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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

A57-02375

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. 5702375
BLM NUMBER: 5701588033
BASIS OF CLAIM: LICENSE
BASIN NO.: 57

SOURCE	TRIBUTARY TO
SKULL SPRING	MCBRIDE CREEK

DESCRIPTION OF DIVERSION WORKS
HEADBOX, PIPELINE, TROUGHS

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
STOCKWATER	0.010	0.00	0501	1031
WILDLIFE	0.010		0101	1231
TOTAL:	0.050 CFS	6.50 AF		

NON-IRRIGATION USES
S/233 RANGE CATTLE W/VAR AMT

POINT OF DIVERSION
TWP RNG SEC TRACT1 TRACT2 TRACT3 LOT COUNTY
01S 05W 06 SW SW 0 OWYHEE

MICROFILMED

OCT 07 1992

PLACE OF USE

TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	OWNED	IRRIGATED ACRES
01S	05W	06	SW	SW	0	OWYHEE		0.0
01S	05W	06	SW	SW	0	OWYHEE		0.0

MICROFILMED

TOTAL ACRES IRRIGATED: 0.0

OCT 07 1992

BLM NUMBER: 5701588033

PAGE 2

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

STAT CLAIM 57-4071, PD: 6/22/42, LICENSE 57-7352 PD: 2/25/83

REMARKS

PREVIOUSLY FILED WITH THE IDAHO DEPARTMENT OF WATER RESOURCES

MICROFILMED
OCT 07 1992

1997 NOV 26 PM 2:55
DISTRICT COURT-5TH
TWIN FALLS COUNTY, 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	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right 57-02375
_____	)	

On August 19, 1997, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 57-02375 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED November 26, 1997.


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

RECEIVED

AUG 2 1997

Department of Water Resources
Adjudication Bureau

1997 AUG 19 AM 9:22

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED DL

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

In Re SRBA

) Subcase 57-02375

Case No. 39576

)
)
) SPECIAL MASTER'S REPORT
)

FINDINGS OF FACT AND CONCLUSIONS OF LAW

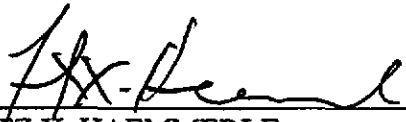
A notice of claim was filed for this water right pursuant to I.C. § 42-1409 (1990) by United States (BLM). The director of the State of Idaho Department of Water Resources examined the water system for areas 1, 2, and 3 and investigated and abstracted the notices of claims for those Reporting Areas.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

An objection to the *Director's Report* for water right 57-02375 was filed by Ted Gammett. Subsequently, the objection was withdrawn by stipulation of the parties.

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 now expired; therefore,

IT IS THEREFORE RECOMMENDED that subcase 57-02375 be decreed as recommended in the attached *Special Master's Report and Recommendation for Partial Decree*.

DATED August 19, 1997.


FRITZ X. HAEMMERLE

Special Master, Reporting Area 2
Snake River Basin Adjudication

MICROFILMED

SEP 9 1997

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

In Re SRBA)
Case No. 39576)
_____)

1997 AUG 19 AM 9:22
SPECIAL MASTER'S RECOMMENDATION FOR
PARTIAL DECREE FOR DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
Water Right 57-02375
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

SOURCE: SKULL SPRING TRIBUTARY: MC BRIDE 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 R05W S06 SWNESW 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 R05W S06 SWSW

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

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

DATED: 8/19/97

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

MICROFILMED

007 0 - 1000

SPECIAL MASTER'S RECOMMENDATION
Water Right 57-02375

PAGE 1
JUN-9-1997

1997 AUG 19 AM 9:22

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO

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

In Re SRBA)
Case No. 39576)
_____)

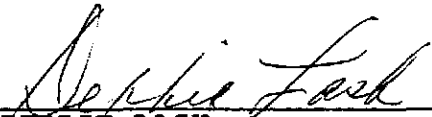
NOTICE OF ISSUANCE OF
SPECIAL MASTER'S REPORT
AND RECOMMENDATION

Water Right(s): 57-02375

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

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

DATED August 19, 1997.


DEBBIE LASH
Deputy Clerk

MICROFILMED

8813-000

NOTICE OF ISSUANCE

PAGE 1
08/19/97

1997 AUG 19 AM 9:22

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 *DL*

In Re SRBA

)

CERTIFICATE OF MAILING

)

Case No. 39576

)

Water Right(s): 57-02375

)

CERTIFICATE OF MAILING

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

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

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

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

TED GAMMETT
ROCKVILLE ROUTE
JORDAN VALLEY, OR 97910

Debbie Lash
DEBBIE LASH

CERTIFICATE OF MAILING

MICROFILMED

PAGE 1
08/19/97

001 0 - 100

RECEIVED

JUN 23 1997

Department of Water Resources
Adjudication Bureau

1997 JUN 20 AM 11:13

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 57-02375

Case No. 39576

)
) PRELIMINARY SPECIAL
) MASTER'S REPORT
)

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

An objection to the *Director's Report* for water right 57-02375 was filed by Ted Gammett. Subsequently, the objection was withdrawn by stipulation of the parties; now therefore,

IT IS THEREFORE RECOMMENDED that subcase 57-02375 be decreed as recommended in the attached *Preliminary Special Master's Report and Recommendation*.

DATED June 20, 1997.

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

MICROFILMED

OCT 3 - 1998

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

In Re SRBA)
Case No. 39576)
_____)

PRELIMINARY

SPECIAL MASTER'S RECOMMENDATION FOR

PARTIAL DECREE FOR

Water Right 57-02375

1997 JUN 20 AM 11:13

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

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

SOURCE: SKULL SPRING TRIBUTARY: MC BRIDE 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 R05W S06 SWNESW 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 R05W S06 SWSW

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

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

DATED: 6/20/97

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

1997 JUN 20 AM 11:13

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): 57-02375

On June 20, 1997, Special Master FRITZ X HAEMMERLE
lodged a PRELIMINARY SPECIAL MASTER'S REPORT and a PRELIMINARY
SPECIAL MASTER'S RECOMMENDATION pursuant to SRBA Administrative
Order 1 section 9 (f).

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

DATED June 20, 1997.


DEBBIE LASH
Deputy Clerk

MICROFILMED

SEP 3 1998

1997 JUN 20 AM 11:13

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): 57-02375

CERTIFICATE OF MAILING

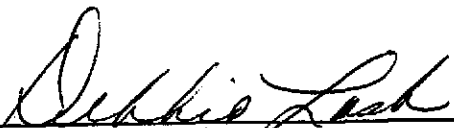
I certify that a true and correct copy of PRELIMINARY SPECIAL MASTER'S REPORT, PRELIMINARY SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF PRELIMINARY SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on June 20, 1997, with sufficient first-class postage prepaid to the following:

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

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

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

TED GAMMETT
ROCKVILLE ROUTE
JORDAN VALLEY, OR 97910


DEBBIE LASH

CERTIFICATE OF MAILING

MICROFILMED

PAGE 1
06/20/97

987 3 - 713

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

DATE: MAY-19-1997

PAGE: A-8

RIGHTS FROM: SOURCE: SKULL SPRING TRIBUTARY: MC BRIDE CREEK

RIGHT NUMBER: 57-02375

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: SKULL SPRING ✓ TRIBUTARY: MC BRIDE CREEK ✓

QUANTITY: 0.01 CFS

THE QUANTITY FOR NON-IRRIGATION USE IS LIMITED TO THE AMOUNT BENEFICIALLY
USED FOR: STOCKWATER, 233 RANGE CATTLE, WILDLIFE, VARIABLE AMOUNT

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 R05W S06

SWNESW

SWSW

Within Owyhee County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

STOCKWATER STOCKWATER, 233 RANGE

PERIOD OF USE

01-01 12-31

QUANTITY

0.01 CFS

PLACE OF USE:

STOCKWATER

Within Owyhee County

T01S R05W S06

SWSW

EXP

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

BLM RECORD ID = 5701588033

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

MICROFILMED

007 3 1993

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

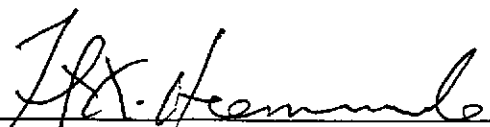
) ORDER GRANTING MOTION TO
) WITHDRAW

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

MICROFILMED

987 3 - 1003

CERTIFICATE OF MAILING

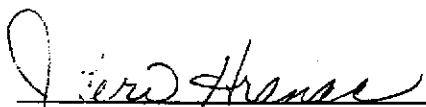
I certify that a true and correct copy of the ORDER GRANTING MOTION TO WITHDRAW was mailed on March 27, 1996, with sufficient first-class postage to the following:

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

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
ATTORNEY GENERAL

**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 Gammett 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.

MICROFILMED

OCT 9 1996

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT ON 3-87

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS - SRBA
TWIN FALLS CO., IDAHO

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

FILED _____

Case No. 57-02375 -0001

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

RESPONSE TO OBJECTION

Petitioner,

vs.

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

Respondents.

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

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

Briefly describe your interest in this water right:

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

(Over)

MICROFILMED

OCT 24 1987

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 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. A57-02375

2

(Over)

MICROFILMED

867 2 153

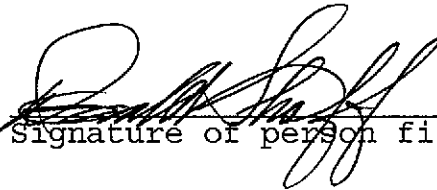
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

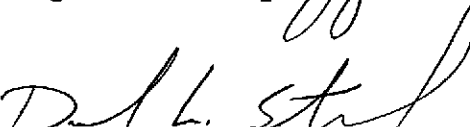
Donald V. Shaff, being first duly sworn, upon oath, deposes and says:

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.

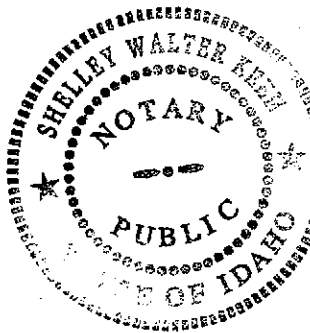


Signature of person filing response

By:


(Attorney signing in
representative capacity)

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



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

CERTIFICATE OF MAILING

I hereby certify that on the 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:

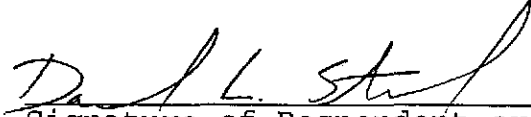
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

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: TED GAMMETT
Address: ROCKVILLE
JORDAN VALLEY OR 97910



Signature of Respondent or attorney
mailing on Respondent's behalf

MICROFILMED

OCT 2 1993

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

A57-02375

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
IOWR WATER RIGHT NO. 5702375
BLM NUMBER: 5701588033
BASIS OF CLAIM: LICENSE
BASIN NO.: 57

SOURCE	TRIBUTARY TO
SKULL SPRING	MCBRIDE CREEK

DESCRIPTION OF DIVERSION WORKS

HEADBOX, PIPELINE, TROUGHS

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
STOCKWATER	0.010	0.00	0501	1031
WILDLIFE	0.010		0101	1231
TOTAL:	0.050 CFS	6.50 AF		

NON-IRRIGATION USES

S/233 RANGE CATTLE W/VAR AMT

POINT OF DIVERSION

TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
01S	05W	06		SW	SW	0	OWYHEE

MICROFILMED

OCT 07 1992

PLACE OF USE

TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	OWNED	IRRIGATED ACRES
01S	05W	06	SW	SW	0	OWYHEE		0.0
01S	05W	06	SW	SW	0	OWYHEE		0.0

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TOTAL ACRES IRRIGATED: 0.0

BLM NUMBER: 5701588033

PAGE 2

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

STAT CLAIM 57-4071, PD: 6/22/42, LICENSE 57-7352 PD: 2/25/83

REMARKS

PREVIOUSLY FILED WITH THE IDAHO DEPARTMENT OF WATER RESOURCES

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RECEIVED

MAR 01 1993

Department of Water Resources
Adjudication Bureau

For Case NO

57-02375

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

Les Sammett

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OCT 01 1993

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. 57-02375
(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)

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OBJECTION - 1

OCT 3 1993

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, OR 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: USDI, 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.

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(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 attachment 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 attachment 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 # 57-02375

VERIFICATION (Must be Completed)

State of Idaho

County of Owyhee

Ted Gammett, 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 Gammett
Signature of person filing objection

By: _____
(Attorney signing in
representative capacity)

199 3 subscribed and sworn to before me this 23 day of FEB.

Norman D. Stewart
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, 1957

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007 9 - 1383

(Over)

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

I hereby certify that on the 26 day of 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:

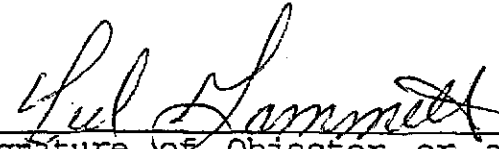
Idaho State Office3380 AMERICANNA TERRACEBoise Idaho 83706

3. One copy to:

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

4. One copy to:

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



Signature of Objector or attorney
mailing on Objector's behalf

Attachment (1)

Case No.

57-02375

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

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OCT 9 1983

☒ 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 # 57-02375

VERIFICATION (Must be Completed)

State of Idaho

County of Owyhee

Ted Gammett, 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 Gammett
Signature of person filing objection

By: _____
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 23 day of FEB,
199 3

Norman J. Stewart
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

Replaced
Originals

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 24 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, 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

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

I hereby certify that on the 26 day of 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 Office3380 AMERICANNA TERRACEBoise Idaho 83706

3. One copy to:

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

4. One copy to:

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



Signature of Objector or attorney
mailing on Objector's behalf

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). 57-10942
☒ Claim totally disallowed X or partially deleted?
☐ Private claimant notification letter sent - Date
☐ No overlapping Federal Claim
☒ Overlapping Federal Claim
 Claim No(s). 57-11020 - 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:
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: Wildlife deleted - not licensed
☐ Water uses to reflect IDWR records as shown below:

Use <u> </u>	From <u> </u>	To <u> </u>	Amount <u> </u>	cfs	af
Use <u> </u>	From <u> </u>	To <u> </u>	Amount <u> </u>	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 Incorrect addition plus licensed for .01 cfs total.

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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 Deleted wildlife. not
licensed.
☐ Place of Use as claimed was changed from existing right -
Map attached _____
How was this verified? _____

Remarks:

This claim with 57-04071 + 57-07352 +
57-07386 + 57-07387 totally overlaps
private filing by Ed Hammer 57-10942
+ 57-10942 will be disallowed.
Total cfs of all rights from Skull Spring
total .12 cfs which is just right for
150 hd cattle - .05 cfs + 2000 sheep - .07 cfs.

Review Completed by:

Jean Thunte
signature

Date:

9-21-92

AJ5809NP
No. R57-02375

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 09/24/92
PAGE: 2

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: SKULL SPRING

Tributary to: MC BRIDE CREEK

Stage: LICENSE

Point(s) of Diversion:

T01S R05W S06

SWSW

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
01S 05W 6	:		:		:		:		:		:		:		:	

POU County: OWYHEE

Non-Irrigation Uses: STOCKWATER, 233 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

Other Rights: 57-04071 & 57-07352

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 = 5701588033

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Comments: Date: 09/22/1992 User-ID: WHITE Subject: COPIED FROM REMARKS
PREVIOUSLY FILED WITH THE IDAHO DEPARTMENT OF WATER RESOURCES.

Audit: 09/22/92 WHITE

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