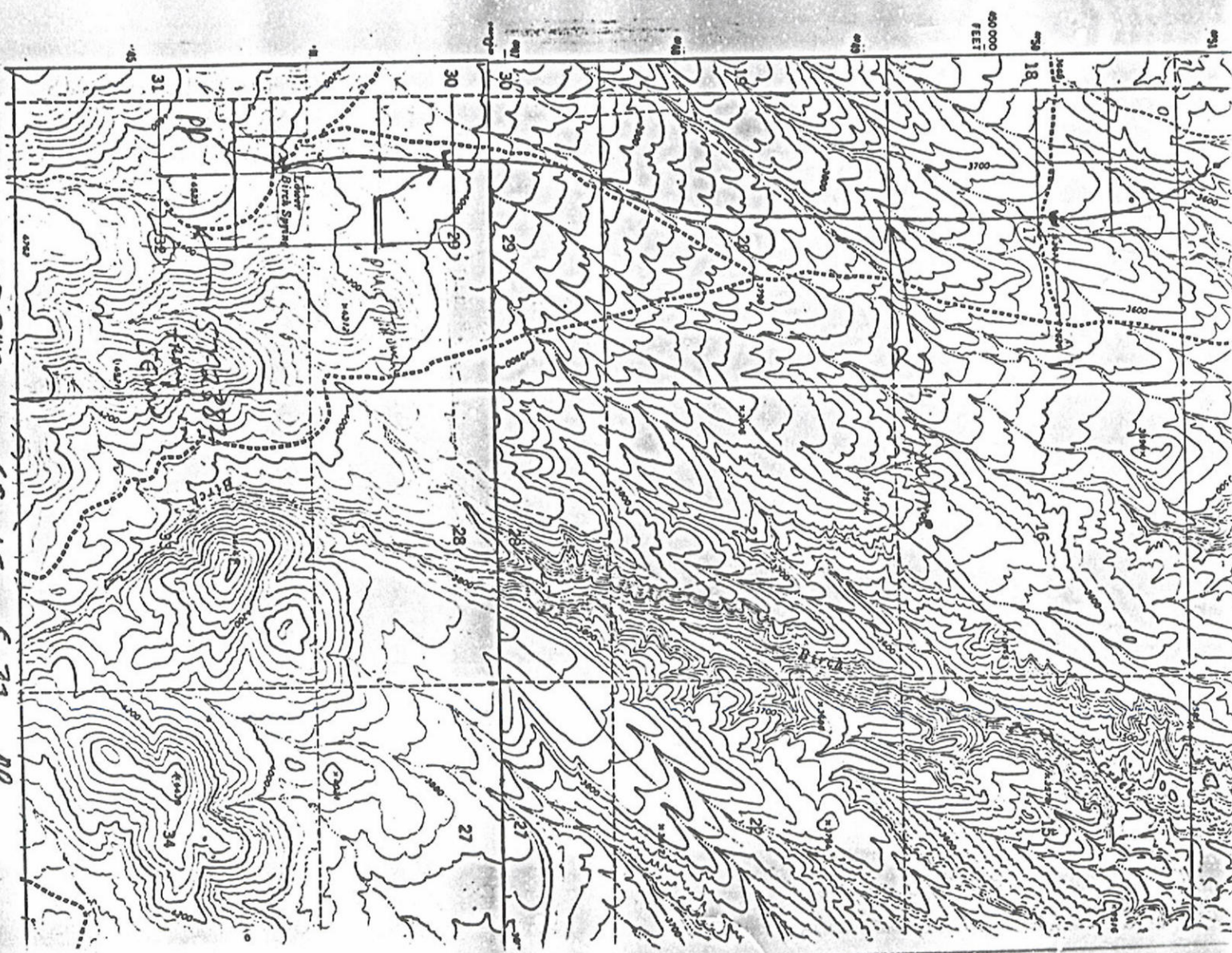


57-7417 65 1E 5.32 PO



MICROFILMED

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

Rm NE. 1
#23

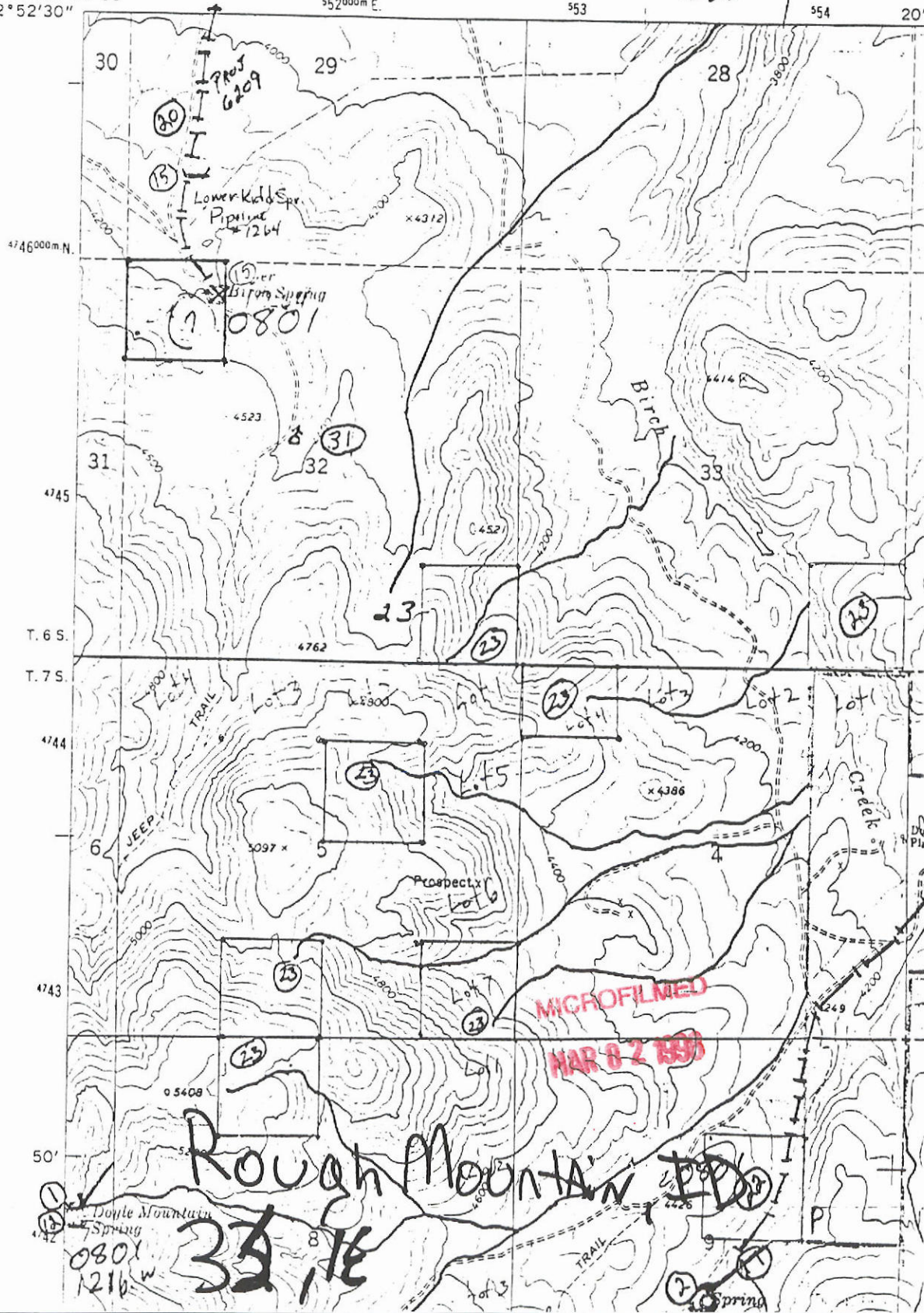
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IN THE DISTRICT COURT OF
THE FIFTH JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

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

A57-02382

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
LOWR WATER RIGHT NO. 5702382
BLM NUMBER: 5701688040
BASIS OF CLAIM: LICENSE
BASIN NO.: 57

SOURCE	TRIBUTARY TO
-----	-----
SPRING	CASTLE CREEK

DESCRIPTION OF DIVERSION WORKS

COLLECTOR, 1/2 MI PIPELINE, 2 TROUGHS

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

NON-IRRIGATION USES

S/1000 RANGE CATTLE W/VAR AMT

POINT OF DIVERSION							
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
---	---	---	-----	-----	-----	---	-----
06S	01E	32		NW	NW	0	OWYHEE

PLACE OF USE

TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	OWNED	IRRIGATED ACRES
---	---	---	-----	-----	---	-----	-----	-----
06S	01E	32	NW	NW	0	OWYHEE		0.0
06S	01E	32	NW	NW	0	OWYHEE		0.0
06S	01E	29	NW	SW	0	OWYHEE		0.0
06S	01E	29	NW	SW	0	OWYHEE		0.0
06S	01E	17	NE	SW	0	OWYHEE		0.0

MICROFILMED
OCT 07 1992

BLM NUMBER: 5701688040

PAGE 2

06S	01E	17	NE	SW	0	OWYHEE	0.0
06S	01E	08	NW	NW	0	OWYHEE	0.0
06S	01E	08	NW	NW	0	OWYHEE	0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

LICENSE 57-7417

REMARKS

PREVIOUSLY FILED WITH THE IDAHO DEPARTMENT OF WATER RESOURCES

MICROFILMED

OCT 07 1992

RECEIVED
OCT 1 1983
Bureau of Land Management
DEPARTMENT OF AGRICULTURE
JAN 23 1984

Transfer No. 3008
Water Right No. 52-2372
1180

DEPARTMENT OF WATER RESOURCES
To Change the Point of Diversion and/or the Place of Use

Name of applicant: Stewart & Sons, Inc. Phone: 83705
Post Office address: 3978 Newcomb Ave., Boise, ID 83705

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. _____ Dated to _____
in case of _____ vs _____ (Name)

b. License No. 57-2372 issued by the Idaho Department of Water Resources
dated in _____ in _____ county of _____

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

3. Source of water SEPA tributary to _____

4. Date of priority 1/27/42

5. Water is used for the following purposes:
amount 0.001 for Stockwater purposes from 1/1 to 12/31
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____

6. Total amount of water under right: a. 2.001 cubic feet per second
b. _____ acre feet per annum

7. Location of original point of _____ on _____ SE _____ % of Section 32
Township 6S Range 1E B.M. in Payette County

Additional points of diversion, if any _____

8. Lands irrigated or place of use: _____

Year	Month	Date	Jan				Feb				Mar				Apr				May				Jun				Jul				Aug				Sep				Oct				Nov				Dec																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																					
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B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT at the time of application

1. Amount of water: _____ cubic feet per second
 2. Point of diversion: _____
 3. Range: _____ B.M.: _____ Section: _____ Township: _____
 4. Additional points: _____

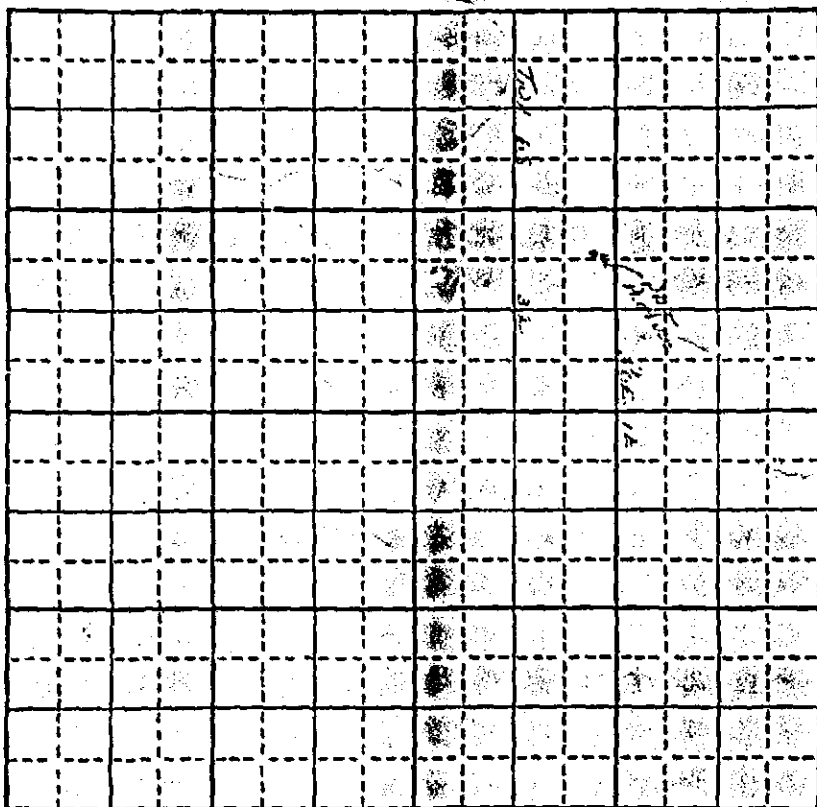
3. Place of use:

Year	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355	2356	2357	2358	2359	2360	2361	2362	2363	2364	2365	2366	2367	2368	2369	2370	2371	2372	2373	2374	2375	2376	2377	2378	2379	2380	2381	2382	2383	2384	2385	2386	2387	2388	2389	2390	2391	2392	2393	2394	2395	2396	2397	2398	2399	2400	2401	2402	2403	2404	2405	2406	2407	2408	2409	2410	2411	2412	2413	2414	2415	2416	2417	2418	2419	2420	2421	2422	2423	2424	2425	2426	2427	2428	2429	2430	2431	2432	2433	2434	2435	2436	2437	2438	2439	2440	2441	2442	2443	2444	2445	2446	2447	2448	2449	2450	2451	2452	2453	2454	2455	2456	2457	2458	2459	2460	2461	2462	2463	2464	2465	2466	2467	2468	2469	2470	2471	2472	2473	2474	2475	2476	2477	2478	2479	2480	2481	2482	2483	2484	2485	2486	2487	2488	2489	2490	2491	2492	2493	2494	2495	2496	2497	2498	2499	2500	2501	2502	2503	2504	2505	2506	2507	2508	2509	2510	2511	2512	2513	2514	2515	2516	2517	2518	2519	2520	2521	2522	2523	2524	2525	2526	2527	2528	2529	2530	2531	2532	2533	2534	2535	2536	2537	2538	2539	2540	2541	2542	2543	2544	2545	2546	2547	2548	2549	2550	2551	2552	2553	2554	2555	2556	2557	2558	2559	2560	2561	2562	2563	2564	2565	2566	2567	2568	2569	2570	2571	2572	2573	2574	2575	2576	2577	2578	2579	2580	2581	2582	2583	2584	2585	2586	2587	2588	2589	2590	2591	2592	2593	2594	2595	2596	2597	2598	2599	2600	2601	2602	2603	2604	2605	2606	2607	2608	2609	2610	2611	2612	2613	2614	2615	2616	2617	2618	2619	2620	2621	2622	2623	2624	2625	2626	2627	2628	2629	2630	2631	2632	2633	2634	2635	2636	2637	2638	2639	2640	2641	2642	2643	2644	2645	2646	2647	2648	2649	2650	2651	2652	2653	2654	2655	2656	2657	2658	2659	2660	2661	2662	2663	2664	2665	2666	2667	2668	2669	2670	2671	2672	2673	2674	2675	2676	2677	2678	2679	2680	2681	2682	2683	2684	2685	2686	2687	2688	2689	2690	2691	2692	2693	2694	2695	2696	2697	2698	2699	2700	2701	2702	2703	2704	2705	2706	2707	2708	2709	2710	2711	2712	2713	2714	2715	2716	2717	2718	2719	2720	2721	2722	2723	2724	2725	2726	2727	2728	2729	2730	2731	2732	2733	2734	2735	2736	2737	2738	2739	2740	2741	2742	2743	2744	2745	2746	2747	2748	2749	2750	2751	2752	2753	2754	2755	2756	2757	2758	2759	2760	2761	2762	2763	2764	2765	2766	2767	2768	2769	2770	2771	2772	2773	2774	2775	2776	2777	2778	2779	2780	2781	2782	2783	2784	2785	2786	2787	2788	2789	2790	2791	2792	2793	2794	2795	2796	2797	2798	2799	2800	2801	2802	2803	2804	2805	2806	2807	2808	2809	2810	2811	2812	2813	2814	2815	2816	2817	2818	2819	2820	2821	2822	2823	2824	2825	2826	2827	2828	2829	2830	2831	2832	2833	2834	2835	2836	2837	2838	2839	2840	2841	2842	2843	2844	2845	2846	2847	2848	2849	2850	2851	2852	2853	2854	2855	2856	2857	2858	2859	2860	2861	2862	2863	2864	2865	2866	2867	2868	2869	2870	2871	2872	2873	2874	2875	2876	2877	2878	2879	2880	2881	2882	2883	2884	2885	2886	2887	2888	2889	2890	2891	2892	2893	2894	2895	2896	2897	2898	2899	2900	2901	2902	2903	2904	2905	2906	2907	2908	2909	2910	2911	2912	2913	2914	2915	2916	2917	2918	2919	2920	2921	2922	2923	2924	2925	2926	2927	2928	2929	2930	2931	2932	2933	2934	2935	2936	2937	2938	2939	2940	2941	2942	2943	2944	2945	2946	2947	2948	2949	2950	2951	2952	2953	2954	2955	2956	2957	2958	2959	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[illegible]

Total number of acres to be irrigated

4. Describe any other water rights used for the same purpose as specified above. None
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE 2 reflects my... I never... Do not place an...

MICROFILMED
MAR 12 1998
MAR 12 1998

D. REMARKS

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentation made in this application may result in voiding its approval.

Subscribed and sworn to before me this 7th day of November, 1983

Lawrence J. Halpin
Notary Public

My commission expires Feb. 12, 1984

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 57-2382 and that application is hereby APPROVED subject to the following limitations and conditions:

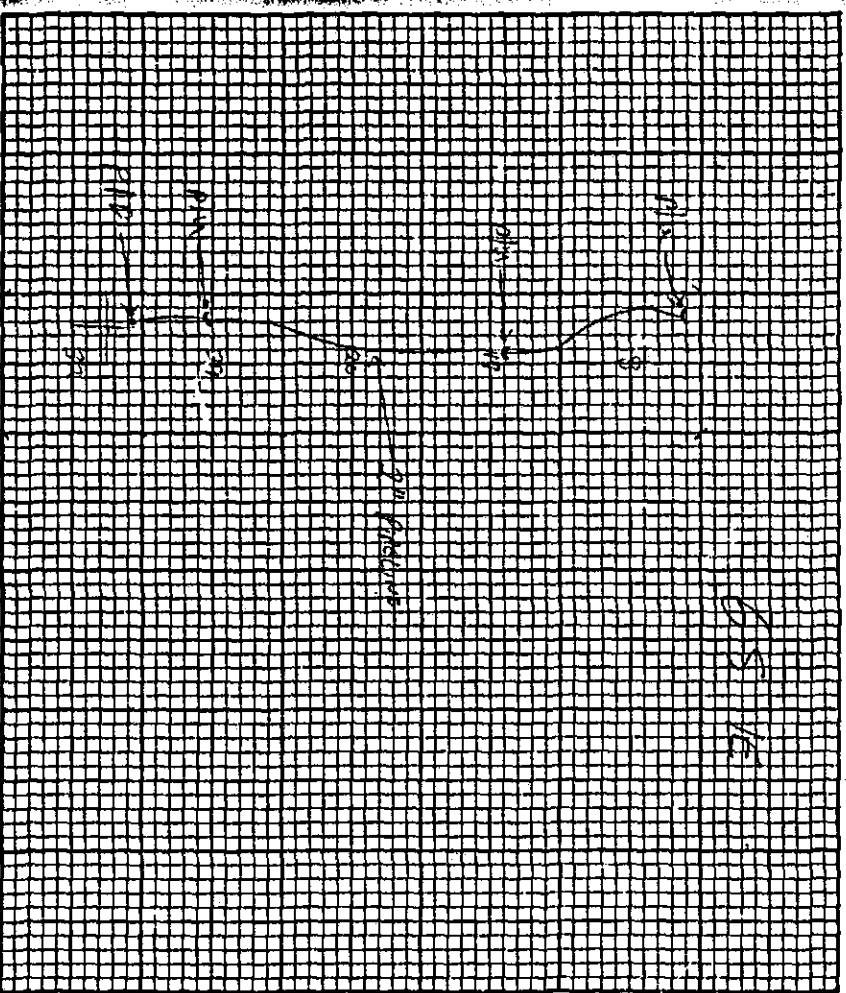
Witness my hand this 26th day of July, 1985

A. H. Simpson
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY FD-910-RWS-0003

Received by me Date 11-25-83 Printed filed by _____
 Public check by 665 No 302
 Received by me Date 8-10-84 # 35207
 Published in California Waterways
 Pub. date 7-11-84 # 35207
 Copies of protocol forwarded by _____
 Hearing held by _____ Date _____
 Recommended for APPROVED Denial _____
 by DBS Sim

downstream, and the inside pipe diameter at the measurement point. With multiple streams of water, indicate how diversion systems are connected.



13. ☐ Photo of Diversion & System Attached

☐ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached

14. Remarks Lic. Re'd:

<u>Shockwater</u>	<u>11-12/31</u>	<u>.04 cfs</u>	<u>2.0 AFA</u>
<u>Lowdell</u>	<u>11-12/31</u>	<u>.04 cfs</u>	<u>2.0 AFA</u>
<u>TOTAL</u>		<u>.04 cfs</u>	<u>4.0 AFA</u>

(Additive since spring volume capacity is 240) → 4.0 AFA

15. Recommended Amendments

- ☐ Change P.D. as reflected above
- ☐ Add P.D. as reflected above
- ☐ Change P.U. as reflected above
- ☐ Add P.U. as reflected above
- ☐ Other

16. Examiner's/Consultant's Signature Steve Scott Date 8/20/87

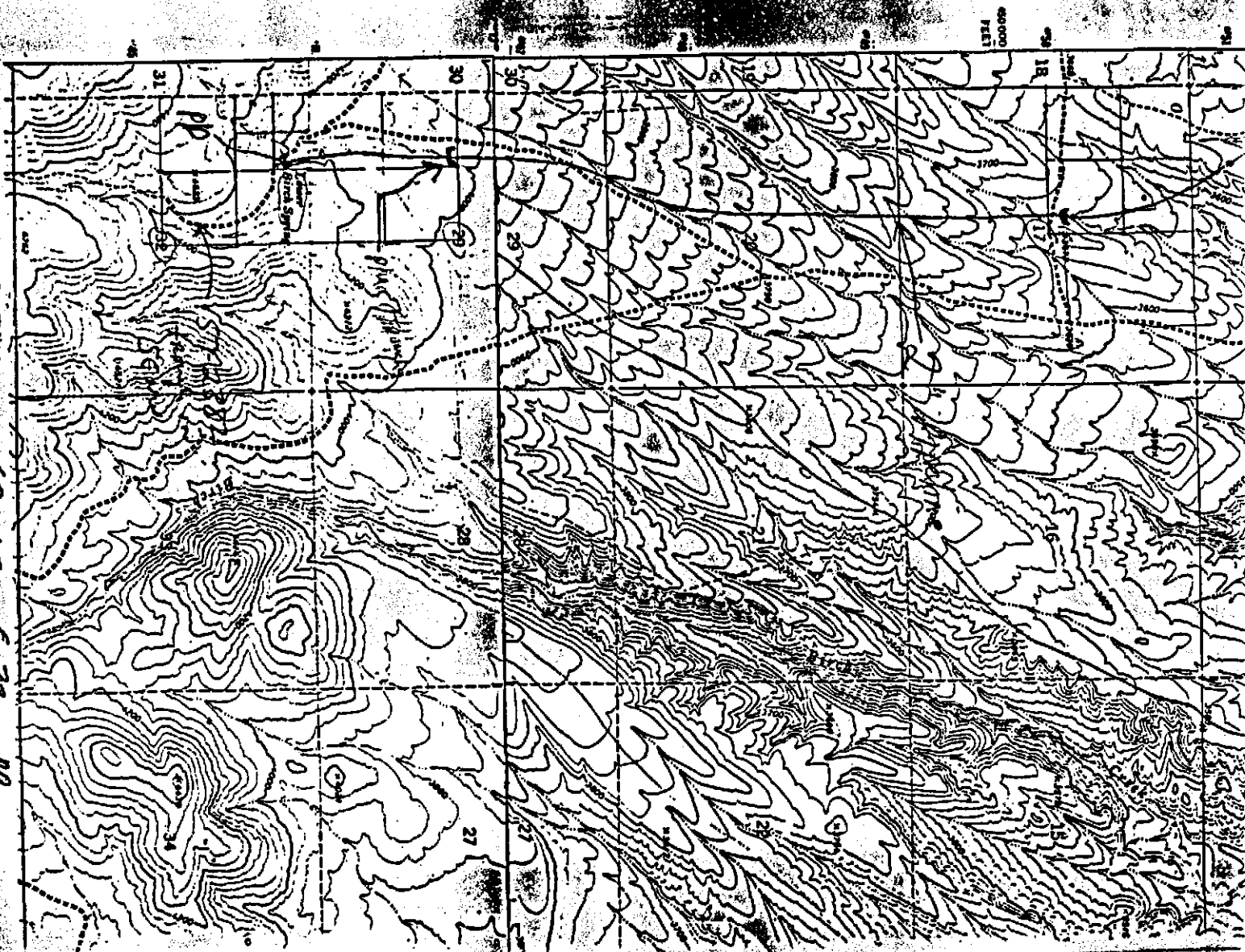
Consultant's License Number 3D

IDWR Director's Authorization to Conduct 2/6/78

Beneficial Use Examination 2/6/78



57-7417 65 1E S 32 PO



REFILMED

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

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

Water Source: LOWER BIRCH SPRING

Tributary to: SINKS

Stage: LICENSE

Point(s) of Diversion:

T06S R01E S32

NENWNW

OWYHEE County

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE											
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac	
06S	01E	32	:					:					:					:					:

POU County: OWYHEE

Non-Irrigation Uses: STOCKWATER, 1000 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

Other Rights: 57-7417

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 = 5701688040
SOURCE IS ALSO KNOWN AS KIDD SPRING.

Dates: Exam Made Date: Verified Date:

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

Comments: Date: 09/24/1992 User-ID: FRAZEE Subject: COPIED FROM REMARKS
BLM RECORD ID = 5701688040
PREVIOUSLY FILED WITH THE IDAHO DEPARTMENT OF WATER RESOURCES.

Date: 10/09/1992 User-ID: WSHAFF Subject: CHANGE
MODIFIED SOURCE TO USGS MAP NAME, AND PLACE OF USE TO FINDINGS
IN 1987 EXAM OF 57-07417 AND ADDED REMARK ABOUT NAME ALSO KIDD
SPRING.

Audit: 10/09/92 WSHAFF

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: *Lower Birch* KIDD SPRING

Tributary to: *sinks* CASTLE CREEK

Stage: LICENSE

Point(s) of Diversion:

T06S R01E S32

NENWNW

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	:
~~06S~~	~~01E~~	~~8~~	:																	:
~~06S~~	~~01E~~	~~17~~	:																	:
~~06S~~	~~01E~~	~~29~~	:																	:
06S	01E	32	:							S										:

POU County: OWYHEE

Non-Irrigation Uses: STOCKWATER, 1000 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

Other Rights: 57-7417

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 = 5701688040

Dates: *Source AKA Kidd Spring.*

Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

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

BLM RECORD ID = 5701688040

PREVIOUSLY FILED WITH THE IDAHO DEPARTMENT OF WATER RESOURCES.

Audit: 09/23/92 WHITE 09/24/92 FRAZEE

MICROFILMED

MAR 02 1998

AA58

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. 57-02382
(You must insert the
water right number you
are objecting to)

OBJECTION RECEIVED

FEB 26 1993

Department of Water Resources
Adjudication Bureau

INSTRUCTIONS

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

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

(Over)

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: United States of America
Bureau of Land Management
U.S. Department of the Interior
Idaho State Office
Address: 3380 Americana Terrace
Boise, Idaho 83706

Briefly describe your interest in this water right:

The United States, through the Bureau of Land
Management (BLM), has a valid water right, which
requires specific corrections/additions to the
existing license.

2. Owner of the water right:

Name: United States of America
Bureau of Land Management
U.S. Department of the Interior
Idaho State Office
Address: 3380 Americana Terrace
Boise, Idaho 83706

3. If this objection is filed by an attorney:

Attorney Name: K. Jack Haugrud
Daria J. Zane
Attorney Address: U.S. Department of Justice
550 West Fort Street
P.O. Box 33
Boise, Idaho 83734
Attorney Phone No.: (202) 272-8351

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)

12. ☒ Water Right Recommendation: I object to:
- a. ☒ this water right being recommended at all; or
- b. ☐ this water right not being recommended.
13. ☐ Description of Reservation: I object to the legal description of the reservation.
14. ☐ Other: I object to: _____
- _____
- _____
- _____
- _____

REASONS SUPPORTING EACH BOX CHECKED

In the space following, you must state the reason(s) by number for each box checked. You may use additional pages if necessary.

The claim as it appears in the Director's Report contains errors or is incomplete and requires amendment.

CHANGES TO THE DIRECTOR'S REPORT

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

The Director's Report should be changed to recommend allowance of this claim incorporating the specified corrections or additions.

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

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MAR 8 2 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.

1. Copy of BLM claim from Director's Report.
2. Specific changes to the Director's Report.

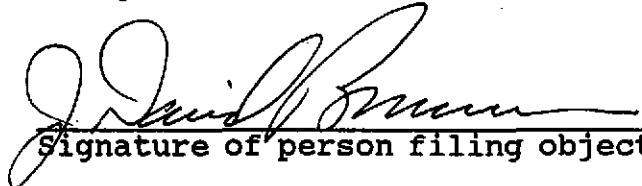
VERIFICATION (Must be Completed)

State of Idaho

County of Ada

J. DAVID BRUNNER, BOISE DISTRICT MANAGER, being first duly
(Name of person filing objection)
sworn, upon oath, deposes and says:

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


Signature of person filing objection

By: _____
(Attorney signing in
representative capacity)

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

Clarence D. Bale
Notary Public for Ada County
Residing at: Boise Idaho
My Commission expires: April 24 1997

(Over)

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

Served I hereby certify that, on the 26th day of February, 1993, I ~~mailed~~ ^{filed} the original and ^{filed} copies of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

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

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

Owner name: United States of America
Bureau of Land Management
U.S. Department of the Interior
Idaho State Office
Owner's Address: 3380 Americana Terrace
Boise, Idaho 83706

3. One copy to:

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

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MAR 02 1993

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

Addition of wildlife water to existing BLM licenses/permits

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.

#2 Spring Name and tributary are wrong.

#3c No water was allocated for wildlife consumption.

#7 Wildlife water consumption is a recognized use of water on public land. Permitted livestock numbers shown are incorrect.

#9a One of POU's listed was taken off license by 1985 transfer.

#12a Errors/incompleteness of original claim and recommended right requires correction.

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.

#2 Spring Name is Lower Kidd Spring, tributary to Castle Creek.

#3c, 7 Director's Report should be changed to allocate 0.009 cfs of the total amount diverted to stockwater and to allocate 0.001 cfs from 01/01 to 12/31 for wildlife consumption, with no increase in total diversion rate.

#7 4,964 range cattle are permitted.

#9a T6S R1E Section 32 SENW is no longer a POU.

#12a The Director's Report should be changed to recommend allowance of this claim incorporating the specified corrections/additions.

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AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: OCT-13-1992
PAGE: A-879

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: LOWER BIRCH SPRING		TRIBUTARY: SINKS				
57-02382	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706	01/24/1942	STOCKWATER wildlife	01-01 12-31 01/01 12/31	^{1.009} ~~.01~~ 0.001	CFS LICENSE
NON-IRRIGATION-USES: ⁴⁹⁶⁴					TOTAL QUANTITY:	.01 CFS
STOCKWATER, 1000 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT						
POINT OF DIVERSION: T06S R01E S32 NENWNW						
PLACE OF USE: STOCKWATER						
T06S R01E S32 NWNW SENW						
REMARKS: THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT. BLM RECORD ID = 5701688040 SOURCE IS ALSO KNOWN AS KIDD SPRING.						

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MAR 02 1993

2769 IV NW
(ANTELOPE SPRING)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

Rm NE. 1
#23
15SW5W

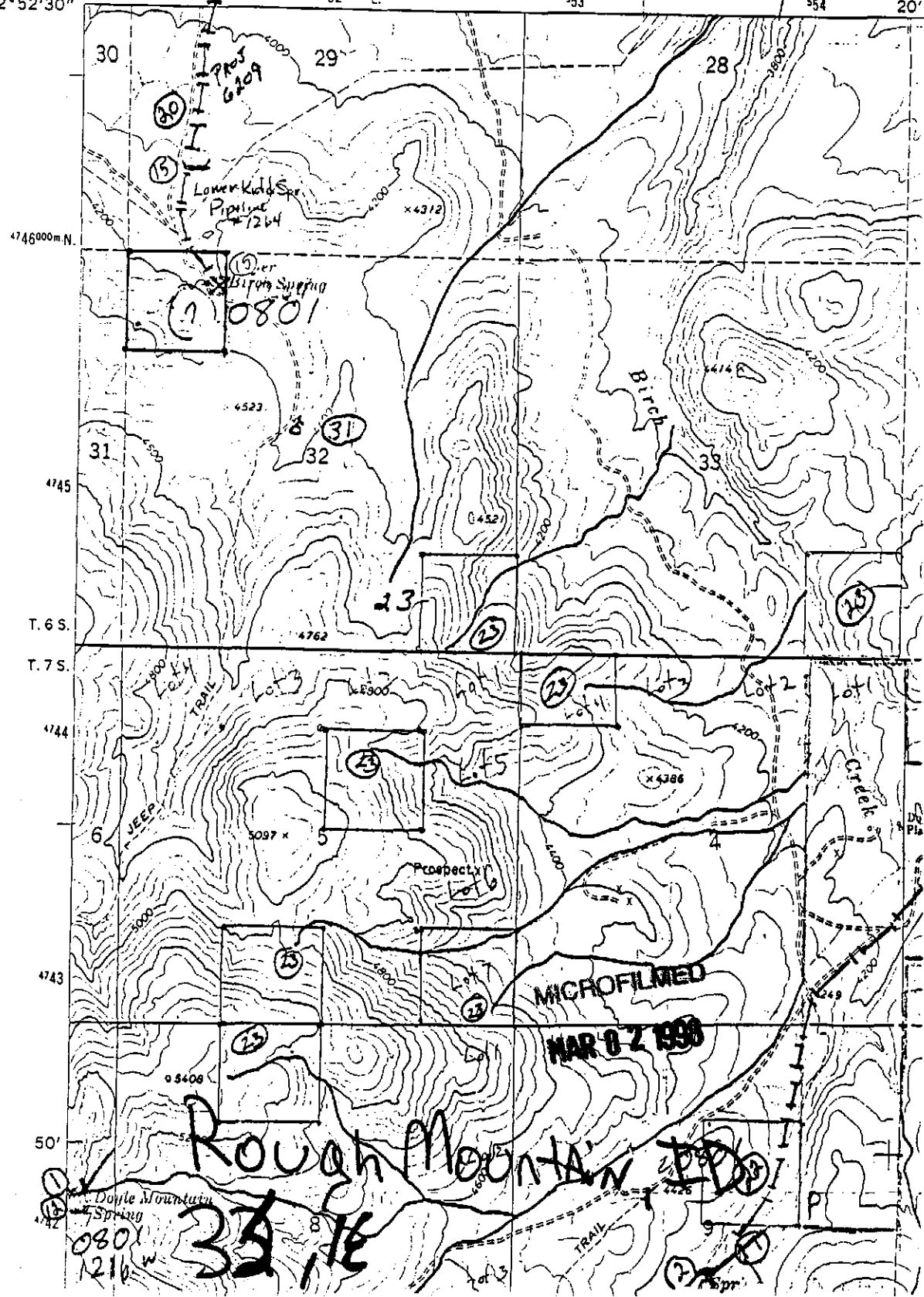
116°22'30"
42°52'30"

552000m E.

553

554

20'



Rough Mountain
33 NE

Doyle Mountain Spring
0801
1216 W

Spring

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

DATE: JUN-29-1993

PAGE: A-1

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: LOWER BIRCH SPRING		TRIBUTARY: ~~SINKSCASTLE CREEK~~				
57-02382	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706	01/24/1942	STOCKWATER	01-01 12-31	.01	CFS LICENSE
					TOTAL QUANTITY:	.01
NON-IRRIGATION-USES: STOCKWATER, 1000 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT						
POINT OF DIVERSION: T06S R01E S32 NENWNW						
PLACE OF USE: STOCKWATER						
T06S R01E S32 NWNW ~~SENW~~						
REMARKS:	THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT. BLM RECORD ID = 5701688040 SOURCE IS ALSO KNOWN AS KIDD SPRING.					

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MAR 02 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
57-02382	06S	01E	32	NE	NW	NW		OWYHEE

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
57-07417 NONE

WR RECORDS IN SAME 40 ACRE TRACT
57-07417

SOURCE: LOWER BIRCH SPRING

TRIB: SINKS

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
57-02382	06S	01E	32		SE	NW		OWYHEE

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

57-02360

57-02360
~~A57-02360~~ NONE

SOURCE: SPRING

TRIB:

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)
DUE TO SOURCE DISCREPANCY? (Y/N)

DATABASE
Y
Y

FIELD
EXAMINER

NOTES:

57-02360: recommended BLM name for "Spring"
57-07417: recommended BLM name for same POD

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MAR 02 1998

JUL - 1 1993

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

Clerk

Deputy Clerk

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

Case No. 57-02382 -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.

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MAR 02 1998

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: US BUREAU OF LAND MANAGEMENT
Address: IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706-2544

3. If this response is filed by an attorney:

Attorney Name(s): DANIEL L. STECKEL

Attorney Address: DEPUTY ATTORNEY GENERAL(S)
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

2. ☒ Source: I respond to the objection concerning the source of water.
3. ☒ Quantity: I respond to the objection concerning:
- 3c. ☒ The total quantity of water reserved for each and every purpose, including all present and future uses.
5. ☒ Points of Diversion: I respond to the objection concerning the legal description of the point(s) of diversion.
7. ☒ Purposes of Use: I respond to the objection concerning the purpose(s) of use.
9. ☒ Place of Use: I respond to the objection concerning:
- 9a. ☒ The legal description of the place of use.
12. ☒ Water Right Recommendation: I respond to the objection concerning:
- 12a. ☒ This water right being recommended at all.

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MAR 02 1998

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MAR 02 1998

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection item 2 and all allegations of the objection regarding this item IDWR responds as follows: This spring is named "Lower Birch Spring." The remarks in this recommendation acknowledge that this spring is also known as "Kidd Spring." IDWR admits that Lower Birch Spring is tributary to Castle Creek. IDWR denies this portion of the objection and all allegations regarding this portion of the objection.

In response to Statement of the Objection items 3, 3c., 12, 12a., and the first sentence of the Reasons Supporting Each Box Checked section of Statement of the Objection item 7 IDWR responds as follows:

This water right was perfected pursuant to Idaho Code section 42-501. This section sets forth a procedure for appropriating water only for the watering of livestock. IDWR denies this portion of the objection and all allegations regarding this portion of the objection.

In response to the second sentence of the Reasons Supporting Each Box Checked section of Statement of the Objection item 7 and all allegations of the objection regarding this item IDWR responds as follows: The number of range cattle for this place of use was recommended as claimed by the United States. The United States improperly seeks to use the objection process to amend its notice of claim. IDWR believes that a claimant must obtain leave of the court to amend a claim after the director's report is filed, just as a party must obtain leave of the court to file a late claim after the director's report is filed. Once leave of court is granted, IDWR can investigate the amended claim and make an appropriate recommendation to the court. IDWR lacks sufficient information to form a belief as to the truth of the matter asserted and therefore denies this portion of the objection and all allegations regarding this portion of the objection.

In response to Statement of the Objection item 9 and all allegations of the objection regarding this item IDWR responds as follows: The United States is seeking to delete a portion of the place of use from the recommendation of this water right. IDWR admits this portion of the objection. The description of the water right should be modified as shown in the attached List of Recommended Water Rights Acquired Under State Law.

(Over)

CHANGES TO THE DIRECTOR'S REPORT

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

☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary:

	No. of Pages
Notice of Claim No. A57-02382	2
Recommended Water Rights Acquired Under State Law	1

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MAR 12 1998

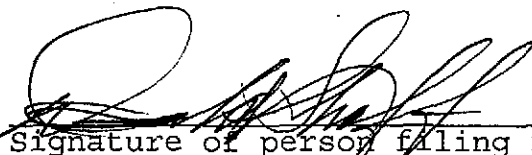
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

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

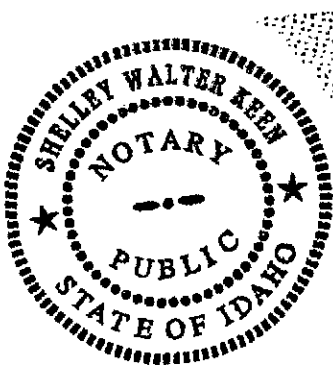
That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Section Manager for IDWR and am authorized by R. Keith Higginson, in his official capacity as director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

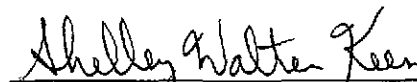

Signature of person filing response

By:


(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 1st day of July,
1993.




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

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MAR 02 1998

(Over)

CERTIFICATE OF MAILING

I hereby certify that on the 1st day of July, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared and addressed as follows:

1. Original to:

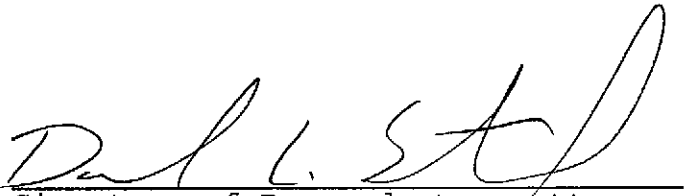
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

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

See No. 3

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney; and you must fill in the following information:

Name: US DEPT OF JUSTICE
Address: K JACK HAUGRUD & DARIA J ZANE
550 W FORT ST
BOX 33
BOISE ID 83734



Signature of Respondent or attorney
mailing on Respondent's behalf

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MAR 02 1998

1. The name and address of the claimant is:

U. S. Department of Interior
Bureau of Land Management
Idaho State Office
3380 Americana Terrace
Boise, ID 83706

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

2. The source of water is: Lower Birch Spring
Tributary: Castle Creek

Source is also known as Kidd Spring

Required Statement: The element as recommended originally was incorrect. The change reflects an accurate description of the element. IDWR had previously reviewed this change and recommended it.

3. The quantity of water used in cubic feet per second or the quantity of water stored in acre-feet per year is:

.01 CFS

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

4. The priority date is: 01/24/42

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

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

T06S R01E S32 NENWNW

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

6. The purpose of use is: Stockwater, Wildlife

Required Statement: The provisions "1000 range cattle" and "variable amount" are not necessary to define the right.

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MAR 02 1998

7. The period of year when the water is to be used is:

01/01 - 12/31

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

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

Stockwater
T06S R01E S32 NWNW

All POU's are located in Owyhee County.

Required Statement: The element as recommended originally was incorrect. The change reflects an accurate description of the element. IDWR had previously reviewed this change and recommended it.

9. The annual volume of consumptive use is: De Minimis

Required Statement: This accurately describes this element of the water right.

10. Other matters necessary to define this water right:

These matters are necessary because: The remark originally included in the Director's Report is not necessary to define the right.

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

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MAR 02 1998

Signature and Address of Parties and their Attorney of Record
(attach additional page if necessary)

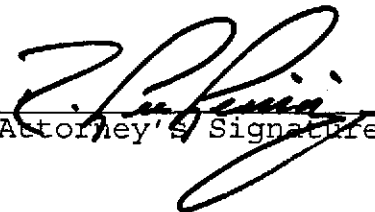
I have read this form and know its contents and that the
statements are true to the best of my knowledge and belief.

Name of Objector:

Name: United States through
Dept. of Justice for BLM
Address: 601 Pennsylvania Ave., NW
City/State: Washington, DC 20004
Attorney of Record: R. Lee Leininger\Daria Zane\William Ferry

Signature

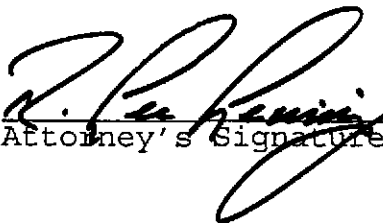
Date


Attorney's Signature


Date

Name of Claimant:

Name: United States through
Dept. of Justice for BLM
Address: 601 Pennsylvania Ave., NW
City/State: Washington, DC 20004
Attorney of Record: R. Lee Leininger\Daria Zane\William Ferry


Attorney's Signature


Date

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MAR 02 1998

AJ5856NP

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

DATE: OCT-13-1992

PAGE: A-879

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: LOWER BIRCH SPRING		TRIBUTARY: SINKS				
57-02382	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706	01/24/1942	STOCKWATER	01-01 12-31	.01	CFS LICENSE
TOTAL QUANTITY:					.01	CFS
NON-IRRIGATION-USES: STOCKWATER, 1000 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT						
POINT OF DIVERSION: T06S R01E S32 NENWNW						
PLACE OF USE: STOCKWATER T06S R01E S32 NWNW SENW						
REMARKS: THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT. BLM RECORD ID = 5701688040 SOURCE IS ALSO KNOWN AS KIDD SPRING.						

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INSTRUCTIONS FOR MAILING

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

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

CERTIFICATE OF MAILING

I certify that on January 18, 1996, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. Copies to:

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

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

James M. Trust
Signature of person or attorney
mailing the form

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MAR 02 1998

ALAN G. LANCE
Attorney General
State of Idaho

RICHARD B. BURLEIGH
Deputy Attorney General
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098
Telephone: (208) 327-7900
FAX: (208) 327-7866

Attorney for IDWR

COPY

MAR 16 11:32

DISTRICT COURT - 5A
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 No. 57-02382
	)	
Case No. 39576	)	IDWR REPORT RE: REVIEW
	)	OF STANDARD FORM 5
	)	
	)	

DESCRIPTIVE SUMMARY

IDWR submits this report to inform the Court and the parties that IDWR has reviewed the Standard Form 5 submitted by the parties in this subcase and that the Director has chosen not to sign the Standard Form 5.

DISCUSSION

The Director did not sign the Standard Form 5 for the reasons set forth below:

1. The description of the elements of the water right in the Standard Form 5 are not correct as stated below:

- [] Name and Address
- [] Source
- [] Quantity
- [] Priority Date

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MAR 02 1996

[] Point of Diversion

[X] Purpose of Use

The Standard Form 5 seeks to change the description of the purpose of use in two ways.

First, the Standard Form 5 seeks to change the purpose of use from "STOCKWATER" to "STOCKWATER" and "WILDLIFE". Claim No. A57-02379 is a claim based on Idaho Code §42-501. I.C. §42-501 provides for livestock use only; wildlife use cannot be included as a purpose of use for an appropriation under Idaho Code §42-501.

Second, although the objection sought to change the description of non-irrigation use by increasing the number of head of cattle, the Standard Form 5 now omits the further description of non-irrigation use. IDWR included in its recommendation a further description of non-irrigation uses that states: "STOCKWATER, 1000 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT". This language was included pursuant to Idaho Code §42-1411(2)(f), which provides for IDWR to determine the purpose(s) of use of a water right to the extent the director deems appropriate to define and administer the water right, and 42-1411(2)(j), which further provides for IDWR to include such other matters as the director deems appropriate to define and administer the water right. IDWR recognizes that wildlife preservation is an appropriate use of public lands, and to the extent the United States has a right to water for stockwatering purposes, wildlife might also drink from the source. This language recognizes wildlife use as incidental to stockwater use but does not recognize wildlife as a purpose of use of the water right independent from stockwater use.

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MAR 02 1987

Further description of stockwater uses by the type and number of head is also provided. This description of non-irrigation uses defines the water right with sufficient specificity to prevent future expansions in use that would enlarge the water right and cause injury to other water rights. This is particularly true for stockwater rights because a reasonable rate of flow (cfs) for such rights is capable of producing an annual diversion volume that is significantly in excess of the volume of water required for drinking by the stock for which the water was appropriated.

The omission of the further description of non-irrigation uses from Standard Form 5s for water rights acquired under state law by the United States for stockwater purposes is currently the subject of further proceedings in Reporting Area 1, Basin 34, Subcase No. 34-04179.

☐ Period of Use

☐ Place of Use

☐ Consumptive Use

☒ Other Matters Necessary to Define or Administer the Right

The Standard Form 5 omits the following statement, "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." This statement is necessary to limit the use of this water right in combination with other rights claimed and recommended for the same use. In the case of BLM stockwater rights, combined use occurs where the BLM claims a separate right to each of a number of water sources, each for use by the full number of cattle on the allotment. right is

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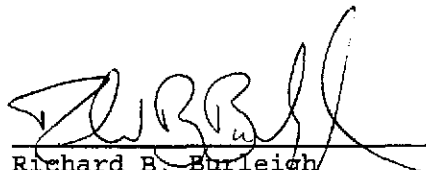
MAR 02 1998

quantified based on the total use for the allotment, to allow the grazing permittee to take the full amount of water needed from any combination of the sources within the allotment. Since each right is quantified based on the total use within the allotment, the combined use must also be limited to that same total, thereby avoiding the misconception that the rights are additive.

2. The Standard Form 5 was not signed by the Director for other reasons as stated below:

☐ Federal Reserved Water Right

☐ Other



Richard B. Burleigh
Deputy Attorney General
Idaho Department of Water Resources

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MAR 02 1998

CERTIFICATE OF MAILING

I certify that on February 15, 1996, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. Copies to:

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

W. B. Kelly

Signature of person or attorney
mailing the form

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MAR 02 1998

ORIGINAL OF
THESE DOCUMENTS
filed in:
57-02362

RECEIVED
FEB 26 1996
Department of Water Resources
Adjudication Bureau

57-02382

1996 FEB 23 PM 3:11

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.: See Attached Exhibit A
)
)
)

ORDER DENYING STIPULATION TO
RESET HEARING

On February 22, 1996, the United States Bureau of Land Management filed a *Stipulation to Reset Hearing Scheduled Before a Special Master and Motion to Continue Related Briefing and Request for Expedited Consideration Thereof (Stipulation)*. Having reviewed the *Stipulation* the court denies the motion. However, the court shall extend the period to file briefing to March 8, 1996 by 5:00 p.m.

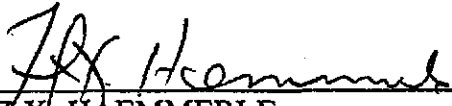
Having reviewed the *Stipulation* the court notes that there are other possible issues that require resolution prior to accepting the *Standard Forms 5* currently before the court. Therefore, the United States is ordered to submit by 5:00 p.m. on Monday, February 26, 1996, a comprehensive list of any and all issues that require resolution prior to accepting the *Standard Forms 5*. The court shall hear a Status Conference on February 27, 1996 at 9:00 a.m. to consider the list of issues by the United States and to consider whether or not to extend the hearing and briefing dates in the aforementioned subcases.

IT IS SO ORDERED.

DATED February 23, 1996.

MICROFILMED

MAR 02 1996


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

RECEIVED

MAR 01 1996

Department of Water Resources

1996 FEB 28 PM 4:56

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.: See Attached Exhibit A
)
)
)
)
)

ORDER ON STATUS CONFERENCE

On February 27, 1996 at 9:00 a.m. and on February 28, 1996 at 11:30 a.m., the court held Status Conferences in the aforementioned cases. Lee Leininger and Fritz Holleman appeared by telephone on behalf of the United States. Richard Burleigh was present for the Idaho Department of Water Resources. The purpose of the hearing was to discuss the status of various *Standard Forms 5 (SF5s)* pending before the court. Having discussed the status of those pending *SF5s* with the parties, IT IS HEREBY ORDERED as follows:

1. The United States shall prepare a report due March 7, 1996 at 5:00 p.m. establishing which dual based claims exist in relation to the aforementioned subcases before the court. Once the court has had an opportunity to review that report, the court will order consolidation of those companion cases.
2. Summary Judgment Motions and briefs shall be filed with the court by April 16, 1996 by 5:00 p.m.

RECORDED
MAR 02 1996

Movant's Name:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

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

DARIA J. ZANE
R. LEE LEININGER
WILLIAM M. FERRY
PAUL F. HOLLEMAN
Attorneys, Department of Justice
General Litigation Section
Environment and Natural Resources Division
P.O. Box 663
Washington, D.C. 20044-0663
(202) 272-8351, (202) 272-4692

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 List
	)	
Case No. 39576	)	STIPULATION TO RESET HEARING
	)	SCHEDULED BEFORE A SPECIAL
	)	MASTER AND MOTION TO CONTINUE
	)	RELATED BRIEFING AND REQUEST FOR
	)	EXPEDITED CONSIDERATION THEREOF
	)	

DESCRIPTIVE SUMMARY

This is a Stipulation by the United States on behalf of the Bureau of Land Management to reset a scheduled hearing on Standard Forms 5 for those subcases listed in Attachment A and motion to continue the deadline for briefing of certain issues related to those subcases.

Stipulation to Reset Hearing
and Motion to Continue Briefing

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MAR 02 1998

See file 57-02362
for complete
document. RK

Movant's Name:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

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

DARIA J. ZANE
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) 305-0242

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	)	LIST OF ISSUES REGARDING FORM AND
	)	CONTENT OF STOCKWATERING RIGHTS
	)	

DESCRIPTIVE SUMMARY

This is the United States' list of issues regarding the form and content of stockwatering rights and decrees.

DISCUSSION

Pursuant to the Special Master of Basin 57's February 23, 1996 Order Denying Stipulation to Reset Hearing, the United States submits the following list on the issues that require resolution regarding the Standard Forms 5 for the above referenced subcases:

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See file
57-02362
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Department of Water Resources

1996 MAR -7 PM 2:33

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

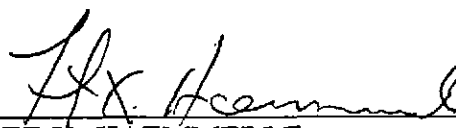
) Subcase Nos.: See Attached Exhibit A
)
)
)
)
)

ORDER VACATING STATUS
CONFERENCE

On January 26, 1996, this court issued its *Order Appoint Expert Witness Pursuant to I.R.E. 706 and Order Setting Hearing on Standard Forms 5*, which set a hearing for March 11, 1996 at 2:00 p.m. Subsequently, on February 28, 1996, this court issued its *Order on Status Conference*, which set new filing deadlines and hearing dates for the above subcases.

Therefore, IT IS ORDERED that the Status Conference previously set for March 11, 1996 at 2:00 p.m. is **vacated**. All deadlines and dates set forth in the *Order on Status Conference* shall remain in force and effect.

DATED March 7, 1996.



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

MICROFILMED
MAR 12 1996

ALAN G. LANCE
Attorney General
State of Idaho

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

A. LYNNE KROGH
RICHARD B. BURLEIGH
Deputy Attorneys General
Idaho Department of Water Resources
P.O. Box 44449
Boise, ID 83711-4449
Telephone: (208) 327-7920
Fax: (208) 327-7866

** a copy of front
page put in each
sub-case file.
original document
in BW 12.*

518196

16

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.: See Attached Exhibit A
	)	
Case No. 39576	)	IDWR'S REPORT RE: ELEMENTS OF
	)	SMALL STOCKWATER RIGHTS
_____	)	

DESCRIPTIVE SUMMARY

This document is IDWR's report regarding the elements of small stockwater rights submitted pursuant to Idaho Code §42-1412(4) at the request of the Special Master.

IDWR'S REPORT RE: ELEMENTS OF SMALL STOCKWATER RIGHTS, Page 1

MICROFILMED

MAR 02 1998

Exhibit A

Subcase Nos:

57-02362	57-11335
57-02365A	57-11337
57-02379	57-11360
57-02380	57-11367
57-02382	57-11375
57-02407	57-11376
57-02419	57-11377
57-02423	57-11379
57-02429	57-11380
57-07056	57-11382
57-07298	57-11385
57-07335	57-11398
57-07417	57-11399
57-07431	57-11422
57-07442	57-11424
57-10960	57-11449
57-10960A	57-11450
57-10977	57-11452
57-10977A	57-11453
57-10980	57-11454
57-10980A	57-11463
57-10981	57-11464
57-10981A	57-11465
57-10984	57-11469
57-10984A	57-11471
57-10985	57-11473
57-10985A	57-11475
57-10994	57-11476
57-10994A	57-11477
57-11013A	57-11480
57-11048	57-11482
57-11049A	57-11483
57-11078A	57-11484
57-11085	57-11486
57-11085A	57-11487
57-11108	57-11488
57-11150	57-11489
57-11154	57-11490
57-11155	57-11494
57-11171	
57-11195	
57-11201	
57-11246	
57-11284	
57-11286	
57-11287	
57-11304	
57-11317A	
57-11331	
57-11333	

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MAR 02 1998

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APR 22 1996

Department of Water Resources

APR 18 PM 12:07

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILE

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

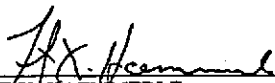
) Subcases: See Exhibit A

) ORDER VACATING SUMMARY
) JUDGMENT HEARING
)
)
)
)

The summary judgment hearing is currently scheduled for the above referenced subcases on April 23, 1996 at 1:30 p.m. Most of the issues to be addressed in that summary judgment are addressed under issues outlined under Basin-Wide Issue 12. Basin-Wide Issue 12 is set to be heard on May 15, 1996. Because a resolution of the issues in Basin-Wide Issue 12 will address the issues set forth in the summary judgment currently scheduled for April 23, 1996, the court hereby vacates that summary judgment hearing.

IT IS SO ORDERED.

DATED April 17, 1996.


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

ORDER VACATING SUMMARY
JUDGMENT HEARING
4/17/96

Page 1

EXHIBIT A

Subcase Nos:

57-02362	57-11335
57-02365A	57-11337
57-02379	57-11360
57-02380	57-11367
57-02382	57-11375
57-02407	57-11376
57-02419	57-11377
57-02423	57-11379
57-02429	57-11380
57-07056	57-11382
57-07298	57-11385
57-07335	57-11398
57-07417	57-11399
57-07431	57-11422
57-07442	57-11424
57-10960	57-11449
57-10960A	57-11450
57-10977	57-11452
57-10977A	57-11453
57-10980	57-11454
57-10980A	57-11463
57-10981	57-11464
57-10981A	57-11465
57-10984	57-11469
57-10984A	57-11471
57-10985	57-11473
57-10985A	57-11475
57-10994	57-11476
57-10994A	57-11477
57-11013A	57-11480
57-11048	57-11482
57-11049A	57-11483
57-11078A	57-11484
57-11085	57-11486
57-11085A	57-11487
57-11108	57-11488
57-11150	57-11489
57-11154	57-11490
57-11155	57-11494
57-11171	
57-11195	
57-11201	
57-11246	
57-11284	
57-11286	
57-11287	
57-11304	
57-11317A	
57-11331	
57-11333	

(Subcase list: 57SF5BLM)

Page 4 4/17/96

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See File 57-02362
for complete document
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ELEMENTS OF STOCKWATER RIGHTS (2nd)

In Re SRBA

Twin Falls County Civil Case No. 39576

Sub-Case No.: See Attached Exhibit A

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources

Karl J. Dreher, Director

David B. Shaw, Adjudication Bureau Chief

March 18, 1996

Subcase Nos:

57-02362	57-11335
57-02365A	57-11337
57-02379	57-11360
57-02380	57-11367
57-02382	57-11375
57-02407	57-11376
57-02419	57-11377
57-02423	57-11379
57-02429	57-11380
57-07056	57-11382
57-07298	57-11385
57-07335	57-11398
57-07417	57-11399
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57-10977	57-11452
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57-10980	57-11454
57-10980A	57-11463
57-10981	57-11464
57-10981A	57-11465
57-10984	57-11469
57-10984A	57-11471
57-10985	57-11473
57-10985A	57-11475
57-10994	57-11476
57-10994A	57-11477
57-11013A	57-11480
57-11048	57-11482
57-11049A	57-11483
57-11078A	57-11484
57-11085	57-11486
57-11085A	57-11487
57-11108	57-11488
57-11150	57-11489
57-11154	57-11490
57-11155	57-11494
57-11171	
57-11195	
57-11201	
57-11246	
57-11284	
57-11286	
57-11287	
57-11304	
57-11317A	
57-11331	
57-11333	

Exhibit A

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complete document - VK

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Department of Water Resources

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

In Re SRBA) Subcase Nos.: See Attached Exhibit A
Case No. 39576) ORDER APPOINTING EXPERT
PURSUANT TO I.R.E. 706

On February 26, 1996, the United States, pursuant to an order of this court, submitted a list of issues regarding form and content of stockwatering rights. A prior order issued pursuant to I.R.E. 706 addressed some of the issues outlined by the United States. That prior order is hereby expanded to address the following issues:

1. Is a remark on combined usage necessary for definition or administration of a *de minimis* water right, and if so, where should the remarks appear in the decree?
2. Should the quantity used in cfs for a *de minimis* water right be based on a 24-hour rate, a 2-hour rate or set constant based on a 13,000 gallons per minute flow rate?

To the extent possible, the Idaho Department of Water Resources shall submit a factual report on these issues. To the extent the report addresses pure legal issues, the court shall on its own motion strike those portions of the report. The report is due by March 18, 1996 at 5:00 p.m. IDWR shall make this report available to the United States.

IT IS SO ORDERED.

DATED February 29, 1996.

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

ORDER APPOINTING EXPERT
PURSUANT TO I.R.E. 706
2/29/96

Page 1

Exhibit A

Subcase Nos:

57-02362	57-11335
57-02365A	57-11337
57-02379	57-11360
57-02380	57-11367
57-02382	57-11375
57-02407	57-11376
57-02419	57-11377
57-02423	57-11379
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57-10977A	57-11453
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57-10980A	57-11463
57-10981	57-11464
57-10981A	57-11465
57-10984	57-11469
57-10984A	57-11471
57-10985	57-11473
57-10985A	57-11475
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57-10994A	57-11477
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57-11085A	57-11487
57-11108	57-11488
57-11150	57-11489
57-11154	57-11490
57-11155	57-11494
57-11171	
57-11195	
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57-11333	

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Department of Water Resources

SEP 26 PM 4:27

DISTRICT COURT-SELA
TWINFALLS COUNTY, IDAHO
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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 REPORT

) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW FOR

) WATER RIGHT 57-02382

FINDINGS OF FACT

A notice of claim was filed for this water right pursuant to I.C. § 42-1409 (1990). The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for Reporting Area 2 and investigated and abstracted the notice of claim for Reporting Area 2 (Basin 57), which includes portions of Owyhee County, State of Idaho. The *Director's Report for Reporting Area 2 (Director's Report)* contained a recommendation or abstract for the elements of this water right.

An objection to the *Director's Report* for water right 57-02382 was filed on February 26, 1993, by the United States Bureau of Land Management. A response was filed on July 1, 1993, by the State of Idaho Department of Water Resources. Subcase 57-02382 involves a stock water and/or wildlife claim filed by the United States Bureau of Land Management (BLM). A *Standard Form 5 - Stipulated Elements of a Water Right* was filed on January 22, 1996. The only signatory to the *Standard Form 5* is the claimant/objector, the United States Bureau of Land Management. The Idaho Department of Water Resources did not concur in the *Standard Form 5* and filed its *IDWR Report Re: Review of Standard Form 5*.

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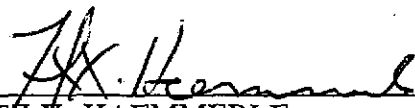
Because of the failure of IDWR to sign the *Standard Form 5* the United States filed a *Motion to Designate Basin Wide Issue 12* (BWI). The purpose of BWI 12 was to resolve all disputes the United States had with IDWR involving stock water rights. Subsequently, Special Master Haemmerle entered his opinion on BWI 12. The Special Master incorporates that decision by reference.

CONCLUSIONS OF LAW

Under *SRBA Administrative Order 1*, a Special Master is required to make a recommendation to the Presiding Judge as to whether and how a water right should be decreed.

Consistent with the recommendation of the *Second Amended Special Master's Recommendation Re: Basin Wide Issue 12* (Aug. 12, 1996) and with these findings and as a matter of law the Special Master recommends water right 57-02382 as listed on the attached *Preliminary Special Master's Recommendation* for Partial Decree.

DATED September 26, 1996.



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

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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

In Re SRBA)
Case No. 39576)
_____)

PRELIMINARY

SEP 26 PM 11:27
SPECIAL MASTER'S RECOMMENDATION FOR
PARTIAL DECREE FOR DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
Water Right 57-02382
FILED

NAME & ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706

SOURCE: LOWER BIRCH SPRING TRIBUTARY: CASTLE 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: T06S R01E S32 NENWNW Within OWYHEE County

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

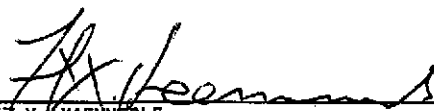
PLACE OF USE: STOCKWATER Within OWYHEE County
T06S R01E S32 NWNW

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:

SEP 26 1996


FRITZ X. HAEMMERLE
Special Master
Snake River Basin Adjudication

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MAR 02 1998

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Department of Water Resources

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DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED *[Signature]*

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

In Re SRBA

Case No. 39576

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

Water Right(s): 57-02382

On September 26, 1996, Special Master FRITZ X HAEMMERLE issued a PRELIMINARY SPECIAL MASTER'S REPORT and a PRELIMINARY SPECIAL MASTER'S RECOMMENDATION pursuant to SRBA Administrative Order 1 sections 11 (e) and (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 for Reconsideration or a Motion to Correct Clerical Errors with the Special Master, but must do so before October 10, 1996.

DATED September 26, 1996.

[Signature: Debbie Lash]
DEBBIE LASH
Deputy Clerk

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MAR 02 1998

NOTICE OF ISSUANCE

PAGE 1
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Department of Water Resources

1996 SEP 26 PM 4:28

DISTRICT COURT-SREA
TWIN FALLS CO. ID
FILED *DL*

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

In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 57-02382

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 September 26, 1996, 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

K. JACK HAUGRUD
U.S. DEPARTMENT OF JUSTICE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724-0663

Debbie Lash
DEBBIE LASH
Deputy Clerk

MICROFILMED
MAR 02 1998

CERTIFICATE OF MAILING

PAGE 1
09/26/96

1996 OCT 23 PM 2:34

DISTRICT COURT-SRBA
TWIN FALLS CO, IDAHO
FILED *[Signature]*

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

In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S REPORT
AND RECOMMENDATION

Water Right(s): 57-02382

On October 23, 1996, 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 October 23, 1996.

[Signature: Debbie Lash]

DEBBIE LASH
Deputy Clerk

1996 OCT 23 PM 2:34

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): 57-02382

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 October 23, 1996, 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

K. JACK HAUGRUD
U.S. DEPARTMENT OF JUSTICE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724-0663

Debbie Lash
DEBBIE LASH
Deputy Clerk

MICROFILMED

MAR 02 1998

CERTIFICATE OF MAILING

PAGE 1
10/23/96

1996 OCT 23 PM 2:34

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

DISTRICT COURT-SRBA
TWIN FALLS CO, IDAHO
FILED

In Re SRBA)
Case No. 39576)
_____)

SPECIAL MASTER'S RECOMMENDATION FOR

PARTIAL DECREE FOR

Water Right 57-02382

NAME & ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706

SOURCE: LOWER BIRCH SPRING TRIBUTARY: CASTLE 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: T06S R01E S32 NENWNW Within Owyhee County

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

PLACE OF USE: STOCKWATER Within Owyhee County
T06S R01E S32 NWNW

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: OCT 23 1996

Friz K. Haemmerle
FRIZ K. HAEMMERLE
Special Master
Snake River Basin Adjudication

MICROFILMED
MAR 02 1998

SPECIAL MASTER'S RECOMMENDATION

PAGE 1
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DISTRICT COURT-SRBA OCT 24 1996
TWIN FALLS CO, IDAHO
FILED 12 CHIEF 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	)	SPECIAL MASTER'S REPORT
	)	
Case No. 39576	)	FINDINGS OF FACT AND
CROFILMED	)	CONCLUSIONS OF LAW FOR
	)	
MAR 02 1998	)	WATER RIGHT 57-02382
	)	

FINDINGS OF FACT

A notice of claim was filed for this water right pursuant to I.C. § 42-1409 (1990). The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for Reporting Area 2 and investigated and abstracted the notice of claim for Reporting Area 2 (Basin 57), which includes portions of Owyhee County, State of Idaho. The *Director's Report for Reporting Area 2 (Director's Report)* contained a recommendation or abstract for the elements of this water right.

An objection to the *Director's Report* for water right 57-02382 was filed on February 26, 1993, by the United States Bureau of Land Management. A response was filed on July 1, 1993, by the State of Idaho Department of Water Resources. Subcase 57-02382 involves a stock water and/or wildlife claim filed by the United States Bureau of Land Management (BLM). A *Standard Form 5 - Stipulated Elements of a Water Right* was filed on January 22, 1996. The only signatory to the *Standard Form 5* is the claimant/objector, the United States Bureau of Land Management. The Idaho Department of Water Resources did not concur in the *Standard Form 5* and filed its *IDWR Report Re: Review of Standard Form 5*.



Because of the failure of IDWR to sign the *Standard Form 5* the United States filed a *Motion to Designate Basin Wide Issue 12* (BWI). The purpose of BWI 12 was to resolve all disputes the United States had with IDWR involving stock water rights. Subsequently, Special Master Haemmerle entered his opinion on BWI 12. The Special Master incorporates that decision by reference.

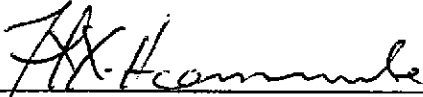
CONCLUSIONS OF LAW

Under *SRBA Administrative Order 1*, a Special Master is required to make a recommendation to the Presiding Judge as to whether and how a water right should be decreed.

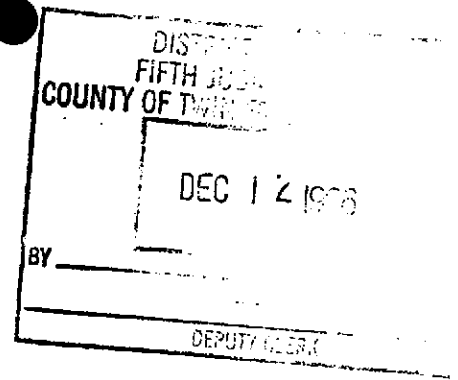
A *Preliminary Special Master's Report and Recommendation; Findings of Fact and Conclusions of Law*, was issued for subcase 57-02382 on September 26, 1996. No Motions to Reconsider or Motions to Correct Clerical Errors were filed, and the time for such motions has now expired.

Consistent with the recommendation of the *Second Amended Special Master's Recommendation Re: Basin Wide Issue 12* (Aug. 12, 1996) and with these findings and as a matter of law the Special Master recommends water right 57-02382 as listed on the attached *Special Master's Recommendation* for Partial Decree.

DATED October 23, 1996.


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

**RECORDED
MAR 02 1998**



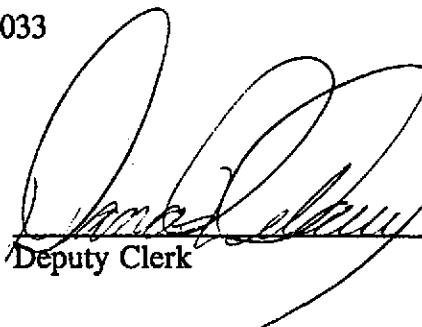
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	CERTIFICATE OF MAILING
	)	
Case No. 39576	)	For Water Right 57-02382
_____	)	

I certify that a true and correct copy of the *Order of Partial Decree for Water Right 57-02382 and Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 57-02382* was mailed on December ~~12~~¹⁵, 1996 with sufficient first-class postage prepaid to the following:

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

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



Deputy Clerk

MICROFILMED
MAR 02 1998

RECEIVED

DEC 17 1996

Department of Water Resources

DISTRICT COURT SRBA FIFTH JUDICIAL DISTRICT COUNTY OF TWIN FALLS, IDAHO	
DEC 12 1996	
BY _____	_____
DEPUTY CLERK	

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

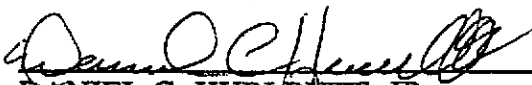
In Re SRBA	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right 57-02382
_____	)	

On October 23, 1996, 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 57-02382 be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED December 12, 1996.



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

WR5809NP
No. 57-02382

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/18/92
PAGE: 3

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

Water Source: SPRING

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T06S R01E S32 SE NW

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	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac
06S 01E 32	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:

Pou County: OWYHEE

Dates:	App. Received:	Priority Date:	01/24/1942
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		08/24/1981

Misc:	Water District Number:	Field Exam Fee:
-------	------------------------	-----------------

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

DATE: 09/24/92
PAGE:

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: KIDD SPRING

Tributary to: CASTLE CREEK

Stage: LICENSE

Point(s) of Diversion:

T06S R01E S32

NENWNW

OWYHEE County

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE			
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
06S	01E	8	:							S									
06S	01E	17	:									S							
06S	01E	29	:										S						
06S	01E	32	:							S									

POU County: OWYHEE

Non-Irrigation Uses: STOCKWATER, 1000 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

Other Rights: 57-7417

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 = 5701688040

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

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

BLM RECORD ID = 5701688040

PREVIOUSLY FILED WITH THE IDAHO DEPARTMENT OF WATER RESOURCES.

Audit: 09/24/92 FRAZEE

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

MICROFILMED
OCT 07 1992

CLAIM NO. A57-02382

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). _____
☐ Private claimant notification letter sent - Date _____
2. ☒ No Change - DATE OF PRIORITY - Claim matches existing license or decree
☐ Change - Claim does not match existing license or decree
Priority date, per IDWR records, is _____
3. ☐ No Change - SOURCE
☒ Source, per IDWR records, is Kidd Spring
(Per BLM ^{map} ~~app~~ apparently same source as A57-07417.
4. ☐ No Change - POINT OF DIVERSION - Claim matches existing license or decree
☐ Point of diversion has changed - Map attached.
Twp _____, Rge _____, Sec _____ (NE) 1/4, _____ 1/4, _____ 1/4
How was this verified? J. Shurtz phone conv., 9-21-92, review of BLM maps at Western Region office
5. N/A
6. ☐ No Change - WATER USES
☒ Uses, per IDWR records:
Use stockwater only 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: _____ cfs _____ afa
8. N/A
9. ☒ No Change - NON-IRRIGATION USES: Completed on claim
☐ Incomplete on claim - Per IDWR records:
Domestic - No. of homes _____ Stockwater - No. of head _____
Other: _____

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OCT 07 1992

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

Use	Twp.	Rge.	Sec.	1/4,	1/4,
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

How was this verified? _____

Remarks: (Comments pertinent to review)

D Permit 335

Unable to locate transfer in files, but according to J. Shuster, a transfer has been filed. Therefore, accept the claimed POU as an accomplished transfer

Review Completed by:

Helen Smith-Thoma
signature

Date:

9-21-92

Application No. D... 335
Permit No. D... 57-2382
District No.

1. Name of Applicant..... Grazing Service, U. S. Dept. of the Interior
2. Post Office Address..... Box 728, Pocatello, Bannock County, Idaho
3. Quantity of water claimed..... .00132 Sec. Ft. 1-24-1942
(Not to exceed 0.1 second foot or 15 acre feet)
4. Source of water supply..... Spring
(Spring, well, unnamed stream, small lake, snow, or runoff)
5. Location of point of diversion..... feet distant from the..... corner of Section.....
Twp....., Rge....., B. M., and is in the..... $\frac{1}{4}$ of the..... $\frac{1}{4}$ of Section....., Twp....., Rge....., B. M.
in the County of..... Blaine..... 73
6. Location of point of use..... S 39 -02' W 1692 feet distant from the..... N $\frac{1}{2}$ corner of Section..... 32
Twp..... 6S....., Rge..... 1E....., B. M., and in the..... SE $\frac{1}{4}$ of the..... NW $\frac{1}{4}$, Sec..... 32....., Twp..... 6S....., Rge..... 1E
7. Water to be used for..... Stock watering 1/1 - 12/31
8. Estimated cost of works..... \$248.77
9. Kind of works..... Spring
(Reservoir, dam, ditch, flume, pipe, etc.)
10. Size.....
(Headgate, ditch, flume, pipe, etc.)
11. Time required to apply water to proposed use..... 1 month
12. If reservoir is used, fill in the following in addition to the above questions:
- (a) Height of dam..... feet: Length at top..... feet.
- (b) Material from which dam is constructed.....
(earth, concrete, timber, rock)
- (c) The outlet of the proposed reservoir is located..... feet from the..... corner of.....
Section....., Twp....., Rge....., B. M.

REMARKS:

(See D. 74)

Applicant.....Grazing Service.

Agent

Lower Kidd Spring

George E. Tucker, Regional Engr.

[illegible]

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OCT 07 1992

4335

RECORDED IN BOOK D. 335 Page 13

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

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

Completion of Works and Beneficial Use of Water appropriated in accordance herewith, to be made on or before Apr. 24, 1942

Witness my hand this 24 day of Jan 19 42

E. V. BERG

Commissioner of Reclamation.

IN TESTIMONY WHEREOF, We, Chase A. Clark Governor of the State of Idaho, and Geo. H. Curtis Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be heretunto affixed, this 24 day of Jan, 19 42.

Countersigned:

STATE OF IDAHO

By Geo. H. Curtis Secretary of State.

By Chase A. Clark Governor.

No. D. <u>335</u>	PERMIT	Date of first receipt at office of Commissioner of Reclamation <u>Jan. 24 - 1942</u>	Returned to applicant for correction	Corrected application received	Fees \$ <u>00</u>	STATE OF IDAHO LICENSE AND CERTIFICATE OF WATER RIGHT	Water License No. D. <u>335</u>	TO <u>Box 726, Pocatello, Idaho</u>	Source of Supply <u>Spring</u>	Amount <u>0.0132 c.f.s.</u>	Sec. Feet	Place of Use	Purpose	Date of Priority	Recorded	In Book <u>335</u> of Licenses, Page <u>335</u>
-------------------	---------------	--	--------------------------------------	--------------------------------	-------------------	--	---------------------------------	-------------------------------------	--------------------------------	-----------------------------	-----------	--------------	---------	------------------	----------	---

LICENSE AND CERTIFICATE OF WATER RIGHT

Water License No. D. 335 Priority Jan. 24, 1942 Amount 0.0132 c.f.s.

This is to certify that Grazing Service of Box 726, Pocatello, Idaho made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of a right to the use of the waters of Spring under Use Permit No. D. 335 and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume D. 335 of Licenses, at page D. 335, on the 24 day of Jan, 19 42.

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

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

Jan, 19 42.

E. V. BERG

Commissioner of Reclamation.

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OCT 07 1992

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

CIVIL CASE NUMBER: 39576

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

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

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

A57-02382

PRIORITY DATE: 1942-01-24
IDWR WATER RIGHT NO. 5702382
BLM NUMBER: 5701688040
BASIS OF CLAIM: LICENSE
BASIN NO.: 57

SOURCE	TRIBUTARY TO
-----	-----
SPRING	CASTLE CREEK

DESCRIPTION OF DIVERSION WORKS

COLLECTOR, 1/2 MI PIPELINE, 2 TROUGHS

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

NON-IRRIGATION USES

S/1000 RANGE CATTLE W/VAR AMT

				POINT OF DIVERSION				
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY	-----
06S	01E	32		NW	NW	0	OWYHEE	

PLACE OF USE

TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	OWNED	IRRIGATED ACRES
---	---	---	-----	-----	---	-----	-----	-----
06S	01E	32	NW	NW	0	OWYHEE		0.0
06S	01E	32	NW	NW	0	OWYHEE		0.0
06S	01E	29	NW	SW	0	OWYHEE		0.0
06S	01E	29	NW	SW	0	OWYHEE		0.0
06S	01E	17	NE	SW	0	OWYHEE		0.0

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OCT 07 1992

BLM NUMBER: 5701688040

PAGE 2

06S	01E	17	NE	SW	0	OWYHEE	0.0
06S	01E	08	NW	NW	0	OWYHEE	0.0
06S	01E	08	NW	NW	0	OWYHEE	0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

LICENSE 57-7417

REMARKS

PREVIOUSLY FILED WITH THE IDAHO DEPARTMENT OF WATER RESOURCES

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OCT 07 1992