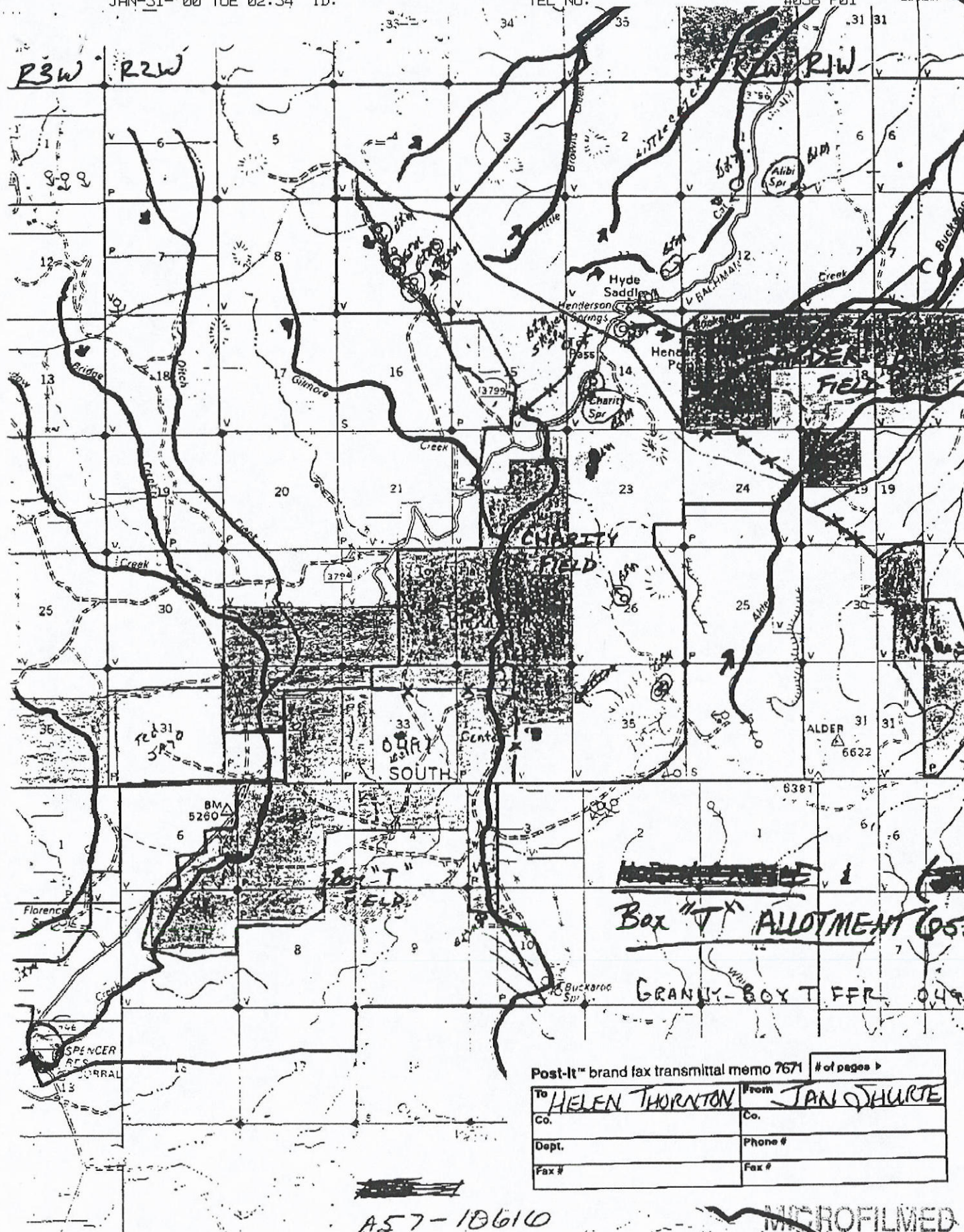


MICROFILMED
OCT 07 1992



TRIANGLE NE. II



OCT 07 1992

4-19-92
 Copy of map from Shirley Cox claim A57-10616, overlap of Spring in Sec. 14 with
 BLM A57-02357. Identifies Charity Spring in NW SW, rather than SWSW, as
 located on USGS topo 7.5 min. HHT

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

CIVIL CASE NUMBER: 39576

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

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

A57-02357

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

PRIORITY DATE: 1942-01-24
IDWR WATER RIGHT NO. 5702357
BLM NUMBER: 5701588015
BASIS OF CLAIM: BENEFICIAL USE
BASIN NO.: 57

SOURCE		TRIBUTARY TO	
-----		-----	
SPRING		NORTH FORK CASTLE CREEK	
DESCRIPTION OF DIVERSION WORKS			

INSTREAM			
PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE
-----	-----	-----	FROM TO
STOCKWATER	0.010	0.00	0101 1231
WILDLIFE	0.010		0101 1231
TOTAL:		0.010 CFS	0.00 AF

NON-IRRIGATION USES

S/147 RANGE CATTLE W/VAR AMT

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OCT 07 1992

POINT OF DIVERSION							
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
---	---	---	-----	-----	-----	---	-----
06S	02W	14		NW	SW	0	OWYHEE

PLACE OF USE							OWNED	IRRIGATED ACRES
TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	-----	-----
---	---	---	-----	-----	---	-----	-----	-----
06S	02W	14	NW	SW	0	OWYHEE		0.0
06S	02W	14	NW	SW	0	OWYHEE		0.0

TOTAL ACRES IRRIGATED: 0.0

BLM NUMBER: 5701588015

PAGE 2

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

REMARKS

PREVIOUSLY FILED WITH THE IDAHO DEPARTMENT OF WATER RESOURCES

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OCT 07 1992

1997 NOV 26 PM 2:31

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 57-02357
_____	)	

On August 22, 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 13f, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 57-02357 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED November 26, 1997.



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

MICROFILMED

OCT 8 1998

ORDER OF PARTIAL DECREE

RECEIVED

JUL 18 1997

Department of Water Resources

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

In Re SRBA	)	SUBCASE NO: <u>57-02357</u>
	)	(Insert Water Right Number)
	)	
Case No. 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS
	)	OF A WATER RIGHT

THIS FORM MAY ONLY BE USED IF ALL PARTIES HAVE STIPULATED TO ALL ELEMENTS OF A WATER RIGHT AND MAY BE SUBMITTED AT ANY TIME FOLLOWING THE CLOSE OF THE STATUTORY RESPONSE PERIOD.

INSTRUCTIONS

This form has been adopted by the court in **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

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

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

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

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OCT 11 1998

Elements where there has been no objections 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 each element of the water right (attach additional pages if necessary).

ELEMENTS

1. **Name and address** of the claimant:

United States of America, acting through the
U.S. Department of Interior,
Bureau of Land Management,
Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709-1657
(208) 373-4000

Required statement:

The United States stipulates that this description accurately describes this element.

2. **Source** of water:

Charity Spring tributary to Castle Creek, North Fork

Required statement:

As recommended in the Director's Report.

3. **Quantity** of water used:

Stockwater:	0.01 c.f.s.

Total Quantity:	0.01 c.f.s.

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

Required statement:

The United States stipulates that this description accurately describes this element.

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OCT 11 1998

4. **Priority date:**

01/24/1942

Required statement:

As recommended in the Director's Report.

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

T06S R02W S14 NWSWSW

Required statement:

The United States stipulates that this description accurately describes this element.

6. **Purpose of use:**

Stockwater

Required statement:

As recommended in the Director's Report.

7. **Period of year** when the water is to be used:

01-01 through 12-31

Required statement:

As recommended in the Director's Report.

8. Legal description of the **place of use** or of the reservation:

T06S R02W S14 SWSW

Required statement:

As recommended in the Director's Report.

9. Other necessary matters:

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

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OCT 10 1993

These matters are necessary because:

These matters do not fall within the 9 elements listed above because:

Review By IDWR

To speed up the entry of a decree, the parties are encouraged to talk to the Idaho Department of Water Resources (IDWR) 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 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.

MICROFILMED

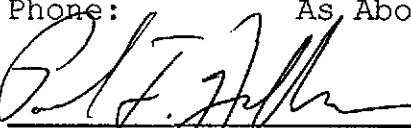
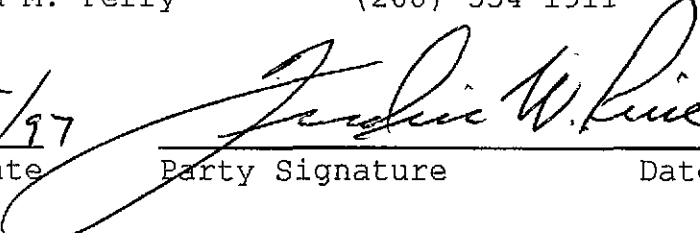
OCT 0 1996

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

Signatures and Addresses of Parties and their Attorney of Record (attach additional page if necessary): I have read this form, know its contents, and believe that the statements are true to the best of my knowledge.

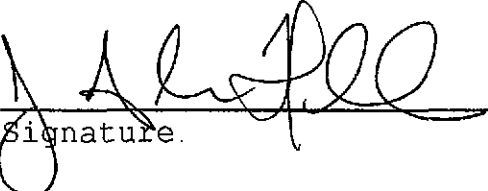
Name: United States of America, acting through the
Department of Interior,
Bureau of Land Management,
Idaho State Office
Address: 1387 South Vinnell Way
City/State/Zip: Boise, Idaho 83709-1657
Attorney of Record: R. Lee Leininger, (202) 305-0242
P. Fritz Holleman, and (202) 305-0494
William M. Ferry (208) 334-1911

Phone: As Above.

 7/15/97
Attorney's Signature Date
 6/26/97
Party Signature Date

IDWR Concurrence:

 6-30-97
Signature Date

 June 27, 97
Signature Date

MICROFILMED

OCT 11 1998

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: OCT-06-1993
PAGE: A-1

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: CHARITY SPRING		TRIBUTARY: CASTLE CREEK, NORTH FORK				
57-02357	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706	01/24/1942	STOCKWATER	01-01 12-31	.01	CFS LICENSE
NON-IRRIGATION USES:					TOTAL QUANTITY: .01 CFS	
STOCKWATER; 147 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT						
POINT OF DIVERSION:						
T06S R02W S14 ~~NWSWSW~~ ~~R2NWRM~~						
PLACE OF USE: STOCKWATER						
T06S R02W S14 ~~SWSW~~						
REMARKS: THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT. BLM RECORD ID = 5701588015						

MICROFILMED

OCT 8 1993

AJ5856AP

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

DATE: OCT-13-1992
PAGE: A-208

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: CHARITY SPRING						
TRIBUTARY: CASTLE CREEK, NORTH FORK						

57-02357 US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706

01/24/1942 STOCKWATER 01-01 12-31

CFS LICENSE

NON-IRRIGATION-USES:

STOCKWATER; 147 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:

T06S R02N S14

PLACE OF USE: STOCKWATER

T06S R02N S14

SWSW

REMARKS:

THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING
ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY
USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.
BLM RECORD ID = 5701588015

TOTAL QUANTITY:

.01 CFS

57-07415

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706

02/25/1983 STOCKWATER

01-01 12-31

CFS LICENSE

WILDLIFE

01-01 12-31

.02 CFS
1.1 AFY

.03 CFS
1.1 AFY

.05 CFS
1.1 AFY

TOTAL QUANTITY:

NON-IRRIGATION-USES:

STOCKWATER, 147 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:

T06S R02N S14

PLACE OF USE: STOCKWATER

T06S R02N S14

SWSW

PLACE OF USE: WILDLIFE

SAME AS OTHER USE

REMARKS:

THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING
ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY
USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.
BLM RECORD ID = 5701588296

MICROFILMED

OCT 13 1992

INSTRUCTIONS FOR MAILING

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

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

CERTIFICATE OF MAILING

I certify that on July 15, 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, ID 83303-2707

2. Copies to:

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

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

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


Justin Lord

MICROFILMED

OCT 8 1998

53-02357

11/2/68

Pax 3/24

~~recommended~~
~~claim~~ as located as NW SW
recommended in snow b/c road spring located there

they want to add PU (didn't claim)
lacks sufficient info - deny

~~maybe~~ but only if change seen to
unwarranted spring.
b/c under change of course 1/4 mile away.

can't be ch spring

~~was changed~~

Pax 5/3

Typo - this rd should read NWSESW for POD
deny PU (lack info)

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OCT 6 1968

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JUL 31 1997

Department of Water Resources
Adjudication Bureau

1997 JUL 29 PM 2:10

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED PL

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 57-02357

Case No. 39576

)
)
) PRELIMINARY SPECIAL
) MASTER'S REPORT
)

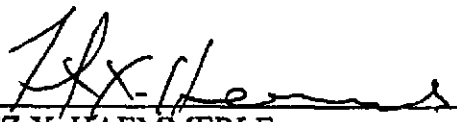
FINDINGS OF FACT AND CONCLUSIONS OF LAW

A notice of claim was filed for this water right pursuant to I.C. § 42-1409 (1990) by United States (BLM). 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 57-02357 was filed by Dennis and Shirley Cox Murdoch and United States (BLM). Subsequently, the objection by the private party was withdrawn by stipulation of the parties. The United States' objection involved error correction and was resolved; now therefore,

IT IS THEREFORE RECOMMENDED that subcase 57-02357 be decreed as recommended in the attached *Preliminary Special Master's Report and Recommendation*.

DATED July 29, 1997.


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

OCT 01 1997

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

In Re SRBA)
)
Case No. 39576)
)
)
)
)

PRELIMINARY

SPECIAL MASTER'S RECOMMENDATION FOR

PARTIAL DECREE FOR

Water Right 57-02357

1997 JUL 29 PM 2:1
DISTRICT COURT
TWIN FALLS, IDAHO
FILED *BL*

NAME & ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709

SOURCE: CHARITY SPRING TRIBUTARY: CASTLE CREEK, NORTH FORK

QUANTITY: 0.01 CFS

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

PRIORITY DATE: 01/24/1942

POINT OF DIVERSION: T06S R02W S14 NWSWSW Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.01 CFS

PLACE OF USE: STOCKWATER Within Owyhee County
T06S R02W S14 SWSW

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

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

DATED: 7/29/97

Fritz X. Raemmerle
FRITZ X. RAEMMERLE
Special Master
Snake River Basin Adjudication

1997 JUL 29 PM 2:10

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)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 57-02357

CERTIFICATE OF MAILING

I certify that a true and correct copy of PRELIMINARY SPECIAL MASTER'S REPORT, PRELIMINARY SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF PRELIMINARY SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on July 29, 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

DENNIS MURDOCH
MURDOCH, SHIRLEY COX
HC 79 BOX 2065
OREANA, ID 83650

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

MICROFILMED

OCT 6 1997

CERTIFICATE OF MAILING

Debbie Lash PAGE 1
DEBBIE LASH 07/29/97
Deputy Clerk

1997 JUL 29 PM 2:10

DISTRICT COURT - SRBA
TWIN FALLS, IDAHO

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

In Re SRBA)
Case No. 39576)
_____)

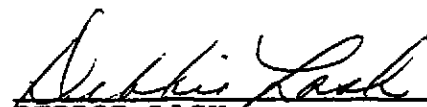
NOTICE OF ISSUANCE OF
PRELIMINARY SPECIAL MASTER'S
REPORT AND RECOMMENDATION

Water Right(s): 57-02357

On July 29, 1997, Special Master FRITZ X HAEMMERLE
lodged a PRELIMINARY SPECIAL MASTER'S REPORT and a PRELIMINARY
SPECIAL MASTER'S RECOMMENDATION pursuant to SRBA Administrative
Order 1 section 9 (f).

These documents are served only on parties to the subcase.
They are not served on the Presiding Judge. Parties to this subcase
may file a Motion to Alter or Amend with the Special Master, but
must do so before August 12, 1997.

DATED July 29, 1997.


DEBBIE LASH
Deputy Clerk

RECEIVED

AUG 27 1997

Department of Water Resources
Adjudication Bureau

1997 AUG 22 AM 10:07

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED *[Signature]*

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 57-02357

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 United States (BLM). 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.

Objections to the *Director's Report* were filed for water right 57-02357 by Dennis and Shirley Cox Murdoch and the United States (BLM). Subsequently, the objection by the private party was withdrawn by stipulation of the parties. The United States' objection involved error correction and was resolved.

A *Preliminary Special Master's Report and Recommendation* was issued July 29, 1997. No motion to alter or amend was filed and the time for such motion has now expired.

IT IS THEREFORE RECOMMENDED that subcase 57-02357 be decreed as recommended in the attached *Special Master's Recommendation for Partial Decree*.

DATED August 22, 1997.

[Signature]
FRITZ X. HAEMMERLE

Special Master, Reporting Area 2
Snake River Basin Adjudication

MICROFILMED

OCT 6 1998

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

1997 AUG 22 AM 10:07

In Re SRBA)
Case No. 39576)
_____)

SPECIAL MASTER'S RECOMMENDATION FOR COURT - SRBA
PARTIAL DECREE FOR TWIN FALLS CO., IDAHO
Water Right 57-02357

NAME & ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709

SOURCE: CHARITY SPRING TRIBUTARY: CASTLE CREEK, NORTH FORK

QUANTITY: 0.01 CFS

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

PRIORITY DATE: 01/24/1942

POINT OF DIVERSION: T06S R02W S14 NWSWSW Within OWYHEE County

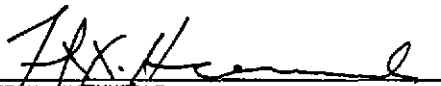
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.01 CFS

PLACE OF USE: STOCKWATER Within OWYHEE County
T06S R02W S14 SWSW

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

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

DATED: 8/22/97


FRITZ X. HAEMMERLE
Special Master
Snake River Basin Adjudication

MICROFILMED

OCT 8 1997

SPECIAL MASTER'S RECOMMENDATION
Water Right 57-02357

PAGE 1
JUL-9-1997

1997 AUG 22 AM 10:07

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)
_____)

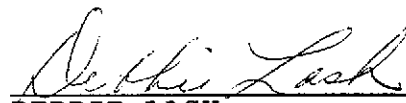
NOTICE OF ISSUANCE OF
SPECIAL MASTER'S REPORT
AND RECOMMENDATION

Water Right(s): 57-02357

On August 22, 1997, Special Master FRITZ X HAEMMERLE issued a SPECIAL MASTER'S REPORT AND RECOMMENDATION for the above subcase pursuant to SRBA Administrative Order 1 (AO1), Section 9.

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

DATED August 22, 1997.


DEBBIE LASH
Deputy Clerk

MICROFILMED

OCT 8 1998

1997 AUG 22 AM 10:07

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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

In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 57-02357

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on August 22, 1997, with sufficient first-class postage prepaid to the following:

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

STATE OF IDAHO
Represented by:
CLIVE STRONG
OFFICE OF ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-4449
Phone: 208-334-2400

USDI BLM
Represented by:
U.S. DEPT. OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

MICROFILMED

OCT 16 1997

CERTIFICATE OF MAILING

PAGE 1
08/22/97

DENNIS MURDOCH
MURDOCH, SHIRLEY COX
HC 79 BOX 2065
OREANA, ID 83650



DEBBIE LASH
Deputy Clerk

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

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706 (208) 334-1401	01/24/1942	STOCKWATER	01-01 12-31	0.01 CFS	
TOTAL DIVERSION:					0.01 CFS	

Water Source: CHARITY SPRING

Tributary to: CASTLE CREEK, NORTH FORK

Stage: LICENSE

Point(s) of Diversion:

T06S R02W S14

SENWSW

OWYHEE County

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE			
				NENE NWNE SWNE SENE				NENW NWNW SWNW SENW				NESW NWSW SWSW SESW				NESE NWSE SWSE SESE			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
06S	02W	14	:																

POU County: OWYHEE

Non-Irrigation Uses: STOCKWATER; 147 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

Other Rights: NONE

Conditions of Approval:

- L12 - THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING
- ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY
- USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.

Remarks: BLM RECORD ID = 5701588015

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Comments: Date: 09/24/1992 User-ID: FRAZEE Subject: COPIED FROM REMARKS

BLM RECORD ID = 5701588015

PREVIOUSLY FILED WITH THE IDAHO DEPARTMENT OF WATER RESOURCES.

Audit: 09/24/92 FRAZEE

MICROFILMED
OCT 07 1992

CLAIM NO. A57-02357

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM VERIFICATION EXAM SHEET
FOR PREVIOUSLY RECORDED BLM RIGHTS

1. ☐ No Overlap with Claim by Private Individual - OWNERSHIP
☒ Overlaps with Claim by Private Individual
Claim No(s). A57-10616
☐ Private claimant notification letter sent - Date _____
2. ☒ No Change - DATE OF PRIORITY - Claim matches existing license or decree
☐ Change - Claim does not match existing license or decree
Priority date, per IDWR records, is _____.
3. ☐ No Change - SOURCE
☒ Source, per IDWR records, is Charity Spring.
4. ☐ No Change - POINT OF DIVERSION - Claim matches existing license or decree
☒ Point of diversion has changed - Map attached.
Twp 6S, Rge 2W, Sec 14, NW 1/4, SW 1/4, SW 1/4
How was this verified? USGS topo.
5. N/A
6. ☐ No Change - WATER USES
☐ Uses, per IDWR records:
Use stockwater only From _____ To _____ Amount 0.01 cfs _____ af
Use _____ From _____ To _____ Amount _____ cfs _____ af
7. ☒ No Change - TOTAL RATE AND VOLUME
☐ Total rate and volume, per IDWR records: _____ cfs _____ afa
8. N/A
9. ☒ No Change - NON-IRRIGATION USES: Completed on claim
☐ Incomplete on claim - Per IDWR records:
Domestic - No. of homes _____ Stockwater - No. of head _____
Other: _____

MICROFILMED
OCT 07 1992

10. ☐ No Change - PLACE OF USE
☒ Place of Use has changed as shown - Map attached

Use	Twp.	Rge.	Sec.	1/4,	1/4,
<u>Stockwater</u>	<u>6S</u>	<u>2W</u>	<u>14</u>	<u>SW</u>	<u>SW</u>

How was this verified? _____

Remarks: (Comments pertinent to review)

D Permit 70

Overlap with A57-10616 - Shirley Cox

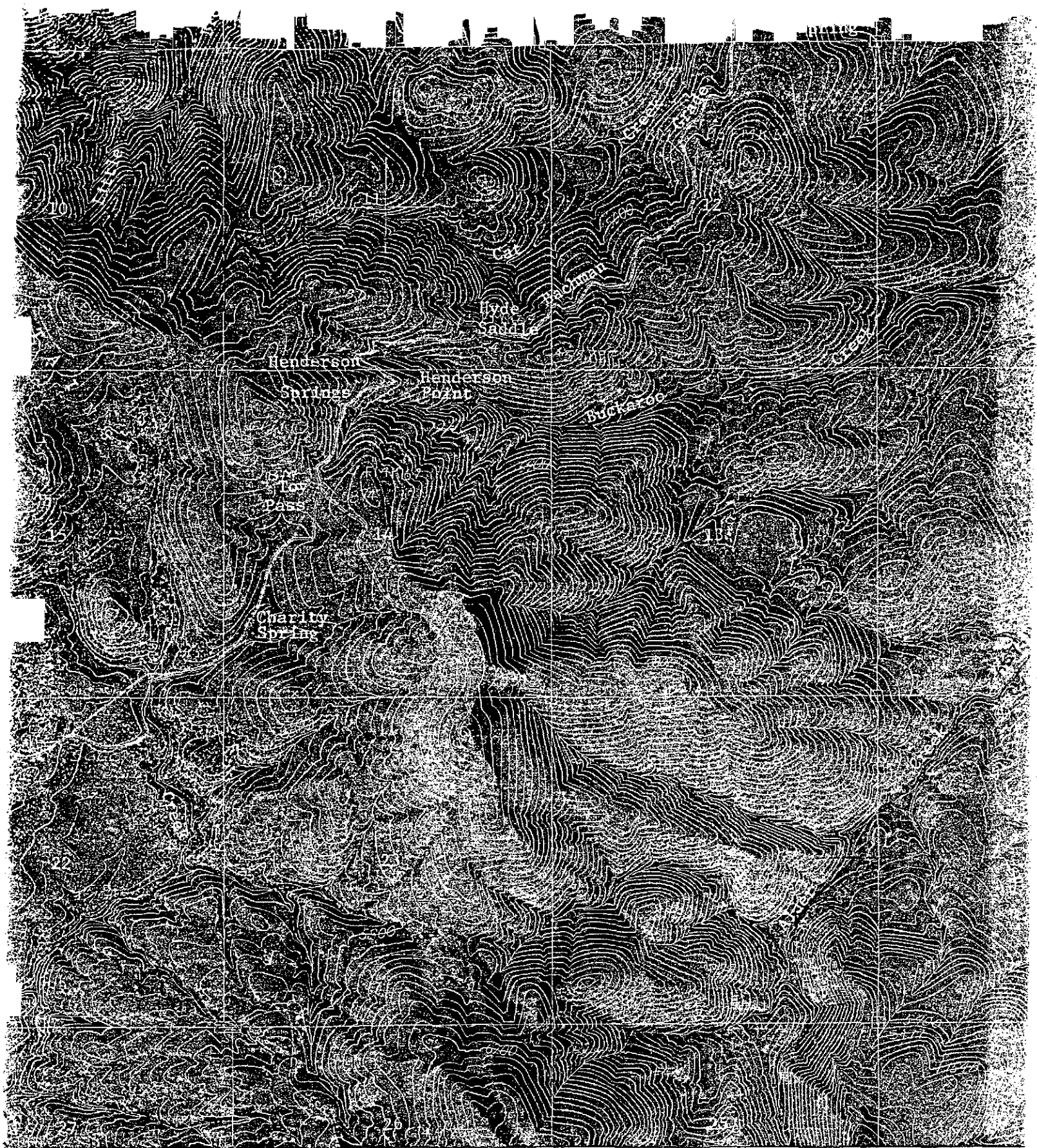
Map AAC

Review Completed by:

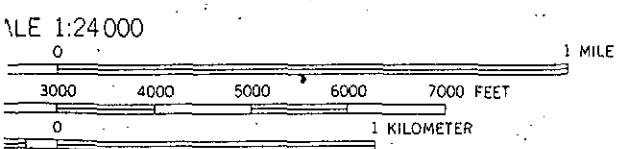
Shirley Cox - Thonk.
signature

Date:

9-19-92



386 387 32° 30' 388 389 540000m E

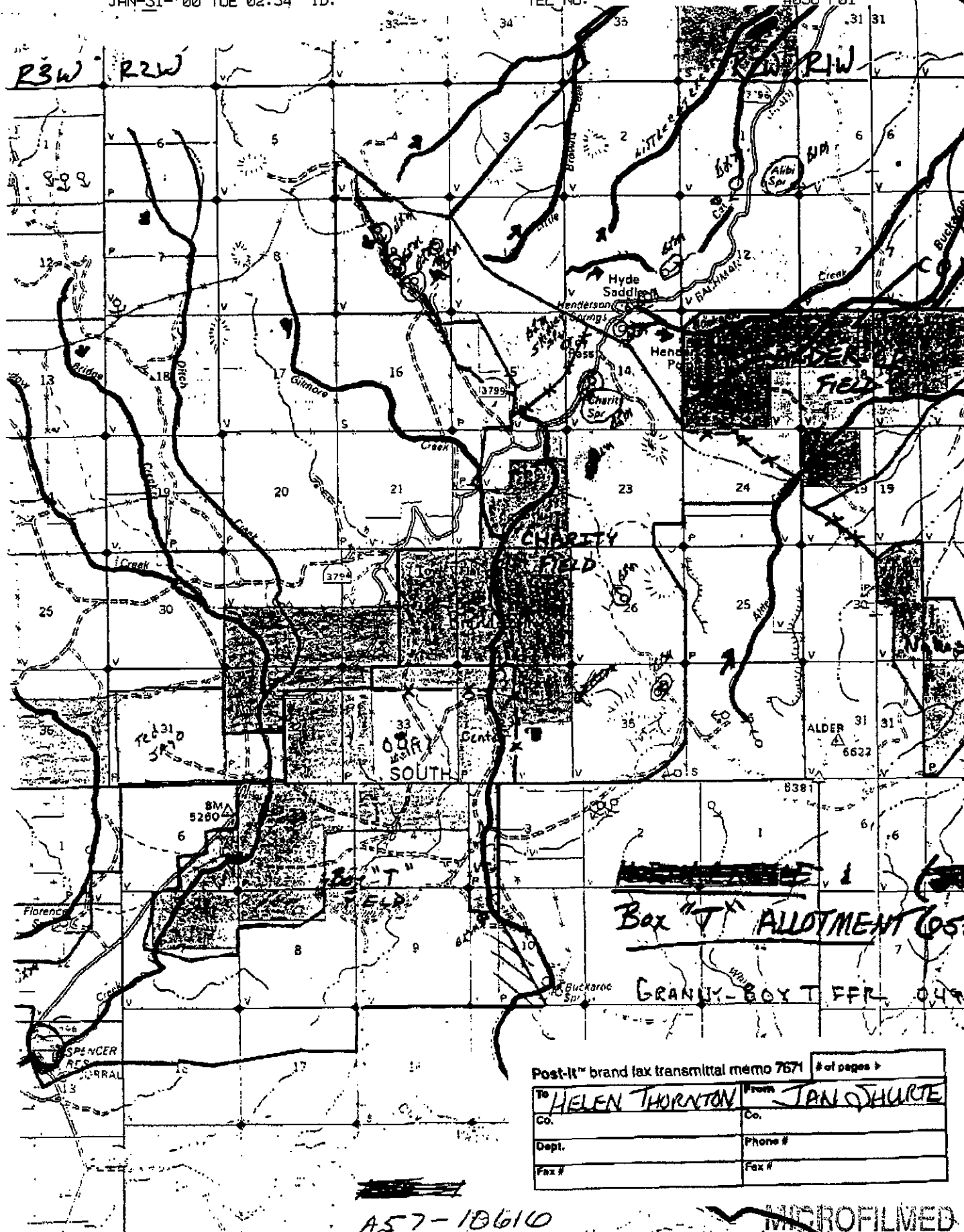


MICROFILMED

OCT 07 1992



TRIANGLE NE 11



Post-It™ brand fax transmittal memo 7671 # of pages 1

To	HELEN THORNTON	From	JAN SHURTE
Co.		Co.	
Dept.		Phone #	
Fax #		Fax #	

A57-10610

MICROFILMED

OCT 07 1992

9-19-92
 Copy of map from Shirley Cox claim A57-10616, overlap of spring in Sec. 14 with
 BLM A57-02357. Identifies Charity Spring in NW SW, rather than SWSW, as
 located at USGS topo 7.5 min. HHT

D-0604-2 Township: 06S		Range: 02W		Section: 14		Tract: NWSW		Lot:	
S	L	Water	Name	O	S	Max #	Records	16	
E	O		Last, First	W	T	Priority	Use		
L	Tract	Right No.		N	AC	Date	Code	Desc	
NWSW	A57-10616	COX, SHIRLEY	C	J	05/01/1930	04	STOCK		
NWSW	R57-10616	COX, SHIRLEY	C	J	05/01/1930	04	STOCK		
NWSW	A57-02357	US DEPT OF INTERIOR	C	L	01/24/1942	04	STOCK		
		BLM	K			16	WILDLF		
NWSW	A57-02357	HAUGRUD, JACK OR G GAR	A						
		US DEPT OF INTERIOR	C	L	01/24/1942	04	STOCK		
		BLM	K			16	WILDLF		
		HAUGRUD, JACK OR G GAR	A						

Enter=Continue)

(GOLD7=This Query)

(Menu _____)

A57- NENWSW PP

Overlap.

H35

9-19-92

MICROFILMED

OCT 07 1992

WR5809NP
No. 57-02357

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/18/92
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	US DEPT OF INTERIOR	01/24/1942	STOCKWATER	01-01 12-31	0.01 CFS	
TOTAL DIVERSION:					0.01 CFS	

Water Source: SPRING

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T06S R02W S14 NW SW

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE							
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac	
06S	02W	14	:					:					:					:					:

Pou County: OWYHEE

Dates: App. Received:
Proof Due Date:
Exam Made Date:
Licensed Date: 08/31/1981

Priority Date: 01/24/1942
Proof Made Date:
Exam Sent to S.O.:

Misc: Water District Number:

Field Exam Fee:

MICROFILMED
OCT 07 1992

FOR FARMSTEAD, DOMESTIC, OR STOCK WATERING PURPOSES

Application No. D. 70

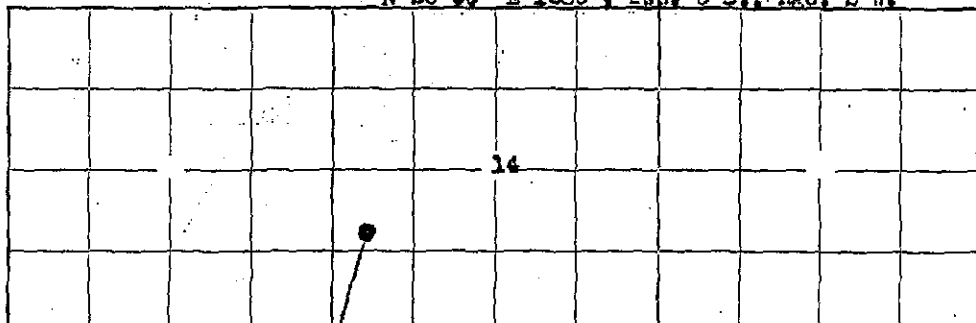
Permit No. D. 70 57-2357

District No. 1, C-14, Oresana, Ida., 4-S, Charity Springs

1. Name of Applicant GRAZING SERVICE, U. S. DEPT. OF THE INTERIOR.
2. Post Office Address Box 725, Pocatello, Idaho
3. Quantity of water claimed 0.1068 c/s 1-24-1942
(Not to exceed 0.1 second foot or 15 acre feet)
4. Source of water supply spring
(Spring, well, unnamed stream, small lake, snow, or runoff)
5. Location of point of diversion feet distant from the corner of Section
6. Location of point of use N 20°00' E, 1580' feet distant from the SW corner of Section 14
Twp. 6 S, Rgc. 2 W, B. M., and in the NW 1/4 of the SW 1/4 of Sec. 14, Twp. 6 S, Rgc. 2 W
73 Cwyhee County
7. Water to be used for watering livestock 1/1-12/31
8. Estimated cost of works 71.00
9. Kind of works spring, wooden troughs.
(Reservoir, dam, ditch, flume, pipe, etc.)
10. Size
(Headgate, ditch, flume, pipe, etc.)
11. Time required to apply water to proposed use
12. If reservoir is used, fill in the following in addition to the above questions:
 - (a) Height of dam feet: Length at top feet.
 - (b) Material from which dam is constructed
(earth, concrete, timber, rock)
 - (c) The outlet of the proposed reservoir is located feet from the corner of Section , Twp. , Rgc. , B. M.

REMARKS:

Applicant GRAZING SERVICE, U. S. DEPT. OF INTERIOR Agent GEO. E. TICKER, Improvement Supervisor
N 20°00' E 1580', Twp. 6 S., Rgc. 2 W.



MICRO
OCT 0

70

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho and hereby approve the same, subject to the following limitations and conditions:

Work to begin on or before March 10, 1942 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

Completion of Works and Beneficial Use of Water appropriated in accordance herewith, to be made on or before April 24, 1948.

Witness my hand this 24th day of Jan, 1942.

E. V. BERG Commissioner of Reclamation.

IN TESTIMONY WHEREOF, We, Chase A. Clark, Governor of the State of Idaho,

and Geo. H. Curtis, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 24th day

of January, 1942.

Countersigned: STATE OF IDAHO

By GEO. H. CURTIS Secretary of State. By CHASE A. CLARK Governor.

No. D. 70

PERMIT

Date of first receipt at office of Commissioner of Reclamation

Jan. 24, 1942

Returned to applicant for correction

Corrected application received

Fees \$

STATE OF IDAHO LICENSE AND CERTIFICATE OF WATER RIGHT

Water License No. D.

TO
Source of Supply
Amount Sec. Feet
Place of Use
Purpose
Date of Priority
Recorded
In Book of Licenses, Page

LICENSE AND CERTIFICATE OF WATER RIGHT

Water License No. D. 70 Priority Jan. 24, 1942 Amount 01065 c.f.s.

This is to certify that Grazing Service of Box 728, Pocatello, Idaho

made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of a right to the use of the waters of

spring under Use Permit No. D. 70 and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and

entered of record in Volume D. 70 of Licenses at page D. 72, on the 24th day of Jan.

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS THE SEAL and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 24th day of

Jan., 1942.

MICROFILMED

OCT 07 1992

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

CIVIL CASE NUMBER: 39576

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

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

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

A57-02357

PRIORITY DATE: 1942-01-24
IDWR WATER RIGHT NO. 5702357
BLM NUMBER: 5701588015
BASIS OF CLAIM: BENEFICIAL USE
BASIN NO.: 57

SOURCE	TRIBUTARY TO
----- SPRING	----- NORTH FORK CASTLE CREEK

DESCRIPTION OF DIVERSION WORKS

INSTREAM

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
-----	-----	-----	-----	-----
STOCKWATER	0.010	0.00	0101	1231
WILDLIFE	0.010		0101	1231
TOTAL:	0.010 CFS	0.00 AF		

NON-IRRIGATION USES

S/147 RANGE CATTLE W/VAR AMT

MICROFILMED

OCT 07 1992

POINT OF DIVERSION							
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
---	---	---	-----	-----	-----	---	-----
06S	02W	14		NW	SW	0	OWYHEE

PLACE OF USE							OWNED	IRRIGATED ACRES
TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	-----	-----
---	---	---	-----	-----	---	-----	-----	-----
06S	02W	14	NW	SW	0	OWYHEE		0.0
06S	02W	14	NW	SW	0	OWYHEE		0.0

TOTAL ACRES IRRIGATED: 0.0

BLM NUMBER: 5701588015

PAGE 2

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

REMARKS

PREVIOUSLY FILED WITH THE IDAHO DEPARTMENT OF WATER RESOURCES

MICROFILMED
OCT 07 1992

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

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

Case No. 57-02357 -0002

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.

*Waiting
for
original
to
file*

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

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

Briefly describe your interest in this water right:

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

(Over)

MICROFILMED
JUL 20 1994

2. Person who filed objection:

Name: US BUREAU OF LAND MANAGEMENT
Address: 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

9. |X| Place of Use: I respond to the objection concerning:

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection item 9 and all allegations of the objection regarding this item IDWR responds as follows: The place of use was recommended as claimed by the United States. The United States improperly seeks to use the objection process to amend its notice of claim. IDWR believes that a claimant must obtain leave of the court to amend a claim after the director's report is filed, just as a party must obtain leave of the court to file a late claim after the director's report is filed. Once leave of court is granted, IDWR can investigate the amended claim and make an appropriate recommendation to the court. IDWR lacks sufficient information to form a belief as to the truth of the matter asserted and therefore denies this portion of the objection and all allegations regarding this portion of the objection.

There is an error in the description of the point of diversion of this right in the director's report. The recommendation should be corrected as shown in the attachment entitled "Recommended Water Rights Acquired Under State Law."

CHANGES TO THE DIRECTOR'S REPORT

See attached List of Recommended Water Rights Acquired under State Law.

☒ 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

The notice of claim is attached to IDWR's response
to Objection No. 57-02357-0001
Recommended Water Rights Acquired under State Law

1

(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 29th 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 1st day of July, 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:

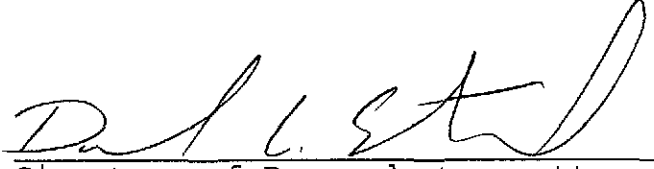
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

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

See No. 3

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
BOX 33
BOISE ID 83734



Signature of Respondent or attorney
mailing on Respondent's behalf

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

DATE: JUNE-21-1993

PAGE: A-1

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: CHARITY SPRING		TRIBUTARY: CASTLE CREEK, NORTH FORK				
57-02357	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706	01/24/1942	STOCKWATER	01-01 12-31	.01 CFS	LICENSE
TOTAL QUANTITY:					.01	CFS
NON-IRRIGATION-USES: STOCKWATER; 147 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT						
POINT OF DIVERSION: T06S R02W S14 ~~SENWSWNNSWSW~~						
PLACE OF USE: STOCKWATER						
T06S R02W S14 SWSW						
REMARKS: THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT. BLM RECORD ID = 5701588015						

MICROFILMED
JUL 20 1994

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. 57-02357 -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)

2. Person who filed objection:

Name: DENNIS OR SHIRLEY COX MURDOCH
Address: HC 79 BOX 2065
OREANA ID 83650

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.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection item 1 and all allegations of the objection regarding this item IDWR responds as follows: This is a dispute over the ownership of a water right between the owner of the place of use (the United States) and the holder of a federal grazing permit to these lands (the objector). Generally, in landlord/tenant type disputes over the ownership of a water right based on appropriation, the water right is presumed to be owned by the owner of the place of use unless a mutual intent to the contrary is clearly shown. As to this water right, the objector did not submit evidence to IDWR sufficient to overcome the presumption. IDWR therefore denies the objection and all allegations of the objection not expressly admitted herein.

There is an error in the description of the point of diversion of this right in the director's report. The recommendation should be corrected as shown in the attachment entitled "Recommended Water Rights Acquired Under State Law." (See Response to Objection no. 57-02357-0002.)

CHANGES TO THE DIRECTOR'S REPORT

See attached List of Recommended Water Rights Acquired under State Law.

☒ 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. A57-02357	2
Recommended Water Right Acquired under State Law	1

(Over)

VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

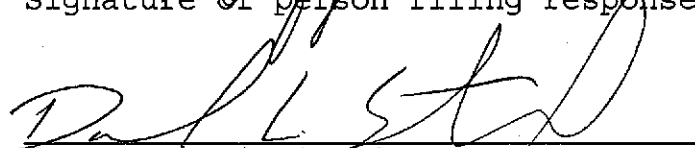
Donald V. Shaff, being first duly sworn, upon oath, deposes and says:

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.



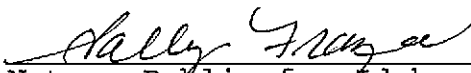
Signature of person filing response

By:



(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 29th 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 15th day of July, 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: US DEPT OF JUSTICE
Address: K JACK HAUGRUD & DARIA J ZANE
550 W FORT ST
BOX 33
BOISE ID 83734

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: DENNIS OR SHIRLEY COX MURDOCH
Address: HC 79 BOX 2065
OREANA ID 83650



Signature of Respondent or attorney
mailing on Respondent's behalf

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

DATE: JUNE-21-1993

PAGE: A-1

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: CHARITY SPRING		TRIBUTARY: CASTLE CREEK, NORTH FORK				
57-02357	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706	01/24/1942	STOCKWATER	01-01 12-31	.01 CFS	LICENSE
					TOTAL QUANTITY:	.01 CFS
NON-IRRIGATION-USES:						
STOCKWATER; 147 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT						
POINT OF DIVERSION:						
T06S R02W S14 ~~SE1/4SW1/4S14~~						
PLACE OF USE: STOCKWATER						
T06S R02W S14 SWSW						
REMARKS: THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT. BLM RECORD ID = 5701588015						

MICROFILMED
JUL 20 1994

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. 57-02357
(You must insert the
water right number you
are objecting to)

OBJECTION

RECEIVED

FEB 26 1993

Department of Water Resources
Adjudication Bureau

INSTRUCTIONS

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

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

(Over)

OBJECTION - 1

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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, has a valid water right
which requires specific corrections or
additions to the previous filing.

2. Owner of the water right: United States of America
U.S. Department of Interior
Name: Bureau of Land Management
Address: 3380 Americana Terrace
Boise, Idaho 83706

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, has a valid water right. This claim as it appears in the Directors Report contains errors or is incomplete and requires amendment.

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 allowance of this claim incorporating the corrections or additions specified in the attachment.

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. List of changes required to correct this claim.

2. Copy of USDI claim from the Directors Report.

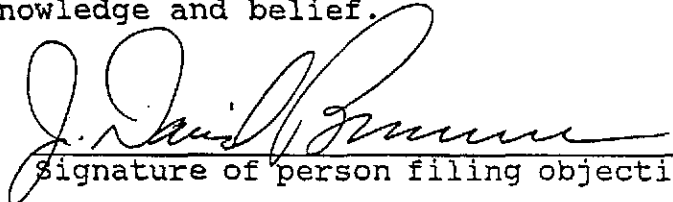
VERIFICATION (Must be Completed)

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:

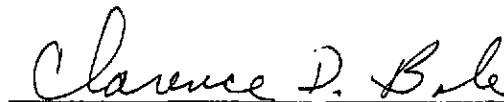
That I am the person or entity filing this objection, that I am a water claimant or party in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and belief.


Signature of person filing objection

By: _____

(Attorney signing in
representative capacity)

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


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

(Over)

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 ^{serve}mailed the original and ^{filed}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: US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
Owner's address: 3380 AMERICANA TERRACE
BOISE IDAHO 83706

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

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: OCT-13-1992
PAGE: A-208

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: CHARITY SPRING		TRIBUTARY: CASTLE CREEK, NORTH FORK				
57-02357	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706	01/24/1942	STOCKWATER	01-01 12-31	.01	CFS LICENSE
TOTAL QUANTITY:					.01	CFS
NON-IRRIGATION-USES: STOCKWATER; 147 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT						
POINT OF DIVERSION: T06S R02W S14 SENWSW						
PLACE OF USE: STOCKWATER T06S R02W S14 SWSW						
REMARKS: THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT. BLM RECORD ID = 5701588015						
57-07415	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706	02/25/1983	STOCKWATER	01-01 12-31	.02	CFS LICENSE
					1.1	AFY
WILDLIFE					.03	CFS
					1.1	AFY
TOTAL QUANTITY:					.05	CFS
					1.1	AFY
NON-IRRIGATION-USES: STOCKWATER, 147 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT						
POINT OF DIVERSION: T06S R02W S14 NWSWSW						
PLACE OF USE: STOCKWATER T06S R02W S14 SWSW						
PLACE OF USE: WILDLIFE SAME AS OTHER USE						
REMARKS: THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT. BLM RECORD ID = 5701588296						

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JUL 20 1994

ATTACHMENT 1

CLAIM NUMBER: 57-02357

PLACE OF USE:

ADD: T02S R05W S07 SESW

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. 57-02357

(You must insert the
water right number you
are objecting to)

OBJECTION

RECEIVED

FEB 26 1993

Department of Water Resources
Adjudication Bureau

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(Over)

OBJECTION - 1

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JUL 28 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:

Name:

Dennis OR Shirley Cox Murdoch

Address:

HC 79 BOX 2065
OREANA Idaho 83650

Briefly describe your interest in this water right:

We Hold Grazing Permits
where the rights were filed
We also filed our this water
prior to the Blm filings.

2. Owner of the water right: U.S Dept of Interior

Name:

Bureau of Land Management

Address:

3380 Americana Terrace
Boise Id - 83706

3. If this objection is filed by an attorney:

Attorney Name:

Attorney Address:

Attorney Phone No.:

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.

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 - 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.
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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
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REASONS SUPPORTING EACH BOX CHECKED

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SEE ATTACHMENT 1

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.

SEE ATTACHMENT 1

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☐ 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. _____

VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

Dennis S. Murdoch

(Name of person filing objection)

, being first duly 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.

D S Murdoch

Signature of person filing objection

By: _____

(Attorney signing in representative capacity)

Subscribed and sworn to before me this 25TH day of FEBRUARY, 1993.

Jan O Hunt

Notary Public for STATE OF IDAHO

Residing at: MERIDIAN, IDAHO

My Commission expires: 9-14-94

(Over)

OBJECTION - 5

MICROFILMED
JUL 20 1994

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CERTIFICATE OF MAILING

I hereby certify that on the 25 day of Feb, 1993, I mailed the original and copies of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

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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:

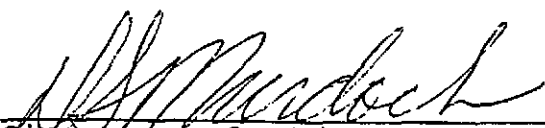
Owner name: US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
Owner's address: IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BONE, ID 83706

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

Attachment (1)

Case No.

57-02357

REASONS SUPPORTING EACH BOX CHECKED

(BOX 1) This water right was developed by historic use for stockwater by private individuals on unappropriated open range. Our current Federal grazing permit is based on that historic use and was awarded through an adjudication process in 1935. Our privately owned grazing permit can be bought, sold, traded, inherited and taxed and is totally dependent upon our continued ability to use this water right. Therefore the name on this water right should be ours.

CHANGES TO THE DIRECTORS REPORT

I want the name and address of the owner of the water right changed as follows:

FROM US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706

Dennis
TO *OR Shirley Cox Murdoch*
HC 79 Box 2065
OREANA Idaho 83650

MICROFILMED
JUL 20 1994