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Documents
In File

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

CIVIL CASE NUMBER: 39576

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

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

A57-07089

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

PRIORITY DATE: 1972-11-08
IDWR WATER RIGHT NO. 5707089
BLM NUMBER: 5701588186
BASIS OF CLAIM: BENEFICIAL USE
BASIN NO.: 57

SOURCE	TRIBUTARY TO
-----	-----
LOWER STEWART SPRING	HARDTRIGGER

DESCRIPTION OF DIVERSION WORKS

HEADBOX, 137' PIPELINE, TROUGH

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
-----	-----	-----	-----	-----
STOCKWATER	0.010	0.10	0401	1130
WILDLIFE	0.010	0.10	0101	1231
TOTAL:	0.010 CFS	0.10 AF		

NON-IRRIGATION USES

S/584 RANGE CATTLE (INCLUDES WILD HORSES/VAR AMT) W/VAR AMT

TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
---	---	---	---	---	---	---	---
01S	04W	12		NE	NW	0	OWYHEE

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OCT-8-7-1992

TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	OWNED	IRRIGATED ACRES
---	---	---	---	---	---	---	---	---
01S	04W	12	NE	NW	0	OWYHEE		0.0
01S	04W	12	NE	NW	0	OWYHEE		0.0

TOTAL ACRES IRRIGATED: 0.0

BLM NUMBER: 5701588186

PAGE 2

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

REMARKS

PREVIOUSLY FILED WITH THE IDAHO DEPARTMENT OF WATER RESOURCES

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OCT 07 1992

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

CIVIL CASE NUMBER: 39576

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER
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A57-07089

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BUREAU OF LAND MGMT.,
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
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NON-IRRIGATION USES

S/584 RANGE CATTLE (INCLUDES WILD HORSES/VAR AMT) W/VAR AMT

POINT OF DIVERSION							
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
---	---	---	-----	-----	-----	---	-----
01S	04W	12		NE	NW	0	OWYHEE

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PLACE OF USE							OWNED	IRRIGATED ACRES
TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	-----	-----
---	---	---	-----	-----	---	-----	-----	-----
01S	04W	12	NE	NW	0	OWYHEE		0.0
01S	04W	12	NE	NW	0	OWYHEE		0.0

TOTAL ACRES IRRIGATED: 0.0

BLM NUMBER: 5701588186

PAGE 2

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

REMARKS

PREVIOUSLY FILED WITH THE IDAHO DEPARTMENT OF WATER RESOURCES

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

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

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

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

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

Do we do
rec's on
withdrawn
claims?

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Andrew

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FEB 2 1997

UNITED STATES OF AMERICA

Department of Water Resources
Adjudication BureauLOIS J. SCHIFFER
Assistant Attorney General
Environment and Natural Resources DivisionR. 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

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

In Re SRBA

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

Case No. 39576

STIPULATION FOR WITHDRAWAL

DESCRIPTIVE SUMMARY

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

STIPULATION

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

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

changing the boundaries of grazing allotments or modifying or terminating BLM-issued grazing permits.

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

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

4. Pursuant to I.R.C.P. 41(a)(1)(ii), the Private Claimants dismiss with prejudice their objections to the water rights claimed by the United States in the SRBA subcases identified on Appendix C attached to this stipulation.
5. The parties agree that the United States is the owner of the water rights identified on Appendix C. For each of these water rights, the purpose of use is the watering of livestock owned by persons holding BLM-issued grazing permits. With respect to those claims to water rights on Appendix C for which the United States holds a prior license or decree, the purpose of use shall be stockwater and whatever other uses were previously licensed or decreed. The stockwater purpose of use of the water rights on Appendix C shall not be changed so long as a valid BLM-issued grazing permit exists for the land on which a particular water right is located.
6. Nothing in this stipulation shall prevent the BLM from administering the use of a grazing allotment and its associated water rights in accordance with applicable law, including taking such administrative actions as

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APPENDIX A

ACTION REQUIRED:

CLAIMS LISTED BELOW ARE TO BE WITHDRAWN WITH PREJUDICE.

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

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

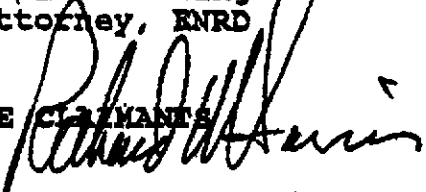
UNITED STATES OF AMERICA

Dated: 2-19-97


by: Paul F. Holleman
R. Lee Leininger
Attorney, ENRD

Dated: 2-19-97 

PRIVATE CLAIMANTS


by: Richard Harris
Attorney for Private Claimants

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MAR 02 1993

2/6/97

APPENDIX C

ACTION REQUIRED:

PRIVATE OBJECTOR WITHDRAWS OBJECTION TO THESE SUBCASES WITH PREJUDICE.

SUBCASE	CLAIMANT	<i>Reserved Rt.</i>	OBJECTOR
57-01045	BLM →	57-11307	BASS
57-01046	BLM		CHIPMUNK GRAZING
57-01047	BLM		CHIPMUNK GRAZING
57-01049	BLM →	57-11192	BASS
57-01050	BLM →	57-11193	BASS & BLM *
57-01051	BLM →	57-11194	BASS
57-01053	BLM →	57-11195	BASS
57-01054	BLM →	57-11196	BASS
57-01057	BLM →	57-11197	BASS
57-01058	BLM →	57-11199	BASS
57-01059	BLM →	57-11200	BASS
57-01060	BLM →	57-11201	BASS
57-01061	BLM →	57-11202	BASS
57-01062	BLM	57-11203	BASS
57-02372	BLM	57-11251	BASS
57-02450	BLM	57-11299	BASS
57-02468	BLM	57-11238	BASS & BLM *
57-02469	BLM	57-11243	BASS
57-02484	BLM	57-11244	BASS
57-07089	BLM	57-11233	BASS AND MALMBERG
57-07154	BLM	57-11283	BASS AND BLM *
57-07165	BLM	57-11354	BASS AND BLM *
57-07166	BLM	57-11293	BASS
57-07168	BLM		BASS
57-07344	BLM		BASS AND BLM *
57-07354	BLM		CHIPMUNK GRAZING
57-07357	BLM		CHIPMUNK GRAZING
57-11138	BLM		CHIPMUNK AND BLM *
57-11148	BLM		CHIPMUNK AND BLM *
57-11149	BLM		CHIPMUNK GRAZING
57-11156	BLM		BASS
57-11157	BLM		BASS AND BLM *
57-11158	BLM		BASS
57-11162	BLM		CHIPMUNK GRAZING
57-11164	BLM		BASS
57-11166	BLM		CHIPMUNK GRAZING
57-11170	BLM		CHIPMUNK AND BLM *
57-11173	BLM		CHIPMUNK GRAZING
57-11176	BLM		CHIPMUNK, CHIPMUNK, AND BLM *
57-11179	BLM		BASS AND BLM *
57-11181	BLM		BASS
57-11183	BLM		
57-11350	BLM		
57-11351	BLM		

Records printed: 44

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* held for resolution of BLM obj. (11)

2/6/97
APPENDIX B

ACTION REQUIRED:

CLAIMS LISTED BELOW WILL BE AMENDED TO REMOVE PUBLIC DOMAIN
FROM THE POD AND POU ELEMENTS.

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

Records printed: 13

2/6/97
APPENDIX D

ACTION REQUIRED:

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

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

Records printed: 6

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

withdrawn
decreed disallowed

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Department of Water Resources
Adjudication Bureau

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APR 29 1996
WATER RESOURCES
WESTERN REGION

DISTRICT COURT-SRBA
5th Judicial District
County of Twin Falls - State of Idaho

MAR 20 1996

By _____ Clerk
Deputy Clerk

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

In Re SRBA)
Case No. 39576)
_____)
ORDER GRANTING MOTION TO
WITHDRAW

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

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

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

DATED March 20, 1996.

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

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Subcase Numbers:

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

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Attachment (1)

Case No.

37 07089

REASONS SUPPORTING EACH BOX CHECKED

(BOX 1) This water right was developed by historic use for stockwater by private individuals on unappropriated open range. Our current Federal grazing permit is based on that historic use and was awarded through an adjudication process in 1935. Our privately owned grazing permit can be bought, sold, traded, inherited and taxed and is totally dependent upon our continued ability to use this water right. Therefore the name on this water right should be ours.

CHANGES TO THE DIRECTORS REPORT

I want the name and address of the owner of the water right changed as follows:

FROM US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706

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

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MAR 02 1991

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

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Name: Richard Boss

Address: HC 88 BOX 1050
Murphy Idaho 83650

Briefly describe your interest in this water right:

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

2. Owner of the water right:

Name: USDI - Bureau of Land Management

Address: 3380 Americana Terrace
Boise Idaho 83706

3. If this objection is filed by an attorney:

Attorney Name: _____

Attorney Address: _____

Attorney Phone No.: _____

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

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. 57-07089
(You must insert the
water right number you
are objecting to)

OBJECTION

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FEB 25 1993

Department of Water Resources
Adjudication Bureau

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MAR 02 1993

INSTRUCTIONS

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

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

(Over)

OBJECTION - 1

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.

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

Attachment Case # 37-07089

VERIFICATION (Must be Completed)

State of Idaho

County of Owyhee

Richard Bass, being first duly
(Name of person filing objection)

sworn, upon oath, deposes and says:

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

Richard Bass
Signature of person filing objection

By: _____
(Attorney signing in representative capacity)

Subscribed and sworn to before me this 24 day of Feb., 1999.

MICROFILMED
MAR 02 1999

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

(Over)

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

I hereby certify that on the 23 day of 1993, 199____, I mailed the original and copies of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

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

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

Owner name: USDI BLM

Owner's address: Idaho STATE OFFICE

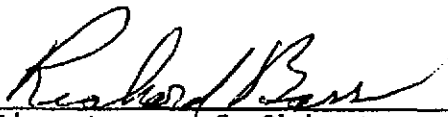
3280 AMERICA TERRACE

3. One copy to: Boise ID 83786

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

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

REASONS SUPPORTING EACH BOX CHECKED

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

Box 1

See Attachment 1 Case # 57-07089

CHANGES TO THE DIRECTOR'S REPORT

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

See Attachment Case 57-07089

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

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

REASONS SUPPORTING EACH BOX CHECKED

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

Box 1

SEE Attachment 1 CASE # 57-07089

CHANGES TO THE DIRECTOR'S REPORT

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

SEE Attachment CASE 57-07089

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

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MAR 02 1993

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MAR 02 1993

2. Person who filed objection:

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

3. If this response is filed by an attorney:

Attorney Name(s): DANIEL L. STECKEL
Attorney Address: DEPUTY ATTORNEY GENERAL(S)
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449
Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

1. ☒ Name and Address: I respond to the objection concerning the name and/or address of the owner of the water right.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection item 1 and all allegations of the objection regarding this item IDWR responds as follows: This is a dispute over the ownership of a water right between the owner of the place of use (the United States) and the holder of a federal grazing permit to these lands (the objector). Generally, in landlord/tenant type disputes over the ownership of a water right based on appropriation, the water right is presumed to be owned by the owner of the place of use unless a mutual intent to the contrary is clearly shown. As to this water right, the objector did not submit evidence to IDWR sufficient to overcome the presumption. IDWR therefore denies the objection and all allegations of the objection not expressly admitted herein.

**MICROFILMED
MAR 02 1993**

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

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

1993 MAY 28 PM 3:08

DISTRICT COURT - SRBA

TWIN FALLS CO., IDAHO

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

Case No. 57-07089-0001

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

MICROFILMED

1. Person responding to objection:

MAR 02 1993

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)

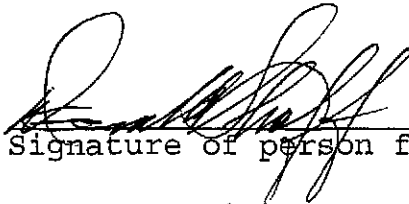
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

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

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



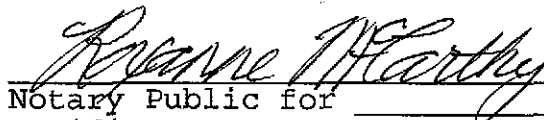
Signature of person filing response

By:



(Attorney signing in representative capacity)

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



Notary Public for

Residing at:

My Commission expires:

Roxanne McCarthy, Notary Public
Residing at Boise, Idaho
My Commission Expires May 16, 1996.

MICROFILMED
MAR 02 1993

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. A57-07089

2

MICROFILMED
MAR 02 1993

(Over)

CERTIFICATE OF MAILING

I hereby certify that on the 28th day of May, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared and addressed as follows:

1. Original to:

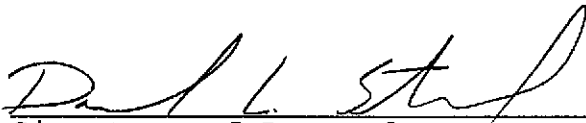
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

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

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

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

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



Signature of Respondent or attorney
mailing on Respondent's behalf

MICROFILMED
MAR 02 1993

RECEIVED

JUL 19 1994

Department of Water Resources
Adjudication Bureau

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

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

In Re SRBA

Case No. 39576

)
)
) NOTICE OF APPEARANCE
)
)

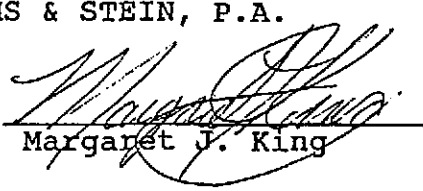
COMES NOW the firm of Simms & Stein, P.A., and hereby
enters an appearance for HARRY RICHARD BASS aka RICHARD BASS,
subcase numbers attached.

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

DATED this 26 day of May, 1994.

SIMMS & STEIN, P.A.

By:


Margaret J. King

MICROFILMED

MAR 02 1993

HARRY RICHARD BASS aka RICHARD BASS

SUBCASE NUMBERS:

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

MICROFILMED
MAR 02 1993

CERTIFICATE OF MAILING

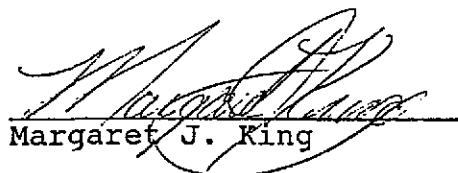
The undersigned certifies that on the 26 day of May, 1994, a true and correct copy of the above and foregoing Notice of Appearance was served on the following persons by depositing true and correct copies thereof in the United States Mail, first class postage prepaid, or personally delivering the same,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

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

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

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

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


Margaret J. King

Movants:

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

RECEIVED

MAR 21 1996

Department of Water Resources
Adjudication Bureau

RECEIVED

MAR 22 1996

DEPARTMENT OF WATER RESOURCES
ADJUDICATION BUREAU

See 57-00243
for complete document
—YK

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

In Re SRBA

Case No. 39576

MOTION FOR LEAVE TO WITHDRAW

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

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

Dated this 18th day of March, 1996.

MICROFILMED

MAR 02 1996

CERTIFICATE OF MAILING

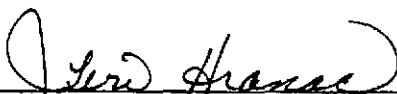
I certify that a true and correct copy of the ORDER GRANTING MOTION TO WITHDRAW was mailed on March 20, 1996, with sufficient first-class postage to the following:

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

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

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

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



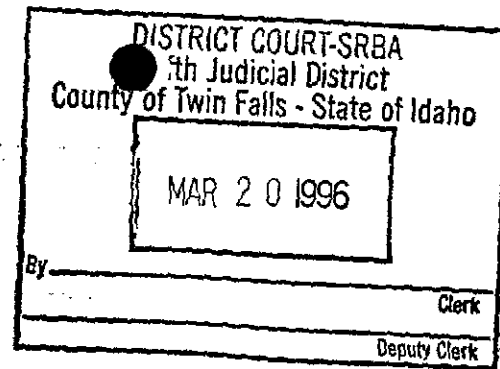
Deputy Clerk

MICROFILMED
MAR 02 1998

RECEIVED

MAR 25 1996

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 SRBA

Case No. 39576

) Subcase Nos: See attached Exhibit A
)
)
)
)
)

ORDER GRANTING MOTION TO
WITHDRAW

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

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

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

DATED March 20, 1996.

Handwritten signature of Fritz X. Haemmerle in cursive script.

FRITZ X. HAEMMERLE

Special Master, Reporting Area 2
Snake River Basin Adjudication

Subcase Numbers:

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

MICROFILMED
MAR 02 1998

RECEIVED

MAY 30 1996

Department of Water Resources

1996 MAY 30 PM 2:02

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILE NO. 39576

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)
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.

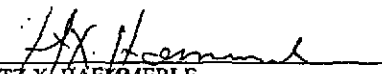

FRITZ X. HAEMMERLE
Special Master, Reporting Area 2
Snake River Basin Adjudication

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

MICROFILMED

See file 57-11124 for
complete document.

—VK

RECEIVED

MAR 26 1997

Department of Water Resources

1997 MAR 24 PM 4: 57

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): 57-07089

CERTIFICATE OF MAILING

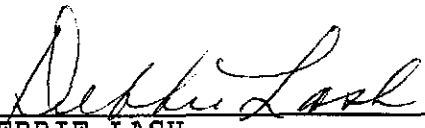
I certify that a true and correct copy of PRELIMINARY SPECIAL MASTER'S REPORT, PRELIMINARY SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF PRELIMINARY SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on March 24, 1997, with sufficient first-class postage prepaid to the following:

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

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

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

RICHARD BASS
HC 88 BOX 1050
MURPHY, ID 83650


DEBBIE LASH
Deputy Clerk

MICROFILMED

CERTIFICATE OF MAILING

PAGE 1
MAR 24 1997

RECEIVED

MAR 26 1997

1997 MAR 24 PM 4:57

Department of Water Resources

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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

In Re SRBA

Case No. 39576

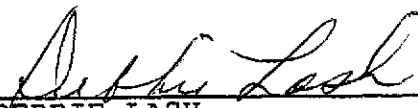
NOTICE OF ISSUANCE OF
PRELIMINARY SPECIAL MASTER'S
REPORT AND RECOMMENDATION

Water Right(s): 57-07089

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

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

DATED March 24, 1997.


DEBBIE LASH
Deputy Clerk

MICROFILMED
MAR 02 1998

NOTICE OF ISSUANCE

PAGE 1
03/24/97

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 57-07089

MAR 24 PM 4:57
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED *JL*

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

RECEIVED

MAR 26 1997

Department of Water Resources

SOURCE: LOWER STEWART SPRING TRIBUTARY: STEWART GULCH

QUANTITY: 0.01 CFS
0.1 AFY

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

PRIORITY DATE: 11/08/1972

POINT OF DIVERSION: T01S R04W S12 NWENW Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	04-01 11-30	0.01 CFS 0.1 AFY
	WILDLIFE	01-01 12-31	0.01 CFS 0.1 AFY

PLACE OF USE: STOCKWATER Within Owyhee County
T01S R04W S12 NENW

Place of use for WILDLIFE is same as STOCKWATER

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

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

DATED: MAR 24 1997

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

MACROFILMED
MAR 02 1993

SPECIAL MASTER'S RECOMMENDATION
Water Right 57-07089

PAGE 1
FEB-25-1997

RECEIVED

MAR 26 1997

Department of Water Resources

1997 MAR 24 PM 4: 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

) Subcase 57-07089

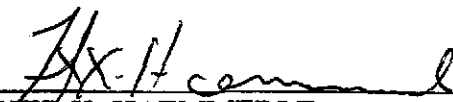
)
)
)
Case No. 39576

PRELIMINARY SPECIAL
MASTER'S REPORT

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

An objection to the *Director's Report* for subcase 57-07089 was filed on February 25, 1993 by Richard Bass. Subsequently, on February 21, 1997, the parties, filed a *Stipulation to Withdraw* was filed pursuant to I.R.C.P. 41, wherein the parties agreed that the water right be decreed as reported. All objections having been withdrawn, IT IS RECOMMENDED that subcase 57-07089 be decreed as recommended in the *Preliminary Special Master's Report and Recommendation for Partial Decree*.

DATED March 24, 1997.


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

MICROFILMED

MAR 02 1998

1997 MAY -2 AM 11:09

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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

In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 57-07089

CERTIFICATE OF MAILING

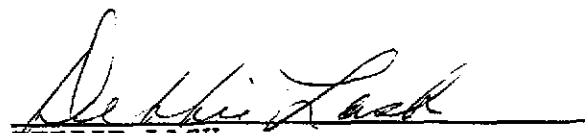
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on May 02, 1997, with sufficient first-class postage prepaid to the following:

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

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

RICHARD BASS
HC 88 BOX 1050
MURPHY, ID 83650

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


DEBBIE LASH

CERTIFICATE OF MAILING

PAGE 1
MICROFILMED
MAR 02 1997

MAR 02 1997

07 MAY -2 11:09

DISTRICT COURT - SRBA
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)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S REPORT
AND RECOMMENDATION

Water Right(s): 57-07089

On May 02, 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 May 02, 1997.


DEBBIE LASH
Deputy Clerk

NOTICE OF ISSUANCE

MICROFILMED
PAGE 1
05/02/97

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 MAY -2 AM 11:09
SPECIAL MASTER'S RECOMMENDATION FOR

PARTIAL DECREE FOR

Water Right 57-07089

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

PL

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

SOURCE: LOWER STEWART SPRING TRIBUTARY: STEWART GULCH

QUANTITY: 0.01 CFS
0.1 AFY

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

PRIORITY DATE: 11/08/1972

POINT OF DIVERSION: T01S R04W S12 NWNEW Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	04-01 11-30	0.01 CFS 0.1 AFY
	WILDLIFE	01-01 12-31	0.01 CFS 0.1 AFY

PLACE OF USE: STOCKWATER Within Owyhee County
T01S R04W S12 NENEW

Place of use for WILDLIFE is same as STOCKWATER

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

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

DATED: MAY - 2 1997

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

MICROFILMED
MAR 02 1993

SPECIAL MASTER'S RECOMMENDATION
Water Right 57-07089

PAGE 1
FEB-25-1997

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MAY 05 1997

Department of Water Resources
Adjudication Bureau

1997 MAY -2 AM 11:09

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

SL

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 57-07089
	)	
Case No. 39576	)	SPECIAL MASTER'S REPORT
	)	

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

An objection to the *Director's Report* for subcase 57-07089 was filed. Subsequently, on February 21, 1997, the parties, filed a *Stipulation to Withdraw* pursuant to I.R.C.P. 41, wherein the parties agreed that the water right be decreed as reported.

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

IT IS RECOMMENDED that subcase 57-07089 be decreed as recommended in the *Special Master's Report and Recommendation for Partial Decree*.

DATED May 2, 1997.

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

FILED
MICROFILMED
MAR 9 2 1997

FEB-25-1997
0021

1

RIGHT NUMBER: 57-07089

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

SOURCE: LOWER STEWART SPRING

TRIBUTARY: STEWART GULCH
~~HARDTRIGGER CREEK~~

QUANTITY: 0.01 CFS
0.1 AFY

~~THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING
ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY
USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.~~

PRIORITY DATE: 11/08/1972

POINT OF DIVERSION: T01S R04W S12 NWNENW Within Owyhee County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
STOCKWATER

PERIOD OF USE
04-01 11-30

QUANTITY
0.01 CFS
0.1 AFY
0.01 CFS
0.1 AFY

WILDLIFE

01-01 12-31

PLACE OF USE: STOCKWATER
T01S R04W S12

Within Owyhee County
NENW

PLACE OF USE FOR WILDLIFE IS SAME AS STOCKWATER

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

PROJECT NO. 5236.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

CROFILMED
MAR 02 1998

N11/N13

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

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

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

CERTIFICATE OF MAILING

Water Right(s): 57-07089

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 57-07089 was mailed
on July 02, 1997, with sufficient first-class postage prepaid
to the following:

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

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

RICHARD BASS
HC 88 BOX 1050
MURPHY, ID 83650

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

DIANA DELANEY
Chief Deputy Clerk

MAR 02 1998

CERTIFICATE OF MAILING

PAGE 1
07/02/97

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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 57-07089

JUL -2 AM 9:15
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

SOURCE: LOWER STEWART SPRING TRIBUTARY: STEWART GULCH

QUANTITY: 0.01 CFS
0.1 AFY

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

PRIORITY DATE: 11/08/1972

POINT OF DIVERSION: T01S R04W S12 NWNEW Within OWYHEE County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	04-01 11-30	0.01 CFS 0.1 AFY
	WILDLIFE	01-01 12-31	0.01 CFS 0.1 AFY

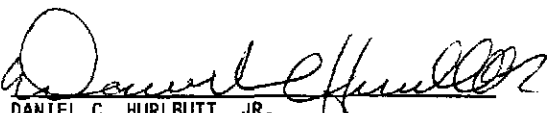
PLACE OF USE: STOCKWATER Within OWYHEE County
T01S R04W S12 NENW

Place of use for WILDLIFE is same as STOCKWATER

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

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

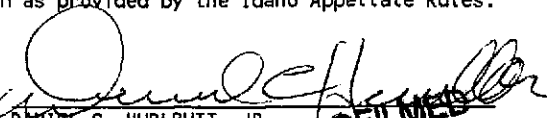
DATED: JUL 2 1997


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.

DATED: JUL 2 1997


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

PROFILMED
MAR 02 1998

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 57-07089

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. 57-05089
(You must insert the
water right number you
are objecting to)

OBJECTION

RECEIVED

FEB 25 1993

Department of Water Resources
Adjudication Bureau

INSTRUCTIONS

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

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

(Over)

OBJECTION - 1

MICROFILMED

JUL 20 1994

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

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Name: Richard Boss

Address: HC 88 BOX 1050

Murphy Idaho 83650

Briefly describe your interest in this water right:

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

2. Owner of the water right:

Name: USDI - Bureau of Land Management

Address: 3380 Americana Terrace

Boise Idaho 83706

3. If this objection is filed by an attorney:

Attorney Name: _____

Attorney Address: _____

Attorney Phone No.: _____

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

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

REASONS SUPPORTING EACH BOX CHECKED

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

Box 1

See Attachment 1 Case # 57-07089

CHANGES TO THE DIRECTOR'S REPORT

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

See Attachment Case 57-07089

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

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

REASONS SUPPORTING EACH BOX CHECKED

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

Box 1

See Attachment 1 Case # 57-07089

CHANGES TO THE DIRECTOR'S REPORT

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

See Attachment Case 57-07089

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.

A PACHENET Case # 37-07097

VERIFICATION (Must be Completed)

State of Idaho

County of Owyhee

Richard Bass, being first duly
(Name of person filing objection)
sworn, upon oath, deposes and says:

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

Richard Bass
Signature of person filing objection

By: _____
(Attorney signing in
representative capacity)

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

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

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

I hereby certify that on the 23 day of 1993, 199____, I mailed the original and copies of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

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

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

Owner name: USDI BLM

Owner's address: Idaho State Office

3283 Americana Terrace

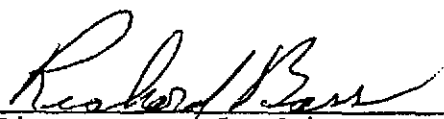
3. One copy to:

Boise ID 83786

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

4. One copy to:

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



Signature of Objector or attorney
mailing on Objector's behalf

Attachment (1)

Case No.

57 07089

REASONS SUPPORTING EACH BOX CHECKED

(BOX 1) This water right was developed by historic use for stockwater by private individuals on unappropriated open range. Our current Federal grazing permit is based on that historic use and was awarded through an adjudication process in 1935. Our privately owned grazing permit can be bought, sold, traded, inherited and taxed and is totally dependent upon our continued ability to use this water right. Therefore the name on this water right should be ours.

CHANGES TO THE DIRECTORS REPORT

I want the name and address of the owner of the water right changed as follows:

FROM US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706

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

MICROFILMED
JUL 20 1994

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

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706 (208) 334-1401	11/08/1972	STOCKWATER WILDLIFE	04-01 11-30 01-01 12-31	0.01 CFS 0.01 CFS	0.1 AFA 0.1 AFA
TOTAL DIVERSION:					0.01 CFS	0.1 AFA

Water Source: LOWER STEWART SPRING

Tributary to: STEWART GULCH

Stage: LICENSE

Point(s) of Diversion:

T01S R04W S12

NWNENW

OWYHEE County

Place of use Legal Description for: STOCKWATER

	NE				NW				SW				SE			
	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T R S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
01S 04W 12	:		:		:	S	:		:		:		:		:	

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

POU County: OWYHEE

Non-Irrigation Uses: STOCKWATER, 584 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT.

Other Rights: NONE

Conditions of Approval:

- L12 - THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING
- ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY
- USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.

Remarks: PROJECT NO. 5236.

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Comments: Date: 09/24/1992 User-ID: SHAFF Subject: COPIED FROM REMARKS
PROJECT NO. 5236.
PREVIOUSLY FILED WITH THE IDAHO DEPARTMENT OF WATER RESOURCES

Audit: 09 11 92 SHAFF

MICROFILMED
OCT 07 1992