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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

A57-02372

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. 5702372
BLM NUMBER: 5701588338
BASIS OF CLAIM: LICENSE
BASIN NO.: 57

SOURCE	TRIBUTARY TO
-----	-----
WILSON CORRAL SPRING	WILSON CREEK

DESCRIPTION OF DIVERSION WORKS

HEADBOX, STORAGE TANK, 3.5 MILES PIPELINE & 4 TROUGHS.

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
-----	-----	-----	-----	-----
STOCKWATER	0.010	0.00	0101	1231
WILDLIFE	0.010	0.00	0101	1231
TOTAL:	0.070 CFS	0.00 AF		

NON-IRRIGATION USES

S/200 RANGE CATTLE (INCLUDES WILD HORSES/VAR AMT) W/VAR AMT

POINT OF DIVERSION							
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
-----	-----	-----	-----	-----	-----	-----	-----
01S	03W	07		NE	NE	0	OWYHEE

PLACE OF USE

TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	OWNED	IRRIGATED ACRES
-----	-----	-----	-----	-----	-----	-----	-----	-----
01N	03W	34	NW	SE	0	OWYHEE		0.0
01N	03W	33	SW	SE	0	OWYHEE		0.0
01S	03W	04	SW	NW	0	OWYHEE		0.0
01N	03W	34	NW	SE	0	OWYHEE		0.0
01N	03W	33	NW	SE	0	OWYHEE		0.0

MICROFILMED

OCT 07 1992

BLM NUMBER: 5701588338

PAGE 2

01S	03W	04	SW	NW	0	OWYHEE	0.0
01S	03W	07	NE	NE	0	OWYHEE	0.0
01S	03W	07	NE	NE	0	OWYHEE	0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

LICENSE 57-7432 PD: 5/17/84

REMARKS

PREVIOUSLY FILED WITH THE IDAHO DEPARTMENT OF WATER RESOURCES

MICROFILMED

OCT 07 1991

BLM NUMBER: 5701588338

PAGE 2

01S	03W	04	SW	NW	0	OWYHEE	0.0
01S	03W	07	NE	NE	0	OWYHEE	0.0
01S	03W	07	NE	NE	0	OWYHEE	0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

LICENSE 57-7432 PD: 5/17/84

REMARKS

PREVIOUSLY FILED WITH THE IDAHO DEPARTMENT OF WATER RESOURCES

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OCT 07 1991

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
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TELEPHONE: 208-334-1401

A57-02372

PRIORITY DATE: 1942-01-24
IDWR WATER RIGHT NO. 5702372
BLM NUMBER: 5701588338
BASIS OF CLAIM: LICENSE
BASIN NO.: 57

SOURCE	TRIBUTARY TO
WILSON CORRAL SPRING	WILSON CREEK

DESCRIPTION OF DIVERSION WORKS
HEADBOX, STORAGE TANK, 3.5 MILES PIPELINE & 4 TROUGHS.

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
STOCKWATER	0.010	0.00	0101	1231
WILDLIFE	0.010	0.00	0101	1231
TOTAL:	0.070 CFS	0.00 AF		

NON-IRRIGATION USES
S/200 RANGE CATTLE (INCLUDES WILD HORSES/VAR AMT) W/VAR AMT

POINT OF DIVERSION							
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
01S	03W	07		NE	NE	0	OWYHEE

PLACE OF USE

TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	OWNED	IRRIGATED ACRES
01N	03W	34	NW	SE	0	OWYHEE		0.0
01N	03W	33	SW	SE	0	OWYHEE		0.0
01S	03W	04	SW	NW	0	OWYHEE		0.0
01N	03W	34	NW	SE	0	OWYHEE		0.0
01N	03W	33	NW	SE	0	OWYHEE		0.0

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OCT 07 1992

RECEIVED

MAY 23 1996

Department of Water Resources
Adjudication Bureau

RECEIVED

MAY 22 1996

RECEIVED

1996 MAY 21 11 9: 55

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

) Water Right: 57-02368
)
) AMENDED ORDER OF
) REFERENCE APPOINTING
) FRITZ X. HAEMMERLE SPECIAL
) MASTER

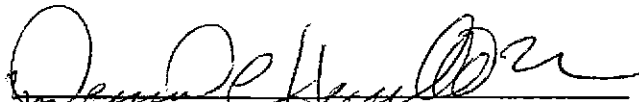
Fritz X. Haemmerle was appointed as special master for all subcases in Basin 57 by *Order of Reference; Appointing Fritz X. Haemmerle Special Master in Reporting Area 2 (Basin 57) (Order of Reference)* (November 1, 1995).

The original *Order of Reference* referred only those water rights to which an objection was filed, and the Presiding Judge retained jurisdiction over those water rights where no objection was filed.

Therefore, to ensure consistency in any recommendations, Fritz X. Haemmerle is appointed as special master for water right 57-02368 which shall proceed under *SRBA Administrative Order 1*.

IT IS SO ORDERED.

DATED May 20, 1996.



DANIEL C. HURLBUTT, JR.

Presiding Judge
Snake River Basin Adjudication

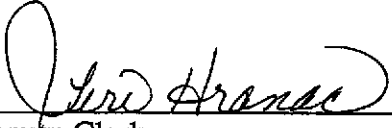
CERTIFICATE OF MAILING

I certify that a true and correct copy of the **AMENDED ORDER OF REFERENCE APPOINTING FRITZ X. HAEMMERLE SPECIAL MASTER** was mailed on May 20, 1996, with sufficient first-class postage to the following: ²¹

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

U.S. Dept. Of Justice
Environment & Natural Resource Div.
550 West Fort Street, MSC 033
Boise, ID 83724-0663

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



Deputy Clerk

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MAR 02 1998

MAR 02 1998

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MAY 23 1996

Department of Water Resources

1996 MAY 20 PM 01:32
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILEDIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	ORDER SETTING STATUS	
	)	CONFERENCE	
Case No. 39576	)		
_____	)	SUBCASE NOS: 57-02368	57-07341
		57-11407	

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

FRIDAY, JULY 26, 1996 at 09:00 AM

SRBA
DISTRICT COURT
253 3RD AVENUE NORTH
TWIN FALLS, ID

Option: Parties may participate by phone if they contact the
clerk at (208) 736-3011 prior to JULY 22, 1996.

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MAR 02 1998

IT IS SO ORDERED.

Dated: MAY 20, 1996

/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 MAY 20, 1996, 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

K. JACK HAUGRUD
U.S. DEPARTMENT OF JUSTICE
550 WEST FORT STREET, BOX 33
BOISE, ID 83724-0663
Phone: 202-272-4134
Rep: USDI BLM

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MAR 02 1998

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MAR 25 1996
Department of Water Resources
Adjudication Bureau

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APR 29 1996
WATER RESOURCES
WESTERN REGION

DISTRICT COURT-SRBA 5th Judicial District County of Twin Falls - State of Idaho	
MAR 20 1996	
By _____	Clerk
_____	Deputy Clerk

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

In Re SRBA	)	Subcase Nos: See attached Exhibit A
	)	
Case No. 39576	)	ORDER GRANTING MOTION TO
	)	WITHDRAW
_____	)	

On March 18, 1996, Richard A. Simms and Margaret J. King of the firm of Simms & Stein, filed a *Motion for Leave to Withdraw* as counsel for Harry Richard Bass in the above referenced 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 Harry Richard Bass in the above referenced subcases.

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

DATED March 20, 1996.


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

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Subcase Numbers:

57 00243
57 02468
57 01045
57 01049
57 01050
57 01051
57 01053
57 01054
57 01057
57 01058
57 01059
57 01060
57 01061
57 01062
57 02372
57 02450
57 02469
57 02484
57 07089
57 07154
57 07165
57 07166
57 07168
57 07344
57 07354
57 07357
57 11138
57 11162
57 11164
57 11166
57 11173
57 11350
57 11351
~~57 11067~~ *unobjcted to*
57 07512
57 07516
57 10930A
57 10930B
57 10930C
57 10930D

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MAR 02 1998

Andrew

RECEIVED

FEB 2 1997

UNITED STATES OF AMERICA

Department of Water Resources
Adjudication Bureau

LOIS J. SCHIFFER
Assistant Attorney General
Environment and Natural Resources Division

R. LEE LEININGER
PAUL F. HOLLEMAN
WILLIAM M. FERRY
Attorneys, Department of Justice
General Litigation Section
Environment and Natural Resources Division
P.O. Box 663
Washington, D.C. 20044-0663
(202) 305-0494

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

Sub-case No. 57-11124 et. al.

Case No. 39576

STIPULATION FOR WITHDRAWAL

DESCRIPTIVE SUMMARY

This is a stipulation to resolve claims for water rights and objections to claims for water rights. This stipulation is made between Harry Richard Bass, Henry Brandau, ~~Ted K. Blackstock~~, and Chipmunk Grazing Association, collectively referred to as the "Private Claimants," and the United States.

STIPULATION

WHEREAS, the United States recognizes the significant role of the livestock industry in the settlement, history and culture of Owyhee County, Idaho; and,

WHEREAS, the United States and the Private Claimants recognize the importance of the stockwater rights at issue in

these consolidated sub-cases to the livestock industry in Owyhee County and the United States Bureau of Land Management ("BLM") grazing program; and,

WHEREAS, the United States and the Private Claimants have filed competing claims for the same stockwater rights on the federal public land, and have filed objections to each others' claims for stockwater rights; and,

WHEREAS, the United States and the Private Claimants wish to resolve their dispute regarding ownership of these stockwater rights without further litigation, expense and delay;

THEREFORE, The Private Claimants and the United States of America, by and through their respective counsel, stipulate and agree as follows:

1. Pursuant to I.R.C.P. 41(a)(1)(ii), the United States dismisses with prejudice its objections to the water rights claimed in SRBA subcases 57-10375 and 57-10930D.
2. Pursuant to I.R.C.P. 41(a)(1)(ii), the Private Claimants dismiss with prejudice their claims to the water rights made in the SRBA subcases identified on Appendix A attached to this stipulation.
3. Pursuant to I.R.C.P. 41(a)(1)(ii), the Private Claimants dismiss with prejudice that portion of their claims to the water rights identified on Appendix B which are located on the federal public land. The Private Claimants will execute such further stipulations, such as standard Form 5's, as the

Do we do
rec's on
objections?
claims?

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Master or the Court deem necessary to exclude all federal public land from the claimed place of use or point of diversion of these water rights.

4. Pursuant to I.R.C.P. 41(a)(1)(ii), the Private Claimants dismiss with prejudice their objections to the water rights claimed by the United States in the SRBA subcases identified on Appendix C attached to this stipulation.

5. The parties agree that the United States is the owner of the water rights identified on Appendix C. For each of these water rights, the purpose of use is the watering of livestock owned by persons holding BLM-issued grazing permits. With respect to those claims to water rights on Appendix C for which the United States holds a prior license or decree, the purpose of use shall be stockwater and whatever other uses were previously licensed or decreed. The stockwater purpose of use of the water rights on Appendix C shall not be changed so long as a valid BLM-issued grazing permit exists for the land on which a particular water right is located.

6. Nothing in this stipulation shall prevent the BLM from administering the use of a grazing allotment and its associated water rights in accordance with applicable law, including taking such administrative actions as

- changing the boundaries of grazing allotments or modifying or terminating BLM-issued grazing permits.
7. Pursuant to I.R.C.P. 41(a)(1)(ii), the Private Claimants dismiss with prejudice their objections to the recommendation of the Director of the Idaho Department of Water Resources ("IDWR") with respect to the water rights identified on Appendix D. The Private Claimants recognize that the Director disallowed parts of these claims because the Private Claimants sought water rights on the federal public land that were in conflict with water rights claimed by the United States. The Private Claimants agree not to pursue the claims for stockwater located on the federal public land which were disallowed by the Director in the subcases identified on Appendix D.
8. This stipulation was reached through negotiations for the purpose of resolving legal disputes, including pending litigation. All parties agree that no offers and/or compromises made in the course of the negotiations regarding the SRBA subcases consolidated under case number 57-11124 et. al. shall be construed as admissions against interest or be used in any legal proceeding.
9. All parties agree to bear their own costs and attorney fees in connection with this matter.

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MAR 02 1998

2/6/97
APPENDIX A

ACTION REQUIRED:

CLAIMS LISTED BELOW ARE TO BE WITHDRAWN WITH PREJUDICE.

<u>SUBCASE</u>	<u>CLAIMANT</u>	<u>OBJECTOR</u>
57-07512*	BASS/JUNAYO/ORNDORFF/REUCK	BLM
57-07516*	BASS/JUNAYO/ORNDORFF/REUCK	BLM
57-10944	CHIPMUNK GRAZING	BLM AND CHIPMUNK
57-10946	CHIPMUNK GRAZING	BLM

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MAR 02 1998

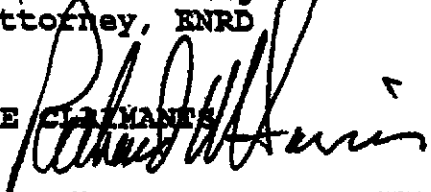
10. This stipulation was entered into and executed voluntarily by all parties in good faith, and without any fraud, misunderstanding, overreaching, misrepresentation, duress, or undue influence.

UNITED STATES OF AMERICA

Dated: 2-19-97


by: Paul F. Holleman
R. Lee Leininger
Attorney, ENRDDated: 2-19-97


PRIVATE CLAIMANTS


by: Richard Harris
Attorney for Private Claimants

2/6/97
APPENDIX C

ACTION REQUIRED:

PRIVATE OBJECTOR WITHDRAWS OBJECTION TO THESE SUBCASES WITH PREJUDICE.

SUBCASE	CLAIMANT	<i>Reserved Rt.</i>	OBJECTOR
57-01045	BLM →	57-11307	BASS
57-01046	BLM		CHIPMUNK GRAZING
57-01047	BLM		CHIPMUNK GRAZING
57-01049	BLM →	57-11192	BASS
57-01050	BLM →	57-11193	BASS & BLM *
57-01051	BLM →	57-11194	BASS
57-01053	BLM →	57-11195	BASS
57-01054	BLM →	57-11196	BASS
57-01057	BLM →	57-11199	BASS
57-01058	BLM →	57-11200	BASS
57-01059	BLM →	57-11201	BASS
57-01060	BLM →	57-11202	BASS
57-01061	BLM →	57-11203	BASS
57-01062	BLM →	57-11251	BASS
57-02372	BLM →	57-11299	BASS
57-02450	BLM →	57-11238	BASS & BLM *
57-02468	BLM →	57-11243	BASS
57-02469	BLM →	57-11244	BASS
57-02484	BLM →	57-11233	BASS AND MALMBERG
57-07089	BLM →	57-11283	BASS AND BLM *
57-07154	BLM →	57-11354	BASS AND BLM *
57-07165	BLM →	57-11293	BASS
57-07166	BLM		BASS
57-07168	BLM		BASS AND BLM *
57-07344	BLM		BASS
57-07354	BLM		BASS
57-07357	BLM		BASS AND BLM *
57-11138	BLM		CHIPMUNK GRAZING
57-11148	BLM		CHIPMUNK GRAZING
57-11149	BLM		CHIPMUNK AND BLM *
57-11156	BLM		CHIPMUNK AND BLM *
57-11157	BLM		CHIPMUNK GRAZING
57-11158	BLM		BASS
57-11162	BLM		BASS AND BLM *
57-11164	BLM		BASS
57-11166	BLM		CHIPMUNK GRAZING
57-11170	BLM		BASS
57-11173	BLM		CHIPMUNK GRAZING
57-11176	BLM		CHIPMUNK AND BLM *
57-11179	BLM		CHIPMUNK GRAZING
57-11181	BLM		CHIPMUNK, CHIPMUNK, AND BLM *
57-11183	BLM		BASS AND BLM *
57-11350	BLM		BASS
57-11351	BLM		

Records printed: 44

* held for resolution of BLM obj. (11)

2/6/97
APPENDIX B

ACTION REQUIRED:
CLAIMS LISTED BELOW WILL BE AMENDED TO REMOVE PUBLIC DOMAIN
FROM THE POD AND POT ELEMENTS.

<u>SUBCASE</u>	<u>CLAIMANT</u>	<u>OBJECTOR</u>
57-10373	CHIPMUNK GRAZING	BLM
57-10850	CHIPMUNK GRAZING	BLM
57-10851	CHIPMUNK GRAZING	BLM
57-10914	BRANDAU/CHIPMUNK/MALMBERG	BLM
57-10916	CHIPMUNK GRAZING	BLM
57-10918	CHIPMUNK GRAZING	BLM
57-10919A	BRANDAU (X2) /CHIPMUNK/MALMBERG	BLM
57-10919B	BRANDAU (X2) /CHIPMUNK/MALMBERG	BLM
57-10921	CHIPMUNK GRAZING	BLM AND CHIPMUNK
57-10924	CHIPMUNK/JACA	BLM AND CHIPMUNK
57-10930A	BASS/JUNAYO/ORDORFF/REUCK	BLM
57-10930B	BASS/JUNAYO/ORDORFF/REUCK	BLM
57-10930C	BASS/JUNAYO/ORDORFF/REUCK	BLM

Records printed: 13

2/6/97
APPENDIX D

ACTION REQUIRED:

CLAIMANT WITHDRAWS OBJECTION TO HIS OWN CLAIM, WHERE THE PURPOSE OF THE OBJECTION WAS TO RECLAIM DISALLOWED PODs OR POUs DESCRIBING PUBLIC DOMAIN.

<u>SUBCASE</u>	<u>CLAIMANT</u>	<u>OBJECTOR</u>
57-10660	CHIPMUNK GRAZING	BLM AND CHIPMUNK
57-10921	CHIPMUNK GRAZING	BLM AND CHIPMUNK *
57-10924	CHIPMUNK GRAZING/JACA	BLM AND CHIPMUNK *
57-10944	CHIPMUNK GRAZING	BLM AND CHIPMUNK +
57-10945	CHIPMUNK GRAZING	CHIPMUNK GRAZING x (102446)
57-10947	CHIPMUNK GRAZING	CHIPMUNK GRAZING x (11179)

Records printed: 6

* also on Appendix B
+ also on Appendix A
x disallowed claim

withdrawn
decreed disallowed

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

1993 FEB 25 AM 11:25
DISTRICT COURT - SRBA
TWIN FALLS, IDAHO
FILED

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. 57-02372
(You must insert the
water right number you
are objecting to)

OBJECTION

MAR 02 1998
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INSTRUCTIONS

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

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

(Over)

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

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Name: Richard Bass
Address: HC 88 BOX 1050
Murphy Idaho 83650

Briefly describe your interest in this water right:

This water Right supplies Stockwater
for our permitted livestock on
our Federal Grazing Allotment
and has historically provided
water for previous owners
and users.

2. Owner of the water right:

Name: USDI - Bureau of Land Management
Address: 3380 Americana Terrace
Boise Idaho 83706

3. If this objection is filed by an attorney:

Attorney Name: _____

Attorney Address: _____

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MAR 02 1998

Attorney Phone No.: _____

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

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MAR 02 1998

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)

866! 7 1

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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 Attachment 1 Case No 57-02372

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 Case No 57-02372

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

MICROFILMED

MAR 02 1998

OBJECTION - 4

MICROFILMED
MAR 02 1998

☒ 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 No 57-02322

VERIFICATION (Must be Completed)

State of Idaho

County of Owyhee

Richard Bass, 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.

Richard Bass
Signature of person filing objection

By:

(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 24 day of Feb.,
1993.

Annita Freund
Notary Public for Idaho
Residing at: Homedale
My Commission expires: 12/15/98

MAR 02 1998

MICROFILMED

(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 23 day of Aug, 1998, 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

MICROFILMED

MAR 02 1998

4. One copy to:

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

MICROFILMED

MAR 02 1998



Signature of Objector or attorney
mailing on Objector's behalf

Attachment (1)

Case No.

57-02372

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 Junayo Ranch Limited Partnership
1087 River Street, Suite 230, Boise, ID 83702
Owen Orndorff, 600 E. Braemere, Boise, ID 83702
Harry Richard Bass, HC 88, Box 1050, Murphy, ID 83650
Bruce Reuck, HC 88, Box 1080, Murphy, ID 83650

MICROFILMED

MAR 02 1998

MICROFILMED

MAR 02 1998

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

1993 MAY 28 PM 3:07
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. 57-02372 -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: RICHARD BASS
Address: HC 88 BOX 1050
MURPHY 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.

MICROFILMED
MAR 02 1998

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:

Nbr of
Pages

Notice of Claim No. A57-02372

2

(Over)

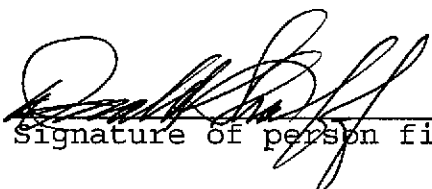
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

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

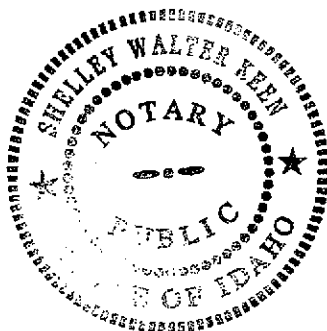
That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Section Manager for IDWR and am authorized by R. Keith Higginson, in his official capacity as director 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.

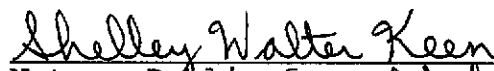

Signature of person filing response

By:


(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 26th day of May,
1993.




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

MICROFILMED

MAR 02 1998

CERTIFICATE OF MAILING

I hereby certify that on the 28th day of May, 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:

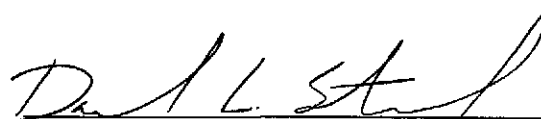
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

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: RICHARD BASS
Address: HC 88 BOX 1050
MURPHY ID 83650



Signature of Respondent or attorney
mailing on Respondent's behalf

RECEIVED
JUL 19 1994

Department of Water Resources
Adjudication Bureau

SIMMS & STEIN, P.A.
102 Aspen Lakes Drive
P.O. Box 280
Hailey, ID 83333
(208) 788-9145

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 APPEARANCE
)
)

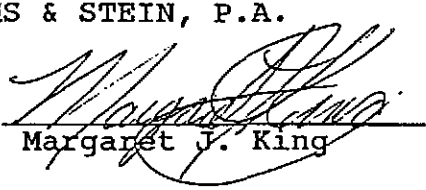
COMES NOW the firm of Simms & Stein, P.A., and hereby
enters an appearance for HARRY RICHARD BASS aka RICHARD BASS,
subcase numbers attached.

All further pleadings, notices, and correspondence of any
kind filed hereafter in this matter should be sent to Simms &
Stein, P.A., P.O. Box 280, Hailey, Idaho 83333.

DATED this 26 day of May, 1994.

SIMMS & STEIN, P.A.

By:


Margaret J. King

MICROFILMED

MAR 02 1998

HARRY RICHARD BASS aka RICHARD BASS

SUBCASE NUMBERS:

57 00243	57 07354
57 02468	57 07357
57 01045	57 11138
57 01049	57 11162
57 01050	57 11164
57 01051	57 11166
57 01053	57 11173
57 01054	57 11350
57 01057	57 11351
57 01058	57 11667
57 01059	57 07512
57 01060	57 07516
57 01061	57 10930A
57 01062	57 10930B
57 02372	57 10930C
57 02450	57 10930D
57 02469	
57 02484	
57 07089	
57 07154	
57 07165	
57 07166	
57 07168	
57 07344	

MICROFILMED

MAR 02 1998

CERTIFICATE OF MAILING

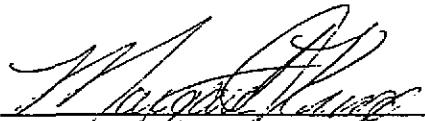
The undersigned certifies that on the 26 day of May, 1994, a true and correct copy of the above and foregoing Notice of Appearance was served on the following persons by depositing true and correct copies thereof in the United States Mail, first class postage prepaid, or personally delivering the same, addressed as follows:

Clerk of the SRBA Court (original)
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

Chief, Natural Resources Division (1)
Office of Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

The United States Department of Justice (1)
Environment and Natural Resources Division
550 West Fort Street, Box 33
Boise, ID 83734

Bruce Malmberg
P.O. Box 175
Marsing, ID 83639


Margaret J. King

MICROFILMED

MAR 02 1998

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 21 1996

Department of Water Resources
Adjudication Bureau

RECEIVED

MAR 22 1996

Department of Water Resources
Adjudication Bureau

See 57-00243
for complete document
—YK

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 Harry Richard Bass 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 18th day of March, 1996.

MICROFILMED

MAR 02 1996

RECEIVED
MAR 25 1996
Department of Water Resources
Adjudication Bureau

DISTRICT COURT-SRBA 5th Judicial District County of Twin Falls - State of Idaho	
MAR 20 1996	
By _____	Clerk
_____	Deputy Clerk

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

In Re SRBA	)	Subcase Nos: See attached Exhibit A
	)	
Case No. 39576	)	ORDER GRANTING MOTION TO
	)	WITHDRAW
_____	)	

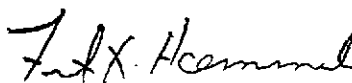
On March 18, 1996, Richard A. Simms and Margaret J. King of the firm of Simms & Stein, filed a *Motion for Leave to Withdraw* as counsel for Harry Richard Bass in the above referenced subcases stating that they have been discharged.

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 Harry Richard Bass in the above referenced subcases.

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

DATED March 20, 1996.

MAR 20 1996
MICROFILMED


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

CERTIFICATE OF MAILING

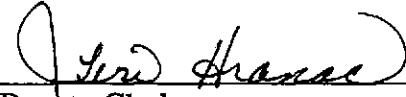
I certify that a true and correct copy of the ORDER GRANTING MOTION TO WITHDRAW was mailed on March 20, 1996, with sufficient first-class postage to the following:

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

Harry Richard Bass
HC 88, Box 1050
Murphy, ID 83650



Deputy Clerk

MICROFILMED

MAR 02 1998

Subcase Numbers:

57 00243
57 02468
57 01045
57 01049
57 01050
57 01051
57 01053
57 01054
57 01057
57 01058
57 01059
57 01060
57 01061
57 01062
~~57 02372~~
57 02450
57 02469
57 02484
57 07089
57 07154
57 07165
57 07166
57 07168
57 07344
57 07354
57 07357
57 11138
57 11162
57 11164
57 11166
57 11173
57 11350
57 11351
~~57 11067~~ *unobjcted to*
57 07512
57 07516
57 10930A
57 10930B
57 10930C
57 10930D

MICROFILMED

MAR 02 1998

RECEIVED

MAR 26 1997

Department of Water Resources

1997 MAR 24 PM 4:09

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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

In Re SRBA
Case No. 39576

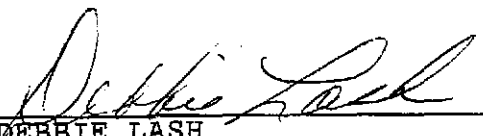
NOTICE OF ISSUANCE OF
PRELIMINARY SPECIAL MASTER'S
REPORT AND RECOMMENDATION

Water Right(s): 57-02372

On March 24, 1997, Special Master FRITZ X HAEMMERLE
lodged a PRELIMINARY SPECIAL MASTER'S REPORT and a PRELIMINARY
SPECIAL MASTER'S RECOMMENDATION pursuant to SRBA Administrative
Order 1 section 9 (f).

These documents are served only on parties to the subcase.
They are not served on the Presiding Judge. Parties to this subcase
may file a Motion to Alter or Amend with the Special Master, but
must do so before April 07, 1997.

DATED March 24, 1997.


DEBBIE LASH
Deputy Clerk

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

In Re SRBA
Case No. 39576

PRELIMINARY

SPECIAL MASTER'S RECOMMENDATION FOR
PARTIAL DECREE FOR
Water Right 57-02372

1997 MAR 24 PM 4:09

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED *DL*

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

RECEIVED

MAR 26 1997

SOURCE: WILSON CORRAL SPRING TRIBUTARY: WILSON CREEK

QUANTITY: 0.01 CFS

Department of Water Resources

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

PRIORITY DATE: 01/24/1942

POINT OF DIVERSION: T01S R03W S07 NENE 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
T01S R03W S07 NENE

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: *MAR 24 1997*

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

SPECIAL MASTER'S RECOMMENDATION
Water Right 57-02372

PAGE 1
FEB-25-1997

RECEIVED

MAR 26 1997

Department of Water Resources

1997 MAR 24 PM 4:09

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

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

In Re SRBA

) Subcase 57-02372

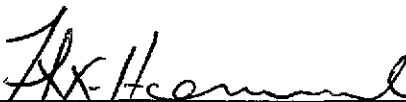
)
)
)
Case No. 39576

PRELIMINARY SPECIAL
MASTER'S REPORT

A notice of claim was filed for this water right pursuant to I.C. § 42-1409(1990) by the United States Bureau of Land Management (BLM). The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for area 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 subcase 57-02372 was filed on February 26, 1993 by Richard Bass. Subsequently, on February 21, 1997, the parties, filed a *Stipulation to Withdraw* was filed pursuant to I.R.C.P. 41, wherein the parties agreed that the water right be decreed as reported. All objections having been withdrawn, IT IS RECOMMENDED that subcase 57-02372 be decreed as recommended in the *Preliminary Special Master's Report and Recommendation for Partial Decree*.

DATED March 24, 1997.


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

RECEIVED

MAY 08 1997

Department of Water Resources
Adjudication Bureau

MAY -7 AM 8:12

DISTRICT COURT - SRSA
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 57-02372

Case No. 39576

) SPECIAL MASTER'S REPORT
)
)
)

A notice of claim was filed for this water right pursuant to I.C. § 42-1409(1990) by the United States Bureau of Land Management (BLM). The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for area 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 subcase 57-02372 was filed. Subsequently, on February 21, 1997, the parties, filed a *Stipulation to Withdraw* pursuant to I.R.C.P. 41, wherein the parties agreed that the water right be decreed as reported.

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

IT IS RECOMMENDED that subcase 57-02372 be decreed as recommended in the *Special Master's Report and Recommendation for Partial Decree*.

DATED May 7, 1997.

Fritz X. Haemmerle

FRITZ X. HAEMMERLE

Special Master, Reporting Area 2
Snake River Basin Adjudication

1997 JUL 02 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 57-02372

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 57-02372 was mailed
on July 02, 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

RICHARD BASS
HC 88 BOX 1050
MURPHY, ID 83650

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

DIANA DELANEY
Chief Deputy Clerk

RIGHT NUMBER: 57-02372

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

SOURCE: WILSON CORRAL SPRING TRIBUTARY: WILSON CREEK

QUANTITY: 0.01 CFS
0107 278

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.

PRIORITY DATE: 01/24/1942

POINT OF DIVERSION: T01S R03W S07 NENE Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER STOCKWATER, 200 RANGE C	01-01 12-31	0.01 CFS
	WILDLIFE	01/01 12/31	0107 278

PLACE OF USE:	STOCKWATER	Within Owyhee County
	T01S R03W S07	NENE
	T01N R03W S33	NWSE SWSE
	S34	NWSE
	T01S R03W S04	SWNW
	WILDLIFE	Within Owyhee County
	T01N R03W S33	NWSE SWSE
	S34	NWSE
	T01S R03W S04	SWNW
	S07	NENE

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

BLM RECORD ID = 5701588338

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

N11/N13

RECEIVED

MAR 26 1997

Department of Water Resources

1997 MAR 24 PM 4:09

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): 57-02372

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 March 24, 1997, with sufficient first-class postage prepaid to the following:

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

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

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

RICHARD BASS
HC 88 BOX 1050
MURPHY, ID 83650


DEBBIE LASH
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
03/24/97

RECEIVED

MAY 30 1996

Department of Water Resources

1996 MAY 29 PM 3:02

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

RE: SRBA

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

In Re SRBA) Subcases: See Exhibit A
Case No. 39576) ORDER CONSOLIDATING SUBCASES
_____)

On April 1, 1996, Richard L. Harris, attorney for Joyce Livestock, filed a *Motion to Consolidate*. Most of the subcases included in the *Motion to Consolidate* included stockwater claims. Because the list of subcases described in the *Motion to Consolidate* included some irrigation claims, Joyce Livestock filed an *Amended Motion to Consolidate* on May 6, 1996, deleting the irrigation claims. On May 20, 1996, the Bureau of Land Management (BLM) filed a *Response to Amended Motion to Consolidate* deleting certain irrigation claims contained in the original *Motion to Consolidate* and the *Amended Motion to Consolidate*.

Based on a review of the list proposed consolidated subcases attached to the United States' *Response to Amended Motion to Consolidate*, IT IS ORDERED that the subcases listed on the attached Exhibit A be consolidated. The lead subcase shall be designated as subcase 57-11124. Any and all pleadings involving any of the consolidated subcases shall be directed to the lead subcase (57-11124).

DATED May 29, 1996.

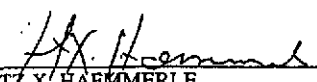

FRITZ X. HAMMERLE
Special Master, Reporting Area 2
Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

57-01045	57-10919A	57-11344
57-01046	57-10919B	57-11345
57-01047	57-10919B	57-11346
57-01049	57-10920	57-11350
57-01050	57-10920	57-11351
57-01051	57-10921	
57-01053	57-10923	
57-01054	57-10924	
57-01057	57-10930A	
57-01058	57-10930B	
57-01059	57-10930C	
57-01060	57-10930D	
57-01061	57-10944	
57-01062	57-10945	
57-02372	57-10946	
57-02450	57-10947	
57-02468	57-10979	
57-02469	57-11067	
57-02484	57-11124	
57-04008	57-11125	
57-04028	57-11126	
57-07089	57-11127	
57-07154	57-11128	
57-07165	57-11129	
57-07166	57-11130	
57-07168	57-11131	
57-07344	57-11132	
57-07354	57-11133	
57-07357	57-11134	
57-07512	57-11138	
57-07516	57-11147	
57-10373	57-11148	
57-10375	57-11149	
57-10486	57-11156	
57-10487	57-11157	
57-10586	57-11158	
57-10587	57-11162	
57-10588	57-11164	
57-10598	57-11166	
57-10660	57-11170	
57-10770	57-11173	
57-10850	57-11176	
57-10851	57-11179	
57-10914	57-11181	
57-10914	57-11183	
57-10916	57-11319	
57-10917	57-11334	
57-10917	57-11341	
57-10918	57-11342	
57-10919A	57-11343	

(Subcase list: 57BLMCONS)
Page 3 5/29/96

See file 57-11124 for
complete document.

—VK

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

1997 MAY -7 AM 8:12

In Re SRBA)
Case No. 39576)
_____)

SPECIAL MASTER'S RECOMMENDATION FOR - SRBA
PARTIAL DECREE FOR TWIN FALLS CO., IDAHO
Water Right 57-02372 *OK*

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

SOURCE: WILSON CORRAL SPRING TRIBUTARY: WILSON CREEK

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: T01S R03W S07 NENE 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
T01S R03W S07 NENE

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: 5/7/97

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

RECEIVED
JUL - 9 1997
Department of Water Resources
Adjudication Bureau

RECEIVED
JUL 07 1997
OFFICE OF THE
ATTORNEY GENERAL

1997 JUL -2 AM 9:14

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

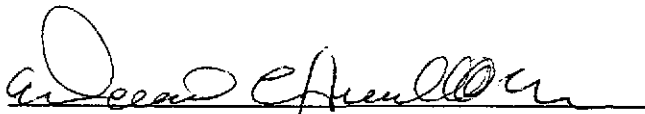
In Re SRBA	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right 57-02372
_____	)	

On May 7, 1997, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

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

Therefore, IT IS ORDERED that water right 57-02372 be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED July 2, 1997.


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



01 WATER RIGHT NUMBER - A57-2372 02 OLD (D) NUMBER - D270 ADJ. FLAG TRANSLATION: ADJUDICATION TEMPORARY WORK AREA

LAST NAME
03001 - U.S. DEPT. OF INTERIORFIRST NAME
04001 -CRIG. OWNER
05001 - C

06 ADD LINE 1 - BUREAU OF LAND MGMT.

07 ADD LINE 2 - IDAHO STATE OFFICE

08 ADD LINE 3 - 3380 AMERICANA TERRACE

09 CITY - BOISE

10 STATE - ID

11 ZIP - 837060000

12 STAGE - L LICENSE

13 STATUS -

SOURCE
14001 - WILSON CORRAL SPRINGTRIBUTARY OF
15001 - WILSON CREEK

16 DIVERSION MEANS - SPRING & TROUGH.

17 COUNTY - 73 DWYHEE

18 DIVERSION CAPACITY - .000

19 TOTAL DIVERSION RATE - .010

20 TOTAL DIVERSION VOLUME - .00

21 WATER DISTRICT - 57R

TRACT	SEC	TWN	RNG	LOT	RFLG	STREAM	INDEX	FIELDS
22001 - NENE	23001 - 07	24001 - 01S	25001 - 03W	26001 - 27001 -	28001 - 0	0.0	0.0	0.0
						0.0	0.0	0.0
						0.0	0.0	0.0
						0.0	0.0	0.0
						0.0	0.0	0.0
						0.0	0.0	0.0
						0.0	0.0	0.0
						0.0	0.0	0.0
						0.0	0.0	0.0
						0.0	0.0	0.0

29 NON-IRRIGATION USE - S/25 RANGE.

USE CODE / USE	TWN	RNG	SEC	TRACT	ACRES	LOT
30001 - 04 STOCKWATER	31001 - 01S	32001 - 03W	33001 - 07	34001 - NENE	35001 -	36001 -
						TOTAL ACRES: 0

PERIOD FROM	PERIOD TO	USE CODE / USE	WATER USE	DIVERSION RATE	DIVERSION VOLUME
37001 - 0101	38001 - 1231	39001 - 04 STOCKWATER		40001 - 0.010	41001 - 0.00

42 DECREE PLAINTIFF NAME -

43 DECREE DEFENDANT NAME -

REMARKS
44001 - PROJECT #0232.

APPROVAL CONDITIONS: 45001 -

46 OTHER RIGHTS FOR SAME USE -

D A T E S	D A T E S	F L A G S
47 PRIORITY - 24-JAN-1942	55 LICENSE - 24-JAN-1942	63 TRANSFER/AMENDED -
48 PROOF DUE -	56 APPL RECEIVED -	64 DLE/CAREY ACT -
49 PROOF MADE -	57 FIELD EXAM MADE -	65 FLAG_1 -
50 APPROVE/DENIED -	58 DECREE -	66 FLAG_2 -
51 PROTESTED -	59 START WORK -	67 FLAG_3 -
52 HEARING -	60 ORDER SHOW CAUSE -	

C4
12-21-87

WRR100
A57-2372

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 2
3-DEC-1987 19:48:38

----- D A T E S -----

----- D A T E S -----

----- F L A G S -----

53 VERIFIED -
54 LAST UPDATE - 3-DEC-1987

61 DATE_1 -
62 DATE_2 -

3-DEC-1987

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES
LISTING OF WATER RIGHTS

06/19/87

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	BASIS OF RIGHT
57-2372	U.S. DEPT. OF INTERIOR BUREAU OF LAND MGMT. IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE, ID 83706 REMARKS: PROJECT NO. 0232. SOURCE: WILSON CORRAL SPRING POINT OF DIVERSION: T01S R03W S07 NENE PLACE OF USE: STOCKWATER T01S R03W S07 NENE	01-24-1942	STOCKWATER	01-01 12-31	.01 CFS	LICENSE
57-2450	U.S. DEPT. OF INTERIOR BUREAU OF LAND MGMT. IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE, ID 83706 REMARKS: PROJECT NO. 0648. SOURCE: BRANDAU SPRING POINT OF DIVERSION: T01S R04W S35 NWSE PLACE OF USE: STOCKWATER T01S R04W S35 NWSE	02-01-1962	STOCKWATER	01-01 12-31	.01 CFS	LICENSE
57-2468	U.S. DEPT. OF INTERIOR BUREAU OF LAND MGMT. IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE, ID 83706 REMARKS: PROJECT NO. 1066. SOURCE: AFTERTHOUGHT SPRING POINT OF DIVERSION: T01S R04W S23 SWSE PLACE OF USE: STOCKWATER T01S R04W S23 SWSE	02-03-1964	STOCKWATER	01-01 12-31	.01 CFS	LICENSE
57-2469	U.S. DEPT. OF INTERIOR BUREAU OF LAND MGMT. IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE, ID 83706 REMARKS: PROJECT NO. 1058. SOURCE: SOLDIER CAP SPRING NO. TWO POINT OF DIVERSION: T01S R03W S31 NESW PLACE OF USE: STOCKWATER T01S R03W S31 NESW	02-03-1964	STOCKWATER	01-01 12-31	.01 CFS	LICENSE

MICROFILMED
OCT 07 1992

State of Idaho
Department of Water Resources

ADJUDICATION CLAIM ANALYSIS SHEET

Review by D. Shaff Date 6/19/87
Right No. 57-2372 Claimant BLM

Recommendation differs from claim: ☒ Yes ☐ No ☐ Disallow
(Document any differences)

Claim Details Verified Against:

Check (X or ✓) those searched. Circle records used for recommendation.
Include copies or memos where applicable to explain findings.

- ☒ License
- ☐ Previous Statutory Claim.
- ☐ Permits, valid or lapsed. Number(s) if different than above _____
- ☐ Decree. Name & date _____
- ☐ Conveyance Loss Calculations. See printout included.
- ☐ Title abstract. ☐ In file. Or, Name & location _____
- ☐ County records. ☐ In file. Or, Name & location _____
- ☐ Affidavits. ☐ In file.
- ☐ Posted Notices, Water Locations Notices. ☐ In file.
- ☐ Deed Records. ☐ In file. Or, Name & location _____
- ☐ Patent Records. ☐ In file. Or, Name & location _____
- _____
- ☐ Metzker Maps. Identify _____
- ☐ A.S.C.S. Records. Year & Photograph No. _____
- ☐ Irrigation Company/District Records. ☐ In file. Or Name & location _____
- ☐ Historical Books. Name(s) & location _____
- _____
- ☐ Interview(s). Attach conversation memorandum.
- ☒ Other Reviewed project file @ BLM office 6/18/87
- ☐ _____

Field Exam Made: ☒ Yes ☐ No Date 6/18/87

☐ Adj. Report in file ☐ Beneficial Use Report in License (S.O.) File

Measurement _____ cfs. Amount recommended _____ cfs.
Type of measuring device: _____ Meter No. _____
Condition _____ Date _____ Time _____

Adjudication Photo(s) Used: Name or No. _____

Field Photographs Taken ☒ Yes ☐ No in project file

Memorandum in file ☐ Yes ☐ No

Remarks _____

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

IN THE MATTER OF THE GENERAL DETER-
MINATION OF RIGHTS TO THE USE OF
Reynolds Creek
DRAINAGE BASIN.

**NOTICE OF CLAIM
TO A
WATER RIGHT**

57-2372 I.D. No.	Map No.
\$ 10- Fee Paid	45270 Receipt No.

1D-910-BP7-0015

Notice is hereby given that U.S. Dept. of Interior, Bureau of Land Management
(Name of Claimant)

3380 Americana Terrace, Boise, ID
(Mailing Address)

83706
(Zip Code)

Telephone No. 334-9516

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right) 1/24/42
- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Wilson Corral Spring
tributary to Reynolds Creek
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
Quantity .01 CFS Use livestock & wildlife Period of Use From 1/1 To 12/31
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
- (4) .01 CFS TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)
- (5) A) Point of Diversion: Give location of point where water is diverted from its source NE % NE %
Sec. 7 , Twp. 1 S , Rge. 3 W , B.M., Owyhee County
Additional Points: _____
B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Spring development and trough
- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE%				NW%				SW%				SE%				TOTAL
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
<u>1 S</u>	<u>3 W</u>	<u>7</u>	<u>X</u>																

Total no. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Use for livestock and wildlife

NOTE: Include here the type and number of stock watered: 25 cattle

(7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks Wilson Corral Spring Project # 0232

(9) Basis of claim (Check one)

- ☐ A) Right based on diversion and beneficial use.
☐ B) Right decreed by court, cite title of case. _____

☒ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho Department of Water Resources. Give No. 57-2372 and D-270

RECEIVED
JUN 19 1987

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of his/her personal knowledge.

6-19-87
(Date)

Individual

[Signature]
(Signature of Claimant)

Organization

USDI - Bureau of Land Management
(Signature of Authorized Agent)

State of

Idaho

County of

Ada

ss.

Organization

Seal

On this 19th day of June, in the year 1987 before me

a notary public, personally appeared Daniel L. Arango

known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation, partnership or _____) executed the same.

My commission expires

1-14-92

Notary Public residing at

Boise, Idaho

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

IN THE MATTER OF THE GENERAL DETER-
MINATION OF RIGHTS TO THE USE OF
Reynolds Creek
DRAINAGE BASIN.

**NOTICE OF CLAIM
TO A
WATER RIGHT**

<u>57-2372</u> I.D. No.	Map No.
\$ <u>10</u> Fee Paid	Receipt No.

ID-910-BP7-0015

Notice is hereby given that U.S. Dept. of Interior, Bureau of Land Management
(Name of Claimant)

3380 Americana Terrace, Boise, ID
(Mailing Address)

83706
(Zip Code)

Telephone No. 334-9516

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- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Wilson Corral Spring
tributary to Reynolds Creek Wilson Creek
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | |
|---|--|--|
| Quantity <u>.01 CFS</u>
(CFS, GPD, AF) | Use <u>livestock & wildlife</u>
(Domestic, irrigation, stock, etc.) | Period of Use From <u>1/1</u> To <u>12/31</u>
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
| Quantity _____
(CFS, GPD, AF) | Use _____
(Domestic, irrigation, stock, etc.) | Period of Use From _____ To _____
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
| Quantity _____
(CFS, GPD, AF) | Use _____
(Domestic, irrigation, stock, etc.) | Period of Use From _____ To _____
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
| Quantity _____
(CFS, GPD, AF) | Use _____
(Domestic, irrigation, stock, etc.) | Period of Use From _____ To _____
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
- (4) .01 CFS TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)
- (5) A) Point of Diversion: Give location of point where water is diverted from its source NE $\frac{1}{4}$ NE $\frac{1}{4}$
Sec. 7, Twp. 1 S., Rge. 3 W., B.M., Owyhee County
Additional Points: _____
B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.
Spring development and trough
- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
<u>1 S.</u>	<u>3 W.</u>	<u>7</u>	<u>X</u>																

Total no. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Use for livestock and wildlife

NOTE: Include here the type and number of stock watered: 25 cattle

(7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks Wilson Corral Spring (Project # 0232)

RECEIVED
JUN 19 1987

(9) Basis of claim (Check one)

- ☐ A) Right based on diversion and beneficial use.
☐ B) Right decreed by court, cite title of case. _____

☒ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho Department of Water Resources. Give No. 57-2372 and D-270

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of his/her knowledge.

6-19-87
(Date)

State of Idaho

County of Ada

Organization _____

Seal _____

Individual _____

(Signature of Claimant)

Organization _____

(Signature of Spouse)

(Signature of Authorized Agent)

On this 19th day of June, in the year 1987, before me
a notary public, personally appeared Daniel L. Arango

known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation, partnership or _____) executed the same

My commission expires 1-14-92

Notary Public reading at Boise, Idaho

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

IN THE MATTER OF THE GENERAL DETER-
MINATION OF RIGHTS TO THE USE OF _____

NOTICE OF CLAIM TO A WATER RIGHT

57-2372 I.D. No.	45270 Map No.
\$ 10- Fee Paid	15270 Receipt No.

ID-910-BP7-0015

Notice is hereby given that U.S. Dept. of Interior Bureau of Land Management
(Name of Claimant)

3380 Americana Terrace, Boise, ID
(Mailing Address)

83706
(Zip Code)

Telephone No. 334-9516

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

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tributary to Reynolds Creek
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | |
|---|--|--|
| Quantity <u>.01 CFS</u>
(CFS, GPD, AF) | Use <u>livestock & wildlife</u>
(Domestic, irrigation, stock, etc.) | Period of Use From <u>1/1</u> To <u>12/31</u>
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
| Quantity _____
(CFS, GPD, AF) | Use _____
(Domestic, irrigation, stock, etc.) | Period of Use From _____ To _____
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
| Quantity _____
(CFS, GPD, AF) | Use _____
(Domestic, irrigation, stock, etc.) | Period of Use From _____ To _____
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
| Quantity _____
(CFS, GPD, AF) | Use _____
(Domestic, irrigation, stock, etc.) | Period of Use From _____ To _____
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
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(CFS, GPD, AF)
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Sec. 7, Twp. 1 S., Rge. 3 W, B.M., Owyhee County
Additional Points: _____
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T	R	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
1S	3W	7	X																

Total no. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Use for livestock and wildlife

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(8) Remarks Wilson Corral Spring Project # 0232

(9) Basis of claim (Check one)

- ☐ A) Right based on diversion and beneficial use.
☐ B) Right decreed by court, cite title of case.

☒ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho Department of Water Resources. Give No. 57-2372 and D-270

RECEIVED

JUN 19 1987

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.
Department of Water Resources

6-19-87
(Date)

Individual

(Signature of Claimant)

(Signature of Spouse)

Organization USDI - Bureau of Land Management

(Signature of Authorized Agent)

State of Idaho

County of Ada

Organization

ss.

Seal

On this 19th day of June, in the year 1987 before me
a notary public, personally appeared _____

known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation, partnership or _____) executed the same.

My commission expires 1-14-92

Notary Public residing at _____

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. 57-02372 -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)

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2. Person who filed objection:

Name: RICHARD BASS
Address: HC 88 BOX 1050
MURPHY 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.

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:

Nbr of
Pages

Notice of Claim No. A57-02372

2

(Over)

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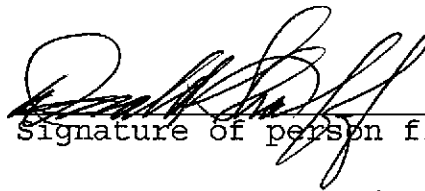
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

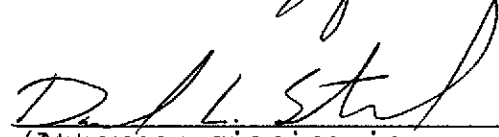
Donald V. Shaff, being first duly sworn, upon oath, deposes and says:

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.



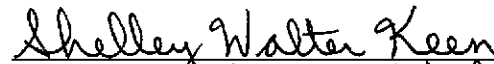
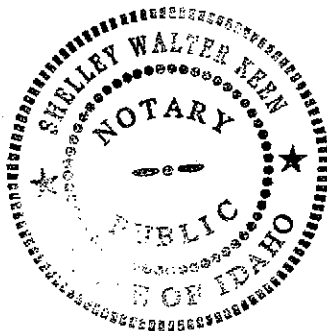
Signature of person filing response

By:



(Attorney signing in representative capacity)

Subscribed and sworn to before me this 26th day of May, 1993.



Notary Public for Idaho

Residing at: Boise, Idaho

My Commission expires: July 31, 1997

CERTIFICATE OF MAILING

I hereby certify that on the 28th day of May, 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:

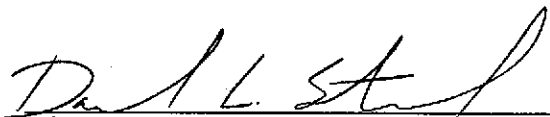
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

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: RICHARD BASS
Address: HC 88 BOX 1050
MURPHY ID 83650



Signature of Respondent or attorney
mailing on Respondent's behalf

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JUL 20 1994

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

1993 FEB 25 AM 11:25
DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED 10

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

Case No. 57-02372
(You must insert the
water right number you
are objecting to)

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.

OBJECTION

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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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: Richard Bass

Address: HC 88 BOX 1050

Murphy Idaho 83650

Briefly describe your interest in this water right:

This water Right supplies Stockwater
for our permitted Livestock on
our Federal Grazing Allotment
and has historically provided
water for previous owners
and users.

2. Owner of the water right:

Name: USDI - Bureau of Land Management

Address: 3380 Americana Terrace

Boise Idaho 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.

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(Over)

JUL 20 1994

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 Attachment 1 Case No 57-02372

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 Case No 57-02372

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 No 57-02372

VERIFICATION (Must be Completed)

State of Iowa

County of Cuyahoga

Richard Bass, 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.

Richard Bass
Signature of person filing objection

By: _____
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 24 day of Feb.,
1993.

Alma Freund
Notary Public for Iowa
Residing at: Home
My Commission expires: 12/15/98

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 23 day of Aug, 1999, 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

3. One copy to:

Boise Id. 83706

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

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

Junavo Ranch Limited Partnership

1087 River Street, Suite 230, Boise, ID 83702

Owen Orndorff, 600 E. Braemere, Boise, ID 83702

Harry Richard Bass, HC 88, Box 1050, Murphy, ID 83650

Bruce Reuck, HC 88, Box 1080, Murphy, ID 83650

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JUL 20 1994

AJ0749NP
No. R57-02372

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

VERIFIED BY R. McCarthy
9-17-92

DATE: 09/17/92
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: WILSON CORRAL SPRING

Tributary to: WILSON CREEK

Stage: DECREED

Point(s) of Diversion:

T01S R03W S07

NENE

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
01S	03W	7	:																
			:	S															

POU County: OWYHEE

Non-Irrigation Uses: STOCKWATER, 200 RANGE CATTLE AND HORSES

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 = 5701588338

Dates: Exam Made Date:

Verified Date: 09/17/1992

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Comments: Date: 09/10/1992 User-ID: MCCARTHY Subject: BLM PROJECT #0232
ACCORDING TO REYNOLDS CR. DECREE

Date: 09/10/1992 User-ID: MCCARTHY Subject: D-PERMIT 0270
PER IDWR RECORDS

Date: 09/10/1992 User-ID: MCCARTHY Subject: OVERLAPPING CLAIM
A57-11299 APPEARS TO DUPLICATE THIS RIGHT

Permit: 09/17/92 MCCARTHY

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OCT 07 1992

CLAIM NO. A57-02372

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. A57-02372A
That Recommendation Corrected? yes ___ no ___
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 map spring.
4. ☒ No Change - POINT OF DIVERSION - Claim matches existing license or decree
☐ Point of diversion has changed
Twp ___, Rge ___, Sec ___, ___ 1/4, ___ 1/4, ___ 1/4
How was this verified? _____
5. N/A
6. ☐ No Change - WATER USES
☒ Uses, per IDWR records: no wildlife
- | | | | | | |
|-----------|------------|----------|--------------|-----------|----------|
| Use _____ | From _____ | To _____ | Amount _____ | cfs _____ | af _____ |
| Use _____ | From _____ | To _____ | Amount _____ | cfs _____ | af _____ |
7. ☐ No Change - TOTAL RATE AND VOLUME
☒ Total rate and volume, per IDWR records: 0.01 cfs ___ afa
no wildlife
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: _____

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10. ☐ No Change - PLACE OF USE:

☒ Place of Use has changed:

Use	Twp.	Rge.	Sec.	1/4,	1/4,
<u>Stock</u>	<u>15</u>	<u>3W</u>	<u>7</u>	<u>NE</u>	<u>NE</u>

How was this verified? decree records

Remarks:(Comments pertinent to review)

D- Permit 0270
BLM Proj. # 0232
Overlapping Claim: A57-11277
Recommended per Reynolds Cr. decree

Review Completed by: R. McCarthy
signature

Date: 9-10-92

REMARKS:

[illegible]

270

JIM JONES
Attorney General

PHILLIP J. RASSIER
JOSEPHINE P. BEEMAN
Deputy Attorneys General
Department of Water Resources
450 West State Street
Boise, ID 83720
Telephone: (208) 334-4448

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

IN THE MATTER OF THE GENERAL)
DETERMINATION OF THE RIGHTS)
TO THE USE OF THE SURFACE AND)
GROUND WATERS OF REYNOLDS)
CREEK DRAINAGE COMMONLY KNOWN)
AS REYNOLDS CREEK DRAINAGE)
BASIN)
_____)
A. KENNETH DUNN, Director of)
the Department of Water)
Resources,)
Plaintiff and Petitioner,)
vs.)
ADAMS, Larry, et al.,)
Defendants.)

Civil No. 3456

STIPULATION RESOLVING
OBJECTIONS OF
THE UNITED STATES,
DEPARTMENT OF THE INTERIOR,
BUREAU OF LAND MANAGEMENT

A. Kenneth Dunn, Director of the Idaho Department of Water Resources ("Director" herein) and the United States, Department of the Interior, Bureau of Land Management ("United States" herein), stipulate to the inclusion of the following rights in the Proposed Finding of Water Rights in the Reynolds Creek

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OCT 07 1992

Drainage: 57-2372, 57-2450, 57-2468, 57-2469, 57-2484, 57-2499, and 57-7094.

These rights are all listed in the name of the U.S. Dept. of Interior, Bureau of Land Management, Idaho State Office. The elements of these water rights are listed in the attached Exhibit A. In addition, the season of use for each of these rights is January 1 to December 31. These seven rights are nonconsumptive. Therefore, there is no acre foot per annum (AFA) listed as an element for the seven rights.

There were errors regarding the listing of the United State's rights in the Proposed Finding which also need to be changed. The right listed for Mullen Spring on page 37 of the Proposed Finding should be 57-1058, not 57-1048. The project number for claim 57-1049 on page 73 of the Proposed Finding should be listed as 1547, not 1149. The place of use for water right 57-1045 should be the NESW, not NESE.

The Director and the United States stipulate that these additions and corrections to the Proposed Finding of Water Rights in the Reynolds Creek Drainage Basin resolve the objection of the United States which was received September 5, 1985. That objection is hereby withdrawn.

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