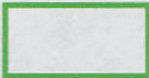
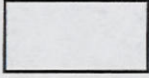
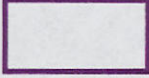


Idaho Department of Water Resources

Claim Number: 57-04008

Legal: T04S, R02W, S14, 23

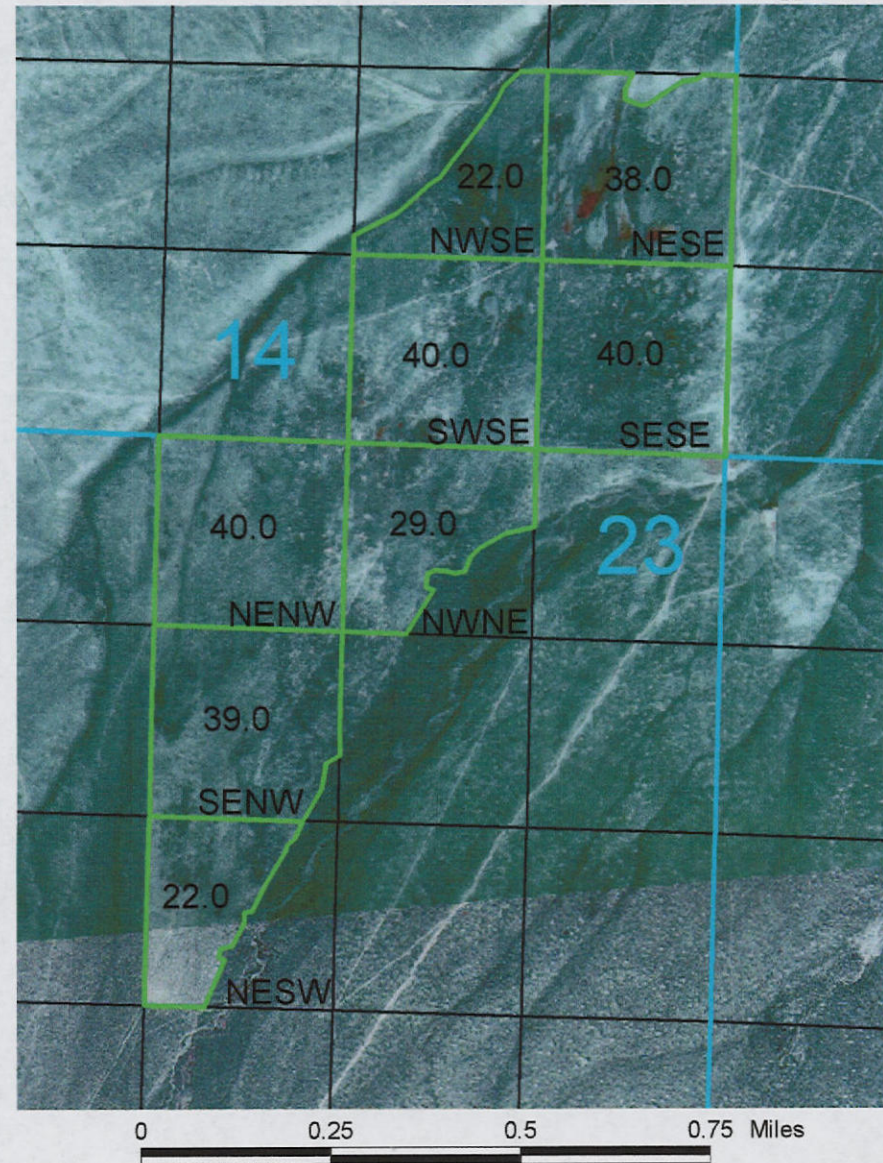
Reviewed By:

-  Point of Diversion
(Located outside of view)
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines
-  Township/Range Lines



4\03

1987 Napp Photo



RECEIVED

MAY 30 1996

Department of Water Resources

1996 MAY 29 PM 3:02

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

EXHIBIT A

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

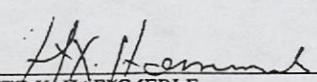
In Re SRBA) Subcases: See Exhibit A
Case No. 39576)
ORDER CONSOLIDATING SUBCASES

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

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

Any and all pleadings involving any of the consolidated subcases shall be directed to the lead subcase (57-11124).

DATED May 29, 1996.


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

Subcase Nos:

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

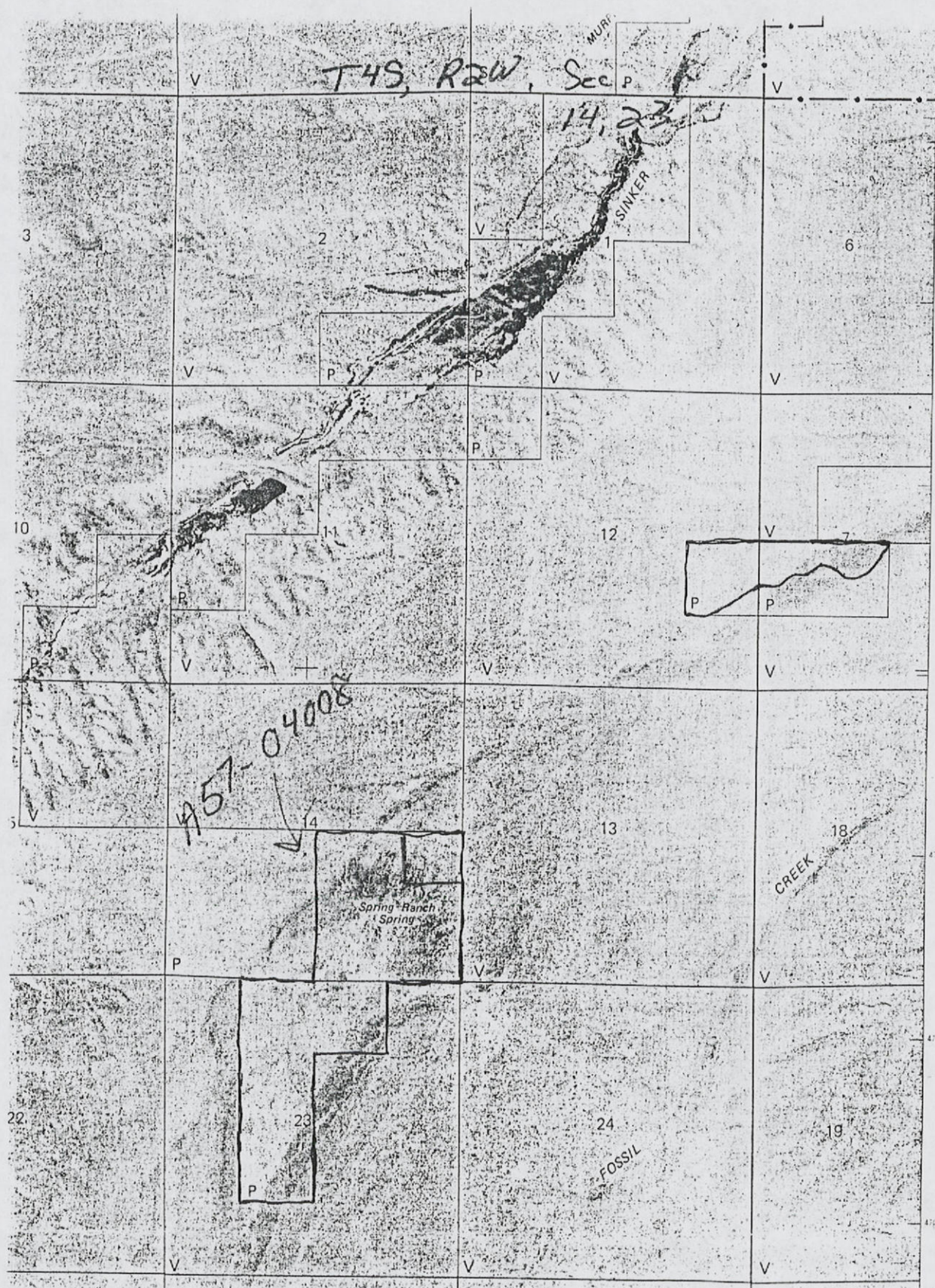
(Subcase list: 57BLMCONS)
Page 3 5/29/96

See file 57-11124 for
complete document.

—NK

Subcase Numbers:

57 00001A
57 00002
57 00173
57 00174
57 00176
57 00180A
57 02293
57 04008
57 04028
57 10428
57 10486
57 10487
57 10488
57 10587
57 10588
57 10598
57 10770
57 10922
57 11124
57 11125
57 11126
57 11127
57 11128
57 11129
57 11130
57 11131
57 11132
57 11133
57 11134
57 11334
57 11341
57 11342
57 11343
57 11344
57 11345
57 11346
57 10586



T12 R2W

Gilman's Ranch
(Site)

1/8
Gilman's Ranch
Spring

Foss

57-04008

CLAIM NUMBER 57-04008

V Denotes Public Land
Included in this Claim

V

Creek

Spring

Springs

Creek

Bates

Sinker Canyon



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 14, 1992

PAUL NETTLETON
JOYCE LIVESTOCK CO
MURPHY ID 83650

RE: Notices of Error in the Snake River Basin Adjudication

Dear Mr. Nettleton:

This letter is in response to the remaining Notices of Error you submitted on your claims in basin 57. The following will outline our recommendations per item.

Season of Use

Claim numbers: 57-10922, 57-04008, 57-00180A, 57-00176, 57-00174, 57-10428, 57-00173, 57-00001A, 57-02293, 57-00002 and 57-10488

The season of use as recommended on the above irrigation rights is based on several factors including area, weather and climate and are delineated by boundaries which represent an area as accurately as possible. Also, the general provisions for the SRBA decree allow early or late irrigation when water is available. I have enclosed a copy of the provisions which reflect this information.

Our recommendation for a season of use date March 15 to November 15 is upheld.

Priority Date

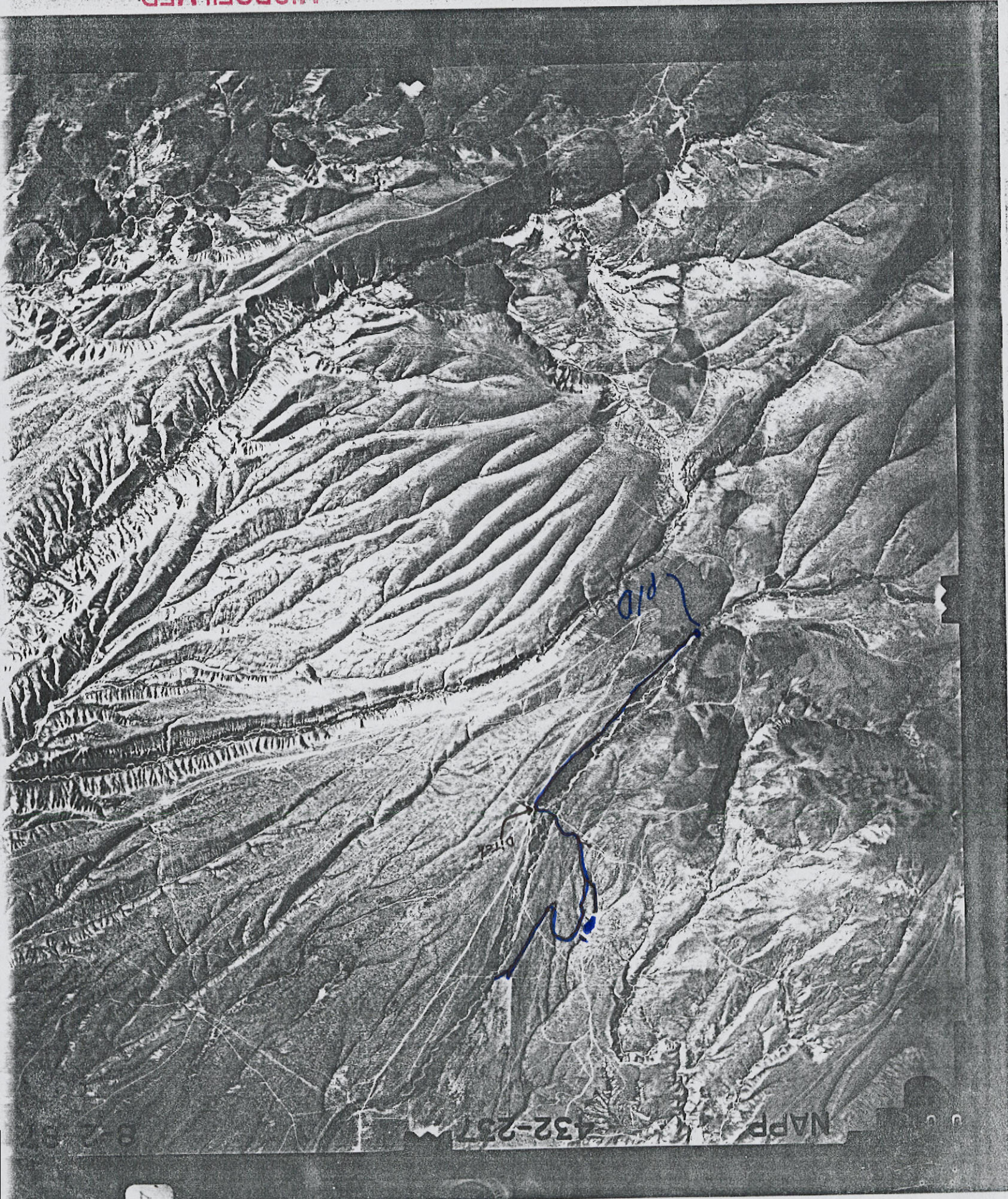
Claim numbers: 57-10598 and 57-10486

Both claims were filed on lands that are included in previous decrees. These decrees are on Catherine creek and Sinker creek. In order to establish the priority dates you have claimed, evidence must be submitted showing that the owner of the water right at the time of the decree was not joined as a party in that case, or that the water right was not required to be claimed in the prior adjudication because it had not been completed prior to the cut-off date for claims in that adjudication.

MICROFILMED
OCT 06 1992

MICROFILMED

OCT 0 6 1992



457-4008 T4S. R4W, Sec. 34

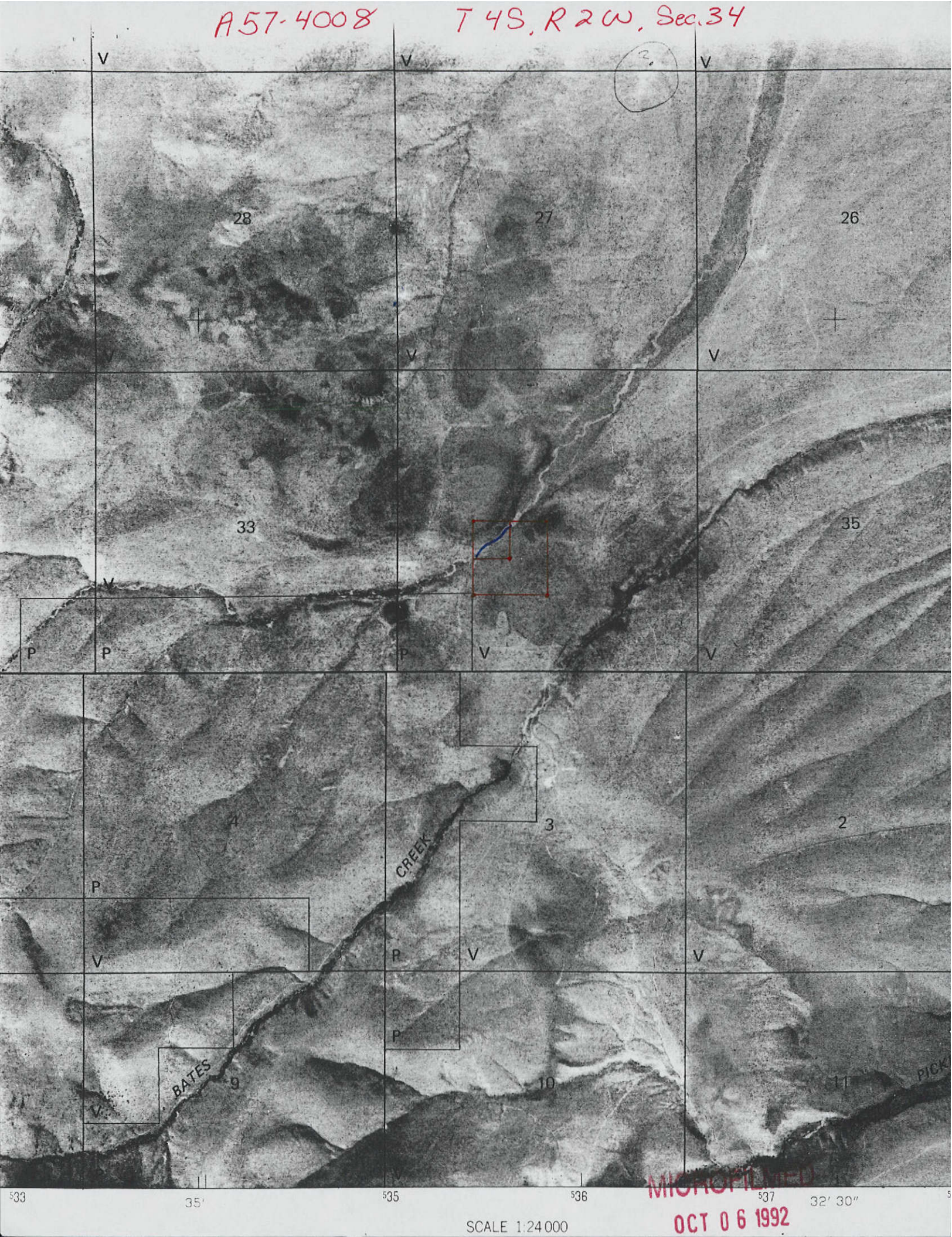
NAPP

432-237

28

A57-4008

T4S, R2W, Sec.34





T4S
raw

PoD

2

11

12

V

10

P

V

V

V

P

15

V

V

14

13

18

CREEK

Spring Ranch
Spring

P

V

V

22

23

24

19

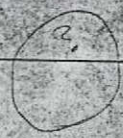
FOSSIL

P

V

V

V



27

26

25

30

CREEK

V

V

V

BATES

MICROFILMED

2007 2 6 1997

MANNING EQUATION CHANNEL CAPACITY RESULTS

01-22-1980

File Number: 57-04008

Claimant: Paul Nettleton

Channel measured: Ditch

Date of measurement: 08/23/1990

Measurement location:

Approximatly 1/2 mile down the ditch from the point of diversion

Calculation prepared by: Gene Gibson

Comments about the measurement:

The results of the calculation are:

The length of the channel measured is 500 feet.

The upstream and downstream rod readings are 5.44 and 12.06 feet.

The channel cross section is 2.24 ft-sq.

The wetted perimeter is 5.33 feet.

The hydraulic radius is 0.42 feet.

The slope is 0.0132

The roughness coefficient is 0.0550

The flow velocity is 1.745 ft/sec.

The rate of flow is 3.90 cfs.



MICROFILMED

OCT 06 1992

Shows where Mannings was done. Looking in SW direction towards P.O.D

Pg. 1 of 3

A57-04008



Point of diversion - looking in a NE. direction shows creek to left & ditch to right.



Point of diversion - All the water coming down the creek must flow into the ditch. No water for several years. looking S.W.

MICROFILMED

OCT 06 1992

A57-04008



The Reservoir



Shows where ditch splits left to reservoir & right to place of use.

MICROFILMED
OCT 06 1992

A57-04008



Shows ditch & Place of use



MICROFILMED
OCT 06 1992



JOYCE LIVESTOCK

SUBCASE NUMBERS:

57 00001A

57 00002

57 00173

57 00174

57 00176

57 00180A

57 02293

57 04008

57 04028

57 10428

57 10486

57 10487

57 10488

57 10587

57 10588

57 10598

57 10770

57 10922

57 11124

57 11125

57 11126

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57 11128

57 11129

57 11130

57 11131

57 11132

57 11133

57 11134

57 11334

57 11341

57 11342

57 11343

57 11344

57 11345

57 11346

57 10586

only change #'s
57-0001A through
57-10922 +
57-10586
J.J. SEIFERT

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.

CIVIL CASE NUMBER: 39576

Ident. Number: A57-04008
Date Received: 12/30/1988
Receipt No: W1834
Received By: EW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOYCE LIVESTOCK CO. 208-834-2237
Address: MURPHY, ID 83650

2. Date of Priority: JUL 15, 1919

3. Source: FOSSIL CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04S	02W	34		NE	SW		OWYHEE

5. Description of diverting works:
HEADGATE, DITCH & RES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	01/15	11/01	6.400		
IRRIGATION STORAGE	01/01	12/31			40.00
IRRIGATION FROM STORAGE	01/15	11/01			40.00
STOCKWATER	01/01	12/31	0.190		
STOCKWATER STORAGE	01/01	12/31			11.00
STOCKWATER FROM STORAGE	01/01	12/31			11.00
DIVERSION TO STORAGE	01/01	12/31	6.400		

7. Total Quantity Appropriated is:
6.400 C.F.S. (and/or) 40.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/740 RANGE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04S	02W	14	NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	160.0
		23	NW		NE		IRR	40.0
			NE		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
							Section Acres	160.0
							Total Acres	320.0

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A5704099

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am owner of
Title
Joyce Livestock Co., that I have signed the foregoing
Organization
document in the space below as owner of
Title
Joyce Livestock Co. and that the statements contained in the
Organization
foregoing document are true and correct.

Raul Pettit
Signature of Authorized Agent

owner Joyce Livestock Co.
Title and Organization

12-30-88
Date

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 30 day
of Dec 19 88

Linda Warner
Notary Public

Seal

Residing at Boise ID

My Commission Expires 12-8-94

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 57-04008

Date: 4-22-03

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	45	2W	14													38	22	40	40	140
GIS																38	22	40	40	140
Claim			23		29		40			39	22									130
GIS					29		40			39	22									131
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 270

Overlapping FOU Claim #'s:

Total GIS Acres: 270

COMMENTS:

Per claim map & image interpretation.

POD- There is no imagery for POD location. I estimated it.

Idaho Department of Water Resources

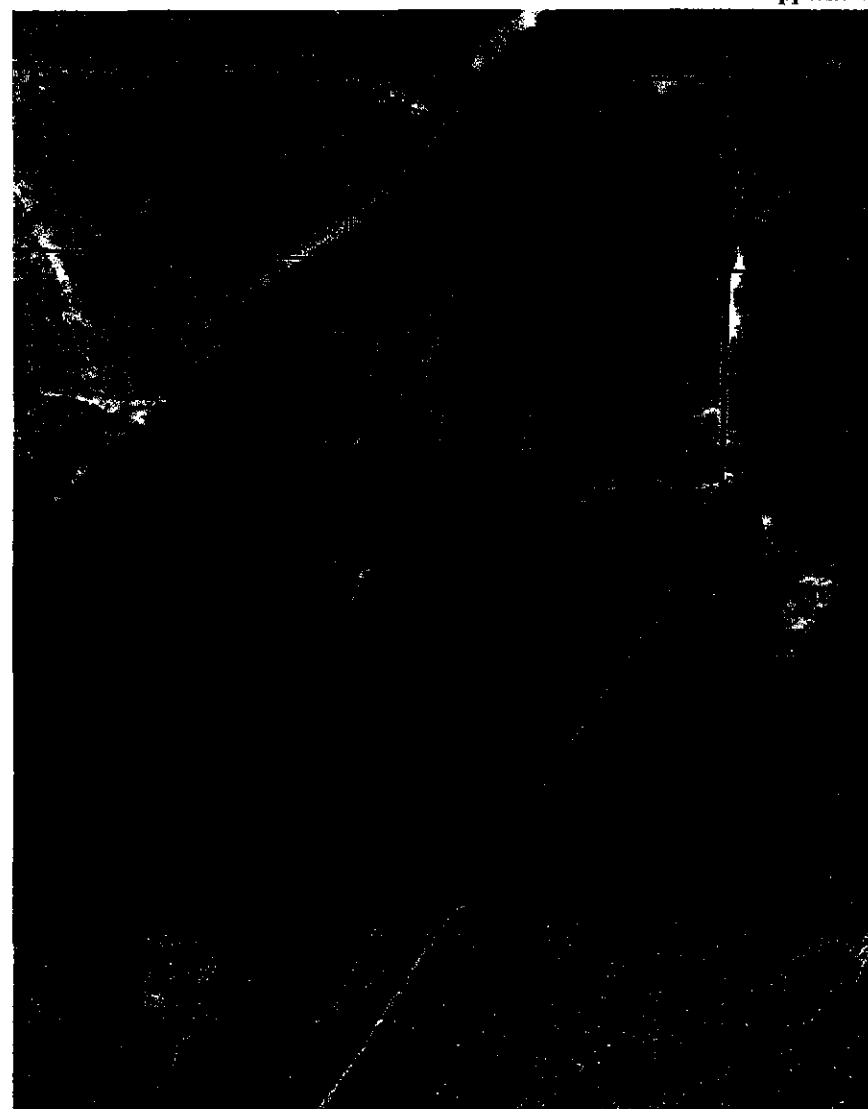
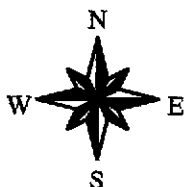
Claim Number: 57-04008

Legal: T04S, R02W, S14, 23

Reviewed By:

1987 Napp Photo

- Point of Diversion
(Located outside of view)
- Place of Use
- Section Lines
- Quarter Quarter Lines
- Township/Range Lines



0 0.25 0.5 0.75 Miles

NOV 26 PM 2:54
DISTRICT COURT-SN
TWIN FALLS, IDAHO

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

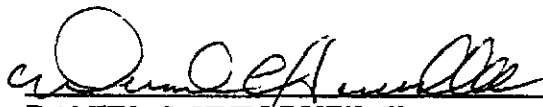
In Re SRBA	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right 57-04008
_____	)	

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 57-04008 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

DEC - 1 1997

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSDepartment of Water Resources
Adjudication BureauIn Re SRBA)
Case No. 39576)
_____)PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 57-04008

1997 NOV 26 PM 2:54

DISTRICT COURT-5
TWIN FALLS, IDAHO
FILED _____NAME & ADDRESS: JOYCE LIVESTOCK CO
C/O PAUL NETTLETON
MURPHY ID 83650

SOURCE: FOSSIL CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 3.9 CFS

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

PRIORITY DATE: 07/15/1919

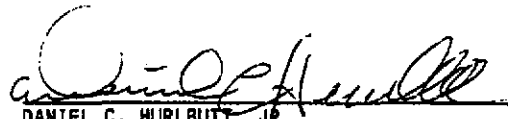
POINT OF DIVERSION: T04S R02W S34 NESW Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	3.9 CFS
	STOCKWATER	01-01 12-31	0.19 CFS

PLACE OF USE:	IRRIGATION	Within Owyhee County			
	T04S R02W S14	NESE 38	NWSE 22	SWSE 40	SESE 40
	S23	NWNE 29	NENW 40	SENW 39	NESW 22
	270 ACRES TOTAL				

Place of use for STOCKWATER is same as IRRIGATION

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

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

 DANIEL C. HURLBUTT, JR.
 PRESIDING JUDGE
 Snake River Basin Adjudication

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


 DANIEL C. HURLBUTT, JR.
 PRESIDING JUDGE
 Snake River Basin Adjudication

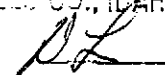
RECEIVED

AUG 2 1997

Department of Water Resources
Adjudication Bureau

1997 AUG 19 AM 9:22

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED 

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 57-04008

Case No. 39576

) SPECIAL MASTER'S REPORT
)
)
)

FINDINGS OF FACT AND CONCLUSIONS OF LAW

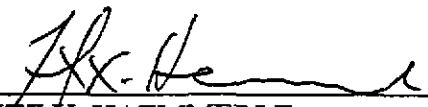
A notice of claim was filed for this water right pursuant to I.C. § 42-1409 (1990) by Joyce Livestock, Inc. The director of the State of Idaho Department of Water Resources examined the water system for areas 1, 2, and 3 and investigated and abstracted the notices of claims for those Reporting Areas. 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 57-04008 was filed by United States (BLM). 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,

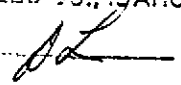
IT IS THEREFORE RECOMMENDED that subcase 57-04008 be decreed as recommended in the attached *Special Master's Report and Recommendation for Partial Decree*.

DATED August 19, 1997.


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

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
DISTRICT COURT - SRBA
PARTIAL DECREE FOR TWIN FALLS CO., IDAHO
Water Right 57-04008
FILED 

NAME & ADDRESS: JOYCE LIVESTOCK CO
C/O PAUL NETTLETON
MURPHY ID 83650

SOURCE: FOSSIL CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 3.9 CFS

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

PRIORITY DATE: 07/15/1919

POINT OF DIVERSION: T04S R02W S34 NESW Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	IRRIGATION	Irrigation Season	3.9 CFS
STOCKWATER	STOCKWATER	01-01 12-31	0.19 CFS

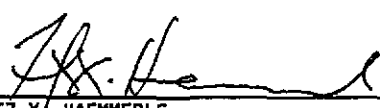
PLACE OF USE:	IRRIGATION	Within Owyhee County			
	T04S R02W S14	NESE 38	NWSE 22	SWSE 40	SESE 40
	S23	NWNE 29	NENW 40	SENW 39	NESW 22
	270 ACRES TOTAL				

Place of use for STOCKWATER is same as IRRIGATION

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

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

DATED: 8/17/97


FRITZ X. HAEMMERLE
Special Master
Snake River Basin Adjudication

1997 AUG 19 AM 9:22

DISTRICT CLERK - 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)
_____)

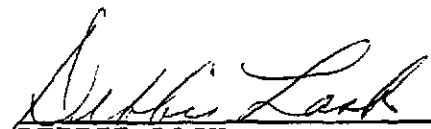
NOTICE OF ISSUANCE OF
SPECIAL MASTER'S REPORT
AND RECOMMENDATION

Water Right(s): 57-04008

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

1997 AUG 19 AM 9:22

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

CERTIFICATE OF MAILING

Water Right(s): 57-04008

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

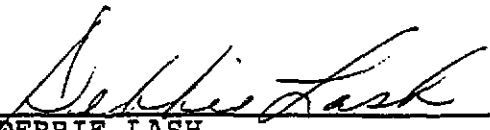
PAUL NETTLETON
JOYCE LIVESTOCK
MURPHY, ID 83650

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

CERTIFICATE OF MAILING

PAGE 1
08/19/97

RICHARD L. HARRIS
PO BOX 1438
CALDWELL, ID 83605


DEBBIE LASH
Deputy Clerk

CERTIFICATE OF MAILING

08/19/97 PAGE 2
08/19/97

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JUL 10 1997

Department of Water Resources
Adjudication Bureau

1997 JUL -9 PM 2:20

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

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

In Re SRBA

) Subcase 57-04008

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 Joyce Livestock, Inc. 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 57-04008 was filed by United States (BLM). Subsequently, the objection was withdrawn by stipulation of the parties; now therefore,

IT IS THEREFORE RECOMMENDED that subcase 57-04008 be decreed as recommended in the attached *Preliminary Special Master's Report and Recommendation*.

DATED July 9, 1997.


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

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 57-04008

1997 JUL -9 PM 2:21

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED *PL*

NAME & ADDRESS: JOYCE LIVESTOCK CO
C/O PAUL NETTLETON
MURPHY ID 83650

SOURCE: FOSSIL CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 3.9 CFS

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

PRIORITY DATE: 07/15/1919

POINT OF DIVERSION: T04S R02W S34 NESW Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	IRRIGATION	Irrigation Season	3.9 CFS
STOCKWATER	STOCKWATER	01-01 12-31	0.19 CFS

PLACE OF USE:	IRRIGATION	Within Owyhee County			
	T04S R02W S14	NESE 38	NWSE 22	SWSE 40	SESE 40
	S23	NWNE 29	NENW 40	SENE 39	NESW 22
	270 ACRES TOTAL				

Place of use for STOCKWATER is same as IRRIGATION

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

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

DATED: 7/9/97

Fritz X. Hammerle
FRITZ X. HAMMERLE
Special Master
Snake River Basin Adjudication

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

22

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

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

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 23, 1997.


DEBBIE LASH
Deputy Clerk

1997 JUL -9 PM 2:21

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): 57-04008

CERTIFICATE OF MAILING

I certify that a true and correct copy of PRELIMINARY SPECIAL MASTER'S REPORT, PRELIMINARY SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF PRELIMINARY SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on July 09, 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

PAUL NETTLETON
JOYCE LIVESTOCK
MURPHY, ID 83650

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

CERTIFICATE OF MAILING

PAGE 1
07/09/97

RICHARD L. HARRIS
PO BOX 1438
CALDWELL, ID 83605


DEBBIE LASH
Deputy Clerk

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MAY 14 1997

Department of Water Resources
Adjudication Bureau

1997 MAY 12 PM 03:57
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA	)	ORDER SETTING HEARING	
	)		
Case No. 39576	)		
_____	)	SUBCASE NOS: 57-04008	57-10587
		57-10588	57-10598 57-10770

Please be advised that Special Master FRITZ X. HAEMMERLE
has set for hearing the UNITED STATES MOTION FOR PERMISSION TO
APPEAL PART IV OF MARCH 24, 1997 ORDER.

WEDNESDAY, JUNE 11, 1997 at 09:30 AM

IDWR CONFERENCE ROOMS
1301 NORTH ORCHARD
BOISE, ID

IT IS SO ORDERED.

Dated: MAY 12, 1997

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

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

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING HEARING was mailed on MAY 12, 1997, with sufficient first-class postage to the following:

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

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

JOYCE LIVESTOCK
C/O PAUL NETTLETON
MURPHY, ID 83650

MARGARET J. KING
PO BOX 3329
HAILEY, ID 83333
Phone: 208-788-9145
Rep: JOYCE LIVESTOCK

PAUL NETTLETON
JOYCE LIVESTOCK
MURPHY, ID 83650

RICHARD L. HARRIS
PO BOX 1438
CALDWELL, ID 83605
Phone: 208-459-1541
Rep: JOYCE LIVESTOCK

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

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MAY 08 1997

Department of Water Resources
Adjudication Bureau

1997 MAY -7 PM 2:10

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 57-04008, 57-10587, 57-10588,
57-10598, and 57-10770

TRIAL SCHEDULING ORDER

THIS MATTER came before the special master at a scheduling conference on April 17, 1997.

1. The following dates shall govern the conduct of the subcase through the trial. No further order shall issue:

6/2/1997 5:00 pm Court orders IDWR to investigate these claims to determine whether disputed areas can support a stock water appropriation in excess of 13,000 gallons per day. IDWR shall prepare a report and make report available to all parties. Report is due June 2, 1997.

6/16/1997 5:00 pm Discovery Cutoff Date. All discovery shall be completed by this date.

7/01/1997 9:00 am Pretrial Conference. All parties or their counsel shall be present. Exhibit and Witnesses Cutoff Date. A list of exhibits and a complete list of witnesses shall be exchanged by the parties and copies sent to the court.

Location: SRBA District Court
253 3rd Ave. North
Twin Falls, Idaho 83301

Parties may participate by phone in the Pretrial Hearing if they contact the court before June 25, 1997.

7/17/1997 9:00 am Trial. 2 Day Trial.
7/18/1997 9:00 am Location: Owyhee County Courthouse
Highway 78
Murphy, Idaho

Pretrial motions shall proceed in accordance with the Idaho Rules of Civil Procedure. All dates are final and may only be reset on motion, hearing and order of the court. The hearing on a Motion to Reset will be held with all parties present including those represented by an attorney. The moving party may be held responsible for the costs of the resulting delay.

2. At the scheduling conference the parties designated the following as trial counsel:

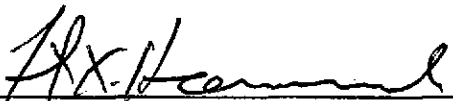
Party:

Joyce Livestock
Paul Nettleton
State of Idaho
USDI BLM

Trial Counsel:

Richard L. Harris
Pro Se
Andrew Helmlinger
Fritz Holleman

DATED May 7, 1997.


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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the TRIAL SCHEDULING ORDER was mailed on May 7, 1997, with sufficient first-class postage to the following:

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

Paul Nettleton
Joyce Livestock
Murphy, Idaho 83650

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

Richard L Harris
P O Box 1438
Caldwell, Idaho 83605
Rep: Joyce Livestock

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


Deputy Clerk

RECEIVED
MAY 6 - 1997
Department of Water Resources

1997 MAY 05 PM 03:15
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	)	TRIAL SCHEDULING ORDER	
	)		
Case No. 39576	)	SUBCASE NOS: 57-04008	57-10587
	)	57-10588	57-10598 57-10770

THIS MATTER came before the special master at a scheduling conference on April 17, 1997.

1. The following dates shall govern the conduct of the subcase through the trial. No further order shall issue:

6/16/1997 5:00 p.m. Discovery Cutoff Date. All discovery shall
(MONDAY) be completed by this date.

7/01/1997 9:00 a.m. Pretrial Conference. All parties or
(TUESDAY) their counsel shall be present.
Location: OWYHEE COUNTY COURTHOUSE
HIGHWAY 78
PO BOX 128
MURPHY, ID

7/01/1997 5:00 p.m. Exhibit and Witnesses Cutoff Date. A list
(TUESDAY) of exhibits and a complete list of witnesses shall be exchanged by the parties and copies sent to the court.

7/01/1997 5:00 p.m. Deadline for filing summary judgment
(TUESDAY) or other dispositive motion.

7/17/1997 9:00 a.m. Trial. 2 DAY TRIAL
(THURSDAY) Location: OWYHEE COUNTY COURTHOUSE
HIGHWAY 78
PO BOX 128
MURPHY, ID

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

(dates continued)

Pretrial motions shall proceed in accordance with the Idaho Rules of Civil Procedure. All dates are final and may only be reset on motion, hearing and order of the court. The hearing on a Motion to Reset will be held with all parties present including those represented by an attorney. The moving party may be held responsible for the costs of the resulting delay.

COURT ORDERS IDWR TO INVESTIGATE THESE CLAIMS TO DETERMINE WHETHER DISPUTED AREAS CAN SUPPORT A STOCKWATER APPROPRIATION IN EXCESS OF 13,000 GALLONS PER DAY. IDWR SHALL PREPARE A REPORT AND MAKE REPORT AVAILABLE TO BOTH PARTIES. REPORT IS DUE JUNE 2, 1997.

2. At the scheduling conference the parties designated the following as trial counsel:

Party:

JOYCE LIVESTOCK
PAUL NETTLETON
STATE OF IDAHO
USDI BLM

Trial Counsel:

RICHARD L. HARRIS
PRO SE
CLIVE STRONG
U.S. DEPT. OF JUSTICE

Dated: May 05, 1997

/S/ FRITZ X HAEMMERLE

SPECIAL MASTER

Snake River Basin Adjudication

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the the TRIAL SCHEDULING ORDER was mailed on May 05, 1997, with sufficient first-class postage to the following:

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

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

JOYCE LIVESTOCK
C/O PAUL NETTLETON
MURPHY, ID 83650

~~MARGARET J. KING
PO BOX 3329
HAILEY, ID 83333
Phone: 208-788-9145
Rep: JOYCE LIVESTOCK~~ *df*

PAUL NETTLETON
JOYCE LIVESTOCK
MURPHY, ID 83650

RICHARD L. HARRIS
PO BOX 1438
CALDWELL, ID 83605
Phone: 208-459-1541
Rep: JOYCE LIVESTOCK

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

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APR - 3 1997

Department of Water Resources
Adjudication Bureau

Movant's Name:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

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

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

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

In Re SRBA	)	Sub-case No. 57-04008
	)	
Case No. 39576	)	
	)	STIPULATION FOR WITHDRAWAL
_____	)	

DESCRIPTIVE SUMMARY

This is a stipulation to resolve water right number 57-04008. The parties stipulate to the withdrawal of the United States' objection to the water right claimed in this subcase.

STIPULATION

1. Pursuant to I.R.C.P. 41(a)(1), the United States of America and Joyce Livestock, by undersigned counsel, stipulate that the objection filed by the Bureau of Land Management (BLM) to water right number 57-04008 is hereby withdrawn without prejudice.

2. This stipulation was reached through negotiations for the purpose of resolving legal disputes, including pending litigation, and all parties agree that no offers and/or compromises made in the course thereof shall be construed as admissions against interest or be used in any legal proceeding, and that this agreement is not and shall not be used as precedent for any other claim to a water right.

3. All parties agree to bear their own costs and attorney's fees in connection with this matter.

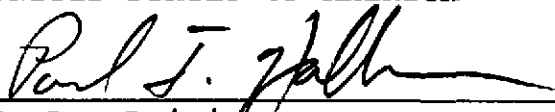
4. This stipulation was entered into and executed voluntarily by all parties in good faith, and without any fraud, misunderstanding, overreaching, misrepresentation, duress, or undue influence whatsoever.

UNITED STATES OF AMERICA

Dated:

3/27/97

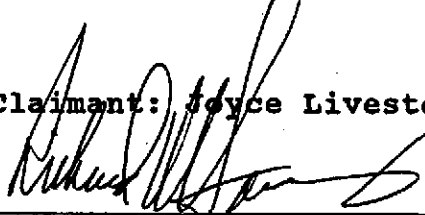
by:


R. Lee Leininger
Paul F. Holloman
Attorneys, Department of Justice

Claimant: Joyce Livestock

Dated:

by:


Richard Harris
Attorney for Claimant

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: FOSSIL CREEK		TRIBUTARY: SNAKE RIVER				
57-04008	JOYCE LIVESTOCK CO C/O PAUL NETTLETON MURPHY ID 83650	07/15/1919	IRRIGATION	03-15 11-15	3.9	CFS BENEFICIAL USE
			STOCKWATER	01-01 12-31	.19	CFS
			TOTAL QUANTITY:		3.9	CFS
			CONSUMPTIVE USE:		675.0	AFY
NON-IRRIGATION-USES:						
STOCKWATER, 740 HEAD RANGE CATTLE						
POINT OF DIVERSION:						
T04S R02W S34 NESW						
PLACE OF USE: IRRIGATION						
T04S R02W S14 NESE 38.0 NWSE 22.0 SWSE 40.0 SESE 40.0						
S23 NWNE 29.0 NEWW 40.0 SENW 39.0 NESW 22.0						
270.0 ACRES TOTAL						
PLACE OF USE: STOCKWATER						
SAME AS OTHER USE						

CERTIFICATE OF SERVICE

I certify that on the 1st day of ~~March~~^{April}, 1997, I served a true and correct copy of this Stipulation of Withdrawal upon the following individuals:

Deputy Attorney General
Idaho Department of Water Resources
1301 N. Orchard St.
Boise, Idaho 83702

Richard Harris
1023 Arthur Street
Caldwell, ID 83605

Department of Justice
c/o Boise Adjudication Team
550 West Fort Street, MSC 033
Boise, ID 83724

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

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

Joyce Livestock Co.
c/o Paul Nettleton
Murphy, ID 83650


Paula Clinedinst

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FEB 26 1997

Department of Water Resources

1997 FEB 21 PM 2:43

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: See Attached Exhibits

)
) ORDER REVERSING
) CONSOLIDATION
)
)

On May 29, 1996 the attached list of subcases were consolidated with subcase 57-11124 because they presented common issues of law and fact. To avoid confusion of a consolidation with only part of the subcases to be heard at future hearings or the settlement of some or all of the listed subcases the court hereby reverses consolidation.

DATED February 21, 1997.


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

CERTIFICATE OF MAILING

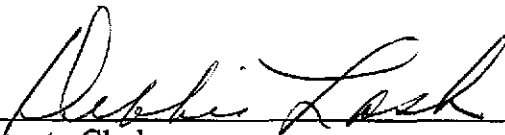
I certify that a true and correct copy of the **ORDER REVERSING CONSOLIDATION** was mailed on February 21, 1997, with sufficient first-class postage to the following:

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

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

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

Richard L Harris
P O Box 1438
Caldwell, Idaho 83605
Rep: Joyce Livestock



Deputy Clerk

EXHIBIT A

Subcase Nos:

57-04008
57-10373
57-10850
57-10851
57-10914
57-10916
57-10918
57-10919A
57-10919B
57-10921
57-10924
57-10930A
57-10930B
57-10930C

EXHIBIT B

Subcase Nos:

57-07512
57-07516
57-10944
57-10946

EXHIBIT C

Subcase Nos:

57-01045
57-01046
57-01047
57-01049
57-01050
57-01051
57-01053
57-01054
57-01057
57-01058
57-01059
57-01060
57-01061
57-01062
57-02372
57-02450
57-02468
57-02469
57-02484
57-07089
57-07154
57-07165
57-07166
57-07168
57-07344
57-07354
57-07357
57-11138
57-11148
57-11149
57-11156
57-11157
57-11158
57-11162
57-11164
57-11166
57-11170
57-11173
57-11176
57-11179
57-11181
57-11183
57-11350
57-11351

EXHIBIT D

Subcase Nos:

57-10660
57-10921
57-10924
57-10944
57-10945
57-10947

RECEIVED

MAY 30 1996

Department of Water Resources

DEPT. OF WATER RESOURCES

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILE NO. _____

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 CONSOLIDATING SUBCASES

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

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

DATED May 29, 1996.

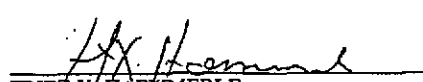

FRITZ X. HAEMMERLE
Special Master, Reporting Area 2
Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

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

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

See file 57-11124 for
complete document.

—VK

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MAR 21 1996
Department of Water Resources
Adjudication Bureau

FILED

1996 MAR 19 PM 4:26

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

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

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

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

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

IT IS FURTHER ORDERED that within 20 days from the date of mailing this Order, Joyce Livestock shall file a written notice with this court that specifically advises the court how it intends to be represented in the subcases listed on the attached Exhibit A.

Joyce Livestock is reminded that a Status Conference is currently set in subcase 57-11124 at 10:30 a.m. and Joyce Livestock should make arrangements to participate in this Status Conference.

DATED March 19, 1996.



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

CERTIFICATE OF MAILING

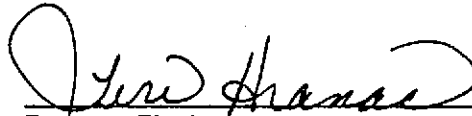
I certify that a true and correct copy of the ORDER GRANTING MOTION TO WITHDRAW was mailed on March 19, 1996, with sufficient first-class postage to the following:

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

Joyce Livestock
%Paul Nettleton
Sinker Creek
Box 2050
Murphy, ID 83650

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


Deputy Clerk

Subcase Numbers:

57 00001A
57 00002
57 00173
57 00174
57 00176
57 00180A
57 02293
57 04008
57 04028
57 10428
57 10486
57 10487
57 10488
57 10587
57 10588
57 10598
57 10770
57 10922
57 11124
57 11125
57 11126
57 11127
57 11128
57 11129
57 11130
57 11131
57 11132
57 11133
57 11134
57 11334
57 11341
57 11342
57 11343
57 11344
57 11345
57 11346
57 10586

Movants:

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

RECEIVED

MAR 21 1996

Department of Water Resources
Adjudication Bureau

See 57-00001A
for complete
document.

VK

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

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 Joyce Livestock pursuant to Rule 11(b)(3) of the Idaho Rules of Civil Procedure. In support hereof, counsel state that they have been discharged as reflected in the Notice of Discharge, attached hereto as Exhibit A.

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

Dated this 18th day of March, 1996.

Respectfully Submitted,

RECEIVED
JUL 19 1994
Department of Water Resources
Adjudication Bureau

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

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

In Re SRBA

Case No. 39576

)
)
) NOTICE OF APPEARANCE
)
)

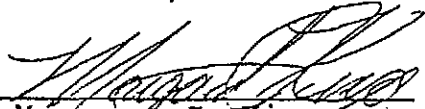
COMES NOW the firm of Simms & Stein, P.A., and hereby
enters an appearance for JOYCE LIVESTOCK, subcase numbers attached.

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

DATED this 26 day of May, 1994.

SIMMS & STEIN, P.A.

By:


Margaret J. King

JOYCE LIVESTOCK

SUBCASE NUMBERS:

57 00001A	57 11130
57 00002	57 11131
57 00173	57 11132
57 00174	57 11133
57 00176	57 11134
57 00180A	57 11334
57 02293	57 11341
57 04008	57 11342
57 04028	57 11343
57 10428	57 11344
57 10486	57 11345
57 10487	57 11346
57 10488	57 10586
57 10587	
57 10588	
57 10598	
57 10770	
57 10922	
57 11124	
57 11125	
57 11126	
57 11127	
57 11128	
57 11129	

NOTICE OF APPEARANCE -2

FILED
JUL 13 2004
RECEIVED

CERTIFICATE OF MAILING

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

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

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

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

Jay Hulet
HC 79, Box 2020
Murphy, ID 83650


Margaret J. King

RECEIVED

JUN 30 1993

Department of Water Resources
Adjudication Bureau

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

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

Case No. 57-04008
(Insert the Case No.
from the Objection
you are responding to)

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.)

INSTRUCTIONS

This form must be used to file a response to any objection filed against a water right recommended in a Director's Report. You may respond to objections filed against one water right, using one response form. The water right number listed as the "Case No." on the Objection you are responding to must be inserted above as the "Case No." If you choose to file one form to respond to all objections filed against the same water right, your response should cover every issue raised in the objections.

To respond to objections filed against more than one water right, you must file a separate response form for each water right. 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 response by the deadline shown in the notice that IDWR mailed to you. The response must be received by the court on or before the deadline specified. Instructions for filing this response are found at Page 5, and must be strictly followed.

(Over)

RESPONSE TO OBJECTION - 1

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

By filing a response form, you are certifying that the response 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 responding to objection:

Name: Paul Nettleton

Address: Joyce Livestock Co.
Murphy Id 83650

Briefly describe your interest in this water right:

owner

2. Person who filed objection:

Name: USD1 - BLM

Address: 3380 Americana Terrace
Boise Id 83706

3. If this response 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 RESPONSE

Please check each "box" which identifies your response.

1. ☒ Name and Address: I respond to the objection concerning the name and/or address of the owner of the water right.
2. ☒ Source: I respond to the objection concerning the source of water.
3. ☒ Quantity: I respond to the objection concerning:
 - 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 respond to the objection concerning the priority date.
5. ☒ Points of Diversion: I respond to the objection concerning the legal description of the point(s) of diversion.
6. ☐ Instream Flow: I respond to the objection concerning the legal description of the beginning and ending points of the instream flow.
7. ☒ Purpose(s) of Use: I respond to the objection concerning the purpose(s) of use.
8. ☒ Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
9. ☐ Place of Use: I respond to the objection concerning:
 - 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 respond to the objection concerning the annual volume of consumptive use.

(Over)

11. ☐ Remarks: I respond to the objection concerning the "remarks" listed with the water right.
12. ☒ Water Right Recommendation: I respond to the objection concerning:
- a. ☒ this water right being recommended at all; or
- b. ☐ this water right not being recommended.
13. ☐ Description of Reservation: I respond to the objection concerning the legal description of the reservation.
14. ☐ Other: I respond to the objection concerning: _____
- _____
- _____
- _____

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. BOXES 1, 2, 3, 4, 5, 7, 8, 10, 12

BLM objections have been filed without regard for our legally granted rights-of-way for water diversion and conveyance on BLM lands. All rights-of-way in use prior to 1976 are absolutely granted to the user by the Federal government. R.S. 2477, FLPMA

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.

NO CHANGE SHOULD BE MADE. COURT SHOULD ACCEPT

DIRECTOR'S REPORT AS RECOMMENDED.

Please note that you should attach copies of documents which support your response. 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: _____
- _____
- _____

VERIFICATION (Must be Completed)

State of Idaho

County of Owyhee

PAUL NETTLETON, being first duly
(Name of person filing response)
sworn, upon oath, deposes and says:

That I am the person or entity filing this response, 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 response, know its contents and that the statements contained therein are true to the best of my knowledge and belief.

Paul Nettleton
Signature of person filing response

By: _____
(Attorney signing in
representative capacity)

1993 Subscribed and sworn to before me this 24th day of June.

Nicholas K. Shih
Notary Public for Idaho
Residing at: 4777 W. Murphy St
My Commission expires: 1/31/04

INSTRUCTIONS FOR MAILING

You must mail the response, 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 you responded to, if other than yourself; to the party who filed the objection to which you are responding, if different from the owner of the water right; 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.

(Over)

CERTIFICATE OF MAILING

I hereby certify that on the 28 day of June, 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 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:

Name:

Paul Nettleton

Address:

Joyce Livestock Co.

Murphy, Idaho 83650

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:

USDI - BLM

Address:

3380 Americana Terrace

Boise, Id. 83706

4. One copy to:

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

5. One copy to:

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

Paul Nettleton

Signature of Respondent or attorney
mailing on Respondent's behalf

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

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

1993 JUN 25 PM 3:44
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

Case No. 57-04008 -0001

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

RESPONSE TO OBJECTION

Petitioner,)

vs.)

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

Respondents.)

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

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

Briefly describe your interest in this water right:

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

(Over)

2. Person who filed objection:

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

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.
2. |☒| Source: I respond to the objection concerning the source of water.
3. |☒| Quantity: I respond to the objection concerning:
4. |☒| Priority Date: I respond to the objection concerning the priority date.
5. |☒| Points of Diversion: I respond to the objection concerning the legal description of the points(s) of diversion.
7. |☒| Purposes of Use: I respond to the objection concerning the purpose(s) of use.
8. |☒| Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
10. |☒| Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.

12. ☒ Water Right Recommendation: I respond to the objection concerning:

12a. ☒ This water right being recommended at all.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 1, 2, 3, 4, 5, 7, 8, 10, 12 and 12a. and all allegations of the objection regarding these items IDWR responds as follows:

IDWR lacks sufficient information to form a belief as to whether any or all of the lands upon which water is diverted, conveyed, or used pursuant to this right are owned by the United States. The notices of claim attached to the objection were not filed with IDWR and IDWR has not recommended a water right based on these notices of claim. IDWR admits that the exercise of rights to water from the same source may impact each other. IDWR 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:

No. of
Pages

Notice of Claim No. A57-04008

4

(Over)

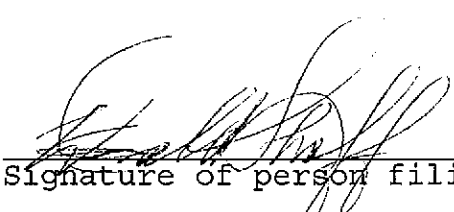
VERIFICATION (Must be Completed)

State of IDAHO

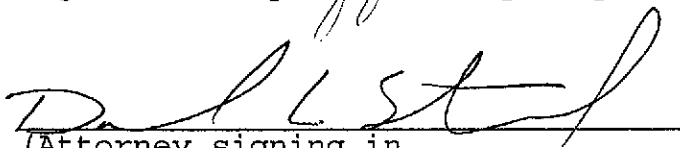
County of ADA

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

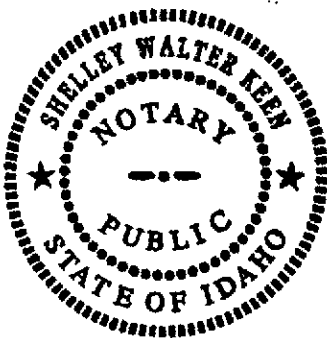
That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Section Manager for IDWR and am authorized by R. Keith Higginson, in his official capacity as director of IDWR, to verify this response; and that I have read the foregoing response, know its contents and that the statements contained therein are true to the best of my knowledge and belief.

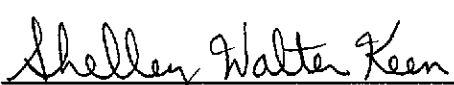

Signature of person filing response

By:


(Attorney signing in
representative capacity)

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




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

CERTIFICATE OF MAILING

I hereby certify that on the 25th day of June, 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:

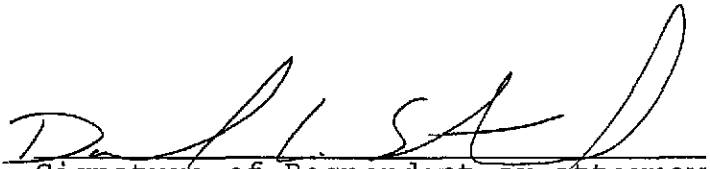
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

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

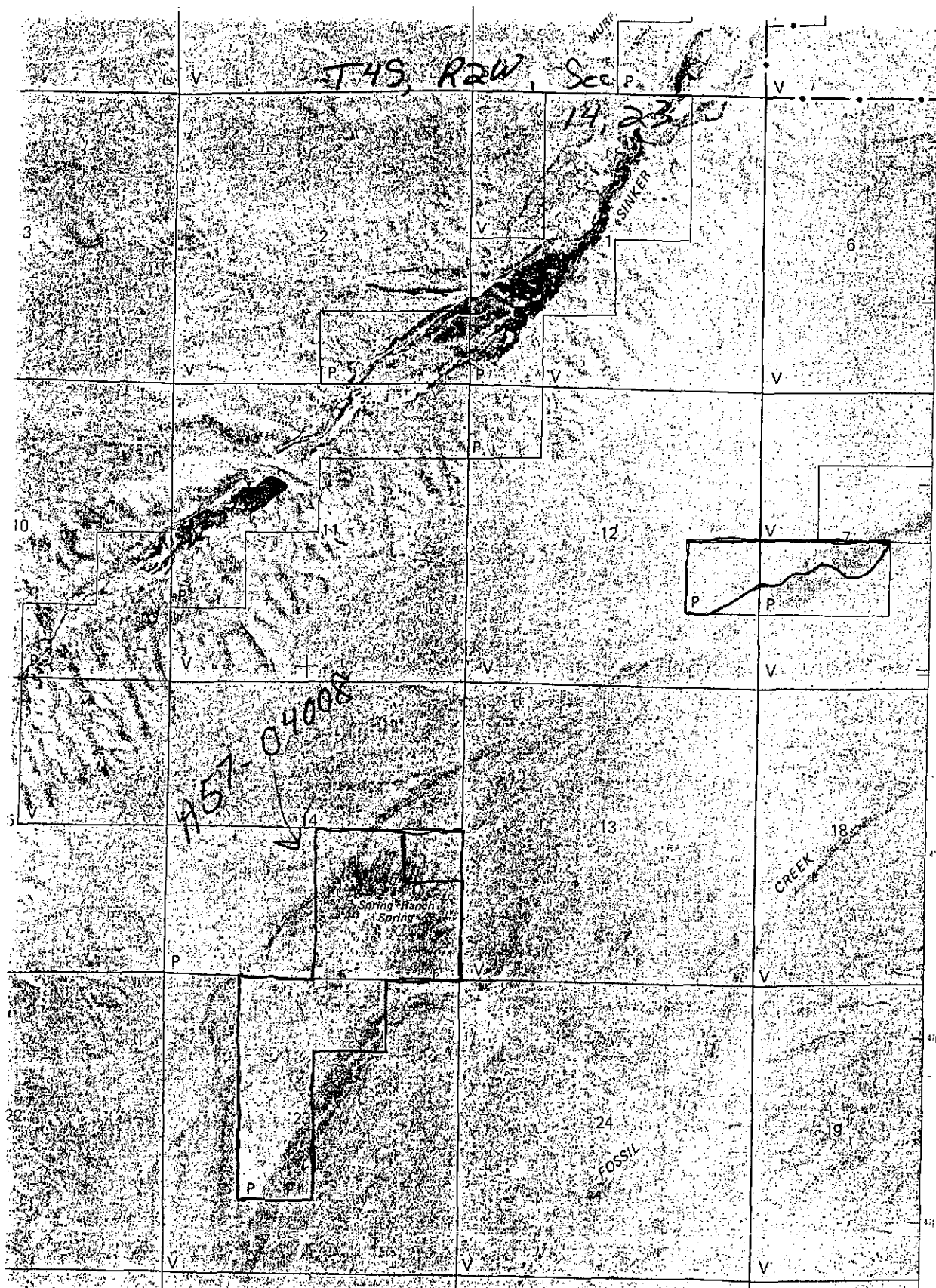
Name: JOYCE LIVESTOCK CO
Address: C/O PAUL NETTLETON
MURPHY ID 83650

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 WEST FORT STREET
PO BOX 33
BOISE ID 83734



Signature of Respondent or attorney
mailing on Respondent's behalf



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

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. 57-04008
(You must insert the
water right number you
are objecting to)

OBJECTION

RECEIVED

FEB 26 1993

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

Briefly describe your interest in this water right:

The United States, through the Bureau of
Land Management, is the owner of the land
upon which this water right is claimed,
has a senior existing water right, and
claimant does not have a valid water
right.

2. Owner of the water right:
Name: claimant Joyce Livestock
Address: c/o Paul Nettleton
Murphy, ID 83650
3. If this objection is filed by an attorney:
Attorney Name: K. Jack Haugrud
Daria J. Zane
Attorney Address: U. S. Department of Justice
500 West Fort Street
P.O. Box 33
Boise, Idaho 83734
Attorney Phone No.: 202-272-4134/8351

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

II. STATEMENT OF THE OBJECTION

Please check each "box" which states your objection to the recommendation in the Director's Report.

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

(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 United States of America, acting through the Bureau of Land Management, objects to this water right recommendation because the claimant is a private individual claiming a water right on public domain lands. The BLM, on behalf of the United States, has managed and controlled this property for the beneficial use of the American public. The claimant has no property interest in the claimed water right or any other water right appurtenant to federally owned lands. The United States objects to all aspects of the right because of these facts, including the recommended name and address, source, quantity, priority date, points of diversion, purpose of use, period of use, place of use, and consumptive use. BLM also objects to the recommendation in its entirety because claimant has not been the exclusive beneficial user of this water given that other members of the public have had access to this land and water source. BLM specifically objects to the quantity, priority date, point of diversion, and/or purpose of use of the claimed right because granting this right will adversely affect the United States senior water right downstream.

CHANGES TO THE DIRECTOR'S REPORT

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

The Directors report should be changed to recommend disallowance of this claim.

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

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

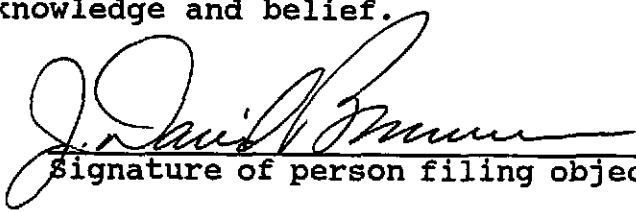
1. Map of claim on public land
2. Conflicting USDI claims

VERIFICATION (Must be Completed)

State of Idaho
County of Ada

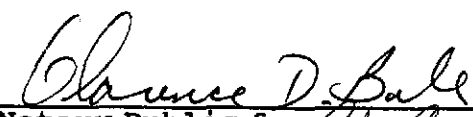
J. DAVID BRUNNER, BOISE DISTRICT MANAGER, being first duly
(Name of person filing objection)
sworn, upon oath, deposes and says:

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 FEB,
1997.


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

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

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

1. Original to:

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

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

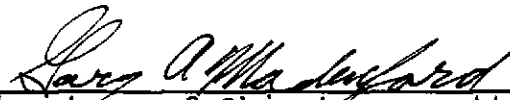
Owner name: Joyce Livestock Co.
Owner's address: c/o Paul Nettleton
Murphy, ID 83650

3. One copy to:

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

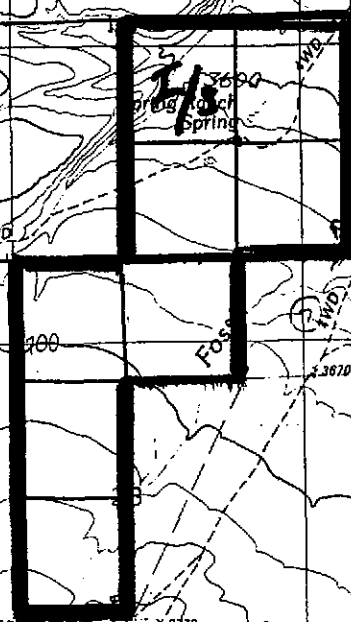
4. One copy to:

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

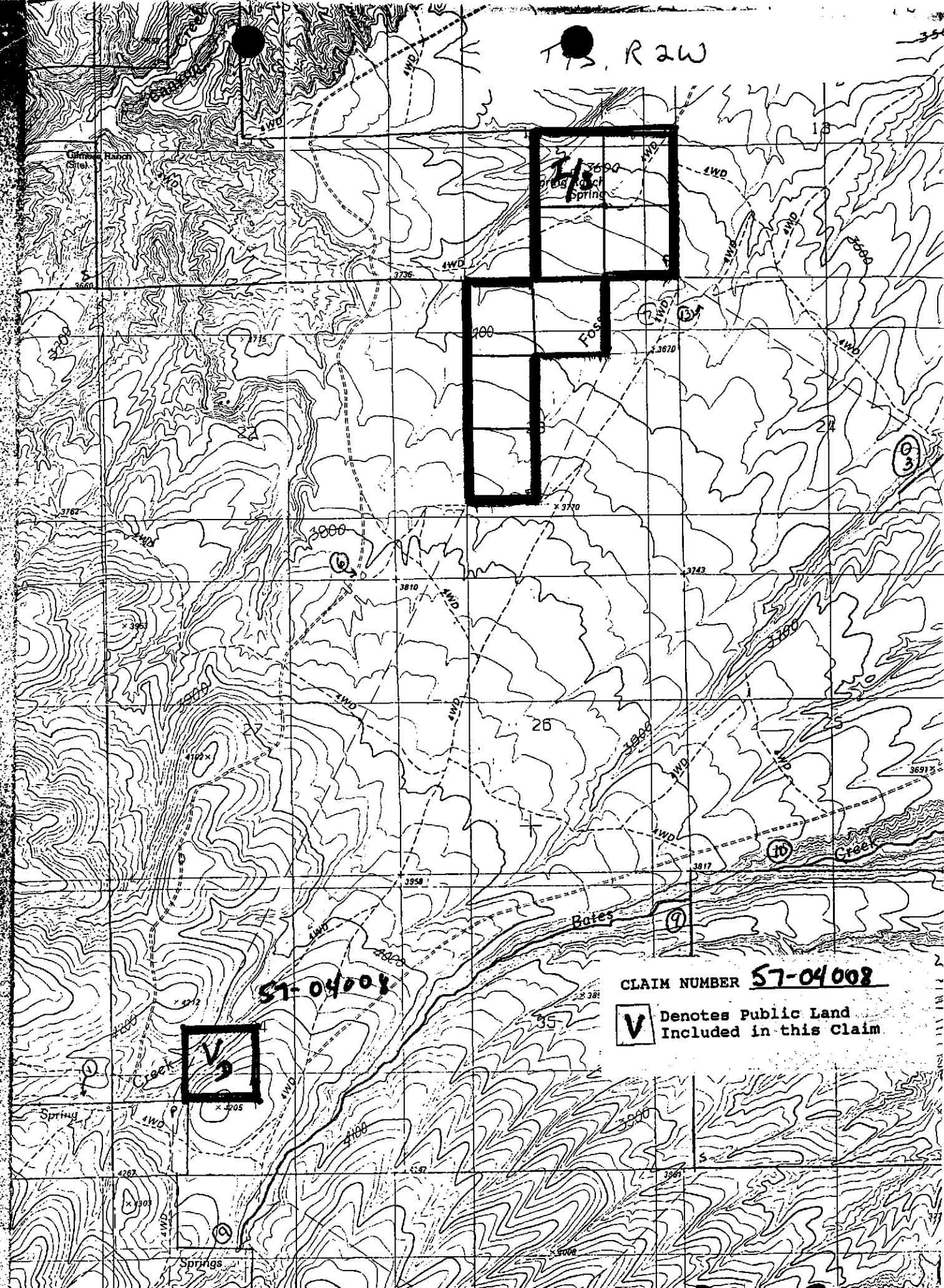
T12, R2W



57-04008

CLAIM NUMBER 57-04008

V Denotes Public Land Included in this Claim



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

PRIORITY DATE: 1874-01-01
AGENCY NUMBER: 5701582074
BLM NUMBER: 5701582074
BASIS OF CLAIM: BENEFICIAL USE
BASIN NUMBER: 57

SOURCE	TRIBUTARY TO
FOSSIL CREEK	SNAKE RIVER

DESCRIPTION OF DIVERSION WORKS

INSTREAM USE

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
STOCKWATER	0.320	0.00	0101	1231
WILDLIFE	0.020	0.00	0101	1231
TOTAL:	0.340 CFS	0.00 AF		

NON-IRRIGATION USES

S/1750 RANGE CATTLE W/ VAR AMOUNTS

POINT OF DIVERSION							
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
04S	02W	34		NW	SW	00	OWYHEE
04S	02W	23		SE	SW	00	OWYHEE
04S	02W	23		NW	SE	00	OWYHEE
04S	02W	23		SW	NE	00	OWYHEE
04S	02W	23		NE	NE	00	OWYHEE

PLACE OF USE							IRRIGATED
TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	OWNED ACRES
04S	02W	34	NW	SW	00	OWYHEE	YES 0.0

04S	02W	34	NE	SW	00	OWYHEE	YES	0.0
04S	02W	34	SE	NW	00	OWYHEE	YES	0.0
04S	02W	34	SW	NE	00	OWYHEE	YES	0.0
04S	02W	34	NW	NE	00	OWYHEE	YES	0.0
04S	02W	34	NE	NE	00	OWYHEE	YES	0.0
04S	02W	27	SE	SE	00	OWYHEE	YES	0.0
04S	02W	27	NE	SE	00	OWYHEE	YES	0.0
04S	02W	26	NW	SW	00	OWYHEE	YES	0.0
04S	02W	26	SW	NW	00	OWYHEE	YES	0.0
04S	02W	26	NW	NW	00	OWYHEE	YES	0.0
04S	02W	23	SW	SW	00	OWYHEE	YES	0.0
04S	02W	23	SE	SW	00	OWYHEE	YES	0.0
04S	02W	23	NW	SE	00	OWYHEE	YES	0.0
04S	02W	23	SW	NE	00	OWYHEE	YES	0.0
04S	02W	23	NE	NE	00	OWYHEE	YES	0.0
04S	02W	34	NW	SW	00	OWYHEE	YES	0.0
04S	02W	34	NE	SW	00	OWYHEE	YES	0.0
04S	02W	34	SE	NW	00	OWYHEE	YES	0.0
04S	02W	34	SW	NE	00	OWYHEE	YES	0.0
04S	02W	34	NW	NE	00	OWYHEE	YES	0.0
04S	02W	34	NE	NE	00	OWYHEE	YES	0.0
04S	02W	27	SE	SE	00	OWYHEE	YES	0.0
04S	02W	27	NE	SE	00	OWYHEE	YES	0.0
04S	02W	26	NW	SW	00	OWYHEE	YES	0.0
04S	02W	26	SW	NW	00	OWYHEE	YES	0.0
04S	02W	26	NW	NW	00	OWYHEE	YES	0.0
04S	02W	23	SW	SW	00	OWYHEE	YES	0.0
04S	02W	23	SE	SW	00	OWYHEE	YES	0.0
04S	02W	23	NW	SE	00	OWYHEE	YES	0.0
04S	02W	23	SW	NE	00	OWYHEE	YES	0.0
04S	02W	23	NE	NE	00	OWYHEE	YES	0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

REMARKS

FIRST DATE OF BENEFICIAL USE - 1874

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

PRIORITY DATE: 1874-01-01
AGENCY NUMBER: 5701582062
BLM NUMBER: 5701582062
BASIS OF CLAIM: BENEFICIAL USE
BASIN NUMBER: 57

SOURCE	TRIBUTARY TO
-----	-----
UNNAMED STREAM	FOSSIL CREEK

DESCRIPTION OF DIVERSION WORKS

INSTREAM USE

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
-----	-----	-----	-----	-----
STOCKWATER	0.120	0.00	0101	1231
WILDLIFE	0.020	0.00	0101	1231
TOTAL:	0.140 CFS	0.00 AF		

NON-IRRIGATION USES

S/ 415 RANGE CATTLE W/ VAR AMOUNTS

TWP	RNG	SEC	POINT OF DIVERSION				COUNTY
			TRACT1	TRACT2	TRACT3	LOT	
04S	01W	30		NW	NE	00	OWYHEE
04S	01W	21		NW	NW	00	OWYHEE
04S	01W	15		NW	NW	00	OWYHEE
04S	01W	10		SE	NW	00	OWYHEE

TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	IRRIGATED	
							OWNED	ACRES
04S	01W	30	NW	NE	00	OWYHEE	YES	0.0

04S	01W	30	NW	NE	00	OWYHEE	YES	0.0
04S	01W	19	SW	SE	00	OWYHEE	YES	0.0
04S	01W	19	SE	SE	00	OWYHEE	YES	0.0
04S	01W	20	SW	SW	00	OWYHEE	YES	0.0
04S	01W	20	NW	SW	00	OWYHEE	YES	0.0
04S	01W	20	NE	SW	00	OWYHEE	YES	0.0
04S	01W	20	SE	NW	00	OWYHEE	YES	0.0
04S	01W	20	SW	NE	00	OWYHEE	YES	0.0
04S	01W	20	SE	NE	00	OWYHEE	YES	0.0
04S	01W	20	NE	NE	00	OWYHEE	YES	0.0
04S	01W	21	NW	NW	00	OWYHEE	YES	0.0
04S	01W	15	NW	NW	00	OWYHEE	YES	0.0
04S	01W	10	SW	SW	00	OWYHEE	YES	0.0
04S	01W	10	NW	SW	00	OWYHEE	YES	0.0
04S	01W	10	NE	SW	00	OWYHEE	YES	0.0
04S	01W	10	SE	NW	00	OWYHEE	YES	0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

REMARKS

FIRST DATE OF BENEFICIAL USE - 1874

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

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FROM THE SNAKE RIVER BASIN WATER SYSTEM

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

PRIORITY DATE: 1874-01-01
AGENCY NUMBER: 5701582073
BLM NUMBER: 5701582073
BASIS OF CLAIM: BENEFICIAL USE
BASIN NUMBER: 57

SOURCE	TRIBUTARY TO
FOSSIL CREEK	SNAKE RIVER

DESCRIPTION OF DIVERSION WORKS

INSTREAM USE

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
WILDLIFE	0.020	0.00	0101	1231
STOCKWATER	0.120	0.00	0101	1231
TOTAL:	0.140 CFS	0.00 AF		

NON-IRRIGATION USES

S/ 415 RANGE CATTLE W/ VAR AMOUNTS

				POINT OF DIVERSION			
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
04S	02W	24		NW	NW	00	OWYHEE
04S	02W	12		SE	SE	00	OWYHEE
04S	01W	08		SW	NE	00	OWYHEE
04S	01W	09		SE	NW	00	OWYHEE

PLACE OF USE							IRRIGATED	
TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	OWNED	ACRES
04S	02W	24	NW	NW	00	OWYHEE	YES	0.0

04S	02W	13	SW	SW	00	OWYHEE	YES	0.0
04S	02W	13	NW	SW	00	OWYHEE	YES	0.0
04S	02W	13	NE	SW	00	OWYHEE	YES	0.0
04S	02W	13	SE	NW	00	OWYHEE	YES	0.0
04S	02W	13	NE	NW	00	OWYHEE	YES	0.0
04S	02W	12	SE	SW	00	OWYHEE	YES	0.0
04S	02W	12	SW	SE	00	OWYHEE	YES	0.0
04S	02W	12	SE	SE	00	OWYHEE	YES	0.0
04S	01W	08	SW	NE	00	OWYHEE	YES	0.0
04S	01W	08	SE	NE	00	OWYHEE	YES	0.0
04S	01W	09	SW	NW	00	OWYHEE	YES	0.0
04S	01W	09	NE	NW	00	OWYHEE	YES	0.0
04S	01W	09	SE	NW	00	OWYHEE	YES	0.0
04S	02W	24	NW	NW	00	OWYHEE	YES	0.0
04S	02W	13	SW	SW	00	OWYHEE	YES	0.0
04S	02W	13	NW	SW	00	OWYHEE	YES	0.0
04S	02W	13	NE	SW	00	OWYHEE	YES	0.0
04S	02W	13	SE	NW	00	OWYHEE	YES	0.0
04S	02W	13	NE	NW	00	OWYHEE	YES	0.0
04S	02W	12	SE	SW	00	OWYHEE	YES	0.0
04S	02W	12	SW	SE	00	OWYHEE	YES	0.0
04S	02W	12	SE	SE	00	OWYHEE	YES	0.0
04S	01W	08	SW	NE	00	OWYHEE	YES	0.0
04S	01W	08	SE	NE	00	OWYHEE	YES	0.0
04S	01W	09	SW	NW	00	OWYHEE	YES	0.0
04S	01W	09	NE	NW	00	OWYHEE	YES	0.0
04S	01W	09	SE	NW	00	OWYHEE	YES	0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

REMARKS

FIRST DATE OF BENEFICIAL USE - 1874

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IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

CIVIL CASE NUMBER: 39576

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

PRIORITY DATE: 1874-01-01
AGENCY NUMBER: 5701582071
BLM NUMBER: 5701582071
BASIS OF CLAIM: BENEFICIAL USE
BASIN NUMBER: 57

SOURCE	TRIBUTARY TO
-----	-----
UNNAMED STREAM	FOSSIL CREEK

DESCRIPTION OF DIVERSION WORKS

EARTHEN DAM

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
-----	-----	-----	-----	-----
STOCKWATER STORAGE	0.000	5.00	0101	1231
WILDLIFE STORAGE	0.000	0.40	0101	1231
STOCKWATER FROM STORAGE	0.000	5.00	0101	1231
WILDLIFE FROM STORAGE	0.000	0.40	0101	1231
TOTAL:	0.000 CFS	5.40 AF		

NON-IRRIGATION USES

S/ 415 RANGE CATTLE W/ VAR AMOUNTS

POINT OF DIVERSION							
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
---	---	---	---	---	---	---	---
04S	02W	13		NW	NW	00	OWYHEE

PLACE OF USE							IRRIGATED	
TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	OWNED	ACRES
---	---	---	---	---	---	---	---	---
04S	02W	13	NW	NW	00	OWYHEE	YES	0.0

BLM NUMBER: 5701582071

PAGE: 2

04S	02W	13	NW	NW	00	OWYHEE	YES	0.0
04S	02W	13	NW	NW	00	OWYHEE	YES	0.0
04S	02W	13	NW	NW	00	OWYHEE	YES	0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

REMARKS

FIRST DATE OF BENEFICIAL USE - 1874

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BASIS OF CLAIM: BENEFICIAL USE
BASIN NUMBER: 57

SOURCE	TRIBUTARY TO
UNNAMED STREAM	FOSSIL CREEK

DESCRIPTION OF DIVERSION WORKS

INSTREAM USE

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
STOCKWATER	0.120	0.00	0101	1231
WILDLIFE	0.020	0.00	0101	1231
TOTAL:	0.140 CFS	0.00 AF		

NON-IRRIGATION USES

S/ 415 RANGE CATTLE W/ VAR AMOUNTS

TWP	RNG	SEC	TRACT1	POINT OF DIVERSION TRACT2	TRACT3	LOT	COUNTY
04S	01W	30		NW	NE	00	OWYHEE
04S	01W	21		NW	NW	00	OWYHEE
04S	01W	15		NW	NW	00	OWYHEE
04S	01W	10		SE	NW	00	OWYHEE

MICROFILMED

TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	IRRIGATED OWNED	ACRES
04S	01W	30	NW	NE	00	OWYHEE	YES	0.0

04S	02W	34	NE	SW	00	OWYHEE	YES	0.0
04S	02W	34	SE	NW	00	OWYHEE	YES	0.0
04S	02W	34	SW	NE	00	OWYHEE	YES	0.0
04S	02W	34	NW	NE	00	OWYHEE	YES	0.0
04S	02W	34	NE	NE	00	OWYHEE	YES	0.0
04S	02W	27	SE	SE	00	OWYHEE	YES	0.0
04S	02W	27	NE	SE	00	OWYHEE	YES	0.0
04S	02W	26	NW	SW	00	OWYHEE	YES	0.0
04S	02W	26	SW	NW	00	OWYHEE	YES	0.0
04S	02W	26	NW	NW	00	OWYHEE	YES	0.0
04S	02W	23	SW	SW	00	OWYHEE	YES	0.0
04S	02W	23	SE	SW	00	OWYHEE	YES	0.0
04S	02W	23	NW	SE	00	OWYHEE	YES	0.0
04S	02W	23	SW	NE	00	OWYHEE	YES	0.0
04S	02W	23	NE	NE	00	OWYHEE	YES	0.0
04S	02W	34	NW	SW	00	OWYHEE	YES	0.0
04S	02W	34	NE	SW	00	OWYHEE	YES	0.0
04S	02W	34	SE	NW	00	OWYHEE	YES	0.0
04S	02W	34	SW	NE	00	OWYHEE	YES	0.0
04S	02W	34	NW	NE	00	OWYHEE	YES	0.0
04S	02W	34	NE	NE	00	OWYHEE	YES	0.0
04S	02W	27	SE	SE	00	OWYHEE	YES	0.0
04S	02W	27	NE	SE	00	OWYHEE	YES	0.0
04S	02W	26	NW	SW	00	OWYHEE	YES	0.0
04S	02W	26	SW	NW	00	OWYHEE	YES	0.0
04S	02W	26	NW	NW	00	OWYHEE	YES	0.0
04S	02W	23	SW	SW	00	OWYHEE	YES	0.0
04S	02W	23	SE	SW	00	OWYHEE	YES	0.0
04S	02W	23	NW	SE	00	OWYHEE	YES	0.0
04S	02W	23	SW	NE	00	OWYHEE	YES	0.0
04S	02W	23	NE	NE	00	OWYHEE	YES	0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

REMARKS

FIRST DATE OF BENEFICIAL USE - 1874

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BASIS OF CLAIM: BENEFICIAL USE
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SOURCE	TRIBUTARY TO
FOSSIL CREEK	SNAKE RIVER

DESCRIPTION OF DIVERSION WORKS

INSTREAM USE

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
WILDLIFE	0.020	0.00	0101	1231
STOCKWATER	0.120	0.00	0101	1231
TOTAL:		0.140 CFS	0.00 AF	

NON-IRRIGATION USES

S/ 415 RANGE CATTLE W/ VAR AMOUNTS

TWP	RNG	SEC	POINT OF DIVERSION				COUNTY
			TRACT1	TRACT2	TRACT3	LOT	
04S	02W	24		NW	NW	00	OWYHEE
04S	02W	12		SE	SE	00	OWYHEE
04S	01W	08		SW	NE	00	OWYHEE
04S	01W	09		SE	NW	00	OWYHEE

MICROFILMED

JUL-20-1994

TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	IRRIGATED	
							OWNED	ACRES
04S	02W	24	NW	NW	00	OWYHEE	YES	0.0

04S	01W	30	NW	NE	00	OWYHEE	YES	0.0
04S	01W	19	SW	SE	00	OWYHEE	YES	0.0
04S	01W	19	SE	SE	00	OWYHEE	YES	0.0
04S	01W	20	SW	SW	00	OWYHEE	YES	0.0
04S	01W	20	NW	SW	00	OWYHEE	YES	0.0
04S	01W	20	NE	SW	00	OWYHEE	YES	0.0
04S	01W	20	SE	NW	00	OWYHEE	YES	0.0
04S	01W	20	SW	NE	00	OWYHEE	YES	0.0
04S	01W	20	SE	NE	00	OWYHEE	YES	0.0
04S	01W	20	NE	NE	00	OWYHEE	YES	0.0
04S	01W	21	NW	NW	00	OWYHEE	YES	0.0
04S	01W	15	NW	NW	00	OWYHEE	YES	0.0
04S	01W	10	SW	SW	00	OWYHEE	YES	0.0
04S	01W	10	NW	SW	00	OWYHEE	YES	0.0
04S	01W	10	NE	SW	00	OWYHEE	YES	0.0
04S	01W	10	SE	NW	00	OWYHEE	YES	0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

REMARKS

FIRST DATE OF BENEFICIAL USE - 1874

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SOURCE	TRIBUTARY TO
-----	-----
UNNAMED STREAM	FOSSIL CREEK

DESCRIPTION OF DIVERSION WORKS

EARTHEN DAM

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM TO
-----	-----	-----	-----
STOCKWATER STORAGE	0.000	5.00	0101 1231
WILDLIFE STORAGE	0.000	0.40	0101 1231
STOCKWATER FROM STORAGE	0.000	5.00	0101 1231
WILDLIFE FROM STORAGE	0.000	0.40	0101 1231
TOTAL:		0.000 CFS	5.40 AF

NON-IRRIGATION USES

S/ 415 RANGE CATTLE W/ VAR AMOUNTS

				POINT OF DIVERSION				
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY	
---	---	---	-----	-----	-----	---	-----	
04S	02W	13		NW	NW	00	OWYHEE	

PLACE OF USE							MICROFILMED	JUL 20 1994	IRRIGATED	
TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY			OWNED	ACRES
---	---	---	-----	-----	---	-----	-----	-----	-----	
04S	02W	13	NW	NW	00	OWYHEE		YES	0.0	

04S	02W	13	SW	SW	00	OWYHEE	YES	0.0
04S	02W	13	NW	SW	00	OWYHEE	YES	0.0
04S	02W	13	NE	SW	00	OWYHEE	YES	0.0
04S	02W	13	SE	NW	00	OWYHEE	YES	0.0
04S	02W	13	NE	NW	00	OWYHEE	YES	0.0
04S	02W	12	SE	SW	00	OWYHEE	YES	0.0
04S	02W	12	SW	SE	00	OWYHEE	YES	0.0
04S	02W	12	SE	SE	00	OWYHEE	YES	0.0
04S	01W	08	SW	NE	00	OWYHEE	YES	0.0
04S	01W	08	SE	NE	00	OWYHEE	YES	0.0
04S	01W	09	SW	NW	00	OWYHEE	YES	0.0
04S	01W	09	NE	NW	00	OWYHEE	YES	0.0
04S	01W	09	SE	NW	00	OWYHEE	YES	0.0
04S	02W	24	NW	NW	00	OWYHEE	YES	0.0
04S	02W	13	SW	SW	00	OWYHEE	YES	0.0
04S	02W	13	NW	SW	00	OWYHEE	YES	0.0
04S	02W	13	NE	SW	00	OWYHEE	YES	0.0
04S	02W	13	SE	NW	00	OWYHEE	YES	0.0
04S	02W	13	NE	NW	00	OWYHEE	YES	0.0
04S	02W	12	SE	SW	00	OWYHEE	YES	0.0
04S	02W	12	SW	SE	00	OWYHEE	YES	0.0
04S	02W	12	SE	SE	00	OWYHEE	YES	0.0
04S	01W	08	SW	NE	00	OWYHEE	YES	0.0
04S	01W	08	SE	NE	00	OWYHEE	YES	0.0
04S	01W	09	SW	NW	00	OWYHEE	YES	0.0
04S	01W	09	NE	NW	00	OWYHEE	YES	0.0
04S	01W	09	SE	NW	00	OWYHEE	YES	0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

REMARKS

FIRST DATE OF BENEFICIAL USE - 1874

BLM NUMBER: 5701582071

PAGE: 2

04S	02W	13	NW	NW	00	OWYHEE	YES	0.0
04S	02W	13	NW	NW	00	OWYHEE	YES	0.0
04S	02W	13	NW	NW	00	OWYHEE	YES	0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

REMARKS

FIRST DATE OF BENEFICIAL USE - 1874

MICROFILMED

JUL 20 1954

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	JOYCE LIVESTOCK CO C/O PAUL NETTLETON MURPHY ID 83650 (208) 834-2237	07/15/1919	IRRIGATION STOCKWATER	03-15 11-15 01-01 12-31	3.90 CFS 0.19 CFS	
					TOTAL DIVERSION: CONSUMPTIVE USE:	3.90 CFS 675.0 AFA

Water Source: FOSSIL CREEK

Tributary to: SNAKE RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion:

T04S R02W S34

NESW

OWYHEE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
04S	02W	14	:																	:	140.0
04S	02W	23	:			29						40		39		22				:	130.0
																			TOTAL ACRES	270.0	

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: OWYHEE

Non-Irrigation Uses: STOCKWATER, 740 HEAD RANGE CATTLE

Other Rights: NONE

Dates: Exam Made Date: 08/21/1990 Verified Date:

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

MICROFILMED
JUL 20 1993

Water Right Number - 57-04008

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

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

*** C - CURRENT OWNER ***
JOYCE LIVESTOCK CO.1 -
2 -
3 -City- MURPHY
Phone -

State- ID Zip- 83650

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
07/15/1919 14 S - STATUTORY CLAIM+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
FOSSIL CREEK SNAKE RIVER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

04S 02W 34 NE SW (73) OWYHEE

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		01/15	11/01	6.400	
02 - IRRIGATION STORAGE		01/01	12/31		40.00
03 - IRRIGATION FROM STORAGE		01/15	11/01		40.00
04 - STOCKWATER		01/01	12/31	0.190	
05 - STOCKWATER STORAGE		01/01	12/31		11.00
06 - STOCKWATER FROM STORAGE		01/01	12/31		11.00
55 - DIVERSION TO STORAGE		01/01	12/31	6.400	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
6.400 40.00

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
04S	02W	14	NE SE		40.0	01	IRRIGATION	(73) OWYHEE
04S	02W	14	NW SE		40.0	01	IRRIGATION	(73) OWYHEE
04S	02W	14	SW SE		40.0	01	IRRIGATION	(73) OWYHEE
04S	02W	14	SE SE		40.0	01	IRRIGATION	(73) OWYHEE
04S	02W	23	NW NE		40.0	01	IRRIGATION	(73) OWYHEE
04S	02W	23	NE NW		40.0	01	IRRIGATION	(73) OWYHEE
04S	02W	23	SE NW		40.0	01	IRRIGATION	(73) OWYHEE
04S	02W	23	NE SW		40.0	01	IRRIGATION	(73) OWYHEE

Total Acres: 320.0

+ - - Diversion Means - HEADGATE, DITCH & RES.

+ - - Non-Irrigation Use - S/740 RANGE

JUL 20 1994

MICROFILMED

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 01/21/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	- A
Decree Date	- 00/00/0000	Presumption Flag	-		
				Microfilm Roll Number	-

MICROFILMED
JUL 20 1984



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

November 19, 1993

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

JAY HULET
MURPHY ID 83650

Dear Mr. Hulet;

Enclosed you will find the second copies of the information relating to the Fossil creek recommendation on Joyce Livestock's Notice of Claim numbered 57-04008. I hope this is sufficient.

There is a copying charge for this which amounts to \$0.05 for each copy for a total of 19 pages. This amounts to \$0.95. Please forward the amount due to my attention. Thank you.

Sincerely,

Linda A. Werner
Sr. Water Resource Agent
Adjudication Section

Enclosures



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 14, 1992

PAUL NETTLETON
JOYCE LIVESTOCK CO
MURPHY ID 83650

RE: Notices of Error in the Snake River Basin Adjudication

Dear Mr. Nettleton:

This letter is in response to the remaining Notices of Error you submitted on your claims in basin 57. The following will outline our recommendations per item.

Season of Use

Claim numbers: 57-10922, 57-04008, 57-00180A, 57-00176, 57-00174, 57-10428, 57-00173, 57-00001A, 57-02293, 57-00002 and 57-10488

The season of use as recommended on the above irrigation rights is based on several factors including area, weather and climate and are delineated by boundaries which represent an area as accurately as possible. Also, the general provisions for the SRBA decree allow early or late irrigation when water is available. I have enclosed a copy of the provisions which reflect this information.

Our recommendation for a season of use date March 15 to November 15 is upheld.

Priority Date

Claim numbers: 57-10598 and 57-10486

Both claims were filed on lands that are included in previous decrees. These decrees are on Catherine creek and Sinker creek. In order to establish the priority dates you have claimed, evidence must be submitted showing that the owner of the water right at the time of the decree was not joined as a party in that case, or that the water right was not required to be claimed in the prior adjudication because it had not been completed prior to the cut-off date for claims in that adjudication.

MICROFILMED
OCT 06 1992

Stockwater

Claim number: 57-10598

The number of head of stockwater has been changed to reflect usage for 950 cattle and 50 horses.

Land Description

Claim number: 57-10587

I have changed the record to show the added fork of Diamond creek so it also reflects water usage for instream stock. Enclosed is a copy for your records.

Conveyance Loss

Claim number: 57-10922

The recommended conveyance loss of 7.5 cfs is based on the information you submitted to this office. The variables calculated are dependent on type of conveyance and consist of factors such as soil type, length, width of canal and loss rate. I am enclosing a copy of the conveyance loss worksheet for your review. If the information was submitted in error, please resubmit this copy with corrections. We will review the information.

Claim number: 57-10487

This is the claim for stockwater usage out of the canal which you amended to 2.25 cfs of which 2.0 cfs is for conveyance loss. I am prepared to recommend this claim for the additional 2.0 cfs; however, before doing so I will need an additional fee of \$200.00. This is a variable fee, not based on irrigation, which is calculated at \$100.00 per cfs. Upon receipt of the fee I can recommend the additional flow with a standard remark which will read as follows: 2.00 cfs of this right is limited to use for conveyance losses in delivery of this right during such time when water is not being delivered for irrigation uses. This will assure that when the watermaster delivers water he doesn't deliver the 7.5 cfs for conveyance losses necessary for irrigation on top of another 2.0 cfs for the stockwater usage.

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OCT 06 1992

Acreage

Claim numbers: 57-10922, 57-00180A, 57-00176, 57-00174,
57-10428, 57-00173, 57-10488, 57-00001A, 57-02293 and 57-00002

I have recalculated the areas in sections 16, 19 and 30 where there was thought to be more acres. I used two different maps, the 1974 and 1979 ortho-photo quads and the 1987 Napp. The method of calculation was the dot grid method. I found a difference of 5 acres in those areas. Based on this information along with other factors such as roads and drainages, I do not find that a difference of 5 acres out of a total of 830 acres warrants changing our original recommendation of 830 acres.

Disallowed Irrigation

Claim number: 57-04099

I had a conversation with the field examiner of this right, Gene Gibson. He ascertains that there is a natural drain which conveys the spring water from its source and a ditch which picks up the water and takes it to the stock ponds. He stated that because of the topography of the land in the portions of section 12, T4S, R2W and section 7, T4S, R1W, the land can not be irrigated. As far as the land irrigated in the N1/2, SE1/4, section 14, T4S, R2W; this land is recommended under number 57-04008 from Fossil creek. The recommendation for stockwater usage only from 57-04099 remains.

The Directors Report is scheduled for October 1, 1992. Please submit your response to my attention by September 25, 1992.

Sincerely,

Linda A. Werner
Sr. Water Resource Agent
Adjudication Section

Enclosures: Conveyance loss form
Excerpt from preliminary report, pp. 17 & 18
Map of season of use
Adjudication fee schedule
Notice of error response memo to 57-10487

MICROFILMED

OCT 06 1992

NOTICE OF ERROR FORM

JUL-20-1992

Please type or print clearly, fill out completely, and return to:

**Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720-9000**

The notice of error must be received at IDWR by the **deadline date** printed below with your proposed recommendation.

YOUR DEADLINE FOR FILING A NOTICE OF ERROR IS: AUG-20-1992

1. Water right number: 57-4099-4008

2. Name: Joyce Livestock Co.

Address: Murphy ID

Weekday Telephone Number: 834-2237

RECEIVED

AUG 18 1992

Department of Water Resources
Western Regional Office

MICROFILMED

OCT 10 1992

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

(Instead of filling in items 3 and 4 below you may include a copy of your proposed recommendation with the changes marked on the copy.)

3. Describe the portion of proposed recommendation with which you disagree:

PERIOD OF USE 3-15 - 11-15

4. Describe the changes you wish to have made in the proposed recommendation:

PERIOD OF USE 2-1 to 11-30

5. Describe why you disagree with the proposed recommendation:

I CAN PROVE BENEFICIAL USE OF EXTENDED SEASON.

6. Date:

8/18/92

SIGNATURE

Paul Nettleton for Joyce Livestock Co.

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	JOYCE LIVESTOCK CO C/O PAUL NETTLETON MURPHY ID 83650 (208) 834-2237	07/15/1919	IRRIGATION STOCKWATER	03-15 11-15 01-01 12-31	3.90 CFS 0.19 CFS	
					TOTAL DIVERSION: CONSUMPTIVE USE:	3.90 CFS 675.0 AFA

Water Source: FOSSIL CREEK

Tributary to: SNAKE RIVER

Stage: STATUTORY CLAIM

Point(s) of Diversion:

T04S R02W S34

NESW

OWYHEE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
04S	02W	14	:																	:	140.0
04S	02W	23	:			29				40				39		22				:	130.0
																			TOTAL ACRES	270.0	

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: OWYHEE

Non-Irrigation Uses: STOCKWATER, 740 HEAD RANGE CATTLE

Other Rights: NONE

Dates: Exam Made Date: 08/21/1990 Verified Date:

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

Comments: Date: 08/21/1992 User-ID: SCHULTZ Subject: NOTICE OF ERROR (NOE)
RECEIVED NOE 8/18/92. CHANGED NOE FLAG FROM BLANK TO A.

Audit: 00/00/00

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OCT 06 1992

ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO. A57-04008

WR ELEMENT	FIELD EXAM Y/N-IF NO, DO OFFICE VERIFICATION	FIELD EXAM OR IN-OFFICE VERIFICATION WHOM/DATE	CLAIM VERIFIED BY CODE (SEE BELOW)	CHANGE CLAIM Y/N	CLAIMANT CONTACT NEEDED - Y/N**	REVIEW COMPLETED WHOM/DATE	"R" RECORD
PRIORITY*		G. Gibson	Affidavit				
PT. OF DIV.		8-21-90	5				DATA ENTRY COMPLETED BY _____ DATE _____
SOURCE		↓	5				
PL. OF USE			5	Y			FINAL RECOMMENDATION BY _____ DATE _____
DIV. AMOUNT CFS/AF			5	Y			
CONSUMPTIVE USE			Dept. STD.				
NATURE OF USE			5				
PERIOD OF USE			Dept. STD.	Y			
BASIS OF CLAIM							
REMARKS							

*IF REQUIRED HAS EVIDENCE OF PRIORITY BEEN
SUBMITTED - YES _____ NO _____.

**IF CLAIMANT CONTACT IS NEEDED, COMPLETE
CLAIMANT CONTACT CHECKLIST AND ATTACH.

VERIFICATION CODES

TOPO MAP/ORTHOPHOTO = 1
 ASCS MAP = 2
 WATERMASTER RECORDS = 3
 NAPP PHOTOS = 4
 FIELD EXAM = 5
 OTHER(SEE COMMENTS) = 6

COMMENTS:

OCT 06 1992

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DEPARTMENT OF WATER RESOURCES

Staff Analysis Sheet For

SRBA Claim Verification Field Report

A. Prior to Conducting the Exam, the File Contains:

- ☒ Claim Verification Report(CVR)
☒ Copy of Adjudication Claim
☒ Copies of pertinent files(prev. rts., exams, etc.)
☐ Well Inspection Form (If Needed)
☒ Copy of U.S.G.S. Quad map, orthophotoquad, or NAPP photography
☐ Check P.D. & P.U. desc. for Govt. Lots(if a lot is found, a copy of the Govt. plat is needed to add the lot onto the R claim file later.)
☒ Check CVR for P.D. overlap(see page titled Pt. of Div. Review Sheet)
☒ Check AJ & WR P/D indexes(to ck. accuracy of CVR overlap ckd. above)
Overlap yes ☒ no If yes: copy of claims & water rights incl?
Type of Overlap? Add acres or uses to existing system
 Increase rate of flow or volume
 Other:
☒ Check CVR for P.U. overlaps(see page titled Pl. of Use Review Sheet)
☒ Check AJ & WR P/U indexes(to ck. accuracy of CVR overlap ckd. above)
Overlap yes ☒ no If yes: copy of claims & water rights incl?
Type of Overlap? Increase rate of flow or volume
 Add P/D's
 Increase number of acres within tracts
 Different source for same acres
 Other:
☐ Appointment Letter Sent? (initial & date)
☒ Appointment Made and Telephone Conversation Memo Attached NO

B. After Conducting the Exam, the File Contains:

- ☒ Fully Completed and Signed CVR Form
☒ Photographs of Point(s) of Diversion and Place of Use
☒ Completed map outlining Point(s) of Diversion and Place of Use

C. Review and Processing:

Claim No. submitted for weekly exam completed prog. report? Yes ☒ No ☐
Exam completed date data entered on claim LRW 11-8-91 (initial & date)
Claim Verification Report completed LRW 11-8-91 (initial & date)
Was CVR spot-checked by Supervisor? Yes ☒ No ☐ (initial & date)
R claim file created LRW 11-8-91 (initial & date)
Recommendations entered on R claim file None (initial & date)

MICROFILMED

OCT 06 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

07:55:07
06/15/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A57-04008

LAST: JOYCE LIVESTOCK CO.
ADDRESS:
CITY: MURPHY
PHONE NUMBER: 208-834-2237

FIRST:
STATE: ID ZIP: 83650

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DATABASE
N

FIELD
EXAMINER

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

MICROFILMED
OCT 06 1992

A. AJ CLAIM: # A57-04008 PRIORITY DATE: 07-15-1919 STAGE: S

B. WR RECORD: # 57-04008 PRIORITY DATE: 07-15-1919 STAGE: S

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
N

FIELD
EXAMINER
N

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(X)
IF YES EXPLAIN.

REMARKS: Affidavit submitted

RECOMMENDED PRIORITY DATE:
07-15-1919

REVIEWED BY Anda Werner

DATE 11-7-91

MICROFILMED
OCT 06 1992

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A57-04008	04S	02W	34		NE	SW		OWYHEE

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: FOSSIL CREEK

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
57-04008	04S	02W	34		NE	SW		OWYHEE

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

NONE

NONE

NONE

SOURCE: FOSSIL CREEK

TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

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

DATABASE
Y
N

FIELD
EXAMINER

NO

REMARKS:

MICROFILMED
OCT 06 1992

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
<u>T4S</u>	<u>R2W</u>	<u>34</u>	<u>—</u>	<u>NE</u>	<u>SW</u>	<u>—</u>	<u>OWY</u>

SOURCE: FOSSIL CREEK

TRIB: SNAKE RIVER

REVIEWED BY:

Linda Warner

DATE:

11-7-91

MICROFILMED

OCT 06 1992

A57-4008 T4S, R2W, Sec. 34

28



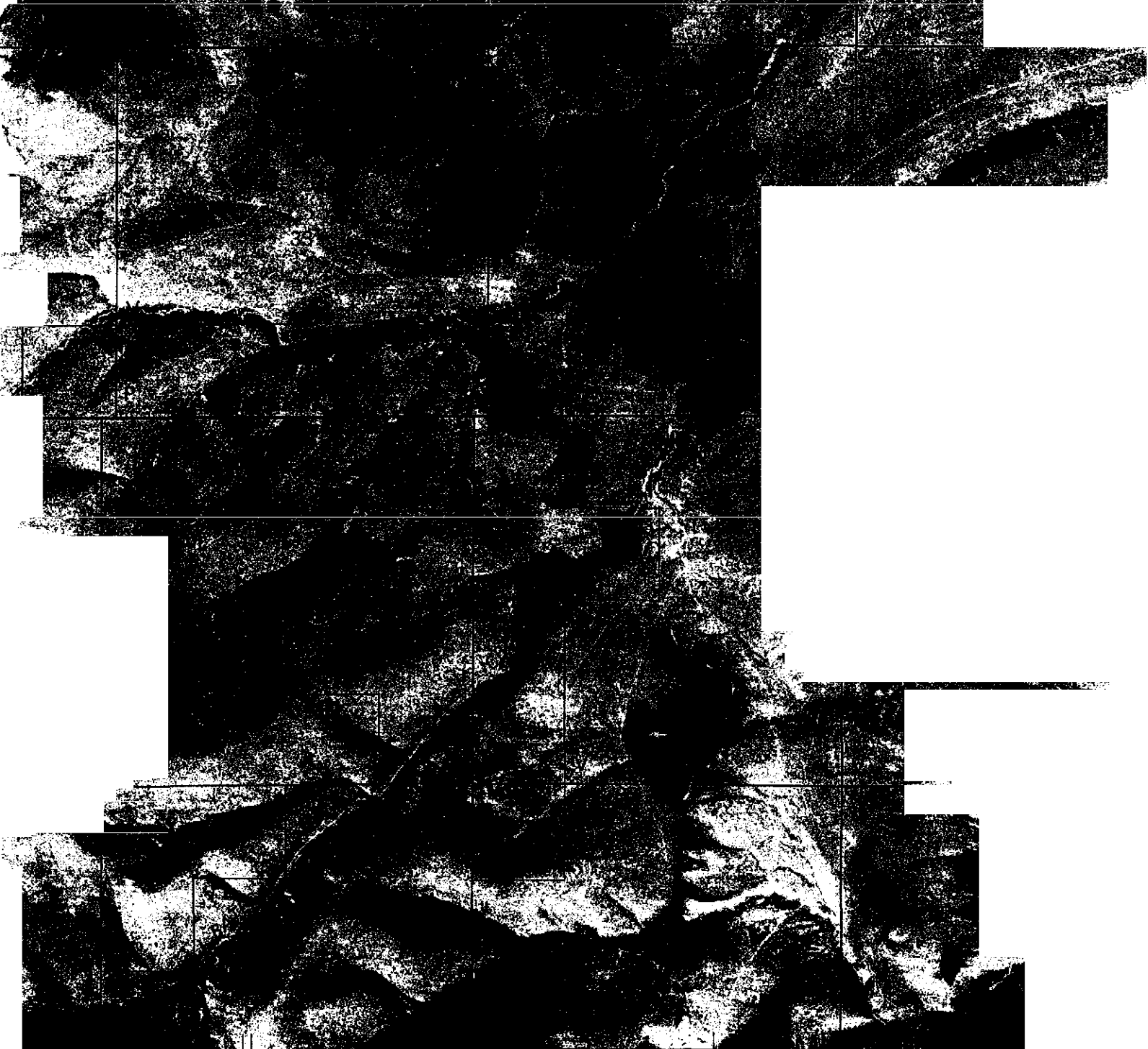
MICROFILMED

OCT 06 1992

A57-4008

T4S, R2W, Sec. 34

V



33

35'

35

36

IMPROVED

37

32' 30"

SCALE 1:24000

OCT 06 1992

A. ROOT WATER RIGHT NUMBERS: A57-04008

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
04S	02W	14	NE	SE		JOYCE LIVESTOCK CO.	A57-04008 /40.0 ✓	57-04008 /40.0		38	38
						JOYCE LIVESTOCK CO.	A57-04099 /40.0	57-04099 /40.0			
						JOYCE LIVESTOCK CO.	A57-10481 /	- /			
04S	02W	14	NW	SE		JOYCE LIVESTOCK CO.	A57-04008 /40.0 ✓	57-04008 /40.0		22	22
04S	02W	14	SW	SE		JOYCE LIVESTOCK CO.	A57-04008 /40.0 ✓	57-04008 /40.0		40	40
04S	02W	14	SE	SE		JOYCE LIVESTOCK CO.	A57-04008 /40.0 ✓	57-04008 /40.0		40	40
04S	02W	23	NW	NE		JOYCE LIVESTOCK CO.	A57-04008 /40.0 ✓	57-04008 /40.0		29	29
04S	02W	23	NE	NW		JOYCE LIVESTOCK CO.	A57-04008 /40.0 ✓	57-04008 /40.0		40	40
04S	02W	23	SE	NW		JOYCE LIVESTOCK CO.	A57-04008 /40.0 ✓	57-04008 /40.0		39	39
04S	02W	23	NE	SW		JOYCE LIVESTOCK CO.	A57-04008 /40.0 ✓	57-04008 /40.0		22	22
TOTAL ACRES							A57-04008	320.00	320.00	270	270

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N(✓)
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
N

PRESUMPTION FLAG:

REMARKS:

1984 last irr. Diversion in - no water. P.O.U. farmed before last irr; no water since. Ditch will carry more water than high water marks.

RECOMMENDATIONS:

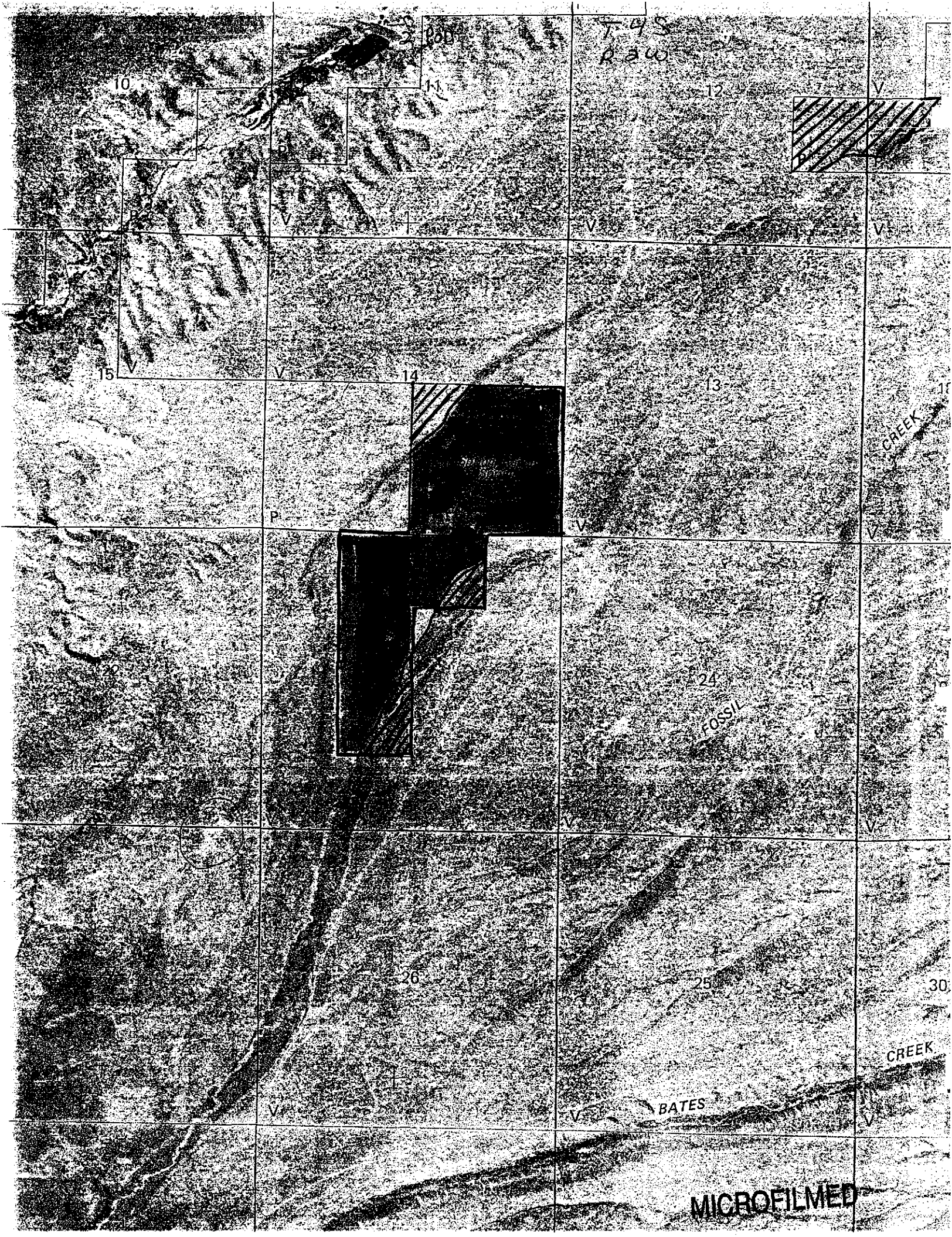
TOTAL ACRES: 270

REVIEWED BY: Linda Warner

DATE: 11-7-91

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A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A57-04008 IRRIGATION	FROM 01-15 TO 11-01	6.400 CFS
A57-04008 IRRIGATION STORAGE	FROM 01-01 TO 12-31	40.00 AF/A
A57-04008 IRRIGATION FROM STORAGE	FROM 01-15 TO 11-01	40.00 AF/A
A57-04008 STOCKWATER	FROM 01-01 TO 12-31	.190 CFS
A57-04008 STOCKWATER STORAGE	FROM 01-01 TO 12-31	11.00 AF/A
A57-04008 STOCKWATER FROM STORAGE	FROM 01-01 TO 12-31	11.00 AF/A
A57-04008 DIVERSION TO STORAGE	FROM 01-01 TO 12-31	6.400 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		6.400 CFS 40.00 AF/A

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
57-04008 IRRIGATION	FROM 01-15 TO 11-01	6.400 CFS
57-04008 IRRIGATION STORAGE	FROM 01-01 TO 12-31	40.00 AF/A
57-04008 IRRIGATION FROM STORAGE	FROM 01-15 TO 11-01	40.00 AF/A
57-04008 STOCKWATER	FROM 01-01 TO 12-31	.190 CFS
57-04008 STOCKWATER STORAGE	FROM 01-01 TO 12-31	11.00 AF/A
57-04008 STOCKWATER FROM STORAGE	FROM 01-01 TO 12-31	11.00 AF/A
57-04008 DIVERSION TO STORAGE	FROM 01-01 TO 12-31	6.400 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		6.400 CFS 40.00 AF/A

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	N	<u>N</u>
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	N	<u>N</u>
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	N	<u>N</u>

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N(X)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(X) N() Explain in remarks, below.

REMARKS:

Note period of use for irrigation.

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 6.400 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 6.400 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

FIELD
DATABASE EXAMINER
Y N

B.

FLOW MEASUREMENT

MEASUREMENT METHOD Mannings, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y(☒) N(☐) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: A5704099

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A57-04008	FOSSIL CREEK	JOYCE LIVESTOCK CO.	6.400	0.020	40.00	0.12
A57-04099	SPRING RANCH SPRINGS	JOYCE LIVESTOCK CO.	2.000	0.020	0.50	

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A57-04008	STOCKWATER	JOYCE LIVESTOCK CO.	FROM 01-01 TO 12-31	.190 CFS	
A57-04008	STOCKWATER STORAGE	JOYCE LIVESTOCK CO.	FROM 01-01 TO 12-31		
A57-04008	STOCKWATER FROM STORAGE	JOYCE LIVESTOCK CO.	FROM 01-01 TO 12-31		
A57-04008	DIVERSION TO STORAGE	JOYCE LIVESTOCK CO.	FROM 01-01 TO 12-31	6.400 CFS	
A57-10481	STOCKWATER	JOYCE LIVESTOCK CO.	FROM 01-01 TO 12-31	.120 CFS	

Reservoir - ^(270') 92 yd. across, ^(390') 130 yd. long } 7.4/ AF
Dam - 11.6' - 2.6' free board = 9' ^{max} depth }

used tractor w/ pump in past for storage water

Flow = 3.90 cfs

$3.90 \times 1.9835 \text{ AF/d} = 7.74 \text{ AF}$ - which is larger than reservoir capacity;
therefore no storage recommended.

$3.90 \text{ cfs} @ 270 \text{ Ac} = 0.14 \text{ cfs/Ac}$ for pasture,

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MANNING EQUATION CHANNEL CAPACITY RESULTS

01-22-1980

File Number: 57-04008

Claimant: Paul Nettleton

Channel measured: Ditch

Date of measurement: 08/23/1990

Measurement location:

Approximately 1/2 mile down the ditch from the point of diversion

Calculation prepared by: Gene Gibson

Comments about the measurement:

The results of the calculation are:

The length of the channel measured is 500 feet.

The upstream and downstream rod readings are 5.44 and 12.06 feet.

The channel cross section is 2.24 ft-sq.

The wetted perimeter is 5.33 feet.

The hydraulic radius is 0.42 feet.

The slope is 0.0132

The roughness coefficient is 0.0550

The flow velocity is 1.745 ft/sec.

The rate of flow is 3.90 cfs.



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Shows where Mannings was done. Looking in SW direction towards POB

Pg. 1 of 3

CROSS SECTION NUMBER 1

For File Number 57-_____ for the Ditch

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	1.00
2	0.21	0.21	1.25
3	0.45	0.45	1.50
4	0.47	0.47	1.75
5	0.50	0.50	2.00
6	0.60	0.60	2.25
7	0.65	0.65	2.50
8	0.66	0.66	2.75
9	0.75	0.75	3.00
10	0.74	0.74	3.25
11	0.73	0.73	3.50
12	0.70	0.70	3.75
13	0.60	0.60	4.00
14	0.51	0.51	4.25
15	0.42	0.42	4.50
16	0.30	0.30	4.75
17	0.25	0.25	5.00
18	0.20	0.20	5.25
19	0.15	0.15	5.50
20	0.05	0.05	5.75
21	0.00	0.00	6.00

The area for this cross section is 2.24 square feet
and the wetted perimeter is 5.33 feet.

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Pg 2 of 3

Measurements on ditch

6.05	upstream	12.58	downstream
<u>-.61</u>	HWM	<u>-.52</u>	HWM
5.44		12.06	

500 feet between measurements 200 up 300 down

1.00 HWM

1.25 .21

1.5 .45

1.75 .47

2.00 .50

2.25 .60

2.5 .65

2.75 .66

3.0 .75

3.25 .74

3.5 .73

3.75 .7

4.0 .60

4.25 .51

4.5 .42

4.75 .3

5.0 .25

5. .2

5.5 .15

5.75 .05

6.0 HWM

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Pg. 3 of 3

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 320 x 0.02 CFS/ACRE = 6.4 CFS
(Taken from p/u review)

1b. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = AF/A 2.5
ACRES 320 x CONSUMPTIVE VOL. AF/A FOR AREA 3.5 =
TOTAL CONSUMPTIVE USE 1120 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = 40.00 AF/A
ACRES 320 x DIVERSION VOL. AF/A FOR AREA 3.5 =
TOTAL DIVERSION VOLUME 1120 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N(X)

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

No overlap

Flow = 3.90 cfs = 195"

270 found acres

C.D. = 270 x 2.5 = 675

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RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	~~01-15~~ ²⁻¹⁵ ~~11-01~~ ¹¹⁻¹⁵	DATABASE EXAMINER ~~6.400~~ <u>3.90</u>	DATABASE EXAMINER <u>0.0</u>	DATABASE EXAMINER <u>675.0</u>
IRRIGATION STORAGE	~~01-01~~ ~~12-31~~	<u>40.00</u>	<u>40.00</u>	<u>11.19</u>
IRRIGATION FROM STORAGE	~~01-15~~ ~~11-01~~	<u>0.190</u>	<u>11.00</u>	<u>11.19</u>
STOCKWATER	~~01-01~~ ~~12-31~~	<u>6.400</u>	<u>11.00</u>	<u>675.0</u>
STOCKWATER STORAGE	~~01-01~~ ~~12-31~~	<u>6.400</u>	<u>11.00</u>	<u>675.0</u>
STOCKWATER FROM STORAGE	~~01-01~~ ~~12-31~~	<u>6.400</u>	<u>11.00</u>	<u>675.0</u>
DIVERSION TO STORAGE	~~01-01~~ ~~12-31~~	<u>6.400</u>	<u>11.00</u>	<u>675.0</u>
TOTAL FOR THIS RIGHT		~~6.400~~ <u>3.90</u>	<u>40.00</u>	<u>675.0</u>

REVIEWED BY:

Arinda Wimmer

DATE:

11-8-91

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A57-04008



Point of diversion - looking in a N.E. direction shows creek to left & ditch to right.



Point of diversion - All the water coming down the creek must flow into the ditch. No water for several years. looking S.W.

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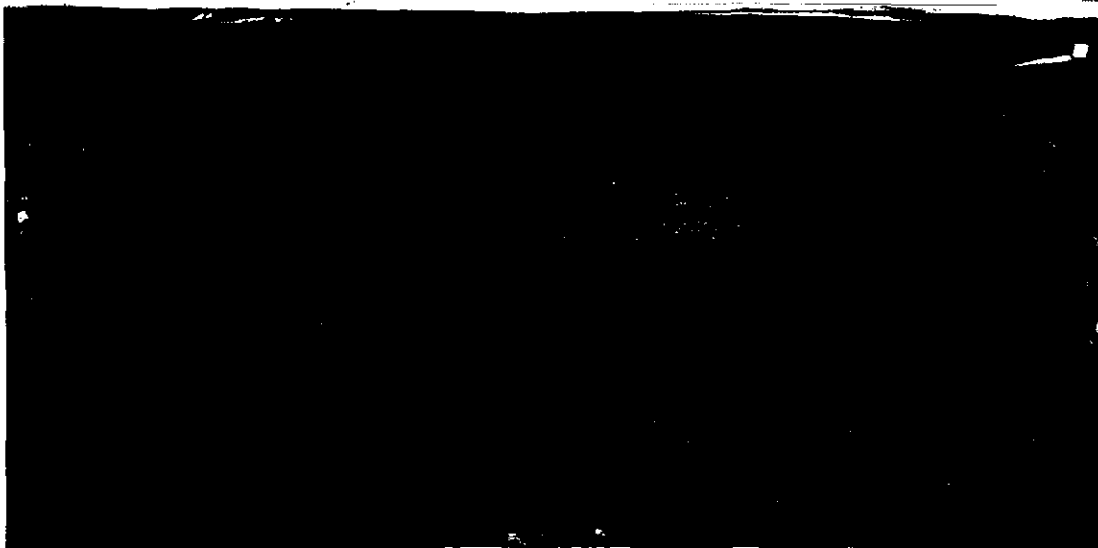
Oct 16 1992

All photos taken on 8-21-90 by G. Gibson

A57-04008



The Reservoir



Shows where ditch splits left to reservoir &
right to place of use.

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A57-04008



Shows ditch & Place of use
↖
↘



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A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	(X)	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 57-04008

	DATABASE	EXAMINER	CFS
TOTAL DIVERSION RATE OF WR SPLITS	6.400		

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A57-04008	6.400	-		57-04008	6.400
TOTAL CFS		6.400				6.400

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE	FIELD EXAMINER
Y	<u>Y</u>

REMARKS:

AUTHENTICATION:

SIGNATURE: Linda Wermur

DATE: 11-8-91

NAME OF FIELD EXAMINER: Gene Gibson

TITLE: Sr. WR Agent

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OCT 06 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 3760

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

HT
APPROVED

Name of applicant JOYCE LIVESTOCK CO Phone 834-2237
Post Office address SINTER CREEK MURPHY, IDAHO 83650

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☒ Change period of use ☒ Other Source
2. Describe the reason for the proposed changes Move surface water right to this well
to enable diversion prior to review of Application for Permit No. 57-07522
under Swan Falls Criteria.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cls/ac-ft)	Nature of Use	Period of Use	Source
57-4008 B	7/15/1999	6.4 cfs	Err	4/1 to 11/1	Ground water
51-4006 B	3/1/1963	2.64 cfs	Err	4/1 to 11/1	Ground water
51-7052 B	3/17/1970	2.36 cfs	Err	4/1 to 11/1	Ground water
				to	

2. Total amount of water being transferred 6.4 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion: _____

[illegible]

8. Lands irrigated or place of use:

[illegible]

Total acres 320

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PART 1

6. General Information:

a. Description of diversion system WELL - ELECTRIC MOTOR + PUMP - PIPE
LINE TO PRESSURE PUMPING POND

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:

57-4008 - LITTLE AFFECT - PASTURE LAND HAS GONE IDLE LAST
4 YEARS DUE TO LOW WATER
51-4006 & 51-7052. Land is idle due to enrollment in CRP. Water right is moved to new
location on a temporary basis, while new application for permit awaits final water review.

d. Remarks:

Applicant requests that water rights revert to original locations, p/d, etc
after 3 years.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 51-4006, 51-7052, & 57-4008
And said application is hereby APPROVED in part and DENIED in part.

1. Application for transfer of Water Right No. 57-4008 is denied.
2. Application for transfer of Water Right Nos. 51-4006 and 51-7052 is approved subject
to the conditions and limitations as stated in the attached Department of Water
Resources ORDER dated November 13, 1990.

Witness my hand this

19th day of

November

1990

J. Glen Saylor
Chief, Water Alloc. Bureau

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 057-04008 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water FOSSIL CREEK tributary to SNAKE RIVER4. Date of priority July 15, 1919

5. Water is used for the following purpose.

amount 6.4 cfs for Ice purposes from 1/15 to 5/15
(cfs/ac-ft)
amount 0.04 for Dom purposes from 1/1 to 12/31
(cfs/ac-ft)
amount 0.12 cfs for Stock purposes from 1/1 to 12/31
(cfs/ac-ft)

6. Total amount of water under right 6.4 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	27	4S	2W	Owyhee	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4S	2W	14													40	40	40	40	160
		23		40			40			40	40								160

Total acres 3209. Describe any other water rights used for the same purpose as described above None

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10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO If yes, describe _____B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED #51-40088

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 6.4 for Irr purposes from 3/15 to 11/15
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	W	W	W	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	27	4S	2W	Owhee	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4S	2W	14													40	40	40	40	160
		23		40			40			40	40								160

Total acres 320C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change) #57-400AA

1. amount 0.04 cfs for Domestic purposes from 1/1 to 12/31
 (cfs/ac-ft) _____
 amount 0.12 cfs for Stockwater purposes from 1/1 to 12/31
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

No change

Lot	W	W	W	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHTPART 2
(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
In case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 51-4006 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☒ Other Contract

3. Source of water Groundwater tributary to _____4. Date of priority 3/1/1943

5. Water is used for the following purpose:

amount 3.0 cfs for Irr purposes from 3/1 to 11/1
(cfs/ac-ft) _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____ for _____ purposes from _____ to _____

6. Total amount of water under right 3.0 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NW	18	7S	6E	Owyhee	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7S	5E	12													40			40	80
		15	40																40
7S	6E	7							40	40	40	40							160
		18					40												40

Total acres 320

9. Describe any other water rights used for the same purpose as described above _____

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10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED** 51-4006B

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 2.64 cfs for Irr purposes from 3/1 to 11/1
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NW	18	7S	6E	Oghee	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7S	5E	12													40			40	80
		13	40																40
7S	6E	7							40		40	40	40						160
		18					2												2

Total acres 282**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)** 51-4006A

1. amount 0.36 for Irr purposes from 3/1 to 11/1
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

No change

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7S	6E	18					36												36

Total acres 36

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OCT 06 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2
(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
In case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 51-7052 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☒ Other Contract

3. Source of water Groundwater tributary to _____4. Date or priority 3/17/1970

5. Water is used for the following purpose:

amount 2.68 cfs for Irr purposes from 3/1 to 11/1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	13	7S	5E	Owyhee	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7S	5E	12													40			40	80
		13	40																40
7S	6E	7							40	40	40	40							160
		18					40												40

Total acres 320

9. Describe any other water rights used for the same purpose as described above _____

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10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe

51-7052B

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 2.36 for Irr purposes from 3/1 to 11/1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion: No change

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
75	SE	12													40			40	80
		13	40																40
75	6E	7							40	40	40	40							160
		18					2												2

51-7052ATotal acres 282

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 0.32 for Irr purposes from 3/1 to 11/1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion: No change

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
75	6E	18					38												38

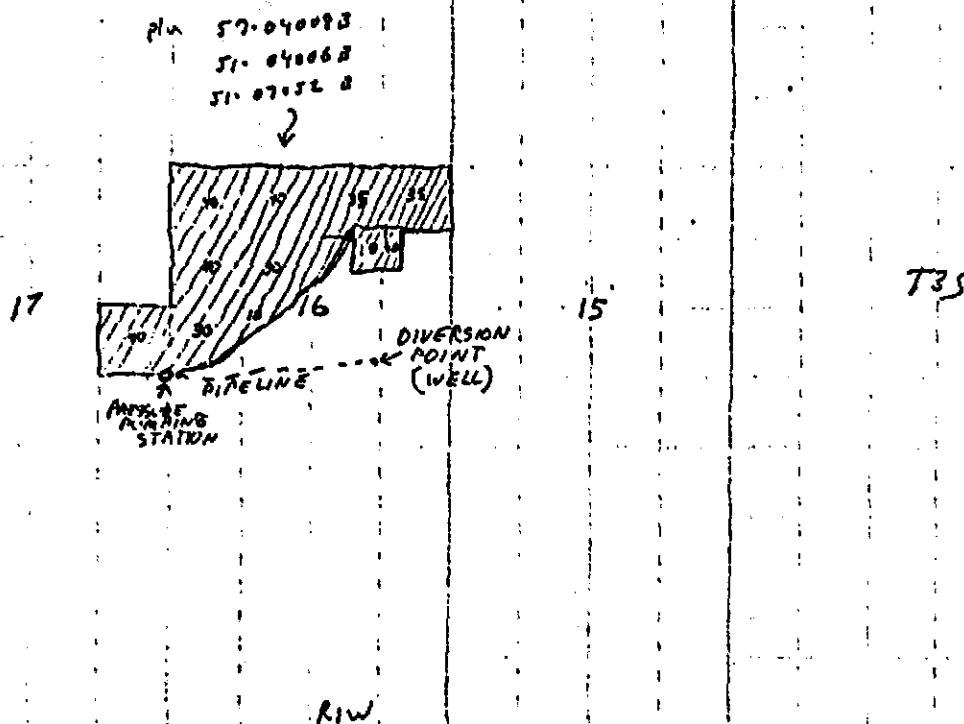
Total acres 38

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

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PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

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 misrepresentations made in this application may result in voiding its approval.

Joyce Livestock Co. by: Paul M. Hill, general partner
(Signature of Applicant)

Subscribed and sworn to before me this 19th day of APRIL, 19 90.

D. C. T. Hill
(Notary Public)

My commission expires 7/15/1994

FOR DEPARTMENT USE ONLY

Transfer contains 10 pages and Several attachments

Received by DRT Date 6/11/1990 Protest filed by _____

Prelim. check by PL Fee \$502 W012255 _____

Received by DRT Date 6/11/1990 _____

Published in San Jose Chronicle Copies of protest forwarded by _____

Pub. dates 7/4 + 7/11/1990 Hearing held by _____ Date _____

Watermaster recommendation requested on N/A Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by DRT

Copy of transfer sent to lien holder _____

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OCT 06 1992

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)	
FOR TRANSFER NO. 3760 OF)	ORDER APPROVING TRANSFER
WATER RIGHT NO.s 51-4006,)	IN PART AND
51-7052, & 57-4008 IN THE)	DENYING TRANSFER IN PART
NAME OF JOYCE LIVESTOCK CO.)	

This matter having come before the Idaho Department of Water Resources (department) during the review of application for transfer no. 3760 filed pursuant to Section 42-222, Idaho Code, the Department finds, concludes and orders as follows:

FINDINGS OF FACT

1. On June 11, 1990 Joyce Livestock Co. (applicants) filed an application with the department to transfer 6.40 cfs of water under right no.s 51-4006, 51-7052 & 57-4008. The application proposed changing point of diversions, place of use and period of use for all three rights. The application further proposed changing the source of water under right no. 57-4008 from Fossil Creek to a groundwater source.

2. Groundwater rights no.s 51-4006 and 51-7052 which are presently owned by Susan H. Davis, are both appurtenant to the same 320 acres of land in Township 7S, Range 5E, and Township 7S, Range 6E.

3. Transfer no. 3760 proposes to move a total of 5.00 cfs and 282 acres under right no.s 51-4006 and 51-7052 to land owned by the applicants in Township 3S, Range 1W. The applicants propose to divert a total of 6.40 cfs of groundwater under these two

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rights and right no. 57-4008 to irrigate a total of 320 acres at the new place of use.

CONCLUSIONS OF LAW

1. Section 42-222(1), Idaho Code provides direction and authority to the department in the review and approval of water right transfer applications. The statute states in part:

Any person, entitled to the use of water ... who shall desire to change the point of diversion, place of use, period of use or nature of use of all or part of the water under the right shall first make application to the department of water resources for approval of such change.

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-203A(5), Idaho Code.... In the event that the director of the department of water resources determines that a proposed change shall not be approved as provided in this section, he shall deny the same....

2. Section 42-222, Idaho Code does not provide authority for the director of the department to approve transfer applications which propose to transfer the source of water from surface water to groundwater.

3. Approval of the proposed source change of right no. 57-4008 may constitute an enlargement in the use of this right since water from Fossil Creek has not been a reliable source of water during some irrigation seasons. If water used under the right is diverted from a groundwater source, then the applicants will divert more water during the irrigation season.

4. The proposed transfer of water from Fossil Creek to a groundwater well under right no. 57-4008 should be denied.

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OCT 06 1992

5. The transfer of right no.s 51-4006 and 57-7052 should be approved, but limited to the diversion of no more than 5.00 cfs for the irrigation of no more than 282 acres.

ORDER

IT IS HEREBY ORDERED that Application for Transfer No. 3670 of Water Right No. 57-4008 is DENIED, and Application of Transfer No. 3670 of Water Right No.s 51-4006 and 51-7052 is approved subject to the following conditions:

1. The groundwater rights under this transfer are limited to the diversion of 5.0 cfs for irrigation of 282 acres of the 320 acres described above.
2. Within 30 days of the approval of this transfer, the applicants shall describe the location of the 282 acres which are to be irrigated from the new groundwater point of diversion. If the acres proposed for irrigation are not described, the Department will assign the place of use.
3. When combined with all other rights, this transfer shall provide no more than 5.0 acre-feet per acre.
4. A transfer application shall be filed with the Department before the water rights can revert back to the original place of use and point of diversion and a new water right approved before use can continue at the new point of diversion and place use.
5. Approval of this transfer in no way confirms the rights claimed.
6. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
7. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

Dated this 13th day of November, 1990.


L. GLEN SAXTON, Chief
Water Allocation Bureau

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OCT 06 1990

IN THE MATTER OF:)
Permit No. R-151 and)
No. 14154/57-2119)
Claim to a Water Right)

State of Idaho)
County of Owyhee)

RECEIVED
AFFIDAVIT
1972
Department of Water Administration

Charles Nettleton being first duly sworn,
deposes and says: that he lived at the ranch until 1929. From 1919
on, every spring when water was available someone, either one of
the family or a hired man would irrigate the desert entry. About
1921 two men seeded some land to oats and wheat ($\frac{1}{2}$ and $\frac{1}{2}$). In 1923
a man seeded it to alfalfa and stayed there all spring to irrigate.
There was a house at the desert entry land. The work horses were
kept in a feed lot which had a ditch of water running through the
corral. Water ran mostly in the spring and would get low in the
fall. Cattle were grazed in the pastures in early spring before
the farming began.

Although he left in 1929, he knows that the land was
irrigated whenever water was available and that his father thought
that he had fulfilled all requirements for proving up on the
desert and water rights.

Charles B. Nettleton
(signature)

Subscribed and sworn to before me this 7th day of July 19 72.

Nicholas K. Shli
(Notary Public)

Residing at Murphy, Idaho
My commission expires 1/31/76

57 4008

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.

CIVIL CASE NUMBER: 39576

Ident. Number: A57-04008
Date Received: 12/30/1988
Receipt No: W1834
Received By: EW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOYCE LIVESTOCK CO. 208-834-2237
Address: MURPHY, ID 83650

2. Date of Priority: JUL 15, 1919

3. Source: FOSSIL CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04S	02W	34		NE	SW		OWYHEE

5. Description of diverting works:
HEADGATE, DITCH & RES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	01/15	11/01	6.400		
IRRIGATION STORAGE	01/01	12/31			40.00
IRRIGATION FROM STORAGE	01/15	11/01			40.00
STOCKWATER	01/01	12/31	0.190		
STOCKWATER STORAGE	01/01	12/31			11.00
STOCKWATER FROM STORAGE	01/01	12/31			11.00
DIVERSION TO STORAGE	01/01	12/31	6.400		

7. Total Quantity Appropriated is:
6.400 C.F.S. (and/or) 40.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/740 RANGE

A57-04008

Page 1

Date: 12-30-88

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10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04S	02W	14	NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	160.0
		23	NW		NE		IRR	40.0
			NE		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
							Section Acres	160.0
							Total Acres	320.0

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A5704099

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am owner of
Joyce Livestock Co. Title
Organization, that I have signed the foregoing
document in the space below as owner of
Joyce Livestock Co. Title
Organization and that the statements contained in the
foregoing document are true and correct.

Saul Nettleton
Signature of Authorized Agent

owner Joyce Livestock Co.
Title and Organization

12-30-88
Date

State of Idaho)
County of ADA) SS.

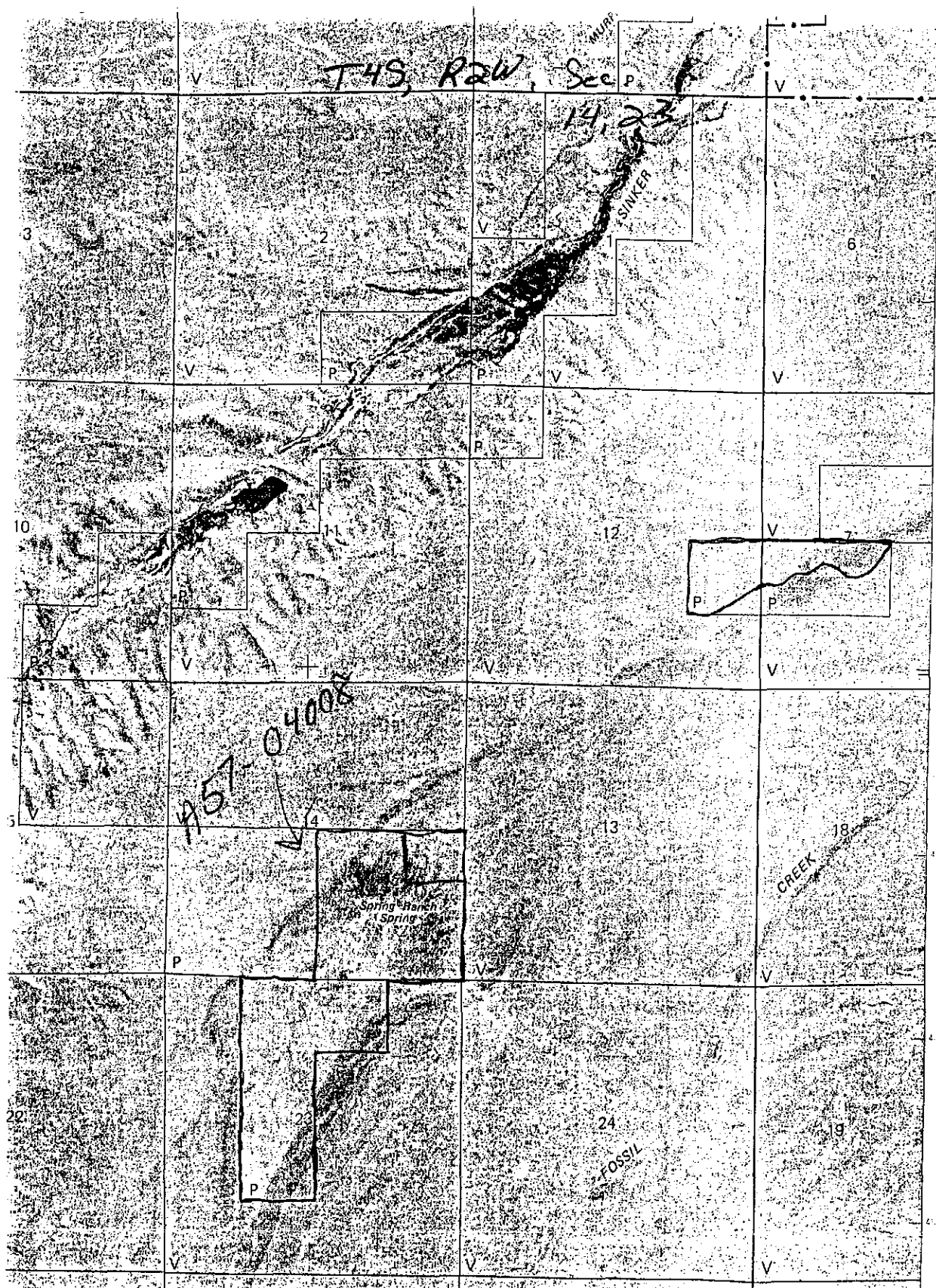
Subscribed and sworn (or affirmed) before me this 30 day
of Dec 19 88

Linda Warner
Notary Public

Seal

Residing at Boise ID

My Commission Expires 12-8-94



A57-04008

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

RECEIVED

AUG 10 1994

WATER RESOURCES
WESTERN REGION

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

In Re SRBA

Case No. 39576

)
)
) NOTICE OF APPEARANCE
)
)

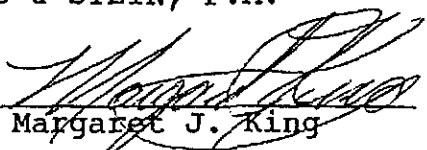
COMES NOW the firm of Simms & Stein, P.A., and hereby
enters an appearance for JOYCE LIVESTOCK, subcase numbers attached.

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

DATED this 26 day of May, 1994.

SIMMS & STEIN, P.A.

By:


Margaret J. King

JOYCE LIVESTOCK

SUBCASE NUMBERS:

57 00001A	57 11130
57 00002	57 11131
57 00173	57 11132
57 00174	57 11133
57 00176	57 11134
57 00180A	57 11334
57 02293	57 11341
57 04008	57 11342
57 04028	57 11343
57 10428	57 11344
57 10486	57 11345
57 10487	57 11346
57 10488	57 10586
57 10587	
57 10588	
57 10598	
57 10770	
57 10922	
57 11124	
57 11125	
57 11126	
57 11127	
57 11128	
57 11129	

*only change # in
57-0001A through
57-10922 +
57-10586
J.J. SEIFERT*

CERTIFICATE OF MAILING

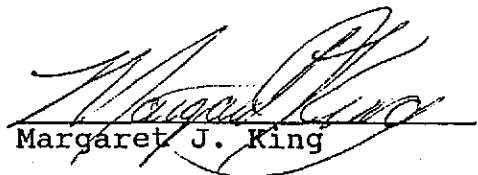
The undersigned certifies that on the 26 day of May, 1994, a true and correct copy of the above and foregoing Notice of Appearance was served on the following persons by depositing true and correct copies thereof in the United States Mail, first class postage prepaid, or personally delivering the same,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

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

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

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

Jay Hulet
HC 79, Box 2020
Murphy, ID 83650


Margaret J. King