

No Color
Documents
In File

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

A57-02366

PRIORITY DATE: 1942-01-24
IDWR WATER RIGHT NO. 5702366
BLM NUMBER: 5701588024
BASIS OF CLAIM: BENEFICIAL USE
BASIN NO.: 57

SOURCE	TRIBUTARY TO
SPRING	DRY CREEK

DESCRIPTION OF DIVERSION WORKS
PIPELINE, 5 CONCRETE TROUGHS (ORIGINAL)

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/338 RANGE CATTLE W/VAR AMT

MICROFILMED
OCT 07 1992

POINT OF DIVERSION							
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
01S	06W	36		SE	SE	0	OWYHEE

PLACE OF USE							OWNED	IRRIGATED ACRES
TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY		
01S	06W	36	SE	SE	0	OWYHEE		0.0
01S	06W	36	SE	SE	0	OWYHEE		0.0
TOTAL ACRES IRRIGATED:								0.0

BLM NUMBER: 5701588024

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

RECEIVED

JUN 04 1998

Department of Water Resources

1998 JUN -2 PM 4:06

DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED AL

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

In Re SRBA	)	Subcase 57-02366
	)	
Case No. 39576	)	SPECIAL MASTER'S REPORT
	)	and RECOMMENDATION
_____	)	

FINDINGS OF FACT AND CONCLUSIONS OF LAW

A notice of claim was filed for this water right pursuant to I.C. § 42-1409 (1990). 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 was filed to the "name" element listed on the Director's Report for water right 36-02366 by Ted Gammett. A hearing was held on May 20, 1998, at the hearing Mr. Gammett confirmed that he withdraws his objection to water right 36-02366. However, water right 36-02366 was recommended disallowed because it was recommended as right number 36-10812.

THEREFORE IT IS RECOMMENDED that water right 36-02366 be decreed disallowed.

DATED June 1, 1998.


FRITZ X. HAEMMERLE
Special Master
Snake River Basin Adjudication

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JUN 04 1998

Department of Water Resources 1998 JUN -2 PM 4:06

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO *LL*

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

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

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 57-02366

On June 02, 1998, Special Master FRITZ X HAEMMERLE issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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

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

DATED June 02, 1998.



DEBBIE LASH
Deputy Clerk

RECEIVED

JUN 04 1998

Department of Water Resources

1998 JUN -2 PM 4:06

DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED 22

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

In Re SRBA

CERTIFICATE OF MAILING

Case No. 39576

Water Right(s): 57-02366

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 02, 1998, 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

CERTIFICATE OF MAILING

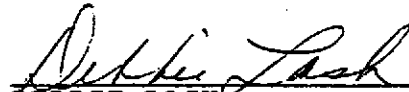
PAGE 1
06/02/98

RECEIVED

JUN 04 1998

TED GAMMETT
ROCKVILLE ROUTE
JORDAN VALLEY, OR 97910

Department of Water Resources



DEBBIE LASH
Deputy Clerk

RECEIVED

MAY 14 1997

Department of Water Resources
Adjudication Bureau

1997 MAY 12 PM 2:34

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

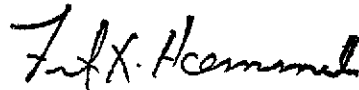
) Subcase: See Attached Exhibit A
)
)
)
)

**ORDER RECOMMENDING
REINSTATEMENT OF CLAIM
AND OBJECTIONS**

On April 1, 1997 the court issued an *Order Conditionally Dismissing Water Rights and Order Conditionally Dismissing Objections* in the aforementioned subcases. The purpose of the recommendation is that the claimants did not appear at various scheduled hearings.

On April 17, 1997 the claimants appeared before the court requesting that the court reinstate the claims and objections. The court considered the matter under I.R.C.P. 60(b). The court found good cause for the claimants failure to appear at the prior hearings and therefore reopen the subcases and objections. IT IS HEREBY RECOMMENDED that the court reinstate the subcases and objections listed on Exhibit A.

DATED May 12, 1997.



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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER RECOMMENDING REINSTATEMENT OF CLAIMS AND OBJECTIONS was mailed on May 12, 1997, with sufficient first-class postage to the following:

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

The United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

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

Ted Gammett
Rockville Route
Jordan Valley, OR. 97910


Deputy Clerk

EXHIBIT A

Subcase Nos:

57-02366
57-02375
57-02434
57-02483
57-02505
57-02506
57-04071
57-07291
57-07352
57-07386
57-07387
57-07444
57-07466

APR 03 1997

1997 APR 01 PM 03:12
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

SUBCASE NOS: SEE ATTACHED EXHIBIT A

Page 1
4/01/97

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the NOTICE SETTING HEARING was mailed on APRIL 01, 1997, with sufficient first-class postage to the following:

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

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

TED GAMMETT
ROCKVILLE ROUTE
JORDAN VALLEY, OR 97910

TED GAMMETT
ROCKVILLE ROUTE
JORDAN VALLEY, OR 97910
Phone: 503-339-4130

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

Exhibit A

Subcase Nos:

57-02366
57-02375
57-02434
57-02483
57-02505
57-02506
57-04071
57-07291
57-07352
57-07386
57-07387
57-07444
57-07466

RECEIVED

APR 03 1997

Department of Water Resources

1997 APR -1 PM 4:28

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

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

In Re SRBA

) Subcase See Exhibit A
)
)
)
)

Case No. 39576

ORDER CONDITIONALLY
DISMISSING OBJECTIONS

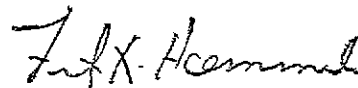
These claims were made by the United States on behalf of the Bureau of Land Management. On February 26, 1993 Ted Gammett filed an objection to these claims. On Thursday March 27, 1997 a *Status Conference* was held on the above listed subcases. The Gammetts failed to appear for that hearing.

Notice was provided to the Gammetts for the hearing date. Because Gammett failed to appear at the *Status Conference* scheduled for March 27, 1997 the court **conditionally recommends** that the objections filed by the Gammetts be **dismissed**.

However, the court shall set this matter for an *Order to Show Cause Hearing*, at which time a representative for these objections may appear and give cause as to why the objections should not be **dismissed**. For good cause the court shall reopen these objections for further action.

IT IS SO ORDERED.

DATED April 1, 1997.



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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER CONDITIONALLY DISMISSING OBJECTIONS** was mailed on April 1, 1997, with sufficient first-class postage to the following:

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

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

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

Ted Gammett
Rockville Route
Jordan Valley, Or 97910

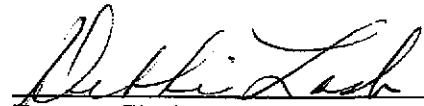

Deputy Clerk

EXHIBIT A

Subcase Nos:

57-02366
57-02375
57-02434
57-02483
57-02505
57-02506
57-04071
57-07291
57-07352
57-07386
57-07387
57-07444
57-07466

RECEIVED

FEB 24 1997

Department of Water Resources

1997 FEB 21 PM 12:51
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA	)	ORDER SETTING STATUS
	)	CONFERENCE
Case No. 39576	)	
_____	)	SUBCASE NOS: SEE ATTACHED EXHIBIT A

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

FRIDAY, MARCH 28, 1997 at 09:45 AM

OWYHEE COUNTY COURTHOUSE
HIGHWAY 78
PO BOX 128
MURPHY, ID

IT IS SO ORDERED.

Dated: FEBRUARY 21, 1997

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

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

CERTIFICATE OF MAILING

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

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

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

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

TED GAMMETT
ROCKVILLE ROUTE
JORDAN VALLEY, OR 97910

TED GAMMETT
ROCKVILLE ROUTE
JORDAN VALLEY, OR 97910
Phone: 503-339-4130

Exhibit A

Subcase Nos:

57-02366
57-02375
57-02434
57-02483
57-02505
57-02506
57-04071
57-07291
57-07352
57-07386
57-07387
57-07444
57-07466

RECEIVED

MAR 29 1996

Department of Water Resources
Adjudication Bureau

1996 MAR 27 AM 9:29
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA

Case No. 39576

) Subcase Nos: 57-10939, 57-07291,
) 57-07466, 57-02375, 57-04071, 57-02506,
) 57-07386, 57-07387, 57-02366, 57-07444,
) 57-02434, 57-02483, 57-07352 and
) 57-02505

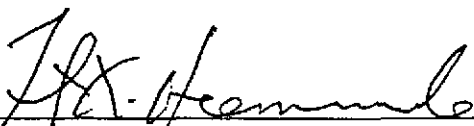
) ORDER GRANTING MOTION TO
) WITHDRAW

On March 25, 1996, Richard A. Simms and Margaret J. King of the firm of Simms & Stein, filed a *Motion for Leave to Withdraw* as counsel for Ted Gammatt in the above subcases stating that they have been discharged.

IT IS ORDERED that the *Motion for Leave to Withdraw* is granted and Richard A. Simms, Margaret J. King and the firm of Simms & Stein are withdrawn as counsel of record for Ted Gammatt in the above subcases.

IT IS FURTHER ORDERED that within 20 days from the date of mailing this Order, Ted Gammatt shall either file a written notice with this court that states his intention to represent himself in these subcases or otherwise specifically advise the court how he intends to proceed.

DATED March 27, 1996.


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

CERTIFICATE OF MAILING

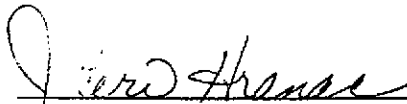
I certify that a true and correct copy of the ORDER GRANTING MOTION TO WITHDRAW was mailed on March 27, 1996, with sufficient first-class postage to the following:

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

The United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

Richard A. Simms
Margaret J. King
Simms & Stein, P.A.
P.O. Box 3329
Hailey, ID 83333

Ted Gammatt
Rockville Route
Jordan Valley, OR 97910



Deputy Clerk

57-12356

See file 57-10934
for complete document
YK

Movants:

Richard Simms
Margaret J. King
Simms & Stein, P.A.
102 Aspen Lakes Drive
P.O. Box 3329
Hailey, Idaho 83333
(208) 788-9145
Facsimile: (208) 788-0927

RECEIVED
MAR 27 1996
Department of Water Resources
Adjudication Bureau

RECEIVED
MAR 28 1996
OFFICE OF THE CLERK
ADJUDICATION BUREAU

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

In Re SRBA)
Case No. 39576) **MOTION FOR LEAVE TO WITHDRAW**
_____)
_____)

Come Now Richard A. Simms, counsel pro hac vice, and Margaret J. King, local counsel pursuant to Rule 222 of the Idaho Bar Commission Rules, and hereby move to withdraw as counsel of record for Ted Gammitt pursuant to Rule 11(b)(3) of the Idaho Rules of Civil Procedure. In support hereof, counsel state that they have been discharged as reflected in the Notice of Discharge, attached hereto as Exhibit A.

WHEREFORE counsel move that the court enter its order pursuant to Rule 11(b)(3) of the Idaho Rules of Civil Procedure permitting withdrawal and directing the client to appoint another attorney to appear or to appear in person by filing a written notice stating how the client will proceed without counsel.

Dated this 25th day of March, 1996.

Ted Gammett
57-02366/02375/2434/2483
57-02505/02506/04071/07291/07352/07386/07387
57-07444/07466

57-02366 BLM and Ted Gammett both claimed this right. The license was originally issued in the name of the U.S.; we would have recommended the right in the name of BLM and "disallowed" Gammett's claim. However, we found that the right was more clearly represented by claim no. 57-10812. We disallowed any claim to 57-02366 and recommended 57-10812 in the name of BLM. Gammett objects to the ownership of this disallowed claim.

57-02375 Gammett objects to BLM ownership of this right. In addition, the point of diversion needs correction.

57-02434 Gammett objects to BLM ownership of this right.

57-02483 ownership

57-02505 ditto

57-02506 ditto

57-04071 ditto

57-07291 ditto

57-07352 ditto

57-07386 ditto

57-07387 ditto

57-07444 ditto

57-07466 ditto

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

1993 JUN 1 PM 5:02
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

Case No. 57-02366 -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: TED GAMMETT
Address: ROCKVILLE
JORDAN VALLEY OR 97910

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 claim has been recommended for disallowal. Duplicative claims have been filed for the same stockwater use. Claim No. A57-10812 is based on beneficial use; claim No. A57-02366 was based on a license. IDWR had information indicating the existence of a stockwater use prior to the license; IDWR therefore recommended right No. 57-10812 to be decreed as described in the director's report. IDWR does not have information to support the beneficial use of water beyond what is described in right No. 57-10812. There are no objections to water right No. 57-10812. IDWR therefore denies the objection and all allegations of this objection.

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. A57-02366

2

(Over)

VERIFICATION (Must be Completed)

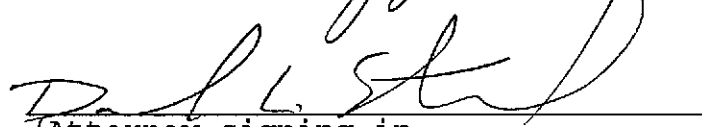
State of IDAHO

County of ADA

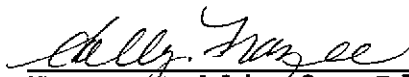
Donald V. Shaff, being first duly sworn, upon oath, deposes and says:

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 30th day of June,
1993.


Notary Public for Idaho
Residing at: Boise ID
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:

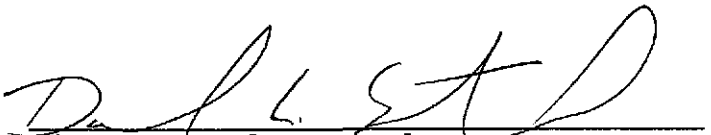
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

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

Name: US DEPT OF JUSTICE
Address: ENVT & NAT RESOURCES DIV
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: TED GAMMETT
Address: ROCKVILLE
JORDAN VALLEY OR 97910



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

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

A57-02366

PRIORITY DATE: 1942-01-24
IDWR WATER RIGHT NO. 5702366
BLM NUMBER: 5701588024
BASIS OF CLAIM: BENEFICIAL USE
BASIN NO.: 57

SOURCE	TRIBUTARY TO
SPRING	DRY CREEK

DESCRIPTION OF DIVERSION WORKS
PIPELINE, 5 CONCRETE TROUGHS (ORIGINAL)

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/338 RANGE CATTLE W/VAR AMT

TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
01S	06W	36		SE	SE	0	OWYHEE

MICROFILMED
OCT 07 1992

TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	OWNED	IRRIGATED ACRES
01S	06W	36	SE	SE	0	OWYHEE		0.0
01S	06W	36	SE	SE	0	OWYHEE		0.0
TOTAL ACRES IRRIGATED:								0.0

BLM NUMBER: 5701568020

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

RECEIVED

MAR 01 1993

Department of Water Resources
Adjudication Bureau

For Case NO 57-02366

We inadvertently missed filling out the certificate of mailing for some of the objection forms mailed on Feb 25 1993. Please replace the certificate of mailing page for the above case number with with the attached completed form. Thank you

Paul Sammett

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. 57-02366
(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

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:

Ted Gammett

Address:

Rockville

Jordan Valley av. 97910

Briefly describe your interest in this water right:

This water right provides stockwater
for our livestock under our
Federal grazing permit on our
Federal Allotment, and has
historically provided stockwater for
previous owners and users.

2. Owner of the water right:

Name:

USSI BLM State Office

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.

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

(Over)

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.

(Box #1) See Attached Page

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 Attached Page

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.

Attachment (1) case # 57-02366

VERIFICATION (Must be Completed)

State of Idaho

County of Owyhee

Ted Cammett, 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.

Ted Cammett
Signature of person filing objection

By: _____
(Attorney signing in
representative capacity)

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

Ronnie D. Peterson
Notary Public for _____
Residing at: _____
My Commission expires: _____

Notary Public in and for the
State of Idaho Residing in
Marsing, Owyhee County, Idaho
My Commission Expires Aug 20, 1997

(Over)

INSTRUCTIONS FOR MAIL

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 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:

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:

USDI - BLM

Owner's address:

Idaho State Office
3380 Americana Terrace
Boise, 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

Ed Sammit
Signature of Objector or attorney
mailing on Objector's behalf

Attachment (1)

Case No.

57-02366

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

TO

Ted Gammett
Rockville
Jordan Valley OR
97910

☒ 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.

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Signature of person filing objection

By: _____
(Attorney signing in
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1993 Subscribed and sworn to before me this 23 day of FEB.

Ronald D. Peterson
Notary Public for _____
Residing at: _____
My Commission expires: _____

Notary Public in and for the
State of Idaho Residing in
Marsing, Owyhee County, Idaho
My Commission Expires Aug 20, 1997

(Over)

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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:

USDT BLM, State Office

Owner's address:

3380 Americana Terrace
Boise 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

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253 Third Avenue North
P.O. Box 2707
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Owner name:

USDI - BLM

Owner's address:

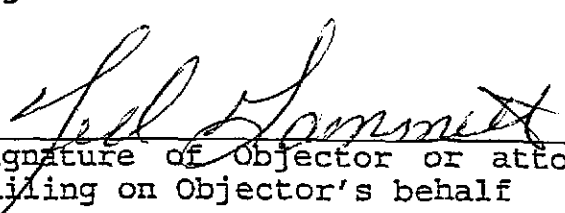
Idaho State Office
3380 Americana Terrace
Boise, Id. 83706

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

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Permit No. D.....134 57-2366

District No. 1, G-145, Givens Hot Springs, Ida., #22, Wildhorse Spring

1. Name of Applicant. GRAZING SERVICE, U. S. DEPARTMENT OF THE INTERIOR

2. Post Office Address.....BOX 728, Pocatello, Idaho

3. Quantity of water claimed 00892 c. f. s. 1-24-1992
(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.....,

Twps., Rge., B. M., and is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section....., Twps....., Rge....., B. M.

in the County of.

6. Location of point of use.....N 26° 51' W 802'.....feet distant from the.....SE.....corner of Section.....35.....,

Twps. 1 S., Rge. 6 W., B. M., and in the SE¹/₄ of the SE¹/₄, Sec. 36, Twp. 1 S., Rge. 6 W.

7. Water to be used for.....watering livestock.....1/1 - 12/31

8. Estimated cost of works.....spring, concrete troughs

9. Kind of works.....207.57
(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: **completed**

(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....., Rge....., B. M.

REMARKS:

BLM 76
status MAPS shows
State Land
Call to BLM

Lori _____ said status shows state lands with no knowledge of

Applicant: GRAZING SERVICE, U.S. DEPT. OF INTERIOR Agent: GEO. E. TUCKER, IMPROVEMENT SUPERVISOR
N 26°05' W 802'. Twp. 1 S., Rge. 6 W.

transfer to private ownership.

10-09-92

1940	1941	1942	1943	1944	1945	1946	1947	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355	2356	2357	2358	2359	2360	2361	2362	2363	2364	2365	2366	2367	2368	2369	2370	2371	2372	2373	2374	2375	2376	2377	2378	2379	2380	2381	2382	2383	2384	2385	2386	2387	2388	2389	2390	2391	2392	2393	2394	2395	2396	2397	2398	2399	2400	2401	2402	2403	2404	2405	2406	2407	2408	2409	2410	2411	2412	2413	2414	2415	2416	2417	2418	2419	2420	2421	2422	2423	2424	2425	2426	2427	2428	2429	2430	2431	2432	2433	2434	2435	2436	2437	2438	2439	2440	2441	2442	2443	2444	2445	2446	2447	2448	2449	2450	2451	2452	2453	2454	2455	2456	2457	2458	2459	2460	2461	2462	2463	2464	2465	2466	2467	2468	2469	2470	2471	2472	2473	2474	2475	2476	2477	2478	2479	2480	2481	2482	2483	2484	2485	2486	2487	2488	2489	2490	2491	2492	2493	2494	2495	2496	2497	2498	2499	2500	2501	2502	2503	2504	2505	2506	2507	2508	2509	2510	2511	2512	2513	2514	2515	2516	2517	2518	2519	2520	2521	2522	2523	2524	2525	2526	2527	2528	2529	2530	2531	2532	2533	2534	2535	2536	2537	2538	2539	2540	2541	2542	2543	2544	2545	2546	2547	2548	2549	2550	2551	2552	2553	2554	2555	2556	2557	2558	2559	2560	2561	2562	2563	2564	2565	2566	2567	2568	2569	2570	2571	2572	2573	2574	2575	2576	2577	2578	2579	2580	2581	2582	2583	2584	2585	2586	2587	2588	2589	2590	2591	2592	2593	2594	2595	2596	2597	2598	2599	2600	2601	2602	2603	2604	2605	2606	2607	2608	2609	2610	2611	2612	2613	2614	2615	2616	2617	2618	2619	2620	2621	2622	2623	2624	2625	2626	2627	2628	2629	2630	2631	2632	2633	2634	2635	2636	2637	2638	2639	2640	2641	2642	2643	2644	2645	2646	2647	2648	2649	2650	2651	2652	2653	2654	2655	2656	2657	2658	2659	2660	2661	2662	2663	2664	2665	2666	2667	2668	2669	2670	2671	2672	2673	2674	2675	2676	2677	2678	2679	2680	2681	2682	2683	2684	2685	2686	2687	2688	2689	2690	2691	2692	2693	2694	2695	2696	2697	2698	2699	2700	2701	2702	2703	2704	2705	2706	2707	2708	2709	2710	2711	2712	2713	2714	2715	2716	2717	2718	2719	2720	2721	2722	2723	2724	2725	2726	2727	2728	2729	2730	2731	2732	2733	2734	2735	2736	2737	2738	2739	2740	2741	2742	2743	2744	2745	2746	2747	2748	2749	2750	2751	2752	2753	2754	2755	2756	2757	2758	2759	2760	2761	2762	2763	2764	2765	2766	2767	2768	2769	2770	2771	2772	2773	2774	2775	2776	2777	2778	2779	2780	2781	2782	2783	2784	2785	2786	2787	2788	2789	2790	2791	2792	2793	2794	2795	2796	2797	2798	2799	2800	2801	2802	2803	2804	2805	2806	2807	2808	2809	2810	2811	2812	2813	2814	2815	2816	2817	2818	2819	2820	2821	2822	2823	2824	2825	2826	2827	2828	2829	2830	2831	2832	2833	2834	2835	2836	2837	2838	2839	2840	2841	2842	2843	2844	2845	2846	2847	2848	2849	2850	2851	2852	2853	2854	2855	2856	2857	2858	2859	2860	2861	2862	2863	2864	2865	2866	2867	2868	2869	2870	2871	2872	2873	2874	2875	2876	2877	2878	2879	2880	2881	2882	2883	2884	2885	2886	2887	2888	2889	2890	2891	2892	2893	2894	2895	2896	2897	2898	2899	2900	2901	2902	2903	2904	2905	2906	2907	2908	2909	2910	2911	2912	2913	2914	2915	2916	2917	2918	2919	2920	2921	2922	2923	2924	2925	2926	2927	2928	2929	2930	2931	2932	2933	2934	2935	2936	2937	2938	2939	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Water Right Number - R57-02366

Prefix Translation: RESEARCH

Old (D) Number - D0164

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** A - ATTORNEY ***

HAUGRUD, J OR G GARVER OR D ZANE

1 - US DEPT OF JUSTICE

2 - ENV & NR DIV GEN LIT SEC

3 - PO BOX 663

City- WASHINGTON

State- DC Zip- 200440663

Phone - 202-272-4134

*** C - CURRENT OWNER ***

US DEPT OF INTERIOR

1 - BUREAU OF LAND MANAGEMENT

2 - IDAHO STATE OFFICE

3 - 3380 AMERICANA TERRACE

City- BOISE

State- ID Zip- 83706

Phone - 208-334-1401

*** K - ALSO KNOWN AS ***

BLM

1 -

2 -

3 -

City- X

State- ID Zip- 0

Phone - 208-000-0000

+ - - Priority Date - - +
01/24/1942

+ - - - Region - - - +
14 WESTERN

+ - - - Stage - - - +

+ - - - Status - - - +
1 - DISALLOWED

+ - - - - Source - - - - - +
SPRING

+ - - - - Tributary - - - - - +
DRY CREEK

+ - - - - Point of Diversion - - - - - +						
Twn	Rng	Sec	Tract	Lot	RFlg	County
01S	06W	36	SE SE		(73)	OWYHEE

+ - - - - Water Use - - - - - +					
Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
04 -	STOCKWATER	01/01	12/31	0.010	

+ - Total Div. Rate - +		+ - Total Div. Volume - +		+ - Total Consumptive Use - +		+ - KW Usage - +	
0.010				0.0			

+ - - - - Place of Use - - - - - +							
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description
01S	06W	36	SE SE			04	STOCKWATER

(73) OWYHEE

Total Acres:

+ - - Diversion Means - PIPELINE, 5 CONCRETE TROUGHS (ORIGINAL)

+ - - Non-Irrigation Use - STOCKWATER, 338 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

MICROFILMED
JUL 20 1994

Prefix Translation: RESEARCH

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 06/30/1992	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X111111	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

MICROFILMED
JUL 20 1994

AJ5809NP
No. R57-02366

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/09/92
PAGE: 1

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: SPRING

Tributary to: DRY CREEK

Stage: LICENSE

Point(s) of Diversion:

T01S R06W S36

SESE

OWYHEE County

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE			
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac									
01S	06W	36	:	:	:	:	:	:	:	:	:	:	:		

POU County: OWYHEE

Non-Irrigation Uses: STOCKWATER, 338 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 = 5701588024

SOURCE IS ALSO KNOWN AS WILD HORSE SPRING

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Comments: Date: 09/23/1992 User-ID: SMITH Subject: COPIED FROM REMARKS
PREVIOUSLY FILED WITH THE IDAHO DEPARTMENT OF WATER RESOURCES

Audit: 09/23/92 SMITH

Disallowed

Recommended as Right No. 57-10812.

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JUL 20 1994

[Signature]
10-09-92

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

A57-02366

PRIORITY DATE: 1942-01-24
IDWR WATER RIGHT NO. 5702366
BLM NUMBER: 5701588024
BASIS OF CLAIM: BENEFICIAL USE
BASIN NO.: 57

SOURCE	TRIBUTARY TO
-----	-----
SPRING	DRY CREEK

DESCRIPTION OF DIVERSION WORKS

PIPELINE, 5 CONCRETE TROUGHS (ORIGINAL)

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/338 RANGE CATTLE W/VAR AMT

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				POINT OF DIVERSION				
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY	
---	---	---	-----	-----	-----	---	-----	-----
01S	06W	36		SE	SE	0	OWYHEE	

PLACE OF USE

TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	OWNED	IRRIGATED ACRES
---	---	---	-----	-----	---	-----	-----	-----
01S	06W	36	SE	SE	0	OWYHEE		0.0
01S	06W	36	SE	SE	0	OWYHEE		0.0
TOTAL ACRES IRRIGATED:								0.0

BLM NUMBER: 5701568020

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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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: SPRING

Tributary to: DRY CREEK

Stage: LICENSE

Point(s) of Diversion:

T01S R06W S36

SESE

OWYHEE County

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	Lt	Ac	:
01S	06W	36	:					:					:					:					:	
			:					:					:					:					:	

POU County: OWYHEE

Non-Irrigation Uses: STOCKWATER, 338 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 = 5701588024
SOURCE IS ALSO KNOWN AS WILD HORSE SPRING

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

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CLAIM NO A57-02366

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). A57-02366 A - Dick Bass Ted Jammet
Claim totally disallowed ☒ or partially deleted? ☐
☐ Private claimant notification letter sent - Date _____
☐ No overlapping Federal Claim
☒ Overlapping Federal Claim
Claim No(s). A57-11216 - Copy of this form in file
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 OR TRIBUTARY
☒ Source changed to reflect IDWR records - see remarks
☒ Source or trib changed, explain: trib added Dry Creek & verified correct on map.
4. ☒ No Change - POINT OF DIVERSION - Claim matches existing license or decree
☐ Point of diversion changed, explain _____
☐ Point of diversion as claimed was changed from existing right -
Map attached _____.
How was this verified? _____
5. N/A
6. ☐ No Change - WATER USES
☒ Water uses changed, explain: Delete Wildlife - not licensed
☐ Water uses to reflect IDWR records as shown below:
Use _____ From _____ To _____ Amount _____ cfs _____ af
Use _____ From _____ To _____ Amount _____ cfs _____ af
7. ☒ No Change - TOTAL RATE AND VOLUME
☐ Total rate and volume changed to reflect IDWR records as shown:
_____ cfs _____ afa
☐ Total rate and volume changed, explain _____

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8. -- N/A

9. ☐ No Change - NON-IRRIGATION USES: Completed on claim
☒ Changed to reflect data entry standards
☐ Incomplete on claim - Per IDWR records:
Domestic - No. of homes _____ Stockwater - No. of head _____
Other: _____

10. ☒ No Change - PLACE OF USE
☐ Place of use changed, explain _____
☐ Place of Use as claimed was changed from existing right -
Map attached _____
How was this verified? _____

Remarks:

Claim No. 57-02364A was filed by a private individual on BHM property and is being disallowed. Claim No. 57-108122 is filed by the Dept. of Lands in this same 1/4 1/4 for a Spring source. I called the assessor's office & they didn't have any ownership for that 1/4 1/4, so I can't disallow the State claim and or this one. BHM & Lands will have to fight it out.

Review Completed by:

Jan Thunte
signature

Date:

9-22-92

NOTE: 57-10939 claims the stream from the spring, but not the spring itself. No disallow of that it. Based on this it should be done. Ja

DATE: 09/12/92
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