

No Color  
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

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

PRIORITY DATE: 1976-01-02  
IOWR WATER RIGHT NO. 5707154  
BLM NUMBER: 5701588352  
BASIS OF CLAIM: BENEFICIAL USE  
BASIN NO.: 57

| SOURCE            | TRIBUTARY TO   |
|-------------------|----------------|
| SPRING            | SINKS          |
| DISTILLERY SPRING | REYNOLDS CREEK |

DESCRIPTION OF DIVERSION WORKS

HEADBOX, 80' PIPELINE, 2 TROUGHS

| PURPOSE OF USE | DIVERSION RATE | DIVERSION VOLUME | PERIOD OF USE FROM | TO   |
|----------------|----------------|------------------|--------------------|------|
| STOCKWATER     | 0.010          | 2.40             | 0315               | 0715 |
| WILDLIFE       | 0.010          | 7.20             | 0101               | 1231 |
| TOTAL:         | 0.010 CFS      | 7.20 AF          |                    |      |

NON-IRRIGATION USES

S/260 RANGE, (INCLUDES WILD HORSES/VAR AMT) W/VARIABLE AMT.

| POINT OF DIVERSION |     |     |        |        |        |     |        |
|--------------------|-----|-----|--------|--------|--------|-----|--------|
| TWP                | RNG | SEC | TRACT1 | TRACT2 | TRACT3 | LOT | COUNTY |
| 01S                | 03W | 20  |        | SW     | SE     | 0   | OWYHEE |

MICROFILMED  
OCT-07-1992

| PLACE OF USE |     |     |        |        |     |        |       | IRRIGATED ACRES |
|--------------|-----|-----|--------|--------|-----|--------|-------|-----------------|
| TWP          | RNG | SEC | TRACT1 | TRACT2 | LOT | COUNTY | OWNED |                 |
| 01S          | 03W | 20  | SW     | SE     | 0   | OWYHEE |       | 0.0             |
| 01S          | 03W | 20  | SW     | SE     | 0   | OWYHEE |       | 0.0             |

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

-----  
NONE

REMARKS

-----  
PREVIOUSLY FILED WITH THE IDAHO DEPARTMENT OF WATER RESOURCES

MICROFILMED  
OCT 07 1992

RECEIVED

JUL - 9 1997

Department of Water Resources  
Adjudication Bureau

RECEIVED

JUL 07 1997

OFFICE OF THE  
ATTORNEY GENERAL

1997 JUL -2 AM 9:15

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

Case No. 39576

) ORDER OF PARTIAL DECREE

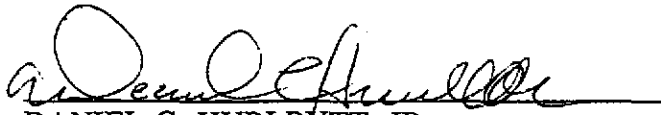
) For Water Right 57-07154

On May 2, 1997, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

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

Therefore, IT IS ORDERED that water right 57-07154 be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED July 2, 1997.

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

MICROFILMED

MAR 02 1993

MAIL 6722



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 11:04  
SPECIAL MASTER'S RECOMMENDATION FOR  
PARTIAL DECREE FOR TITLE 15- SRBA  
Water Right 57-07154  
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: DISTILLERY SPRING TRIBUTARY: REYNOLDS CREEK  
QUANTITY: 0.01 CFS  
7.2 AFY

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

PRIORITY DATE: 01/02/1976

POINT OF DIVERSION: T01S R03W S20 SWSE Within OWYHEE County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|-------------------------------|----------------|---------------|----------|
|                               | STOCKWATER     | 03-15 07-15   | 0.01 CFS |
|                               |                |               | 2.4 AFY  |
|                               | WILDLIFE       | 01-01 12-31   | 0.01 CFS |
|                               |                |               | 7.2 AFY  |

PLACE OF USE: STOCKWATER Within OWYHEE County  
T01S R03W S20 SWSE

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  
Special Master  
Snake River Basin Adjudication

SPECIAL MASTER'S RECOMMENDATION  
Water Right 57-07154

MICROFILMED  
MAR 02 1998

VERIFIED BY R. McCarthy  
9-9-92

Water Right Number - R57-07154A

Prefix Translation: RESEARCH

Old (D) Number -

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

\*\*\* C - CURRENT OWNER \*\*\*

JUNAYO RANCH LIMITED PARTNERSHIP

1 - 1087 RIVER ST SUITE 230

2 -

3 -

City- BOISE

State- ID Zip- 83702

Phone - 208-343-8880

1 - HC 88 BOX 1050

2 -

3 -

City- MURPHY

State- ID Zip- 83650

Phone - 208-495-2891

1 - HC 88 BOX 1080

2 -

3 -

City- MURPHY

State- ID Zip- 83650

Phone - 208-495-2805

1 - 600 E BRAEMERE

2 -

3 -

City- BOISE

State- ID Zip- 83702

Phone - 208-343-0507

\*\*\* O - ORIGINAL OWNER \*\*\*

US DEPT OF INTERIOR

1 - BUREAU OF LAND MANAGEMENT

2 - IDAHO STATE OFFICE

3 - 3380 AMERICANA TERRACE

City- BOISE

State- ID Zip- 83706

Phone - 208-000-0000

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +  
01/02/1976 14 WESTERN I - DISALLOWED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +  
SPRING REYNOLDS CREEK+ - - - - Point of Diversion - - - - - +  
Twn Rng Sec Tract Lot RFlg County

01S 03W 20 SW SE (73) OWYHEE

+ - - - - Water Use - - - - - +  
Code Description Period From Period To Diversion Rate Diversion Volume

04 - STOCKWATER

03/15

07/15

0.010

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +  
0.010 0.0

OCT 07 1992

MICROFILMED

Water right number - R57-07154A

Prefix Translation: RESEARCH

| Tw  | Rng | Sec | Tract | Lot | Acres | Code | Description | County      |
|-----|-----|-----|-------|-----|-------|------|-------------|-------------|
| 01S | 03W | 20  | SW SE |     |       | 04   | STOCKWATER  | (73) OWYHEE |

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use - STOCKWATER, 260 HEAD RANGE CATTLE

+ - - Other Rights for Same Use -

| Remarks                            |
|------------------------------------|
| RECOMMENDED AS RIGHT NO. 57-07154. |

| Old Water Right Numbers |
|-------------------------|
| 5707154                 |

| Conditions of Approval           |
|----------------------------------|
| No Conditions of Approval found. |

| Decree Plaintiff | Decree Defendant   | Decree Date |
|------------------|--------------------|-------------|
| A. KENNETH DUNN  | LARRY ADAMS, ET AL | 03/18/1988  |

+ - - - - Comments - - - - -

Date: 07/10/1992 User Id: WALKER Subject: LATE FEE

THE LATE FEE FOR THIS CLAIM WAS SUBMITTED UNDER RECEIPT W014912.

Date: 09/09/1992 User Id: MCCARTHY Subject: COPIED FROM REMARKS

BLM PROJECT NO. 5384.

Date: 09/09/1992 User Id: MCCARTHY Subject: CLAIM DISALLOWED

THIS CLAIM WAS ORIGINALLY DECREED TO BLM IN THE REYNOLDS CREEK

SOURCE ALSO KNOWN AS DISTILLERY SPRING.

ADJUDICATION. BLM IS CURRENTLY THE OWNER OF THIS RIGHT.

+ - - Audit Fields - - +

09/09/92 MCCARTHY

+ - - - - Adjudication Rights Dates and Flags Area - - - - -

|                      |              |                       |              |                         |         |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing  | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number       | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | -            | Old Case Number         | - 3456  |
| Response Filed Date  | - 00/00/0000 | Verified Date         | - 09/09/1992 | Old Judicial District   | - 3RD   |
| Claim Received Date  | - 04/01/1992 | Last Amended Date     | - 00/00/0000 | Temporary Right         | - P     |
|                      |              | Receipt Number        | - W014411    | Water District          | -       |
|                      |              | POU Ownership Flag    | - Y          | Federal/State Indicator | - S     |
|                      |              | Name Connector        | - AND/OR     | Presumption Flag        | -       |
|                      |              |                       |              | Notice of Error Flag    | -       |

MICROFILMED

OCT 07 1992

State of Idaho  
Department of Water Resources

WATER RIGHT LICENSE

(late proof)

License of Water Right No. 57-7154 Priority January 2, 1976 Amount 0.01 cfs

THIS IS TO CERTIFY, that Bureau of Land Management  
of Boise, Idaho, has complied with the terms and conditions of Permit  
No. 57-7154 issued pursuant to Application for Permit dated November 28, 1975,  
and has submitted proof to the Department of Water Resources on March 8, 1977,  
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a  
capacity for the diversion of 0.01 cfs of water from spring (distillery),  
tributary to sinks, and that the permit holder has applied to a beneficial use and  
established a right to use water as follows:

| Beneficial Use   | Period of Use                               | Rate of Diversion      | Annual Volume        |
|------------------|---------------------------------------------|------------------------|----------------------|
| <u>Livestock</u> | from <u>March 15</u> to <u>July 15</u>      | at <u>0.01</u> cfs and | <u>2.4</u> acre feet |
| <u>Wildlife</u>  | from <u>January 1</u> to <u>December 31</u> | at <u>0.01</u> cfs and | <u>7.2</u> acre feet |
|                  | from _____ to _____                         | at _____ cfs and       |                      |

(both dates inclusive)

Subject, however, to the condition that no more than 0.01 cfs of water be diverted at any one time, and  
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose  
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed  
7.2 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 20  
Twp. 1 S., Rge. 3 W., B.M. in the County of Dwyhee

Description and location of place of use:

| Twp. | Range | Sec. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | Totals |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|      |       |      | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
| 1 S  | 3 W   | 20   |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres irrigated \_\_\_\_\_

MICROFILMED  
MAR 02 1993

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 16 day of

October, 19 78.

  
Director

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

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

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

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

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

Do we do  
rec's on  
w/drawn  
claims?

MICROFILMED

MAR 02 1991

Andrew

RECEIVED

FEB 2 1997

Department of Water Resources  
Adjudication Bureau

## UNITED STATES OF AMERICA

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

MICROFILMED

MAR 02 1998

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

In Re SRBA

Case No. 39576

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

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.

MICROFILMED

MAR 02 1998

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

MICROFILMED

MAR 02 1998

2/6/97  
APPENDIX A

## ACTION REQUIRED:

CLAIMS LISTED BELOW ARE TO BE WITHDRAWN WITH PREJUDICE.

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

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.

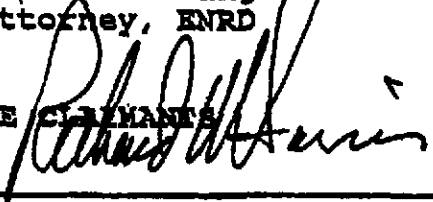
## UNITED STATES OF AMERICA

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

MICROFILMED

MAR 02 1998

2/6/97

APPENDIX C

## ACTION REQUIRED:

PRIVATE OBJECTOR WITHDRAWS OBJECTION TO THESE SUBCASES WITH PREJUDICE.

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

Records printed: 44

\* held for resolution of BLM obj. (11)

MICROFILMED  
MAR 02 1993

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

MICROFILMED

MAR 02 1997

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

MICROFILMED  
MAR 02 1998

RECEIVED  
MAR 25 1996  
Department of Water Resources  
Adjudication Bureau

RECEIVED  
APR 29 1996  
WATER RESOURCES  
WESTERN REGION

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

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

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

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

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

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

DATED March 20, 1996.

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

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 1993

FEB-25-1997  
0022

1

MICROFILMED  
MAR 02 1993

RIGHT NUMBER: 57-07154

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: DISTILLERY SPRING TRIBUTARY: REYNOLDS CREEK  
~~SPRING~~ ~~SINKS~~

QUANTITY: 0.01 CFS  
7.2 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: 01/02/1976

POINT OF DIVERSION: T01S R03W S20 SWSE Within Owyhee County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|-------------------------------|----------------|---------------|----------|
|                               | STOCKWATER     | 03-15 07-15   | 0.01 CFS |
|                               |                |               | 2.4 AFY  |
|                               | WILDLIFE       | 01-01 12-31   | 0.01 CFS |
|                               |                |               | 7.2 AFY  |

PLACE OF USE: STOCKWATER Within Owyhee County  
T01S R03W S20 SWSE

PLACE OF USE FOR WILDLIFE IS SAME AS STOCKWATER

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

BLM RECORD ID = 5701588352

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

N11/N13

RECEIVED

MAR 26 1997

Department of Water Resources

1997 MAR 24 PM 4:50

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): 57-07154

CERTIFICATE OF MAILING

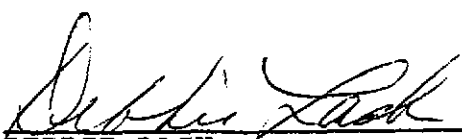
I certify that a true and correct copy of PRELIMINARY SPECIAL MASTER'S REPORT, PRELIMINARY SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF PRELIMINARY SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on March 24, 1997, with sufficient first-class postage prepaid to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

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

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

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

RICHARD BASS  
HC 88 BOX 1050  
MURPHY, ID 83650

  
DEBBIE LASH  
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1  
03/24  
MICROFILMED  
MAR 02 1997

RECEIVED

MAR 26 1997

Department of Water Resources

1997 MAR 24 PM 4: 50

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): 57-07154

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

NOTICE OF ISSUANCE

MICROFILMED

MAR 02 1998

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

PARTIAL DECREE FOR  
Water Right 57-07154

1997 MAR 24 PM 4:50

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO

FILED *[Signature]*

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

SOURCE: DISTILLERY SPRING TRIBUTARY: REYNOLDS CREEK

QUANTITY: 0.01 CFS  
7.2 AFY

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

PRIORITY DATE: 01/02/1976

POINT OF DIVERSION: T01S R03W S20 SWSE Within Owyhee County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|----------------------------|----------------|---------------|----------|
| STOCKWATER                 |                | 03-15 07-15   | 0.01 CFS |
|                            |                |               | 2.4 AFY  |
| WILDLIFE                   |                | 01-01 12-31   | 0.01 CFS |
|                            |                |               | 7.2 AFY  |

PLACE OF USE: STOCKWATER Within Owyhee County  
T01S R03W S20 SWSE

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

*[Signature]*  
FRITZ X. HAEMMERLE  
Special Master  
Snake River Basin Adjudication

SPECIAL MASTER'S RECOMMENDATION  
Water Right 57-07154

MICROFILMED  
MAR 02 1997

PAGE 1  
FEB-25-1997

RECEIVED

MAR 26 1997

Department of Water Resources

1997 MAR 24 PM 4: 50

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

) Subcase 57-07154

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 57-07154 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 57-07154 be decreed as recommended in the *Preliminary Special Master's Report and Recommendation for Partial Decree*.

DATED March 24, 1997.

*[Signature]*  
FRITZ X. HAEMMERLE  
Special Master, Reporting Area 2  
Snake River Basin Adjudication

MICROFILMED  
MAR 02 1997

1997 MAY -2 AM 11:05

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

DL

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

CERTIFICATE OF MAILING

Water Right(s): 57-07154

### CERTIFICATE OF MAILING

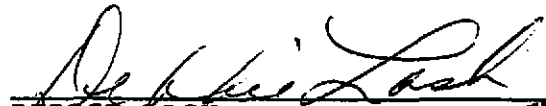
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on May 02, 1997, with sufficient first-class postage prepaid to the following:

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

MICROFILMED  
PAGE 1  
05/08/97  
MAR 02 1997

1997 MAY -2 AM 11:05

CLERK OF COURT - SRBA  
TWIN FALLS CO., IDAHO

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

In Re SRBA  
Case No. 39576

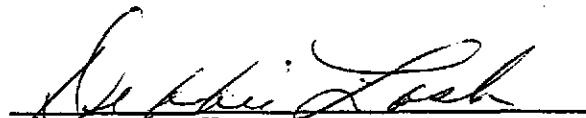
NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S REPORT  
AND RECOMMENDATION

Water Right(s): 57-07154

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  
MAR 02 1998  
PAGE 1  
05/02/97

RECEIVED

MAY 05 1997

Department of Water Resources  
Adjudication Bureau

1997 MAY -2 AM 11:04

DISTRICT COURT - SRBA  
TWIN FALLS, IDAHO

57-07154

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 57-07154

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 57-07154 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 57-07154 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

MICROFILMED

MAR 02 1998

| OWNER<br>CODE    | NAME & ADDRESS                                                                                                                       | PRIORITY<br>DATE | WATER USE              | USE PERIOD<br>FROM TO      | DIVERSION<br>RATE    | DIVERSION<br>VOLUME |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------|------------------|------------------------|----------------------------|----------------------|---------------------|
| C                | US DEPT OF INTERIOR<br>BUREAU OF LAND MANAGEMENT<br>IDAHO STATE OFFICE<br>3380 AMERICANA TERRACE<br>BOISE ID 83706<br>(208) 334-1401 | 01/02/1976       | STOCKWATER<br>WILDLIFE | 03-15 07-15<br>01-01 12-31 | 0.01 CFS<br>0.01 CFS | 2.4 AFA<br>7.2 AFA  |
| TOTAL DIVERSION: |                                                                                                                                      |                  |                        |                            | 0.01 CFS             | 7.2 AFA             |

Water Source: DISTILLERY SPRING

Tributary to: REYNOLDS CREEK

Stage: DECREED

Point(s) of Diversion:

T01S R03W S20

SWSE

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   | Lt   | Ac   | Lt | Ac | : | Lt | Ac   | Lt   | Ac   | Lt   | Ac | : |
| 01S | 03W | 20 | : |      |      |      |      |    |    |    |    | :    |      |      |      |    |    |    | : |      |      |      |      |    |    | : |    |      |      |      |      |    | : |

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

POU County: OWYHEE

Non-Irrigation Uses: STOCKWATER, 260 RANGE CATTLE AND HORSES; WILDLIFE, VARIABLE

Conditions of Approval:

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

Remarks: BLM RECORD ID = 5701588352

Dates: Exam Made Date:

Verified Date: 09/18/1992

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Comments: Date: 09/09/1992 User-ID: MCCARTHY Subject: BLM PROJECT #5384  
ACCORDING TO REYNOLDS CREEK DECREE

Audit: 09/18/92 MCCARTHY

MICROFILMED  
OCT 07 1992

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): 57-07154

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 57-07154 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

MICROFILMED

MAR 02 1998

CERTIFICATE OF MAILING

PAGE 1  
07/02/97

CLAIM NO. 157-07154

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
CLAIM VERIFICATION EXAM SHEET  
FOR PREVIOUSLY RECORDED BLM RIGHTS

1. ☐ No Overlap with Claim by Private Individual - OWNERSHIP  
☒ Overlaps with Claim by Private Individual  
Claim No. 157-07154A  
That Recommendation Corrected? yes ☒ no ☐
2. ☒ No Change - DATE OF PRIORITY - Claim matches existing license or decree  
☐ Change - Claim does not match existing license or decree  
Priority date, per IDWR records, is \_\_\_\_\_.
3. ☐ No Change - SOURCE  
☒ Source, per IDWR records, is Distillery Spring, only.
4. ☒ No Change - POINT OF DIVERSION - Claim matches existing license or decree  
☐ Point of diversion has changed  
Twp \_\_\_\_\_, Rge \_\_\_\_\_, Sec \_\_\_\_\_, \_\_\_\_\_ 1/4, \_\_\_\_\_ 1/4, \_\_\_\_\_ 1/4  
How was this verified? \_\_\_\_\_
5. N/A
6. ☒ No Change - WATER USES  
☐ Uses, per IDWR records:
- | Use | From | To | Amount | cfs | af |
|-----|------|----|--------|-----|----|
| Use | From | To | Amount | cfs | af |
7. ☐ No Change - TOTAL RATE AND VOLUME  
☐ Total rate and volume, per IDWR records: \_\_\_\_\_ cfs \_\_\_\_\_ afa
8. N/A
9. ☒ No Change - NON-IRRIGATION USES: Completed on claim  
☐ Incomplete on claim - Per IDWR records:
- Domestic - No. of homes \_\_\_\_\_ Stockwater - No. of head \_\_\_\_\_
- Other: \_\_\_\_\_

MICROFILMED  
OCT 07 1992

0. ☒ No Change - PLACE OF USE:

☐ Place of Use has changed:

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

\_\_\_\_\_  
\_\_\_\_\_

How was this verified? \_\_\_\_\_

Remarks: (Comments pertinent to review)

*BLM Project # 5384*

*Change stage to "D"*

*Recommendation based on Reynolds Cr.  
decree.*

*Overlapping Claim: A57-11333*

Review Completed by:

*A. McCarthy*

signature

Date:

*9-9-92*

WATER RIGHT NUMBER 57-7154

OWNER LAST NAME - U.S. DEPT. OF INTERIOR

ADDRESS LINE 1 - BUREAU OF LAND MGT.

ADDRESS LINE 3 - 3780 AMERICAN TERR.

SOURCE - DISTILLERY SPRING

STAGE - STATUS -

TOTAL DIV. VOLUME - 7.20 AFA TRFR/AMEND -

DIVERSION POINT - SWSE 20' 015' 03W/LOT REDEV -

FROM - 03-15/70 - 07-15/USE - STOCKWATER

USE - 01-01/70 - 12-31/USE - WILDLIFE

DEGREE NAME -

REMARKS - PROJ. #5384

NON IRRIG USE - 5/260 RANGE, W/VARIABLE AMT.

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PROOF MADE - FLD EXAM -

DIVERSION MEANS - COND. OF APPROVAL -

FIRST NAME -

ADDRESS LINE 2 - IDAHO STATE OFFICE

CITY - BOISE, STATE - ID ZIP CODE - 83706

TRIBUTARY OF - REYNOLDS CREEK

PRIORITY - 01-02-1976 COUNTY - OMYAHEE

WATER DIST. - 57R/DLE/CAREY ACT -

TOTAL DIV. RATE -

USE DIV. RATE - .0100 / CFS

USE DIV. RATE - .0100 / CFS

PLACE OF USE - TWIN 015' RING 03W/SEC 20' TRACT SWSE/LOT AC

DATE -

HEARING -

PROTESTED -

OLD NO. -

TOTAL ACRES

Verified by  
3/22/85

MICROFILMED

JUL 20 1994

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

57-7154

IN THE MATTER OF THE GENERAL DETER-  
MINATION OF RIGHTS TO THE USE OF  
REYNOLDS CREEK  
DRAINAGE BASIN.

NOTICE OF CLAIM  
TO A  
WATER RIGHT

57-7154 No Adj. MAR  
1000-Y-55 W 14301 PK  
I.D. No. Map No.  
\$ 10.00 15709  
Fee Paid Receipt No.

Notice is hereby given that Department of the Interior, Bureau of Land Management  
(Name of Claimant)

230 Collins Road, Boise, Idaho 83702 Telephone No. 384-1582  
(Mailing Address) (Zip Code)

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

- (1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right) 1/2/76 1976
- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Distillery Springs  
tributary to Reynolds Creek
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:  
Quantity 2.4 AF Use Stock water Period of Use From 3/15 To 7/15  
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)  
(Both dates inclusive)  
Quantity .01 CFS Use Wildlife Period of Use From 1/1 To 12/31  
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)  
(Both dates inclusive)  
Quantity 7.2 AF Use Wildlife Period of Use From 1/1 To 12/31  
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)  
(Both dates inclusive)  
Quantity .01 CFS Use Wildlife Period of Use From 1/1 To 12/31  
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)  
(Both dates inclusive)
- (4) 7.2 AF TOTAL QUANTITY CLAIMED.  
(CFS, GPD, AF)

- (5) A) Point of Diversion: Give location of point where water is diverted from its source SW 1/4 SE 1/4  
Sec. 20, Twp. 1 S, Rge. 3 W, B.M., Owyhee County  
Additional Points:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Water is piped from the spring head to two standard troughs through 81 ft. of 1 1/2 inch pipe and 81 ft. of 1 1/2 inch pipe. Overflow is piped 21 ft. thru 1 1/2 inch pipe.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

| T          | R          | SEC.      | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |          |        | TOTAL |
|------------|------------|-----------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|----------|--------|-------|
|            |            |           | 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 |       |
| <u>1 S</u> | <u>3 W</u> | <u>20</u> |        |        |        |        |        |        |        |        |        |        |        |        |        |        | <u>X</u> |        |       |
|            |            |           |        |        |        |        |        |        |        |        |        |        |        |        |        |        |          |        |       |
|            |            |           |        |        |        |        |        |        |        |        |        |        |        |        |        |        |          |        |       |
|            |            |           |        |        |        |        |        |        |        |        |        |        |        |        |        |        |          |        |       |
|            |            |           |        |        |        |        |        |        |        |        |        |        |        |        |        |        |          |        |       |
|            |            |           |        |        |        |        |        |        |        |        |        |        |        |        |        |        |          |        |       |
|            |            |           |        |        |        |        |        |        |        |        |        |        |        |        |        |        |          |        |       |
|            |            |           |        |        |        |        |        |        |        |        |        |        |        |        |        |        |          |        |       |
|            |            |           |        |        |        |        |        |        |        |        |        |        |        |        |        |        |          |        |       |
|            |            |           |        |        |        |        |        |        |        |        |        |        |        |        |        |        |          |        |       |

Total no. of acres

B) If water is used, for other than irrigation, fully describe that use, being as specific as possible: Used to water livestock and wildlife (chukar, hungarian partridge, quail & non-game). (W/minimum amount)

NOTE: Include here the type and number of stock watered: 260 cattle (5/260 head)

- (7) If you are claiming water as a member of an organization, list name of organization: Bureau of Land Management

- (8) Remarks Rate of Diversion - 0.1 CFS; Project #5384

- (9) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.  
☐ B) Right decreed by court, cite title of case.

☒ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho Department of Water Resources. Give No. 57-7154

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

Individual

(Signature of Claimant)

MICROFILMED

(Signature of Spouse)

JUL 20 1994

State of Idaho

Organization

Organization

Bureau of Land ManagementCounty of Ada

Seal

(Signature of Authorized Agent)

On this 14th day of August in the year 1979 before me  
a notary public, personally appeared Richard B. Biele

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

10/1/79  
My commission expires life term

Notary Public residing at Boise, Idaho

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

**POOR ORIGINAL**

IN THE MATTER OF THE GENERAL DETER-  
MINATION OF RIGHTS TO THE USE OF \_\_\_\_\_  
REYNOLDS CREEK  
DRAINAGE BASIN.

# NOTICE OF CLAIM TO A WATER RIGHT

|          |             |
|----------|-------------|
| 57-7154  |             |
| I.D. No. | Map No.     |
| \$       |             |
| Fee Paid | Receipt No. |

Notice is hereby given that Department of the Interior, Bureau of Land Management  
(Name of Claimant)

230 Collins Road, Boise, Idaho 83702 Telephone No. 384-1582  
(Mailing Address) (Zip Code)

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

- (1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right) 1/2/76
- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Distillery Springs  
tributary to Reynolds Creek
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- |                                          |                                                               |                                                                                                  |
|------------------------------------------|---------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| Quantity <u>2.4 AF</u><br>(CFS, GPD, AF) | Use <u>Stock water</u><br>(Domestic, irrigation, stock, etc.) | Period of Use From <u>3/15</u> To <u>7/15</u><br>(Mo., Day) (Mo., Day)<br>(Both dates inclusive) |
| Quantity <u>4.8 AF</u><br>(CFS, GPD, AF) | Use <u>Wildlife</u><br>(Domestic, irrigation, stock, etc.)    | Period of Use From <u>1/1</u> To <u>12/31</u><br>(Mo., Day) (Mo., Day)<br>(Both dates inclusive) |
| Quantity _____<br>(CFS, GPD, AF)         | Use _____<br>(Domestic, irrigation, stock, etc.)              | Period of Use From _____ To _____<br>(Mo., Day) (Mo., Day)<br>(Both dates inclusive)             |
| Quantity _____<br>(CFS, GPD, AF)         | Use _____<br>(Domestic, irrigation, stock, etc.)              | Period of Use From _____ To _____<br>(Mo., Day) (Mo., Day)<br>(Both dates inclusive)             |
- (4) 7.2 AF TOTAL QUANTITY CLAIMED.  
(CFS, GPD, AF)

- (5) A) Point of Diversion: Give location of point where water is diverted from its source SW  $\frac{1}{4}$  SE  $\frac{1}{4}$   
Sec. 20, Twp. 1 S, Rge. 3 W, B.M., Owyhee County  
Additional Points: \_\_\_\_\_

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Water is piped from the spring head to two standard troughs through 81 ft. of 1 1/2 inch pipe and 81 ft. of 1 1/2 inch pipe. Overflow is piped 21 ft. thru 1 1/2 inch pipe.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

| T   | R   | SEC. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTAL |
|-----|-----|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|-------|
|     |     |      | 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 |       |
| 1 S | 3 W | 20   |        |        |        |        |        |        |        |        |        |        |        |        |        |        | X      |        |       |
|     |     |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |     |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |     |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |     |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |     |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |     |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |     |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |     |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |     |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |

Total no. of acres \_\_\_\_\_

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Used to water livestock and wildlife (chukar, hungarian partridge, quail & non-game).

NOTE: Include here the type and number of stock watered: 260 cattle

- (7) If you are claiming water as a member of an organization, list name of organization: Bureau of Land Management
- (8) Remarks Rate of Diversion - 0.1 CFS; Project #5384

- (9) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.  
☐ B) Right decreed by court, cite title of case. \_\_\_\_\_

☒ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho Department of Water Resources. Give No. 57-7154

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

Individual

(Signature of Claimant)

(Signature of Spouse)

Organization

Bureau of Land Management

(Signature of Authorized Agent)

State of \_\_\_\_\_  
County of \_\_\_\_\_

Organization

Seal

On this \_\_\_\_\_ day of \_\_\_\_\_

in the year \_\_\_\_\_

before me

a notary public, personally appeared \_\_\_\_\_

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

My commission expires \_\_\_\_\_

Notary Public residing at \_\_\_\_\_

**MICROFILMED**

**JUL 20 1994**

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. 57-07154  
(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 Bass

Address: HC 88 BOX 1050

Murphy Idaho 83650

Briefly describe your interest in this water right:

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

2. Owner of the water right:

Name: USDI - Bureau of Land Management

Address: 3380 Americana Terrace

Boise Idaho 83706

3. If this objection is filed by an attorney:

Attorney Name: \_\_\_\_\_

Attorney Address: \_\_\_\_\_

Attorney Phone No.: \_\_\_\_\_

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

## II. STATEMENT OF THE OBJECTION

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

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

MICROFILMED

JUL 20 1994

(Over)

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

REASONS SUPPORTING EACH BOX CHECKED

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

Box 1

See Attachment 1 Case No 57-07154

\_\_\_\_\_

\_\_\_\_\_

CHANGES TO THE DIRECTOR'S REPORT

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

See Attachment 1 Case No 57-07154

\_\_\_\_\_

\_\_\_\_\_

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

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

Attachment 1 Case No 57-07154

VERIFICATION (Must be Completed)

State of ID

County of Owyhee

Bruce Renck, 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.

Bruce Renck  
signature of person filing objection

By: \_\_\_\_\_  
(Attorney signing in  
representative capacity)

Subscribed and sworn to before me this 24<sup>th</sup> day of Feb.,  
1993.

Lynda Freund  
Notary Public for Idaho  
Residing at: Homestead  
My Commission expires: 12/15/98

MICROFILMED

JUL 20 1994

(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 24 day of Feb, 1993, I mailed the original and copies of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

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

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

Owner name: USDI-BLM

Owner's address: Idaho State Office

3350 Americana Terrace

Boise, Idaho 83706

3. One copy to:

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

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. 57-67154

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