHLING

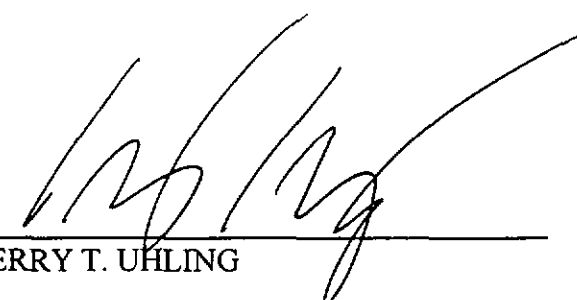
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of April, 1999, I served a true and correct copy of the foregoing **MOTION TO PARTICIPATE IN CLAIM NO. 51-10199**, by depositing a copy thereof in the U.S. mail, postage prepaid or via overnight courier where indicated, upon the following:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Barbara & David Lahtinen
c/o Jay R. Friedly
HALL FRIEDLY & WARD
340 E. 2nd N.
Mountain Home, ID 83647

J&J Ranches
c/o Susan Buxton
MOORE & MCFADDEN, CHTD.
999 Main St., Ste. 910, Drawer A
Boise, ID 83702



TERRY T. UHLING

\\BAFFIN\SYS\USERS\UKATTNER\DOCUMENT\SRBA\Stipulation and Joint Motion for Order.doc

ATTACHMENT A

(* indicates the points of use and places of diversion which should be deleted)

SRBA DIRECTORS REPORT 51-10199

Return to SRBA Home Page

IWT072

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

Right Number: 51-10199

Name and Address: BARBARA LAHTINEN
DAVID LAHTINEN
PO BOX 167A
BRUNEAU, ID 83604

Source:	UNNAMED STREAM	Tributary: DEADMAN CREEK
	UNNAMED STREAMS	LITTLE JACKS CREEK
	SPRING	O X PRONG
	SPRING	BLUE CREEK
	UNNAMED STREAMS	BLUE CREEK
	UNNAMED STREAM	DRY CREEK
	SPRINGS	SINKS
	UNNAMED STREAMS	BIG JACKS CREEK
	UNNAMED STREAMS	BATTLE CREEK
	SPRINGS	LITTLE JACKS CREEK
	SPRING	DRY CREEK

Quantity: .07 CFS

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

Priority Date: 03-31-1982

Diversion Point:	T09S R01E S20	SWSE	Within Owyhee County
	<u>S22</u>	SWNE *	
		NWSE *	
	R01W S35	SESWSE	
	R02E S13	NWSW	
	S14	NESE	
	S20	NENE	
	S31	NWSE	
	S32	NWNW	
	T10S R02E S04	NESW	
	S05	NENE	
	S06	SESE	
	S13	NWNW	
	S14	SENW	
	S15	SENW	
	S20	NESW	
	S21	SWNE	
	R03E S03	NWSW	
	S08	NWSE	
	S09	NWSW	

Purpose and
Period of Use: Purpose of Use
Stockwater

Period of Use
01-01 TO 12-31

Quantity
.07 CFS

Place of Use:

Stockwater

Within Owyhee County

T09S R01E	S20	SWSE
	<u>S22</u>	SWNE*
R01W	S35	SWSE
R02E	S13	NWSW
	S14	NESE
	S20	NENE
	S31	NWSE
	S32	NWNW
T10S R02E	S04	NESW
	S05	NENE
	S06	SESE
	S13	NWNW
	S14	SENW
	S15	SENW
	S20	NESW
	S21	SWNE
R03E	S03	NWSW
	S08	NWSE
	S09	NWSW

NWSE*

Other Provisions Necessary for Derivation / 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

STOCKWATER, 205 RANGE CATTLE

[Return to SRBA Home Page](#)

ATTACHMENT B

(* indicates the Simplot-owned quarter quarters sections containing points of use and places of diversion identified in Lahtinen's claim no. 51-10199)

Printed and for sale by Syme-Cook Company, Boise

(Optional)
Recorded
Microfilmed
Indexed

☐
☐
☐

Platted
Deed Card
Compared

☐
☐
☐

Key Punched
Master File
Abstracted

☐
☐
☐

To Treasurer

☐
☐

WARRANTY DEED (CORPORATE FORM)

Colyer Cattle Co.

organized and existing under the laws of the State of Idaho, with its principal office at
Bruneau of County of Owyhee
grantor, hereby CONVEYS or GRANTS and WARRANTS TO

J. R. Simplot Company, a Nevada Corporation

of P. O. Box 27, Boise, Idaho 83707

grantee
for the sum of

FOUR HUNDRED FIFTY THOUSAND and No/100-----
the following described tract(s) of land in Owyhee
State of Idaho:

DOLLARS,
County,

EXHIBIT "A" Attached hereto:

Location of above described property

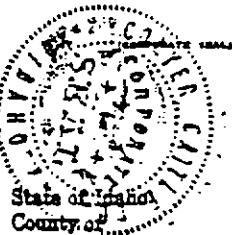
House No.

Street

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the grantor at a lawful meeting duly held and attended by a quorum.

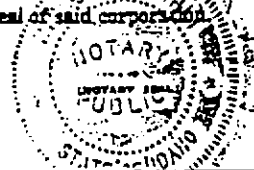
In witness whereof, the grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this 26th day of October, A. D. 19 89

Colyer Cattle Co.



By Raymond L. Colyer PRESIDENT
Attest: Bonnie C. Colyer SECRETARY

On the 26th day of October, A. D. 19 89
personally appeared before me Raymond L. Colyer and Bonnie C. Colyer
who being by me duly sworn did say, each for himself, that he, the said Raymond L. Colyer
is the president, and she, the said Bonnie C. Colyer is the secretary
of Colyer Cattle Co., a corporation, and that the within and
foregoing instrument was signed in behalf of said corporation by authority of a resolution of its board
of directors and said Raymond L. Colyer and Bonnie C. Colyer
each duly acknowledged to me that said corporation executed the same and that the seal affixed is the
seal of said corporation.



Nicholas K. Heli
My residence is Marquette, ID
My commission expires 1/1/94

MAIL DEED TO:

MAIL TAX NOTICE TO:

Name _____
Address _____
City & State _____

Exhibit "A"

Deed- Colyer Cattle Co. to J. R. Simplot Company

IN TOWNSHIP 9 SOUTH, RANGE 1 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 15: S $\frac{1}{2}$ SE $\frac{1}{4}$
*Section 22: NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$
Section 23: S $\frac{1}{2}$ N $\frac{1}{2}$, SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$
Section 24: SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 25: N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$

IN TOWNSHIP 10 SOUTH, RANGE 1 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 1: S $\frac{1}{2}$ SW $\frac{1}{4}$
Section 12: NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$

* * * * *

Together with all water and water rights, ditches and ditch rights used thereon or appurtenant thereto.

Subject to exceptions and reservations contained in patents from the United States.

Subject to existing easements for roads, highways, ditches, canals, laterals and power and transmission lines.

Subject to current taxes, assessments and all restrictions and reservations of record.

Together with that certain State of Idaho Land Lease No. G-6184, containing 840.08 acres and 130 AUM.

Together with 3,395 AUM Federal Grazing, Battle Creek Allotment No. 0802.

Together with 740 AUM Federal Grazing, Miller Table Seeding Allotment No. 0812.

200812

FILED-RECORDED

OCT 26 11 46 AM '89

BARBARA JAYO
OWYHEE COUNTY RECORDER
BY *[Signature]*
DEPUTY

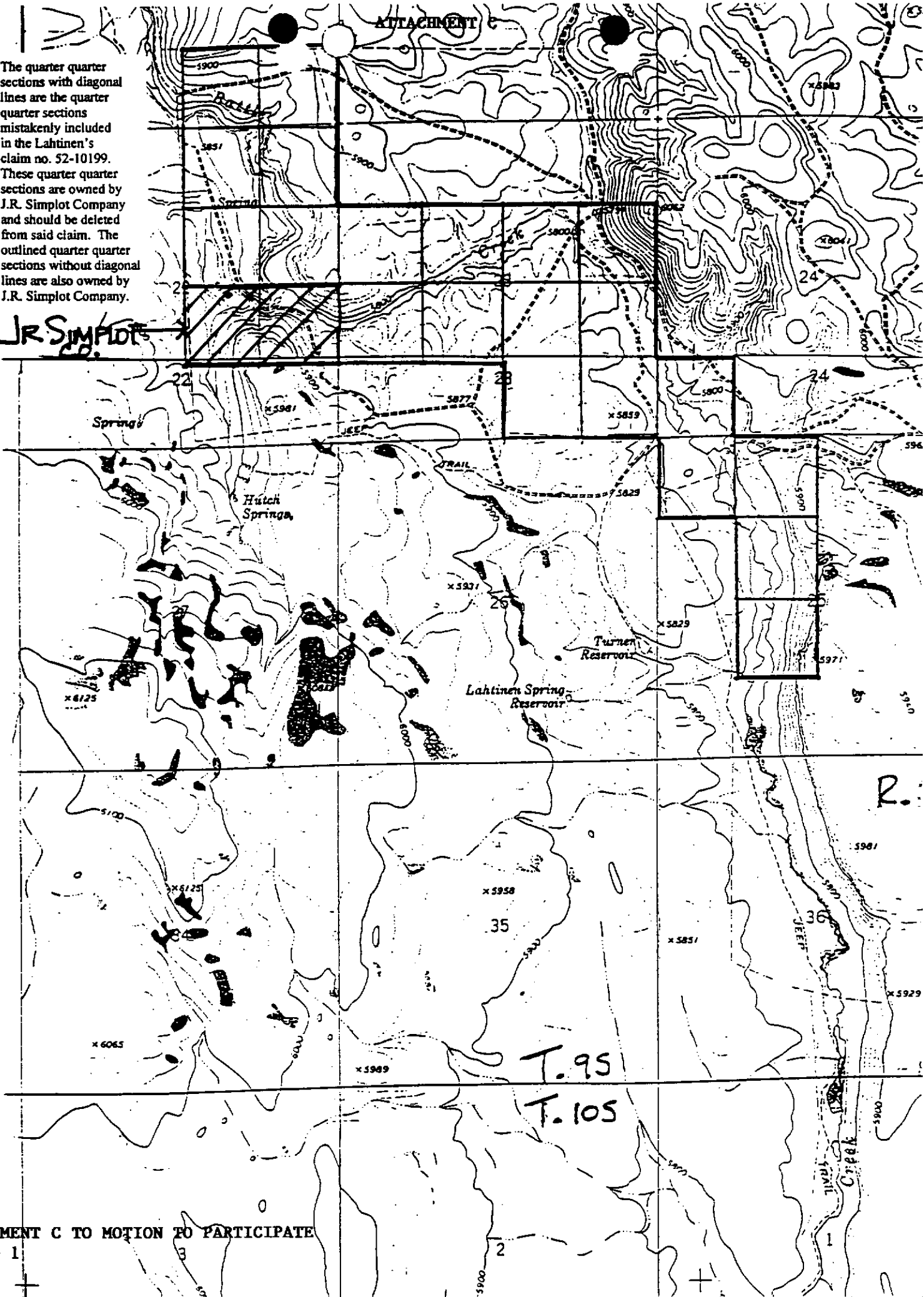
REQUEST OF
Shi Jth Co
FEE 6.00

INDEXED

MICROFILMED

The quarter quarter sections with diagonal lines are the quarter quarter sections mistakenly included in the Lahtinen's claim no. 52-10199. These quarter quarter sections are owned by J.R. Simplot Company and should be deleted from said claim. The outlined quarter quarter sections without diagonal lines are also owned by J.R. Simplot Company.

JR SIMPLOT



RECEIVED

APR 14 1999

Department of Water Resources

Terry T. Uhling
Shawn Del Ysursa
J.R. SIMPLOT COMPANY
P.O. Box 27
Boise, ID 83707
Telephone: (208) 389-7317
Facsimile: (208) 389-7464

ATTORNEYS FOR J.R. SIMPLOT COMPANY

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

IN RE:	SRBA	)	Subcase No.: 51-10199
		)	
CASE NO.	39576	)	ORDER GRANTING
		)	MOTION TO PARTICIPATE
		)	
		)	

ORDER

J.R. Simplot Company, by and through counsel of record, moved this court for an order allowing Simplot to participate in this subcase. This matter having come before this court and good cause appearing,

IT IS HEREBY ORDERED that the Motion to Participate is **GRANTED**.

Dated this _____ day of April, 1999.

FRITZ X. HAEMMERLE
Special Master
Snake River Basin Adjudication

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this _____ day of April, 1999, I served a true and correct copy of the foregoing **ORDER GRANTING MOTION TO PARTICIPATE IN CLAIM NO. 51-10199**, by depositing a copy thereof in the U.S. mail, postage prepaid or via overnight courier where indicated, upon the following:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Barbara & David Lahtinen
c/o Jay R. Friedly
HALL FRIEDLY & WARD
340 E. 2nd N.
Mountain Home, ID 83647

J&J Ranches
c/o Susan Buxton
MOORE & MCFADDEN, CHTD.
999 Main St., Ste. 910, Drawer A
Boise, ID 83702

J.R. Simplot Company
c/o Terry T. Uhling
Shawn Del Ysursa
P.O. Box 27
Boise, ID 83707

Deputy Clerk

AJ5856NP

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

DATE: JUN-18-1999

PAGE: A-1

RIGHTS FROM: SOURCE: SPRING TRIBUTARY: BLUE CREEK

RIGHT NUMBER: 51-10199

NAME & ADDRESS: DAVID LAHTINEN
BARBARA LAHTINEN
HC 85 BOX 167A
BRUNEAU ID 83604

SOURCE:	UNNAMED STREAM	TRIBUTARY: DEADMAN CREEK
	UNNAMED STREAMS	LITTLE JACKS CREEK
	SPRING	O X PRONG
	SPRING	BLUE CREEK
	UNNAMED STREAMS	BLUE CREEK
	UNNAMED STREAM	DRY CREEK
	SPRINGS	SINKS
	UNNAMED STREAMS	BIG JACKS CREEK
	UNNAMED STREAMS	BATTLE CREEK
	SPRINGS	LITTLE JACKS CREEK
	SPRING	DRY CREEK

QUANTITY: 0.07 CFS

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

PRIORITY DATE: 03/31/1882

POINT OF DIVERSION:	T09S R01E S20	SWSE	Within Owyhee County
	S22	SWNE	
		NWSE	
	R02E S13	NWSW	
	S14	NESE	
	S20	NENE	
	S31	NWSE	
	S32	NWNW	
	R01W S35	SESWSE	
	T10S R02E S04	NESW	
	S05	NENE	
	S06	SESE	
	S13	NWNW	
	S14	SENW	
	S15	SENW	
	S20	NESW	
	S21	SWNE	
	R03E S03	NWSW	
	S08	NWSE	
	S09	NWSW	

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.07 CFS

AJ5856NP

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

DATE: JUN-18-1999

PAGE: A-2

RIGHTS FROM: SOURCE: SPRING TRIBUTARY: BLUE CREEK

RIGHT NUMBER: 51-10199 (CONT)

PERIOD OF USE: (CONT)

PLACE OF USE:	STOCKWATER	Within Owyhee County
	T09S R01E S20	SWSE
	S22	SWNE NWSE
	R02E S13	NWSW
	S14	NESE
	S20	NENE
	S31	NWSE
	S32	NWNW
	R01W S35	SWSE
	T10S R02E S04	NESW
	S05	NENE
	S06	SESE
	S13	NWNW
	S14	SENW
	S15	SENW
	S20	NESW
	S21	SWNE
	R03E S03	NWSW
	S08	NWSE
	S09	NWSW

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
STOCKWATER, 205 RANGE CATTLE

MAIL12278



RECEIVED

JAN 26 1998

Department of Water Resources
Adjudication Bureau

RECEIVED

JAN 20 1998

OFFICE OF THE
ATTORNEY GENERAL

**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 51-10199 *035*

IDWR has completed the following Administrative Proceeding:

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

CHANGE OF ADDRESS

Name of Claimant: DAVID LAHTENEN
New Address: HC 85 BOX 167A
BRUNEAU ID 83604
Phone: (208) 845-2208

Claimant's Water Rights: 51-10199

The Claimant has filed Objections or Responses to the following water
rights: 51-10199

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
1/15/1998

51-10199

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: January 15, 1998



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on January 15, 1998 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:

DAVID LAHTINEN
BARBARA LAHTINEN
HC 85 BOX 167A
BRUNEAU ID 83604

SUSAN BUXTON
PAUL A TURCKE
999 MAIN ST #910
BOISE ID 83702

DAVID LAHTINEN
PO BOX 167A
BRUNEAU ID 83604
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

Dorise Buffington
Signature of person or attorney mailing the form

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
1/15/1998

51-10199

PAGE 3

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: JAN-15-1998
PAGE: A-1-----
RIGHTS FROM: SOURCE: SPRING TRIBUTARY: BLUE CREEK

RIGHT NUMBER: 51-10199

NAME & ADDRESS: DAVID LAHTINEN
BARBARA LAHTINEN
HC 85 BOX 167A
BRUNEAU ID 83604

RECEIVED

JAN 20 1998

SOURCE: UNNAMED STREAM
UNNAMED STREAMS
SPRING
SPRING
UNNAMED STREAMS
UNNAMED STREAM
SPRINGS
UNNAMED STREAMS
UNNAMED STREAMS
SPRINGS
SPRINGTRIBUTARY: DEADMAN CREEK
LITTLE JACKS CREEK
O X PRONG
BLUE CREEK
BLUE CREEK
DRY CREEK
SINKS
BIG JACKS CREEK
BATTLE CREEK
LITTLE JACKS CREEK
DRY CREEKOFFICE OF THE
ATTORNEY GENERAL

QUANTITY: 0.07 CFS

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

PRIORITY DATE: 03/31/1882

POINT OF DIVERSION:

T09S R01E S20 SWSE
S22 SWNE
NWSE
R02E S13 NWSW
S14 NESE
S20 NENE
S31 NWSE
S32 NWNW
R01W S35 SESWSE
T10S R02E S04 NESW
S05 NENE
S06 SESE
S13 NWNW
S14 SENW
S15 SENW
S20 NESW
S21 SWNE
R03E S03 NWSW
S08 NWSE
S09 NWSW

Within Owyhee County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
STOCKWATERPERIOD OF USE
01-01 12-31QUANTITY
0.07 CFS

RIGHTS FROM: SOURCE: SPRING TRIBUTARY: BLUE CREEK

RIGHT NUMBER: 51-10199 (CONT)

PERIOD OF USE: (CONT)

PLACE OF USE:	STOCKWATER	Within Owyhee County
	T09S R01E S20	SWSE
	S22	SWNE NWSE
	R02E S13	NWSW
	S14	NESE
	S20	NENE
	S31	NWSE
	S32	NWNW
	R01W S35	SWSE
	T10S R02E S04	NESW
	S05	NENE
	S06	SESE
	S13	NWNW
	S14	SENW
	S15	SENW
	S20	NESW
	S21	SWNE
	R03E S03	NWSW
	S08	NWSE
	S09	NWSW

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
STOCKWATER, 205 RANGE CATTLE

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: JAN-15-1998
PAGE: A-3-----
RIGHTS FROM: SOURCE: SPRING TRIBUTARY: DRY CREEK

RIGHT NUMBER: 51-10199

NAME & ADDRESS: DAVID LAHTINEN
BARBARA LAHTINEN
HC 85 BOX 167A
BRUNEAU ID 83604

SOURCE:	UNNAMED STREAM	TRIBUTARY: DEADMAN CREEK
	UNNAMED STREAMS	LITTLE JACKS CREEK
	SPRING	O X PRONG
	SPRING	BLUE CREEK
	UNNAMED STREAMS	BLUE CREEK
	UNNAMED STREAM	DRY CREEK
	SPRINGS	SINKS
	UNNAMED STREAMS	BIG JACKS CREEK
	UNNAMED STREAMS	BATTLE CREEK
	SPRINGS	LITTLE JACKS CREEK
	SPRING	DRY CREEK

QUANTITY: 0.07 CFS

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

PRIORITY DATE: 03/31/1882

POINT OF DIVERSION:	T09S R01E S20	SWSE	Within Owyhee County
	S22	SWNE	
		NWSE	
	R02E S13	NWSW	
	S14	NESE	
	S20	NENE	
	S31	NWSE	
	S32	NWNW	
	R01W S35	SESWSE	
	T10S R02E S04	NESW	
	S05	NENE	
	S06	SESE	
	S13	NWNW	
	S14	SENW	
	S15	SENW	
	S20	NESW	
	S21	SWNE	
	R03E S03	NWSW	
	S08	NWSE	
	S09	NWSW	

PURPOSE AND
PERIOD OF USE:PURPOSE OF USE
STOCKWATERPERIOD OF USE
01-01 12-31QUANTITY
0.07 CFS

RIGHTS FROM: SOURCE: SPRING TRIBUTARY: DRY CREEK

RIGHT NUMBER: 51-10199 (CONT)

PERIOD OF USE: (CONT)

PLACE OF USE:	STOCKWATER	Within Owyhee County
	T09S R01E S20	SWSE
	S22	SWNE NWSE
	R02E S13	NWSW
	S14	NESE
	S20	NENE
	S31	NWSE
	S32	NWNW
	R01W S35	SWSE
	T10S R02E S04	NESW
	S05	NENE
	S06	SESE
	S13	NWNW
	S14	SESW
	S15	SESW
	S20	NESW
	S21	SWNE
	R03E S03	NWSW
	S08	NWSE
	S09	NWSW

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
STOCKWATER, 205 RANGE CATTLE

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: JAN-15-1998
PAGE: A-5-----
RIGHTS FROM: SOURCE: SPRING TRIBUTARY: O X PRONG

RIGHT NUMBER: 51-10199

NAME & ADDRESS: DAVID LAHTINEN
BARBARA LAHTINEN
HC 85 BOX 167A
BRUNEAU ID 83604SOURCE: UNNAMED STREAM TRIBUTARY: DEADMAN CREEK
UNNAMED STREAMS LITTLE JACKS CREEK
SPRING O X PRONG
SPRING BLUE CREEK
UNNAMED STREAMS BLUE CREEK
UNNAMED STREAM DRY CREEK
SPRINGS SINKS
UNNAMED STREAMS BIG JACKS CREEK
UNNAMED STREAMS BATTLE CREEK
SPRINGS LITTLE JACKS CREEK
SPRING DRY CREEK

QUANTITY: 0.07 CFS

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

PRIORITY DATE: 03/31/1982

POINT OF DIVERSION: T09S R01E S20 SWSE Within Owyhee County
S22 SWNE
NWSW
R02E S13 NWSW
S14 NESE
S20 NENE
S31 NWSE
S32 NWNW
R01W S35 SESWSE
T10S R02E S04 NESW
S05 NENE
S06 SESE
S13 NWNW
S14 SESE
S15 SENW
S20 NESW
S21 SWNE
R03E S03 NWSW
S08 NWSE
S09 NWSWPURPOSE AND
PERIOD OF USE:PURPOSE OF USE
STOCKWATERPERIOD OF USE
01-01 12-31QUANTITY
0.07 CFS

RIGHTS FROM: SOURCE: SPRING TRIBUTARY: O X PRONG

RIGHT NUMBER: 51-10199 (CONT)

PERIOD OF USE: (CONT)

PLACE OF USE:	STOCKWATER	Within Owyhee County
	T09S R01E S20	SWSE
	S22	SWNE
	R02E S13	NWSW
	S14	NESE
	S20	NENE
	S31	NWSE
	S32	NWNW
	R01W S35	SWSE
	T10S R02E S04	NESW
	S05	NENE
	S06	SESE
	S13	NWNW
	S14	SENW
	S15	SENW
	S20	NESW
	S21	SWNE
	R03E S03	NWSW
	S08	NWSE
	S09	NWSW

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
STOCKWATER, 205 RANGE CATTLE

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: JAN-15-1998
PAGE: A-7-----
RIGHTS FROM: SOURCE: SPRINGS TRIBUTARY: LITTLE JACKS CREEK

RIGHT NUMBER: 51-10199

NAME & ADDRESS: DAVID LAHTINEN
BARBARA LAHTINEN
HC 85 BOX 167A
BRUNEAU ID 83604SOURCE: UNNAMED STREAM TRIBUTARY: DEADMAN CREEK
UNNAMED STREAMS LITTLE JACKS CREEK
SPRING O X PRONG
SPRING BLUE CREEK
UNNAMED STREAMS BLUE CREEK
UNNAMED STREAM DRY CREEK
SPRINGS SINKS
UNNAMED STREAMS BIG JACKS CREEK
UNNAMED STREAMS BATTLE CREEK
SPRINGS LITTLE JACKS CREEK
SPRING DRY CREEK

QUANTITY: 0.07 CFS

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

PRIORITY DATE: 03/31/1882

POINT OF DIVERSION: T09S R01E S20 SWSE Within Owyhee County
S22 SWNE
NWSE
R02E S13 NWSW
S14 NESE
S20 NENE
S31 NWSE
S32 NWNW
R01W S35 SESWSE
T10S R02E S04 NESW
S05 NENE
S06 SESE
S13 NWSE
S14 SENW
S15 SENW
S20 NESW
S21 SWNE
R03E S03 NWSW
S08 NWSE
S09 NWSWPURPOSE AND
PERIOD OF USE:PURPOSE OF USE
STOCKWATERPERIOD OF USE
01-01 12-31QUANTITY
0.07 CFS

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: JAN-15-1998
PAGE: A-8-----
RIGHTS FROM: SOURCE: SPRINGS TRIBUTARY: LITTLE JACKS CREEK

RIGHT NUMBER: 51-10199 (CONT)

PERIOD OF USE: (CONT)

PLACE OF USE:	STOCKWATER	Within Owyhee County
	T09S R01E S20	SWSE
	S22	SWNE NWSE
	R02E S13	NWSW
	S14	NESE
	S20	NENE
	S31	NWSE
	S32	NWNW
	R01W S35	SWSE
	T10S R02E S04	NESW
	S05	NENE
	S06	SESE
	S13	NWNW
	S14	SESW
	S15	SESW
	S20	NESW
	S21	SWNE
	R03E S03	NWSW
	S08	NWSE
	S09	NWSW

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
STOCKWATER, 205 RANGE CATTLE

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: JAN-15-1998
PAGE: A-9-----
RIGHTS FROM: SOURCE: SPRINGS TRIBUTARY: SINKS

RIGHT NUMBER: 51-10199

NAME & ADDRESS: DAVID LAHTINEN
BARBARA LAHTINEN
HC 85 BOX 167A
BRUNEAU ID 83604SOURCE: UNNAMED STREAM
UNNAMED STREAMS
SPRING
SPRING
UNNAMED STREAMS
UNNAMED STREAM
SPRINGS
UNNAMED STREAMS
UNNAMED STREAMS
SPRINGS
SPRINGTRIBUTARY: DEADMAN CREEK
LITTLE JACKS CREEK
O X PRONG
BLUE CREEK
BLUE CREEK
DRY CREEK
SINKS
BIG JACKS CREEK
BATTLE CREEK
LITTLE JACKS CREEK
DRY CREEK

QUANTITY: 0.07 CFS

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

PRIORITY DATE: 03/31/1882

POINT OF DIVERSION: T09S R01E S20 SWSE Within Owyhee County
S22 SWNE
NWSE
R02E S13 NWSW
S14 NESE
S20 NENE
S31 NWSE
S32 NWNW
R01W S35 SESWSE
T10S R02E S04 NESW
S05 NENE
S06 SESE
S13 NWNW
S14 SENW
S15 SENW
S20 NESW
S21 SWNE
R03E S03 NWSW
S08 NWSE
S09 NWSWPURPOSE AND
PERIOD OF USE:PURPOSE OF USE
STOCKWATERPERIOD OF USE
01-01 12-31QUANTITY
0.07 CFS

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: JAN-15-1998
PAGE: A-10-----
RIGHTS FROM: SOURCE: SPRINGS TRIBUTARY: SINKS

RIGHT NUMBER: 51-10199 (CONT)

PERIOD OF USE: (CONT)

PLACE OF USE:	STOCKWATER	Within Owyhee County
	T09S R01E S20	SWSE
		S22 SWNE NWSE
	R02E S13	NWSW
		S14 NESE
		S20 NENE
		S31 NWSE
		S32 NWNW
	R01W S35	SWSE
	T10S R02E S04	NESW
		S05 NENE
		S06 SESE
		S13 NWNW
		S14 SENW
		S15 SENW
		S20 NESW
		S21 SWNE
	R03E S03	NWSW
		S08 NWSE
		S09 NWSW

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
STOCKWATER, 205 RANGE CATTLE

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: JAN-15-1998
PAGE: A-11-----
RIGHTS FROM: SOURCE: UNNAMED STREAM TRIBUTARY: DEADMAN CREEK

RIGHT NUMBER: 51-10199

NAME & ADDRESS: DAVID LAHTINEN
BARBARA LAHTINEN
HC 85 BOX 167A
BRUNEAU ID 83604

SOURCE:	UNNAMED STREAM	TRIBUTARY: DEADMAN CREEK
	UNNAMED STREAMS	LITTLE JACKS CREEK
	SPRING	O X PRONG
	SPRING	BLUE CREEK
	UNNAMED STREAMS	BLUE CREEK
	UNNAMED STREAM	DRY CREEK
	SPRINGS	SINKS
	UNNAMED STREAMS	BIG JACKS CREEK
	UNNAMED STREAMS	BATTLE CREEK
	SPRINGS	LITTLE JACKS CREEK
	SPRING	DRY CREEK

QUANTITY: 0.07 CFS

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

PRIORITY DATE: 03/31/1882

POINT OF DIVERSION:	T09S R01E S20	SWSE	Within Owyhee County
	S22	SWNE	
		NWSE	
	R02E S13	NWSW	
	S14	NESE	
	S20	NENE	
	S31	NWSE	
	S32	NWNW	
	R01W S35	SESWSE	
	T10S R02E S04	NESW	
	S05	NENE	
	S06	SESE	
	S13	NWNW	
	S14	SENW	
	S15	SENW	
	S20	NESW	
	S21	SWNE	
	R03E S03	NWSW	
	S08	NWSE	
	S09	NWSW	

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
STOCKWATERPERIOD OF USE
01-01 12-31QUANTITY
0.07 CFS

RIGHTS FROM: SOURCE: UNNAMED STREAM TRIBUTARY: DEADMAN CREEK

RIGHT NUMBER: 51-10199 (CONT)

PERIOD OF USE: (CONT)

PLACE OF USE:	STOCKWATER	Within Owyhee County
	T09S R01E S20	SWSE
	S22	SWNE NWSE
	R02E S13	NWSW
	S14	NESE
	S20	NENE
	S31	NWSE
	S32	NWNW
	R01W S35	SWSE
	T10S R02E S04	NESW
	S05	NENE
	S06	SESE
	S13	NWNW
	S14	SESW
	S15	SESW
	S20	NESW
	S21	SWNE
	R03E S03	NWSW
	S08	NWSE
	S09	NWSW

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
STOCKWATER, 205 RANGE TITLE

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: JAN-15-1998
PAGE: A-13-----
RIGHTS FROM: SOURCE: UNNAMED STREAM TRIBUTARY: DRY CREEK

RIGHT NUMBER: 51-10199

NAME & ADDRESS: DAVID LAHTINEN
BARBARA LAHTINEN
HC 85 BOX 167A
BRUNEAU ID 83604SOURCE: UNNAMED STREAM TRIBUTARY: DEADMAN CREEK
UNNAMED STREAMS LITTLE JACKS CREEK
SPRING O X PRONG
SPRING BLUE CREEK
UNNAMED STREAMS BLUE CREEK
UNNAMED STREAM DRY CREEK
SPRINGS SINKS
UNNAMED STREAMS BIG JACKS CREEK
UNNAMED STREAMS BATTLE CREEK
SPRINGS LITTLE JACKS CREEK
SPRING DRY CREEK

QUANTITY: 0.07 CFS

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

PRIORITY DATE: 03/31/1882

POINT OF DIVERSION: T09S R01E S20 SWSE Within Owyhee County
S22 SWNE
NWSE
R02E S13 NWSW
S14 NESE
S20 NENE
S31 NWSE
S32 NWNW
R01W S35 SESWSE
T10S R02E S04 NESW
S05 NENE
S06 SESE
S13 NWNW
S14 SENW
S15 SENW
S20 NESW
S21 SWNE
R03E S03 NWSW
S08 NWSE
S09 NWSWPURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
STOCKWATER 01-01 12-31 0.07 CFS

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: JAN-15-1998
PAGE: A-14-----
RIGHTS FROM: SOURCE: UNNAMED STREAM TRIBUTARY: DRY CREEK

RIGHT NUMBER: 51-10199 (CONT)

PERIOD OF USE: (CONT)

PLACE OF USE:	STOCKWATER	Within Owyhee County
	T09S R01E S20	SWSE
	S22	SWNE NWSE
	R02E S13	NWSW
	S14	NESE
	S20	NENE
	S31	NWSE
	S32	NWNW
	R01W S35	SWSE
	T10S R02E S04	NESW
	S05	NENE
	S06	SESE
	S13	NWNW
	S14	SESW
	S15	SESW
	S20	NESW
	S21	SWNE
	R03E S03	NWSW
	S08	NWSE
	S09	NWSW

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
STOCKWATER, 205 RANGE CATTLE

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: JAN-15-1998
PAGE: A-15-----
RIGHTS FROM: SOURCE: UNNAMED STREAMS TRIBUTARY: BATTLE CREEK

RIGHT NUMBER: 51-10199

NAME & ADDRESS: DAVID LAHTINEN
BARBARA LAHTINEN
HC 85 BOX 167A
BRUNEAU ID 83604

SOURCE:	UNNAMED STREAM	TRIBUTARY: DEADMAN CREEK
	UNNAMED STREAMS	LITTLE JACKS CREEK
	SPRING	O X PRONG
	SPRING	BLUE CREEK
	UNNAMED STREAMS	BLUE CREEK
	UNNAMED STREAM	DRY CREEK
	SPRINGS	SINKS
	UNNAMED STREAMS	BIG JACKS CREEK
	UNNAMED STREAMS	BATTLE CREEK
	SPRINGS	LITTLE JACKS CREEK
	SPRING	DRY CREEK

QUANTITY: 0.07 CFS

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

PRIORITY DATE: 03/31/1882

POINT OF DIVERSION:	T09S R01E S20	SWSE	Within Owyhee County
	S22	SWNE	
		NWSE	
	R02E S13	NWSW	
	S14	NESE	
	S20	NENE	
	S31	NWSE	
	S32	NWNW	
	R01W S35	SESWSW	
	T10S R02E S04	NESW	
	S05	NENE	
	S06	SESE	
	S13	NWNW	
	S14	SENW	
	S15	SENW	
	S20	NESW	
	S21	SWNE	
	R03E S03	NWSW	
	S08	NWSE	
	S09	NWSW	

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.07 CFS

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: JAN-15-1998
PAGE: A-16-----
RIGHTS FROM: SOURCE: UNNAMED STREAMS TRIBUTARY: BATTLE CREEK

RIGHT NUMBER: 51-10199 (CONT)

PERIOD OF USE: (CONT)

PLACE OF USE:	STOCKWATER	Within Owyhee County
	T09S R01E S20	SWSE
		S22 SWNE NWSE
	R02E S13	NWSW
		S14 NESE
		S20 NENE
		S31 NWSE
		S32 NWNW
	R01W S35	SWSE
	T10S R02E S04	NESW
		S05 NENE
		S06 SESE
		S13 NWNW
		S14 SENW
		S15 SENW
		S20 NESW
		S21 SWNE
	R03E S03	NWSW
		S08 NWSE
		S09 NWSW

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
STOCKWATER, 205 RANGE CATTLE

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

DATE: JAN-15-1998
PAGE: A-17

RIGHTS FROM: SOURCE: UNNAMED STREAMS TRIBUTARY: BIG JACKS CREEK

RIGHT NUMBER: 51-10199

NAME & ADDRESS: DAVID LAHTINEN
BARBARA LAHTINEN
HC 85 BOX 167A
BRUNEAU ID 83604

SOURCE:	UNNAMED STREAM	TRIBUTARY: DEADMAN CREEK
	UNNAMED STREAMS	LITTLE JACKS CREEK
	SPRING	O X PRONG
	SPRING	BLUE CREEK
	UNNAMED STREAMS	BLUE CREEK
	UNNAMED STREAM	DRY CREEK
	SPRINGS	SINKS
	UNNAMED STREAMS	BIG JACKS CREEK
	UNNAMED STREAMS	BATTLE CREEK
	SPRINGS	LITTLE JACKS CREEK
	SPRING	DRY CREEK

QUANTITY: 0.07 CFS

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

PRIORITY DATE: 03/31/1882

POINT OF DIVERSION:	T09S R01E S20	SWSE	Within Owyhee County
	S22	SWNE	
		NWSE	
	R02E S13	NWSW	
	S14	NESE	
	S20	NENE	
	S31	NWSE	
	S32	NWNW	
	R01W S35	SESWSE	
	T10S R02E S04	NESW	
	S05	NENE	
	S06	SESE	
	S13	NWNW	
	S14	SESW	
	S15	SESW	
	S20	NESW	
	S21	SWNE	
	R03E S03	NWSW	
	S08	NWSE	
	S09	NWSW	

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE STOCKWATER	PERIOD OF USE 01-01 12-31	QUANTITY 0.07 CFS
-------------------------------	------------------------------	------------------------------	----------------------

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: JAN-15-1998
PAGE: A-18-----
RIGHTS FROM: SOURCE: UNNAMED STREAMS TRIBUTARY: BIG JACKS CREEK

RIGHT NUMBER: 51-10199 (CONT)

PERIOD OF USE: (CONT)

PLACE OF USE:	STOCKWATER	Within Owyhee County
	T09S R01E S20	SWSE
	S22	SWNE NWSE
	R02E S13	NWSW
	S14	NESE
	S20	NENE
	S31	NWSE
	S32	NWNW
	R01W S35	SWSE
	T10S R02E S04	NESW
	S05	NENE
	S06	SESE
	S13	NWNW
	S14	SENW
	S15	SENW
	S20	NESW
	S21	SWNE
	R03E S03	NWSW
	S08	NWSE
	S09	NWSW

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
STOCKWATER, 205 RANGE TITLE

RIGHTS FROM: SOURCE: UNNAMED STREAMS TRIBUTARY: BLUE CREEK

RIGHT NUMBER: 51-10199

NAME & ADDRESS: DAVID LAHTINEN
BARBARA LAHTINEN
HC 85 BOX 167A
BRUNEAU ID 83604

SOURCE: UNNAMED STREAM TRIBUTARY: DEADMAN CREEK
UNNAMED STREAMS LITTLE JACKS CREEK
SPRING O X PRONG
SPRING BLUE CREEK
UNNAMED STREAMS BLUE CREEK
UNNAMED STREAM DRY CREEK
SPRINGS SINKS
UNNAMED STREAMS BIG JACKS CREEK
UNNAMED STREAMS BATTLE CREEK
SPRINGS LITTLE JACKS CREEK
SPRING DRY CREEK

QUANTITY: 0.07 CFS

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

PRIORITY DATE: 03/31/1882

POINT OF DIVERSION: T09S R01E S20 SWSE Within Owyhee County
S22 SWNE
NWSE
R02E S13 NWSW
S14 NESE
S20 NENE
S31 NWSE
S32 NWNW
R01W S35 SESWSE
T10S R02E S04 NESW
S05 NENE
S06 SESE
S13 NWNW
S14 SENW
S15 SENW
S20 NESW
S21 SWNE
R03E S03 NWSW
S08 NWSE
S09 NWSW

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
STOCKWATER 01-01 12-31 0.07 CFS

RIGHTS FROM: SOURCE: UNNAMED STREAMS TRIBUTARY: BLUE CREEK

RIGHT NUMBER: 51-10199 (CONT)

PERIOD OF USE: (CONT)

PLACE OF USE:	STOCKWATER	Within Owyhee County
	T09S R01E S20	SWSE
	S22	SWNE NWSE
	R02E S13	NWSW
	S14	NESE
	S20	NENE
	S31	NWSE
	S32	NWNW
	R01W S35	SWSE
	T10S R02E S04	NESW
	S05	NENE
	S06	SESE
	S13	NWNW
	S14	SESW
	S15	SESW
	S20	NESW
	S21	SWNE
	R03E S03	NWSW
	S08	NWSE
	S09	NWSW

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
STOCKWATER, 205 RANGE CATTLE

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: JAN-15-1998
PAGE: A-21-----
RIGHTS FROM: SOURCE: UNNAMED STREAMS TRIBUTARY: LITTLE JACKS CREEK

RIGHT NUMBER: 51-10199

NAME & ADDRESS: DAVID LAHTINEN
BARBARA LAHTINEN
HC 85 BOX 167A
BRUNEAU ID 83604SOURCE: UNNAMED STREAM TRIBUTARY: DEADMAN CREEK
UNNAMED STREAMS LITTLE JACKS CREEK
SPRING O X PRONG
SPRING BLUE CREEK
UNNAMED STREAMS BLUE CREEK
UNNAMED STREAM DRY CREEK
SPRINGS SINKS
UNNAMED STREAMS BIG JACKS CREEK
UNNAMED STREAMS BATTLE CREEK
SPRINGS LITTLE JACKS CREEK
SPRING DRY CREEK

QTY: 0.07 CFS

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

PRIORITY DATE: 03/31/1882

POINT OF DIVERSION: T09S R01E S20 SWSE Within Owyhee County
S22 SWNE
NWSE
R02E S13 NWSW
S14 NESE
S20 NENE
S31 NWSE
S32 NWNW
R01W S35 SESWSE
T10S R02E S04 NESW
S05 NENE
S06 SESE
S13 NWNW
S14 SENW
S15 SENW
S20 NENE
S21
R03E S03 NWSE
S08 NWSE
S09 NWS-PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
STOCKWATER 01-01 12-31 0.07 CFS

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: JAN-15-1998
PAGE: A-22

RIGHTS FROM: SOURCE: UNNAMED STREAMS TRIBUTARY: LITTLE JACKS CREEK

RIGHT NUMBER: 51-10199 (CONT)

PERIOD OF USE: (CONT)

PLACE OF USE:	STOCKWATER	Within Owyhee County
	T09S R01E S20	SWSE
	S22	SWNE
	R02E S13	NWSW
	S14	NESE
	S20	NENE
	S31	NWSE
	S32	NWNW
	R01W S35	SWSE
	T10S R02E S04	NESW
	S05	NENE
	S06	SESE
	S13	NWNW
	S14	SESW
	S15	SESW
	S20	NESW
	S21	SWNE
	R03E S03	NWSW
	S08	NWSE
	S09	NWSW

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
STOCKWATER, 205 RANGE CATTLE

Place of use Legal Description for: STOCKWATER

		NE		NW		SW		SE	
T	R S	NE NE	NE NE	NE NE	NE NE	NE NE	NE NE	NE NE	NE NE
09S 02E 20	S	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac
09S 02E 31									
09S 02E 32									
09S 01W 35									
10S 02E 4									
10S 02E 5	S								
10S 02E 6									
10S 02E 13									
10S 02E 14									
10S 02E 15									
10S 02E 20									
10S 02E 21	S								
10S 03E 3									
10S 03E 8									
10S 03E 9									

POU County: Owyhee

Other Rights: IN-STREAM STOCKWATER

Other Water Rights with Same Points) of Diversion with Stage (includes All Sources):

A51-02058A A51-02058B A51-02230 A51-10199 A51-10229 A51-10487 A51-10897 A51-10898 A51-11076 A51-11077
A51-11108 A51-11114 A51-12749 A55-12623 A55-12624 A55-13370 F51-10487 F51-11114 R51-10229 R51-10487
R51-10894 R51-10897 R51-11076 R51-11114 R55-12623 R55-13370

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.

Remarks: EXP STOCKWATER, 205 RANGE CATTLE

Dates: Exem Made Date: Verified Date: 06/24/1997 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:

Presumption Flag:

Comments: Date: 10/02/1992 User-ID: SMITH Subject: COPIED FROM REMARKS
BLM LESSEE

Date: 02/25/1997 User-ID: STK-PROD Subject: D&S STK-BLM UPDATE

AJ0749NP
No. A51-10199

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 06/24/97
PAGE: 3

Comments:

Date: 02/25/1997 User-ID: STK-PROD Subject: D&S STK-BLM UPDATE
USE-NOT-IRRIGATION FIELD TEXT DELETED AND MADE EXP REMARK.
CONDITION CODES N11 AND N13 ADDED IF NOT ALREADY PART OF RECORD.
ANY GEN REMARK CHANGED TO EXP REMARK. IF BLM/USFS, DELETED L12.

Date: 06/24/1997 User-ID: MMINICUC Subject: COPIED FROM REMARKS
ALLOTMENT NO. 0802, BATTLE CREEK
ALLOTMENT NO. 0808, TINDALL NORTHWEST
STOCKWATER, 205 RANGE CATTLE

Date: 06/24/1997 User-ID: MMINICUC Subject: REVIEW
BLM OVERLAPS: A51-10487 A51-10710 A51-10894 A51-10895
A51-10896 A51-10897 A51-10898 A51-11076
A51-11077 A51-11108 A51-11109 A51-11114
A51-12623 A51-12624

PRIVATE OVERLAPS: A51-10229 A51-12749

TRIBES ADDED AS PER USGS TOPOS, SEE COPIES IN FILE.
SEE AJS5815NP REPORT, IN FILE, FOR LOCATION OF OVERLAPS

Audit: 06/24/97 MMINICUC

AJ5809NP
No. R51-10199

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 02/26/97
PAGE: 22

Place of use Legal Description for: STOCKWATER

		NE		NW		SW		SE	
		NAME	NAME	NAME	NAME	NAME	NAME	NAME	NAME
		LT	AC	LT	AC	LT	AC	LT	AC
10S 02E 20 :									
10S 02E 21 :									
10S 03E 3 :									
10S 03E 8 :									
10S 03E 9 :									

POU County: Owyhee

Other Rights: IN-STREAM STOCKWATER

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP ALLOTMENT NO. 0802, BATTLE CREEK

ALLOTMENT NO. 0808, TINDALL NORTHWEST

Dates:

Exam Made Date:

Verified Date:

Objection Filed Date:

Misc:

Water District Number:

Field Inspection Flag:

Presumption Flag:

Comments:

Date: 10/02/1992 User-ID: SMITH Subject: COPIED FROM REMARKS

BLM LESSEE
Date: 02/25/1997 User-ID: STK-PROD Subject: D&S STK-BLM UPDATE
USE-NOT-IRRIGATION FIELD TEXT DELETED AND MADE EXP REMARK.
CONDITION CODES N11 AND N13 ADDED IF NOT ALREADY PART OF RECORD.
ANY GEN REMARK CHANGED TO EXP REMARK. IF BLM/USFS, DELETED L12.

Audit:

10/02/92 SMITH 03/30/95 POST-STD 02/25/97 STK-PROD

BLM OVERLAPS

AS1-10487 - 11108
- 10710 - 11109
- 10894 - 11114
- 10895 - 12623
- 10896 - 12624
- 10897
- 10898
- 11076
- 11077

PRIVATE OVERLAPS

AS1-10229
AS1-12749

limited to 02 CES as

per Basin Code 12

deletion.

Dev & source

A45815NP

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT

DATE: 06/13/97

NO. 6 : MULTIPLE
OVERLAP

OPTION: GET ALL USES

ADJUDICATION CLAIM NUMBER: A51-10141

PAGE: 1

A. ROOT WATER RIGHT NUMBERS:

A51-10141
R51-10141

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/USE/ACRES	MR #/USE/ACRES	LANDSAT DATA
12S	04E	3	NE	SW		URQUIDI, JOHN	A51-10141 /04/	-	/ /
			NE	SW		URQUIDI, JOHN	R51-10141 /04/	-	/ /
12S	04E	9	SE	SE		URQUIDI, JOHN	A51-10141 /04/	-	/ /
			SE	SE		AMERICA ACTING THROUGH, UNITEDA51-10932	/04/	-	/ /
			SE	SE		AMERICA ACTING THROUGH, UNITEDA51-11107	/04/	-	/ /
			SE	SE		AMERICA ACTING THROUGH, UNITEDA51-10930	/04/	-	/ /
			SE	SE		AMERICA ACTING THROUGH, UNITEDA51-10932	/04/	-	/ /
			SE	SE		AMERICA ACTING THROUGH, UNITEDA51-10933	/04/	-	/ /
			SE	SE		AMERICA ACTING THROUGH, UNITEDA51-11107	/04/	-	/ /
			SE	SE		URQUIDI, JOHN	R51-10141 /04/	-	/ /
			SE	SE		HAUGRUD, JACK OR G GARVER OR DR51-10930	/04/	-	/ /

TOTAL ACRES A51-10141

POU COUNTY: OMYHEE

A. ROOT WATER RIGHT NUMBERS:
A51-10199
R51-10199

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/USE/ACRES	MR #/USE/ACRES	LANDSAT DATA
09S	01E	20	SW	SE		LAHTINEN, BARBARA	A51-10199 /04/	-	/ /
			SW	SE		LAHTINEN, BARBARA	R51-10199 /04/	-	/ /
			SW	SE		AMERICA ACTING THROUGH, UNITEDA55-13370	/05/	-	/ /
			SW	SE		AMERICA ACTING THROUGH, UNITEDR55-13370	/05/	-	/ /
09S	01E	22	SW	NE		LAHTINEN, BARBARA	A51-10199 /04/	-	/ /
			SW	NE		LAHTINEN, BARBARA	R51-10199 /04/	-	/ /
09S	01E	22	NW	SE		LAHTINEN, BARBARA	A51-10199 /04/	-	/ /
			NW	SE		LAHTINEN, BARBARA	R51-10199 /04/	-	/ /
09S	02E	13	NW	SW		LAHTINEN, BARBARA	A51-10199 /04/	-	/ /
			NW	SW		LAHTINEN, BARBARA	R51-10199 /04/	-	/ /
			NW	SW		AMERICA ACTING THROUGH, UNITEDA51-10894	/04/	-	/ /
			NW	SW		AMERICA ACTING THROUGH, UNITEDA51-10895	/04/	-	/ /
			NW	SW		AMERICA ACTING THROUGH, UNITEDA51-10896	/04/	-	/ /

PAGE: 2

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/USE/ACRES	WR #/USE/ACRES	LANDSAT DATA
09S	02E	14	NE	SE		LAHTINEN, BARBARA	A51-10199 /04/	- / /	3
			NE	SE		AMERICA ACTING THROUGH, UNITEDA51-11109 /16/	- / /	- / /	
			NE	SE		AMERICA ACTING THROUGH, UNITEDR51-10896 /04/	- / /	- / /	
09S	02E	20	NE	NE		LAHTINEN, BARBARA	A51-10199 /04/	- / /	3
			NE	NE		LAHTINEN, BARBARA	R51-10199 /04/	- / /	
			NE	NE		AMERICA ACTING THROUGH, UNITEDA51-10894 /04/	- / /	- / /	
			NE	SE		AMERICA ACTING THROUGH, UNITEDA51-10894 /04/	- / /	- / /	
			NE	SE		AMERICA ACTING THROUGH, UNITEDA51-10897 /04/	- / /	- / /	
			NE	SE		AMERICA ACTING THROUGH, UNITEDA51-10898 /04/	- / /	- / /	
			NE	SE		AMERICA ACTING THROUGH, UNITEDA51-11108 /04/	- / /	- / /	
09S	02E	31	NE	SE		LAHTINEN, BARBARA	A51-10199 /04/	- / /	4
			NE	SE		LAHTINEN, BARBARA	R51-10199 /04/	- / /	
			NE	SE		AMERICA ACTING THROUGH, UNITEDA51-10710 /04/	- / /	- / /	
09S	02E	32	NE	NE		LAHTINEN, BARBARA	A51-10199 /04/	- / /	4
			NE	NE		LAHTINEN, BARBARA	R51-10199 /04/	- / /	
			NE	NE		AMERICA ACTING THROUGH, UNITEDA51-11076 /04/	- / /	- / /	
			NE	NE		AMERICA ACTING THROUGH, UNITEDA51-11076 /04/	- / /	- / /	
			NE	NE		AMERICA ACTING THROUGH, UNITEDA51-11077 /04/	- / /	- / /	
09S	01W	35	SW	SE		LAHTINEN, BARBARA	A51-10199 /04/	- / /	5
			SW	SE		LAHTINEN, BARBARA	R51-10199 /04/	- / /	
			SW	SE		AMERICA ACTING THROUGH, UNITEDA55-12623 /04/	- / /	- / /	
			SW	SE		AMERICA ACTING THROUGH, UNITEDA55-12624 /04/	- / /	- / /	
			SW	SE		AMERICA ACTING THROUGH, UNITEDR55-12623 /04/	- / /	- / /	
10S	02E	4	NE	SW		LAHTINEN, BARBARA	A51-10199 /04/	- / /	6
			NE	SW		LAHTINEN, BARBARA	R51-10199 /04/	- / /	
10S	02E	5	NE	NE		LAHTINEN, BARBARA	A51-10199 /04/	- / /	6
			NE	NE		LAHTINEN, BARBARA	R51-10199 /04/	- / /	
			NE	NE		URQUIDI, JOHN	A51-10229 /04/	- / /	
			NE	NE		URQUIDI, JOHN	R51-10229 /04/	- / /	
10S	02E	6	SE	SE		LAHTINEN, BARBARA	A51-10199 /04/	- / /	7
			SE	SE		LAHTINEN, BARBARA	R51-10199 /04/	- / /	
			SE	SE		AMERICA ACTING THROUGH, UNITEDF51-10487 /04/	- / /	- / /	
10S	02E	13	NW	NW		LAHTINEN, BARBARA	A51-10199 /04/	- / /	8
			NW	NW		AMERICA ACTING THROUGH, UNITEDF51-11114 /04/	- / /	- / /	
			NW	NW		BLM	R51-11114 /05/	- / /	
			NW	NW		LAHTINEN, BARBARA	R51-10199 /04/	- / /	

AJS615NP

IDAH0 DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT

DATE: 06/13/97

OPTION: GET ALL USES

ADJUDICATION CLAIM NUMBER: A51-10199

PAGE: 3

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/USE/ACRES	NR #/USE/ACRES	LANDSAT DATA
10S	02E	14	SE	NW		LAHTINEN, BARBARA	A51-10199 /04/	-	8
			SE	NW		LAHTINEN, BARBARA	R51-10199 /04/	-	11
10S	02E	15	SE	NW		LAHTINEN, BARBARA	A51-10199 /04/	-	10
			SE	NW		LAHTINEN, BARBARA	R51-10199 /04/	-	11
10S	02E	20	NE	SW		LAHTINEN, BARBARA	A51-10199 /04/	-	10
			NE	SW		LAHTINEN, BARBARA	R51-10199 /04/	-	11
10S	02E	21	SW	NE		LAHTINEN, BARBARA	A51-10199 /04/	-	10
			SW	NE		LAHTINEN, BARBARA	R51-10199 /04/	-	11
10S	03E	3	NW	SW		LAHTINEN, BARBARA	A51-10199 /04/	-	9
			NW	SW		LAHTINEN, BARBARA	R51-10199 /04/	-	11
10S	03E	8	NW	SE		LAHTINEN, BARBARA	A51-10199 /04/	-	9
			NW	SE		LAHTINEN, BARBARA	R51-10199 /04/	-	11
			NW	SE		SIMPLOT SELF DECLARATION REVOCAS1-12749	/04/	-	11
10S	03E	9	NW	SW		LAHTINEN, BARBARA	A51-10199 /04/	-	9
			NW	SW		LAHTINEN, BARBARA	R51-10199 /04/	-	11
TOTAL ACRES							A51-10199		

POU COUNTY: OMYHEE

AJS815NP

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT

DATE: 06/24/97

OPTION: GET ALL USES

ADJUDICATION CLAIM NUMBER: A51-10199

PAGE: 2

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/USE/ACRES	WR #/USE/ACRES	LANDSAT DATA
10S	02E	4	NE	SW		LAHTINEN, BARBARA	R51-10199 /04/	-	/ / /
			NE	SW		LAHTINEN, BARBARA	R51-10199 /04/	-	/ / /
10S	02E	5	NE	NE		LAHTINEN, BARBARA	A51-10199 /04/	-	/ / /
			NE	NE		LAHTINEN, BARBARA	R51-10199 /04/	-	/ / /
			NE	NE		URQUIDT, JOHN	A51-10229 ✓ /04/	-	/ / /
			NE	NE		URQUIDT, JOHN	R51-10229 /04/	-	/ / /
10S	02E	6	SE	SE		LAHTINEN, BARBARA	A51-10199 /04/	-	/ / /
			SE	SE		LAHTINEN, BARBARA	R51-10199 /04/	-	/ / /
			SE	SE		AMERICA ACTING THROUGH, UNITED F51-10487 ✓ /04/	-	/ / /	
10S	02E	13	NW	NW		LAHTINEN, BARBARA	A51-10199 /04/	-	/ / /
			NW	NW		AMERICA ACTING THROUGH, UNITED F51-11114 ✓ /04/	-	/ / /	
			NW	NW		BLM	R51-11114 /05/	-	/ / /
			NW	NW		LAHTINEN, BARBARA	R51-10199 /04/	-	/ / /
10S	02E	14	SE	NW		LAHTINEN, BARBARA	A51-10199 /04/	-	/ / /
			SE	NW		LAHTINEN, BARBARA	R51-10199 /04/	-	/ / /
10S	02E	15	SE	NW		LAHTINEN, BARBARA	A51-10199 /04/	-	/ / /
			SE	NW		LAHTINEN, BARBARA	R51-10199 /04/	-	/ / /
10S	02E	20	NE	SW		LAHTINEN, BARBARA	A51-10199 /04/	-	/ / /
			NE	SW		LAHTINEN, BARBARA	R51-10199 /04/	-	/ / /
10S	02E	21	SW	NE		LAHTINEN, BARBARA	A51-10199 /04/	-	/ / /
			SW	NE		LAHTINEN, BARBARA	R51-10199 /04/	-	/ / /
10S	03E	3	NW	SW		LAHTINEN, BARBARA	A51-10199 /04/	-	/ / /
			NW	SW		LAHTINEN, BARBARA	R51-10199 /04/	-	/ / /
10S	03E	8	NW	SE		LAHTINEN, BARBARA	A51-10199 /04/	-	/ / /
			NW	SE		LAHTINEN, BARBARA	R51-10199 /04/	-	/ / /
			NW	SE		SIMPLIST SELF DECLARATION REVOCAS1-12749 /04/ ✓	-	/ / /	
10S	03E	9	NW	SW		LAHTINEN, BARBARA	A51-10199 /04/	-	/ / /
			NW	SW		LAHTINEN, BARBARA	R51-10199 /04/	-	/ / /
TOTAL ACRES							A51-10199		

POU COUNTY: OMYHREE

OPTION: GET ALL USES

ADJUDICATION CLAIM NUMBER: A51-10199

PAGE: 1

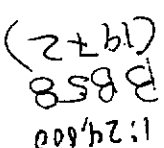
A. ROOT WATER RIGHT NUMBERS:

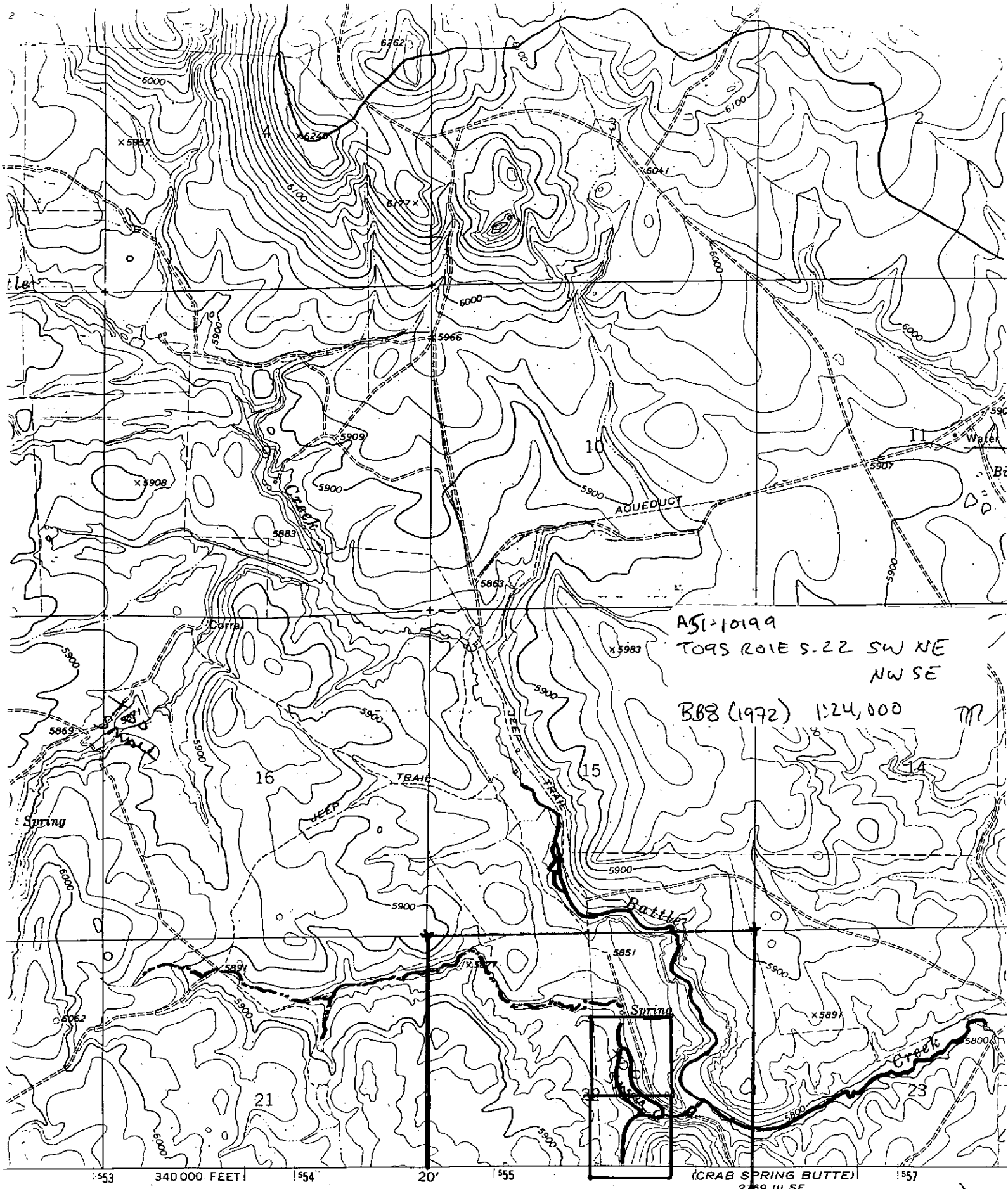
A51-10199
R51-10199

B. POU LISTING

TRP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/USE/ACRES	MR #/USE/ACRES	LANDSAT DATA
09S	01E	20	SW	SE		LAHTINEN, BARBARA	A51-10199 /04/	-	/ /
			SW	SE		LAHTINEN, BARBARA	R51-10199 /04/	/ /	/ /
			SW	SE		AMERICA ACTING THROUGH, UNITEDA55-13370	/05/	/ /	/ /
			SW	SE		AMERICA ACTING THROUGH, UNITEDR55-13370	/05/	/ /	/ /
09S	01E	22	SW	NE		LAHTINEN, BARBARA	A51-10199 /04/	-	/ /
			SW	NE		LAHTINEN, BARBARA	R51-10199 /04/	/ /	/ /
09S	01E	22	NW	SE		LAHTINEN, BARBARA	A51-10199 /04/	-	/ /
			NW	SE		LAHTINEN, BARBARA	R51-10199 /04/	/ /	/ /
09S	02E	13	NW	SW		LAHTINEN, BARBARA	A51-10199 /04/	-	/ /
			NW	SW		LAHTINEN, BARBARA	R51-10199 /04/	/ /	/ /
			NW	SW		AMERICA ACTING THROUGH, UNITEDA51-10894	/04/	/ /	/ /
			NW	SW		AMERICA ACTING THROUGH, UNITEDA51-10895	/04/	/ /	/ /
			NW	SW		AMERICA ACTING THROUGH, UNITEDA51-10896	/04/	/ /	/ /
			NW	SW		AMERICA ACTING THROUGH, UNITEDA51-11109	/16/	/ /	/ /
			NW	SW		AMERICA ACTING THROUGH, UNITEDR51-10896	/04/	/ /	/ /
09S	02E	14	NE	SE		LAHTINEN, BARBARA	A51-10199 /04/	-	/ /
			NE	SE		AMERICA ACTING THROUGH, UNITEDR51-10897	/04/	/ /	/ /
			NE	SE		LAHTINEN, BARBARA	R51-10199 /04/	/ /	/ /
			NE	SE		AMERICA ACTING THROUGH, UNITEDR51-10894	/04/	/ /	/ /
			NE	SE		AMERICA ACTING THROUGH, UNITEDA51-10894	/04/	/ /	/ /
			NE	SE		AMERICA ACTING THROUGH, UNITEDA51-10897	/04/	/ /	/ /
			NE	SE		AMERICA ACTING THROUGH, UNITEDA51-10898	/04/	/ /	/ /
			NE	SE		AMERICA ACTING THROUGH, UNITEDA51-11108	/04/	/ /	/ /
09S	02E	20	NE	NE		LAHTINEN, BARBARA	A51-10199 /04/	-	/ /
			NE	NE		LAHTINEN, BARBARA	R51-10199 /04/	/ /	/ /
			NE	NE		AMERICA ACTING THROUGH, UNITEDA51-10710	/04/	/ /	/ /
09S	02E	31	NW	SE		LAHTINEN, BARBARA	A51-10199 /04/	-	/ /
			NW	SE		LAHTINEN, BARBARA	R51-10199 /04/	/ /	/ /
09S	02E	32	NW	NW		LAHTINEN, BARBARA	A51-10199 /04/	-	/ /
			NW	NW		AMERICA ACTING THROUGH, UNITEDR51-11076	/04/	/ /	/ /
			NW	NW		LAHTINEN, BARBARA	R51-10199 /04/	/ /	/ /
			NW	NW		AMERICA ACTING THROUGH, UNITEDA51-11076	/04/	/ /	/ /
			NW	NW		AMERICA ACTING THROUGH, UNITEDA51-11077	/04/	/ /	/ /
09S	01W	35	SW	SE		LAHTINEN, BARBARA	A51-10199 /04/	-	/ /

①





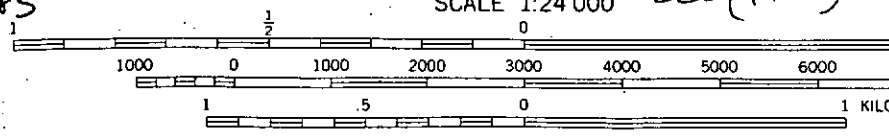
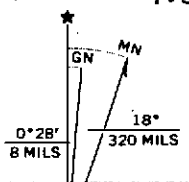
the Geological Survey

NO OVERLAPS

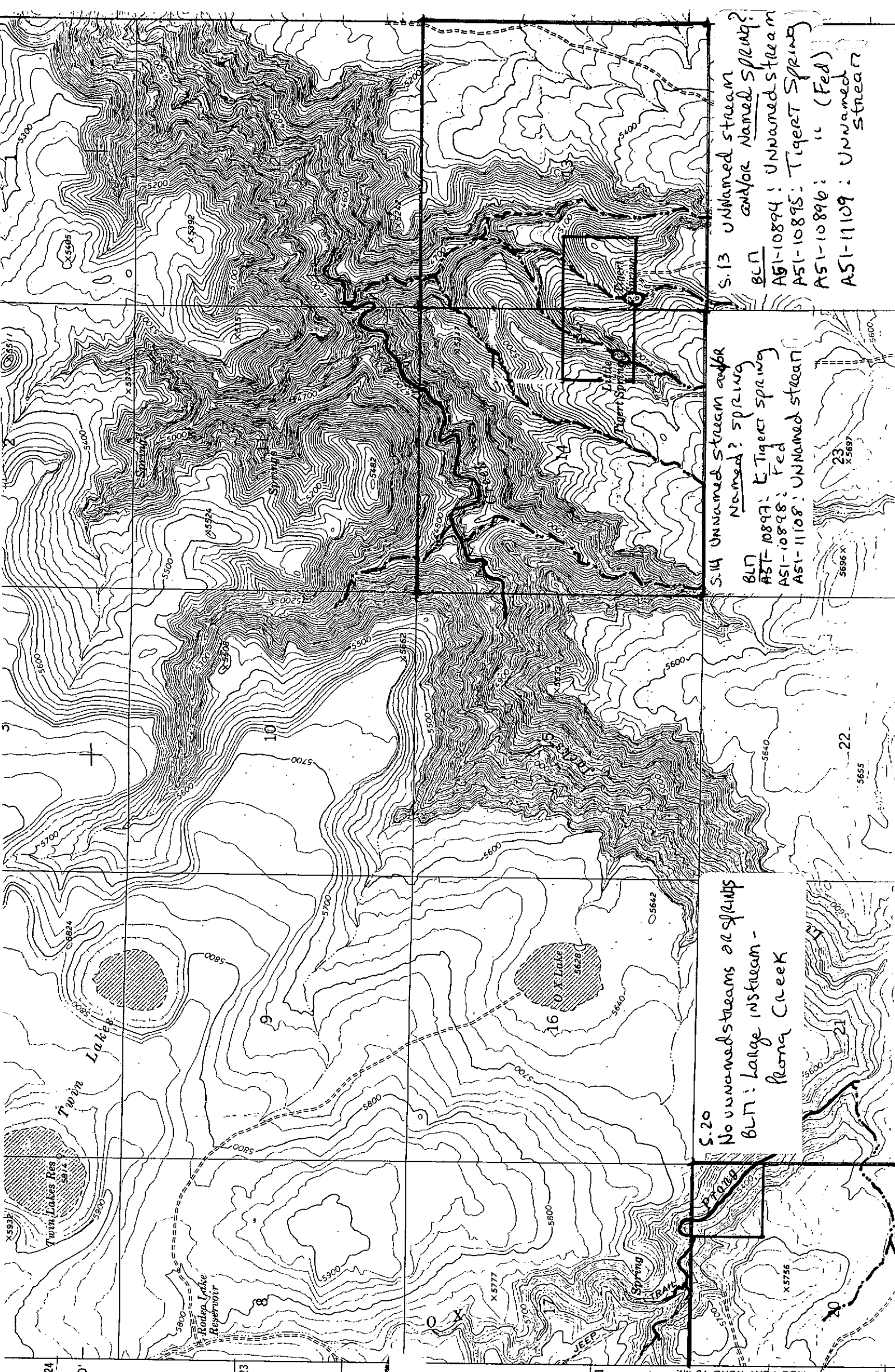
SCALE 1:24 000 BB8 (1972)

s from aerial
: 1972
who coordinate
or grid ticks,

②



CONTOUR INTERVAL 20 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929



4724 40' 4723 4721 4720

4000 9 72 350000 FEET

- 10199
95 02 E
13, 14
20

S.20
No unnamed streams or springs
BLN: Large stream -
Prona Creek

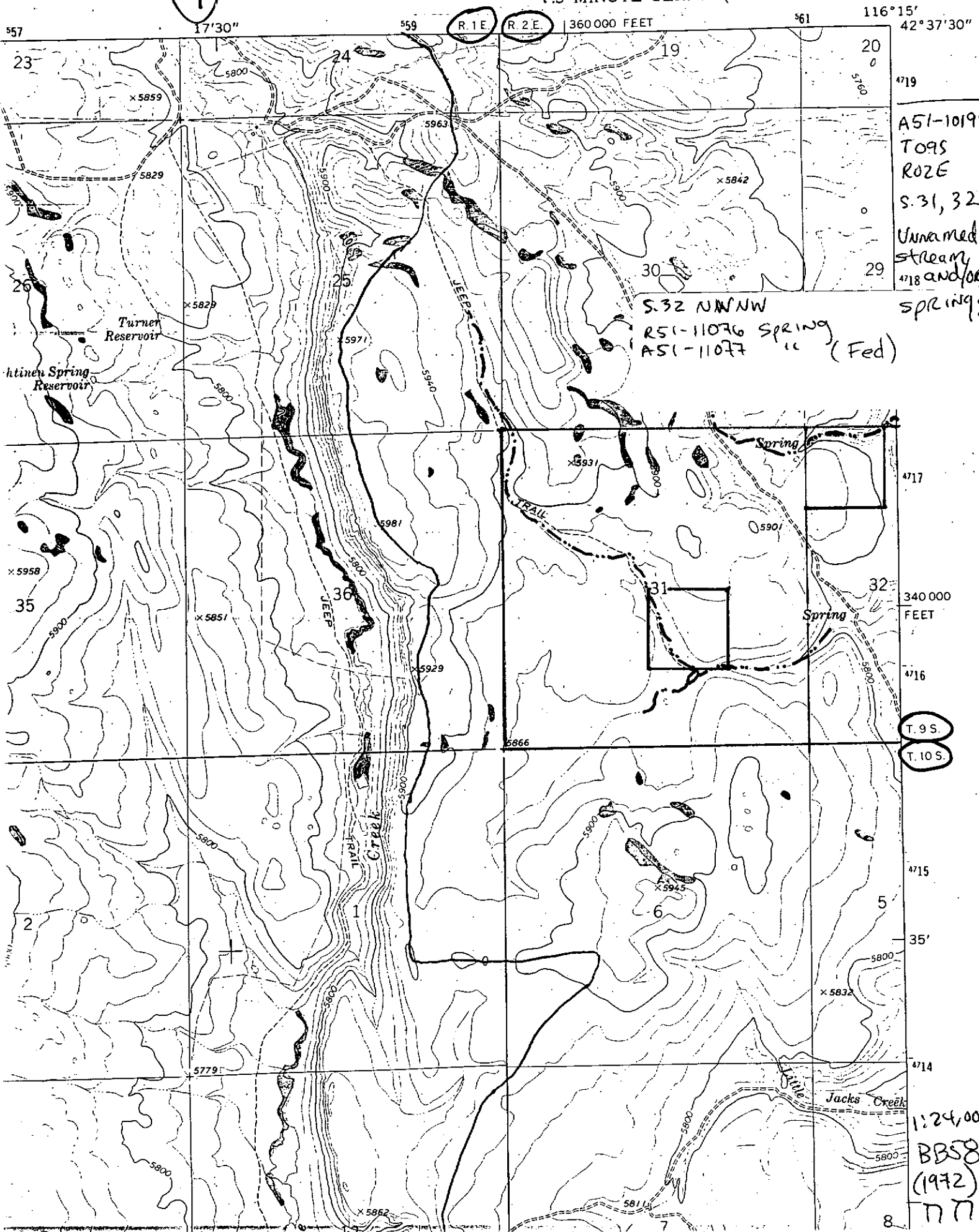
S.14 Unnamed stream above
Named? spring
BLN
AS1-10897: T. Tiger spring
AS1-10898: Fed
AS1-1108: Unnamed stream

S.13 Unnamed stream
above Named spring?
BLN
AS1-10894: Unnamed stream
AS1-10895: Tiger Spring
AS1-10896: " (Fed)
AS1-1109: Unnamed stream

CRAB SPRING BUTTE QUADRANGLE
IDAHO-OWYHEE CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

2769 11 NW
(O X LAKE)

4



A 51-1019
T 09 S
R 02 E
S. 31, 32
Unnamed
stream
"18 and/or
spring;

S. 32 NMNW
R 51-11076 Spring
A 51-11077 " (Fed)

T. 9 S.
T. 10 S.

1:24,00
BB58
(1972)
777

AS1-10199

TOPS ROWS. 35 SWSE

UNNamed stream and/or spring? Trib to sinks?

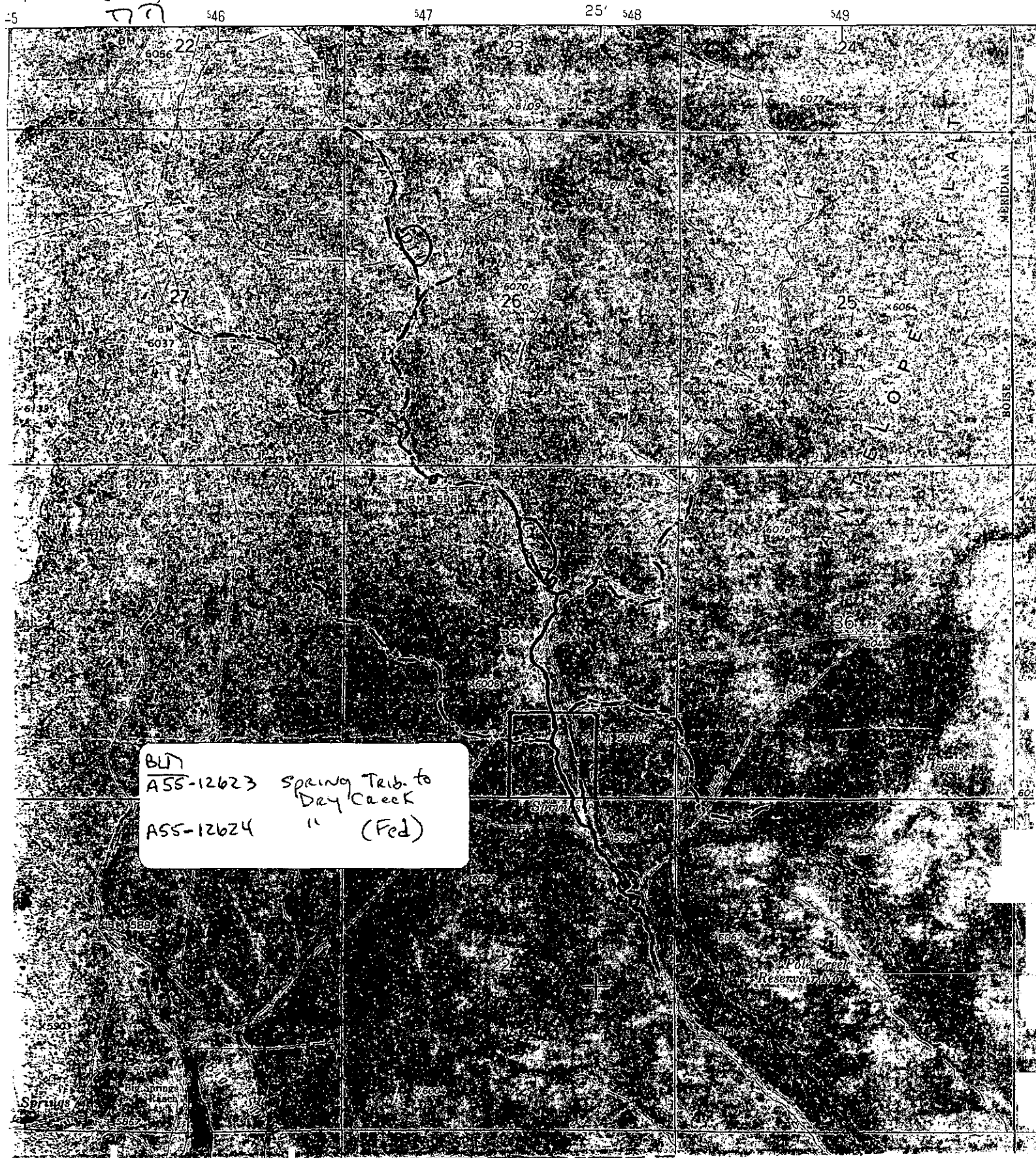
⑤

RIW

BIG SPRING

BB57 (1979) 1:24000

7.5 MINUTE



BLN
ASS-12623 Spring Trib. to
Dry Creek
ASS-12624 " (Fed)

PRIVATE

AS1-10199

T10S R02E

S. 4+5

S. 5 NENE

UNNamed
stream
trib to
swks?

AS1-10229

PRIVATE
CLAIMANT
UNNamed
str

L. JACKS CREEK

overlaps w/
AS1-10229
NOT
INVESTIGATED
AT THIS TIME

S. 4 NESW

No overlaps

BL17

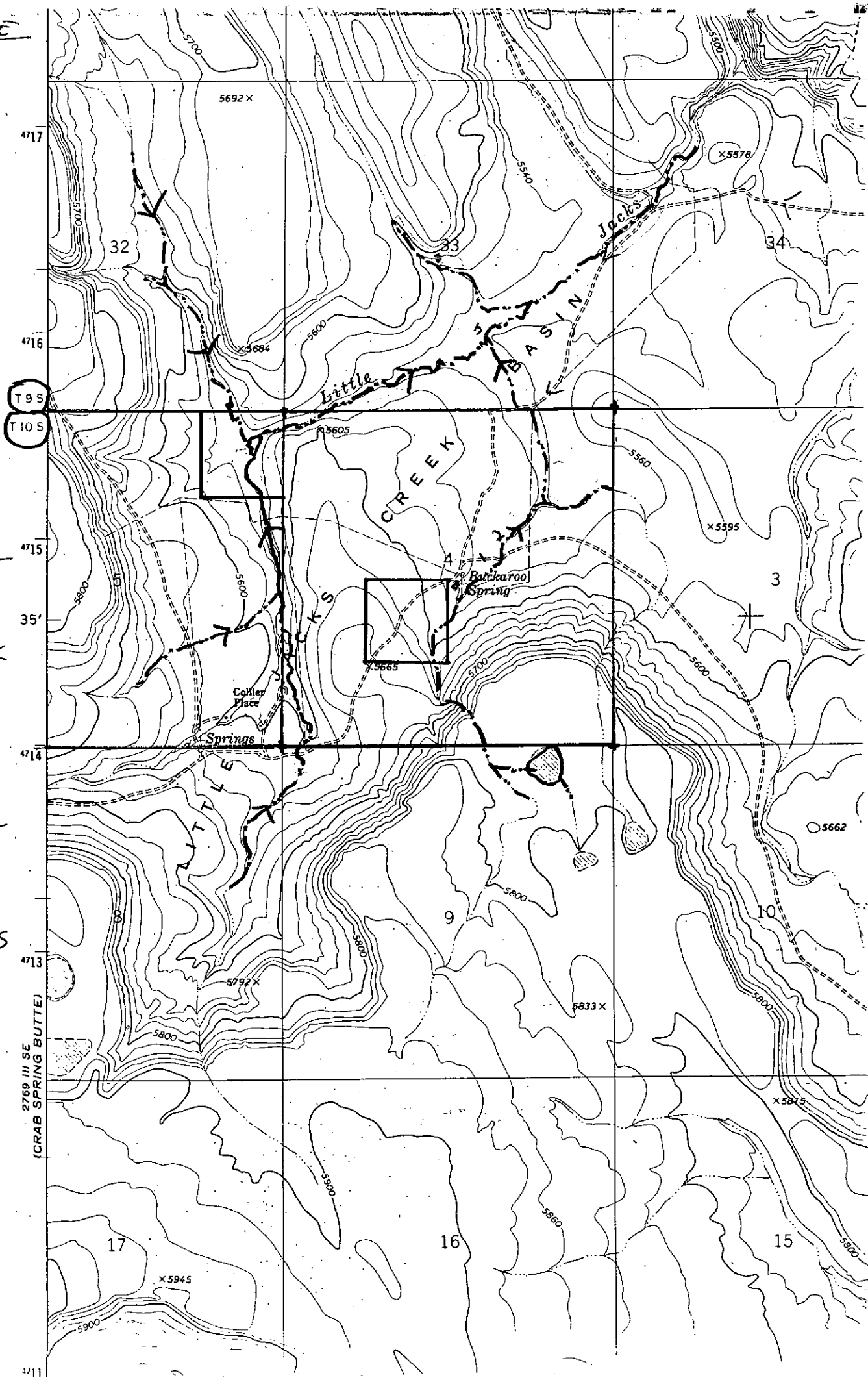
AS1-10714

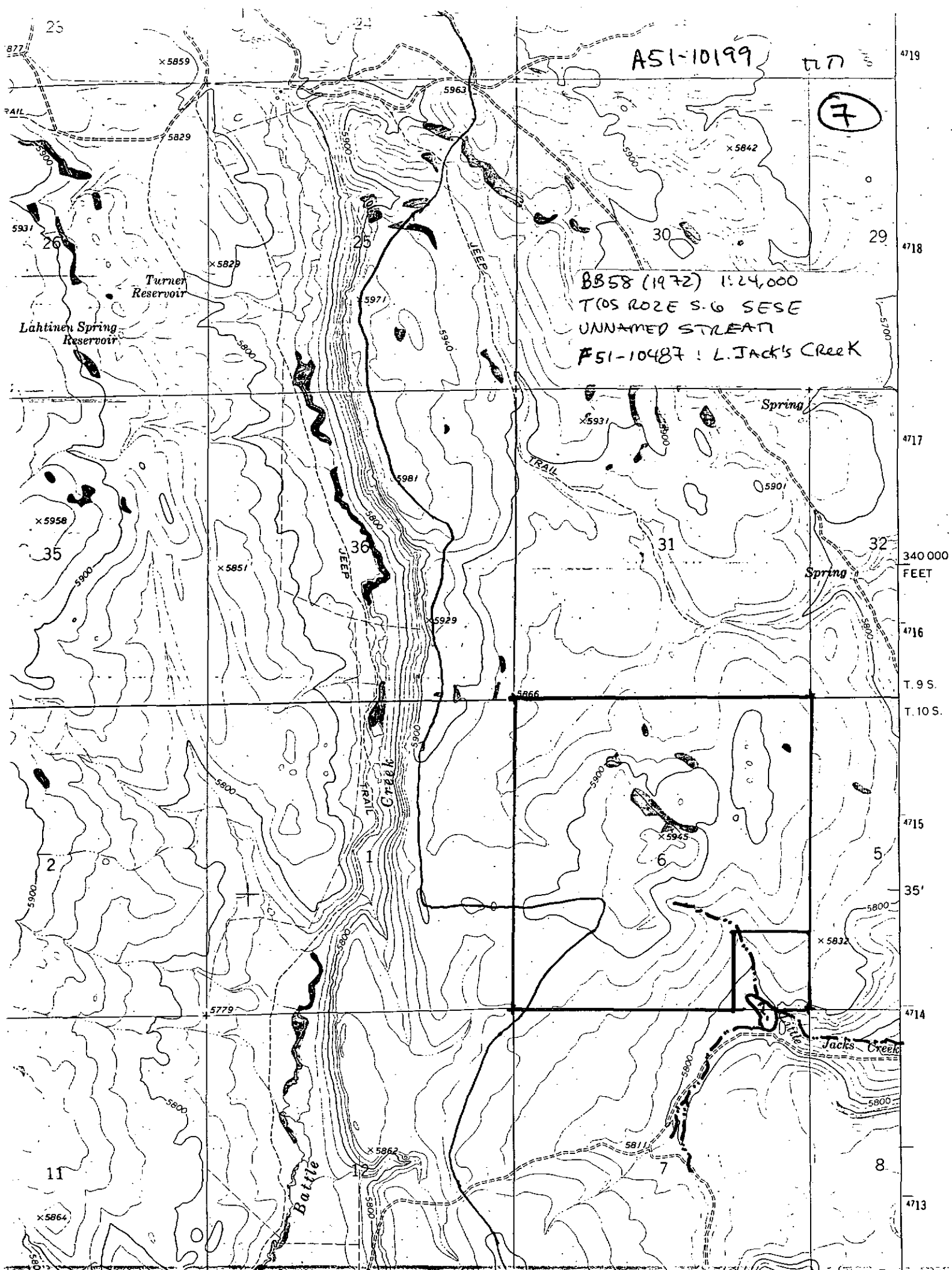
⑥

1:24,000

BBS9 (1972)

777





BLT
F51-11114 : Playa

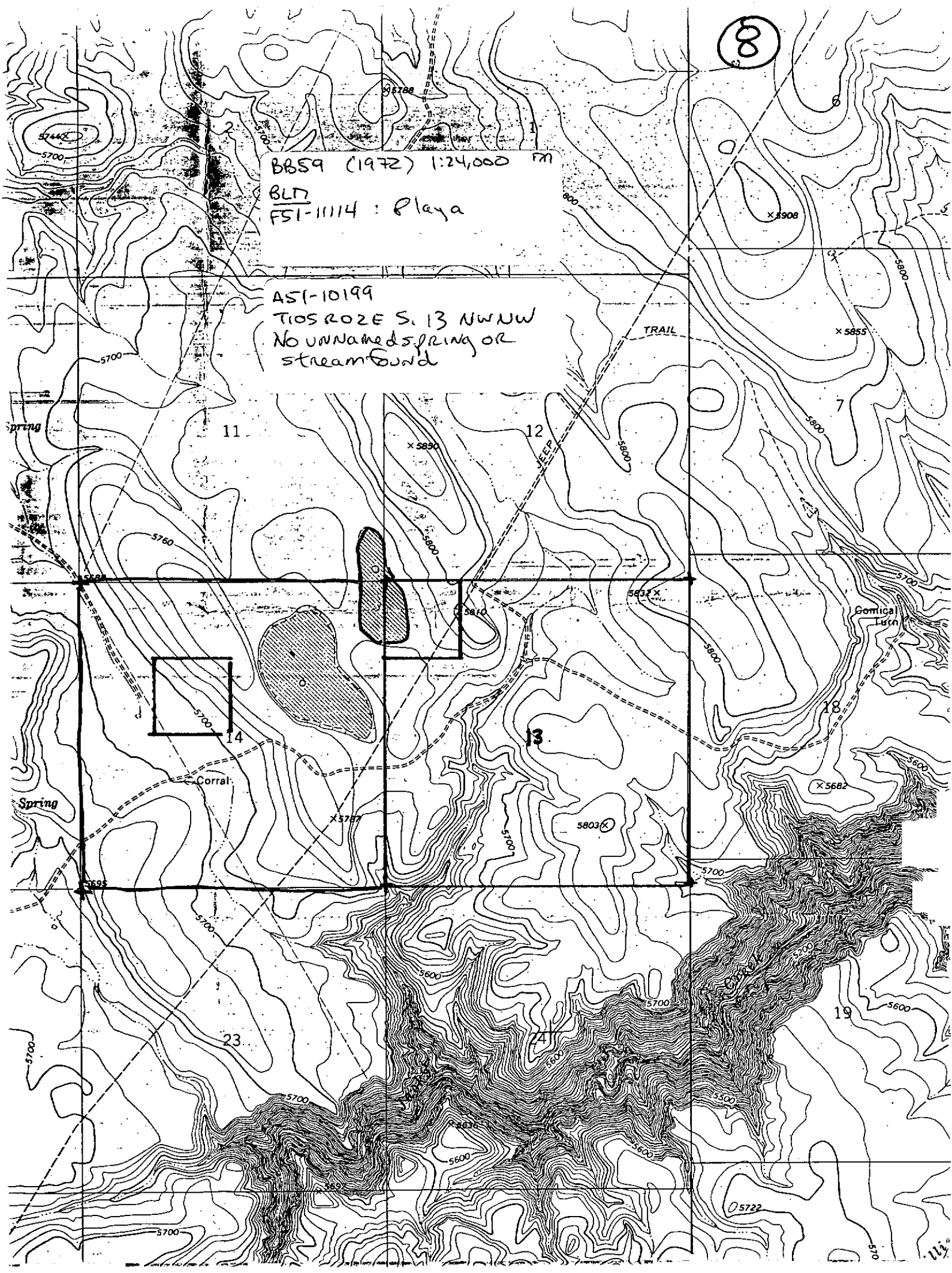
BLT

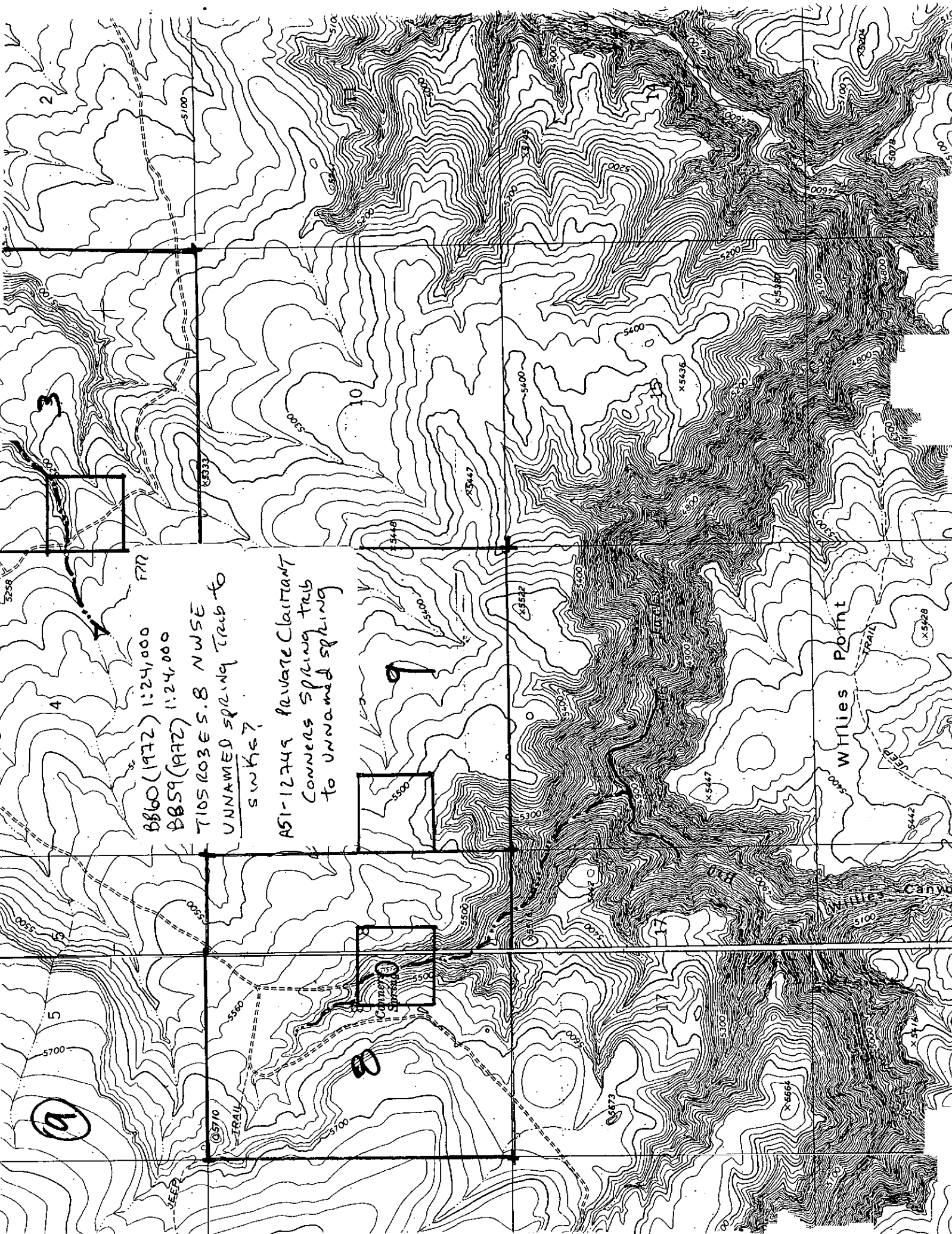
5017
FSI-11114 : Playa

AS(-10199

TIOSSROZE S. 13 NWNW

No unnamed spring or stream found





9

8860 (1972) 1:24,000 F77
8859 (1972) 1:24,000
T105 R03 E S. 8 NWSE
UNNAMED spring trail to
SWKE?

AS1-12749 Private Claimant
Connors Spring trail
to unnamed spring

9

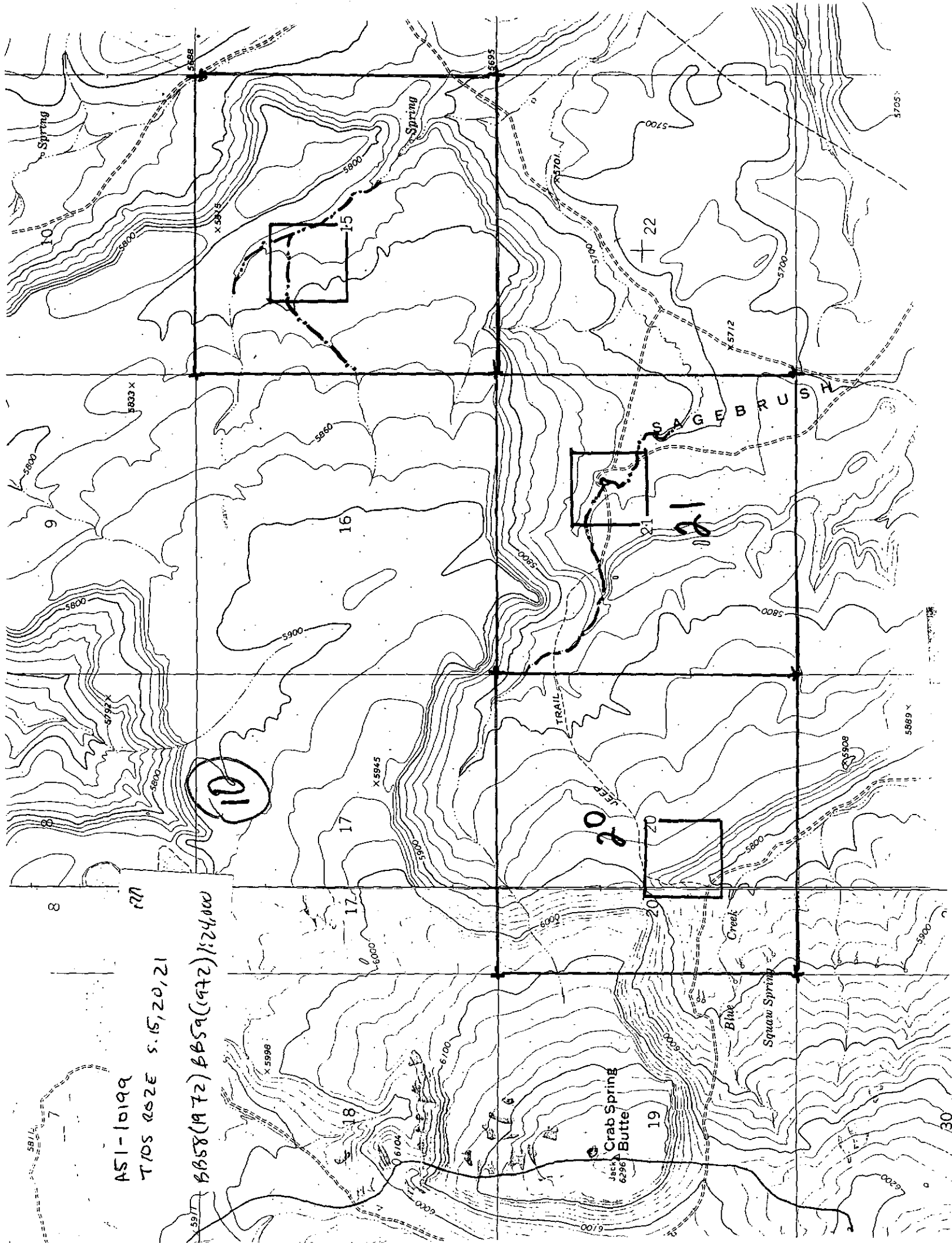
Whiles Point
TRAIL

Whiles Canyon

ASI-10199

T10S R02E S. 15, 20, 21

BB58(1972) BB59(1972) 124,000



WATER RIGHT NUMBER - A51-10195

PREFIX TRANSLATION: ADJUDICATION CLAIM

CLD (C) NUMBER -

+ - - - - LAST NAME - - - - + + - - - - ADDRESS - - - - -

*** C - CURRENT OWNER ***
LAHTINEN

BARBARA

1 - P.O. BOX 167A

2 -

3 -

CITY- BRUNEAU

PHONE - 208-845-2208

1 - P.O. BOX 167A

2 -

3 -

CITY- BRUNEAU

PHONE - 208-845-2208

STATE- ID ZIP- 83604

STATE- ID ZIP- 83604

+ - - - - PRIORITY DATE - - - + + - - - - REGION - - - + + - - - - STAGE - - - + + - - - - STATUS - - - - +
03/31/1982 J - BENEFICIAL USE

+ - - - - SOURCE - - - - + + - - - - TRIBUTARY - - - - - SINKS
UNNAMED STREAMS SINKS
SPRINGS SINKS

+ - - - - TOWN - - - - - RNG - - - - - SEC - - - - - TRACT - - - - - LOT - - - - - KFLG - - - - - COUNTY - - - - - POINT OF DIVERSION - - - - - STREAM INDEX (BLANK IF NO INDEX CODE)

09S	01E	20	SW SE	(73)	JWYHCE
09S	01E	22	SW NE	(73)	QWYHCE
09S	01E	22	NW SE	(73)	QWYHCE
09S	02E	13	NW SW	(73)	QWYHCE
09S	02E	14	NE SE	(73)	QWYHCE
09S	02E	20	NE NE	(73)	QWYHCE
09S	02E	31	NW SE	(73)	QWYHCE
09S	02E	32	NW NW	(73)	QWYHCE
09S	01W	35	SE SW SE	(73)	QWYHCE
10S	02E	4	NE NE	(73)	QWYHCE
10S	02E	5	NE NE	(73)	QWYHCE
10S	02E	6	SE SE	(73)	QWYHCE
10S	02E	13	NW NW	(73)	QWYHCE
10S	02E	14	SE NW	(73)	QWYHCE
10S	02E	15	SE NW	(73)	QWYHCE
10S	02E	20	NE SW	(73)	QWYHCE
10S	02E	21	SW NE	(73)	QWYHCE
10S	03E	3	NW SW	(73)	QWYHCE
10S	03E	8	NW SE	(73)	QWYHCE
10S	03E	9	NW SW	(73)	QWYHCE

+ - - - - CODE - - - - - DESCRIPTION - - - - - PERIOD FROM - - - - - WATER USE - - - - - PERIOD TO - - - - - DIVERSION RATE - - - - - DIVERSION VOLUME - - - - -

04 - STOCKWATER

01/01

12/31

0.070

WATER RIGHT NUMBER - A51-10199

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - - - - TOTAL DIV. RATE - + - - - - TOTAL DIV. VOLUME - + - - - - TOTAL CONSUMPTIVE USE - + - - - - KW USAGE - +
0.070

TWN	RNG	SEC	TRACT	LOT	ACRES	PLACE OF USE CODE	DESCRIPTION	COUNTY
09S	01E	20	SW SE			04	STOCKWATER	(73) OMYHEE
09S	01E	22	SW NE			04	STOCKWATER	(73) OMYHEE
09S	01E	22	NW SE			04	STOCKWATER	(73) OMYHEE
09S	02E	13	NW SW			04	STOCKWATER	(73) OMYHEE
09S	02E	14	NE SE			04	STOCKWATER	(73) OMYHEE
09S	02E	20	NE NE			04	STOCKWATER	(73) OMYHEE
09S	02E	31	NW SE			04	STOCKWATER	(73) OMYHEE
09S	02E	32	NW NW			04	STOCKWATER	(73) OMYHEE
09S	01W	35	SW SE			04	STOCKWATER	(73) OMYHEE
10S	02E	4	NE SW			04	STOCKWATER	(73) OMYHEE
10S	02E	5	NE NE			04	STOCKWATER	(73) OMYHEE
10S	02E	6	SE SE			04	STOCKWATER	(73) OMYHEE
10S	02E	13	NW NW			04	STOCKWATER	(73) OMYHEE
10S	02E	14	SE NW			04	STOCKWATER	(73) OMYHEE
10S	02E	15	SE NW			04	STOCKWATER	(73) OMYHEE
10S	02E	20	NE SW			04	STOCKWATER	(73) OMYHEE
10S	02E	21	SW NE			04	STOCKWATER	(73) OMYHEE
10S	03E	3	NW SW			04	STOCKWATER	(73) OMYHEE
10S	03E	8	NW SE			04	STOCKWATER	(73) OMYHEE
10S	03E	9	NW SW			04	STOCKWATER	(73) OMYHEE

Battle Cr
northwest

Northwest
northwest

+ - - - - DIVERSION MEANS - EARTHEN DAMS, CATCHMENT PONDS, TANKS

+ - - - - NON-IRRIGATION USE - S/205 RANGE CATTLE

+ - - - - OTHER RIGHTS FOR SAME USE - IN-STREAM STOCKWATER

+ - - - - REMARKS - - - - - PLM LESSEE

+ - - - - OLD WATER RIGHT NUMBERS - - - - - NO OLD WATER RIGHT NUMBERS FOUND.

+ - - - - CONDITIONS OF APPROVAL - - - - - NO CONDITIONS OF APPROVAL FOUND.

+ - - - - DECREE PLAINTIFF - - - - + DECREE DEFENDANT - - - - + DECREE DATE - - - - +
00/00/0000

+ - - - - AUDIT FIELDS - 01/11/89 HARRINGT 01/17/89 HARRINGT 10/24/89 HARRINGT

+ - - - - COMMENTS - - - - - NO COMMENTS FOUND

PREFIX TRANSLATION: ADJUDICATION CLAIM

ADJUDICATION RIGHTS DATE AND PLACE AREA

COURT REPORT FILING	-	00/00/0000	FIELD INSPECTION MADE	-	00/00/0000	CIVIL CASE NUMBER	-	39576
OBJECTION FILED DATE	-	00/00/0000	FIELD INSPECTION FLAG	-		OLD CASE NUMBER	-	
RESPONSE FILED DATE	-	00/00/0000	VERIFIED DATE	-	00/00/0000	OLD JUDICIAL DISTRICT	-	
CLAIM RECEIVED DATE	-	01/11/1989	LAST AMENDED DATE	-	01/17/1989	TEMPORARY RIGHT	-	P
PROOF DUE DATE	-	00/00/0000	PROOF MADE DATE	-	00/00/0000	WATER DISTRICT	-	
LICENSED DATE	-	00/00/0000	RECEIPT NUMBER	-	C005053	FEDERAL/STATE INDICATOR	-	S
CLAIMS TAPE ERROR FLG	-		POU OWNERSHIP FLAG	-	N	PRESUMPTION FLAG	-	
FEE EXEMPT FLAG	-		NAME CONNECTOR	-	AND/OR		-	

Allotment No. 0802 Battle Cr.
 0808 Tindall Northwest

DATA ENTRY

ENTERED 10.2.92 DUB
CHECKED 12/1/92 DUB

Verified By
Topo Map/Ortho-PQ
ASCS Map
Watermaster Records
NAPP Photos
Field Exam
Other (See Remarks)
County Records
Witness Statement
Project Records
IDWR Records

VERIFIED
AUG 26 1992

CERTIFIED
AUG 28 1992
WATER EXAMINER

MICROFILMED
JUL 07 1994