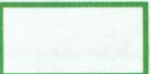
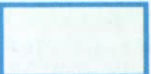
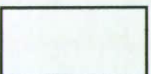
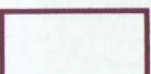


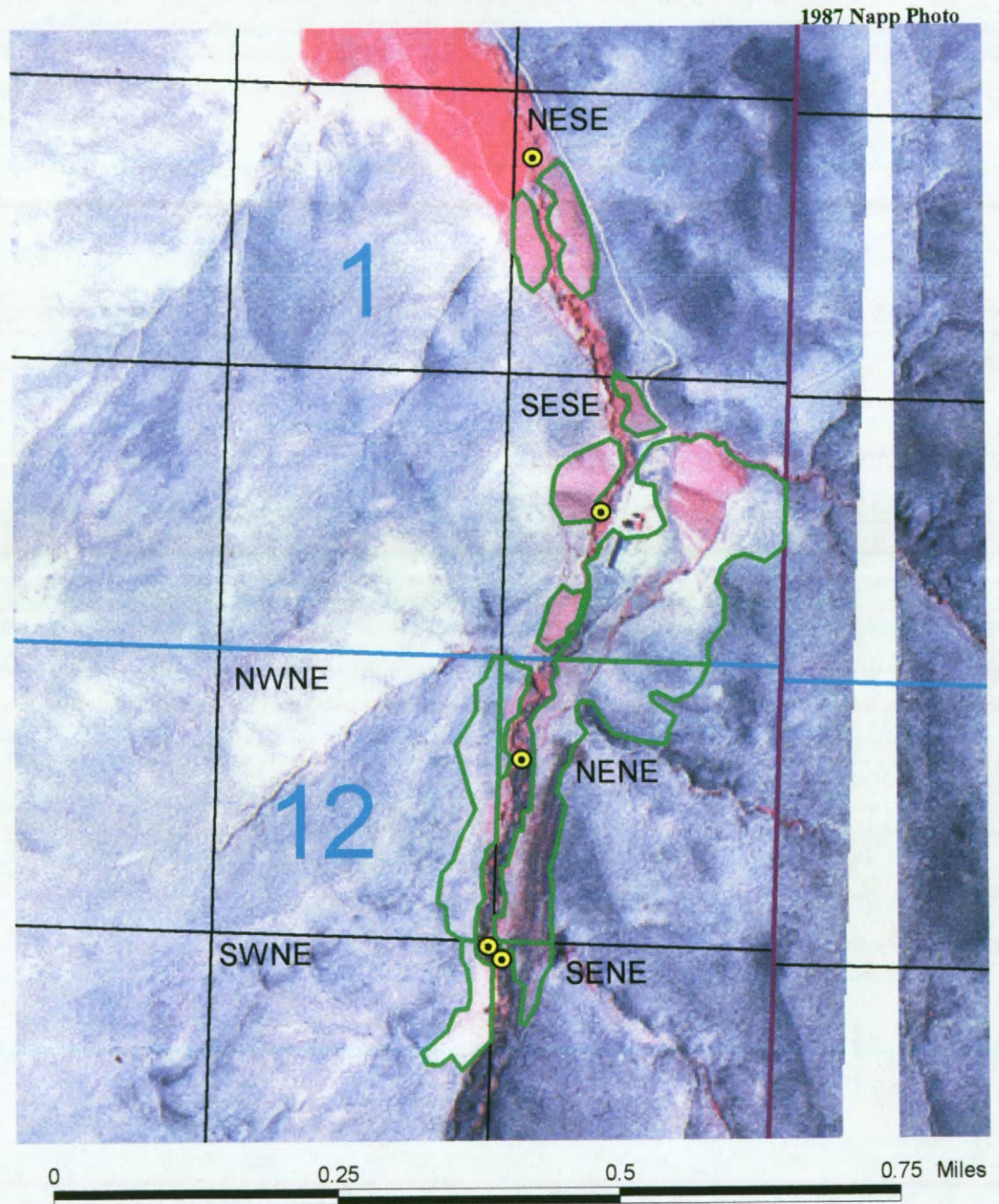
Idaho Department of Water Resources

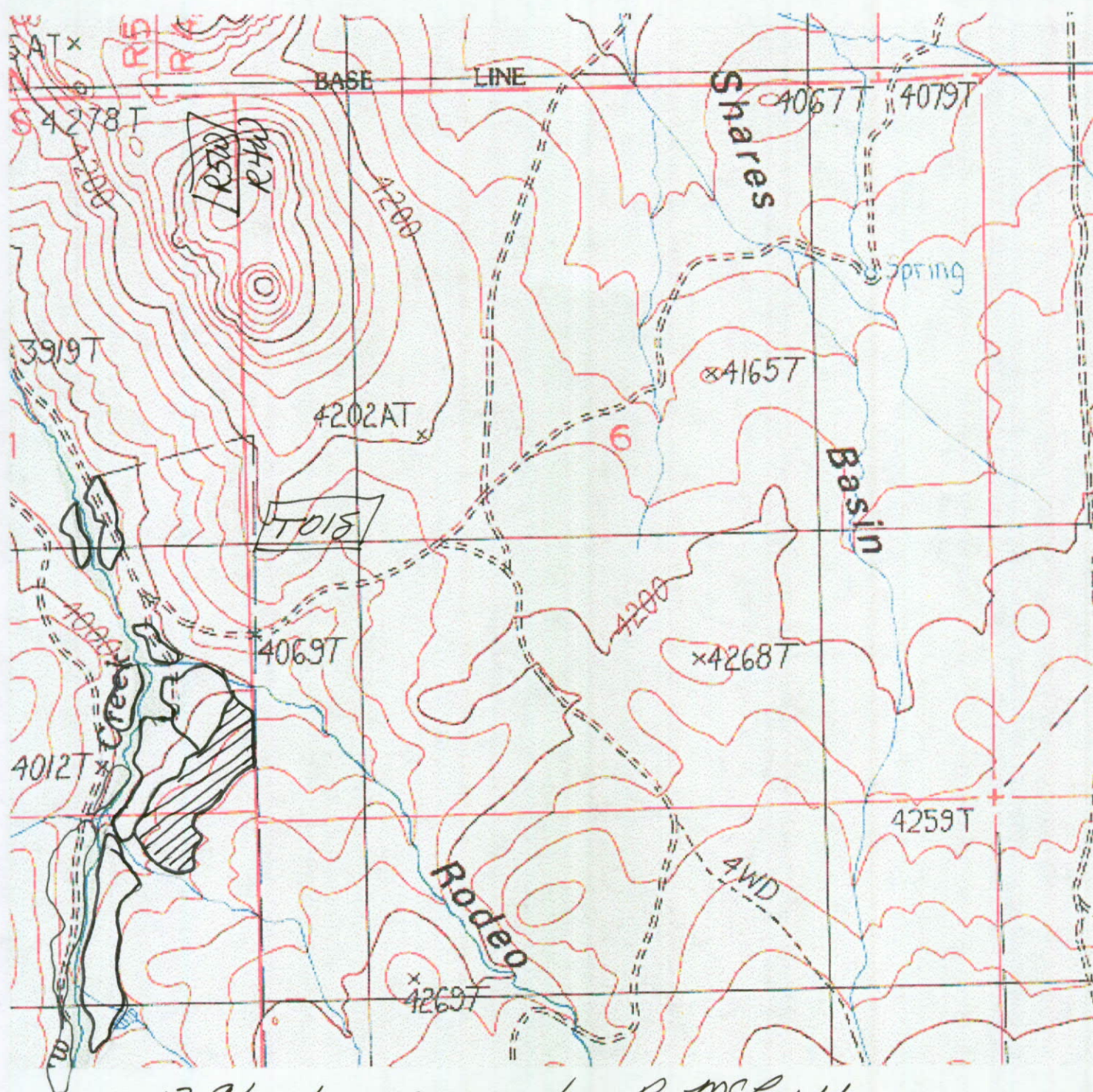
Claim Number: 57-00285

Legal: T01S, R05W, S01, 12

Reviewed By:

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines
-  Township/Range Lines





11-13-96 re-exam by R. McCarthy
 accompanied by: Jim Gillespie & Jim Ross
 contested field found as shown; no
 cultivated acres in Section 6

MICROFILMED

MAR 02 1998

JAMES R. GILLESPIE

JAMES R. GILLESPIE, P.A.

ATTORNEYS AND COUNSELORS AT LAW

512 WEST BANNOCK
POST OFFICE BOX 2337

TELEPHONE (208) 344-8400
FAX (208) 344-7100

BOISE, IDAHO 83701

RECEIVED
OCT 24 1996

Department of Water Resources
Adjudication Bureau

9:00 AM
3:30 PM
10/23/96

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

) SETTLEMENT CONFERENCE REPORT

Case No. 39576

) Subcase No.: 57-00285, 02320, 02333
) UNCONTESTED

This form is used to report the results of a Settlement Conference.

A. Attendance

The following individuals and person were present at the Settlement Conference held on

10-22, 1996, before Settlement Moderator, Terrence A. Dolan:

Claimant(s): JAMES ^(deceased) ~~and~~ ROESER Attorney: JAMES Gillespie

Objector(s): BLM

Attorney: Fritz Holleman (Fred Price & Don Jossie)

Also Present: IDWR

Attorney: Krogh/Howard/King/Spencer

Andrew Helminger (Rosaline McCarthy)

B. Standard Form 5

During the Settlement Conference, the parties reached an agreement as to all of the elements of this water right. The parties agree that a fully completed and executed Standard Form 5 reflecting their agreement shall be submitted to the court no later than

(30 days maximum)

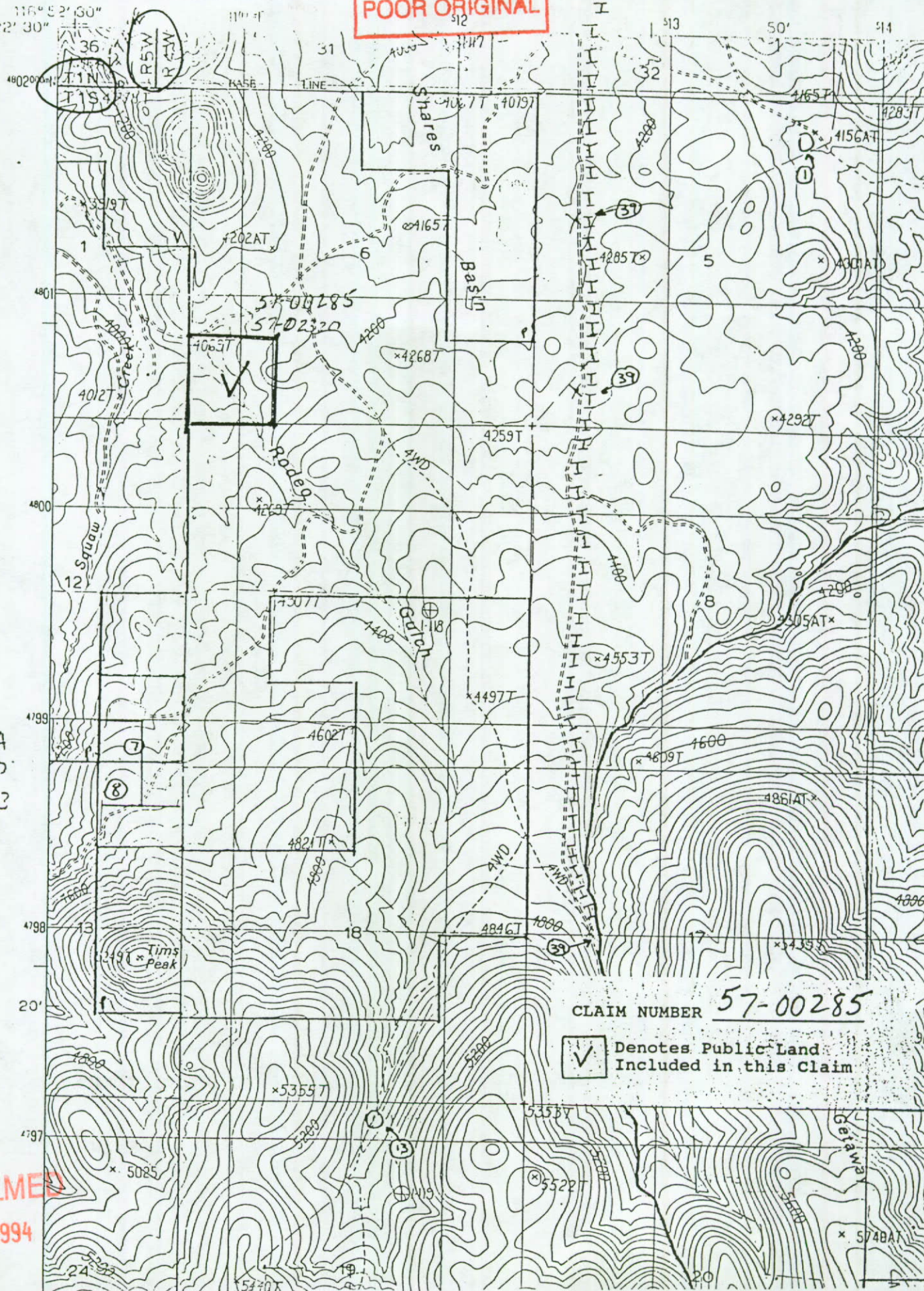
If a fully executed Standard Form 5 is not received by this date, the parties agree this matter should immediately be set for a scheduling conference or trial.

MICROFILMED
MAR 3 2 1993

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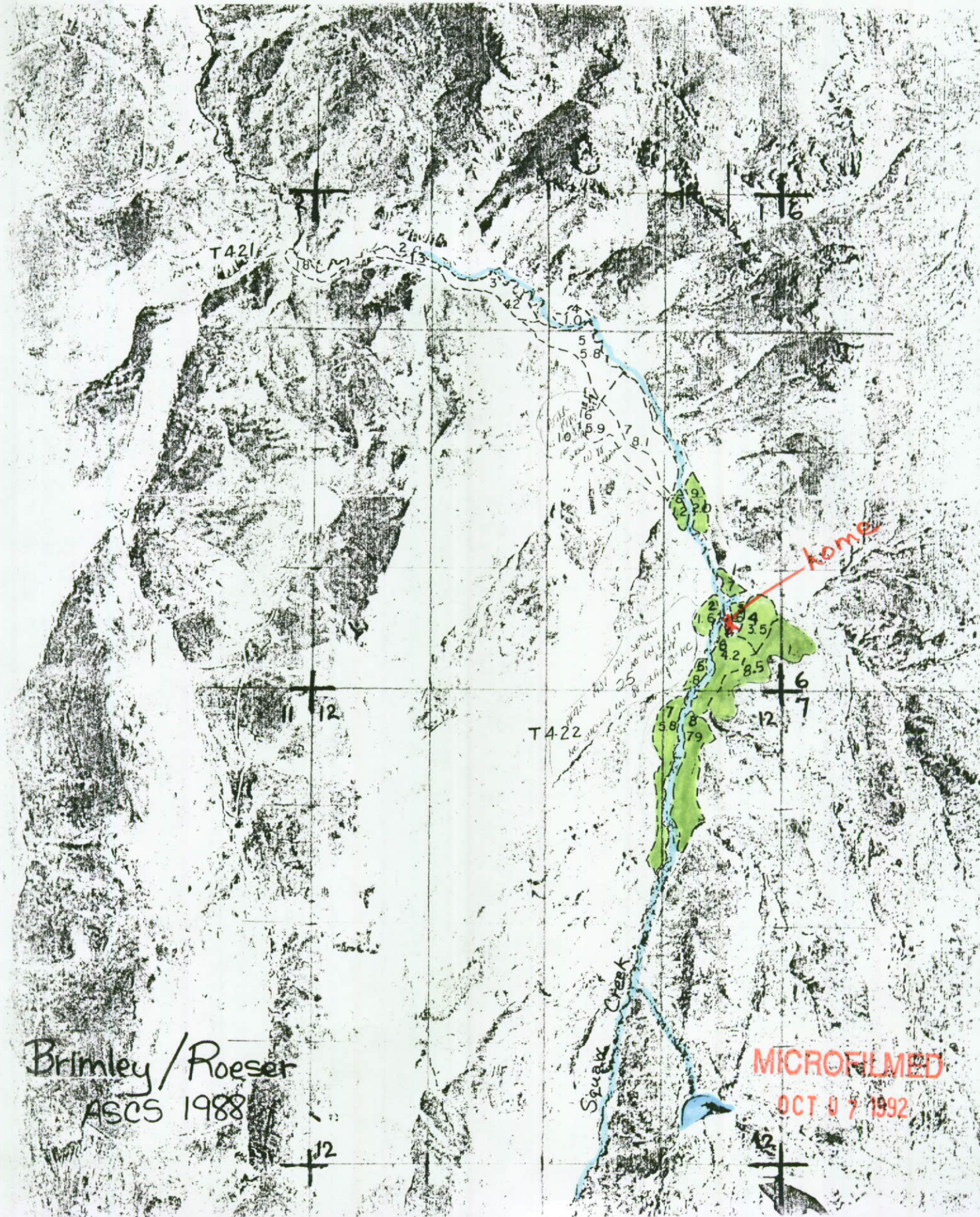
57-07202A
57-07220
57-07237

CLAIM NUMBER 57-00285

✓ Denotes Public Land Included in this Claim

MICROFILMED

JUL 20 1994



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

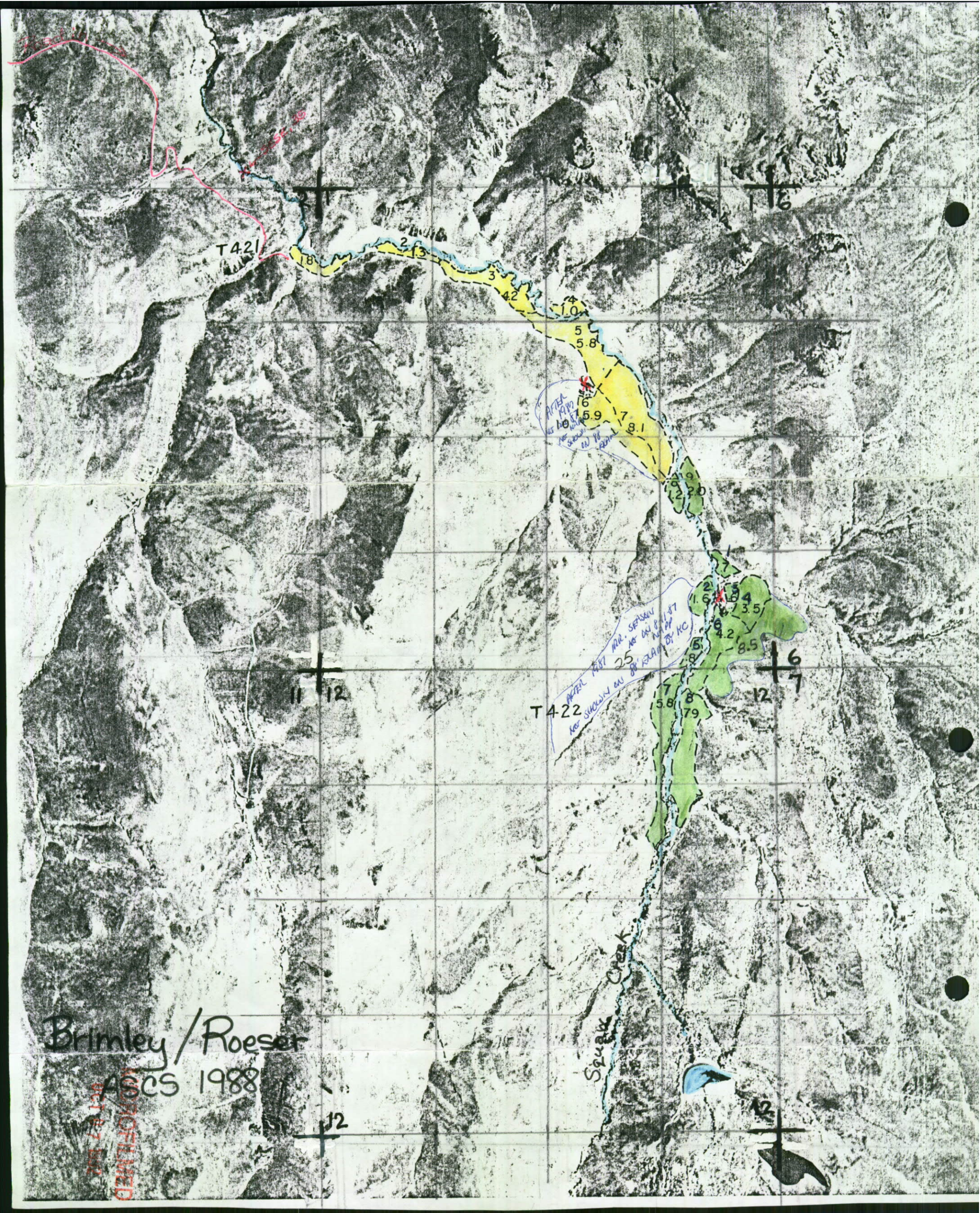
WR-NUMBER	NAME	STG	SOURCE	T	R	S	NE				NW				SW				SE				SUM
							NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
A5700285	NO MATCHES FOR THIS POU IN AJ-POU-TEMP																						
5700283	WALKER	D	SQUAW CREEK	01S	05W	1			X		X	X	X										
A5700283	BRIMLEY	D	SQUAW CREEK	01S	05W	1			40		40	40	40										
5700285	WALKER	D	SQUAW CREEK	01S	05W	1																	
A5700285	ROESER	D	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			40		40	40	40										
A5707202	SPLIT RIGHT		SPRINGS	01S	05W	1			40		40	40	40										
L5707202	BRIMLEY	L	SPRINGS	01S	05W	1		1	13		4	3	2										
A5707202A	BRIMLEY	P	SPRINGS	01S	05W	1			40		40	40	40										
A5707202B	ROESER	P	SPRINGS	01S	05W	1																	
1986 MAPPING DATA ---	-		COUNTY 73 QUAD Y 53	01S	05W	1			22				5										

A5700285

NO MATCHES FOR THIS POU IN AJ-POU-TEMP

5700285	WALKER	D	SQUAW CREEK	01S	05W	12		X	X	X	X									
A5700285	ROESER	D	SQUAW CREEK	01S	05W	12		15	5	10	5									
5702140	WALKER	L	SQUAW CREEK	01S	05W	12		3	5	8	3									
A5702140	ROESER	L	SQUAW CREEK	01S	05W	12		3	5	8	3									
5702320	WALKER	L	SPRINGS	01S	05W	12		15	5	10	5									
A5702320	ROESER	L	SPRINGS	01S	05W	12		15	5	10	5									
5707202	BRIMLEY	P	SPRINGS	01S	05W	12		15	5	10	5									
A5707202	SPLIT RIGHT		SPRINGS	01S	05W	12		15	5	10	5									
L5707202	BRIMLEY	L	SPRINGS	01S	05W	12		0	2	3	5									
A5707202B	ROESER	P	SPRINGS	01S	05W	12		15	5	10	5									
1986 MAPPING DATA ---	-		COUNTY 73 QUAD Y 54	01S	05W	12		7	4	10	1									

MICROFILMED
OCT U 7 1992



T421

T422

Brimley/Roeser
ASCS 1988

Squaw Creek

UNCLASSIFIED
DATE 12-27-2000

858

Consent to the Entry of a Default and Refusal to Plead Further, and the defendants, DARRELL D. LARSEN, CHARLES TYSON, GEORGE JOHNSTONE and JUANITA JOHNSTONE, husband and wife, EVERETT LARSEN and VENET LARSEN, husband and wife, EVERETT CLARK and EDITH CLARK, husband and wife, RAYMOND MEININGER and EARL E. CUMMINGS, each having failed to answer, and it appeared to the Court that service was made upon the last named defendants, and each of them, the default of the last named defendant, and each of them, was duly entered, and the parties having waived Findings of Fact and Conclusions of Law, the matter was submitted to the Court for its judgment.

NOW, THEREFORE, Pursuant to the Motion of plaintiffs, IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. That all lands lying within the drainage of Squaw Creek in the County of Owyhee, State of Idaho, are arid in character and require the artificial application of water to render it valuable for agricultural purposes.

2. That the quantity of water required for the successful irrigation of said lands measured at its point of diversion is one miner's inch per acre measured under a four inch pressure at its point of diversion.

3. That all of the usable water of Squaw Creek in the County of Owyhee, State of Idaho, has been appropriated on the dated, in the amounts and for the lands hereinafter set forth, to-wit:

57-0282 a. That the plaintiffs, ADAM H. BLACKSTOCK and MILDRED J. BLACKSTOCK, husband and wife, and their predecessors in interest, did appropriate and divert from the waters of Squaw Creek in Owyhee County, Idaho, as of the date of 1892, 100 miner's inches of water and did appropriate the same for

beneficial use on the following described land, to-wit:

Lots 3 and 4 and the Southwest Quarter of the Northwest Quarter, Section 3, Township 1 North, Range 4 West of the Boise Meridian; the North Half of the Southwest Quarter; the Southwest Quarter of the Southwest Quarter; the Northwest Quarter of the Southeast Quarter Section 4, Township 1 North, Range 4 West of the Boise Meridian; South Half of the South Half, Section 34, Township 2 North, Range 4 West of the Boise Meridian.

That siad water was appropriated for irrigation, domestic and stock purposes; and that since said date of appropriation, said water has been continually used to a beneficial use on said lands.

57-0283 b. That the defendants, JOSEPH W. WALKER and ORA WALKER, husband and wife, and their predecessors in interest, did appropriate and divert from the waters of Squaw Creek in Owyhee County, Idaho, as of the date of 1894, 43 miner's inches of water and did appropriate the same for a beneficial use on the following described land, to-wit:

Southeast Quarter of the Northwest Quarter; Southwest Quarter of the Northeast Quarter; North Half of the Northwest Quarter; Northwest Quarter of the Southeast Quarter, Section 1, Township 1 South, Range 5 West of the Boise Meridian.

That said water was and is used for irrigation, domestic and stock purposes and that since said date of appropriation, said water has been continually used to a beneficial use on said lands.

57-0284 c. That the defendants, W. S. WALKER and ELIZABETH WALKER, husband and wife, and LAWRENCE WALKER, and their predecessors in interest, did appropriate and divert from the waters of Squaw Creed in Owyhee County, Idaho, as of the date 1900, 86 miner's inches of water and did appropriate the same for beneficial use on the following described land, to-wit:

South Half of the Northeast Quarter; Northeast Quarter of the Southwest Quarter; North Half of the Southeast Quarter, Section 25, Township 1 North, Range 5 West of the Boise Meridian; Northwest Quarter of Section 30,

Township 1 North, Range 4 West of the Boise Meridian.

That said water was and is used for irrigation, domestic and stock purposes and that since said date of appropriation, said water has been continually used to a beneficial use on said lands.

57-0285

d. That the defendants, JOSEPH W. WALKER and ORA WALKER, husband and wife, and their predecessors in interest, did appropriate and divert from the waters of Squaw Creek in Owyhee County, Idaho, as of the date of 1916, 40 miner's inches of water and did appropriate the same for a beneficial use on the following described land, to-wit:

South Half of the Southeast Quarter;
Northeast Quarter of the Southeast Quarter,
Section 1, Township 1 South, Range 5 West
of the Boise Meridian; Northeast Quarter
of Section 12, Township 1 South, Range 5
West of the Boise Meridian.

That said water was and is used for irrigation, domestic and stock purposes and that since said date of appropriation, said water has been continually used to a beneficial use on said lands.

57-2205

e. That ADAM H. BLACKSTOCK and MILDRED J. BLACKSTOCK, husband and wife, did, on the 13th day of January, 1953, appropriate, pursuant to State of Idaho Permit No. 23378, 98 miner's inches of water for use on the following described real property, to-wit: ~~from where~~ Squaw Ck.

Southwest Quarter of the Southwest Quarter,
Section 35, Township 2 North, Range 4 West
of the Boise Meridian; Northwest Quarter of
the Northwest Quarter; Southwest Quarter of
the Northwest Quarter; Northwest Quarter of
the Southwest Quarter; Northeast Quarter of
the Southwest Quarter, Section 2, Township 1
North, Range 4 West of the Boise Meridian.

That said water was and is used for irrigation, domestic and stock purposes and that since said date of appropriation, said water has been continually used to a beneficial use on said lands.

57-2207 Cancelled

f. That ADAM H. BLACKSTOCK and MILDRED J. BLACKSTOCK, husband and wife, did, on the 30th day of March, 1953, appropriate, pursuant to State of Idaho water use permit, 50 miner's inches of water for use on the following described real property, to-wit:

East Half of the Northwest Quarter, Northwest Quarter of the Northeast Quarter, Section 4, Township 1 North, Range 4 West of the Boise Meridian.

57-2321

g. That LAWRENCE WALKER did appropriate, on the 5th day of September, 1961, 60 acre feet of storage right of the waters of Squaw Creek, with storage on the following described real property, to-wit:

Northeast Quarter of the Northeast Quarter Section 35, Township 1 North, Range 5 West of the Boise Meridian; Northwest Quarter of the Southeast Quarter; Northeast Quarter of the Southeast Quarter, Section 25, Township 1 North, Range 5 West of the Boise Meridian.

That said water is used for irrigation on the following described real property, to-wit:

Southeast Quarter of the Northeast Quarter Section 25, Township 1 North, Range 5 West; Northwest Quarter of Section 30, Township 1 North, Range 4 West of the Boise Meridian.

That all parties hereto, their agents, employees, and successors in interest are hereby permanently enjoined and restrained from any and all interference with the diversion of or the use of the waters of said Squaw Creek, except as hereinbefore provided.

Dated this 8th day of March, 1973.

[Signature]
DISTRICT JUDGE

STATE OF IDAHO }
County of Oneida } ss.
I hereby certify that the foregoing is a true and correct copy of the
Case # 3070
Received
Dated MAR 13 1973
Title Clerk of the District Court

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

RECEIVED
JAN 17 1989

Ident. Number: A57-00285
Date Received: 12/15/1988
Receipt No: M002223
Received By: *[Signature]*

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES E. ROESER 208-896-4421
Address: STAR RT.
MARSING, ID 83639

OR
Name: CARLENE J. ROESER 208-896-4421
Address: STAR RT.
MARSING, ID 83639

2. Date of Priority: JUN 01, 1916

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	0.800		
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.090		

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

8. Total consumptive use is 150.0 Acre Feet Per Annum.

9. Non-irrigation uses:
ONE DOMESTIC HOUSEHOLD , 350 BEEF CATTLE, 10 HORSES

A57-00285

Page 1

Date: 12/15/88

MICROFILMED
OCT 07 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01S	05W	1	NE		SE		IRR	5.0
			SW		SE		IRR	10.0
			SE		SE		IRR	10.0
			Section Acres					25.0
		12	NE		NE		IRR	15.0
			NW		NE		IRR	5.0
			SW		NE		IRR	10.0
			SE		NE		IRR	5.0
			Section Acres					35.0
			Total Acres					60.0

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:
A57-07202B, 02333, 02320, 02140

14. Remarks:
A TRACTOR WITH A PUMP IS USED ALL ALONG SQUAW CREEK FOR 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): X Jim Proser Date: 12/15/88

Date: _____

State of Idaho)
County of Owyhee) SS.

Subscribed and sworn (or affirmed) before me this 15th day
of Dec 19 88

M. E. Eason
Notary Public

Seal

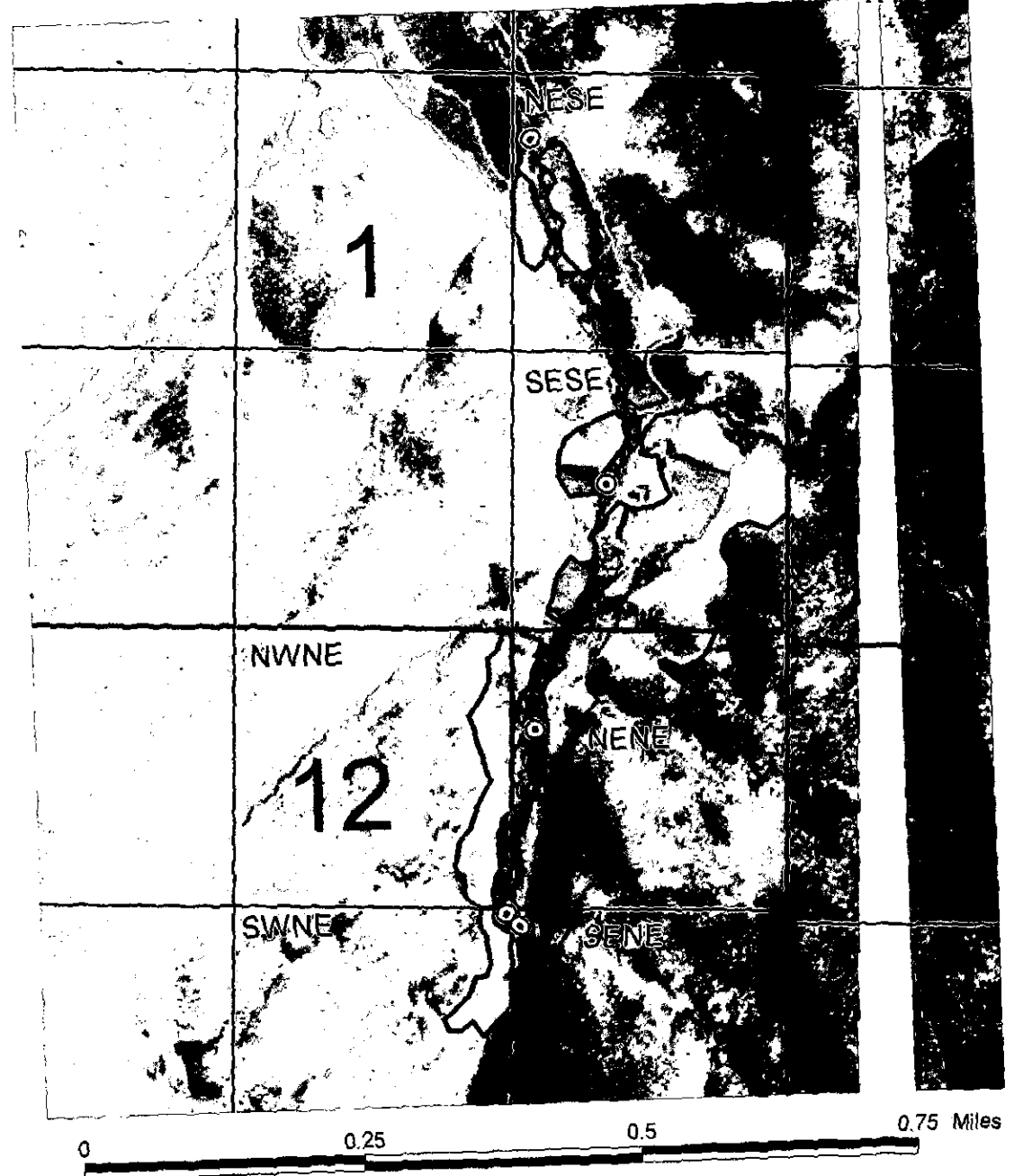
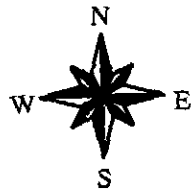
Residing at Boise, Id
My Commission Expires 9-2-1994

Idaho Department of Water Resources

1987 Napp Photo

Claim Number: 57-00285
Legal: T01S, R05W, S01, 12
Reviewed By:

- ⊙ Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines
-  Township/Range Lines



IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 57-00285

Date: 6-27-03

	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													3			14	17
GIS																3.3			18	21.3
Claim			12	14	1.5	1.5	3													20
GIS				10	4.3	2	1.1													17.4
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 5

Total Claimed Acres: 37

Overlapping POU Claim #'s:

57-02320 57-02333

Total GIS Acres: 38.7

COMMENTS:

Per claim map & image interpretation & county data.

PODs are estimated as the maps do not 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)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 57-00285

1997 SEP -9 AM 10:21
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME & ADDRESS: JAMES E ROESER
CARLENE J ROESER
STAR RT
MARSING ID 83639

SOURCE: SQUAW CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.8 CFS

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

PRIORITY DATE: 04/15/1916

POINT OF DIVERSION: T01S R05W S01 NESE Within Owyhee County
S12 SESE
NENE
SWNE
SENE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	IRRIGATION	Irrigation Season	0.74 CFS
STOCKWATER	STOCKWATER	01-01 12-31	0.09 CFS

PLACE OF USE:	IRRIGATION	Within Owyhee County			
T01S R05W S01	NESE 3	SESE 14			
S12	NENE 14	NWNE 1.5	SWNE 1.5	SENE 3	
37 ACRES TOTAL					

USE OF THIS RIGHT WITH RIGHT NOS. 57-02320 AND 57-02333 IS
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 37 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: SEP 09 1997


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

RULE 54(b) CERTIFICATE

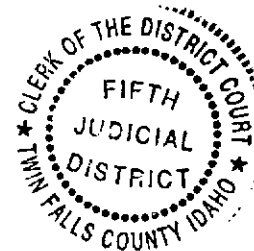
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment 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.

DATED: SEP 09 1997


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

ss.
foregoing to be a full,
copy of the original on
entitled action.
BERT S. FORT
THE DISTRICT COURT

CLERK



State of Idaho
County of Twin Falls ss.
I hereby certify the foregoing to be a full,
true and correct copy of the original on
file in the above entitled action.
ROBERT S. FORT
THE DISTRICT COURT



2003 JAN 3 PM 4 39

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	)	Water Right 57-285
	)	
	)	ORDER AMENDING IRRIGATION PERIOD OF USE
	)	ELEMENT IN PARTIAL DECREE and
Case No. 39576	)	INCORPORATING INTO PARTIAL DECREES AN
	)	EXPRESS STATEMENT REGARDING GENERAL
	)	PROVISIONS, <i>NUNC PRO TUNC</i>

A *Partial Decree* was entered for the above-captioned irrigation water right on September 9, 1997. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, on July 26, 1999, IDWR filed a *Supplemental Director's Report, Reporting Area 2, IDWR Basin 57, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this *Supplemental Director's Report*.

THEREFORE, IT IS ORDERED that the period of use element for the irrigation portion of the above-captioned water right is hereby amended and decreed as:

PERIOD OF USE: 03-15 to 11-15

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned water right is hereby amended and decreed to contain the following:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the court at a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

This order is being entered *nunc pro tunc* as of the date the *Partial Decree* was issued and is not intended to modify subsequent administrative changes for the water right, if any, which occurred following entry of the *Partial Decree*.

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.

Dated January 3, 2002.



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls, ID 83303-2707

Important Information About Your Water Right

January 3, 2003

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

RECEIVED

JAN - 6 2003

Department of Water Resources

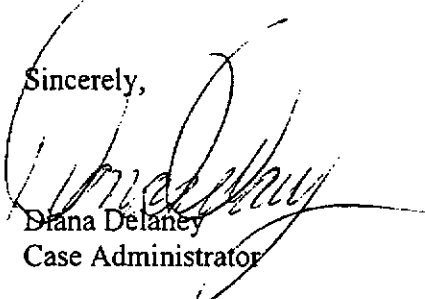
Dear Water Right Claimant(s):

This letter accompanies copies of an *Order Amending Irrigation Period of Use Element in Partial Decree, Nunc Pro Tunc* (hereinafter "*Order*") for water right numbers 57-285, 57-2320, an 57-2333. According to Idaho Department of Water Resources (IDWR) records, you are the current owner of these water rights. If you are not the current owner, please contact IDWR immediately at:

Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706
800-451-4129

The purpose of the *Order* is to set forth beginning and ending dates for the irrigation period of use for each of these water rights. As stated in the face of each *Order*, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). The *Order* also incorporates into the *Partial Decrees* an express statement that each *Partial Decree* is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). These *Orders*, in combination with the *Partial Decrees* that were issued for these water rights in September 1997, set forth all of the elements of your water rights. The Snake River Basin Adjudication (SRBA) Court suggests that you keep these documents in a safe location together with a copy of each *Partial Decree* to show evidence of these water rights. The original of these *Orders* and the original of each *Partial Decree* for these water rights are on file with SRBA Court. If you do not have a copy of the original *Partial Decree*, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the *Orders* are entered *Nunc Pro Tunc*, meaning that the *Orders* will be treated as if they were issued on the same date that the *Partial Decrees* were originally issued.

Sincerely,


Diana Delaney
Case Administrator

RECEIVED
SEP 16 1997
Department of Water Resources
Adjudication Bureau

1997 SEP -9 AM 10: 21
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right 57-00285
_____	)	

On June 23, 1997, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 14a, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 57-00285 be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED September 9, 1997.



DANIEL C. HURLBUTT, JR.
Presiding Judge
Snake River Basin Adjudication

Re-exam of A57-00285

A Status Conference was held in Murphy concerning this right on October 23, 1996. The BLM had objected to Mr. Roeser irrigating land in Section 6, T01S, R04W that belongs to the Agency. Mr. Roeser, through his attorney Jim Gillespie, disputed irrigation on BLM lands. It was determined that only a physical inspection of the land might solve the objection.

I accompanied Jim Gillespie to Jim Roeser's ranch on November 13, 1996. Mr. Gillespie, Mr. Roeser and I walked the acreage in question. It was immediately obvious to me that our field examiner had made an error when mapping the field in question. None of the subject field lies in Section 6, T01S, R04W.

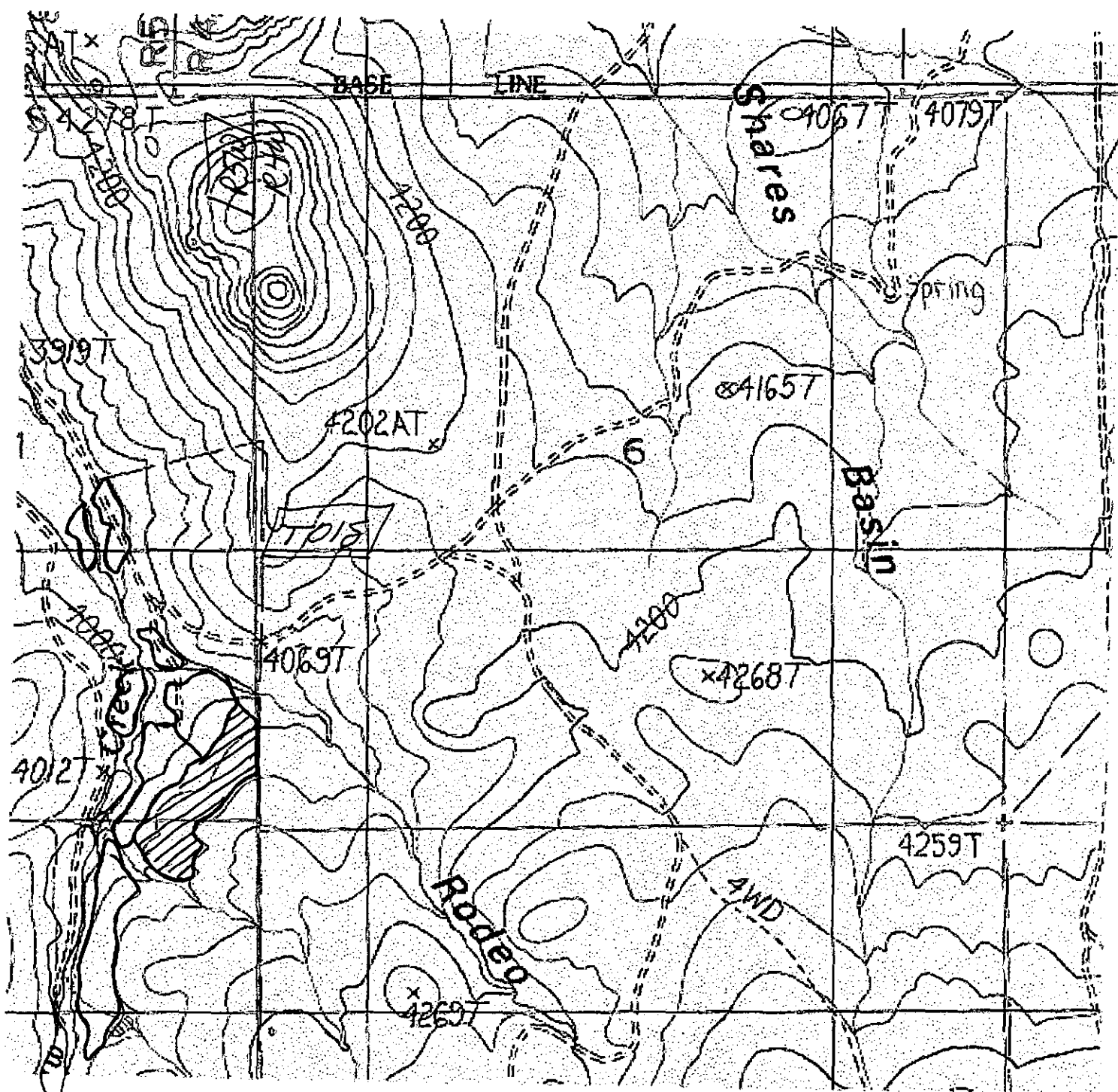
I have drawn the attached map which should serve to correct the field report. The field found contains 8.5 acres, in Sections 1 and 12, T01S, R05W. The land list on our recommendation should read as follows:

01S	05W	1	NE SE	3.0
			SE SE	14.0
		12	NE NE	14.0
			NW NE	1.5
			SW NE	1.5
			SENE	<u>3.0</u>
			TOTAL	37.0

ROXANNE MCCARTHY
SR. WATER RESOURCE AGENT
NOVEMBER 21, 1996

MICROFILMED

MAR 02 1998



11-13-96 re-exam by R. McCarthy
accompanied by: Jim Gillespie & Jim Reiser
contested field found as shown; ~~no~~ ^{undisturbed}
cultivated areas in Section 6

44-38861-21998



STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

BOISE 83720

ALAN G. LANCE
ATTORNEY GENERAL

DEPARTMENT OF WATER RESOURCES
1301 NORTH ORCHARD ST.
BOISE, IDAHO 83706-2237
TELEPHONE: (208) 327-7920

November 27, 1996

Jim Gillespie
Attorney At Law
512 West Bannock
P.O. Box 2337
Boise, Idaho 83701

Re: *SRBA Subcases 57-00285, 57-02320 & 57-02333 (Paul Roeser)*

Dear Mr. Gillespie:

Enclosed please find updated draft reports for the above subcases. These drafts incorporate Ms. McCarthy's conclusions after her re-examination of the property. You will note that the place of use no longer includes the 3 acres in section 6 (the BLM property), however, Ms. McCarthy found an additional 3 acres in the NENE of section 12. The portions of the drafts that appear in "strike out" were included in the original IDWR recommendation, but should now be deleted. The underlined portions are either new requirements or text that has been moved from one section of the recommendation to another.

This fairly describes the rights as we discussed them at the settlement conference. I have forwarded a copy of this letter with enclosures to Fritz Holleman, who represents the BLM. These drafts should reconcile the parties positions and allow them to stipulate to these elements. The court approved Standard Form 5 is generally used to stipulate to all the elements of a water right. This should conclude the litigation of these subcases.

If you have any questions regarding these drafts or the procedure to stipulate to these elements, do not hesitate to call me. My direct line is (208) 327-5446. I look forward to resolving these subcases soon.

11/27/96.jah

MICROFILMED

MAR 02 1998

Sincerely,



J. Andrew Helmlinger

enc. Draft reports
cc: Fritz Holleman

11/27/96.jah

MICROFILMED
MAR 02 1998

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

DATE: NOV-21-1996
PAGE: A-1

RIGHTS FROM: SOURCE: SQUAW CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 57-00285

NAME AND ADDRESS: JAMES E ROESER
CARLENE J ROESER
STAR RT
MARSING ID 83639

SOURCE: SQUAW CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.8 CFS

THE QUANTITY FOR NON-IRRIGATION USE IS LIMITED TO THE AMOUNT BENEFICIARILY
USED FOR STOCKWATER, 300 RANDES

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

PRIORITY DATE: 04/15/1916

POINT OF DIVERSION: T01S R05W S01 NESE Within Owyhee County
SESE
S12 NENE
SWNE
SENE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		<u>Irrigation Season</u>	0.74 CFS
		04/19 10/19	
STOCKWATER		01-01 12-31	0.09 CFS

PLACE OF USE: IRRIGATION Within Owyhee County

T01S R05W S01	NESE 3.0	SESE 14.0		
S12	NENE 14.0	NWNE 1.5	SWNE 1.5	SENE 3.0
	NENE 11.0			
R04W S06	SWSW 13.0			
37.0 ACRES TOTAL				

USE OF THIS RIGHT WITH RIGHT NOS. 57-02320 AND 57-02333 IS
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 37 ACRES IN A
SINGLE IRRIGATION SEASON.

Place of use for STOCKWATER is same as IRRIGATION

CONSUMPTIVE USE:

USE OF THIS RIGHT WITH RIGHT NOS. 57-02320 AND 57-02333 IS

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APR 02 1998

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

DATE: NOV-21-1996

PAGE: A-2

57-00285 (CONT.)

LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 92.5 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.

THE POINTS OF DIVERSION LISTED ARE ALL POINTS ALONG SQUAW CREEK WHICH THE CLAIMANT COULD USE TRANSITORY TRACTOR AND PUMP TO DIVERT WATER.

USE OF THIS RIGHT WITH RIGHT NOS. 57-02320 AND 57-02333 IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 92.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 37 ACRES IN A SINGLE IRRIGATION SEASON.

RIGHT NOS. 57-02320 AND 57-02333 ARE ALSO REDIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

THE POINTS OF DIVERSION LISTED ARE ALL POINTS ALONG SQUAW CREEK WHICH THE CLAIMANT COULD USE TRANSITORY TRACTOR AND PUMP TO DIVERT WATER.

RIGHT NOS. 57-02320 AND 57-02333 ARE ALSO REDIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.

STOCKWATER, 360 RANGE.

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

DATE: NOV-22-1996

PAGE: A-1

RIGHTS FROM: SOURCE: SPRINGS TRIBUTARY: SQUAW CREEK

RIGHT NUMBER: 57-02320

NAME AND ADDRESS: JAMES E ROESER
CARLENE J ROESER
STAR RT
MARSING ID 83639

SOURCE: SPRINGS TRIBUTARY: SQUAW CREEK
POINT OF INJECTION INTO AND POINTS OF REDIVERSION FROM SQUAW CREEK.

QUANTITY: 0.54 CFS
35.0 AFY

PRIORITY DATE: 10/09/1972

POINT OF DIVERSION: T01S R05W S01 NESE (R) Within Owyhee County
SESE (R)
S12 NENE (R)
SWNE (R)
SENE (R)
NWSE (I)
SWSENE
S13 NENENE
NWNENE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		<u>Irrigation Season</u> 04/15 10/15	0.54 CFS
IRRIGATION STORAGE		01-01 12-31	35.0 AFY
IRRIGATION FROM STORAGE		<u>Irrigation Season</u> 04/15 10/15	35.0 AFY

PLACE OF USE: IRRIGATION Within Owyhee County

T01S R05W S01	NESE 3.0	SESE 14.0		
S12	NENE 14.0	NWNE 1.5	SWNE 1.5	SENE 3.0
	NENE 11.0			
R04W S06	SWSW 13.0			

37.0 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NOS. 57-00285 AND 57-02333 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 37 ACRES IN A SINGLE IRRIGATION SEASON.

Place of use for IRRIGATION FROM STORAGE is same as IRRIGATION

CONSUMPTIVE USE:

USE OF THIS RIGHT WITH RIGHT NOS. 57-00285 AND 57-02333 IS

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MAR 02 1998

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

DATE: NOV-22-1996

PAGE: A-2

57-02320 (CONT.)

LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 92.5
AF.

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

USE OF THIS RIGHT WITH RIGHT NOS. 57/02333 AND 57/00283 IS
LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 92.5
AF AND TO THE IRRIGATION OF A COMBINED TOTAL OF 37 ACRES IN A
SINGLE IRRIGATION SEASON.
POINT OF INFLECTION INTO AND POINTS OF REDIVERSION FROM SQUAW
CREEK.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF
DIVERSION DESCRIBED ABOVE: 57/02333 AND 57/07202A
THE AMOUNT OF WATER DIVERTED FROM SQUAW CREEK SHALL BE REDUCED
WHEN NECESSARY TO PREVENT INJURY TO APPROPRIATORS OF WATER FROM
SQUAW CREEK DOWNSTREAM FROM EACH POINT OF REDIVERSION.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF
DIVERSION DESCRIBED ABOVE: 57-02333 AND 57-07202A.

MICROFILMED

FEB 2 1998

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: NOV-22-1996
PAGE: A-1-----
RIGHTS FROM: SOURCE: SPRINGS TRIBUTARY: SQUAW CREEK

RIGHT NUMBER: 57-02333

NAME AND ADDRESS: JAMES E ROESER
CARLENE J ROESER
STAR RT
MARSING ID 83639SOURCE: SPRINGS TRIBUTARY: SQUAW CREEK
POINT OF INJECTION INTO AND POINTS OF REDIVERSION FROM SQUAW CREEK.

QUANTITY: 0.2 CFS

THE QUANTITY FOR NON-IRRIGATION USE IS LIMITED TO THE AMOUNT BENEFITARIALLY
USED FOR DOMESTIC, ONE HOME

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

PRIORITY DATE: 10/15/1925

POINT OF DIVERSION: T01S R05W S01 SESE (R) Within Owyhee County
S12 NWSE (L)
S13 SWSSE
NENENE
NWNENE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		<u>Irrigation Season</u>	0.2 CFS
		04/19 10/19	
DOMESTIC ONE HOME		01-01 12-31	0.04 CFS

PLACE OF USE: IRRIGATION Within Owyhee County
T01S R05W S01 SESE 10.0
10.0 ACRES TOTAL
USE OF THIS RIGHT WITH RIGHT NOS. 57-02320 AND 57-00285 IS
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 37 ACRES IN A
SINGLE IRRIGATION SEASON.DOMESTIC Within Owyhee County
T01S R05W S01 SESECONSUMPTIVE USE: USE OF THIS RIGHT WITH RIGHT NOS. 57-02320 AND 57-00285 IS

MICROFILMED

MAR 02 1998

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

DATE: NOV-22-1996

PAGE: A-2

57-02333 (CONT.)

LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 92.5 AF.

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
USE OF THIS RIGHT WITH RIGHT NOS/ 57/02320 AND 57/00283 IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 92.5 AF; AND TO THE IRRIGATION OF A COMBINED TOTAL OF 37 ACRES IN A SINGLE IRRIGATION SEASON/
POINT OF INJECTION INTO AND POINTS OF REDIVERSION FROM SAWAN CREEK/
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE: 57/02320 AND 57/07202A
THE AMOUNT OF WATER DIVERTED FROM SAWAN CREEK SHALL BE REDUCED WHEN NECESSARY TO PREVENT INJURY TO APPROPRIATORS OF WATER FROM SAWAN CREEK DOWNSTREAM FROM EACH POINT OF REDIVERSION/

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE: 57-02320 AND 57-07202A.

MICROFILMED
MAR 02 1998

Elements where there has been no objection should be listed exactly as they appear in the director's report. The statement as to these uncontested elements 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).

ELEMENTS

1. The name and address of the claimant is:

James E. Roeser
Charlene J. Roeser
Star Rt
Marsing, Idaho 83639

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:

0.8 cfs

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

Required Statement: The claimant and IDWR stipulate that this is a correct discription of the quantity for this water right.

4. The priority date is: 04/15/1916

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 NESE SESE
S12 NENE SWNE SENE

Within OWYHEE County

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

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	0.74 cfs
Stockwater: 01-01 through 12-31	0.09 cfs

Required Statement: The claimant and IDWR stipulate that this is a correct description of the season of use for this water right.

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

T01S R05W S01 NESE 3.0 SESE 14.0
S12 NENE 14.0 NWNE 1.5 SWNE 1.5 SENE 3.0

37.0 Acres Total

Place of use for Stockwater is same as Irrigation.

Use of this right with right nos. 57-02320 and 57-02333 is limited to the irrigation of a combined total of 37 acres in a single irrigation season.

Required Statement: The claimant and IDWR stipulate that this is a correct description of the place of use for this water right.

9. The annual volume of consumptive use is:

Use of this right with right nos. 57-02320 and 57-02333 is limited to a total combined annual consumptive use volume of 92.5 acre feet.

Required Statement: The claimant and IDWR stipulate that this is a correct description of the place of use for this water right.

10. Other matters necessary to define this water right:

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

Explanatory material:

The points of diversion listed are all points along Squaw Creek that the claimant

could use transitory tractor and pump to diver water.

Right nos. 57-02320 and 57-02333 are also reddiverted through points of diversion described above.

Stockwater, 360 Range.

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MAR 3 7 1993

Review By IDWR

To speed up entry of a decree, the parties are encouraged to talk to the Idaho Department of Water Resources about their proposed settlement and have IDWR indicate its concurrence by signing the Standard Form 5.

Where all parties have signed, a Standard Form 5 may be filed with the court without the concurrence of IDWR. However, the parties must certify that they have served IDWR with a copy of the Standard Form 5 and that they have made a good faith attempt to resolve the matter with IDWR.

Within 14 days of filing a Standard Form 5 not containing an IDWR concurrence, IDWR shall file a statement of its position with the court.

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.

The stipulation of the parties is attached hereto and incorporated herein by reference.

Signatures and Addresses 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.

Name: James E. Roeser
Charlene J. Roeser
Address: Star Rt
City/State/Zip: Marsing, ID 83639
Attorney of Record: J. Gillespie

Party's Signature

Date

Name: Idaho Dept. of Water Resources
Address: P.O. Box 83720
City/State/Zip: Boise, ID 83720-0098
Attorney of Record: J. A. Helminger

Attorney's Signature

Date

Party's Signature 1-24-97
Date

Name: United States, through
Dept. of Justice
Address: 601 Pennsylvania Ave NW
City/State/Zip: Washington, D.C. 20004
Attorney of Record: ~~Daria J. Zane~~ Paul F. Hollenman

Attorney's Signature

1/28/97

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11 2 1996

INSTRUCTIONS FOR MAILING

You must mail this 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 January 28, 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:

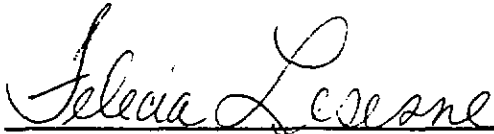
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

Jim Gillespie
P.O.Box 2337
Boise, Idaho 83701

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0098

U.S. Department of Justice
Environment and Natural
Resources Division
550 West Fort Street, Box 33
Boise, ID 83724-0663



Signature of person or attorney mailing the form

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RECEIVED
OCT 24 1996

Department of Water Resources
Adjudication Bureau

JAMES R. GILLESPIE

JAMES R. GILLESPIE, P.A.

ATTORNEYS AND COUNSELORS AT LAW

512 WEST BANNOCK
POST OFFICE BOX 2337

TELEPHONE (208) 344-8400
FAX (208) 344-7100

BOISE, IDAHO 83701

4:00 PM
3:30 PM
10/23/96

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

) SETTLEMENT CONFERENCE REPORT

) Subcase No.: 57-00285, 02320, 02333
) UNCONTESTED

This form is used to report the results of a Settlement Conference.

A. Attendance

The following individuals and person were present at the Settlement Conference held on

10-22, 1996, before Settlement Moderator, Terrence A. Dolan:

Claimant(s): JAMES ^(deceased) ~~and~~ ROESER Attorney: JAMES Gillespie

Objector(s): BLM

Attorney: Fritz Holleman (Fred Price & Don Jossie)

Also Present: IDWR

Attorney: Krogh/Howard/King/Spencer
Andrew Helminger (Bokanne McCarthy)

B. Standard Form 5

During the Settlement Conference, the parties reached an agreement as to all of the elements of this water right. The parties agree that a fully completed and executed *Standard Form 5* reflecting their agreement shall be submitted to the court no later than

(30 days maximum)

If a fully executed *Standard Form 5* is not received by this date, the parties agree this matter should immediately be set for a scheduling conference or trial.

MICROFILMED
MAR 3 2 1993

C. Partial Settlement

The parties reached agreement on these elements as follows:

Parties agreed to remove from Section 6 land in right. Question
is amount of acreage. Parties will meet on ground within
2 weeks to set up field inspection.

D. Recommendation for Additional Settlement Conferences

Settlement Moderator, Terrence A. Dolan, recommends this subcase be set for an additional Settlement Conference within 90 days. The parties have represented to the Settlement Moderator that they are available on _____.

The reason(s) an additional Settlement Conference may be beneficial is:

E. Recommendation for Trial Setting:

Settlement Moderator, Terrence A. Dolan, recommends this subcase be set for trial. The parties have been unable to reach a resolution of elements:

1 2 3 4 5 6 7 8 9 10

DATED 10-22, 1996.

By signing this document, the parties acknowledge receipt of a copy of this document.

Signature of Parties

Signature of IDWR

Terrence A. Dolan, Settlement Moderator

Signature of Parties

Signature of Parties

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

In Re SRBA)
Case No. 39576)
_____)

SPECIAL MASTER'S RECOMMENDATION FOR
PARTIAL DECREE FOR
Water Right 57-00285

1997 JUN 23 AM 9:31
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED AKH

NAME & ADDRESS: JAMES E ROESER
CARLENE J ROESER
STAR RT
MARSING ID 83639

SOURCE: SQUAW CREEK TRIBUTARY: SNAKE RIVER
QUANTITY: 0.8 CFS

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

PRIORITY DATE: 04/15/1916

POINT OF DIVERSION: T01S R05W S01 NESE Within Owyhee County
S12 SESE
NENE
SWNE
SENE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.74 CFS
	STOCKWATER	01-01 12-31	0.09 CFS

PLACE OF USE:	IRRIGATION	Within Owyhee County	SESE	SESE	SENE	SENE
	T01S R05W S01	NESE 3.0	SESE 14.0			
	S12	NENE 14.0	NWNE 1.5	SWNE 1.5	SENE 3.0	
	37.0 ACRES TOTAL					

USE OF THIS RIGHT WITH RIGHT NOS. 57-02320 AND 57-02333 IS
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 37 ACRES IN A
SINGLE IRRIGATION SEASON.

Place of use for STOCKWATER is same as IRRIGATION

CONSUMPTIVE USE:

~~USE OF THIS RIGHT WITH RIGHT NOS. 57-02320 AND 57-02333 IS
LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 92.5
AF.~~ AKH

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.

MICROFILMED

MAR 3 2 1998

DATED: 6/23/97

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

RECEIVED

JUN 24 1997

Department of Water Resources
Adjudication Bureau

1997 JUN 23 AM 9:31

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED 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

) Subcase 57-00285

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 James E. Roeser. 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 57-00285 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 *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 57-00285 be decreed as recommended in the attached *Special Master's Report and Recommendation for Partial Decree*.

DATED 6/23/1997.

JUN 22 1998


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

1997 JUN 23 AM 9:31

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED PX

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): 57-00285
57-02320

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 June 23, 1997, with sufficient first-class postage prepaid to the following:

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

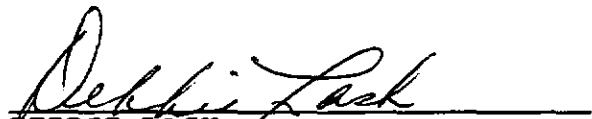
U.S. DEPT. OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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

MICROFILMED

JUN 22 1998


DEBBIE LASH

CERTIFICATE OF MAILING

PAGE 1
06/23/97

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JUN 24 1997

Department of Water Resources

1997 JUN 23 AM 9:31

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

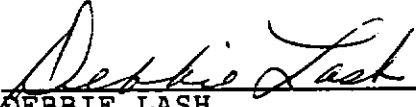
NOTICE OF ISSUANCE OF
SPECIAL MASTER'S REPORT
AND RECOMMENDATION

Water Right(s): 57-00285
57-02320

On June 23, 1997, Special Master DANIEL C. HURLBUTT 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 June 23, 1997.


DEBBIE LASH
Deputy Clerk

RECEIVED
SEP 16 1997
Department of Water Resources
Adjudication Bureau

1997 SEP -9 AM 10:21
DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED _____

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

In Re SRBA	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right 57-00285
_____	)	

On June 23, 1997, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 14a, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 57-00285 be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED September 9, 1997.



DANIEL C. HURLBUTT, JR.
Presiding Judge
Snake River Basin Adjudication

MICROFILMED
MAR 3 2 1998

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. 57-00285 -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)

RESPONSE TO OBJECTION NO. 57-00285 -0001 - PAGE 1

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JUL 20 1994

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

II. STATEMENT OF THE 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:
4. |☒| Priority Date: I respond to the objection concerning the priority date.
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:
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, 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. 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. A57-00285	3

(Over)

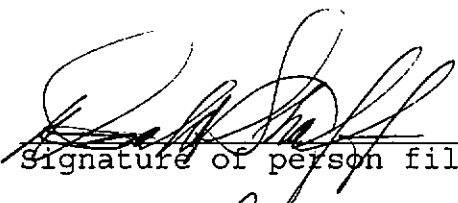
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

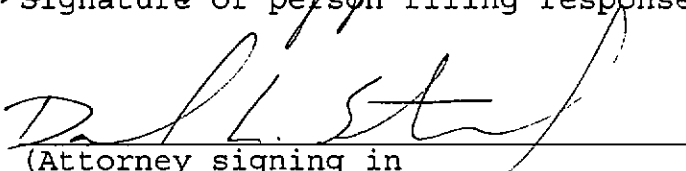
Donald V. Shaff, being first duly sworn, upon oath, deposes and says:

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.



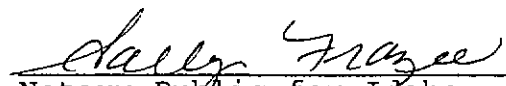
Signature of person filing response

By:



(Attorney signing in
representative capacity)

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



Notary Public for Idaho

Residing at: Boise

My Commission expires: 11-14-1998

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: JAMES E & CARLENE ROESER
Address: STAR RT
MARSING ID 83639

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. 57-00285
(You must insert the
water right number you
are objecting to)

OBJECTION

RECEIVED

FEB 25 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)

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
Name: 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:
James E. Roeser
Name: claimant Carlene J. Roeser
Address: Star Rt.
Marsing, ID 83639

3. If this objection is filed by an attorney:
K. Jack Haugrud
Attorney Name: Daria J. Zane
U. S. Department of Justice
Attorney Address: 500 West Fort Street
P.O. Box 33
Boise, Idaho 83734
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.

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: _____
- _____
- _____
- _____
- _____

REASONS SUPPORTING EACH BOX CHECKED

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.

CHANGES TO THE DIRECTOR'S REPORT

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

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

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

☒ 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

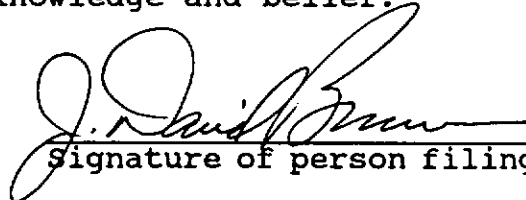
VERIFICATION (Must be Completed)

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:

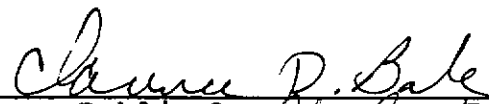
That I am the person or entity filing this objection, that I am a water claimant or party in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and belief.


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 ^{personally} mailed the original and ~~the~~ 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:

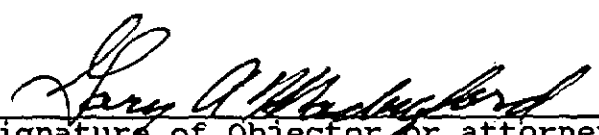
Owner name: James E. Roeser
Carlene J. Roeser
Owner's address: Star Rt.
Marsing, ID 83639

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

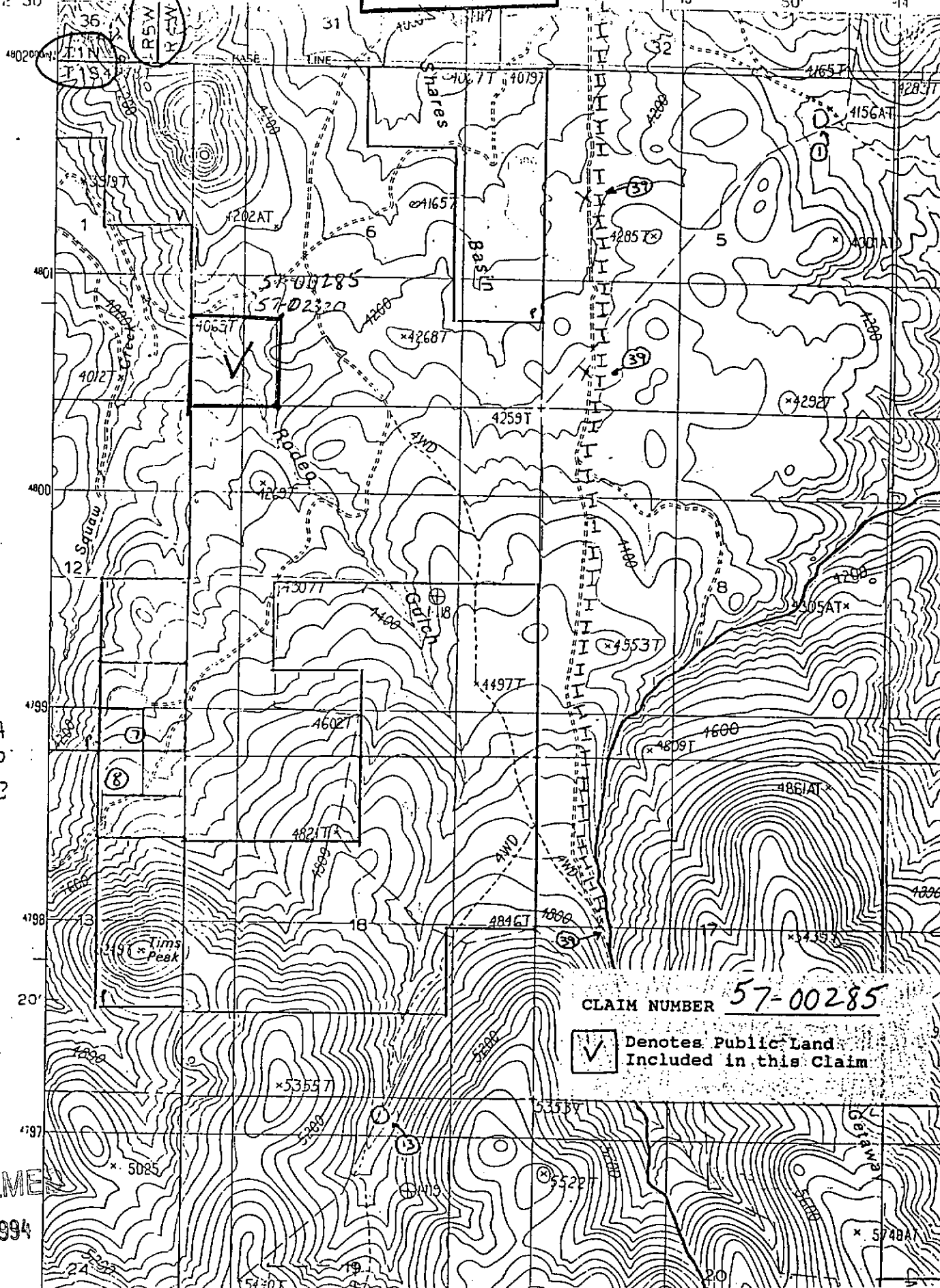


Signature of Objector or attorney
mailing on Objector's behalf

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

POOR ORIGINAL

116° 52' 30"
43° 22' 30"



57-0702A
57-02220
57-07332

CLAIM NUMBER 57-00285

✓ Denotes Public Land
Included in this Claim

MICROFILMED

JUL 20 1994

CLAIM NUMBER: 57-00285

CONFLICTING CLAIMS FOUND IN THE DIRECTORS REPORT

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

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11-11-81 BY 1043

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JAMES E ROESER	04/15/1916	IRRIGATION	04-15 10-15	0.74 CFS	
C	CARLENE J ROESER		STOCKWATER	01-01 12-31	0.09 CFS	
	STAR RT					
	MARSING ID 83639					
	(208) 896-4421			TOTAL DIVERSION:	0.80 CFS	

Water Source: SQUAW CREEK

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T01S R05W S01 NESE SESE
S12 NENE SWNE SENE OWYHEE County
OWYHEE County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE				
T	R S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
01S	04W 6	:		:		:		:		:		:		:		:		3.0
01S	05W 1	:		:		:		:		:		:		:		:		17.0
01S	05W 12	:	11	:	01	:	01	:	03	:		:		:		:		17.0
																	TOTAL ACRES	37.0

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

POU County: OWYHEE

Non-Irrigation Uses: STOCKWATER, 360 RANGE.

Other Rights: A57-02333/02320

Remarks: THE POINTS OF DIVERSION LISTED ARE ALL POINTS ALONG SQUAW CREEK WHICH THE CLAIMANT COULD USE TRANSITORY TRACTOR AND PUMP TO DIVERT WATER.
USE OF THIS RIGHT WITH RIGHT NOS. 57-02320 AND 57-02333 IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 92.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 37 ACRES IN A SINGLE IRRIGATION SEASON.
RIGHT NOS. 57-02320 AND 57-02333 ARE ALSO REDIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.

Dates: Exam Made Date: 03/12/1991 Verified Date: 02/28/1992

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

Comments: Date: 09/23/1991 User-ID: WALKER Subject: COPIED FROM REMARKS
A TRACTOR WITH A PUMP IS USED ALL ALONG SQUAW CREEK FOR THE TRANSITORY POD. ...NO MAPS FOR THIS AREA...

Audit: 07/31/91 WALKER 09/23/91 WALKER 09/30/91 WALKER 12/05/91 WALKER

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OCT 07 1992

AJ5809NP
No. R57-00285

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/18/92
PAGE: 42

Audit: 12/06/91 WALKER 01/13/92 WALKER 02/28/92 WALKER 07/29/92 PR-PROD

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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: 13
QUICKLOOK INFORMATION

CLAIM NUMBER: A57-00285

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	N		KW4 JS 3-12-91	Y		KW 1-13-92	KW 1-13-92	KW 1-13-92
POINT OF DIV	Y ✓		S	Y	1,2,4,5	S	S	S
SOURCE	N			N				
PLACE OF USE	Y ✓			Y	1,2,4,5			
DIV. AMOUNT CFS/VOLUME	Y			Y				
CONSUMPTIVE USE	-			Y				
PURPOSES				N				
PERIOD OF USE	Y			Y				
BASIS OF CLAIM decree				N				
REMARKS	Y		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: A57-00285

LAST: ROESER
ADDRESS: STAR RT.
CITY: MARSING
PHONE NUMBER: 208-896-4421

FIRST: JAMES E.
STATE: ID ZIP: 83639

OWNER CODE: C

LAST: ROESER
ADDRESS: STAR RT.
CITY: MARSING
PHONE NUMBER: 208-896-4421

FIRST: CARLENE J.
STATE: ID ZIP: 83639

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE
Y

FIELD
EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

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

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CONTACT PERSON: James Roeser

PHONE NUMBER: () -

DATE OF FIELD EXAM: 3/12/91

APPOINTMENT MADE: Y() N()

TIME: : A() P()

ACCOMPANIED BY: Jan Shurte

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

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OCT 07 1992

A. AJ CLAIM: # A57-00285 PRIORITY DATE: 06-01-1916 STAGE: D

B. WR RECORD: # 57-00285 PRIORITY DATE: 06-01-1916 STAGE: D

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
N

FIELD
EXAMINER
kw

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

REMARKS: *The decree on Squaw Cr. only stated a year for the priority dates. The "6-1"-1916 date was an arbitrary date assigned when the Dept. data entered the right. I recommend we allow a priority date of April 15, 1916 for this claim which is the beginning of the irrigation season for this area.*

=====

RECOMMENDED PRIORITY DATE:

04 ~~XX~~ ¹⁵ -1916

REVIEWED BY

kw

DATE

12-5-91

=====

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OCT 07 1992

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A57-00285	01S	05W	1	NW	NW	NW		OWYHEE
A57-00285	01S	05W	12	SW	SW	SE		OWYHEE

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX R PREFIX

A57-00283

A57-07202A

A57-07202B

A57-02140

NONE

WR RECORDS IN SAME 40 ACRE TRACT

57-02140

SOURCE: SQUAW CREEK

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

5700285 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: SQUAW CREEK

TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)

DATABASE

Y

DUE TO SOURCE DISCREPANCY? (Y/N)

N

FIELD
EXAMINER

[Signature]
[Signature]

REMARKS:

Water is diverted all along Squaw Ck. through
claimant's land using a transitory pump.

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OCT 07 1992

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
<u>1S</u>	<u>5W</u>	<u>1</u>	—	<u>NE</u>	<u>SE</u>	—	<u>Owyhee</u>
<u>"</u>	<u>"</u>	<u>"</u>	—	<u>SE</u>	<u>SE</u>	—	<u>"</u>

SOURCE: SQUAW CREEK

TRIB: SNAKE RIVER

REVIEWED BY: kw

DATE: 1/13/92

→ 1S 5W 12 NENE
" " " SWNE
" " " SENE

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OCT 07 1992

A. ROOT WATER RIGHT NUMBERS: A57-00285

B. POU LISTING

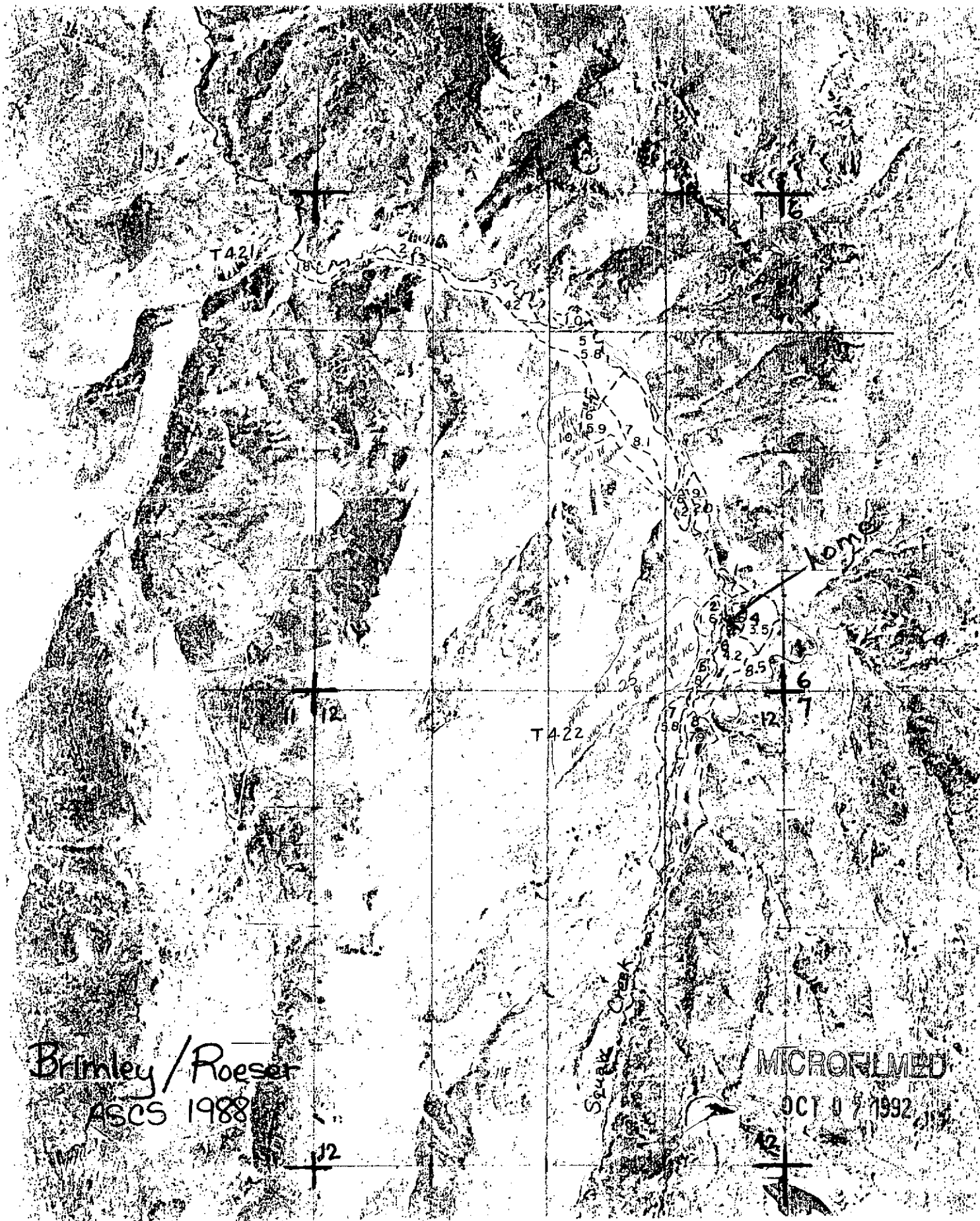
TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
01S	05W	1	NE	SE		ROESER, JAMES E.	A57-00285 / 5.0	57-00285 /			3
						ROESER, JAMES E.	A57-02320 / 5.0	57-02320 / 5.0			
						ROESER, JAMES E.	A57-07202B / 5.0	- /			
						BRIMLEY, WILFORD		L57-07202 / 2.4			
						BRIMLEY, WILFORD		57-07202 / 5.0			
01S	05W	1	SW	SE		ROESER, JAMES E.	A57-00285 / 10.0	57-00285 /			0
						ROESER, JAMES E.	A57-02320 / 10.0	57-02320 / 10.0			
						ROESER, JAMES E.	A57-07202B / 10.0	- /			
						ROESER, JAMES E.	A57-02140 / 6.0	57-02140 / 6.0			
						BRIMLEY, WILFORD		57-07202 / 10.0			
01S	05W	1	SE	SE		ROESER, JAMES E.	A57-00285 / 10.0	57-00285 /			14 Domestic
						ROESER, JAMES E.	A57-02320 / 10.0	57-02320 / 10.0			
						ROESER, JAMES E.	A57-07202B / 10.0	- /			
						ROESER, JAMES E.	A57-02333 / 10.0	57-02333 / 10.0			
						BRIMLEY, WILFORD		L57-07202 / 11.0			
						BRIMLEY, WILFORD		57-07202 / 10.0			
01S	05W	12	NE	NE		ROESER, JAMES E.	A57-00285 / 15.0	57-00285 /			11 11 kw
						ROESER, JAMES E.	A57-02320 / 15.0	57-02320 / 15.0			
						ROESER, JAMES E.	A57-07202B / 15.0	- /			
						ROESER, JAMES E.	A57-02140 / 3.0	57-02140 / 3.0			
						BRIMLEY, WILFORD		L57-07202 / 0.2			
						BRIMLEY, WILFORD		57-07202 / 15.0			
01S	05W	12	NW	NE		ROESER, JAMES E.	A57-00285 / 5.0	57-00285 /			1.5
						ROESER, JAMES E.	A57-02320 / 5.0	57-02320 / 5.0			
						ROESER, JAMES E.	A57-07202B / 5.0	- /			
						ROESER, JAMES E.	A57-02140 / 5.0	57-02140 / 5.0			
						BRIMLEY, WILFORD		L57-07202 / 2.8			
						BRIMLEY, WILFORD		57-07202 / 5.0			
01S	05W	12	SW	NE		ROESER, JAMES E.	A57-00285 / 10.0	57-00285 /			1.5
						ROESER, JAMES E.	A57-02320 / 10.0	57-02320 / 10.0			
						ROESER, JAMES E.	A57-07202B / 10.0	- /			
						ROESER, JAMES E.	A57-02140 / 8.0	57-02140 / 8.0			
						BRIMLEY, WILFORD		L57-07202 / 3.0			
						BRIMLEY, WILFORD		57-07202 / 10.0			
01S	05W	12	SE	NE		ROESER, JAMES E.	A57-00285 / 5.0	57-00285 /			3.0
						ROESER, JAMES E.	A57-02320 / 5.0	57-02320 / 5.0			
						ROESER, JAMES E.	A57-07202B / 5.0	- /			
						ROESER, JAMES E.	A57-02140 / 3.0	57-02140 / 3.0			
						BRIMLEY, WILFORD		L57-07202 / 5.9			
						BRIMLEY, WILFORD		57-07202 / 5.0			

TOTAL ACRES A57-00285 60.00

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OCT 17 1992

6 SWSW - 3 ac.

37 TOTAL



Brimley/Roeser
ASCS 1988

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OCT 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				SUM
							NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
A5700285	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						40				200
5700285	WALKER	D	SQUAW CREEK	01S	05W	1													X	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	10	225
A5707202	SPLIT RIGHT		SPRINGS	01S	05W	1			40		40	40	40						5	40	10	10	225
L5707202	BRIMLEY	L	SPRINGS	01S	05W	1		1	13		4	3	2						2	5	11		41
A5707202A	BRIMLEY	P	SPRINGS	01S	05W	1			40		40	40	40							40			200
A5707202B	ROESER	P	SPRINGS	01S	05W	1													5	10	10		25
	1986 MAPPING DATA ---	-	COUNTY 73 QUAD Y 53	01S	05W	1			22				5						5	14	17		63
A5700285	NO MATCHES FOR THIS POU IN AJ-POU-TEMP																						
5700285	WALKER	D	SQUAW CREEK	01S	05W	12		X	X	X	X												
A5700285	ROESER	D	SQUAW CREEK	01S	05W	12		15	5	10	5												35
5702140	WALKER	L	SQUAW CREEK	01S	05W	12		3	5	8	3												19
A5702140	ROESER	L	SQUAW CREEK	01S	05W	12		3	5	8	3												19
5702320	WALKER	L	SPRINGS	01S	05W	12		15	5	10	5												35
A5702320	ROESER	L	SPRINGS	01S	05W	12		15	5	10	5												35
5707202	BRIMLEY	P	SPRINGS	01S	05W	12		15	5	10	5												35
A5707202	SPLIT RIGHT		SPRINGS	01S	05W	12		15	5	10	5												35
L5707202	BRIMLEY	L	SPRINGS	01S	05W	12		0	2	3	5								1	1			12
A5707202B	ROESER	P	SPRINGS	01S	05W	12		15	5	10	5												35
	1986 MAPPING DATA ---	-	COUNTY 73 QUAD Y 54	01S	05W	12		7	4	10	1									1			23

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OCT 07 1992

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

kw

PRESUMPTION FLAG:

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES:

37

REVIEWED BY:

kw

DATE:

1-13-92

MICROFILMED
OCT 07 1992

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A57-00285 IRRIGATION	FROM 04-01 TO 11-01	.800 CFS
A57-00285 DOMESTIC	FROM 01-01 TO 12-31	.040 CFS
A57-00285 STOCKWATER	FROM 01-01 TO 12-31	.090 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.800 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
57-00285 IRRIGATION	FROM TO	.800 CFS
57-00285 DOMESTIC	FROM TO	.800 CFS
57-00285 STOCKWATER	FROM TO	.800 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.800 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y(☒) N() Explain in remarks, below.

REMARKS:

Recommend to WR Standards rec'd 1/6/92-

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OCT 07 1992

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 0.800 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.800 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?

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

FIELD
DATABASE EXAMINER
N *fu*

B.

FLOW MEASUREMENT

MEASUREMENT METHOD N/A, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: A57-~~07202B~~, 02333, 02320, ~~02140~~

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A57-00285	SQUAW CREEK	ROESER , JAMES E.	0.800	0.013		
A57-02320	SPRINGS	ROESER , JAMES E.	1.200	0.020	3.50	0.05

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A57-00285	DOMESTIC	ROESER , JAMES E.	FROM 01-01 TO 12-31	.040 CFS	
A57-00285	STOCKWATER	ROESER , JAMES E.	FROM 01-01 TO 12-31	.090 CFS	
A57-02333	DOMESTIC	ROESER , JAMES E.	FROM 01-01 TO 12-31	.040 CFS	

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OCT 07 1992

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 37 kw ~~36.8~~ x 0.02 CFS/ACRE = 0.74 CFS
(Taken from p/u review)

1b. CALCULATIONS

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 = 150.0 AF/A

ACRES 37 kw ~~36.8~~ x CONSUMPTIVE VOL. AF/A FOR AREA 2.5 ✓ =

TOTAL CONSUMPTIVE USE 92.5 kw AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME =

N/A - surface water

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.)

E01 - 57-02320, 57-02333 - 37 acres, 92.5 AF consumptive
use -

MICROFILMED
OCT 07 1992

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	01-01 <u>4-15</u> 11-01 <u>10-15</u>	DATABASE EXAMINER 0.800 <u>0.74</u>	DATABASE EXAMINER <u>N/A</u>	DATABASE EXAMINER 150.0 <u>92.5</u>
DOMESTIC	01-01 12-31	0.040 <u>0.04</u>		
STOCKWATER	01-01 12-31	0.090 <u>0.09</u>		
TOTAL FOR THIS RIGHT		0.800 <u>0.80</u>	<u>N/A</u>	<u>92.5</u>

REVIEWED BY: KW

DATE: 1-13-92

MICROFILMED
OCT 07 1992

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	(✓)	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

N/A

ROOT WATER RIGHT NUMBER: 57-00285

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
0.800

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A57-00285	0.800	-		57-00285	0.800
TOTAL CFS		0.800				0.800

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 - not as many acres irrigated as previously decreed.

AUTHENTICATION:

SIGNATURE

Kay Walker

DATE:

1-13-92

NAME OF FIELD EXAMINER:

Kay Walker

TITLE:

Sr. Agent

MICROFILMED
OCT 97 1992



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: A57-00285, A57-02320, A57-02333, A57-02140
AND A57-07202B

James E. &/or Carlene J. Roeser
Star Rt.
Marsing, ID 83639

Dear Mr. and Mrs. Roeser:

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 A57-00285

This claim will be recommended for direct diversion from Squaw Creek onto 37 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 one home and stockwater for 360 head range cattle and horses. The amount of water will be 0.74 cfs for 37 acres which is 1" of water for each irrigated acre, 0.04 cfs for the home and 0.09 cfs for stockwatering. I am enclosing a copy of the ASCS aerial photo on which I have based my recommendations.

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Roeser's
September 30, 1991

This right was originally decreed for use of 40 inches of Squaw Creek water for the irrigation of 40 acres, stockwater and domestic purposes. I have recommended 0.74 cfs for the irrigation of 37 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 response date on the top of page one, we will assume you agree with the inch per acre rule and this right will be recommended for 37 inches.

Claim A57-02320

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 rediversion points. This claim will be recommended for 35 acre feet of water, which is the capacity of the reservoir and a direct flow rate of 0.54 cfs (limited to 0.54 cfs due to the direct flow under A57-02333 for 0.20 cfs). We have also recommended this claim for the 37 acres of irrigated land as shown on the aerial photo.

Claim A57-02333

This claim will be recommended for direct flow from the springs that flow into and over your reservoir. Since this licensed right was originally for 10 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, Twp. 1S, Rge. 5W, we have recommended it the same way. This right also covers domestic use for your home. The points of diversion from the springs are shown, along with the point where the water is injected into Squaw Creek and a rediversion point in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1.

Claim A57-02140

Recommended for disallow because it was not claimed in the prior adjudication (Blackstock vs. Johnstone, dated March 8, 1973).

Claim A57-07202B

Recommended for disallow because you already have licensed rights for 1" to the acre from the springs. No beneficial use found under A57-07202B.

Please note that I did not include the 25 acres west of your home which are shown on the photo because this 25 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 use under 57-07202. Before you irrigate these lands you will need to file a separate application for permit to appropriate the water.

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Page 3 of 3
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September 30, 1991

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

October 19, 1990

James E. &/or Carlene J. Roeser
Star Route
Marsing, ID 83639

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

no response
MICROFILMED
OCT 17 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

14:58:31
05/22/90

PAGE: 2
QUICKLOOK INFORMATION

CLAIM NUMBER: 1-1-1

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								
6/1/1916	N					BAS 5/24/90	GG 12/15/88	
POINT OF DIV								
15 SW 1/12	Y					"	"	
SOURCE								
Squaw Creek	N					"	"	
PLACE OF USE								
15 SW 1/12	N					"	"	
DIV. AMOUNT								
CFS/VOLUME								
.80	N					"	"	
CONSUMPTIVE USE								
150	N					"	"	
PURPOSES								
D S I	N					"	"	
PERIOD OF USE								
1/1 12/31	N					"	"	
BASIS OF CLAIM								
Decree	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.

MICROFILMED
OCT 07 1992



T 421

T 422

SQUAW CREEK

Brinley/Roeser
ASCS 1988

SMITH, MILLER & WESTON
ATTORNEYS AT LAW
1801 ELLIS STREET
P. O. Box 1116
CALDWELL, IDAHO 83605
TELEPHONE NO. 459-3646

Book 10
Page 857
Case No. 3070

District Court, Owyhee County, Idaho

Date Filed MAY 10 1973

BARBARA JAYO
Clerk

By _____
Deputy

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

ADAM H. BLACKSTOCK and MILDRED J.
BLACKSTOCK, husband and wife,

Plaintiffs,

-vs-

CASE NO. 3070

GEORGE JOHNSTONE and JUANITA
JOHNSTONE, husband and wife;
EVERETT LARSEN and VENET LARSEN,
husband and wife; EVERETT CLARK
and EDITH CLARK, husband and wife;
JOSEPH W. WALKER and ORA WALKER,
husband and wife; LAWRENCE WALKER;
W. S. WALKER and ELIZABETH WALKER,
husband and wife; RAYMOND MEININGER;
DARRELL D. LARSEN; EARL E. CUMMINGS;
CHIPMUNK GRAZING ASSOCIATION, an
Idaho corporation; HENRY DIXON;
CHARLES TYSON and the unknown
owners or claimants of any rights
to the use of the waters of Squaw
Creek, in Owyhee County, Idaho,
Defendants.

JUDGMENT AND DECREE

The above entitled matter came on regularly to be
heard this 7th day of March, 1973, before the Court
sitting without a jury, the plaintiffs appearing in person and
by their attorney, ROBERT P. TUNNICLIFF of Miller, Weston and
Tunnicliff, and the defendants, JOSEPH W. WALKER and ORA WALKER,
husband and wife, LAWRENCE WALKER, W. S. WALKER and ELIZABETH
WALKER, husband and wife having filed an Answer in the matter
and further having filed a Withdrawal of said Answer and a

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Consent to the Entry of a Default and Refusal to Plead Further, and the defendants, DARRELL D. LARSEN, CHARLES TYSON, GEORGE JOHNSTONE and JUANITA JOHNSTONE, husband and wife, EVERETT LARSEN and VENET LARSEN, husband and wife, EVERETT CLARK and EDITH CLARK, husband and wife, RAYMOND MEININGER and EARL E. CUMMINGS, each having failed to answer, and it appeared to the Court that service was made upon the last named defendants, and each of them, the default of the last named defendant, and each of them, was duly entered, and the parties having waived Findings of Fact and Conclusions of Law, the matter was submitted to the Court for its judgment.

NOW, THEREFORE, Pursuant to the Motion of plaintiffs, IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. That all lands lying within the drainage of Squaw Creek in the County of Owyhee, State of Idaho, are arid in character and require the artificial application of water to render it valuable for agricultural purposes.

2. That the quantity of water required for the successful irrigation of said lands measured at its point of diversion is one miner's inch per acre measured under a four inch pressure at its point of diversion.

3. That all of the usable water of Squaw Creek in the County of Owyhee, State of Idaho, has been appropriated on the dated, in the amounts and for the lands hereinafter set forth, to-wit:

57-0282 a. That the plaintiffs, ADAM H. BLACKSTOCK and MILDRED J. BLACKSTOCK, husband and wife, and their predecessors in interest, did appropriate and divert from the waters of Squaw Creek in Owyhee County, Idaho, as of the date of 1892, 100 miner's inches of water and did appropriate the same for

beneficial use on the following described land, to-wit:

lots 3 and 4 and the Southwest Quarter of the Northwest Quarter, Section 3, Township 1 North, Range 4 West of the Boise Meridian; the North Half of the Southwest Quarter; the Southwest Quarter of the Southwest Quarter; the Northwest Quarter of the Southeast Quarter Section 4, Township 1 North, Range 4 West of the Boise Meridian; South Half of the South Half, Section 34, Township 2 North, Range 4 West of the Boise Meridian.

That siad water was appropriated for irrigation, domestic and stock purposes; and that since said date of appropriation, said water has been continually used to a beneficial use on said lands.

57-0283 b. That the defendants, JOSEPH W. WALKER and ORA WALKER, husband and wife, and their predecessors in interest, did appropriate and divert from the waters of Squaw Creek in Owyhee County, Idaho, as of the date of 1894, 43 miner's inches of water and did appropriate the same for a beneficial use on the following described land, to-wit:

Southeast Quarter of the Northwest Quarter; Southwest Quarter of the Northeast Quarter; North Half of the Northwest Quarter; Northwest Quarter of the Southeast Quarter, Section 1, Township 1 South, Range 5 West of the Boise Meridian.

That said water was and is used for irrigation, domestic and stock purposes and that since said date of appropriation, said water has been continually used to a beneficial use on said lands.

57-0284 c. That the defendants, W. S. WALKER and ELIZABETH WALKER, husband and wife, and LAWRENCE WALKER, and their predecessors in interest, did appropriate and divert from the waters of Squaw Creed in Owyhee County, Idaho, as of the date 1900, 86 miner's inches of water and did appropriate the same for beneficial use on the following described land, to-wit:

South Half of the Northeast Quarter; Northeast Quarter of the Southwest Quarter; North Half of the Southeast Quarter, Section 25, Township 1 North, Range 5 West of the Boise Meridian; Northwest Quarter of Section 30,

Township 1 North, Range 4 West of the Boise Meridian.

That said water was and is used for irrigation, domestic and stock purposes and that since said date of appropriation, said water has been continually used to a beneficial use on said lands.

57-0285

d. That the defendants, JOSEPH W. WALKER and ORA WALKER, husband and wife, and their predecessors in interest, did appropriate and divert from the waters of Squaw Creek in Owyhee County, Idaho, as of the date of 1916, 40 miner's inches of water and did appropriate the same for a beneficial use on the following described land, to-wit:

South Half of the Southeast Quarter;
Northeast Quarter of the Southeast Quarter,
Section 1, Township 1 South, Range 5 West
of the Boise Meridian; Northeast Quarter
of Section 12, Township 1 South, Range 5
West of the Boise Meridian.

That said water was and is used for irrigation, domestic and stock purposes and that since said date of appropriation, said water has been continually used to a beneficial use on said lands.

57-2205

e. That ADAM H. BLACKSTOCK and MILDRED J. BLACKSTOCK, husband and wife, did, on the 13th day of January, 1953, appropriate, pursuant to State of Idaho Permit No. 23378, 98 miner's inches of water for use on the following described real property, to-wit: ~~from the~~ Squaw Ck.

Southwest Quarter of the Southwest Quarter,
Section 35, Township 2 North, Range 4 West
of the Boise Meridian; Northwest Quarter of
the Northwest Quarter; Southwest Quarter of
the Northwest Quarter; Northwest Quarter of
the Southwest Quarter; Northeast Quarter of
the Southwest Quarter, Section 2, Township 1
North, Range 4 West of the Boise Meridian.

That said water was and is used for irrigation, domestic and stock purposes and that since said date of appropriation, said water has been continually used to a beneficial use on said lands.

57-2207 Cancelled

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f. That ADAM H. BLACKSTOCK and MILDRED J.

BLACKSTOCK, husband and wife, did, on the 30th day of March, 1953, appropriate, pursuant to State of Idaho water use permit, 50 miner's inches of water for use on the following described real property, to-wit:

East Half of the Northwest Quarter, Northwest Quarter of the Northeast Quarter, Section 4, Township 1 North, Range 4 West of the Boise Meridian.

57-2321

g. That LAWRENCE WALKER did appropriate, on the

5th day of September, 1961, 60 acre feet of storage right of the waters of Squaw Creek, with storage on the following described real property, to-wit:

Northeast Quarter of the Northeast Quarter Section 35, Township 1 North, Range 5 West of the Boise Meridian; Northwest Quarter of the Southeast Quarter; Northeast Quarter of the Southeast Quarter, Section 25, Township 1 North, Range 5 West of the Boise Meridian.

That said water is used for irrigation on the following described real property, to-wit:

Southeast Quarter of the Northeast Quarter Section 25, Township 1 North, Range 5 West; Northwest Quarter of Section 30, Township 1 North, Range 4 West of the Boise Meridian.

That all parties hereto, their agents, employees, and successors in interest are hereby permanently enjoined and restrained from any and all interference with the diversion of or the use of the waters of said Squaw Creek, except as hereinbefore provided.

Dated this 8th day of March, 1973.

[Signature]
DISTRICT JUDGE

STATE OF IDAHO }
County of Oneida } ss.
I hereby certify that the foregoing
instrument is a true and correct copy
of it.

Case # 3070
Recd _____
Dated MAR 13 1973

Title Clk of the District Court