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

CIVIL CASE NUMBER: 39576

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

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

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

PRIORITY DATE: 1976-07-12
IDWR WATER RIGHT NO. 5707165
BLM NUMBER: 5701588353
BASIS OF CLAIM: BENEFICIAL USE
BASIN NO.: 57

SOURCE	TRIBUTARY TO
SEVEN DEER SPRING	SINKS
SEVEN DEER SPRING	SALMON CREEK, NORTH FORK

DESCRIPTION OF DIVERSION WORKS

HEADBOX, 125' PIPELINE, TROUGH

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
STOCKWATER	0.010	4.20	0401	1030
WILDLIFE	0.010	7.20	0101	1231
TOTAL:	0.010 CFS	7.20 AF		

NON-IRRIGATION USES

S/260 RANGE, W/VARIABLE AMT.

POINT OF DIVERSION							
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
01S	04W	33		SE	NE	0	OWYHEE

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PLACE OF USE							OWNED	IRRIGATED ACRES
TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY		
01S	04W	33	SE	NE	0	OWYHEE		0.0
01S	04W	33	SE	NE	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

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OCT 07 1992

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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

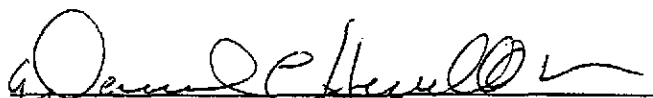
) For Water Right 57-07165

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 57-07165 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



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)
_____)

SPECIAL MASTER'S RECOMMENDATION FOR

PARTIAL DECREE FOR

Water Right 57-07165

1997 MAY -2 AM 11:03
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED *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: SEVEN DEER SPRING TRIBUTARY: SALMON CREEK, NORTH FORK

QUANTITY: 0.01 CFS
7.2 AFY

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

PRIORITY DATE: 07/12/1976

POINT OF DIVERSION: T01S R04W S33 SENE Within OWYHEE County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	04-01 10-30	0.01 CFS
			4.2 AFY
	WILDLIFE	01-01 12-31	0.01 CFS
			7.2 AFY

PLACE OF USE: STOCKWATER Within OWYHEE County
T01S R04W S33 SENE

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

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MAR 02 1998

SPECIAL MASTER'S RECOMMENDATION
Water Right 57-07165

PAGE 1
FEB-25-1997

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

IN THE MATTER OF THE GENERAL DETER-
MINATION OF RIGHTS TO THE USE OF _____
REYNOLDS CREEK

**NOTICE OF CLAIM
TO A
WATER RIGHT**

_____ DRAINAGE BASIN.

57-7165	
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
(Mailing Address)

83702
(Zip Code)

Telephone No. 384-1582

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) 7/12/76
- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Seven Deer Spring
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>4.2 AF</u>
(CFS, GPD, AF) | Use <u>Stock water</u>
(Domestic, Irrigation, stock, etc.) | Period of Use From <u>4/1</u> To <u>9/15</u>
(Mo., Day) (Both dates inclusive) |
| Quantity <u>3.0 AF</u>
(CFS, GPD, AF) | Use <u>Wildlife</u>
(Domestic, Irrigation, stock, etc.) | Period of Use From <u>7/1</u> To <u>12/31</u>
(Mo., Day) (Both dates inclusive) |
| Quantity _____
(CFS, GPD, AF) | Use _____
(Domestic, Irrigation, stock, etc.) | Period of Use From _____ To _____
(Mo., Day) (Both dates inclusive) |
| Quantity _____
(CFS, GPD, AF) | Use _____
(Domestic, Irrigation, stock, etc.) | Period of Use From _____ To _____
(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 SE $\frac{1}{4}$ NE $\frac{1}{4}$
Sec. 33, Twp. 1 S, Rge. 4 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 head box to a standard trough thru 125 ft. of 1 1/2 inch pipe. Overflow flows thru 10 ft of 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	4 W	33				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.

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 Project #5454

- (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. 57-7165

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)

State of Idaho
County of Boise
On this 15 day of August, 1979
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.

Organization Bureau of Land Management
(Signature of Authorized Agent)

My commission expires 2-28-80
Notary Public residing at Boise, Idaho

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NO ADJ. MAP
✓ TO PAGE: 4-3 SR 005 9 ADJIN

57-7165	
I.D. No.	Map No.
\$ 10.-	15709
Fee Paid	Receipt No.

10/2/79 *OK* *use time* My commission expires
Notary Public residing at *11414 1st St. S. S. 16th Ave. S. S. 16th Ave. S.*

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WATER RIGHT NUMBER 57-7165

OWNER LAST NAME - U.S. DEPT. OF INTERIOR
 ADDRESS LINE 1 - BUREAU OF LAND MGT.
 ADDRESS LINE 3 - 3390 AMERICAN TERR.
 SOURCE - SEVEN DEER SPRING
 STAGE -
 TOTAL DIV. VOLUME - 7.20 AFR TRFR/AMEND -
 DIVERSION POINT - SENE 33 015 04W LOT REDIV -
 FROM - 04-01 TO - 10-30 USE - STOCKWATER
 FROM - 01-01 TO - 12-31 USE - WILDLIFE
 USE - STOCKWATER
 DECREE NAME -
 REMARKS - PROJ. #5454.
 NON IRRIG USE - S/2500 RANGE, W/VARIABLE PMT.
 OTHER RIGHTS FOR SAME USE -
 PROOF DUE - PERMIT/DENIED -
 PROOF MADE - FLD EXAM - COND. OF APPROVAL -
 DIVERSION MEANS -

FIRST NAME -
 ADDRESS LINE 2 - IDAHO STATE OFFICE
 CITY - BOISE
 TRIBUTARY OF - SALMON CREEK NORTH FORK
 PRIORITY - 07-12-1976 COUNTY - CUYAHEE
 WATER DIST. - 57R DLE/CREEK ACT - RIGHT BASIS - E
 TOTAL DIV. RATE -
 .02100 CFS
 USE DIV. RATE -
 .01000 CFS
 USE DIV. VOLUME -
 4.20 AFR
 TOTAL ACRES

PROTESTED -
 HERRING -
 OLD NO. -

Unified
 3/19/85

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State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 57-7165 Priority July 12, 1976 Amount 0.01cfs

THIS IS TO CERTIFY, that Bureau of Land Management
of Boise, Idaho, has complied with the terms and conditions of Permit
No. 57-7165 issued pursuant to Application for Permit dated July 12, 1976,
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 Seven Deer Spring,
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>	<u>from April 1 to October 30</u>	<u>at 0.01 cfs</u>	<u>and 4.2 acre feet</u>
<u>Wild life</u>	<u>from January 1 to December 31</u>	<u>at 0.01 cfs</u>	<u>and 4.2 acre feet</u>
	<u>from to at cfs and</u>		

(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 SE 1/4, Sec. 33

Twp. 1 S., Rge. 4 W., B.M. in the County of Owyhee

Description and location of place of use:

Twp.	Range	Sec.	NEW				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1 S	4 W	33				X													

Total number of acres irrigated _____

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

October, 19 77

[Signature]
Director

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CLAIM NO. 157-07165

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

☐ No Overlap with Claim by Private Individual - OWNERSHIP

☐ Overlaps with Claim by Private Individual

Claim No. 157-10935

That Recommendation Corrected? yes ☒ no ☐

☒ 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 _____.

☐ No Change - SOURCE

☒ Source, per IDWR records, is trib. to Salmon Cr., N. Fl.
only

☒ 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? _____

N/A

☒ No Change - WATER USES

☐ Uses, per IDWR records:

Use _____	From _____	To _____	Amount _____	cfs _____	af _____
Use _____	From _____	To _____	Amount _____	cfs _____	af _____

☒ No Change - TOTAL RATE AND VOLUME

☐ Total rate and volume, per IDWR records: _____ cfs _____ afa

N/A

☒ No Change - NON-IRRIGATION USES: Completed on claim

☐ Incomplete on claim - Per IDWR records:

Domestic - No. of homes _____ Stockwater - No. of head _____

Other: _____

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10. ☒ 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 #5454

Recommended for Reynolds Cr. decree

Overlapping BLM claim: A57-11283

Review Completed by:

R. McCarthy
signature

Date:

9-9-93

Attachment (1)

Case No. 57-07165

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

Bruce Malmberg, Richard Brandau
Henry Brandau, Chipmunk Grazing Assoc Inc
Box 175
Manning Idaho 83639

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Andrew

RECEIVED

FEB 2 1997

UNITED STATES OF AMERICA

Department of Water Resources
Adjudication Bureau

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

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

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

In Re SRBA

Sub-case No. 57-11124 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 X. Blackstock~~, and Chipmunk Grazing Association, collectively referred to as the "Private Claimants," and the United States. PFA PFH

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

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 the special

Do we do
rev's on
withdrawn
claims?

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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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- 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.

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

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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.

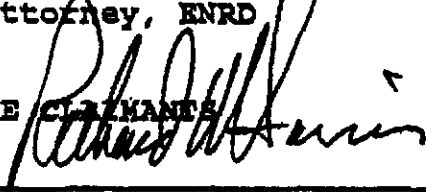
UNITED STATES OF AMERICA

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	Reserved Rt.	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 →	57-11299	BASS
57-02450	BLM →	57-11238	BASS & BLM *
57-02468	BLM →	57-11243	BASS
57-02469	BLM →	57-11244	BASS
57-02484	BLM →	57-11233	BASS AND MALMBERG
57-07089	BLM →	57-11283	BASS AND BLM *
57-07154	BLM →	57-11354	BASS AND BLM *
57-07165	BLM →	57-11293	BASS
57-07166	BLM		BASS
57-07168	BLM		BASS AND BLM *
57-07344	BLM		BASS
57-07354	BLM		BASS
57-07357	BLM		BASS AND BLM *
57-11138	BLM		CHIPMUNK GRAZING
57-11148	BLM		CHIPMUNK GRAZING
57-11149	BLM		CHIPMUNK AND BLM *
57-11156	BLM		CHIPMUNK AND BLM *
57-11157	BLM		CHIPMUNK GRAZING
57-11158	BLM		BASS
57-11162	BLM		BASS AND BLM *
57-11164	BLM		BASS
57-11166	BLM		CHIPMUNK GRAZING
57-11170	BLM		BASS
57-11173	BLM		CHIPMUNK GRAZING
57-11176	BLM		CHIPMUNK AND BLM *
57-11179	BLM		CHIPMUNK GRAZING
57-11181	BLM		CHIPMUNK, CHIPMUNK, AND BLM *
57-11183	BLM		BASS AND BLM *
57-11350	BLM		BASS
57-11351	BLM		BASS

Records printed: 44

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* held for resolution of BLM obj. (11)

MAR 02 1997

2/6/97
APPENDIX B

ACTION REQUIRED:

CLAIMS LISTED BELOW WILL BE AMENDED TO REMOVE PUBLIC DOMAIN
FROM THE POD AND POE 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

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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 1996

RECEIVED RECEIVED
MAR 25 1996 APR 29 1996
Department of Water Resources WATER RESOURCES
Adjudication Bureau 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	)	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 11057~~
57 07512
57 07516
57 10930A
57 10930B
57 10930C
57 10930D

unobjcted to

MICROFILMED

MAR 02 1981

RECEIVED

MAR 26 1997

Department of Water Resources

1997 MAR 24 PM 4:49

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED AL

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

In Re SRBA

) Subcase 57-07165

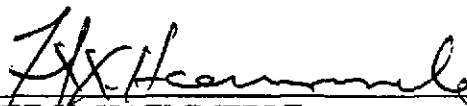
)
)
Case No. 39576

) 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 57-07165 was filed on February 26, 1993 by Bruce Malmberg. 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 57-07165 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

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

MAR 24 PM 4:49

PARTIAL DECREE FOR

Water Right 57-07165

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

RECEIVED

MAR 26 1997

SOURCE: SEVEN DEER SPRING

TRIBUTARY: SALMON CREEK, NORTH FORK

QUANTITY: 0.01 CFS
7.2 AFY

Department of Water Resources

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

PRIORITY DATE: 07/12/1976

POINT OF DIVERSION: T01S R04W S33

SENE

Within Owyhee County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
STOCKWATER

PERIOD OF USE
04-01 10-30

QUANTITY
0.01 CFS

WILDLIFE

01-01 12-31

4.2 AFY
0.01 CFS
7.2 AFY

PLACE OF USE:

STOCKWATER
T01S R04W S33

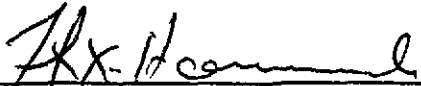
Within Owyhee County
SENE

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

Special Master
Snake River Basin Adjudication

SPECIAL MASTER'S RECOMMENDATION
Water Right 57-07165

MICROFILMED

PAGE 1
FEB 25 1997

MAR 27 1997

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MAR 26 1997

Department of Water Resources

1997 MAR 24 PM 4: 49

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

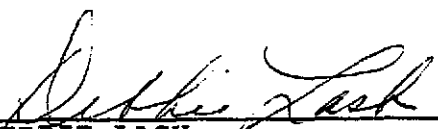
NOTICE OF ISSUANCE OF
PRELIMINARY SPECIAL MASTER'S
REPORT AND RECOMMENDATION

Water Right(s): 57-07165

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

FEB-25-1997
0023

1

RIGHT NUMBER: 57-07165

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: SEVEN DEER SPRING TRIBUTARY: SALMON CREEK, NORTH FORK
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: 07/12/1976

POINT OF DIVERSION: T01S R04W S33 SENE Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	04-01 10-30	0.01 CFS
			4.2 AFY
	WILDLIFE	01-01 12-31	0.01 CFS
			7.2 AFY

PLACE OF USE: STOCKWATER Within Owyhee County
 T01S R04W S33 SENE

PLACE OF USE FOR WILDLIFE IS SAME AS STOCKWATER

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

BLM RECORD ID = 5701588353

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

N11/N13

MAR 02 1998
MICROFILMED

RECEIVED

MAY 05 1997

Department of Water Resources
Adjudication Bureau

EST. MAY -2 AM 11:03

CLAYTON COUNTY - SRBA
TWIN FALLS, IDAHO

FBI

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): 57-07165

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

CERTIFICATE OF MAILING

MICROFILMED
PAGE 1
05/02/97
MAR 02 1997

BRUCE MALMBERG
PO BOX 175
MARSING, ID 83639


DEBBIE LASH
Deputy Clerk

CERTIFICATE OF MAILING

MICROFILMED

MAR 02 1993
PAGE 2
05/02/97

FILED - 2 MAY 03
CLERK OF DISTRICT COURT
TWIN FALLS, IDAHO
JL

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)
_____)

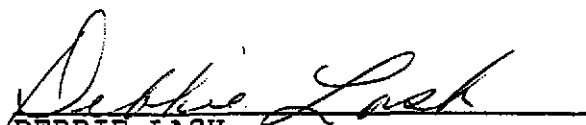
NOTICE OF ISSUANCE OF
SPECIAL MASTER'S REPORT
AND RECOMMENDATION

Water Right(s): 57-07165

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

RECEIVED

MAY 0 5 1997

Department of Water Resources
Adjudication Bureau

WPP-2 11:03

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 57-07165

Case No. 39576

) SPECIAL MASTER'S REPORT
)
)
)

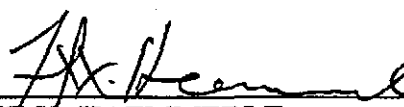
A notice of claim was filed for this water right pursuant to I.C. § 42-1409(1990) by the United States Bureau of Land Management (BLM). The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for area 1, 2, and 3 and investigated and abstracted the notices of 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 57-07165 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 57-07165 be decreed as recommended in the *Special Master's Report and Recommendation for Partial Decree*.

DATED May 2, 1997.


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

MICROFILMED

MAR 02 1998

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): 57-07165

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 57-07165 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

BRUCE MALMBERG
PO BOX 175
MARSING, ID 83639

MICROFILMED

MAR 02 1998

DIANA DELANEY

Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
07/02/97

Water Right Number - AS7-07165

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

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

*** C - CURRENT 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 -

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
07/12/1976 14 WESTERN Z - SEE REMARKS

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
SEVEN DEER SPRING SINKS
COMBINED RIGHT SEE REMARKS

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County
01S 04W 33 SE NE (73) OWYHEE

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
04 - STOCKWATER		04/01	10/30		0.010	4.20
16 - WILDLIFE		01/01	12/31		0.010	7.20

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.010 7.20 0.0

TwN	Rng	Sec	Tract	Lot	Acres	Code	Description	County
01S	04W	33	SE NE			04	STOCKWATER	(73) OWYHEE

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
SEE CLAIM NO. 57-10935.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found

MICROFILMED
OCT 06 1992

Water right number - A57-07165

Prefix Translation: ADJUDICATION CLAIM

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - Comments - - - - - +
No Comments Found

+ - - Audit Fields - - +
03/27/92 WALKER

+ - - - - 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	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 03/19/1992	Last Amended Date	- 00/00/0000	Temporary Right	- T
		Receipt Number	- X777777	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

MICROFILMED
OCT 06 1992

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

Case No. 57-07045
(You must insert the
water right number you
are objecting to)

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.

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: Bruce Malmberg Henry Brandau
Address: Richard Brandau, Chipman Kaesad.
Box 175 Marsing Id 83639

Briefly describe your interest in this water right:

This water right supplies water
to our permitted livestock in our
Federal grazing allotment and has
historically supplied water for
previous owners and users

2. Owner of the water right:

Name: USPI BLM
Address: Idaho State Office
3350 America Terrace Boise Id 83700

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 ~~57-17165~~
57-07165

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 ~~57-17165~~
57-07165

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 57-01165
57-67165

VERIFICATION (Must be Completed)

State of Idaho

County of Owyhee

Bruce Malmberg, 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 Malmberg
Signature of person filing objection

By: _____
(Attorney signing in
representative capacity)

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

Norman H. Ottoboni
Notary Public for _____
Residing at: _____
My Commission expires: _____

Notary Public in and for the
State of Idaho Residing in
Marsing, Owyhee County, Idaho
My Commission Expires Aug 20, 1997

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:

USDJ BLM

Owner's address:

Idaho State Office
3380 Americana Terrace
Boise Idaho 83706

3. One copy to:

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

4. One copy to:

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

Bruce McKinley
Signature of Objector or Attorney
mailing on Objector's behalf

Attachment (1)

Case No.

57-07165

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 Bruce Malmberg, Richard Brandau
Henry Brandau, Chipmunk Grazing Assoc Inc
Box 175
Marsing Idaho 83639

MICROFILMED
JUL 20 1994

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

VERIFIED BY R. McElrath
9-18-92

DATE: 09/18/92
PAGE: 1

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	07/12/1976	STOCKWATER WILDLIFE	04-01 10-30 01-01 12-31	0.01 CFS 0.01 CFS	4.2 AFA 7.2 AFA
TOTAL DIVERSION:					0.01 CFS	7.2 AFA

Water Source: SEVEN DEER SPRING

Tributary to: SALMON CREEK, NORTH FORK

Stage: DECREED

Point(s) of Diversion:

T01S R04W S33

SENE

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	: Lt Ac	: Lt Ac	: Lt Ac
01S 04W 33	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:

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

POU County: OWYHEE

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

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 = 5701588353

Dates: Exam Made Date:

Verified Date: 09/18/1992

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

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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

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. 57-07165
(You must insert the
water right number you
are objecting to)

OBJECTION

RECEIVED

MAR 02 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

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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:

Bruce Malmberg

Address:

Box 175

Marsing Idaho 83639

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, ID 83706

3. If this objection is filed by an attorney:

Attorney Name:

Attorney Address:

Attorney Phone No.:

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

II. STATEMENT OF THE OBJECTION

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

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

(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 ~~57-17165~~
57-07165

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 ~~57-17165~~
57-07165

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

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

Attachment (1) case # 57-07165

VERIFICATION (Must be Completed)

State of IDAHO

County of Owyhee

Bruce Malmborg, 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 Malmborg
Signature of person filing objection

By: _____
(Attorney signing in
representative capacity)

1993 Subscribed and sworn to before me this 26 day of FEB.

Norman R. Ostroff
Notary Public for _____

Residing at: _____

My Commission expires: _____
Notary Public in and for the
State of Idaho Residing in
Marsing, Owyhee County, Idaho
My Commission Expires Aug 20, 1997.

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

1. Original to:

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

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

Owner name:

USDT BLM

Owner's address:

Idaho State Office

3380 Americana Terrace
Boise ID 83706

3. One copy to:

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

4. One copy to:

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

Bruce Malmborg
Signature of Objector or attorney
mailing on Objector's behalf

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - A57-07165

Prefix Translation:

ADJUDICATION CLAIM

Old (B) Number -

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

*** C - CURRENT OWNER ***
US DEPT OF INTERIOR1 - BUREAU OF LAND MANAGEMENT
2 - IDAHO STATE OFFICE
3 - 3380 AMERICANA TERRACE
City- BOISE
Phone -

State- ID Zip- 83706

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
07/12/1976 14 WESTERN Z - SEE REMARKS+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
SEVEN DEER SPRING SINKS
COMBINED RIGHT SEE REMARKS+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County
01S 04W 33 SE NE (73) OWYHEE+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
04 - STOCKWATER 04/01 10/30 0.010 4.20
16 - WILDLIFE 01/01 12/31 0.010 7.20+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.010 7.20 0.0+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
01S 04W 33 SE NE 04 STOCKWATER (73) OWYHEE

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
SEE CLAIM NO. 57-10935.+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers FoundMICROFILMED
OCT 06 1992

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

03/27/92 15:32:37
Page 2

Water right number - A57-07165

Prefix Translation: ADJUDICATION CLAIM

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - Comments - - - - - +
No Comments Found

+ - - Audit Fields - - +
03/27/92 WALKER

+ - - - - 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	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 03/19/1992	Last Amended Date	- 00/00/0000	Temporary Right	- T
		Receipt Number	- X777777	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

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OCT 06 1992