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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. 5707168  
BLM NUMBER: 5701588356  
BASIS OF CLAIM: BENEFICIAL USE  
BASIN NO.: 57

| SOURCE          | TRIBUTARY TO |
|-----------------|--------------|
| DEAD COW SPRING | SINKS        |
| DEAD COW SPRING | SINKS        |

DESCRIPTION OF DIVERSION WORKS

HEADBOX, 415' PIPELINE, 2 TROUGHS

| PURPOSE OF USE | DIVERSION RATE | DIVERSION VOLUME | PERIOD OF USE FROM | TO   |
|----------------|----------------|------------------|--------------------|------|
| STOCKWATER     | 0.010          | 4.10             | 0401               | 1030 |
| WILDLIFE       | 0.010          | 7.20             | 0101               | 1231 |
| TOTAL:         | 0.010 CFS      | 7.30 AF          |                    |      |

NON-IRRIGATION USES

S/260 RANGE, W/VARIABLE AMT.

POINT OF DIVERSION

| TWP | RNG | SEC | TRACT1 | TRACT2 | TRACT3 | LOT | COUNTY |
|-----|-----|-----|--------|--------|--------|-----|--------|
| 02S | 04W | 21  |        | NE     | SW     | 0   | OWYHEE |

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PLACE OF USE

| TWP | RNG | SEC | TRACT1 | TRACT2 | LOT | COUNTY | OWNED | IRRIGATED ACRES |
|-----|-----|-----|--------|--------|-----|--------|-------|-----------------|
| 02S | 04W | 21  | NE     | SW     | 0   | OWYHEE |       | 0.0             |
| 02S | 04W | 21  | NE     | SW     | 0   | OWYHEE |       | 0.0             |

TOTAL ACRES IRRIGATED: 0.0

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DEC - 2 1997

Department of Water Resources  
Adjudication Bureau

1997 NOV 26 PM 3: 45

DISTRICT COURT-5  
TWIN FALLS COUNTY  
FILED

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

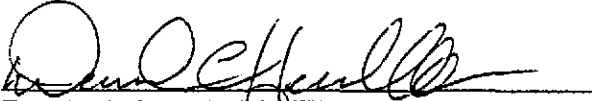
|                |   |                          |
|----------------|---|--------------------------|
| In Re SRBA     | ) | ORDER OF PARTIAL DECREE  |
|                | ) |                          |
| Case No. 39576 | ) | For Water Right 57-07168 |
| _____          | ) |                          |

On August 22, 1997, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 57-07168 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED November 26, 1997.

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

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| RIGHT NUMBER | NAME & ADDRESS | PRIORITY DATE | PURPOSE OF USE | PERIOD OF USE FROM TO | MAXIMUM QUANTITY | BASIS OF CLAIM |
|--------------|----------------|---------------|----------------|-----------------------|------------------|----------------|
|--------------|----------------|---------------|----------------|-----------------------|------------------|----------------|

SOURCE: DEAD COW SPRING TRIBUTARY: SINKS

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

|                 |                       |             |          |             |                   |                          |
|-----------------|-----------------------|-------------|----------|-------------|-------------------|--------------------------|
| 07-07149        | 07/12/1976 STOCKWATER | 06-01 10-31 | WILDLIFE | 01-01 12-31 | .01<br>4.1<br>7.2 | CFS<br>AFY<br>CFS<br>AFY |
| TOTAL QUANTITY: |                       |             |          |             | .01<br>7.3        | CFS<br>AFY               |

NON-IRRIGATION-USES:  
STOCKWATER, 260 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT  
POINT OF DIVERSION:  
102S ROAD S21  
PLACE OF USE: STOCKWATER  
102S ROAD S21  
PLACE OF USE: WILDLIFE  
SAME AS OTHER USE  
REMARKS: THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING  
ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY  
USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.  
BLM RECORD ID = 5701508356

**CERTIFICATE OF MAILING**

I certify that on July 25<sup>th</sup>, 1997, I served the foregoing Standard Form 5 upon the following individuals, via United States mail, postage prepaid:

1. Original to:

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

2. Copies to:

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

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

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

  
Paula Clinedinst

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JUL 29 1997

Department of Water Resources

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

|                |   |                             |
|----------------|---|-----------------------------|
| In Re SRBA     | ) | SUBCASE NO: <u>57-07168</u> |
|                | ) | (Insert Water Right Number) |
|                | ) |                             |
| Case No. 39576 | ) | STANDARD FORM 5             |
|                | ) |                             |
|                | ) | STIPULATED ELEMENTS         |
|                | ) | OF A WATER RIGHT            |

THIS FORM MAY ONLY BE USED IF ALL PARTIES HAVE STIPULATED TO ALL ELEMENTS OF A WATER RIGHT AND MAY BE SUBMITTED AT ANY TIME FOLLOWING THE CLOSE OF THE STATUTORY RESPONSE PERIOD.

### INSTRUCTIONS

This form has been adopted by the court in SRBA Administrative Order 1, Rules of Procedure (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

A copy of this water right as recommended in the Director's Report shall be submitted with this form. A statement shall accompany each element of a water right.

Elements where there has been no objections should be listed exactly as they appear in the Director's Report. The statement as to these uncontested elements shall state "as recommended in the Director's Report."

Contested elements that are the result of an objection filed with the court shall be accompanied by a statement fully describing all facts, documents, expert opinions, and law which support each element of the water right (attach additional pages if necessary).

#### **ELEMENTS**

**1. Name and address of the claimant:**

United States of America, acting through the  
U.S. Department of Interior,  
Bureau of Land Management,  
Idaho State Office  
1387 South Vinnell Way  
Boise, Idaho 83709-1657  
(208) 373-4000

Required statement:

This description accurately describes the claimant of this water right.

**2. Source of water:**

Dead Cow Spring tributary to Cottle Creek

Required statement:

The United States stipulates that this description accurately describes the source.

**3. Quantity of water used:**

|                 |             |          |
|-----------------|-------------|----------|
| Stockwater:     | 0.01 c.f.s. | 4.10 AFY |
| Wildlife:       | 0.01 c.f.s. | 7.20 AFY |
|                 | -----       | -----    |
| Total Quantity: | 0.01 c.f.s. | 7.30 AFY |

The quantity of water under this right shall not exceed 13,000 gallons per day.

Required statement:

Quantity in c.f.s. and AFY are as recommended in the Director's Report.

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**4. Priority date:**

OCT 01 1998

07/12/1976

Required statement:

As recommended in the Director's Report.

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

T02S R04W S21 NWSW

Required statement:

The United States stipulates that this description accurately describes the point of diversion.

6. **Purpose of use:**

Stockwater  
Wildlife

Required statement:

As recommended in the Director's Report.

7. **Period of year** when the water is to be used:

Stockwater: 04-01 through 10-31  
Wildlife: 01-01 through 12-31

Required statement:

As recommended in the Director's Report.

8. Legal description of the **place of use** or of the reservation:

Stockwater:  
T02S R04W S21 NESW  
T02S R04W S21 SESW

Wildlife:  
T02S R04W S21 NESW  
T02S R04W S21 SESW

Required statement:

The United States stipulates that this description accurately describes the place of use.

9. **Other necessary matters:**

The quantity of water decreed for this water right use is not a determination of historical beneficial use.

These matters are necessary because:

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

#### **Review By IDWR**

To speed up the entry of a decree, the parties are encouraged to talk to the Idaho Department of Water Resources (IDWR) about their proposed settlement and have IDWR indicate its concurrence by signing the Standard Form 5.

Where all parties have signed, a Standard Form 5 may be filed with the court without the concurrence of IDWR. However, the parties must certify that they have served IDWR with a copy of Standard Form 5 and that they have made a good faith attempt to resolve the matter with IDWR.

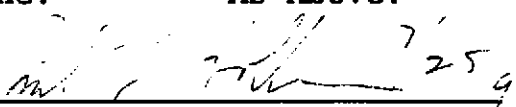
Within 14 days of filing a Standard Form 5 not containing an IDWR concurrence, IDWR shall file a statement of its position with the court.

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OCT 01 1998

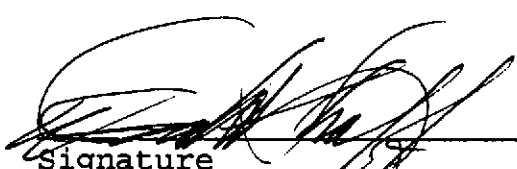
If IDWR has not concurred by signing below, signing parties certify that they have served a copy of this document on IDWR and have made a good faith attempt to obtain its concurrence, but have failed.

**Signatures and Addresses of Parties and their Attorney of Record** (attach additional page if necessary): I have read this form, know its contents, and believe that the statements are true to the best of my knowledge.

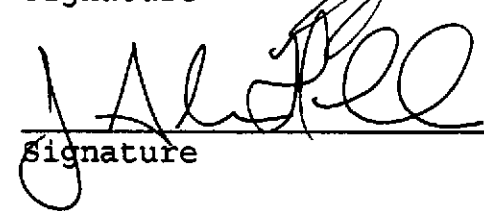
Name: United States of America, acting through the  
Department of Interior,  
Bureau of Land Management,  
Idaho State Office  
Address: 1387 South Vinnell Way  
City/State/Zip: Boise, Idaho 83709-1657  
Attorney of Record: R. Lee Leininger, (202) 305-0242  
P. Fritz Holleman, and (202) 305-0494  
William M. Ferry (208) 334-1911  
Phone: As Above.

 7-25-97  
Attorney's Signature Date Party Signature Date 7-8-97

IDWR Concurrence:

  
Signature

7-09-97  
Date

  
Signature

July 14, 97  
Date

DATE: NOV-09-1993  
PAGE: A-1

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

AJ5056NP

| RIGHT<br>NUMBER | NAME & ADDRESS | PRIORITY<br>DATE | PURPOSE OF USE | PERIOD OF USE<br>FROM TO | MAXIMUM<br>QUANTITY | BASIS OF CLAIM |
|-----------------|----------------|------------------|----------------|--------------------------|---------------------|----------------|
|-----------------|----------------|------------------|----------------|--------------------------|---------------------|----------------|

SOURCE: DEAD COW SPRING  
TRIBUTARY: COTTLE CREEK  
JUNKS

|          |                                                                                                                    |            |                 |             |            |            |
|----------|--------------------------------------------------------------------------------------------------------------------|------------|-----------------|-------------|------------|------------|
| 57-07160 | US DEPT OF INTERIOR<br>BUREAU OF LAND MANAGEMENT<br>IDAHO STATE OFFICE<br>3380 AMERICANA TERRACE<br>BOISE ID 83706 | 07/12/1976 | STOCKWATER      | 04-01 10-31 | .01<br>4.1 | CFS<br>AFY |
|          |                                                                                                                    |            | WILDLIFE        | 01-01 12-31 | .01<br>7.2 | CFS<br>AFY |
|          |                                                                                                                    |            | TOTAL QUANTITY: |             | .01        | CFS        |
|          |                                                                                                                    |            | TOTAL VOLUME:   |             | 7.3        | AFY        |

NON-IRRIGATION USES:  
STOCKWATER, 260 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT  
POINT OF DIVERSION:  
102S R04W S21

NUSW  
R21W

PLACE OF USE: STOCKWATER  
102S R04W S21  
PLACE OF USE: WILDLIFE  
SAME AS OTHER USE

WESW

SESW

REMARKS: THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING  
ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY  
USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.  
BLM RECORD ID = 5701508356

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1997 JUL 29 PM 2:09

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO

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

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

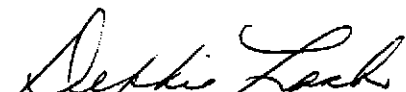
NOTICE OF ISSUANCE OF  
PRELIMINARY SPECIAL MASTER'S  
REPORT AND RECOMMENDATION

Water Right(s): 57-07168

On July 29, 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 August 12, 1997.

DATED July 29, 1997.

  
\_\_\_\_\_  
DEBBIE LASH  
Deputy Clerk

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1997 JUL 29 PM 2:09

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO

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

In Re SRBA )

Case No. 39576 )  
\_\_\_\_\_ )

CERTIFICATE OF MAILING

Water Right(s): 57-07168

CERTIFICATE OF MAILING

I certify that a true and correct copy of PRELIMINARY SPECIAL MASTER'S REPORT, PRELIMINARY SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF PRELIMINARY SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on July 29, 1997, with sufficient first-class postage prepaid to the following:

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

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

RICHARD BASS  
HC 88 BOX 1050  
MURPHY, ID 83650

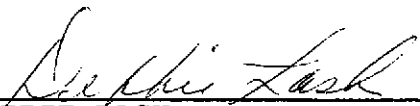
CLIVE STRONG  
OFFICE OF ATTORNEY GENERAL  
STATE OF IDAHO  
PO BOX 44449  
BOISE, ID 83711-4449

  
DEBBIE LASH

CERTIFICATE OF MAILING

PAGE 1  
07/29/97

RICHARD BASS  
HC 88 BOX 1050  
MURPHY, ID 83650

  
\_\_\_\_\_  
DEBBIE LASH  
Deputy Clerk

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OCT 01 1998

1997 AUG 22 AM 10:03

DISTRICT COURT - SRBA  
TWIN FALLS, IDAHO

FILED *RL*

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): 57-07168

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on August 22, 1997, with sufficient first-class postage prepaid to the following:

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

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

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

CERTIFICATE OF MAILING

PAGE 1  
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Department of Water Resources  
Adjudication Bureau

1997 JUL 29 PM 2:09

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO

*DL*

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

|                |   |                     |
|----------------|---|---------------------|
| In Re SRBA     | ) | Subcase 57-07168    |
|                | ) |                     |
| Case No. 39576 | ) | PRELIMINARY SPECIAL |
|                | ) | MASTER'S REPORT     |

---

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

An objection to the *Director's Report* for water right 57-07168 was filed by Richard Bass and United States (BLM). Subsequently, the objection by the private party was withdrawn by stipulation of the parties. The United States' objection involved error correction and was resolved; now therefore,

IT IS THEREFORE RECOMMENDED that subcase 57-07168 be decreed as recommended in the attached *Preliminary Special Master's Report and Recommendation*.

DATED July 29, 1997.

*Fritz X. Haemmerle*

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

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

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

PRELIMINARY

SPECIAL MASTER'S RECOMMENDATION FOR

PARTIAL DECREE FOR

Water Right 57-07168

1997 JUL 29 PM 2:09

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO

FILED *AK*

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

SOURCE: DEAD COW SPRING TRIBUTARY: COTTLE CREEK

QUANTITY: 0.01 CFS  
7.3 AFY

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

PRIORITY DATE: 07/12/1976

POINT OF DIVERSION: T02S R04W S21 NWSW Within Owyhee County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY            |
|-------------------------------|----------------|---------------|---------------------|
|                               | STOCKWATER     | 04-01 10-31   | 0.01 CFS<br>4.1 AFY |
|                               | WILDLIFE       | 01-01 12-31   | 0.01 CFS<br>7.2 AFY |

PLACE OF USE: STOCKWATER Within Owyhee County  
T02S R04W S21 NESW SESW

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: 7/29/97

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

## WORKING COPY

- 57-07056 Question to legal on increasing number of head to 4,964 head. Could be based on if the license was issued for more head than claimed. 1000 head claimed and question licensed. Legal question on increasing recommended right or not. [Check license for number of head of stock].
- 57-07064  
57-11258 Ok to change from the SWNE, Sec. 17 to SENW Sec. 17 2S 5W per Piute Butte Prov. Ed. 1989 topo map.
- 57-07071 Change pd to SWSW, Sec. 8, & pu to the SESW and SWSW, Sec. 8 (note pu is on the line between the SESW & SWSW). Source = Unnamed Stream/McBride Creek per NAPP Y 53 NW and topo map Piute Butte Prov. Ed. 1989.
- 57-07074  
57-11265 Change to SWSW, Sec. 29 2S 5W per USGS map designation for Texas Basin Spring - named on Captain Butte Prov. Ed. 1990 topo.
- 57-07119 Project 5349. Requests change by addition of a pu in the NWSE, Sec. 15. Per project file completion was done prior to Nov. 19, 1987. Letter to IDWR 9/87 about adding P/U. Job Documentation Report is project file states added P/U was before 7/87. NOTE: 57-11276 covers same spring (Jerry's) and same original pu with no objection filed to change it also. It is a reserved right. Question on adding pu to this reserved right.
- 57-07122  
57-11278 (Nothing in the NENW, Sec. 17; objection listed 1/4 1/4 to change to wrong. 57-11278 should have been the NESW. Ok to change P/D and P/U to the NESW, Sec. 17 from the SWSW per Murphy Prov. Ed. 1990 topo map designation of spring.
- 57-07163 Want to change from 200 head range cattle to 4,964. Depends on what was licensed on original license and legal decision. [Check license to see number of head.]
- 57-07166  
57-11284 Ok to change P/D, P/U from the SENW to the SWNW, Sec. 26 per Sec. 26 per Soldier Cap Prov. Ed. 1989 topo map designation of spring in SWNW and verification on the NAPP photo Y54 SE that nothing appears in the SENW, Sec. 26.
- 57-11268 Reserved right for same location - objection filed to only change the location of spring to NWSW, Sec. 21 and pu same as spring. Ok for MICROFILME same topo and NAPP above in 57-07166 and 57-11284.
- 57-07168 Project 5453. P/D change from NESW to NWSW ok per NAPP Z4 NW where spring is west of road and Rooster Comb Peak topo map. PU change and addition ok also per project file diagram attached and measurement of spring to first trough in the NESW and second trough

001 01 1998

Movant's Name:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

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

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

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

|                |   |                              |
|----------------|---|------------------------------|
| In Re SRBA     | ) | Subcase No. 57-07168         |
|                | ) |                              |
| Case No. 39576 | ) | <b>STIPULATION AND ORDER</b> |
|                | ) | <b>TO RESOLVE OBJECTION</b>  |
|                | ) |                              |

-----

**DESCRIPTIVE SUMMARY**

This is a stipulation and order to resolve the United States' objection to water right number 57-07168.

**STIPULATION**

To resolve the dispute over the above-captioned water right, the Idaho Department of Water Resources (IDWR) and the objector, the United States of America, stipulate and agree that:

1. The above-referenced water right is accurately described in Exhibit 1, a revised page of the Director's Report containing the recommended water right showing specific changes made to the Director's original recommendation in an underline/overstrike format.

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2. All decrees, whether partial or final, should describe the water right as modified and described in Exhibit 1.

3. Upon entry of partial and final decrees for Water Right No. 57-07168, describing the right as shown in Exhibit 1 hereto, including the modifications indicated thereon, the objection of the United States shall be deemed withdrawn.

4. This does not affect or resolve other objections to this subcase.

5. The execution of this stipulation does not affect or limit the United States' existing right to challenge other portions of the Director's Report pursuant to a timely filed objection.

6. Both parties agree to bear their own costs and attorneys' fees in connection with this matter.

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OCT 01 1998

Respectfully submitted,

**UNITED STATES OF AMERICA**  
on behalf of the BLM

Dated:

By:

\_\_\_\_\_  
Daria J. Zane  
Lee Leininger  
Attorneys  
General Litigation Section  
Environment & Natural Resources Division  
U.S. Department of Justice  
(202) 272-8351

Dated:

By:

\_\_\_\_\_  
J. David Brunner  
District Manager  
Boise District  
Bureau of Land Management

**IDAHO DEPARTMENT OF WATER RESOURCES**

Dated:

By:

\_\_\_\_\_  
Daniel L. Steckel  
Deputy Attorney General  
Department of Water Resources  
(208) 327-7900

MICROFILMED  
OCT 01 1998

ORDER

This matter having come before the Court upon stipulation of counsel, and good cause having been shown,

IT IS HEREBY ORDERED that the Court shall enter a partial decree for water right \_\_\_\_-\_\_\_\_ as described in the attached Exhibit 1. The United States' objection shall be deemed withdrawn upon entry of the partial decree. Because no other objections have been raised to this water right, the hearing for entry of this partial decree is scheduled for \_\_\_\_\_, 199\_\_, at the Snake River Basin Adjudication Courthouse, 253 Third Avenue North, Twin Falls, Idaho.

DATED and signed this \_\_\_\_ day of \_\_\_\_\_, 1994.

---

DANIEL C. HURLBUTT JR.  
District Judge

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OCT 01 1998

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: NOV-09-1993  
PAGE: A-1

| RIGHT<br>NUMBER                                                  | NAME & ADDRESS                                                                                                     | PRIORITY<br>DATE                               | PURPOSE OF USE | PERIOD OF USE<br>FROM TO | MAXIMUM<br>QUANTITY | BASIS OF CLAIM |
|------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|------------------------------------------------|----------------|--------------------------|---------------------|----------------|
| SOURCE: DEAD COW SPRING                                          |                                                                                                                    | TRIBUTARY: <u>COTTLE CREEK</u><br><u>87NKS</u> |                |                          |                     |                |
| 57-07168                                                         | US DEPT OF INTERIOR<br>BUREAU OF LAND MANAGEMENT<br>IDAHO STATE OFFICE<br>3380 AMERICANA TERRACE<br>BOISE ID 83706 | 07/12/1976                                     | STOCKWATER     | 04-01 10-31              | .01                 | CFS DECREED    |
|                                                                  |                                                                                                                    |                                                | WILDLIFE       | 01-01 12-31              | 4.1                 | AFY            |
|                                                                  |                                                                                                                    |                                                |                |                          | .01                 | CFS            |
|                                                                  |                                                                                                                    |                                                |                |                          | 7.2                 | AFY            |
|                                                                  |                                                                                                                    |                                                |                | TOTAL QUANTITY:          | .01                 | CFS            |
|                                                                  |                                                                                                                    |                                                |                | TOTAL VOLUME:            | 7.3                 | AFY            |
| NON-IRRIGATION USES:                                             |                                                                                                                    |                                                |                |                          |                     |                |
| STOCKWATER, 260 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT          |                                                                                                                    |                                                |                |                          |                     |                |
| POINT OF DIVERSION:                                              |                                                                                                                    |                                                |                |                          |                     |                |
|                                                                  | T02S R04W S21                                                                                                      | <u>NWSW</u><br><u>NESW</u>                     |                |                          |                     |                |
| PLACE OF USE: STOCKWATER                                         |                                                                                                                    |                                                |                |                          |                     |                |
|                                                                  | T02S R04W S21                                                                                                      | NESW                                           | <u>SESW</u>    |                          |                     |                |
| PLACE OF USE: WILDLIFE                                           |                                                                                                                    |                                                |                |                          |                     |                |
| SAME AS OTHER USE                                                |                                                                                                                    |                                                |                |                          |                     |                |
| REMARKS: THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING  |                                                                                                                    |                                                |                |                          |                     |                |
| ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY |                                                                                                                    |                                                |                |                          |                     |                |
| USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.                |                                                                                                                    |                                                |                |                          |                     |                |
| BLM RECORD ID = 5701588356                                       |                                                                                                                    |                                                |                |                          |                     |                |

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OCT 01 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 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. 57-07168  
(You must insert the  
water right number you  
are objecting to)

OBJECTION

RECEIVED

FEB 26 1993

Department of Water Resources  
Adjudication Bureau

INSTRUCTIONS

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

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

(Over)

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OBJECTION - 1

OCT 01 1998

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

# I. GENERAL INFORMATION

Please fill in the following information:

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

Briefly describe your interest in this water right:

The United States, through the Bureau of  
Land Management, has a valid water right  
which requires specific corrections or  
additions to the previous filing.

2. Owner of the water right: United States of America  
U.S. Department of Interior  
Name: Bureau of Land Management  
Address: 3380 Americana Terrace  
Boise, Idaho 83706

3. If this objection is filed by an attorney:  
K. Jack Haugrud  
Attorney Name: Daria J. Zane  
U. S. Department of Justice  
Attorney Address: 500 West Fort Street  
P.O. Box 33  
Boise, Idaho 83734  
Attorney Phone No.: 202-272-4134/8351

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

## II. STATEMENT OF THE OBJECTION

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

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

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(Over)

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

REASONS SUPPORTING EACH BOX CHECKED

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

The United States of America, acting through the Bureau of Land Management, has a valid water right. This claim as it appears in the Directors Report contains errors or is incomplete and requires amendment.

CHANGES TO THE DIRECTOR'S REPORT

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

The Directors report should be changed to recommend allowance of this claim incorporating the corrections or additions specified in the attachment.

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

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

1. List of changes required to correct this claim.

2. Copy of USDI claim from the Directors report.

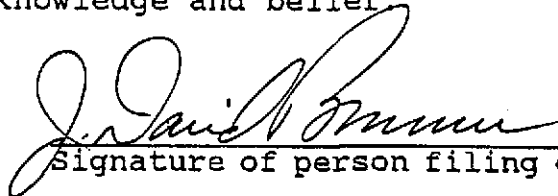
VERIFICATION (Must be Completed)

State of Idaho

County of Ada

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

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

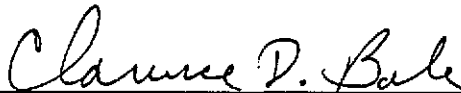


Signature of person filing objection

By: \_\_\_\_\_

(Attorney signing in  
representative capacity)

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



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

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OCT 01 1998

(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 February, 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:

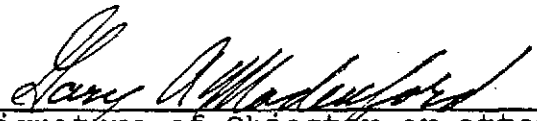
Owner name: US DEPT OF INTERIOR  
BUREAU OF LAND MANAGEMENT  
IDAHO STATE OFFICE  
Owner's address: 3380 AMERICANA TERRACE  
BOISE IDAHO 83706

3. One copy to:

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

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

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: OCT-13-1992  
PAGE: A-242

| RIGHT<br>NUMBER                                                  | NAME & ADDRESS                                                                                                     | PRIORITY<br>DATE | PURPOSE OF USE | PERIOD OF USE<br>FROM TO | MAXIMUM<br>QUANTITY | BASIS OF CLAIM |
|------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|------------------|----------------|--------------------------|---------------------|----------------|
| SOURCE: DEAD COW SPRING                                          |                                                                                                                    | TRIBUTARY: SINKS |                |                          |                     |                |
| 57-07168                                                         | US DEPT OF INTERIOR<br>BUREAU OF LAND MANAGEMENT<br>IDAHO STATE OFFICE<br>3380 AMERICANA TERRACE<br>BOISE ID 83706 | 07/12/1976       | STOCKWATER     | 04-01 10-31              | .01                 | CFS            |
|                                                                  |                                                                                                                    |                  | WILDLIFE       | 01-01 12-31              | 4.1                 | AFY            |
|                                                                  |                                                                                                                    |                  |                |                          | .01                 | CFS            |
|                                                                  |                                                                                                                    |                  |                |                          | 7.2                 | AFY            |
|                                                                  |                                                                                                                    | TOTAL QUANTITY:  |                |                          | .01                 | CFS            |
|                                                                  |                                                                                                                    |                  |                |                          | 7.3                 | AFY            |
| NON-IRRIGATION-USES:                                             |                                                                                                                    |                  |                |                          |                     |                |
| STOCKWATER, 260 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT          |                                                                                                                    |                  |                |                          |                     |                |
| POINT OF DIVERSION:                                              |                                                                                                                    |                  |                |                          |                     |                |
| T02S R04W S21 NESW                                               |                                                                                                                    |                  |                |                          |                     |                |
| PLACE OF USE: STOCKWATER                                         |                                                                                                                    |                  |                |                          |                     |                |
| T02S R04W S21 NESW                                               |                                                                                                                    |                  |                |                          |                     |                |
| PLACE OF USE: WILDLIFE                                           |                                                                                                                    |                  |                |                          |                     |                |
| SAME AS OTHER USE                                                |                                                                                                                    |                  |                |                          |                     |                |
| REMARKS: THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING  |                                                                                                                    |                  |                |                          |                     |                |
| ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY |                                                                                                                    |                  |                |                          |                     |                |
| USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.                |                                                                                                                    |                  |                |                          |                     |                |
| BLM RECORD ID = 5701588356                                       |                                                                                                                    |                  |                |                          |                     |                |

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ATTACHMENT 1

CLAIM NUMBER: 57-07168

POINT OF DIVERSION:

CHANGE: T02S R04W S21 NESW

TO: T02S R04W S21 NWSW

PLACE OF USE:

ADD: T02S R04W S21 SESW

57-A

State of Idaho  
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 57-7168 Priority July 12, 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. 57-7168 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 Dead Cow 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> | from <u>April 1</u> to <u>October 30</u>    | at <u>0.01</u> cfs and | <u>4.1</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  
7.3 acre feet per year, said waters to be diverted within the NE 1/4 SW 1/4, Sec. 21, Twp. 2S,  
Rge. 4W, B. M. in the County of Owyhee

Description and location of place of use:

| Twp. | Range | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|-------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |       |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 2S   | 4W    | 21   |        |        |        |        |        |        |        |        |        |        |        | 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 \_\_\_\_\_ day of  
February, 19 79.

Director

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OCT 01 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 | 07/12/1976       | STOCKWATER<br>WILDLIFE | 04-01 10-31<br>01-01 12-31 | 0.01 CFS<br>0.01 CFS | 4.1 AFA<br>7.2 AFA  |
| TOTAL DIVERSION: |                                                                                                                                      |                  |                        |                            | 0.01 CFS             | 7.3 AFA             |

Water Source: DEAD COW SPRING

Tributary to: SINKS

Stage: DECREED

Point(s) of Diversion:

T02S R04W S21

NESW

OWYHEE County

Place of use Legal Description for: STOCKWATER

| NE  |     |     |   | NW   |      |      |      | SW   |      |      |      | SE   |      |      |      |      |      |      |      |
|-----|-----|-----|---|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| T   | R   | S   |   | NENE | NWNE | SWNE | SENE | NENW | NWNW | SWNW | SENW | NESW | NWSW | SWSW | SESW | NESE | NWSE | SWSE | SESE |
| --- | --- | --- |   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   |
| 02S | 04W | 21  | : | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    | :    |

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 = 5701588356

Dates: Exam Made Date: Verified Date: 09/18/1992

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

Comments: Date: 09/10/1992 User-ID: MCCARTHY Subject: BLM PROJECT #5453  
ACCORDING TO REYNOLDS CREEK DECREE

Date: 09/10/1992 User-ID: MCCARTHY Subject: OVERLAPPING CLAIM  
A57-11286 APPEARS TO OVERLAP THIS RIGHT

Audit: 09/18/92 MCCARTHY

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OCT 07 1992

CLAIM NO. A57-07168

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. A57-10935  
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 \_\_\_\_\_.
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 _____ | afa _____ |
| Use _____ | From _____ | To _____ | Amount _____ | cfs _____ | afa _____ |
7. ☒ No Change - TOTAL RATE AND VOLUME  
☐ Total rate and volume, per IDWR records: \_\_\_\_\_ cfs \_\_\_\_\_ afa
8. N/A
9. ☒ No Change - NON-IRRIGATION USES: Completed on claim  
☐ Incomplete on claim - Per IDWR records:
- Domestic - No. of homes \_\_\_\_\_ Stockwater - No. of head \_\_\_\_\_
- Other: \_\_\_\_\_

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OCT 07 1992

10. ☒ No Change - PLACE OF USE:

☐ Place of Use has changed:

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

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

Remarks: (Comments pertinent to review)

*BLM Project #5453*

*Overlapping claim: A57-11886*

*Recommended for Reynolds Cr. decree*

Review Completed by:

*A. McElroy*

signature

Date:

*9-10-92*

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

Water Right Number - A57-07168

Prefix Translation: ADJUDICATION CLAIM

Old (D) 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 State- ID Zip- 83706  
Phone -+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +  
07/12/1976 14 WESTERN Z - SEE REMARKS+ - - - - Source - - - - - + + - - - - Tributary - - - - - +  
DEAD COW SPRING SINKS  
COMBINED RIGHT SEE REMARKS+ - - - - Point of Diversion - - - - - +  
TwN Rng Sec Tract Lot RFlg County  
02S 04W 21 NE SW (73) OWYHEE+ - - - - Water Use - - - - - +  
Code Description Period From Period To Diversion Rate Diversion Volume  
04 - STOCKWATER 04/01 10/30 0.010 4.10  
16 - WILDLIFE 01/01 12/31 0.010 7.20+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +  
0.010 7.30 0.0+ - - - - Place of Use - - - - - +  
TwN Rng Sec Tract Lot Acres Code Description County  
02S 04W 21 NE SW 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 6 1992

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

Water right number - A57-07168

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

## WATER RIGHT NUMBER 57-7169

OWNER LAST NAME - U.S. DEPT. OF INTERIOR  
ADDRESS LINE 1 - BUREAU OF LAND MGT.

ADDRESS LINE 2 - 3330 AMERICAN TERR.

SOURCE - DEAD COW SPRING

STATUS -

TOTAL DIV. VOLUME - 7.30 AFA TRFR/AMEND -

DIVERSION POINT - NESH 21 025 04W LOT REDIV -

FROM - 04-01/10 - 10-31 USE - STOCKWATER

FROM - 01-01/10 - 12-31 USE - WILDLIFE

USE - STOCKWATER

DECREE NAME -

REMARKS - PROJ. #5453.

NON IRRIG USE - S/250 RANGE. W/VARIABLE AMT.

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PROOF MADE - FLD EXAM -

DIVERSION MEANS -

FIRST NAME -

ADDRESS LINE 2 - IDAHO STATE OFFICE

CITY - BOISE

TRIBUTARY OF - SINKS

PRIORITY - 07-12-1976 COUNTY - OMYHEE

WATER DIST. - 57R DLE/CAREY ACT -

USE DIV. RATE - .0100 CFS

USE DIV. RATE - .0100 CFS

PLACE OF USE - TNN 025 RNS 04W SEC 21 TRACT NESH LOT AC

DATE -

ORIG OWNER -

STATE - ID ZIP CODE - 83706

TOTAL DIV. RATE -

RIGHT BASIS - E

USE DIV. VOLUME -

USE DIV. VOLUME -

TOTAL ACRES

4.10 AFA

7.20 AFA

0

HEARING -

PROTESTED -

FED EXAM -

COND. OF APPROVAL -

Verified *[Signature]*  
3/19/85

MICROFILMED

OCT 0 1 1998

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

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.

TOPO: 2-3 ROOSTER COMB R  
No ADJ MAP.  
57-7168 No AER.  
I.D. No. Map No.  
\$ 10.- 15709  
Fee Paid Receipt No.

Notice is hereby given that Department of the Interior, Bureau of Land Management

230 Collins Road, Boise, ID, 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) July 12, 1976

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Dead Cow Spring  
tributary to Sinks

(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 .01 CFS Use Livestock Period of Use From 1-1-81 To 12-31-81  
4.1 AFA (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  
7.2 AFA (CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)  
(Both dates inclusive)

Quantity \_\_\_\_\_ Use \_\_\_\_\_ Period of Use From \_\_\_\_\_ To \_\_\_\_\_  
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)  
(Both dates inclusive)

Quantity \_\_\_\_\_ Use \_\_\_\_\_ Period of Use From \_\_\_\_\_ To \_\_\_\_\_  
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)  
(Both dates inclusive)

(4) .01 CFS 7.3 AFA TOTAL QUANTITY CLAIMED.  
(CFS, GPD, AF)

(5) A) Point of Diversion: Give location of point where water is diverted from its source NE % SW %  
Sec. 21 Twp. 2S Rge. 4W 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 spring head thru 175 ft. of 1 1/2" pipe to trough #1 & then thru 262 ft. of 1 1/2" pipe to trough #2. Overflow flows thru 20 ft. of 1 1/2" 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. | NE1/4 |       |       |       | NW1/4 |       |       |       | SW1/4 |       |       |       | SE1/4 |       |       |       | TOTAL |
|----|----|------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
|    |    |      | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 |       |
| 2S | 4W | 21   |       |       |       |       |       |       |       |       | 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 (mule deer, antelope, sage grouse, chukar, quail and 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 Project # 5453

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

☒ Right based on application, permit, license, or previous statutory claim filed with the Idaho Department of Water Resources. Give No. 57-7168

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 correct to the best of (his, her, their) knowledge.

October 9, 1979

(Date)

(Signature of Claimant)

(Signature of Spouse)

State of Idaho

Organization

Organization

Bureau of Land Management

County of Ada

ss.

Seal

(Signature of Authorized Agent)

On this 9th day of October, in the year 1979, before me

a notary public, personally appeared D. Dean Bibbes 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 U.S. Government Agency) executed the same.

10/24/79 10-26-79

Lawrence A. Hanlon

MICROFILMED

OCT 01 1998

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  
\_\_\_\_\_ DRAINAGE BASIN.

**NOTICE OF CLAIM  
TO A  
WATER RIGHT**

|          |             |
|----------|-------------|
| 57-7168  |             |
| 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, ID,

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) July 12, 1976

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Dead Cow Spring  
tributary to Sinks

(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 .01 CFS Use Livestock Period of Use From 1-1 To 12-31  
4.1 AFA (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  
7.2 AFA (CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)  
(Both dates inclusive)

Quantity \_\_\_\_\_ Use \_\_\_\_\_ Period of Use From \_\_\_\_\_ To \_\_\_\_\_  
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)  
(Both dates inclusive)

Quantity \_\_\_\_\_ Use \_\_\_\_\_ Period of Use From \_\_\_\_\_ To \_\_\_\_\_  
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)  
(Both dates inclusive)

(4) .01 CFS 7.3 AFA TOTAL QUANTITY CLAIMED.  
(CFS, GPD, AF)

(5) A) Point of Diversion: Give location of point where water is diverted from its source NE % SW %  
Sec. 21, Twp. 2S, Rge. 4W, 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 spring head thru 125 ft. of 1 1/2" pipe to trough #1 & then thru 262 ft. of 1 1/2" pipe to trough #2. Overflow flows thru 20 ft. of 1 1/2" 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 |       |
| 2S | 4W | 21   |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|    |    |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|    |    |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|    |    |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|    |    |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|    |    |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|    |    |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|    |    |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|    |    |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|    |    |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |

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 (mule deer, antelope, sage grouse, chukar, quail and 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 Project # 5453

(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. 57-7168

Department of Water Resources  
Western Regional Office

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.

October 9, 1979

(Date)

State of Idaho

Organization

County of Ada

ss.

Seal

Organization

Bureau of Land Management

(Signature of Authorized Agent)

On this 9th day of October, in the year 1979 before me

a notary public, personally appeared D. Dean Bibler  
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 U.S. Government Agency) executed the same.

My commission expires 2/17/80

Notary Public residing at

Boise, Idaho

**RECEIVED**

OCT 24 1979

MICROFILMED

OCT 01 1998

FEB-25-1997  
0025

1

RIGHT NUMBER: 57-07168

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: DEAD COW SPRING TRIBUTARY: SINKS

QUANTITY: 0.01 CFS  
7.3 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: T02S R04W S21 NESW Within Owyhee County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE    | QUANTITY |
|-------------------------------|----------------|------------------|----------|
|                               | STOCKWATER     | 04-01 10-31      | 0.01 CFS |
|                               |                | <del>10-31</del> | 4.1 AFY  |
|                               | WILDLIFE       | 01-01 12-31      | 0.01 CFS |
|                               |                |                  | 7.2 AFY  |

PLACE OF USE: STOCKWATER Within Owyhee County  
T02S R04W S21 NESW

PLACE OF USE FOR WILDLIFE IS SAME AS STOCKWATER

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

BLM RECORD ID = 5701588356

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

MICROFILMED

OCT 01 1998

RECEIVED

AUG 27 1997

Department of Water Resources  
Adjudication Bureau

1997 AUG 22 AM 10:07

DISTRICT 1 - SRBA  
TWIN FALLS CO, IDAHO

FILED *KL*

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 57-07168

Case No. 39576

)  
)  
) SPECIAL MASTER'S REPORT  
)

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

Objections to the *Director's Report* were filed for water right 57-07168 by Richard Bass and the United States (BLM). Subsequently, the objection by the private party was withdrawn by stipulation of the parties. The United States' objection involved error correction and was resolved.

A *Preliminary Special Master's Report and Recommendation* was issued July 29, 1997. No motion to alter or amend was filed and the time for such motion has now expired.

IT IS THEREFORE RECOMMENDED that subcase 57-07168 be decreed as recommended in the attached *Special Master's Recommendation for Partial Decree*.

DATED August 22, 1997.

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

MICROFILMED

OCT 01 1998

Subcase Numbers:

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

*unobjcted to*

MICROFILMED

OCT 01 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

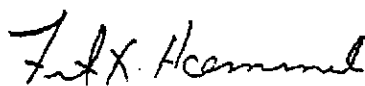
|                |   |                                     |
|----------------|---|-------------------------------------|
| In Re SRBA     | ) | Subcase Nos: See attached Exhibit A |
|                | ) |                                     |
| Case No. 39576 | ) | ORDER GRANTING MOTION TO         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

MICROFILMED

OCT 01 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 )  
\_\_\_\_\_ )

1997 JUL 22 11:10:07  
SPECIAL MASTER'S RECOMMENDATION FOR  
PARTIAL DECREE FOR DISTRICT 1 SRBA  
TWIN FALLS, IDAHO  
Water Right 57-07168

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

SOURCE: DEAD COW SPRING TRIBUTARY: COTTLE CREEK

QUANTITY: 0.01 CFS  
7.3 AFY

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

PRIORITY DATE: 07/12/1976

POINT OF DIVERSION: T02S R04W S21 NWSW Within Owyhee County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY            |
|----------------------------|----------------|---------------|---------------------|
|                            | STOCKWATER     | 04-01 10-31   | 0.01 CFS<br>4.1 AFY |
|                            | WILDLIFE       | 01-01 12-31   | 0.01 CFS<br>7.2 AFY |

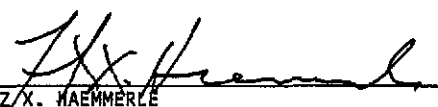
PLACE OF USE: STOCKWATER Within Owyhee County  
T02S R04W S21 NESW SESW

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: 8/22/97

  
FRITZ X. HAEMMERLE  
Special Master  
Snake River Basin Adjudication

MICROFILMED  
OCT 01 1998

1997 AUG 22 AM 10:03

DISTRICT COURT - SRBA  
TWIN FALLS, IDAHO

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

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

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S REPORT  
AND RECOMMENDATION

Water Right(s): 57-07168

On August 22, 1997, Special Master FRITZ X HAEMMERLE issued a SPECIAL MASTER'S REPORT AND RECOMMENDATION for the above subcase pursuant to SRBA Administrative Order 1 (AO1), Section 9.

Pursuant to SRBA Administrative Order 1, Section 14b, any party to the adjudication may file a Notice of Challenge to a SPECIAL MASTER'S REPORT AND RECOMMENDATION within 21 days following the date of publication of the filing of the Special Master's report in the Docket Sheet except parties to the subcase who failed to file a Motion to Alter or Amend before the Special Master (AO1, Section 9f). The Notice of Challenge shall appear on the Docket Sheet and shall be served on parties to the subcase(s) covered by the challenged report and the SRBA Court Reporter.

DATED August 22, 1997.

  
DEBBIE LASH  
Deputy Clerk

MICROFILMED

OCT 01 1998

1997 NOV 28 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): 57-07168

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 57-07168 was mailed  
on November 28, 1997, with sufficient first-class postage prepaid  
to the following:

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

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

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

RICHARD BASS  
HC 88 BOX 1050  
MURPHY, ID 83650

MICROFILMED

OCT 01 1998

CERTIFICATE OF MAILING

DIANA DELANEY  
Chief Deputy Clerk

PAGE 1  
11/28/97