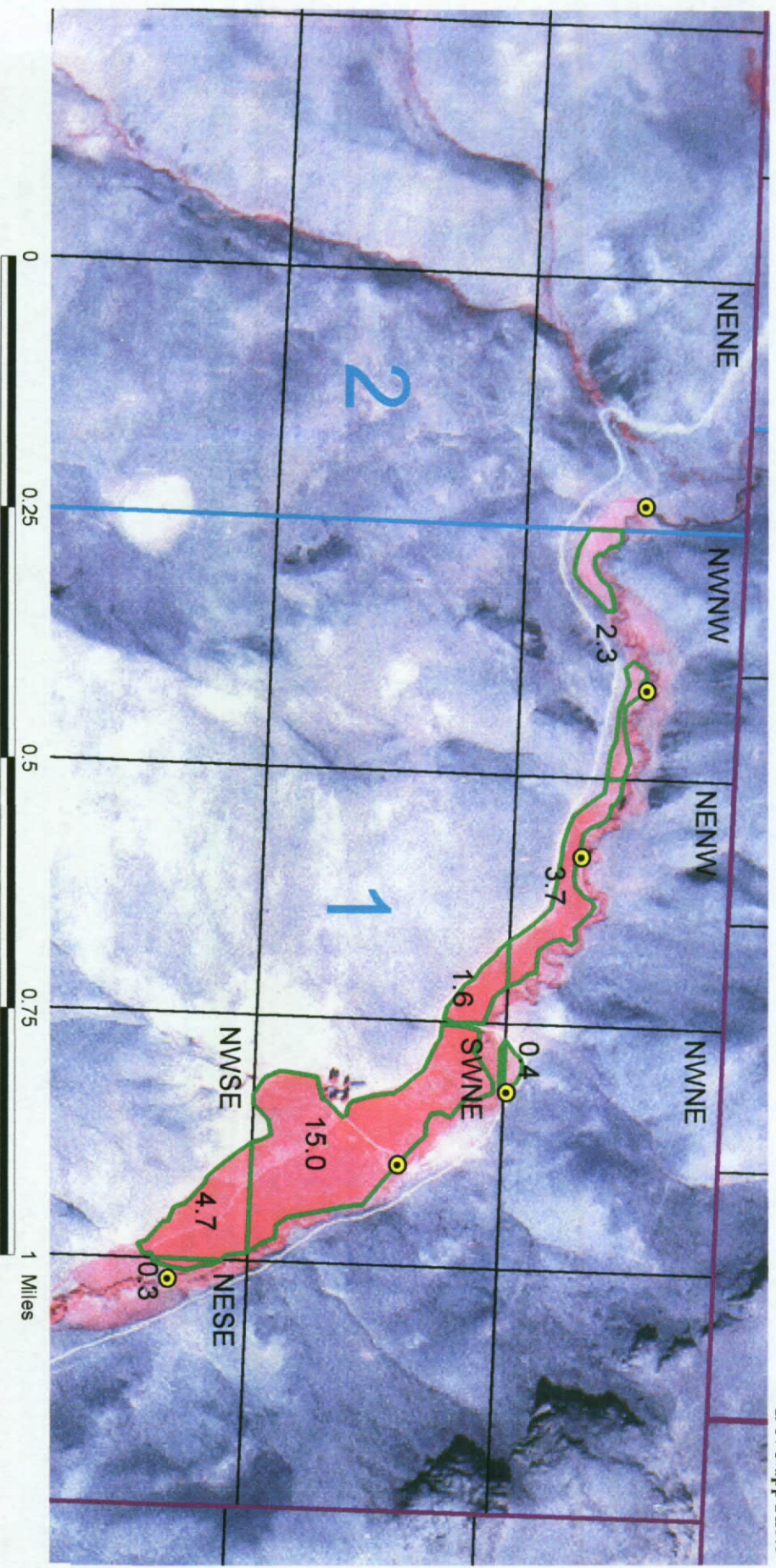


Idaho Department of Water Resources

1987 Napp Photo



Claim Number: 57-00283
Legal: T01S, R05W, S01
Reviewed By:

-  Point of Diversion
(several outside view)
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines
-  Township/Range Lines

RECEIVED

FEB 24 1997

Department of Water Resources

1997 FEB 21 AM 08:18
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 SETTING STATUS	
	)	CONFERENCE	
Case No. 39576	)		
_____	)	SUBCASE NOS: 57-00283	57-07202A

Please be advised that Special Master FRITZ X HAEMMERLE
has set a Status Conference in the above subcase(s)
as follows:

THURSDAY, MARCH 27, 1997 at 02:30 PM

OWYHEE COUNTY COURTHOUSE
HIGHWAY 78
PO BOX 128
MURPHY, ID

IT IS SO ORDERED.

Dated: FEBRUARY 21, 1997

/S/ FRITZ X HAEMMERLE
Special Master
Snake River Basin Adjudication

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

RECEIVED

FEB 12 1997

OFFICE OF THE
ATTORNEY GENERAL

FEB 12 1997

FEB 12 1997

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

Subcase: 57-00283 and 57-07202A

ORDER VACATING
STATUS CONFERENCE

Subcase numbers 57-00283 and 57-07202A are claims by Wilford Brimley. The claims were objected to by the United States Bureau of Land Management (BLM). On February 12, 1997 Andrew Helmlinger informed the court that IDWR had received *Standard Form 5's (SF5)*. Signatories to the *SF5* are the claimant, the objector and IDWR.

The Status Conference set for February 13, 1997 is vacated.

DATED February 12, 1997.

Fritz X. Haemmerle
FRITZ X. HAEMMERLE
Special Master, Reporting Area 2
Snake River Basin Adjudication

MAIL3883



RECEIVED

FEB 28 1997

Department of Water Resources

1997 FEB 28 PM 3:16

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

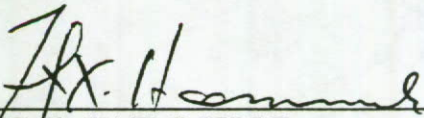
) Subcase: 57-00283 and 57-07202A
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ORDER VACATING
STATUS CONFERENCE

Subcase numbers 57-00283 and 57-07202A are claims by Wilford Brimley. The claims were objected to by the United States Bureau of Land Management (BLM). On February 12, 1997 Andrew Helmlinger informed the court that IDWR had received *Standard Form 5's (SF5)*. Signatories to the *SF5* are the claimant, the objector and IDWR.

The Status Conference set for February 13, 1997 is vacated.

DATED February 24, 1997.


FRITZ X. HAEMMERLE
Special Master, Reporting Area 2
Snake River Basin Adjudication

RECEIVED

JAN 21 1997

Department of Water Resources

1997 JAN 16 AM 11:53
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	)	NOTICE SETTING STATUS	
	)	CONFERENCE	
Case No. 39576	)		
_____	)	SUBCASE NOS: 57-00283	57-07202A

Please be advised that Special Master FRITZ X HAEMMERLE
has set a Status Conference in the above subcase(s)
as follows:

THURSDAY, FEBRUARY 13, 1997 at 02:30 PM

OWYHEE COUNTY COURTHOUSE
HIGHWAY 78
PO BOX 128
MURPHY, ID

Option: Parties may participate by phone if they contact the
clerk at (208) 736-3011 prior to FEBRUARY 10, 1997.

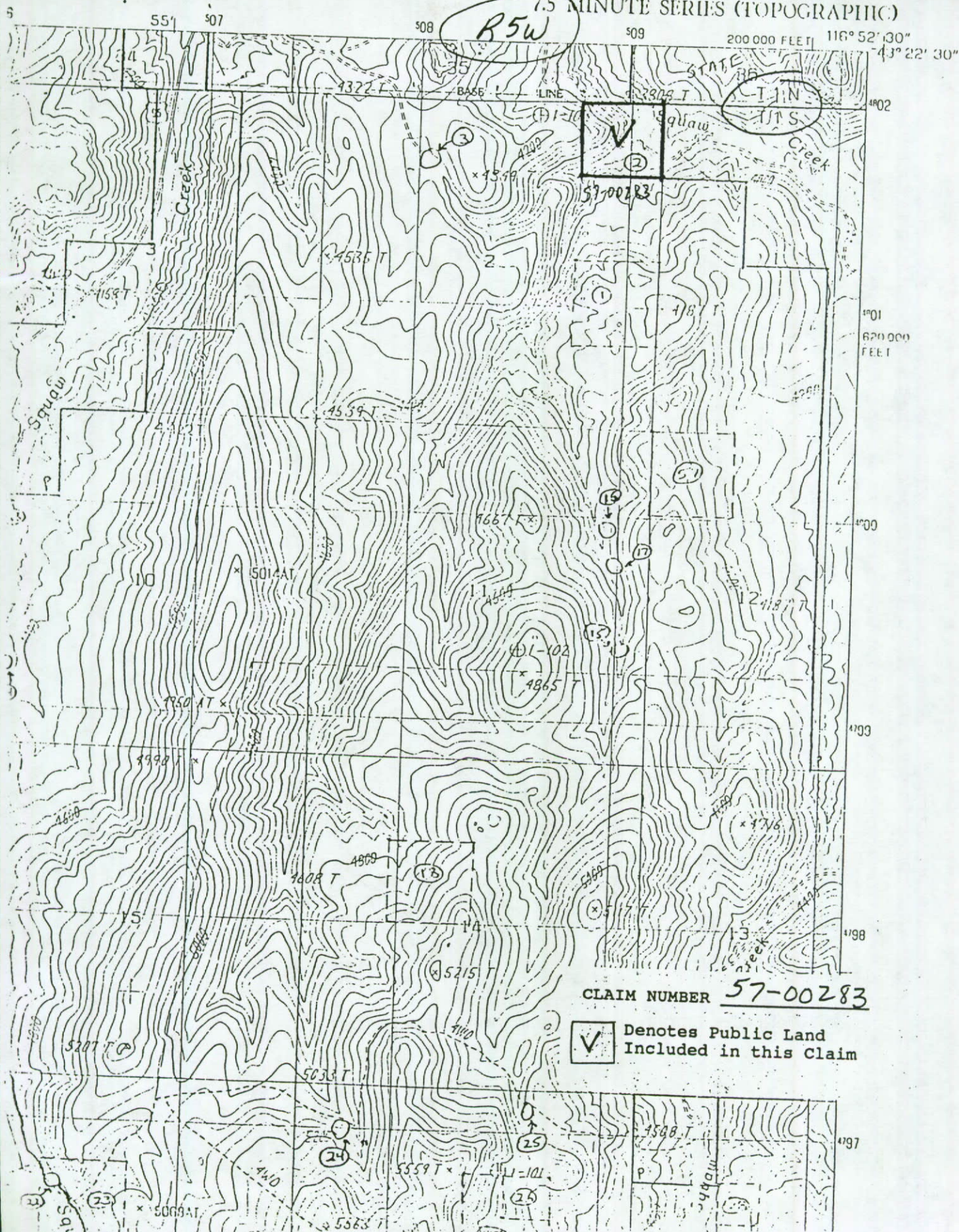
Dated: JANUARY 16, 1997

/S/ DEBBIE LASH
Deputy Clerk
Snake River Basin Adjudication

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

7.

MINUTE SERIES (TOPOGRAPHIC)



POOR ORIGINAL

PIUTE BUTTE QUADRANGLE
IDAHO-OWYHIE CO.

7.5 MINUTE SERIES (TOPOGRAPHIC)

55' 507

508

509

200 000 FEET

116° 52' 30"

43° 22' 30"

R5W

T11N

T11S

57-00283

CLAIM NUMBER 57-00283

✓ Denotes Public Land
Included in this Claim

MICROFILMED

JUL 20 1994

A. ROOT WATER RIGHT NUMBERS: A57-00283

B. POU LISTING

TWP RNG SEC 1/4 1/4 LOT NAME

AJ #/ACRES WR #/ACRES LANDSAT DATA FIELD EXAM. RECOMM. ACRES

01S 05W 1 SW NE	BRIMLEY, WILFORD	A57-00283 /40.0	57-00283 /			
	BRIMLEY, WILFORD	A57-07202A /40.0	-			
	BRIMLEY, WILFORD		L57-07202 /13.8			
	BRIMLEY, WILFORD		57-07202 /40.0			16
01S 05W 1 NE NW	BRIMLEY, WILFORD	A57-00283 /40.0	57-00283 /			
	BRIMLEY, WILFORD	A57-07202A /40.0	-			
	BRIMLEY, WILFORD		L57-07202 /4.3			
	BRIMLEY, WILFORD		57-07202 /40.0			4
01S 05W 1 NW NW	BRIMLEY, WILFORD	A57-00283 /40.0	57-00283 /			
	BRIMLEY, WILFORD	A57-07202A /40.0	-			
	BRIMLEY, WILFORD		L57-07202 /3.0			
	BRIMLEY, WILFORD		57-07202 /40.0			2.5
01S 05W 1 SE NW	BRIMLEY, WILFORD	A57-00283 /40.0	57-00283 /			
	BRIMLEY, WILFORD	A57-07202A /40.0	-			
	BRIMLEY, WILFORD		L57-07202 /2.0			
	BRIMLEY, WILFORD		57-07202 /40.0			0.5
01S 05W 1 NW SE	BRIMLEY, WILFORD	A57-00283 /40.0	57-00283 /			
	BRIMLEY, WILFORD	A57-07202A /40.0	-			
	BRIMLEY, WILFORD		L57-07202 /5.0			
	BRIMLEY, WILFORD		57-07202 /40.0			3
TOTAL ACRES		A57-00283		200.00		Total 29

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()

IF YES SEE ATTACHED SHEET below.

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

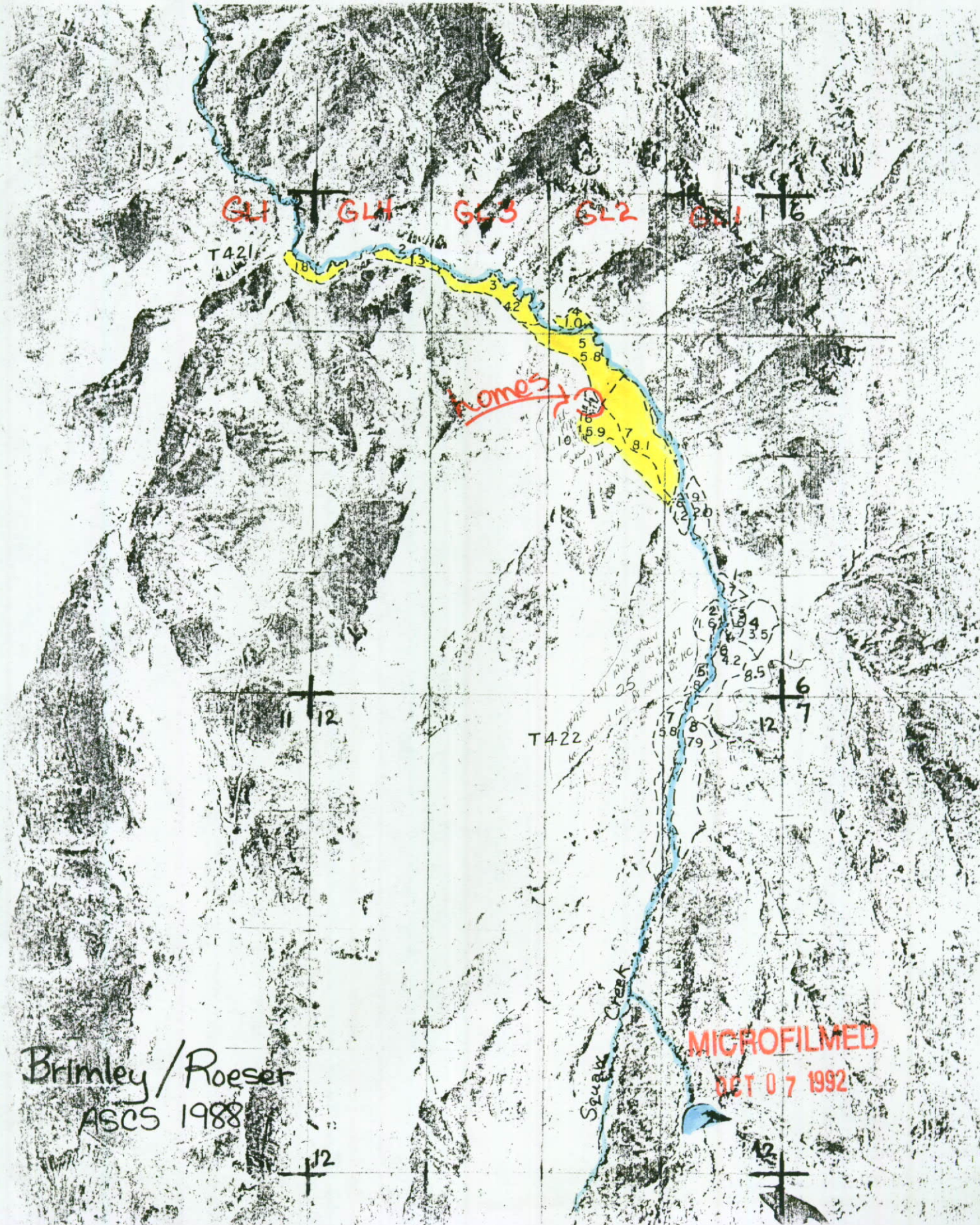
DATABASE Y FIELD EXAMINER

Township 01S	Range 05W	Section 1	1/4 of 1/4	Lot	Use	Acres
			NW NE	2	IRR	1.0
			SW NE		IRR	16.0
			SW NE		DOMEST	
			NE NW	3	IRR	4.0
			NW NW	4	IRR	2.5
			SE NW		IRR	0.5
			NE SE		IRR	1.0
			NW SE		IRR	3.0
Section Acres		28.0				
2	NE	NE	1	IRR	1.0	
Section Acres		1.0				

MICROFILMED

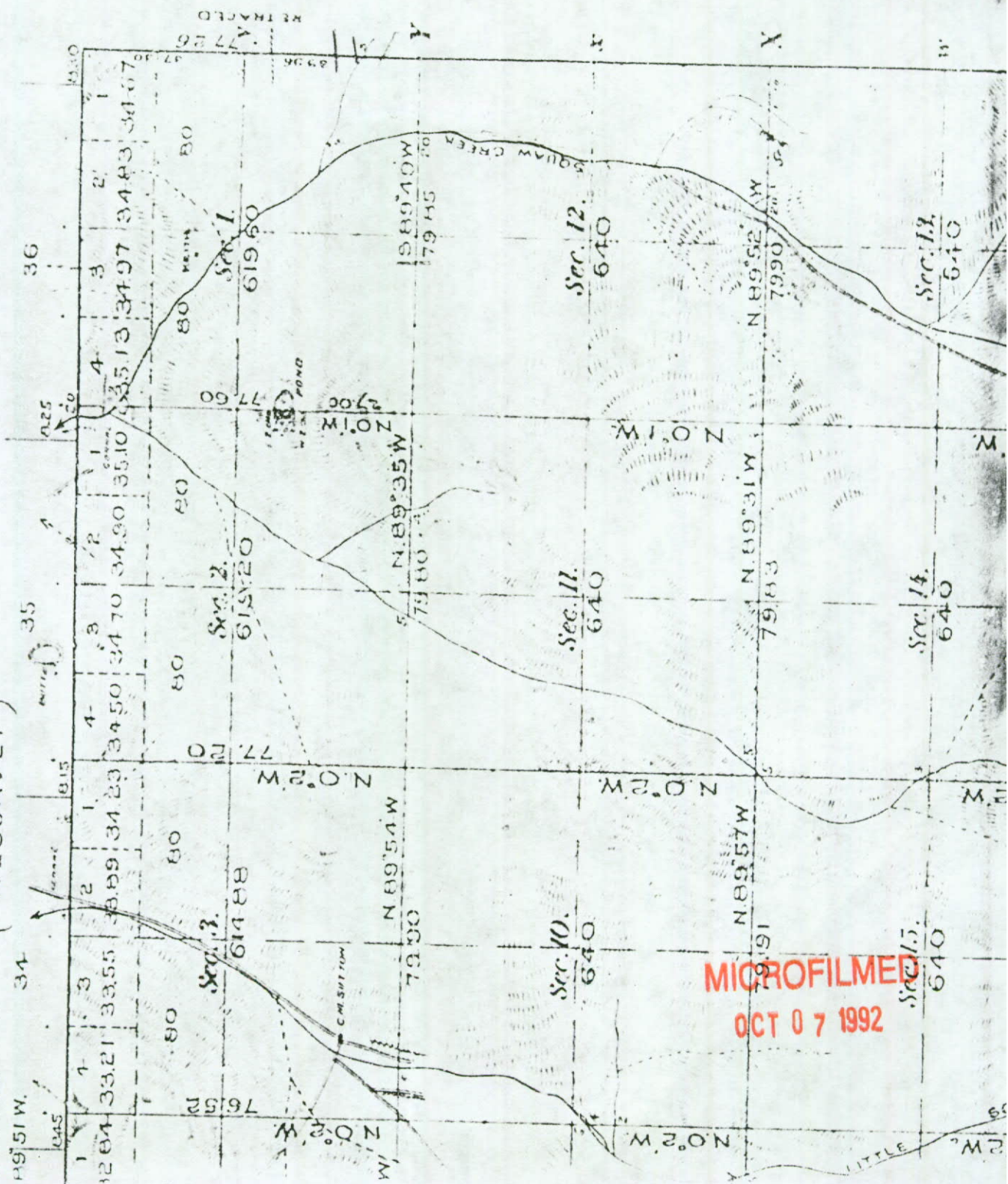
007 07 1992

A57-00283



D C B A

LINE (RESERVE)



MICROFILMED
OCT 07 1992

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IDAHO DEPARTMENT OF WATER RESOURCES
PLACE OF USE 1/4 1/4 COMPARISON REPORT

DATE: 03/08/91
PAGE: 1

WR-NUMBER	NAME	STG	SOURCE	T	R	S	NE	NW	SW	SE	NE	NW	SW	SE	SUM
A5700283	NO MATCHES FOR THIS POU IN AJ-POU-TEMP														
5700283	WALKER	D	SQUAW CREEK	01S	05W	1	:	:	:	:	:	:	:	:	:
A5700283	BRIMLEY	D	SQUAW CREEK	01S	05W	1	:	:	:	:	:	:	:	:	:
5700285	WALKER	D	SQUAW CREEK	01S	05W	1	:	:	:	:	:	:	:	:	:
A5700285	ROESER	L	SQUAW CREEK	01S	05W	1	:	:	:	:	:	:	:	:	:
5702140	WALKER	L	SQUAW CREEK	01S	05W	1	:	:	:	:	:	:	:	:	:
A5702140	ROESER	L	SQUAW CREEK	01S	05W	1	:	:	:	:	:	:	:	:	:
5702320	WALKER	L	SPRINGS	01S	05W	1	:	:	:	:	:	:	:	:	:
A5702320	ROESER	L	SPRINGS	01S	05W	1	:	:	:	:	:	:	:	:	:
5702333	WALKER	L	SPRINGS	01S	05W	1	:	:	:	:	:	:	:	:	:
A5702333	ROESER	L	SPRINGS	01S	05W	1	:	:	:	:	:	:	:	:	:
5707202	BRIMLEY	P	SPRINGS	01S	05W	1	:	:	:	:	:	:	:	:	:
A5707202	SPLIT RIGHT	P	SPRINGS	01S	05W	1	:	:	:	:	:	:	:	:	:
L5707202	BRIMLEY	L	SPRINGS	01S	05W	1	:	:	:	:	:	:	:	:	:
A5707202A	BRIMLEY	P	SPRINGS	01S	05W	1	:	:	:	:	:	:	:	:	:
A5707202B	ROESER	P	SPRINGS	01S	05W	1	:	:	:	:	:	:	:	:	:
1986 MAPPING DATA ---															
			COUNTY 73 QUAD Y	53	01S	05W	1	:	:	:	:	:	:	:	:

MICROFILMED
OCT 07 1992

RECEIVED

AUG 09 1991

Department of Water Resources

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: A57-00283

Date Received: ~~12/15/1988~~ 8/9/91

Receipt No: M002223

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILFORD BRIMLEY 801-486-2540
Address: 216 E. BENDAMERE CIRCLE
SALT LAKE CITY, UT 84109

2. Date of Priority: JUN 1, 1894

3. Source: SQUAW CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01S	05W	1	NW	NW	NW		OWYHEE
		12	SW	SW	SE		OWYHEE

5. Description of diverting works:
TRANSITORY POD

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.860		
DOMESTIC	01/01	12/31	0.080		
STOCKWATER	01/01	12/31	0.090		

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

8. Total consumptive use is 500.0 Acre Feet Per Annum.

9. Non-irrigation uses:
3 DOMESTIC HOUSEHOLDS, 350 BEEF CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01S	05W	1	SW	NE		IRR	40.0

MICROFILMED

OCT 7 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01S	05W	1	NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NW		SE		IRR	40.0

Section Acres 200.0

Total Acres 200.0

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A57-07202A

14. Remarks:

A TRACTOR WITH A PUMP IS USED ALL ALONG SQUAW CREEK AS THE
TRANSITORY POD. ...NO MAPS FOR THIS AREA...

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 3/ 8/1973

ADAM H. BLACKSTOCK
Decree Plaintiff

GEORGE JOHNSTONE ET. AL.
vs Decree Defendant

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: _____

MICROFILMED

OCT 07 1992

For Individuals:

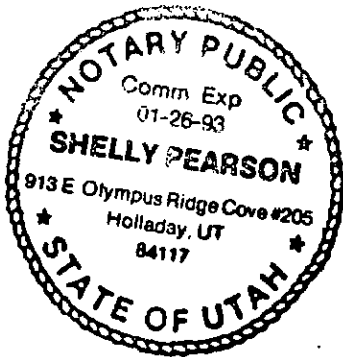
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): [Signature] Date: 6/24/91
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this 24th day
of June 19 91 Shelly Pearson
Notary Public

Seal

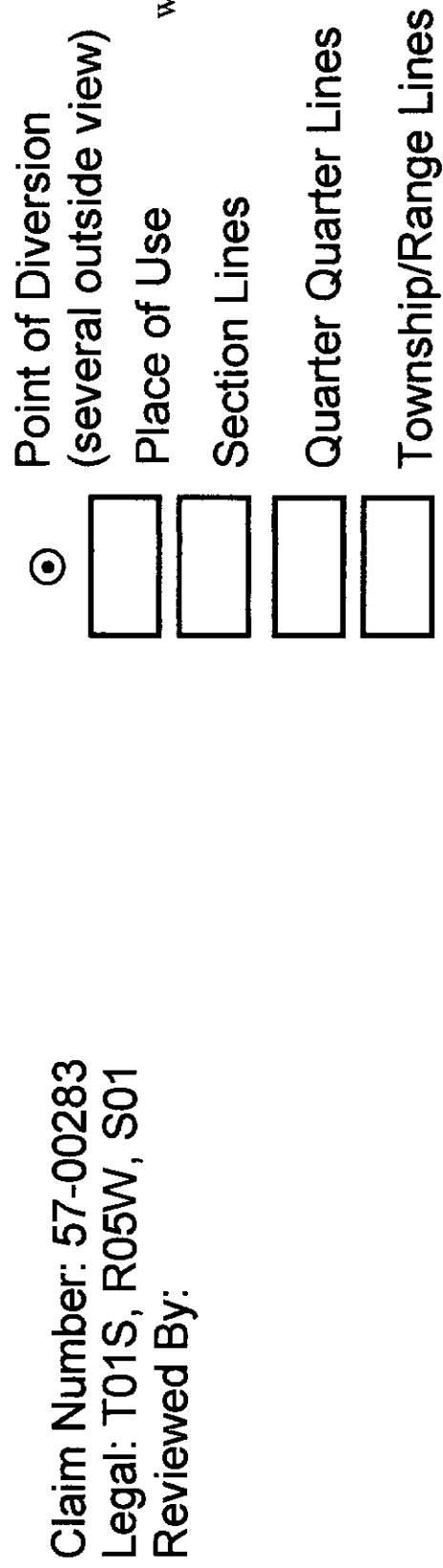


Residing at _____

My Commission Expires _____

MICROFILMED
OCT 17 1992

1987 Napp Photo



IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 57-00283

Date: 2-10-03

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	15	5W	1		-2 1			-3 4	-4 2.5		.5					1	3			28
GIS					.4	15		3.7	2.3		1.6					.3	4.7			28
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 7

Total Claimed Acres: 28

Overlapping EOU Claim #'s:

57-07202 A

Total GIS Acres: 28

COMMENTS:

Per claim map + image interpretation. There is no maps
containing the PODs, so I estimated. It appears to me
that Squaw Creek doesn't run in the NWNE + SENE
in section 1 so I didn't include them.

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 57-00283

1997 NOV 25 PM 4:39

DISTRICT COURT-STEVEN
TWIN FALLS, IDAHO
FILED _____

NAME & ADDRESS: JAMES ROESER
STAR ROUTE
MARSING ID 83639

SOURCE: SQUAW CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.65 CFS

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

PRIORITY DATE: 04/15/1894

POINT OF DIVERSION: T01S R05W S01 LOT 2 (NWNE) Within Owyhee County
SWNE
SENE
LOT 3 (NENW)
LOT 4 (NWNW)
NESE
S02 LOT 1 (NENE)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.56 CFS
	STOCKWATER	01-01 12-31	0.09 CFS

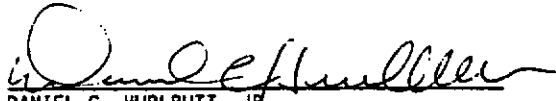
PLACE OF USE: IRRIGATION Within Owyhee County
T01S R05W S01 Lot 2 (NWNE) 1 SWNE 16 Lot 3 (NENW) 4 Lot 4 (NWNW) 2.5
SENE 0.5 NESE 1 NWSE 3
28 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 57-07202A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 28.0 ACRES IN A SINGLE
IRRIGATION SEASON.

Place of use for STOCKWATER is same as IRRIGATION

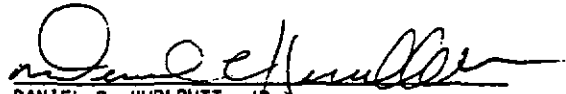
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

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.



DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

RECEIVED

AUG 2 1997

Department of Water Resources
Adjudication Bureau

1997 AUG 19 AM 9:21

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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

In Re SRBA

) Subcase 57-00283

Case No. 39576

) SPECIAL MASTER'S REPORT
)
)
)

FINDINGS OF FACT AND CONCLUSIONS OF LAW

A notice of claim was filed for this water right pursuant to I.C. § 42-1409 (1990) by Wilford Brimley. The director of the State of Idaho Department of Water Resources examined the water system for areas 1, 2, and 3 and investigated and abstracted the notices of claims for those Reporting Areas. The Director of the Idaho Department of Water Resources then filed a *Director's Report* which asserted how the elements of this water right should be decreed by the court.

An objection to the *Director's Report* for water right 57-00283 was filed by United States (BLM). Subsequently, a *Standard Form 5* was filed as to how the elements of this water right should be decreed. The parties agreed that the owner of the right should be James Roeser. The *Standard Form 5* was accepted by the court.

A *Preliminary Special Master's Report and Recommendation* for this right was issued. No motion to alter or amend was filed and the time for filing such motions has now expired; therefore,

IT IS THEREFORE RECOMMENDED that subcase 57-00283 be decreed as recommended in the attached *Special Master's Report and Recommendation for Partial Decree*.

DATED August 19, 1997.


FRITZ X. HAEMMERLE
Special Master, Reporting Area 2
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)
_____)

1997 AUG 19 AM 9:21
SPECIAL MASTER'S RECOMMENDATION FOR

PARTIAL DECREE FOR

Water Right 57-00283

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED 

NAME & ADDRESS: JAMES ROESER
STAR ROUTE
MARSING ID 83639

SOURCE: SQUAW CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.65 CFS

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

PRIORITY DATE: 04/15/1894

POINT OF DIVERSION: T01S R05W S01 LOT 2 (NWNE) Within Owyhee County
SWNE
SENE
LOT 3 (NENW)
LOT 4 (NWNW)
NESE
S02 LOT 1 (NENE)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.56 CFS
	STOCKWATER	01-01 12-31	0.09 CFS

PLACE OF USE: IRRIGATION Within Owyhee County
T01S R05W S01 Lot 2 (NWNE) 1.0 SWNE 16.0 Lot 3 (NENW) 4.0 Lot 4 (NWNW) 2.5
SENE 0.5 NESE 1.0 NWSE 3.0
28.0 ACRES TOTAL

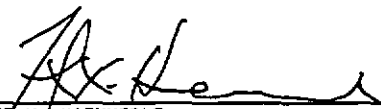
USE OF THIS RIGHT WITH RIGHT NO. 57-07202A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 28.0 ACRES IN A SINGLE
IRRIGATION SEASON.

Place of use for STOCKWATER is same as IRRIGATION

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

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

DATED: 8/19/97


FRITZ X. HAEMMERLE
Special Master
Snake River Basin Adjudication

1997 AUG 19 AM 9:21

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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

In Re SRBA)
Case No. 39576)
_____)

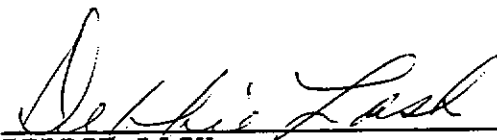
NOTICE OF ISSUANCE OF
SPECIAL MASTER'S REPORT
AND RECOMMENDATION

Water Right(s): 57-00283

On August 19, 1997, Special Master FRITZ X HAEMMERLE issued a SPECIAL MASTER'S REPORT AND RECOMMENDATION for the above subcase pursuant to SRBA Administrative Order 1 (AO1), Section 9.

Pursuant to SRBA Administrative Order 1, Section 14b, any party to the adjudication may file a Notice of Challenge to a SPECIAL MASTER'S REPORT AND RECOMMENDATION within 21 days following the date of publication of the filing of the Special Master's report in the Docket Sheet except parties to the subcase who failed to file a Motion to Alter or Amend before the Special Master (AO1, Section 9f). The Notice of Challenge shall appear on the Docket Sheet and shall be served on parties to the subcase(s) covered by the challenged report and the SRBA Court Reporter.

DATED August 19, 1997.


DEBBIE LASH
Deputy Clerk

1997 AUG 19 AM 9:21

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED OK
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): 57-00283

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on August 19, 1997, with sufficient first-class postage prepaid to the following:

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

U.S. DEPT. OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CLIVE STRONG
OFFICE OF ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-4449

JAMES R. GILLESPIE
PO BOX 2337
BOISE, ID 83701

CERTIFICATE OF MAILING

PAGE 1
08/19/97

JAMES ROESER
STAR ROUTE
MARSING, ID 83639


DEBBIE LASH
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 2
08/19/97

RECEIVED

JUL 10 1997

Department of Water Resources
Adjudication Bureau

1997 JUL -9 PM 2:21

DISTRICT COURT - SRBA

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

) Subcase 57-00283

) AMENDED

) PRELIMINARY SPECIAL

) MASTER'S REPORT

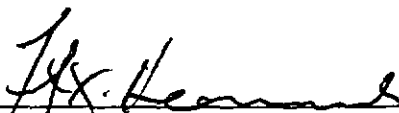
FINDINGS OF FACT AND CONCLUSIONS OF LAW

A notice of claim was filed for this water right pursuant to I.C. § 42-1409(1990) by Wilford Brimley. The director of the State of Idaho Department of Water Resources examined the water system for areas 1, 2, and 3 and investigated and abstracted the notices of claims for those Reporting Areas. The Director of the Idaho Department of Water Resources then filed a *Director's Report* which asserted how the elements of this water right should be decreed by the court.

An objection to the *Director's Report* for water right 57-00283 was filed by United States (BLM). Subsequently, a *Standard Form 5* was filed as to how the elements of this water right should be decreed. The parties agreed that the owner of the right should be James Roeser. The *Standard Form 5* was accepted by the court; now therefore,

IT IS THEREFORE RECOMMENDED that subcase 57-00283 be decreed as recommended in the attached *Amended Preliminary Special Master's Report and Recommendation for Partial Decree*.

DATED July 9, 1997.


FRITZ X. HAEMMERLE
Special Master, Reporting Area 2
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)
_____)

PRELIMINARY

SPECIAL MASTER'S RECOMMENDATION FOR
PARTIAL DECREE FOR
Water Right 57-00283

1997 JUL -9 PM 2:21
DISTRICT COURT - SRBA
TWIN FALLS CO, IDAHO
FILED *PL*

NAME & ADDRESS: JAMES ROESER
STAR ROUTE
MARSING ID 83639

SOURCE: SQUAW CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.65 CFS

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

PRIORITY DATE: 04/15/1894

POINT OF DIVERSION: T01S R05W S01 LOT 2 (NWNE) Within Owyhee County
SWNE
SENE
LOT 3 (NENW)
LOT 4 (NWNW)
NESE
S02 LOT 1 (NENE)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		Irrigation Season	0.56 CFS
STOCKWATER		01-01 12-31	0.09 CFS

PLACE OF USE: IRRIGATION Within Owyhee County
T01S R05W S01 Lot 2 (NWNE) 1.0 SWNE 16.0 Lot 3 (NENW) 4.0 Lot 4 (NWNW) 2.5
SENEW 0.5 NESE 1.0 NWSE 3.0
28.0 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 57-07202A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 28.0 ACRES IN A SINGLE
IRRIGATION SEASON.

Place of use for STOCKWATER is same as IRRIGATION

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

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

DATED: 7/9/97

Fritz X. Haemmerle
FRITZ X. HAEMMERLE
Special Master
Snake River Basin Adjudication

1997 JUL -9 PM 2:21

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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

In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
PRELIMINARY SPECIAL MASTER'S
REPORT AND RECOMMENDATION

Water Right(s): 57-00283

On July 09, 1997, Special Master FRITZ X HAEMMERLE
lodged a PRELIMINARY SPECIAL MASTER'S REPORT and a PRELIMINARY
SPECIAL MASTER'S RECOMMENDATION pursuant to SRBA Administrative
Order 1 section 9 (f).

These documents are served only on parties to the subcase.
They are not served on the Presiding Judge. Parties to this subcase
may file a Motion to Alter or Amend with the Special Master, but
must do so before July 23, 1997.

DATED July 09, 1997.


DEBBIE LASH
Deputy Clerk

1997 JUL -9 PM 2:21

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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): 57-00283

CERTIFICATE OF MAILING

I certify that a true and correct copy of PRELIMINARY SPECIAL MASTER'S REPORT, PRELIMINARY SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF PRELIMINARY SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on July 09, 1997, with sufficient first-class postage prepaid to the following:

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

U.S. DEPT. OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CLIVE STRONG
OFFICE OF ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-4449

JAMES R. GILLESPIE
PO BOX 2337
BOISE, ID 83701

CERTIFICATE OF MAILING

PAGE 1
07/09/97

JAMES ROESER
STAR ROUTE
MARSING, ID 83639


DEBBIE LASH
Deputy Clerk

RECEIVED
FEB 28 1997

Department of Water Resources

1997 FEB 28 PM 3:16

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

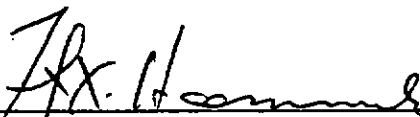
**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA	)	Subcase: 57-00283 and 57-07202A
	)	
Case No. 39576	)	ORDER VACATING
	)	STATUS CONFERENCE
	)	

Subcase numbers 57-00283 and 57-07202A are claims by Wilford Brimley. The claims were objected to by the United States Bureau of Land Management(BLM). On February 12, 1997 Andrew Helmlinger informed the court that IDWR had received *Standard Form 5's (SF5)*. Signatories to the *SF5* are the claimant, the objector and IDWR.

The Status Conference set for February 13, 1997 is vacated.

DATED February 24, 1997.



FRITZ X. HAEMMERLE
Special Master, Reporting Area 2
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER VACATING STATUS CONFERENCE** was mailed on February 24, 1997, with sufficient first-class postage to the following:

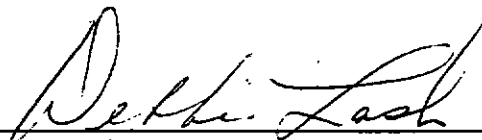
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449
By Fax

Director of IDWR
P O Box 83720
Boise, Idaho 83720-0098
By Fax

United States Department of Justice
Environmental and Natural Resources Division
550 West Fort Street, MSC 033
Boise, Idaho 83724
By Fax

James Gillespie
P O Box 2337
Boise, Idaho 83701
Rep: Wilford Brimley

Wilford Brimley
2165 East 2875 South
Salt Lake City, Utah 84109



Deputy Clerk

RECEIVED

FEB 24 1997

Department of Water Resources

1997 FEB 21 AM 08:18
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 SETTING STATUS	
	)	CONFERENCE	
Case No. 39576	)		
_____		)	SUBCASE NOS: 57-00283 57-07202A

Please be advised that Special Master FRITZ X HAEMMERLE
has set a Status Conference in the above subcase(s)
as follows:

THURSDAY, MARCH 27, 1997 at 02:30 PM

OWYHEE COUNTY COURTHOUSE
HIGHWAY 78
PO BOX 128
MURPHY, ID

IT IS SO ORDERED.

Dated: FEBRUARY 21, 1997

/S/ FRITZ X HAEMMERLE
Special Master
Snake River Basin Adjudication

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

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING STATUS CONFERENCE was mailed on FEBRUARY 21, 1997, with sufficient first-class postage to the following:

CLIVE STRONG
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720
Phone: 208-334-2400
Rep: STATE OF IDAHO

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

JACK HAUGRUD
US DEPT OF JUSTICE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 202-305-0438
Rep: USDI BLM

JAMES R. GILLESPIE
PO BOX 2337
BOISE, ID 83701
Phone: 208-344-8400
Rep: WILFORD BRIMLEY

WILFORD BRIMLEY
2165 EAST 2875 SOUTH
SALT LAKE CITY, UT 84109

RECEIVED

FEB 12 1997

OFFICE OF THE
ATTORNEY GENERAL

FEB 13 11 24 95

FEB 13 11 24 95
SRBA
FILED
12IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Subcases: ~~57-00283~~ and 57-07202A

Case No. 39576

ORDER VACATING
STATUS CONFERENCE

Subcase numbers 57-00283 and 57-07202A are claims by Wilford Brimley. The claims were objected to by the United States Bureau of Land Management (BLM). On February 12, 1997 Andrew Helmlinger informed the court that IDWR had received *Standard Form 5's (SF5)*. Signatories to the *SF5* are the claimant, the objector and IDWR.

The Status Conference set for February 13, 1997 is vacated.

DATED February 12, 1997.

Fritz X. Haemmerle
FRITZ X. HAEMMERLE
Special Master, Reporting Area 2
Snake River Basin Adjudication

MAIL3883



CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER VACATING STATUS CONFERENCE** was mailed on February 12, 1997, with sufficient first-class postage to the following:

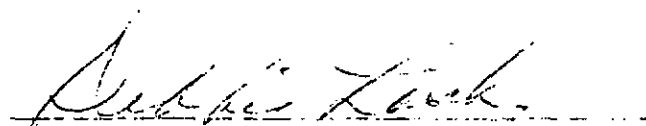
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

Director of IDWR
P O Box 83720
Boise, Idaho 83720-0098

United States Department of Justice
Environmental and Natural Resources Division
550 West Fort Street, MSC 033
Boise, Idaho 83724

James Gillespie
P O Box 2337
Boise, Idaho 83701
Rep: Wilford Brimley

Wilford Brimley
2165 East 2875 South
Salt Lake City, Utah 84109


Deputy Clerk

RECEIVED

FEB 18 1997

Department of Water Resources

Fifth Judicial District County of Twin Falls - State of Idaho	
FEB 13 1997	
By _____	Clerk
Deputy Clerk	

**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**

**STANDARD FORM 5
AMENDED MAY 14, 1996**

SUBCASE NO: 57-00283

**STIPULATED ELEMENTS
OF A WATER RIGHT**

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

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

INSTRUCTIONS FOR USE

A copy of this water right as recommended in the director's report shall be submitted with this form. A statement shall accompany each element of a water right.

Elements where there has been no objection should be listed exactly as they appear in the director's report. The statement as to an uncontested element shall state "as recommended in the director's report."

Contested elements that are the result of an objection filed with the court shall be accompanied by a statement fully describing all facts, documents, expert opinions and law which support the element of the water right (attach additional pages if necessary).

1. The name and address of the claimant is:

James E. Roeser
Charlene J. Roeser
Star Route
Marsing, ID 83639

Required Statement: IDWR and the parties stipulate that this is the correct description of the name and address of the claimant.

2. The source of water is: Squaw Creek, Tributary to Snake River

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

3. The quantity of water used in cubic feet per second or the quantity of water stored in acre-feet per year is:

0.65 CFS

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

4. The priority date is: 04/15/1894

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

5. The legal description of point(s) of diversion is; if the claim is for an instream flow, then a legal description of the beginning and ending points of the claimed instream flow:

T01S R05W S01 Lot 2 (NWNE)
SWNE
SENE
Lot 3 (NENW)
Lot 4 (NWNW)
NESE
S02 Lot 1 (NENE)

Required Statement: IDWR and the parties stipulate that this is the correct description of the point of diversion.

6. The purpose of use is: Irrigation, Stockwater

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

7. The period of year when the water is to be used is:

Irrigation	Irrigation Season	.56 CFS
Stockwater	01/01 - 12/31	.09 CFS

Total Quantity: .65 CFS

Required Statement: IDWR and the parties stipulate that this is the correct description of the period of year when the water is to be used.

8. The legal description of the place of use or of the reservation is:

Irrigation and Stockwater					
T01S R05W S01	Lot 2 (NWNE)	1.0	SWNE 16.0	Lot 3 (NENW)	4.0
	Lot 4 (NWNW)	2.5	SENE 0.5	NESE	1.0
	NWSE	3.0			

28.0 Acres Total

Use of this right with right no. 57-07202A is limited to the irrigation of a combined total of 28 acres in a single irrigation season.

Required Statement: IDWR and the parties stipulate that this is the correct description of the place of use.

9. The annual volume of consumptive use is:

Use of this right with right no. 57-07202A is limited to a total combined annual consumptive use volume of 70.0 AF.

Required Statement: IDWR and the parties stipulate that this is the correct description of the annual volume of consumptive use.

10. Other matters necessary to define this water right:

The points of diversion listed above are all points along Squaw Creek which the claimant could use transitory tractor and pump to divert water.

Explanatory Material - Basis of Claim: Decree

Right no. 57-07202A is also rediverted through points of diversion described above.

If IDWR has not concurred by signing below, signing parties certify that they have served a copy of this document on the Idaho Department of Water Resources and have made a good faith attempt to obtain IDWR's concurrence, but have failed.

Signature and Address of Parties and their Attorney of Record
(attach additional page if necessary)

I have read this form and know its contents and that the statements are true to the best of my knowledge and belief.

Name of Objector:

United States through
Department of Justice for BLM
601 Pennsylvania Ave., NW
Washington, DC 20004

Attorneys of Record: R. Lee Leininger/Paul F. Holleman/
William Ferry

Paul F. Holleman 2/11/97
Attorney's Signature Date

Name of Claimant:

James E. Roeser
Charlene J. Roeser
Star Route
Marsing, ID 83639

James E. Roeser 2-12-97
Party's Signature Date

James Gillespie 2-12-97
Attorney's Signature
James Gillespie, Esquire

IDWR Concurrence:

Andrew Leininger Feb 12, 97
Signature Date

INSTRUCTIONS FOR MAILING

You must mail the form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. FAX filings will not be accepted by the SRBA Clerk of the Court.

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I certify that on 2-13, 1997, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, 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. Copies to:

Department of Justice
C/O Boise Adjudication Team
550 West Fort Street
MSC 033
Boise, Idaho 83724

James Gillespie, Esquire
P.O. Box 2337
Boise, ID 83710

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

Idaho Department of Water
Resources
1301 N. Orchard St.
Boise, ID 83706

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

Sandy Egbert
Signature of person or
attorney mailing the form

RECEIVED

FEB 28 1997

Department of Water Resources

1997 FEB 28 PM 3:16

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

) Subcase: 57-00283 and 57-07202A
)
)
)
)
)

ORDER VACATING
STATUS CONFERENCE

Subcase numbers 57-00283 and 57-07202A are claims by Wilford Brimley. The claims were objected to by the United States Bureau of Land Management(BLM). On February 12, 1997 Andrew Helmlinger informed the court that IDWR had received *Standard Form 5's (SF5)*. Signatories to the *SF5* are the claimant, the objector and IDWR.

The Status Conference set for February 13, 1997 is vacated.

DATED February 24, 1997.


FRITZ X. HAEMMERLE
Special Master, Reporting Area 2
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER VACATING STATUS CONFERENCE** was mailed on February 24, 1997, with sufficient first-class postage to the following:

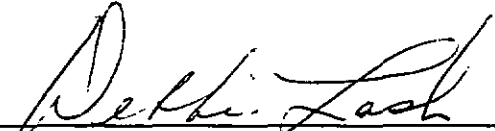
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449
By Fax

Director of IDWR
P O Box 83720
Boise, Idaho 83720-0098
By Fax

United States Department of Justice
Environmental and Natural Resources Division
550 West Fort Street, MSC 033
Boise, Idaho 83724
By Fax

James Gillespie
P O Box 2337
Boise, Idaho 83701
Rep: Wilford Brimley

Wilford Brimley
2165 East 2875 South
Salt Lake City, Utah 84109



Deputy Clerk

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

DATE: FEB-18-1997

PAGE: A-3

RIGHTS FROM: SOURCE: SQUAW CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 57-00283

NAME AND ADDRESS: WILFORD BRIMLEY
2165 E 2875 S
SALT LAKE CITY UT 84109

ROESER

SOURCE: SQUAW CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.67 CFS

.65

THE QUANTITY FOR NON-IRRIGATION USE IS LIMITED TO THE AMOUNT BENEFICIALLY
USED FOR STOCKWATER, 330 RANGL

PRIORITY DATE:

~~06/01/1894~~
04/15/1894

4/15/1894

POINT OF DIVERSION: T01S R05W S01 LOT 2 (NWNE) Within Owyhee County
SWNE
SENE
LOT 3 (NENW)
LOT 4 (NWNW)
NESE
S02 LOT 1 (NENE)

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
Irrigation Season
04/15 10/15
01-01 12-31

QUANTITY
0.58 CFS
1.56
0.09 CFS

PLACE OF USE:

IRRIGATION

Within Owyhee County

T01S R05W S01

Lot 2 (NWNE) 1.0

SWNE 16.0

Lot 3 (NENW) 4.0

Lot 4 (NWNW) 2.5

SENE 0.5

NESE 1.0

NWSE 3.0

S02 LOT 1 (NENE) 1.0

28.0 ACRES TOTAL

1112910 ACRES TOTAL

Place of use for STOCKWATER is same as IRRIGATION

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

THE POINTS OF DIVERSION LISTED ABOVE ARE ALL POINTS ALONG SQUAW
CREEK WHICH THE CLAIMANT COULD USE TRANSITORY TRACTOR AND
PUMP TO DIVERT WATER.
USE OF THIS RIGHT WITH RIGHT NO. 57-07202A IS LIMITED TO A

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

DATE: FEB-18-1997

PAGE: A-4

57-00283 (CONT.)

CON
70-
TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF ~~22.5~~ AF, AND TO
THE IRRIGATION OF A COMBINED TOTAL OF ~~28~~ ACRES IN A SINGLE
IRRIGATION SEASON. > FOLL

EXP
RIGHT NO. 57-07202A IS ALSO REDIVERTED THROUGH POINTS OF
DIVERSION DESCRIBED ABOVE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

N05/N08

RECEIVED

JAN 21 1997

Department of Water Resources

1997 JAN 16 AM 11:53
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	)	NOTICE SETTING STATUS	
	)	CONFERENCE	
Case No. 39576	)		
_____)		SUBCASE NOS: 57-00283	57-07202A

Please be advised that Special Master FRITZ X HAEMMERLE
has set a Status Conference in the above subcase(s)
as follows:

THURSDAY, FEBRUARY 13, 1997 at 02:30 PM

OWYHEE COUNTY COURTHOUSE
HIGHWAY 78
PO BOX 128
MURPHY, ID

Option: Parties may participate by phone if they contact the
clerk at (208) 736-3011 prior to FEBRUARY 10, 1997.

Dated: JANUARY 16, 1997

/S/ DEBBIE LASH
Deputy Clerk
Snake River Basin Adjudication

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

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the NOTICE SETTING STATUS CONFERENCE was mailed on JANUARY 16, 1997, with sufficient first-class postage to the following:

CLIVE STRONG
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720
Phone: 208-334-2400
Rep: STATE OF IDAHO

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

JACK HAUGRUD
US DEPT OF JUSTICE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 202-305-0438
Rep: USDI BLM

JAMES R. GILLESPIE
PO BOX 2337
BOISE, ID 83701
Phone: 208-344-8400
Rep: WILFORD BRIMLEY

WILFORD BRIMLEY
2165 EAST 2875 SOUTH
SALT LAKE CITY, UT 84109

DRAFT

**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**

**STANDARD FORM 5
AMENDED MAY 14, 1996**

SUBCASE NO: 57-00283

**STIPULATED ELEMENTS
OF A WATER RIGHT**

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

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

INSTRUCTIONS FOR USE

A copy of this water right as recommended in the director's report shall be submitted with this form. A statement shall accompany each element of a water right.

Elements where there has been no objection should be listed exactly as they appear in the director's report. The statement as to an uncontested element shall state "as recommended in the director's report."

Contested elements that are the result of an objection filed with the court shall be accompanied by a statement fully describing all facts, documents, expert opinions and law which support the element of the water right (attach additional pages if necessary).

DRAFT

1. The name and address of the claimant is:

Wilford Brimley
2165 E 2875 S
Salt Lake City, UT 84109

Name

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

2. The source of water is: Squaw Creek, Tributary to Snake River

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

3. The quantity of water used in cubic feet per second or the quantity of water stored in acre-feet per year is:

0.65
57 CFS

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

4. The priority date is: 04/15/1894

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

5. The legal description of point(s) of diversion is; if the claim is for an instream flow, then a legal description of the beginning and ending points of the claimed instream flow:

T01S R05W S01 Lot 2 (NWNE)

SWNE

SENE

Lot 3 (NENW)

Lot 4 (NWNW)

NESE

S02 Lot 1 (NENE)

remove? BLM land

Right no. 57-07202A is also rediverted through points of diversion described above.

EXP. WATER

Required Statement: ~~IDWR and the parties stipulate that this is the correct description of the point of diversion.~~

AS RECOMMENDED

DRAFT

6. The purpose of use is: Irrigation, Stockwater

Required Statement: ~~IDWR and the parties stipulate that this is the correct description of the purpose of use.~~ AS REC.

7. The period of year when the water is to be used is:

Irrigation	Irrigation Season	0.56
Stockwater	01/01 - 12/31	58 CFS
		.09 CFS

Total Quantity: ~~67~~ CFS
0.65

Required Statement: IDWR and the parties stipulate that this is the correct description of the period of year when the water is to be used.

8. The legal description of the place of use or of the reservation is:

Irrigation and Stockwater

T01S R05W S01	Lot 2 (NWNE)	1.0	SWNE	16.0	Lot 3 (NENW)	4.0
	Lot 4 (NWNW)	2.5	SENE	0.5	NESE	1.0
	NWSE	3.0				

28.0 Acres Total

Use of this right with right no. 57-07202A is limited to the irrigation of a combined total of 28 acres in a single irrigation season.

Required Statement: IDWR and the parties stipulate that this is the correct description of the place of use.

9. The annual volume of consumptive use is:

Use of this right with right no. 57-07202A is limited to a total combined annual consumptive use volume of 70.0 AF.

Required Statement: IDWR and the parties stipulate that this is the correct description of the annual volume of consumptive use.

DRAFT

10. Other matters necessary to define this water right:

The points of diversion listed above are all points along Squaw Creek which the claimant could use transitory tractor and pump to divert water.

Explanatory Material - Basis of Claim: Decree

DRAFT

If IDWR has not concurred by signing below, signing parties certify that they have served a copy of this document on the Idaho Department of Water Resources and have made a good faith attempt to obtain IDWR's concurrence, but have failed.

Signature and Address of Parties and their Attorney of Record
(attach additional page if necessary)

I have read this form and know its contents and that the statements are true to the best of my knowledge and belief.

Name of Objector:

United States through
Department of Justice for BLM
601 Pennsylvania Ave., NW
Washington, DC 20004

Attorneys of Record: R. Lee Leininger/Paul F. Holleman/
William Ferry

Attorney's Signature Date

Name of Claimant:

Wilford Brimley
2165 E 2875 S
Salt Lake City, UT 84109

Party's Signature Date

Attorney's Signature
James Gillespie, Esquire

IDWR Concurrence: _____
Signature Date

DRAFT

INSTRUCTIONS FOR MAILING

You must mail the form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. FAX filings will not be accepted by the SRBA Clerk of the Court.

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I certify that on _____, 199____, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, 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. Copies to:

Department of Justice
C/O Boise Adjudication Team
380 Park Center Blvd.
Suite 330
Boise, Idaho 83706

James Gillespie, Esquire
P.O. Box 2337
Boise, ID 83710

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

Idaho Department of Water
Resources
1301 N. Orchard St.
Boise, ID 83706

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

Signature

AJ0749NP
No. R57-00283

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

DATE: 06/14/97
PAGE: 1

OWNER CODE NAME & ADDRESS
C JAMES ROESER
STAR ROUTE
MARSING ID 83639
(208) 896-4421
D WILFORD BRIMLEY
2165 E 2875 S
SALT LAKE CITY UT 84109
(801) 486-2540

PRIORITY DATE WATER USE
04/15/1894 IRRIGATION STOCKWATER

USE PERIOD FROM TO
04-15 10-15
01-01 12-31

DIVERSION RATE
0.56 CFS
0.09 CFS
TOTAL DIVERSION: 0.65 CFS

DIVERSION VOLUME
28.0
28.0

Water Source: SQUAW CREEK Tributary to: SNAKE RIVER Stage: DECREEED

Point(s) of Diversion: T01S R05W S01 Lot02(N4NE) SENE Lot03(N4NW) Owyhee County
S01 Lot04(N4NW) NESE Owyhee County
S02 Lot01(N4NE) Owyhee County

Place of use Legal Description for: IRRIGATION
NE NW SW SE
NENE N4NE SENE : NENE N4NW S4NW S4SW : NENE N4SE S4SE : SUM
T R S : Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac : SUM
01S 05W 1 : 02-01 16 : 03-04 04-02 .5 : : 01 03 TOTAL ACRES : 28.0
28.0

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: Owyhee

Other Rights: A57-07202A

Conditions of Approval:

- N05 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
- SHALL NOT EXCEED 13,000 GALLONS PER DAY.
- N08 - THE QUANTITY OF WATER DECREEED FOR THIS WATER RIGHT FOR
- STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
- USE.

Remarks: POU1 USE OF THIS RIGHT WITH RIGHT NO. 57-07202A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 28.0 ACRES IN A SINGLE IRRIGATION SEASON.

EXP RIGHT NO. 57-07202A IS ALSO REDIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 57E Field Inspection Flag: Presumption Flag:

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

JAN 29 1997

Department of Water Resources

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

*IR record modified by
R. Brown 6-14-97.*

1. Water Right Number(s) 57-00283 57-07202A *- blank prefix*
Adjudication Claim Number(s) AJ5809NP AJ5089NP *record modified*
+ AJCAP prepared

2. The following **REQUIRED** information must be submitted with this form.

*by S. Sherman
6-17-97.*

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) Wilford Brimley

575 E. 4500 S., #575, Salt Lake City, UT 84107

4. New Owner/Claimant(s) James Roeser

Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR

New Mailing Address Star Route

City, State and ZIP Code Marsing, ID 83639

New Telephone Number (208) 896 - 4421

5. Date you acquired the property 9-11-96

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock range Cattle - 350 head

Diversion rate in CFS .67 Number of homes 3 Other uses _____
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s)  Date 11-14-96

Date _____

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

MEMORANDUM

To: S. Sherman

From: Roxanne Brown *R-* *[Signature]*

Re: Change of Ownership (Brimley to Roeser)

Date: June 14, 1997

=====

Please prepare an NCAP for these rights (57-00283 and 57-07202A). I have attached the R-files created during the preparation of a Special Master's Recommendation for each of these rights.

I received the Notice of Change of Water Right Ownership on my desk two days after I read Mr. Roeser's obituary in the newspaper. Knowing he was deceased, I asked Andrew to call Mr. Roeser's attorney and confirm a course of action.

Andrew, the Court and Mr. Roeser's attorney agree that the proper course would be to process the Ownership Change, decree the two rights and allow the probate process to determine the ownership at a later date.

The Special Master has requested we produce his recommendation documents; I have done so today and will forward them to the court on Monday. The court expects that the NCAP will be processed at, or near, the same time.

WARRANTY DEED

FOR VALUE RECEIVED, A. WILFORD BRIMLEY and LYNNE BRIMLEY, husband and wife, the Grantors, do hereby grant, bargain, sell and convey unto JAMES ROESER and CARLENE ROESER, husband and wife, of Star Route, Marsing, ID 83839, the Grantees, the following described premises, to-wit:

See Exhibit "A" attached hereto and made hereof by reference.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees that they are the owners in fee simple of said premises; that said premises are free from all encumbrances except current taxes and assessments, easement, restrictions and reservations of record, and that Grantors will warrant and defend the same from all lawful claims whatsoever.

DATED this _____ day of _____, 1990.

A. Wilford Brimley

Lynne Brimley

STATE OF Idaho
County of Butte

On this _____ day of _____, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared A. WILFORD BRIMLEY and LYNNE BRIMLEY, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

FILED-RECORDED

NOV 10 1990

Spencer D. Wilkins

Notary Public

Notary Public for: Idaho

Residing at: 1212 E. 1st St.

My commission expires: 11/10/93

57-00283

57-07202A

WARRANTY DEED

Bringley Ranch

Bringley Ranch

Lots 3 and 4; and the SW 1/4 of the NE 1/4, the SE 1/4 of the NW 1/4;
and the NW 1/4 of the SE 1/4 of Section 1, T18, R5W, B.M.,
Owyhee County, Idaho.

Roeber Ranch

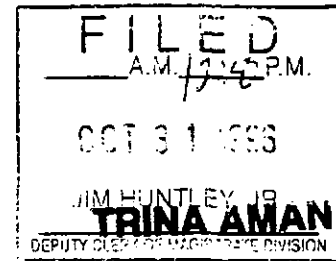
SW 1/4 of the SE 1/4; and the E 1/2 of the SE 1/4 of Section 1, and
the NE 1/4 of Section 12, all in T18, R5W, B.M., Owyhee County,
Idaho.

57-00283

57-07202A

WARRANTY DEED

James R. Gillespie
James R. Gillespie, P.A.
512 West Bannock
P.O. Box 2337
Boise, ID 83701
Telephone: (208) 344-8400



Attorneys for Petitioner

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF OWYHEE

In the Matter of the Estate of	)	No. SP96-00718
	)	
CARLENE ROESER,	)	AMENDED DECREE VESTING
	)	ESTATE IN SURVIVING SPOUSE
Deceased.	)	
	)	

Upon consideration of the Petition for Summary Administration of Estate in Which Surviving Spouse is Sole Beneficiary, filed by James Roeser on or about the 21st day of October, 1996, the Court finds that:

1. The facts set forth in the Petition are true.
2. The decedent died on August 2, 1996, domiciled in Owyhee County.
3. Venue is proper.
4. The decedent and Petitioner were duly married at Elko, Nevada, on January 22, 1977, and remained married until the date of decedent's death.
5. The surviving spouse, James Roeser, is the sole heir or devisee of the decedent.
6. The decedent died testate, leaving a will dated July 11, 1993. The Will was validly executed and is the last will of

57-00283 + 57-07202A

the decedent.

7. The schedule of property attached to this Decree is a full and complete inventory of the property owned by the decedent and properly characterizes the property as community or separate property.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED as follows:

1. James Roeser is the surviving spouse of the decedent and is the sole heir or devisee of the decedent.

2. The property of the decedent described on the schedule attached to this Decree is hereby vested in and distributed to James Roeser free and clear of all right, title, claim or demand of any person or persons claiming or attempting to claim under the estate of the decedent as heir, devisee, or otherwise, except as a proper creditor.

3. The surviving spouse shall assume and be liable for any and all indebtedness that might be a claim against the estate of the decedent.

4. There shall be no administration of the estate of the decedent.

DATED this 31st day of October, 1996.

THOMAS J. RYAN

Magistrate

57-00283

57-07202A

220228

FILED - RECORDED

'96 NOV 6 PM 2 38

JUD HUNLEY JR.
CLERK OF COURT
CLERK OF COURT
BY Reggie M. Permon
CLERK

REQUEST OF

Allegre

FEE

12.00

EXHIBIT "A"

COMMUNITY PROPERTY

REAL PROPERTY:

Parcel 1:

All situated in Owyhee County, Idaho:

TRACT 1:

<u>Twp</u>	<u>Rng</u>	<u>Sec.</u>	
1N	4W	30	Lot 2 and E2 NW4
1N	4W	30	Lot 1
1N	5W	25	NE4 SW4
			NW4 SE4
			S2 NE4
			NE4 NE4
1S	5W	26	W2 SE4
1S	5W	35	NE4 NW4
			NW4 NE4
			E2 E2

TRACT 2:

1N	5W	25	NE4 SE4
----	----	----	---------

TRACT 3:

1S	4W	7	SE4
			NE4 SW4
		18	NE4
			SE4 NW4
			NE4 SW4
			NW4 SE4
			Lots 2 and 3
1S	5W	13	SE4 NE4
			NE4 SE4

TOGETHER WITH all water and water wells and rights by license, permit and/or appropriation or which are appurtenant to the real property, including but not limited to State of Idaho permits #57.00284, #57-02019, #57-02091, and #57-02321.

57-00283 + 57-07202A

Parcel 2:

Lots 3 and 4; and the SW1/4 of the NE1/4; the SE1/4 of the NW1/4; and the NW1/4 of the SE1/4 of Section 1, T1S, R5W, B.M., Owyhee County, Idaho.

Parcel 3:

SW1/4 of the SE1/4; and the E1/2 of the SE1/4 of Section 1, and the NE1/4 of Section 12, all in T1S, R5W, B.M., Owyhee County, Idaho.

Parcel 4:

In Township 1 South, Range 5 West, B.M., Owyhee County, Idaho:

Section 12:	W1/2 SE1/4
Section 13:	SE1/4 SW1/4
Section 24:	NW1/4 NW1/4

PERSONAL PROPERTY:

- A. All livestock:
 - (i) Cattle, calves and bulls
 - (ii) Horses
- B. Equipment and machinery
- C. All BLM permits

The net value of all of Decedent's interest in the personal property is less than \$600,000 and no federal or state estate tax is due or payable.

SEPARATE PROPERTY

STATE OF IDAHO }
County of Owyhee } ss. None.

I hereby certify that the foregoing instrument is a true and correct copy of the original on file in this office.

Date Oct. 31 19 96
Jim Huntley, Jr., Clerk of the District Court
Shirley Amar
Deputy Clerk

57-00283

57-07202A

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APR 11 1997

Department of Water Resources

1997 APR 10 PM 1:58

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED *AL*

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 57-00283
	)	
Case No. 39576	)	PRELIMINARY SPECIAL
	)	MASTER'S REPORT
	)	

FINDINGS OF FACT AND CONCLUSIONS OF LAW

A notice of claim was filed for this water right pursuant to I.C. 42-1409(1990) by Wilford Brimley. The director of the State of Idaho Department of Water Resources examined the water system for areas 1, 2, and 3 and investigated and abstracted the notices of claims for those Reporting Areas. The Director of the Idaho Department of Water Resources the filed a *Director's Report* which asserted how the elements of this water right should be decreed by the court.

An objection to the *Director's Report* for the water right was filed on February 26, 1993, by the United States Bureau of Land Management (BLM). Subsequently, a settlement was reached as to how the elements of this water right could be decreed, and on February 13, 1997, the parties, filed a *Standard Form 5*. IT IS THEREFORE RECOMMENDED that subcase 57-00283 be decreed as recommended in the attached *Preliminary Special Master's Report and Recommendation for Partial Decree*.

DATED April 10, 1997.


FRITZ X. HAEMMERLE
Special Master, Reporting Area 2
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)
_____)

PRELIMINARY

SPECIAL MASTER'S RECOMMENDATION FOR

10:58 PM 10

PARTIAL DECREE FOR
Water Right 57-00283

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO

FILED *PL*

NAME & ADDRESS: WILFORD BRIMLEY
2165 E 2875 S
SALT LAKE CITY UT 84109

SOURCE: SQUAW CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.65 CFS

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

PRIORITY DATE: 04/15/1894

POINT OF DIVERSION: T01S R05W S01 LOT 2 (NWNE)
SWNE
SENE
LOT 3 (NENW)
LOT 4 (NWNW)
NESE
S02 LOT 1 (NENE)

Within Owyhee County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION
STOCKWATER

PERIOD OF USE
Irrigation Season
01-01 12-31

QUANTITY
0.56 CFS
0.09 CFS

PLACE OF USE:

IRRIGATION Within Owyhee County
T01S R05W S01 Lot 2 (NWNE) 1.0
SENE 0.5
28.0 ACRES TOTAL

SWNE 16.0 Lot 3 (NENW) 4.0 Lot 4 (NWNW) 2.5
NESE 1.0 NWSE 3.0

USE OF THIS RIGHT WITH RIGHT NO. 57-07202A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 28.0 ACRES IN A SINGLE
IRRIGATION SEASON.

Place of use for STOCKWATER is same as IRRIGATION

CONSUMPTIVE USE:

~~USE OF THIS RIGHT WITH RIGHT NO. 57-07202A IS LIMITED TO A
TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 70.0 AF.~~

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

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

DATED: 4/10/97

Fritz X. Haemmerle
FRITZ X. HAEMMERLE
Special Master
Snake River Basin Adjudication

SPECIAL MASTER'S RECOMMENDATION
Water Right 57-00283

PAGE 1
MAR-3-1997

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Department of Water Resources

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1997 APR 10 PM 1:58

Department of Water Resources

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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

In Re SRBA

Case No. 39576

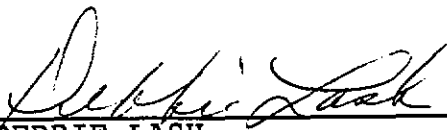
NOTICE OF ISSUANCE OF
PRELIMINARY SPECIAL MASTER'S
REPORT AND RECOMMENDATION

Water Right(s): 57-00283

On April 10, 1997, Special Master FRITZ X HAEMMERLE
lodged a PRELIMINARY SPECIAL MASTER'S REPORT and a PRELIMINARY
SPECIAL MASTER'S RECOMMENDATION pursuant to SRBA Administrative
Order 1 section 9 (f).

These documents are served only on parties to the subcase.
They are not served on the Presiding Judge. Parties to this subcase
may file a Motion to Alter or Amend with the Special Master, but
must do so before April 24, 1997.

DATED April 10, 1997.


DEBBIE LASH
Deputy Clerk

NOTICE OF ISSUANCE

PAGE 1
04/10/97

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1997 APR 10 PM 1:58

Department of Water Resources

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

DL

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): 57-00283

CERTIFICATE OF MAILING

I certify that a true and correct copy of PRELIMINARY SPECIAL MASTER'S REPORT, PRELIMINARY SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF PRELIMINARY SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on April 10, 1997, with sufficient first-class postage prepaid to the following:

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

CLIVE STRONG
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720

U.S. DEPT. OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

JAMES R. GILLESPIE
PO BOX 2337
BOISE, ID 83701

WILFORD BRIMLEY
2165 EAST 2875 SOUTH
SALT LAKE CITY, UT 84109

CERTIFICATE OF MAILING

Debbie Lash PAGE 1
DEBBIE LASH 04/10/97
Deputy Clerk

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 the Rights to the Use of Water)
from the Snake River Basin)
Water System)
_____)

Case No. 57-00283 -0001

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

RESPONSE TO OBJECTION

Petitioner,)

vs.)

The United States; the State)
of Idaho; and all Claimants to)
the use of water from the Snake)
River Basin Water System,)

Respondents.)
_____)

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

Address: IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Briefly describe your interest in this water right:

IDWR is required to file a response to an objection to part
I of the director's report pursuant to I.C. section 42-1412(2).

(Over)

1. ☒ Name and Address: I respond to the objection concerning the name and/or address of the owner of the water right.
2. ☒ Source: I respond to the objection concerning the source of water.
3. ☒ Quantity: I respond to the objection concerning:
4. ☒ Priority Date: I respond to the objection concerning the priority date.
5. ☒ Points of Diversion: I respond to the objection concerning the legal description of the point(s) of diversion.
7. ☒ Purposes of Use: I respond to the objection concerning the purpose(s) of use.
8. ☒ Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
9. ☒ Place of Use: I respond to the objection concerning:

II. STATEMENT OF THE RESPONSE

2. Person who filed objection:
 Name: US BUREAU OF LAND MANAGEMENT
 IDAHO STATE OFFICE
 3380 AMERICANA TERRACE
 BOISE ID 83706-2544
3. If this response is filed by an attorney:
 Attorney Name(s): DANIEL L. STECKEL
 Attorney Address: DEPUTY ATTORNEY GENERAL(S)
 IDAHO DEPARTMENT OF WATER RESOURCES
 P.O. BOX 44449
 BOISE, ID 83711-4449
 Attorney Phone No.: (208) 327-7900

10. ☒ Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.
12. ☒ Water Right Recommendation: I respond to the objection concerning:
- 12a. ☒ This water right being recommended at all.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 1, 2, 3, 4, 5, 7, 8, 9, 10, 12, and 12a. and all allegations of the objection regarding these items, IDWR responds as follows:

IDWR lacks sufficient information to form a belief as to whether any or all of the lands upon which water is diverted, conveyed, or used pursuant to this right are owned by the United States. The notice of claim attached to the objection was not filed with IDWR and IDWR has not recommended a water right based on this notice of claim. IDWR admits that the claims listed in the objection are recommended in the director's report. IDWR denies the objection and all allegations of the objection not expressly admitted herein.

CHANGES TO THE DIRECTOR'S REPORT

The director proposes no changes to the description of this claim in the Director's Report.

☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary:

	No. of Pages
Notice of Claim No. A57-00283	3

(Over)

VERIFICATION (Must be Completed)

State of IDAHO
County of ADA

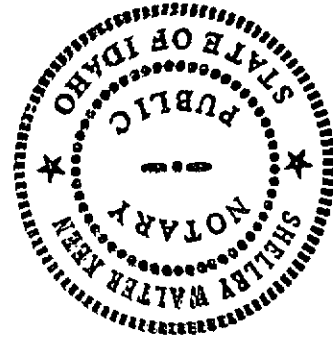
Donald V. Shaff, being first duly sworn, upon oath, deposes and says:

That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Section Manager for IDWR and am authorized by R. Keith Higginson, in his official capacity as director of IDWR, to verify this response; and that I have read the foregoing response, know its contents and that the statements contained therein are true to the best of my knowledge and belief.

[Signature]
Signature of person filing response

By: D.L. Shaff
(Attorney signing in representative capacity)

Subscribed and sworn to before me this 16th day of June, 1993.



Shelby Walter Keen
Notary Public for Idaho
Residing at: Boise, Idaho
My Commission expires: July 31, 1997

CERTIFICATE OF MAILING

I hereby certify that on the 18th day of June, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared and addressed as follows:

1. Original to:

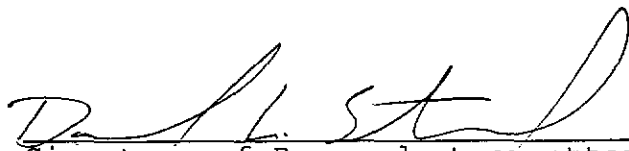
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

Name: WILFORD BRIMLEY
Address: 2165 E 2875 S
SALT LAKE CITY UT 84109

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney; and you must fill in the following information:

Name: US DEPT OF JUSTICE
Address: K JACK HAUGRUD & DARIA J ZANE
550 W FORT ST
PO BOX 33
BOISE ID 83734



Signature of Respondent or attorney
mailing on Respondent's behalf

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

In Re the General Adjudication
of Rights to the Use of Water
from the Snake River Basin
Water System

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

Petitioner,

vs.

The United States; the State
of Idaho; and all Claimants to
the use of water from the Snake
River Basin Water System,

Respondents.

Case No. 57-00283
(You must insert the
water right number you
are objecting to)

OBJECTION RECEIVED

FEB 26 1993

Department of Water Resources
Adjudication Bureau

INSTRUCTIONS

This form must be used to file an objection to any water right recommended in the Director's Report. You may object to one water right per objection form. The water right number you are objecting to must be indicated above in the blank space following "Case No." To object to more than one water right, you must file a separate objection form for each. Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form, as long as it is identical to the court's form. You must file your objection by the deadline shown in the notice that IDWR mailed to you. The objection must be received by the court on or before the deadline specified. Instructions for mailing this objection are found at Page 6, and must be strictly followed.

Any party physically filing 25 (twenty-five) or more objections must make an appointment with the Clerk of the Adjudication Court and arrange for an appointment to file multiple objections.

(Over)

By filing an objection form, you are certifying that the objection is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting: United States of America
Bureau of Land Management
U.S. Department of the Interior
Name: _____
3380 Americana Terrace
Boise, Idaho 83706
Address: _____

Briefly describe your interest in this water right:

The United States, through the Bureau of
Land Management, is the owner of the land
upon which this water right is claimed,
and claimant does not have a valid water
right.

2. Owner of the water right: _____

Name: claimant Willford Brimley
Address: 2165 E 2875 S.
Salt Lake City, UT 84109

3. If this objection is filed by an attorney:

K. Jack Haugrud
Daria J. Zane
U. S. Department of Justice
500 West Fort Street
P.O. Box 33
Boise, Idaho 83734
Attorney Name: _____
Attorney Address: _____
Attorney Phone No.: 202-272-4134/8351

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

II. STATEMENT OF THE OBJECTION

Please check each "box" which states your objection to the recommendation in the Director's Report.

1. ☒ Name and Address: I object to the name and/or address of the owner of the water right.
2. ☒ Source: I object to the source of water.
3. ☒ Quantity: I object to:
 - a. ☐ the total quantity of water used in cubic feet per second; or
 - b. ☐ the total quantity of water stored in acre-feet per year; or
 - c. ☐ the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☒ Priority Date: I object to the priority date.
5. ☒ Points of Diversion: I object to the legal description of the point(s) of diversion.
6. ☐ Instream Flow: I object to the legal description of the beginning and ending points of the instream flow.
7. ☒ Purpose(s) of Use: I object to the purpose(s) of use.
8. ☒ Period of Year: I object to the period of year when water is used or is necessary for the purpose stated.
9. ☒ Place of Use: I object to:
 - a. ☐ the legal description of the place of use; or
 - b. ☐ the number of irrigated acres within each forty (40) acre subdivision.
10. ☒ Consumptive Use: I object to the annual volume of consumptive use.
11. ☐ Remarks: I object to the "remarks" listed with the water right.

(Over)

Please note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports.

The Directors report should be changed to recommend disallowance of this claim.

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

CHANGES TO THE DIRECTOR'S REPORT

In the space following, you must state the reason(s) by number for each box checked. You may use additional pages if necessary.

The United States of America, acting through the Bureau of Land Management, objects to this water right recommendation because the claimant is a private individual claiming a water right on public domain lands. The BLM, on behalf of the United States, has managed and controlled this property for the beneficial use of the American public. The claimant has no property interest in the claimed water right or any other water right appurtenant to federally owned lands. The United States objects to all aspects of the right because of these facts, including the recommended name and address, source, quantity, priority date, points of diversion, purpose of use, period of use, place of use, and consumptive use. BLM also objects to the recommendation in its entirety because claimant has not been the exclusive beneficial user of this water given that other members of the public have had access to this land and water source.

REASONS SUPPORTING EACH BOX CHECKED

12. ☒ Water Right Recommendation: I object to:
 - a. ☒ this water right being recommended at all; or
 - b. ☐ this water right not being recommended.
13. ☐ Description of Reservation: I object to the legal description of the reservation.
14. ☐ Other: I object to:

☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary. _____

1. Map of claim on public land

2. Conflicting USDI claims

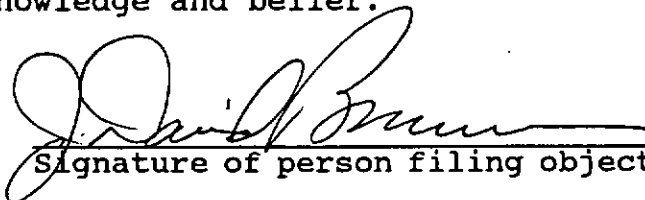
VERIFICATION (Must be Completed)

State of Idaho

County of Ada

J. DAVID BRUNNER, BOISE DISTRICT MANAGER, being first duly
(Name of person filing objection)
sworn, upon oath, deposes and says:

That I am the person or entity filing this objection, that I am a water claimant or party in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and belief.


Signature of person filing objection

By: _____

(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 23 day of Feb,
1993.


Notary Public for Ada County
Residing at: Boise, Idaho
My Commission expires: April 26, 1997

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. FAX filings will not be accepted by the Clerk of the Court. You must also send a copy to the owner of the water right, if other than yourself; to the Office of the Attorney General, State of Idaho; and to the United States Department of Justice, as set out below in the Certificate of Mailing. Finally, you must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I hereby certify that on the 26 day of February, 1993, I mailed the original and copies of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct copies, 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 the owner of the water right, and you must fill in the following information:

Owner name: Willford Brimley

Owner's address: 2165 E. 2875 S.

Salt Lake City, UT 84109

3. One copy to:

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

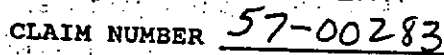
4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734

[Signature]
Signature of objector or attorney
mailing on objector's behalf

7.5 MINUTE SERIES (TOPOGRAPHIC)

7.5 MINUTE SERIES (TOPOGRAPHIC)



☒ Denotes Public Land
Included in this Claim

57-10989
57-10989A
57-10990
57-10990A
57-11178
57-11179

CONFLICTING CLAIMS FOUND IN THE DIRECTORS REPORT

CLAIM NUMBER: 57-00283

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

CIVIL CASE NUMBER: 39576

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER
FROM THE SNAKE RIVER BASIN WATER SYSTEM

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

U.S. DEPT. OF INTERIOR
BUREAU OF LAND MGMT.
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706
TELEPHONE: 208-334-1401

PRIORITY DATE: 1874-01-01
AGENCY NUMBER: 5701582330
BLM NUMBER: 5701582330
BASIS OF CLAIM: BENEFICIAL USE
BASIN NUMBER: 57

SOURCE	TRIBUTARY TO
-----	-----
SQUAW CREEK	SNAKE RIVER

DESCRIPTION OF DIVERSION WORKS

INSTREAM USE

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
-----	-----	-----	-----	-----
WILDLIFE	0.020	0.00	0101	1231
STOCKWATER	0.150	0.00	0101	1231
TOTAL:	0.170 CFS	0.00 AF		

NON-IRRIGATION USES

S/ 428 RANGE CATTLE & WILDHORSES W/ VAR AMOUNTS

POINT OF DIVERSION							
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
---	---	---	---	---	---	---	-----
01S	05W	23		NW	NW	00	OWYHEE
01S	05W	14		SW	SE	00	OWYHEE
01N	05W	25		NW	SW	00	OWYHEE
01S	05W	02				03	OWYHEE
01S	05W	02				01	OWYHEE
01N	05W	35				01	OWYHEE

PLACE OF USE

TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	IRRIGATED OWNED	ACRES
---	---	---	---	---	---	-----	-----	-----
01S	05W	23	NW	NW	00	OWYHEE		0.0

[illegible]

BLM NUMBER: 5701582330

PAGE: 3

01S	05W	11	NW	SW	00	OWYHEE	0.0
01S	05W	11	SW	NW	00	OWYHEE	0.0
01S	05W	11	SE	NW	00	OWYHEE	0.0
01S	05W	11	NE	NW	00	OWYHEE	0.0
01S	05W	11	SE	SE	00	OWYHEE	0.0
01S	05W	11	NE	SE	00	OWYHEE	0.0
01S	05W	11	SE	NE	00	OWYHEE	0.0
01S	05W	11	NE	NE	00	OWYHEE	0.0
01S	05W	02	SE	SW	00	OWYHEE	0.0
01S	05W	02	SW	SE	00	OWYHEE	0.0
01S	05W	02	NW	SE	00	OWYHEE	0.0
01S	05W	02	SW	NE	00	OWYHEE	0.0
01S	05W	02	SE	NE	00	OWYHEE	0.0
01S	05W	02	SE	NW	00	OWYHEE	0.0
01S	05W	02	SE	SE	00	OWYHEE	0.0
01N	05W	35	NE	SE	00	OWYHEE	0.0
01N	05W	35	SE	NE	00	OWYHEE	0.0
01N	05W	35	NE	NE	00	OWYHEE	0.0
01N	05W	26	SE	SE	00	OWYHEE	0.0
01N	05W	25	SW	SW	00	OWYHEE	0.0
01N	05W	25	NW	SW	00	OWYHEE	0.0
01S	05W	02			03	OWYHEE	0.0
01S	05W	02			01	OWYHEE	0.0
01S	05W	02			02	OWYHEE	0.0
01N	05W	35			01	OWYHEE	0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

REMARKS

FIRST DATE OF BENEFICIAL USE - 1874

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

In Re the General Adjudication
of Rights to the Use of Water
from the Snake River Basin
Water System

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

Petitioner,

vs.

The United States; the State
of Idaho; and all Claimants to
the use of water from the Snake
River Basin Water System,

Respondents.

Case No. 57-00283
(You must insert the
water right number you
are objecting to)

OBJECTION RECEIVED

FEB 26 1993

Department of Water Resources
Adjudication Bureau

57-00283 -0001/
93-02-0793

INSTRUCTIONS

This form must be used to file an objection to any water right recommended in the Director's Report. You may object to one water right per objection form. The water right number you are objecting to must be indicated above in the blank space following "Case No." To object to more than one water right, you must file a separate objection form for each. Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form, as long as it is identical to the court's form. You must file your objection by the deadline shown in the notice that IDWR mailed to you. The objection must be received by the court on or before the deadline specified. Instructions for mailing this objection are found at Page 6, and must be strictly followed.

Any party physically filing 25 (twenty-five) or more objections must make an appointment with the Clerk of the Adjudication Court and arrange for an appointment to file multiple objections.

(Over)

OBJECTION - 1

MICROFILMED

JUL 20 1994

By filing an objection form, you are certifying that the objection is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting: United States of America
Bureau of Land Management
U.S. Department of the Interior
Address: 3380 Americana Terrace
Boise, Idaho 83706

Briefly describe your interest in this water right:
The United States, through the Bureau of Land Management, is the owner of the land upon which this water right is claimed, and claimant does not have a valid water right.

2. Owner of the water right:
Name: claimant Wilford Brimley
Address: 2165 E 2875 S.
Salt Lake City, UT 84109

3. If this objection is filed by an attorney:
K. Jack Haugrud
Daria J. Zane
Attorney Name:
U. S. Department of Justice
500 West Fort Street
P.O. Box 33
Boise, Idaho 83734
Attorney Address:
Attorney Phone No.: 202-272-4134/8351

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

II. STATEMENT OF THE OBJECTION

Please check each "box" which states your objection to the recommendation in the Director's Report.

1. ☒ Name and Address: I object to the name and/or address of the owner of the water right.
2. ☒ Source: I object to the source of water.
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 - a. ☐ the total quantity of water used in cubic feet per second; or
 - b. ☐ the total quantity of water stored in acre-feet per year; or
 - c. ☐ the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☒ Priority Date: I object to the priority date.
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7. ☒ Purpose(s) of Use: I object to the purpose(s) of use.
8. ☒ Period of Year: I object to the period of year when water is used or is necessary for the purpose stated.
9. ☒ Place of Use: I object to:
 - a. ☐ the legal description of the place of use; or
 - b. ☐ the number of irrigated acres within each forty (40) acre subdivision.
10. ☒ Consumptive Use: I object to the annual volume of consumptive use.
11. ☐ Remarks: I object to the "remarks" listed with the water right.

Please note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports.

The Directors report should be changed to recommend disallowance of this claim.

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

CHANGES TO THE DIRECTOR'S REPORT

In the space following, you must state the reason(s) by number for each box checked. You may use additional pages if necessary.

The United States of America, acting through the Bureau of Land Management, objects to this water right recommendation because the claimant is a private individual claiming a water right on public domain lands. The BLM, on behalf of the United States, has managed and controlled this property for the beneficial use of the American public. The claimant has no property interest in the claimed water right or any other water right appurtenant to federally owned lands. The United States objects to all aspects of the right because of these facts, including the recommended name and address, source, quantity, priority date, points of diversion, purpose of use, period of use, place of use, and consumptive use. BLM also objects to the recommendation in its entirety because claimant has not been the exclusive beneficial user of this water given that other members of the public have had access to this land and water source.

REASONS SUPPORTING EACH BOX CHECKED

12. ☒ Water Right Recommendation: I object to:
 - a. ☒ this water right being recommended at all; or
 - b. ☐ this water right not being recommended.
13. ☐ Description of Reservation: I object to the legal description of the reservation.
14. ☐ Other: I object to:

☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary. _____

1. Map of claim on public land

2. Conflicting USDI claims

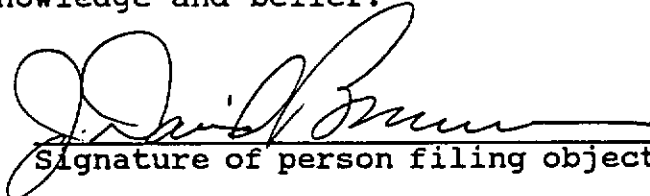
VERIFICATION (Must be Completed)

State of Idaho

County of Ada

J. DAVID BRUNNER, BOISE DISTRICT MANAGER, being first duly
(Name of person filing objection)
sworn, upon oath, deposes and says:

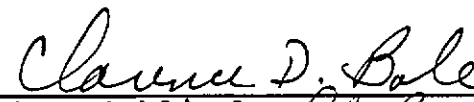
That I am the person or entity filing this objection, that I am a water claimant or party in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and belief.



Signature of person filing objection

By: _____
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 23 day of Feb,
1993.



Notary Public for Ada County
Residing at: Boise, Idaho
My Commission expires: April 26, 1997

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. FAX filings will not be accepted by the Clerk of the Court. You must also send a copy to the owner of the water right, if other than yourself; to the Office of the Attorney General, State of Idaho; and to the United States Department of Justice, as set out below in the Certificate of Mailing. Finally, you must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I hereby certify that on the 26 day of February, 1993, I mailed the original and copies of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct copies, 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 the owner of the water right, and you must fill in the following information:
Owner name: Willford Brimley
Owner's address: 2165 E. 2875 S.
Salt Lake City, UT 84109

3. One copy to:
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 4449
Boise, Idaho 83711-4449

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734

[Signature]
Signature of Objector or attorney
mailing on objector's behalf

POOR ORIGINAL

PIUTE BUTTE QUADRANGLE
IDAHO-OWYHEE CO.

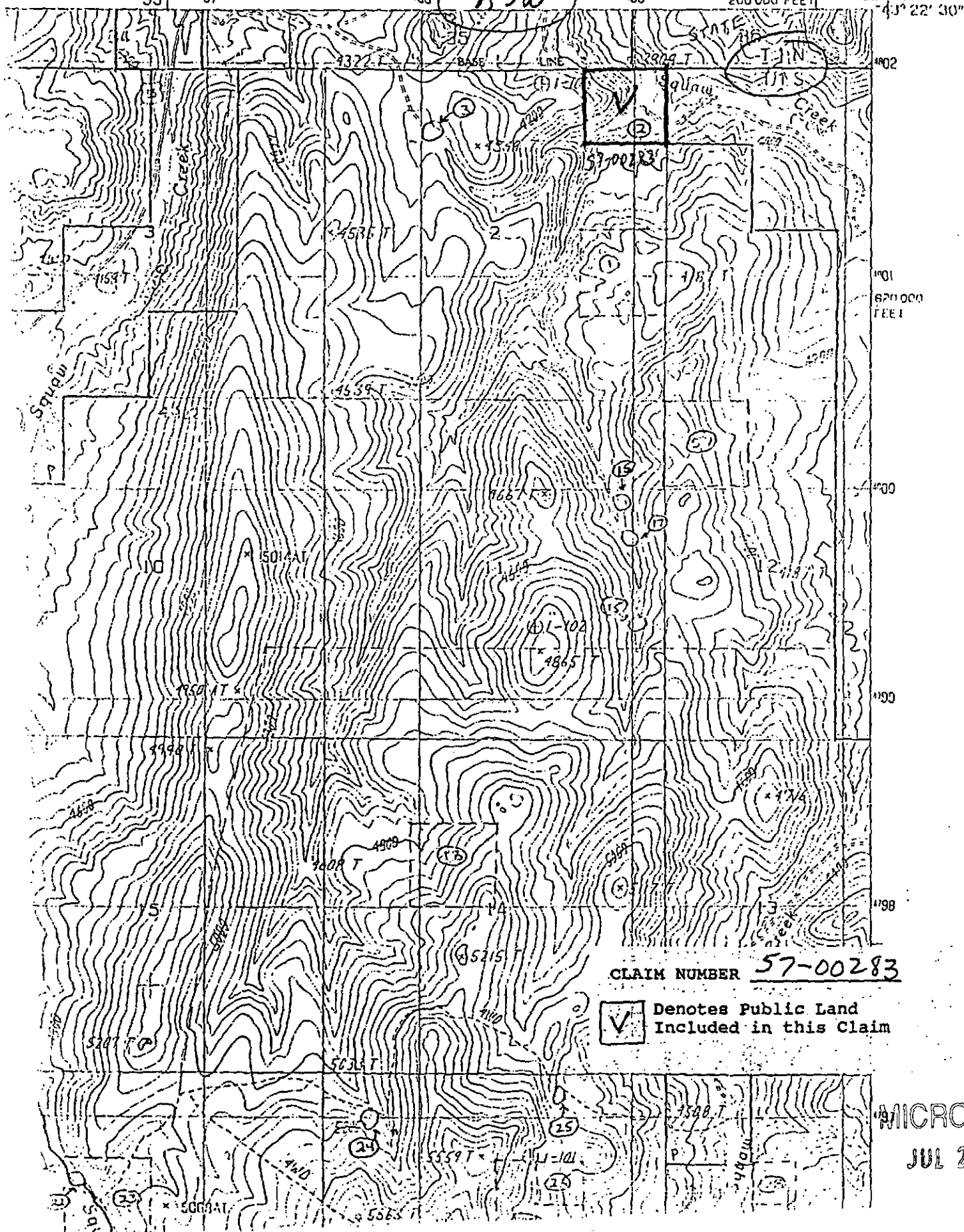
7.5 MINUTE SERIES (TOPOGRAPHIC)

R5w

200 000 FEET 116° 52' 30"

116° 52' 30"

$-43^{\circ} 22' 30''$



CLAIM NUMBER 57-00283

☒ Denotes Public Land
Included in this Claim

97 MICROFILMED

JUL 20 1994

57-10989
57-10989A
57-10990
57-10990A
57-11178
57-11179

CONFLICTING CLAIMS FOUND IN THE DIRECTORS REPORT

CLAIM NUMBER: 57-00283

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 the Rights to the Use of Water)
from the Snake River Basin)
Water System)
_____)

Case No. 57-00283 -0001

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

RESPONSE TO OBJECTION

Petitioner,)

vs.)

The United States; the State)
of Idaho; and all Claimants to)
the use of water from the Snake)
River Basin Water System,)

Respondents.)
_____)

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

Address: IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Briefly describe your interest in this water right:

IDWR is required to file a response to an objection to part
I of the director's report pursuant to I.C. section 42-1412(2).

(Over)

MICROFILMED
JUL 20 1994

1. ☒ Name and Address: I respond to the objection concerning the name and/or address of the owner of the water right.
2. ☒ Source: I respond to the objection concerning the source of water.
3. ☒ Quantity: I respond to the objection concerning:
4. ☒ Priority Date: I respond to the objection concerning the priority date.
5. ☒ Points of Diversion: I respond to the objection concerning the legal description of the points(s) of diversion.
7. ☒ Purposes of Use: I respond to the objection concerning the purpose(s) of use.
8. ☒ Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
9. ☒ Place of Use: I respond to the objection concerning:

II. STATEMENT OF THE RESPONSE

2. Person who filed objection:
 Name: US BUREAU OF LAND MANAGEMENT
 IDAHO STATE OFFICE
 3380 AMERICANA TERRACE
 BOISE ID 83706-2544
3. If this response is filed by an attorney:
 Attorney Name(s): DANIEL L. STECKEL
 Attorney Address: DEPUTY ATTORNEY GENERAL(S)
 IDAHO DEPARTMENT OF WATER RESOURCES
 P.O. BOX 44449
 BOISE, ID 83711-4449
 Attorney Phone No.: (208) 327-7900

10. ☒ Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.
12. ☒ Water Right Recommendation: I respond to the objection concerning:
- 12a. ☒ This water right being recommended at all.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 1, 2, 3, 4, 5, 7, 8, 9, 10, 12 and 12a. and all allegations of the objection regarding these items, IDWR responds as follows:

IDWR lacks sufficient information to form a belief as to whether any or all of the lands upon which water is diverted, conveyed, or used pursuant to this right are owned by the United States. The notice of claim attached to the objection was not filed with IDWR and IDWR has not recommended a water right based on this notice of claim. IDWR admits that the claims listed in the objection are recommended in the director's report. IDWR denies the objection and all allegations of the objection not expressly admitted herein.

CHANGES TO THE DIRECTOR'S REPORT

The director proposes no changes to the description of this claim in the Director's Report.

☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary:

	No. of Pages
Notice of Claim No. A57-00283	3

(Over)

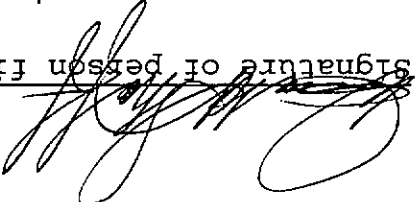
VERIFICATION (Must be completed)

State of IDAHO

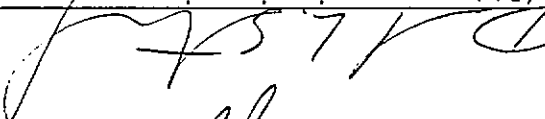
County of ADA

Donald V. Shaff, being first duly sworn, upon oath, deposes and says:

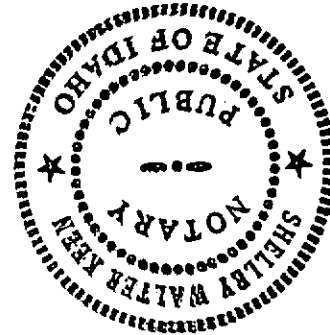
That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Section Manager for IDWR and am authorized by R. Keith Higginson, in his official capacity as director of IDWR, to verify this response; and that I have read the foregoing response, know its contents and that the statements contained therein are true to the best of my knowledge and belief.

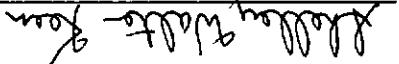

Signature of person filing response

By:


(Attorney signing in representative capacity)

Subscribed and sworn to before me this 16th day of June, 1993.




Notary Public for Idaho
Residing at: Bona, Idaho
My Commission expires: July 31, 1997

CERTIFICATE OF MAILING

I hereby certify that on the 18th day of June, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared and addressed as follows:

1. Original to:

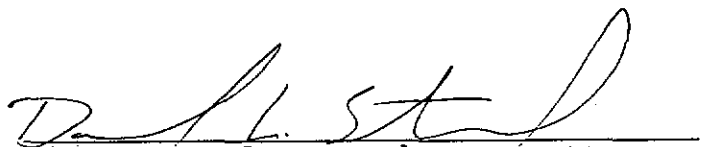
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

Name: WILFORD BRIMLEY
Address: 2165 E 2875 S
SALT LAKE CITY UT 84109

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney; and you must fill in the following information:

Name: US DEPT OF JUSTICE
Address: K JACK HAUGRUD & DARIA J ZANE
550 W FORT ST
PO BOX 33
BOISE ID 83734


Signature of Respondent or attorney
mailing on Respondent's behalf

RECEIVED

AUG 9 1991

Department of Water Resources

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: A57-00283

Date Received: ~~12/15/1988~~ 8/9/91

Receipt No: M002223

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILFORD BRIMLEY 801-486-2540
Address: 216 E. BENDAMERE CIRCLE
SALT LAKE CITY, UT 84109

2. Date of Priority: JUN 1, 1894

3. Source: SQUAW CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	05W	1	NW	NW	NW		OWYHEE
		12	SW	SW	SE		OWYHEE

5. Description of diverting works:
TRANSITORY POD

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.860		
DOMESTIC	01/01	12/31	0.080		
STOCKWATER	01/01	12/31	0.090		

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

8. Total consumptive use is 500.0 Acre Feet Per Annum.

9. Non-irrigation uses:
3 DOMESTIC HOUSEHOLDS, 350 BEEF CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	05W	1	SW	NE		IRR	40.0

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OCT 7 1991

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	05W	1	NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NW	SE		IRR	40.0

Section Acres 200.0

Total Acres 200.0

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A57-07202A

14. Remarks:

A TRACTOR WITH A PUMP IS USED ALL ALONG SQUAW CREEK AS THE TRANSITORY POD. ...NO MAPS FOR THIS AREA...

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 3/ 8/1973

ADAM H. BLACKSTOCK
Decree Plaintiff

GEORGE JOHNSTONE ET. AL.
vs Decree Defendant

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: _____

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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):

Date:

6/24/91

Date:

State of Idaho)

) SS.

County of _____)

Subscribed and sworn (or affirmed) before me this 24th day

of

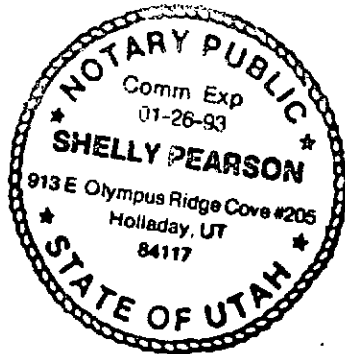
June

19

91

Shelly Pearson
Notary Public

Seal



Residing at _____

My Commission Expires _____

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OCT 07 1992

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

CIVIL CASE NUMBER: 39576

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER
FROM THE SNAKE RIVER BASIN WATER SYSTEM

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

U.S. DEPT. OF INTERIOR
BUREAU OF LAND MGMT.
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706
TELEPHONE: 208-334-1401

PRIORITY DATE: 1874-01-01
AGENCY NUMBER: 5701582330
BLM NUMBER: 5701582330
BASIS OF CLAIM: BENEFICIAL USE
BASIN NUMBER: 57

SOURCE	TRIBUTARY TO
-----	-----
SQUAW CREEK	SNAKE RIVER

DESCRIPTION OF DIVERSION WORKS

INSTREAM USE

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
-----	-----	-----	-----	-----
WILDLIFE	0.020	0.00	0101	1231
STOCKWATER	0.150	0.00	0101	1231
TOTAL:	0.170 CFS	0.00 AF		

NON-IRRIGATION USES

S/ 428 RANGE CATTLE & WILDHORSES W/ VAR AMOUNTS

			POINT OF DIVERSION				
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
---	---	---	-----	-----	-----	---	-----
01S	05W	23		NW	NW	00	OWYHEE
01S	05W	14		SW	SE	00	OWYHEE
01N	05W	25		NW	SW	00	OWYHEE
01S	05W	02				03	OWYHEE
01S	05W	02				01	OWYHEE
01N	05W	35				01	OWYHEE

PLACE OF USE							IRRIGATED OWNED	ACRES
TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	-----	-----
---	---	---	-----	-----	---	-----	-----	-----
01S	05W	23	NW	NW	00	OWYHEE	-----	0.0

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JUL 20 1994

[illegible]

01S	05W	11	NW	SW	00	OWYHEE	0.0
01S	05W	11	SW	NW	00	OWYHEE	0.0
01S	05W	11	SE	NW	00	OWYHEE	0.0
01S	05W	11	NE	NW	00	OWYHEE	0.0
01S	05W	11	SE	SE	00	OWYHEE	0.0
01S	05W	11	NE	SE	00	OWYHEE	0.0
01S	05W	11	SE	NE	00	OWYHEE	0.0
01S	05W	11	NE	NE	00	OWYHEE	0.0
01S	05W	02	SE	SW	00	OWYHEE	0.0
01S	05W	02	SW	SE	00	OWYHEE	0.0
01S	05W	02	NW	SE	00	OWYHEE	0.0
01S	05W	02	SW	NE	00	OWYHEE	0.0
01S	05W	02	SE	NE	00	OWYHEE	0.0
01S	05W	02	SE	NW	00	OWYHEE	0.0
01S	05W	02	SE	SE	00	OWYHEE	0.0
01N	05W	35	NE	SE	00	OWYHEE	0.0
01N	05W	35	SE	NE	00	OWYHEE	0.0
01N	05W	35	NE	NE	00	OWYHEE	0.0
01N	05W	26	SE	SE	00	OWYHEE	0.0
01N	05W	25	SW	SW	00	OWYHEE	0.0
01N	05W	25	NW	SW	00	OWYHEE	0.0
01S	05W	02			03	OWYHEE	0.0
01S	05W	02			01	OWYHEE	0.0
01S	05W	02			02	OWYHEE	0.0
01N	05W	35			01	OWYHEE	0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

REMARKS

FIRST DATE OF BENEFICIAL USE - 1874

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JUL 20 1994

Water Right Number - 57-00283 Adj. Flag Translation: Standard Water Right Number Old (D) Number -
+ - - - - Last Name - - - - + + - - - - First Name - - - - + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
WALKER

ORA

1 -
2 -
3 -
City-
Phone -
1 -
2 -
3 -
State- Zip-
City-
Phone -
1 -
2 -
3 -
State- Zip-

WALKER

JOSEPH W.

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/01/1894 ✓ 14 D - DECREED

+ - - Source - - - - + + - - Tributary - - - - - + - - - -
SQUAW CREEK ✓ SNAKE RIVER

+ - - Point of Diversion - - - - - + - - - -
Twn Rng Sec Tract Lot Rflg County Stream Index (Blank if no Index Code)

Not Shown in Decree *Owyhee*

+ - - Code Description Period From Period To Water Use Diversion Rate Diversion Volume
01 - IRRIGATION ✓ 0.860 ✓
43 - DOMESTIC ✓
04 - STOCKWATER ✓

+ - - Total Div. Rate - + - - Total Div. Volume - + - - Total Div. Capacity - + - - Total Consumptive Use - + - - KW Usage - +
0.860 ✓

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
01S	05W	1	SW NE				01	IRRIGATION	73
01S	05W	1	NE NW				01	IRRIGATION	73
01S	05W	1	NW NW				01	IRRIGATION	73
01S	05W	1	SE NW				01	IRRIGATION	73
01S	05W	1	NW SE				01	IRRIGATION	73

Not Shown

Total Acres:

+ - - Diversion Means -
+ - - Non-Irrigation Use -
+ - - Other Rights for Same Use -

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OCT 07 1992

Water right number - 57-00283 Adj. flag translation: Standard Water Right Number

+ - - - - - Remarks - - - - - No Remarks found.

+ - - - - - Old Water Right Numbers - - - - - No Old Water Right Numbers found.

+ - - - - - Conditions of Approval - - - - - No Conditions of Approval found.

+ - - - - - Decree Plaintiff - - - - - + - - - - Decree Defendant - - - - - +
ADAM H. BLACKSTOCK GEORGE JOHNSTONE ET. AL.

+ - - - - - Audit Fields - 04/01/85 05/01/88 CONVERT

+ - - - - - Water Rights Dates and Flags Area - - - - -

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 57E
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 03/08/1973	Presumption Flag	-	Microfilm Roll Number	-

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OCT 07 1992

OCT 17 1992

AJ5809NP
No. R57-00283

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/18/92
PAGE: 40

Audit: 02/28/92 WALKER 07/29/92 PR-PROD

MICROFILMED

OCT U 7 1992

ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO. 457-00383

FIELD EXAM Y/N-IF NO, DO OFFICE VERIFICATION	FIELD EXAM OR IN-OFFICE VERIFICATION	CLAIM VERIFIED BY CODE (SEE BELOW)	CHANGE CLAIM Y/N	CLAIMANT CONTACT NEEDED - Y/N**	REVIEW COMPLETED WHOM/DATE	"R" RECORD
<u>WR ELEMENT</u>	<u>NOT SHOWN IN DECREE</u>	<u>5</u>	<u>Y</u>	<u>N</u>	<u>kw</u> <u>1-13-92</u>	
<u>PRIORITY*</u>	<u>N</u>	<u>1,2,4,5</u>	<u>Y</u>	<u>N</u>		
<u>PT. OF DIV.</u>	<u>N</u>	<u>5</u>	<u>N</u>	<u>N</u>		
<u>SOURCE</u>	<u>NOT SHOWN IN DECREE</u>	<u>1,2,4,5</u>	<u>Y</u>	<u>N</u>		
<u>PL. OF USE</u>	<u>N</u>	<u>5</u>	<u>Y</u>	<u>N</u>		
<u>DIV. AMOUNT CFS/AF</u>	<u>N</u>	<u>5</u>	<u>Y</u>	<u>N</u>		
<u>CONSUMPTIVE USE</u>	<u>N</u>	<u>5</u>	<u>Y</u>	<u>N</u>		
<u>NATURE OF USE</u>	<u>N</u>	<u>5</u>	<u>N</u>	<u>N</u>		
<u>PERIOD OF USE</u>	<u>N</u>	<u>5</u>	<u>Y</u>	<u>N</u>		
<u>BASIS OF CLAIM</u>	<u>Decree</u>	<u>5</u>	<u>N</u>	<u>N</u>		
<u>REMARKS</u>	<u>N</u>	<u>5</u>	<u>N</u>	<u>N</u>		

DATA ENTRY COMPLETED
BY kw DATE 1/13/92

FINAL RECOMMENDATION
BY kw DATE 1/13/92

VERIFICATION CODES
 TOPO MAP/ORTHO PHOTO = 1
 ASCS MAP = 2
 WATERMASTER RECORDS = 3
 NAPP PHOTOS = 4
 FIELD EXAM = 5
 OTHER(SEE COMMENTS) = 6

2/1* IF REQUIRED HAS EVIDENCE OF PRIORITY BEEN
 SUBMITTED - YES NO

**IF CLAIMANT CONTACT IS NEEDED, COMPLETE
 CLAIMANT CONTACT CHECKLIST AND ATTACH.

COMMENTS:

OCT 17 1992

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

14:58:31
05/22/90

PAGE: 2
QUICKLOOK INFORMATION

CLAIM NUMBER:

A57-00283

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE 6/1/94	N					895 2/24/90	86 12/10/88	
POINT OF DIV 15 SW 1/2	Y					"	"	
SOURCE Agua-Cuer	N					"	"	
PLACE OF USE 15 SW 1	Y					"	"	
DIV. AMOUNT CFS/VOLUME 0.86	N					"	"	
CONSUMPTIVE USE 500	N					"	"	
PURPOSES TDS	N					"	"	
PERIOD OF USE 11 12/31	N					"	"	
BAIS OF CLAIM Steel	N					"	"	

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

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OCT 07 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

08:51:56
06/06/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A57-00283

LAST: BRIMLEY
ADDRESS: 216 E. BENDAMERE CIRCLE
CITY: SALT LAKE CITY
PHONE NUMBER: 801-486-2540

FIRST: WILFORD

STATE: UT ZIP: 84109

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE

VERIFICATION REQUIRED DUE TO REMARKS?

FIELD
EXAMINER

Y *bw*

CLAIM REMARKS: A TRACTOR WITH A PUMP IS USED ALL ALONG SQUAW CREEK AS THE
TRANSITORY POD. ...NO MAPS FOR THIS AREA...

FIELD EXAMINATION INFORMATION

CONTACT PERSON: *Jim Roeder*

PHONE NUMBER: () - -

DATE OF FIELD EXAM: *3/12/1991*

APPOINTMENT MADE: Y() N()

TIME: : A() P()

ACCOMPANIED BY: *Jan Shurtle*

PHONE NUMBER: () - -

RELATIONSHIP TO CLAIMANT: *neighbor*

DIRECTIONS TO PROPERTY / REMARKS:

*Met with Mr. Roeder at same time as Water
District meeting for Squaw Cr.*

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OCT 07 1992

PRIORITY DATE REVIEW PAGE

A. AJ CLAIM: # A57-00283 PRIORITY DATE: 06-01-1894 STAGE: D
B. WR RECORD: # 57-00283 PRIORITY DATE: 06-01-1894 STAGE: D

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE EXAMINER
N *fw*

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y(✓) N()
IF YES EXPLAIN.

REMARKS:

The decree on Squaw Co. only stated a year for the priority dates. The "6-1-1894" was an arbitrary date assigned when the dept. data entered the right. I recommend we allow a priority date of April 15 1894 for this claim which is the beginning of the irrigation season for this area.

RECOMMENDED PRIORITY DATE:

04X-15-1894

REVIEWED BY

fw

DATE

12-5-1991

MICROFILMED
OCT 07 1992

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A57-00283	01S	05W	1	NW	NW	NW		OWYHEE
A57-00283	01S	05W	12	SW	SW	SE		OWYHEE

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX
A57-00285
A57-07202A
A57-07202B
A57-02140

WR RECORDS IN SAME 40 ACRE TRACT
57-02140

SOURCE: SQUAW CREEK

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

5700283 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER ✓

SOURCE: SQUAW CREEK

TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

FIELD EXAMINER	DUE TO POD DISCREPANCY? (Y/N)	DUE TO SOURCE DISCREPANCY? (Y/N)	DATABASE
<i>[Signature]</i>	Y	N	Y

REMARKS:

Water is pumped all along Squaw Ck. with a transitory tractor ~~and~~ pump. Recommended all 40-ac. tracts that Squaw Ck. flows through on Brimleys lands as points of diversion.

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OCT 07 1992

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP. RGE. SEC. 1/4 1/4 LOT

COUNTY Owyhee

1S 5W 1 NE 2

SOURCE: SNAKE RIVER ✓

REVIEWED BY: kw DATE: 1/10/92

1S 5W 1 SENE - L3
NE NW - L4
NW NW - L4
NE SE
1S 5W 2 NENE - L1 } all Owyhee Co.

MICROFILMED
OCT 07 1992

A. ROOT WATER RIGHT NUMBERS: A57-00283

B. POU LISTING

TWP RNG SEC 1/4 1/4 LOT NAME

RECOMM. ACRES
FIELD EXAM.

WR
#/ACRES

AJ
#/ACRES

LANDSAT
DATA

TWP	RNG	SEC	1/4	1/4	LOT	NAME	WR #/ACRES	AJ #/ACRES	LANDSAT DATA	RECOMM. ACRES
01S	05W	1	SW	NE		BRIMLEY, WILFORD	57-00283 / 40.0	57-00283 / 40.0		16
						BRIMLEY, WILFORD				
						BRIMLEY, WILFORD				
						BRIMLEY, WILFORD				

TWP	RNG	SEC	1/4	1/4	LOT	NAME	WR #/ACRES	AJ #/ACRES	LANDSAT DATA	RECOMM. ACRES
01S	05W	1	NE	NW		BRIMLEY, WILFORD	57-00283 / 40.0	57-00283 / 40.0		4
						BRIMLEY, WILFORD				
						BRIMLEY, WILFORD				
						BRIMLEY, WILFORD				

TWP	RNG	SEC	1/4	1/4	LOT	NAME	WR #/ACRES	AJ #/ACRES	LANDSAT DATA	RECOMM. ACRES
01S	05W	1	NW	NW		BRIMLEY, WILFORD	57-00283 / 40.0	57-00283 / 40.0		2.5
						BRIMLEY, WILFORD				
						BRIMLEY, WILFORD				
						BRIMLEY, WILFORD				

TWP	RNG	SEC	1/4	1/4	LOT	NAME	WR #/ACRES	AJ #/ACRES	LANDSAT DATA	RECOMM. ACRES
01S	05W	1	SE	NW		BRIMLEY, WILFORD	57-00283 / 40.0	57-00283 / 40.0		0.5
						BRIMLEY, WILFORD				
						BRIMLEY, WILFORD				
						BRIMLEY, WILFORD				

TWP	RNG	SEC	1/4	1/4	LOT	NAME	WR #/ACRES	AJ #/ACRES	LANDSAT DATA	RECOMM. ACRES
01S	05W	1	NW	SE		BRIMLEY, WILFORD	57-00283 / 40.0	57-00283 / 40.0		3
						BRIMLEY, WILFORD				
						BRIMLEY, WILFORD				
						BRIMLEY, WILFORD				

TOTAL ACRES A57-00283 200.00

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()
IF YES SEE ATTACHED ~~CHART~~ below.

Total 29

C. FIELD EXAM REQUIRED?

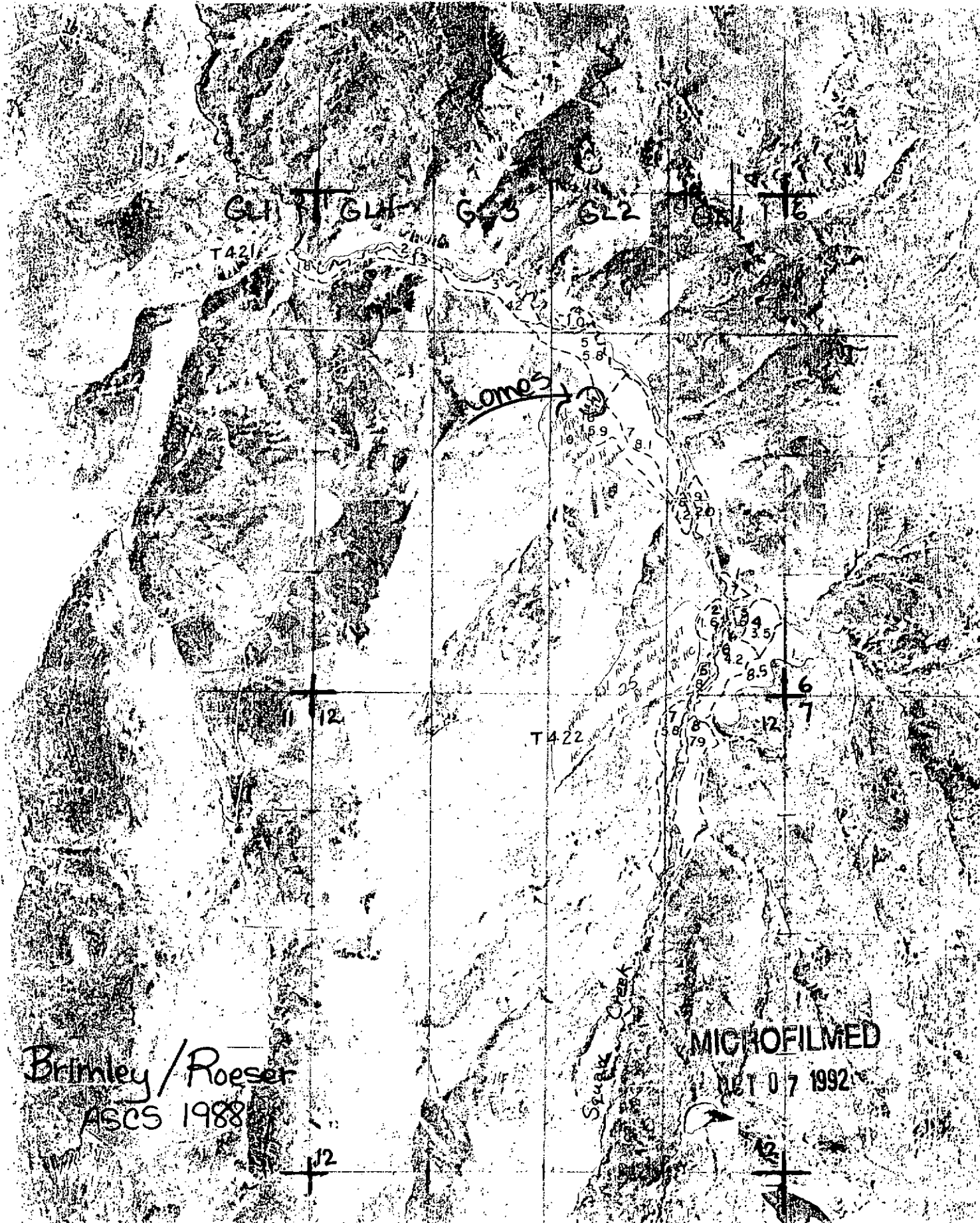
DUE TO POU DISCREPANCY? (Y/N)

FIELD EXAMINER
[Signature]

DATABASE
Y

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres		
01S	05W	1	NW	NE	2	IRR	1.0		
			SW	NE		IRR	16.0		
			SW	NE		DOMEST			
			NE	NW	3	IRR	4.0		
			NW	NW	4	IRR	2.5		
			SE	NW		IRR	0.5		
			NE	SE		IRR	1.0		
			NW	SE		IRR	3.0		
			Section Acres						28.0
			2			NE	1	IRR	1.0
									1.0

A57-00283



Brimley/Roeser
ASCS 1988

MICROFILMED
DET 07 1992

WR5810NP
(OD-138)IDAHO DEPARTMENT OF WATER RESOURCES
PLACE OF USE 1/4 1/4 COMPARISON REPORTDATE: 03/08/91
PAGE: 1

WR-NUMBER	NAME	STG	SOURCE	T	R	S	NE	NW	SW	SE	NE	NW	SW	SE	SUM
NO MATCHES FOR THIS POU IN AJ-POU-TEMP															
5700283	WALKER	D	SQUAW CREEK	01S	05W	1	X	X	X	X	:	X	:	:	:
A5700283	BRIMLEY	D	SQUAW CREEK	01S	05W	1	40	40	40	40	:	:	:	:	200
5700285	WALKER	D	SQUAW CREEK	01S	05W	1	:	:	:	:	:	X	X	:	:
A5700285	ROESER	D	SQUAW CREEK	01S	05W	1	:	:	:	:	:	5	10	10	25
5702140	WALKER	L	SQUAW CREEK	01S	05W	1	:	:	:	:	:	:	6	:	6
A5702140	ROESER	L	SQUAW CREEK	01S	05W	1	:	:	:	:	:	:	6	:	6
5702320	WALKER	L	SPRINGS	01S	05W	1	:	:	:	:	:	5	10	10	25
A5702320	ROESER	L	SPRINGS	01S	05W	1	:	:	:	:	:	5	10	10	25
5702333	WALKER	L	SPRINGS	01S	05W	1	:	:	:	:	:	:	10	:	10
A5702333	ROESER	L	SPRINGS	01S	05W	1	:	:	:	:	:	:	10	:	10
5707202	BRIMLEY	P	SPRINGS	01S	05W	1	40	40	40	40	:	5	40	10	225
A5707202	SPLIT RIGHT	P	SPRINGS	01S	05W	1	40	40	40	40	:	5	40	10	225
L5707202	BRIMLEY	L	SPRINGS	01S	05W	1	13	4	3	2	:	2	5	11	41
A5707202A	BRIMLEY	P	SPRINGS	01S	05W	1	40	40	40	40	:	5	40	10	200
A5707202B	ROESER	P	SPRINGS	01S	05W	1	:	:	:	:	:	5	10	10	25
1986 MAPPING DATA ---															
COUNTY 73 QUAD Y 53															
22															
5															
17															
63															

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WR5810NP
(OD-139)

IDAHO DEPARTMENT OF WATER RESOURCES
PLACE OF USE LOTS COMPARISON REPORT

08-MAR-1991 14:41:08.7

DATE: 03/08/91
PAGE: 1

WR-NUMBER	NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE		NW		SE		SW		NE</	
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PRESUMPTION FLAG:

REMARKS:

~~205~~¹⁰ - Mr. Boeser filed claim for Mr. Brimley - filed on all of Brimley's land instead of just irrigated acres. No change in place of use just classification - maps of area may have not been available at time of decree.

RECOMMENDATIONS:

TOTAL ACRES:

29

REVIEWED BY:

Kw

DATE:

1/10/92

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A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A57-00283 IRRIGATION	FROM 04-01 TO 11-01	.860 CFS
A57-00283 DOMESTIC	FROM 01-01 TO 12-31	.080 CFS
A57-00283 STOCKWATER	FROM 01-01 TO 12-31	.090 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.860 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
57-00283 IRRIGATION	FROM TO	.860 CFS
57-00283 DOMESTIC	FROM TO	.860 CFS
57-00283 STOCKWATER	FROM TO	.860 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.860 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	FIELD EXAMINER	DATABASE
DUE TO WATER-USE DISCREPANCY? (Y/N)	<i>[Signature]</i>	N
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	<i>[Signature]</i>	Y
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	<i>[Signature]</i>	Y

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N()

Y() N()

Explain in remarks, below.

REMARKS:

*Use WR standards of 1/6/92-*MICROFILMED
OCT 07 1992

Y(☒) N(☐)

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

AJ TOTAL CLAIMED DIVERSION RATE: 0.860 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.860 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

FIELD
DATABASE EXAMINER *gaw*

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N) N

B.

FLOW MEASUREMENT

MEASUREMENT METHOD

, SEE ATTACHED CALCULATIONS.

no msmt. made

C. ARE OTHER WATER RIGHTS USED? Y(☒) N(☐) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: A57-07202A ✓

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A57-00283	SQUAW CREEK	BRIMLEY, WILFORD	0.860	0.004	28.50	0.14
A57-07202A	SQUAW CREEK out	BRIMLEY, WILFORD	1.540	0.007		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

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Claim No.:

CVR CORRECTIONS

Season of Use, Consumptive Use, Diversion Volume

☒ Change season of Use

Use Code 01 From 4/15 to 10/15

Use Code ____ From ____/____ to ____/____.

Use Code _____ From ____/____ to ____/____

[] Change Consumptive Use Volume

$$29 \text{ acres} \times 2.5 \text{ af/a (for area)} = 72.5 \text{ af/a}$$

[] Change Diversion Volume

_____ acres x 3.5 af/a (for area) = _____ af/a

[] Change Remarks

Code

Recommended Change

[X] Corrections Made 1-10-92
(date)

Data-entry Complete 1-10-92
(date)

Reviewing Agent Ray Walker
(Signature)

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D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 29 x 0.02 CFS/ACRE = 0.58 CFS
(Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y(✓) N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N(✓) ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 500.0 AF/A

ACRES 29 x CONSUMPTIVE VOL. AF/A FOR AREA 2.5 =

TOTAL CONSUMPTIVE USE 72.5 AF/A

3. IRRIGATION DIVERSION VOLUME N/A - surface water

CLAIMED DIVERSION VOLUME =

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N(✓)

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

EO1 (A57-7202A) consumptive use, acres

1b. CALCULATIONS

Sent Excessive flow
sheet to claimant
9/30/91 - did not
return - allow
1"/acre. kW 1/10/92

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RECOMMENDATIONS:

REC.
PURPOSESREC. PERIOD
FROM TOREC. DIV
RATE CFSREC. DIV
VOL. AF/AREC. CONS.
USEIRRIGATION
DOMESTIC
STOCKWATER4-15 10-15
~~01-01~~ ~~11-01~~
01-01 12-31
01-01 12-31DATABASE EXAMINER
~~0.060~~ 0.58
0.080 0.08
0.090 0.09
0.860 0.75DATABASE EXAMINER
N/ADATABASE EXAMINER
500.0 72.5
72.5

TOTAL FOR THIS RIGHT

REVIEWED BY: kwDATE: 1/13/92MICROFILMED
OCT 07 1992

CLAIM NUMBER: A57-00283

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP
FORFEIT/ABANDON ☒ ACCEPTED AS CLAIMED
ADDITIONAL DIV. AMOUNT ☐ NEEDS REVIEW
() ()
() ()
() ()

B. SPLIT WATER RIGHT REVIEW N/A
ROOT WATER RIGHT NUMBER: 57-00283

TOTAL DIVERSION RATE OF WR SPLITS

SPLITS:

DATABASE
0.860

EXAMINER

CFS

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A57-00283	0.860	-	-	57-00283	0.860
TOTAL CFS		0.860				0.860

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE
Y

FIELD
EXAMINER

REMARKS:

Recommend CO9 - portion of right forfeited - only found 29 acres instead of 43.

AUTHENTICATION

SIGNATURE

NAME OF FIELD EXAMINER

DATE:

TITLE:

Ray Walker
Ray Walker

1-13-92

St. Agent

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OCT 10 1992

CLAIMANT'S NAME: Jim Gillespie 344-8400 DATE: 12-6-91

EMPLOYEE: Kay

RE: Ownership change of Brimley's land?
will call me back on Monday -
~ Dec. 23, 1991

→ Mr. Gillespie came into the office
and ~~picked up~~ picked up some change
in ownership forms - He said
he would pursue submittal of
the forms by the middle of
January.

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Mr. Hillspie came into the office to review Foesek & Grimley's claims - says they may have more land irrigated than what I recommended - will produce evidence of irrigation. Took copies of "A" & "R" files on all -



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

MAILING DATE: September 30, 1991

RESPONSE DATE: October 15, 1991

RE: NOTICE OF CLAIM NOS: A57-00283 and A57-07202A

Wilford Brimley
2165 E. 2875 S.
Salt Lake City, UT 84109

Dear Mr. Brimley:

We are currently in the process of preparing the above referenced Notices of Claim for court decree in the Snake River Basin Adjudication. During this review certain questions arose concerning the claims listed above. The following is a summary of what will be recommended to the court in regard to your claims.

Claim A57-00283

This claim will be recommended for direct diversion from Squaw Creek onto 29 acres of irrigation. Our recommendation on total number of acres are only those acres actually being irrigated and not the total acres owned. We have used all the 40-acre tract descriptions that Squaw Creek runs through on your property as points of diversion since your claim indicated that a portable pump is used to divert water to the irrigated lands. The claim also lists domestic use for three homes and stockwater for 350 head range cattle. The amount of water will be 0.58 cfs for 29 acres which is 1" of water for each irrigated acre, 0.08 cfs for the three homes and 0.09 cfs for stockwatering. I am enclosing a copy of the ASCS aerial photo on which I have based my recommendations.

This right was originally decreed for use of 43 inches of Squaw Creek water for the irrigation of 43 acres, stockwater and domestic purposes. I have recommended 0.58 cfs for the irrigation of 29 acres. Idaho law states that the normal duty of water in Idaho be limited to one inch of water per acre, unless it can be shown that more water is needed. In order to determine if more water is necessary, the enclosed Irrigation Flow Rate Questionnaire must be completed. Once this form is completed and returned, the Department can then determine if more than 1 inch per acre is needed. If we do not receive this form by the above response date, we will assume you agree with the one inch per acre rule and this right will be recommended for 29 inches.

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OCT 07 1992

Page 2 of 2
Wilford Brimley
September 30, 1991

Claim A57-07202A

This claim will be recommended for storage water from the springs tributary to Squaw Creek. On this claim we have shown the points of diversion from the springs, along with a point of injection from the reservoir to Squaw Creek and then the tracts that Squaw Creek runs through your property as redirection points. This claim will be recommended for 35 acre feet of water, which is the capacity of the reservoir. We have also recommended this claim for the 29 acres of irrigated land as shown on the aerial photo. You will be receiving correspondence in regard to Permit No. 57-07202 from our State Office in regard to the licensing of this right. You must follow through with the licensing of this permit for it to be considered in the decree.

Please note that I did not include the 10 acres around your home which are shown on the photo because this 10 acres did not appear irrigated on the 1987 Napp infrared photography of this area and it was not shown to our field examiner in 1988 when he went out to make an inspection of your use under 57-07202. Before you irrigate these lands you will need to file a separate application for permit to appropriate the water.

Thank-you for your cooperation. If you should have any questions, or feel that you need help in any way, please feel free to contact me at (208)334-2190.

Sincerely,



KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

Enclosures:

Irrigation Flow Rate Questionnaire
Copy of 1988 ASCS Aerial Photo

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OCT 07 1992

BRIMLEY

2165 East 2875 South
SLC, UT 84109

2165E 2875S

Fold at line over top of envelope to
right of the return address.

CERTIFIED

P 685 041 658

MAIL

RET
RE

Is your **RETURN ADDRESS**
completed on the reverse side?

Return Receipt

Thank you for using
Return Receipt Service.

MICROFILMED

OCT 27 1994

M



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

May 31, 1991

RE: Claims filed in the Snake River Basin Adjudication

RECEIVED
AUG 9 1991
Department of Water Resources
Western Regional Office

Wilford Brimley
2165 East Bendemere
Salt Lake City, UT 84109

Dear Mr. Brimley:

We are in the final phase of preparing recommendations on some of the claims submitted in the Snake River Basin Adjudication and find that we cannot accept the claims that were submitted in your name. These claims are not acceptable because they are in your name but have been signed by Jim Roeser. I corresponded with Mr. Roeser, to try to obtain a power of attorney which authorized him to sign these documents for you, and in talking with Mrs. Roeser, I was advised to send duplicate claim forms to you for your signature.

Enclosed you will find computer generated copies of Claim Nos. A57-00283 and A57-07202A which you need to sign in the presence of a notary public and return to my attention at your earliest convenience. If you have any questions in regard to this matter, please feel free to contact me.

Sincerely,

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:k
Enclosures

Idaho  DEPT. OF WATER RESOURCES
Department of Water Resources

Western Region, 2735 Airport Way, Boise, ID 83705

KAY WALKER
WATER RESOURCE AGENT
ADJUDICATION BUREAU
(208) 334-2190



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

May 15, 1991

RE: Power of Attorney for Wilford Brimley

James E. Roeser
Star Rt.
Marsing, ID 83639

Dear Mr. Roeser:

We are still in need of some evidence that Mr. Brimley authorized you to act as power of attorney for him. In order for his claims to be recommended to the courts, this evidence needs to precede the date the claims were filed, which was December 15, 1988. If we cannot obtain this information from you, we will have to send Mr. Brimley copies of his claims to sign in the presence of a notary public.

Please let us know as soon as possible if you have a power of attorney. Our deadline for this area is coming up and we will have to make our recommendations prior to completion of the report.

Sincerely,

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:k

MICROFILMED

OCT 07 1992

October 19, 1990

Wilford Brimley
216 E. Bendamere Circle
Salt Lake City, UT 84109

RE: Claims filed in the Snake River Basin Adjudication

Dear Claimants:

The Department of Water Resources is now conducting beneficial use and water right claim verification examinations in your area. An examination is needed to verify your water use in order to issue a water right license and/or decree.

Information on your permit or claim which may need to be verified includes source of water, type of usage, amount of water used and legal descriptions of the point of diversion and/or place of use.

In order to expedite these field examinations, due to the oncoming winter months, we request that you contact our office at (208)334-2190 within two weeks to make an appointment at a time convenient for you.

Although it is not mandatory that you accompany the field examiner, it does insure that an accurate description of your system will be made. If either yourself, or someone familiar with the system, could accompany the examiner it would be appreciated.

In some cases, the date of priority also needs to be verified. Recently, letters were sent to some claimants notifying them that evidence of the date of first use of their water right(s) was required. If you received one of these letters and have questions, we can address those during our examination.

If you have any questions or problems with the exam verification, please call within the two week period.

Sincerely,

KAY WALKER
Water Resource Agent

KW:k

response
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no OCT 07 1992

RECEIVED

JUL 01 1993

Department of Water Resources
Adjudication Bureau

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 the Rights to the Use of Water)
from the Snake River Basin)
Water System)
_____)

Case No. 57-00283
(Insert the Case No.
from the Objection
you are responding to)

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

RESPONSE TO OBJECTION

Petitioner,)

vs.)

The United States; the State)
of Idaho; and all Claimants to)
the use of water from the Snake)
River Basin Water System,)

Respondents.)
_____)

INSTRUCTIONS

This form must be used to file a response to any objection filed against a water right recommended in a Director's Report. You may respond to objections filed against one water right, using one response form. The water right number listed as the "Case No." on the Objection you are responding to must be inserted above as the "Case No." If you choose to file one form to respond to all objections filed against the same water right, your response should cover every issue raised in the objections.

To respond to objections filed against more than one water right, you must file a separate response form for each water right. Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form, as long as it is identical to the court's form. You must file your response by the deadline shown in the notice that IDWR mailed to you. The response must be received by the court on or before the deadline specified. Instructions for filing this response are found at Page 5, and must be strictly followed.

(Over)

Any party physically filing 25 (twenty-five) or more responses must make an appointment with the Clerk of the Adjudication Court and arrange for an appointment to file multiple objections.

By filing a response form, you are certifying that the response is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. Person responding to objection:

Name: Willford Brimley

Address: 2165 E 2875 S

Salt Lake City, UT 84109

Briefly describe your interest in this water right:

Owner of water right

2.

Person who filed objection:

Name: United States of America
Bureau of Land Management

Address: Dept. of Interior
3380 Americana Terrace

Boise, ID 83706

3. If this response is filed by an attorney:

Attorney Name: James R. Gillespie

Attorney Address: P.O. Box 2337

Boise, ID 83701

Attorney Phone No.: (208) 344-8400

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

I STATEMENT OF THE RESPONSE

Please check each "box" which identifies your response.

1. ☒ Name and Address: I respond to the objection concerning the name and/or address of the owner of the water right.
2. ☒ Source: I respond to the objection concerning the source of water.
3. ☒ Quantity: I respond to the objection concerning:
 - a. ☐ the total quantity of water used in cubic feet per second; or
 - b. ☐ the total quantity of water stored in acre-feet per year; or
 - c. ☐ the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☒ Priority Date: I respond to the objection concerning the priority date.
5. ☐ Points of Diversion: I respond to the objection concerning the legal description of the point(s) of diversion.
6. ☐ Instream Flow: I respond to the objection concerning the legal description of the beginning and ending points of the instream flow.
7. ☒ Purpose(s) of Use: I respond to the objection concerning the purpose(s) of use.
8. ☒ Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
9. ☒ Place of Use: I respond to the objection concerning:
 - a. ☐ the legal description of the place of use; or
 - b. ☐ the number of irrigated acres within each forty (40) acre subdivision.
10. ☒ Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.

(Over)

☐ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary: _____

Please note that you should attach copies of documents which support your response. Note on each document the "box number" it supports.

The Director's report should not be changed

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

CHANGES TO THE DIRECTOR'S REPORT

In the space following, you must state the reason(s), by number, for each box checked. You may use additional pages if necessary.

See attached page.

REASONS SUPPORTING EACH BOX CHECKED

11. ☐ Remarks: I respond to the objection concerning the "remarks" listed with the water right.
12. ☒ Water Right Recommendation: I respond to the objection concerning:
 - a. ☒ this water right being recommended at all; or
 - b. ☐ this water right not being recommended.
13. ☐ Description of Reservation: I respond to the objection concerning the legal description of the reservation.
14. ☐ Other: I respond to the objection concerning: _____

VERIFICATION (Must be Completed)

State of Idaho

County of Ada

James R. Gillespie for Wilford Brimley, being first duly
(Name of person filing response)
sworn, upon oath, deposes and says:

That I am the person or entity filing this response, that I am a water claimant or party in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and that I have read the foregoing response, know its contents and that the statements contained therein are true to the best of my knowledge and belief.

Wilford Brimley
James R. Gillespie
Signature of person filing response

By:

James R. Gillespie
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 30 day of June,
199 3.

James H. Hickey
Notary Public for Idaho
Residing at: Boise, Idaho
My Commission expires: 3-9-96

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. FAX filings will not be accepted by the Clerk of the Court. You must also send a copy to the owner of the water right you responded to, if other than yourself; to the party who filed the objection to which you are responding, if different from the owner of the water right; to the office of the Attorney General, State of Idaho; and to the United States Department of Justice, as set out below in the Certificate of Mailing. Finally, you must sign the Certificate of Mailing to show that you followed these steps.

(Over)

CERTIFICATE OF MAILING

I hereby certify that on the 30th day of June, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, 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 the owner of the water right, and you must fill in the following information:

Name: Wilford Brimley

Address: 2165 E. 2875 S.

Salt Lake City, UT 84109

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney; and you must fill in the following information:

Name: J. David Brunner, Boise District Manager

Bureau of Land Management
3380 Americana Terrace

Boise, ID 83706

4. One copy to:

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

5. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734

Signature of Respondent or attorney
mailing on Respondent's behalf

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 1, 2, 3, 4, 7, 8, 9, 10, 12 and 12a, and all allegations of the Objection regarding these items, Wilford Brimley ("Brimley") states as follows:

Brimley lacks sufficient information to form a belief as to whether any or all of the lands upon which water is diverted, conveyed, or used pursuant to this right are owned by the United States. Brimley admits that the claims listed in the Objection are recommended in the Director's Report. Brimley denies the Objection and all allegations of the Objection not specifically admitted herein.

In response to items 12 and 12a of the Objection, Brimley alleges that the Objection is not based on facts or on any actual appropriation.

In response to item 4 of the Objection, Brimley alleges that all water described in the Objection was appropriated for beneficial use by Brimley prior to any interest claimed by any objector, including but not limited to the U.S. Department of the Interior by and through the Bureau of Land Management.

RECEIVED

AUG 9 1991

Department of Water Resources

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: A57-00283
Date Received: 12/15/1988
Receipt No: M002223
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILFORD BRIMLEY 801-486-2540
Address: 216 E. BENDAMERE CIRCLE
SALT LAKE CITY, UT 84109

2. Date of Priority: JUN 1, 1894

3. Source: SQUAW CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01S	05W	1	NW	NW	NW		OWYHEE
		12	SW	SW	SE		OWYHEE

5. Description of diverting works:
TRANSITORY POD

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.860		
DOMESTIC	01/01	12/31	0.080		
STOCKWATER	01/01	12/31	0.090		

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

8. Total consumptive use is 500.0 Acre Feet Per Annum.

9. Non-irrigation uses:
3 DOMESTIC HOUSEHOLDS, 350 BEEF CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01S	05W	1	SW	NE		IRR	40.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	05W	1	NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NW	SE		IRR	40.0

Section Acres 200.0

Total Acres 200.0

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A57-07202A

14. Remarks:

A TRACTOR WITH A PUMP IS USED ALL ALONG SQUAW CREEK AS THE
TRANSITORY POD. ...NO MAPS FOR THIS AREA...

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 3/ 8/1973

ADAM H. BLACKSTOCK
Decree Plaintiff

GEORGE JOHNSTONE ET. AL.
vs Decree Defendant

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: _____

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OCT 07 1992

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):

Date: 6/24/91

Date: _____

State of Idaho)

) SS.

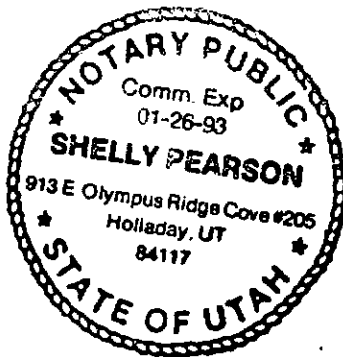
County of _____)

Subscribed and sworn (or affirmed) before me this 24th day

of June 19 91

Shelly Pearson
Notary Public

Seal



Residing at _____

My Commission Expires _____

MICROFILMED
OCT 07 1992

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: A57-00283
Date Received: 12/15/1988
Receipt No: M002223
Received By: [Signature]

RECEIVED

JAN 17 1989

Department of Water Resources
Western Regional Office

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: WILFORD BRIMLEY 801-486-2540
Address: 216 E. BENDAMERE CIRCLE
SALT LAKE CITY, UT 84109

2. Date of Priority: JUN 01, 1894

3. Source: SQUAW CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4	of	1/4	of	1/4	Lot	County
01S	05W	1	NW		NW		NW		OWYHEE
		12	SW		SW		SE		OWYHEE

5. Description of diverting works:
TRANSITORY POD

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.860		
DOMESTIC	01/01	12/31	0.080		
STOCKWATER	01/01	12/31	0.090		

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

8. Total consumptive use is 500.0 Acre Feet Per Annum.

9. Non-irrigation uses:
3 DOMESTIC HOUSEHOLDS, 350 BEEF CATTLE

A57-00283

Page 1

Date: 12/15/88

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OCT 07 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	05W	1	SW	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NW	SE		IRR	40.0
						Section Acres	200.0
						Total Acres	200.0

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A57-07202A

14. Remarks:

A TRACTOR WITH A PUMP IS USED ALL ALONG SQUAW CREEK AS THE
TRANSITORY POD. ...NO MAPS FOR THIS AREA...

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 3/08/1973

ADAM H. BLACKSTOCK
Decree Plaintiff

vs GEORGE JOHNSTONE ET. AL.
Decree Defendant

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 X 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): Wilford Brinley Date: 12/15/88
Jim Roeser Date: _____

State of Idaho)

County of Owyhee) SS.

Subscribed and sworn (or affirmed) before me this 15th day

of DE 19 88

Notary Public

Seal

Residing at Boise, ID

My Commission Expires 9-2-1994

Water Right Number - 57-00283 Adj. Flag Translation: Standard Water Right Number Old (D) Number -
+ - - - - Last Name - - - - + + - - - - First Name - - - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
WALKER

ORA
JOSEPH W.
1 -
2 -
3 -
City-
Phone -
1 -
2 -
3 -
City-
Phone -
State- Zip-
State- Zip-

+ - - - - Priority Date - - - - + + - - - - Region - - - - + + - - - - Stage - - - - + + - - - - Status - - - - +
06/01/1894 ✓ 14 D - DECREED
+ - - - - Source - - - - + + - - - - Tributary - - - - - +
SQUAW CREEK ✓ SNAKE RIVER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)
Not Shown in Decree Owyhee
+ - - - - Period From Period To Diversion Rate Diversion Volume
0.860 ✓ 0.860 ✓

01 - IRRIGATION ✓
43 - DOMESTIC ✓
04 - STOCKWATER ✓
+ - - - - Total Div. Rate - - - - + + - - - - Total Div. Volume - - - - + + - - - - Total Div. Capacity - - - - + + - - - - Total Consumptive Use - - - - + + - - - - KW Usage - - - - +
0.860 ✓ 0.860 ✓

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Description	County
01S	05W	1	SW NE ✓			01	IRRIGATION	73
01S	05W	1	NE NW ✓			01	IRRIGATION	73
01S	05W	1	NW NW ✓			01	IRRIGATION	73
01S	05W	1	SE NW ✓			01	IRRIGATION	73
01S	05W	1	NW SE ✓			01	IRRIGATION	73

Total Acres:

+ - - - - Diversion Means -
+ - - - - Not Irrigation Use -
+ - - - - Other Rights for Same Use -

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OCT 07 1992

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+ - - Audit Fields - 04/01/85      05/01/88 CONVERT
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+ - - - - - Water Rights Dates and Flags Area - - - - - +
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Microfilm Roll Number -

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OCT 07 1992