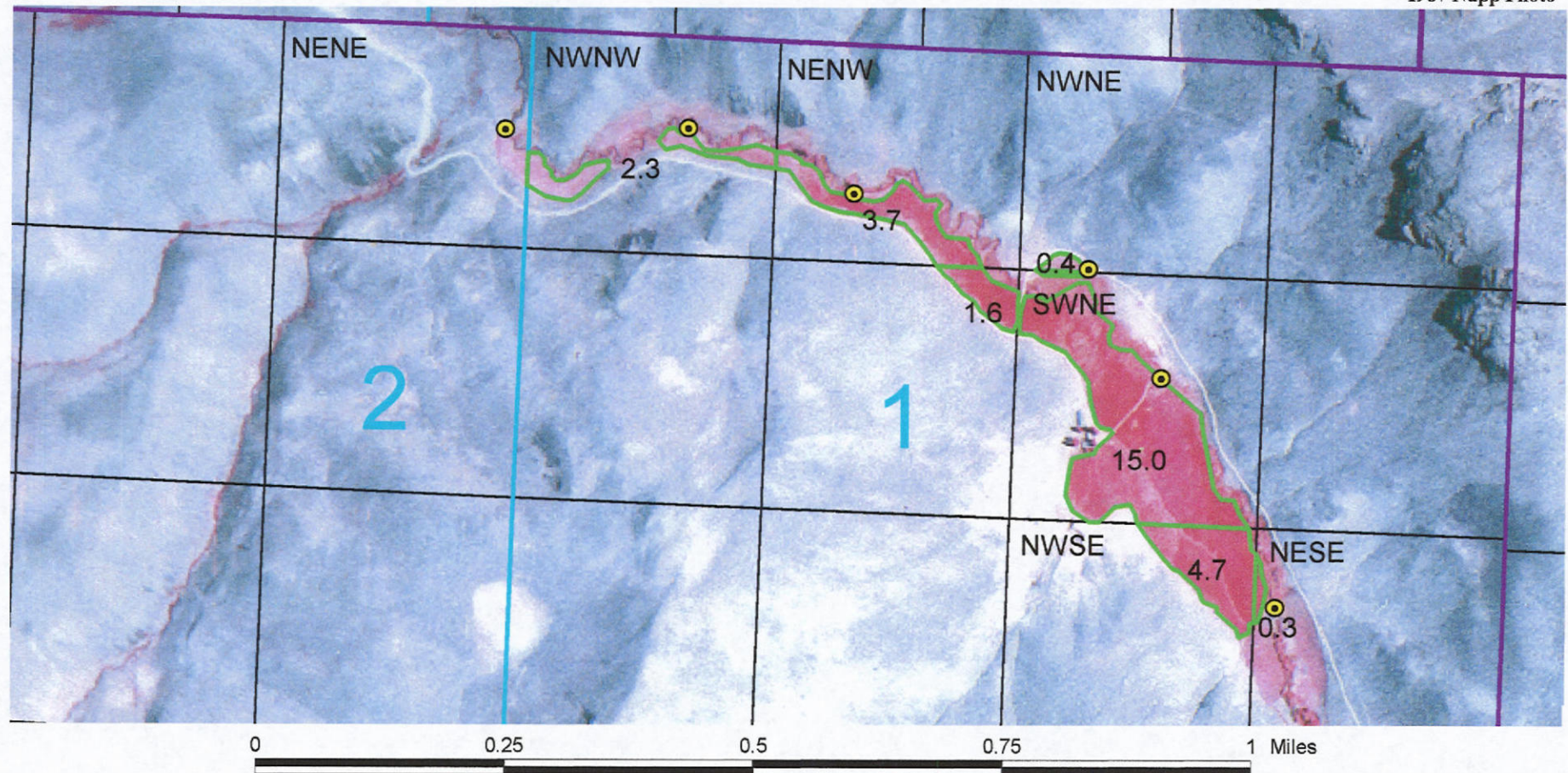
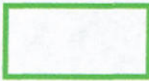
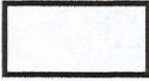


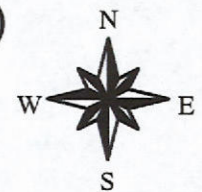
# Idaho Department of Water Resources

1987 Napp Photo



Claim Number: 57-07202A  
Legal: T01S, R05W, S01  
Reviewed By:

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



WARRANTY DEED

FOR VALUE RECEIVED, A. WILFORD BRIMLEY and LYNNE BRIMLEY, husband and wife, the Grantors, do hereby grant, bargain, sell and convey unto JAMES ROESER and CARLENE ROESER, husband and wife, of Star Route, Marsing, ID 83639, the Grantees, the following described premises, to-wit:

See Exhibit "A" attached hereto and made hereof by reference.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees that they are the owners in fee simple of said premises; that said premises are free from all encumbrances except current taxes and assessments, easement, restrictions and reservations of record, and that Grantors will warrant and defend the same from all lawful claims whatsoever.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 1996.

A. Wilford Brimley

Lynne Brimley

STATE OF

County of

On this \_\_\_\_\_ day of \_\_\_\_\_, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared A. WILFORD BRIMLEY and LYNNE BRIMLEY, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

FILED - RECORDED

SEP 26 07 10 46

Sharon D. Wilson

Notary Public

Notary Public for: \_\_\_\_\_  
Residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

57-00283  
57-07202A

WARRANTY DEED

Brigley Ranch

Brigley Ranch

Lots 3 and 4; and the SW 1/4 of the NE 1/4; the SE 1/4 of the NW 1/4;  
and the NW 1/4 of the SE 1/4 of Section 1, T18, R5W, B.M.,  
Owyhee County, Idaho.

Roeser Ranch

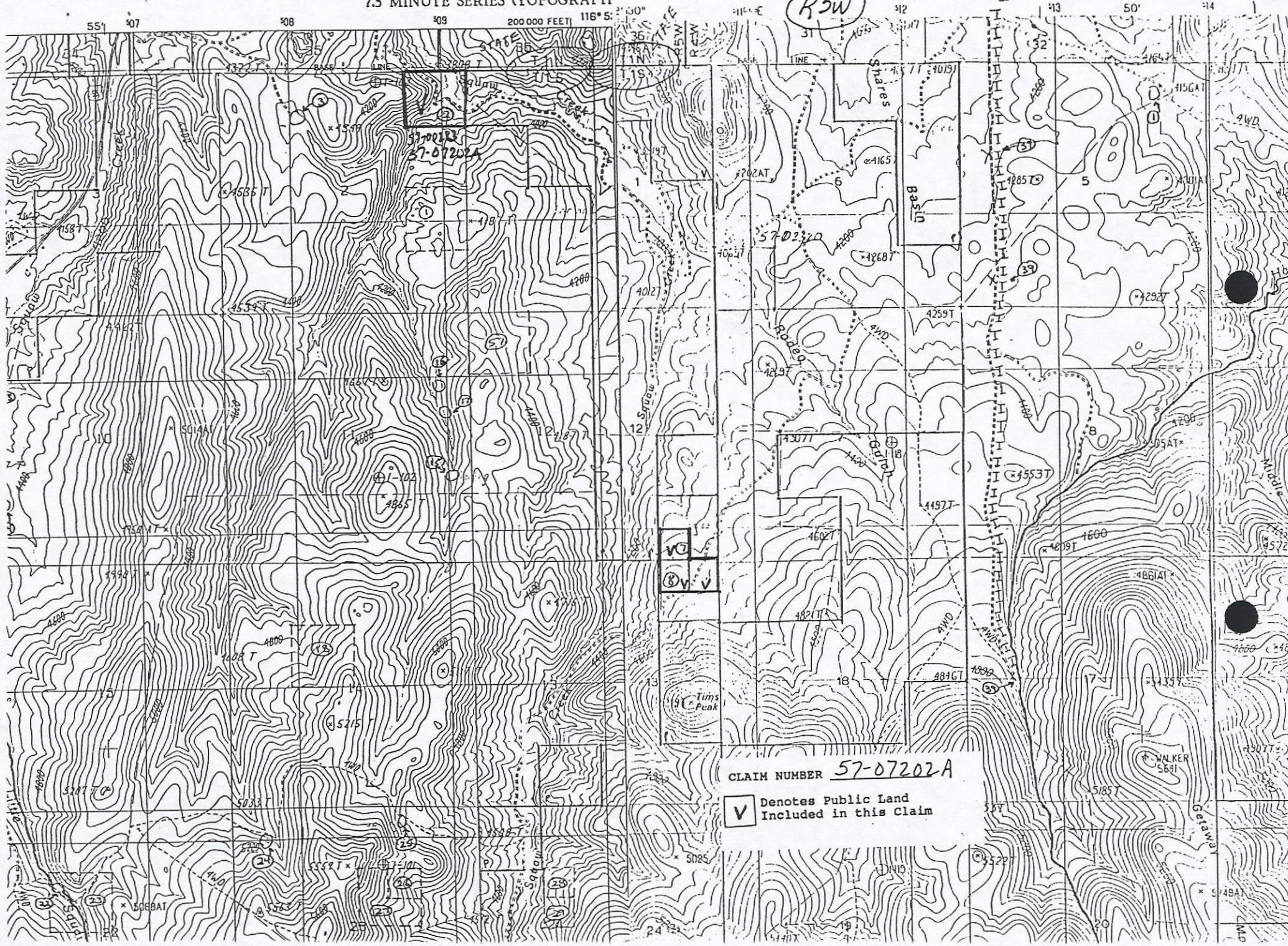
SW 1/4 of the SE 1/4; and the E 1/2 of the SE 1/4 of Section 1, and  
the NE 1/4 of Section 12, all in T18, R5W, B.M., Owyhee County,  
Idaho.

57-00283

57-07202A

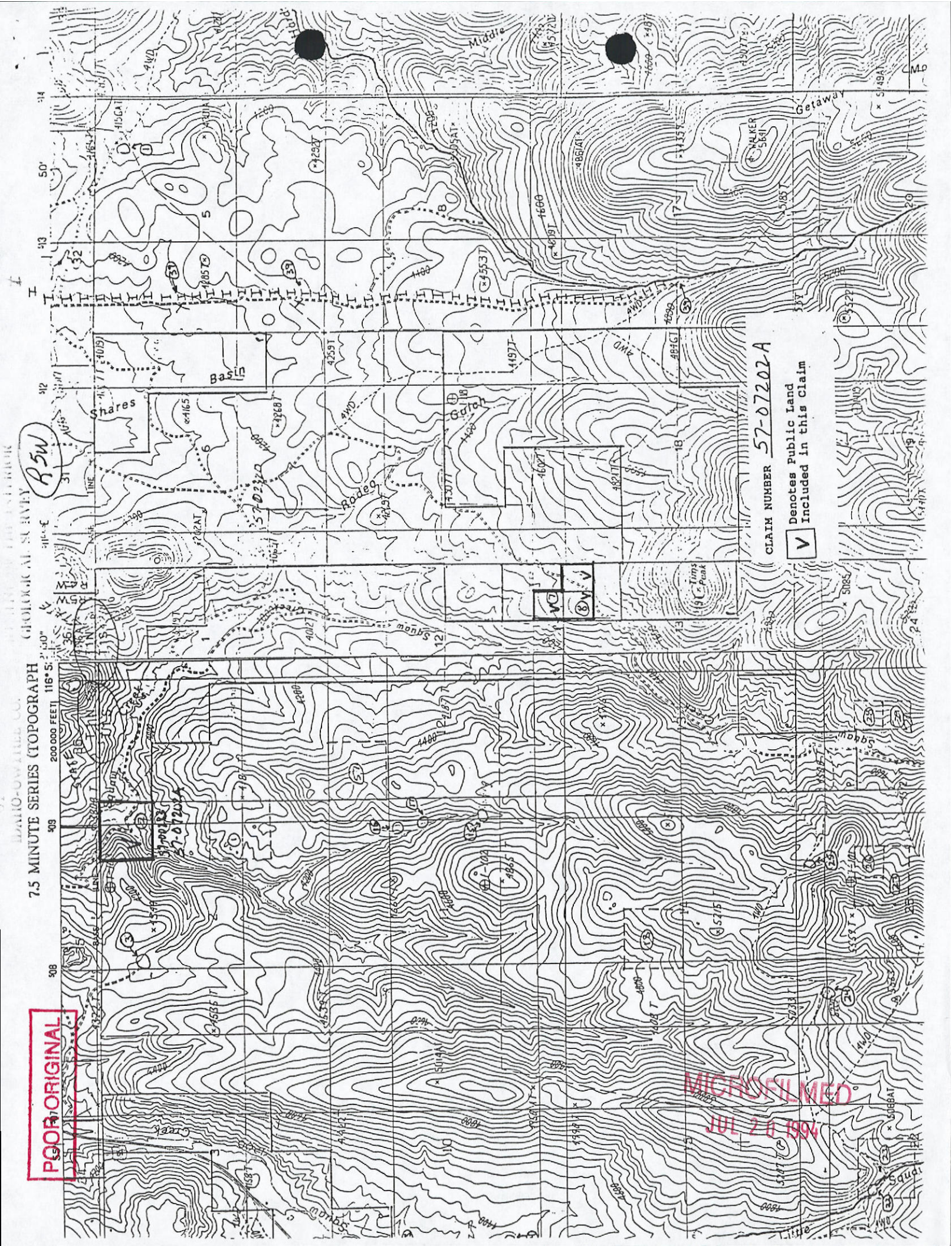
IDAHO-OWYHEE CO. 7.5 MINUTE SERIES (TOPOGRAPH) GEOLOGICAL SURVEY

R5W



CLAIM NUMBER 57-07202A

☒ Denotes Public Land Included in this Claim



POOR ORIGINAL

7.5 MINUTE SERIES (TOPOGRAPH)

GEOLOGICAL SURVEY

116° 50' W

40° 00' N

200,000 FEET

116° 50' W

40° 00' N

200,000 FEET

116° 50' W

40° 00' N

200,000 FEET

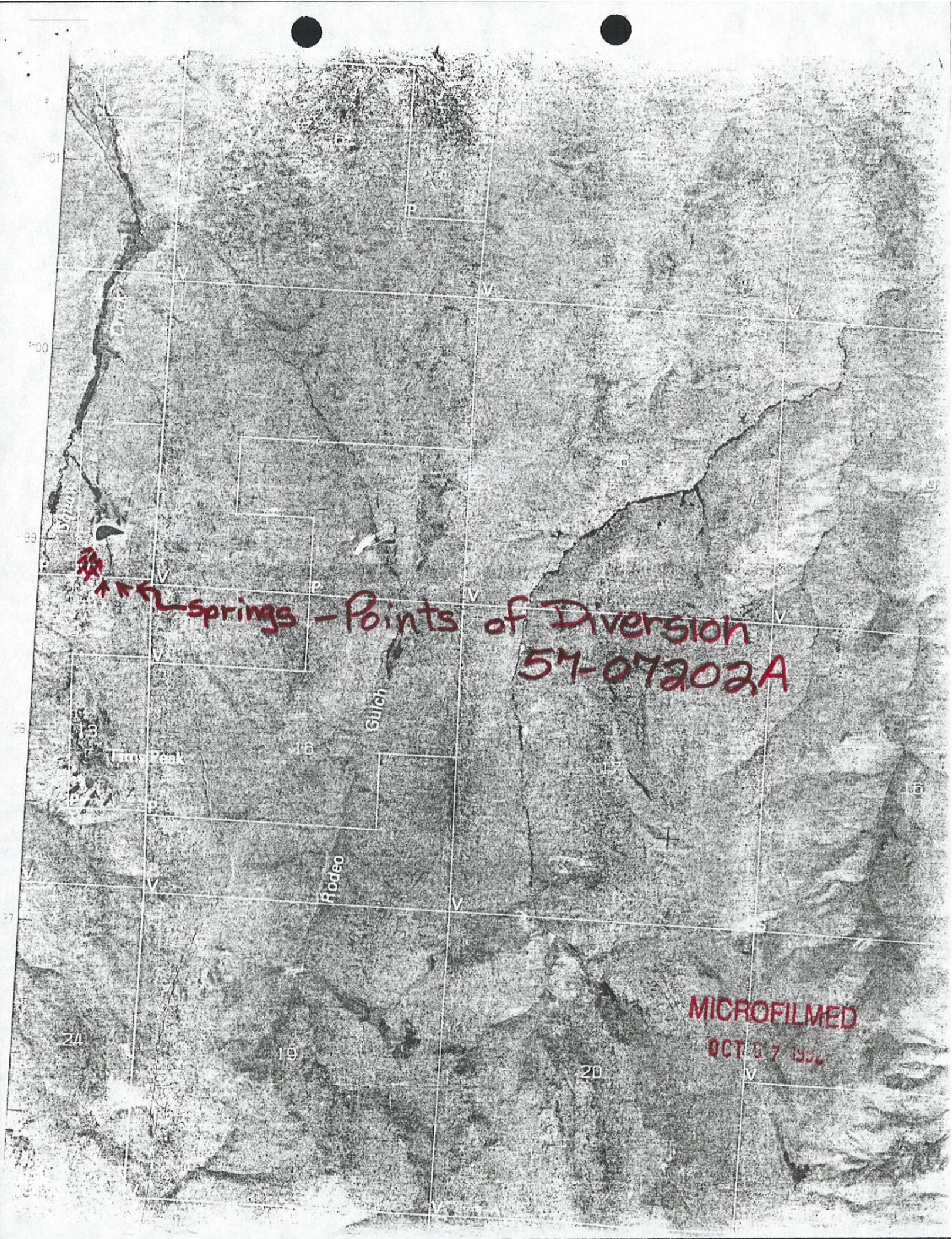
CLAIM NUMBER 57-07202-A

Denotes Public Land  
Included in this Claim

☒

MICROFILMED  
JUL 20 1994

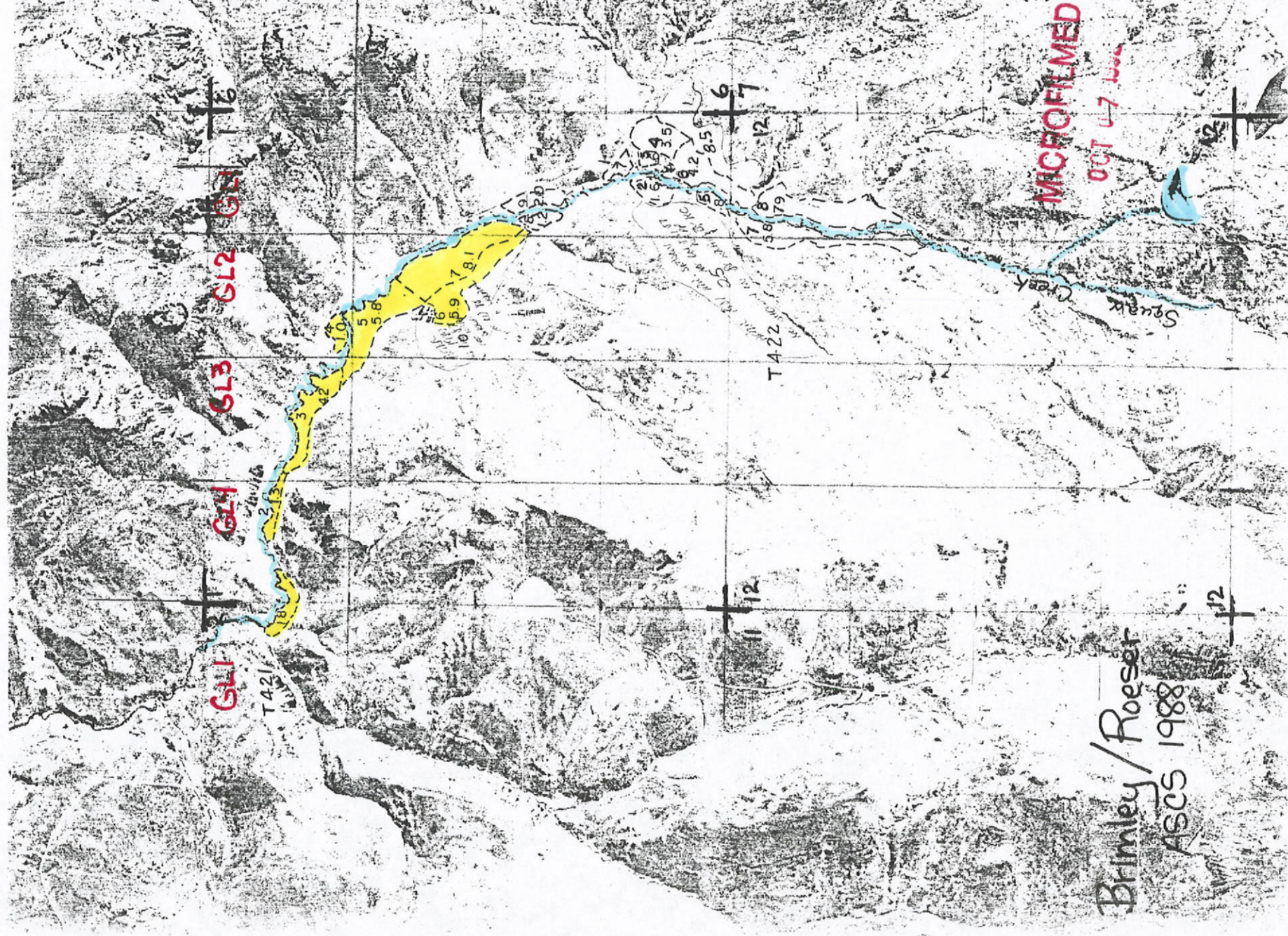




springs - Points of Diversion  
54-07202A

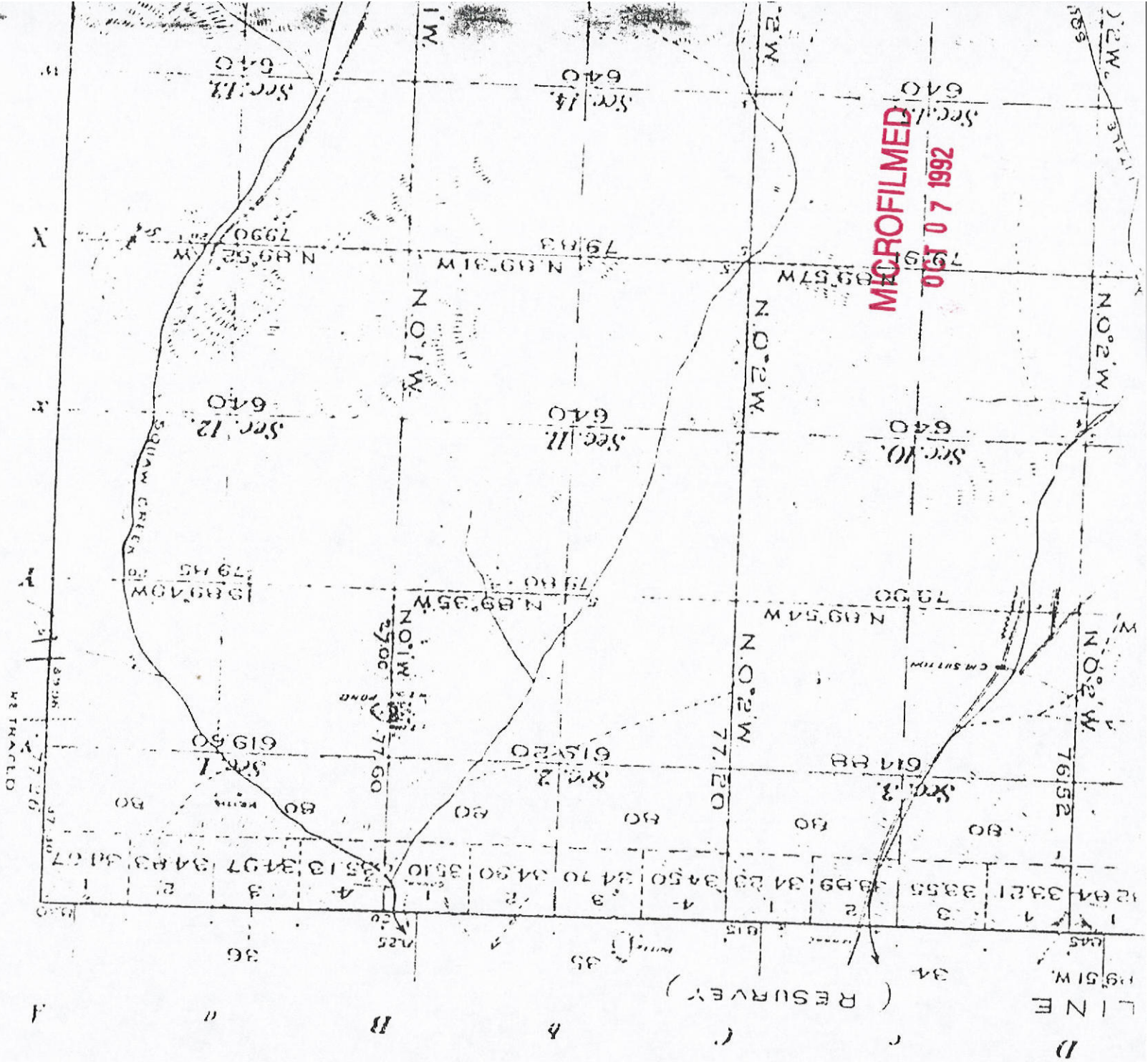
MICROFILMED  
OCT 17 1956

A57-07202A



Brimley/Roeser  
ASCS 1988

# West of the Boise Meridian, Idaho.



MICROFILMED  
OCT 07 1992

1979 quads

Pink = Brimley's Claimed POU  
Blue = Roeser's Claimed POU

WATER RESOURCES  
W R4W

PIUTE BUTTE QUADRANGLE

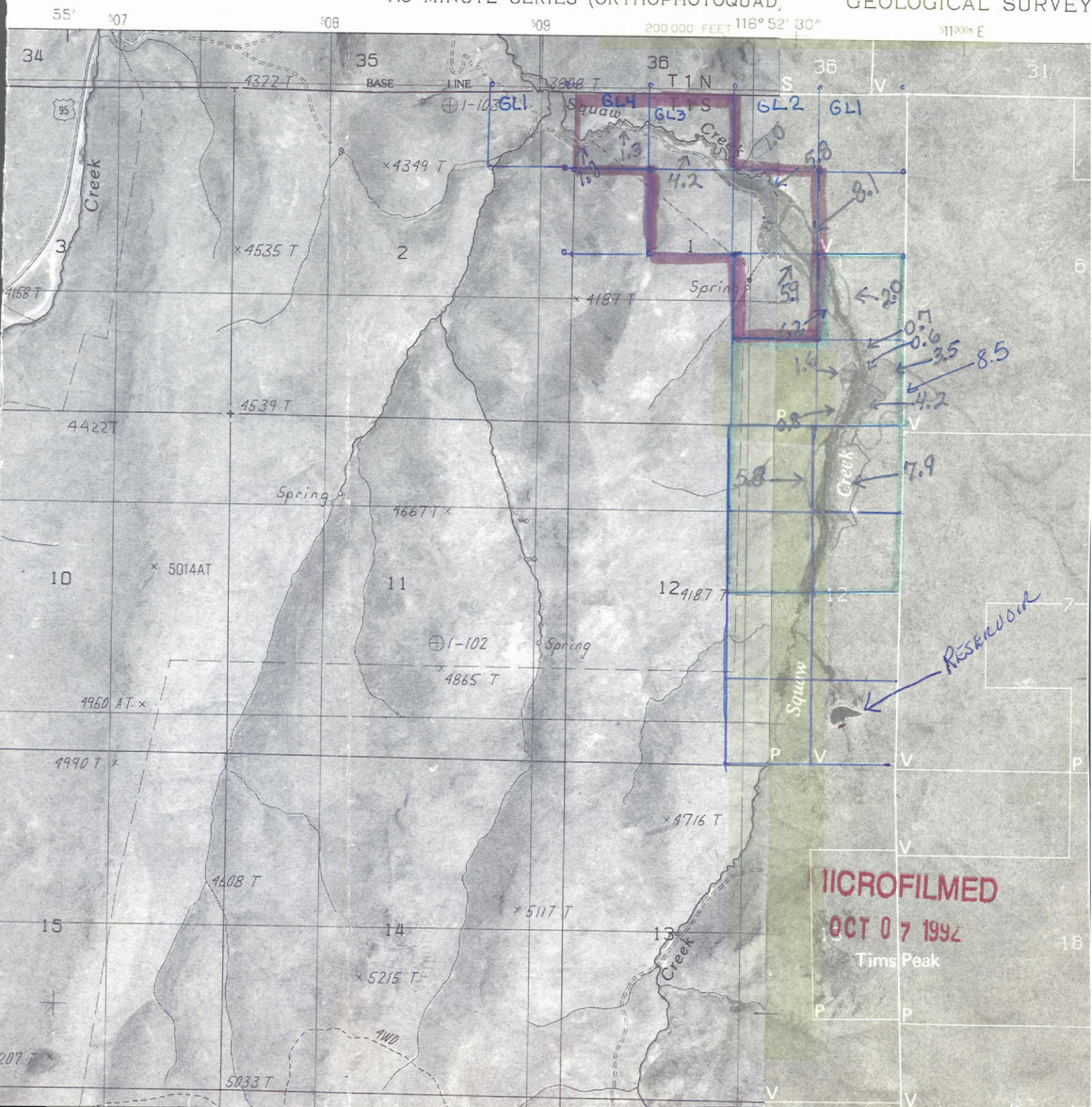
IDAHO

7.5 MINUTE SERIES (ORTHOPHOTOQUAD)

UNITED STATES

DEPARTMENT OF THE INTERIOR

GEOLOGICAL SURVEY



RECEIVED

AUG 9 1991

Department of Water Resources  
Western Regional Office

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A57-07202A  
Date Received: 12/15/1988  
Receipt No: M002223  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: WILFORD BRIMLEY 801-486-2540  
Address: 216 E. BENDAMERE CIRCLE  
SALT LAKE CITY, UT 84109-0000
2. Date of Priority: AUG 30, 1977
3. Source: SPRINGS Trib. to: SQUAW CREEK  
SQUAW CREEK SNAKE RIVER
4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 01S      | 05W   | 1       | NW     | NW     | NW     |     | OWYHEE |
|          |       | 12      | SW     | SW     | SE     |     | OWYHEE |
|          |       | 13      |        | SW     | NE     |     | OWYHEE |

5. Description of diverting works:  
HEADGATE, DITCHES, RES., TRANSITORY POD.

6. Water is used for the following purposes:

| Purpose                 | From  | To    | C.F.S. | (or) | A.F.A. |
|-------------------------|-------|-------|--------|------|--------|
| IRRIGATION STORAGE      | 01/01 | 12/31 |        |      | 28.50  |
| IRRIGATION FROM STORAGE | 04/01 | 10/30 |        |      | 28.50  |
| DIVERSION TO STORAGE    | 01/01 | 12/31 | 1.540  |      |        |

7. Total Quantity Appropriated is:  
1.540 C.F.S. (and/or)

28.50 A.F.A.

8. Total consumptive use is 500.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

MICROFILMED  
OCT 6 7 1992

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 01S      | 05W   | 1       | SW     | NE  |     | IRR | 40.0  |
|          |       |         | NE     | NW  |     | IRR | 40.0  |
|          |       |         | NW     | NW  |     | IRR | 40.0  |
|          |       |         | SE     | NW  |     | IRR | 40.0  |
|          |       |         | NW     | SE  |     | IRR | 40.0  |

Section Acres 200.0

Total Acres 200.0

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:  
A57-00283

14. Remarks:

DEVELOPED SPRINGS RUN INTO THE RESERVIOR YEAR AROUND, A TRACTOR WITH A PUMP IS USED ALL ALONG SQUAW CREEK AS THE TRANSITORY POD.  
..NO MAPS FOR THIS AREA..

15. Basis of Claim: PERMIT

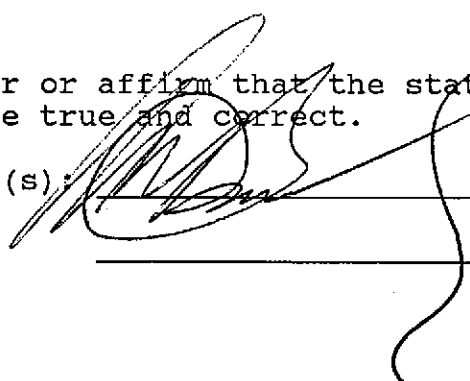
16. Signature(s)

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

Number of attachments: \_\_\_\_\_

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s):  \_\_\_\_\_ Date: 6/24/91  
\_\_\_\_\_  
Date: \_\_\_\_\_

MICROFILMED  
OCT 07 1992

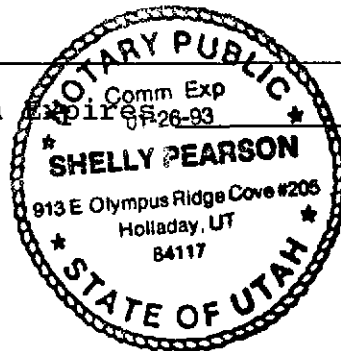
State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this 24<sup>th</sup> day  
of June 19 91

Shelly Pearson  
Notary Public

Seal

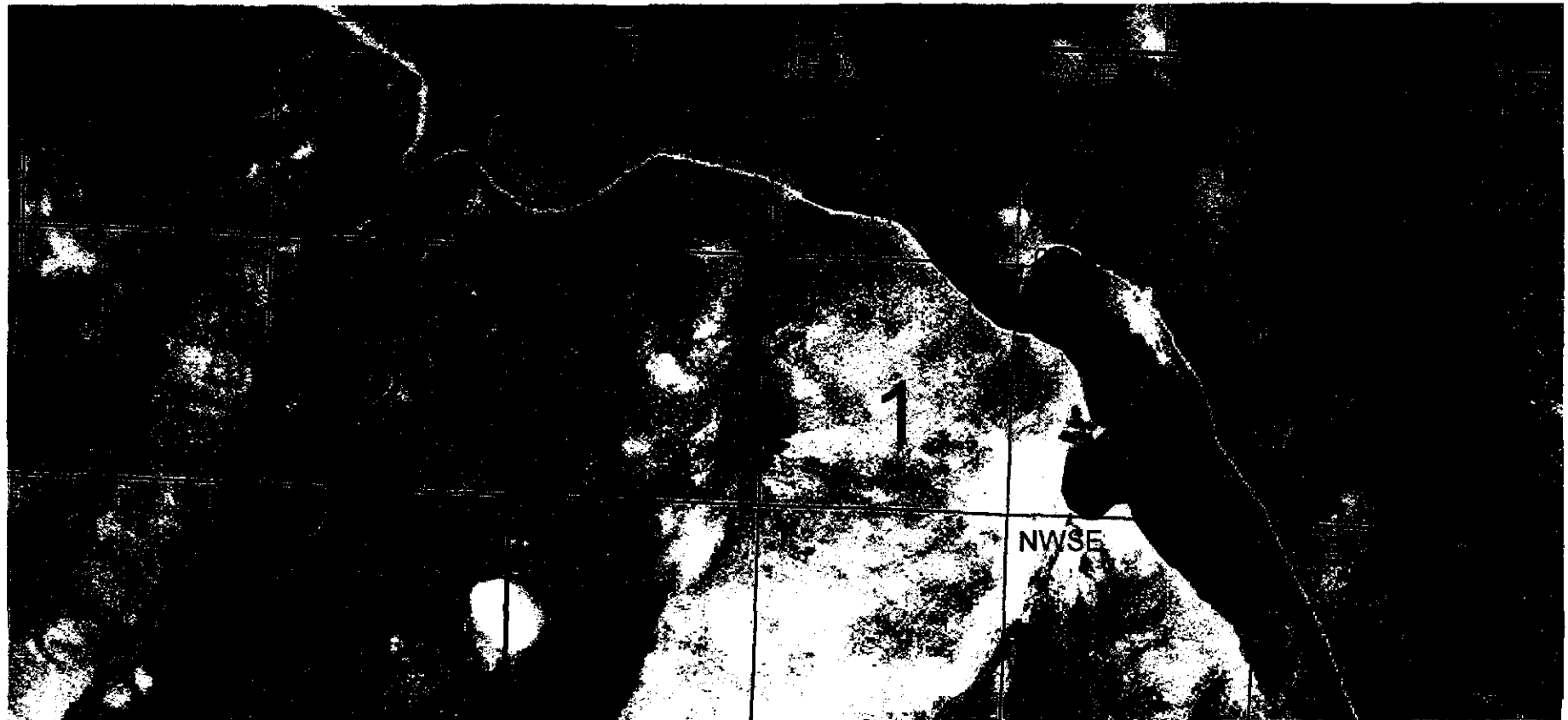
Residing at \_\_\_\_\_  
My Commission Expires \_\_\_\_\_



MICROFILMED  
OCT 07 1992

# Idaho Department of Water Resources

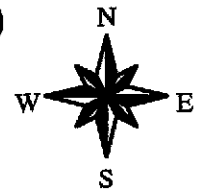
1987 Napp Photo



0 0.25 0.5 0.75 1 Miles

Claim Number: 57-07202A  
Legal: T01S, R05W, S01  
Reviewed By:

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



# IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 57-07202A

Date: 4-30-03

|       | TNS | RNG | SEC | NE |         |          |          | NW      |           |    |     | SW |    |    |    | SE |     |    |    | Sum |
|-------|-----|-----|-----|----|---------|----------|----------|---------|-----------|----|-----|----|----|----|----|----|-----|----|----|-----|
|       |     |     |     | NE | NW      | SW       | SE       | NE      | NW        | SW | SE  | NE | NW | SW | SE | NE | NW  | SW | SE |     |
| Claim | 1S  | 5W  | 1   |    | -2<br>1 | 16<br>16 | .5<br>.5 | -3<br>4 | -4<br>2.5 |    | .5  |    |    |    |    | 1  | 2.5 |    |    | 28  |
| GIS   |     |     |     |    | .4      | 15       | 0        | 3.7     | 2.3       |    | 1.6 |    |    |    |    | .3 | 4.7 |    |    | 28  |
| Claim |     |     |     |    |         |          |          |         |           |    |     |    |    |    |    |    |     |    |    |     |
| GIS   |     |     |     |    |         |          |          |         |           |    |     |    |    |    |    |    |     |    |    |     |
| Claim |     |     |     |    |         |          |          |         |           |    |     |    |    |    |    |    |     |    |    |     |
| GIS   |     |     |     |    |         |          |          |         |           |    |     |    |    |    |    |    |     |    |    |     |
| Claim |     |     |     |    |         |          |          |         |           |    |     |    |    |    |    |    |     |    |    |     |
| GIS   |     |     |     |    |         |          |          |         |           |    |     |    |    |    |    |    |     |    |    |     |

Number of POD's 11

Total Claimed Acres: 28

Overlapping FOU Claim #'s:

57-00285

Total GIS Acres: 28

## COMMENTS:

County data indicates claimant doesn't own parcels in NWNE or SENE. Per claim map & overlapping claim.

There is no map with PODs. I didn't include POD for SENE Sec 1, and both PODs in Section 13 because there is no imagery in that section.

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

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

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 57-07202A

1997 NOV 26 PM 2:45

DISTRICT COURT-5TH JUDICIAL DISTRICT  
TWIN FALLS, IDAHO

NAME & ADDRESS: JAMES ROESER  
STAR ROUTE  
MARSING ID 83639

SOURCE: SPRINGS TRIBUTARY: SQUAW CREEK

POINT OF INJECTION INTO AND POINTS OF REDIVERSION FROM SQUAW  
CREEK.

QUANTITY: 35.0 AFY

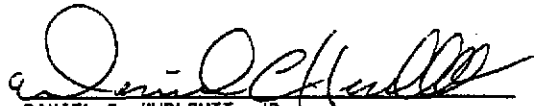
PRIORITY DATE: 08/30/1977

POINT OF DIVERSION: T01S R05W S12 SWSSE Within Owyhee County  
S13 NENENE  
NWNENE  
S12 NWSE (INJECTION)  
S01 LOT 2 ( NWNE) (REDIVERSION)  
SWNE (REDIVERSION)  
SENE (REDIVERSION)  
LOT 3 ( NENW) (REDIVERSION)  
LOT 4 ( NWNW) (REDIVERSION)  
NESE (REDIVERSION)  
S02 LOT 1 ( NENE) (REDIVERSION)

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE          | PERIOD OF USE     | QUANTITY |
|----------------------------|-------------------------|-------------------|----------|
|                            | IRRIGATION STORAGE      | 01-01 12-31       | 35.0 AFY |
|                            | IRRIGATION FROM STORAGE | Irrigation Season | 35.0 AFY |

PLACE OF USE: IRRIGATION FROM STORAGE Within Owyhee County  
T01S R05W S01 Lot 2 (NWNE) 1 SWNE 16 SENE 0.5 Lot 3 (NENW) 4  
Lot 4 (NWNW) 2.5 SENW 0.5 NESE 1 NWSE 2.5  
28 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 57-00283 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 28.0 ACRES IN A SINGLE  
IRRIGATION SEASON.

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

RULE 54(b) CERTIFICATE

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



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



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): 57-07202A

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 57-07202A 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

WILFORD BRIMLEY  
Represented by:  
JAMES R. GILLESPIE  
PO BOX 2337  
BOISE, ID 83701  
Phone: 208-344-8400

CERTIFICATE OF MAILING

PAGE 1  
11/28/97

RECEIVED

AUG 2 1997

Department of Water Resources  
Adjudication Bureau

1997 AUG 19 AM 9:22

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

Subcase 57-07202A

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 Wilford Brimley. 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 57-07202A was filed by United States (BLM). Subsequently, a *Standard Form 5* was filed as to how the elements of this water right should be decreed. The parties agreed that the owner of the right should be James Roeser. The *Standard Form 5* was accepted by the court.

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

IT IS THEREFORE RECOMMENDED that subcase 57-07202A be decreed as recommended in the attached *Special Master's Report and Recommendation for Partial Decree*.

DATED August 19, 1997.

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

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

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

1997 AUG 19 AM 9:22  
SPECIAL MASTER'S RECOMMENDATION FOR  
PARTIAL DECREE FOR DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
Water Right 57-07202A  
FILED OK

NAME & ADDRESS: JAMES ROESER  
STAR ROUTE  
MARSING ID 83639

SOURCE: SPRINGS TRIBUTARY: SQUAW CREEK

POINT OF INJECTION INTO AND POINTS OF REDIVERSION FROM SQUAW  
CREEK.

QUANTITY: 35.0 AFY

PRIORITY DATE: 08/30/1977

POINT OF DIVERSION: T01S R05W S12 S13 Within Owyhee County  
S12 NWSE (INJECTION)  
S01 LOT 2 ( NENE) (REDIVERSION)  
SWNE (REDIVERSION)  
SENE (REDIVERSION)  
LOT 3 ( NENE) (REDIVERSION)  
LOT 4 ( NENE) (REDIVERSION)  
NESE (REDIVERSION)  
S02 LOT 1 ( NENE) (REDIVERSION)

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE          | PERIOD OF USE     | QUANTITY |
|----------------------------|-------------------------|-------------------|----------|
|                            | IRRIGATION STORAGE      | 01-01 12-31       | 35.0 AFY |
|                            | IRRIGATION FROM STORAGE | Irrigation Season | 35.0 AFY |

PLACE OF USE: IRRIGATION FROM STORAGE Within Owyhee County  
T01S R05W S01 Lot 2 (NWNE) 1.0 SWNE 16.0 SENE 0.5 Lot 3 (NENE) 4.0  
Lot 4 (NENE) 2.5 SENW 0.5 NESE 1.0 NWSE 2.5  
28.0 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 57-00283 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 28.0 ACRES IN A SINGLE  
IRRIGATION SEASON.

DATED: 8/19/97

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

1997 AUG 19 AM 9:22

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 *DL*

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

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S REPORT  
AND RECOMMENDATION

Water Right(s): 57-07202A

On August 19, 1997, Special Master FRITZ X HAEMMERLE issued a SPECIAL MASTER'S REPORT AND RECOMMENDATION for the above subcase pursuant to SRBA Administrative Order 1 (AO1), Section 9.

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

DATED August 19, 1997.

*Debbie Lash*  
\_\_\_\_\_  
DEBBIE LASH  
Deputy Clerk

1997 AUG 19 AM 9:22

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): 57-07202A

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on August 19, 1997, with sufficient first-class postage prepaid to the following:

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

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

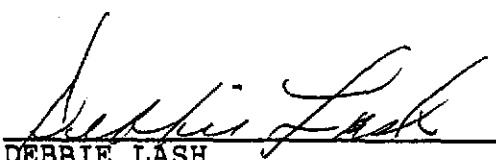
CLIVE STRONG  
OFFICE OF ATTORNEY GENERAL  
STATE OF IDAHO  
PO BOX 44449  
BOISE, ID 83711-4449

JAMES R. GILLESPIE  
PO BOX 2337  
BOISE, ID 83701

CERTIFICATE OF MAILING

PAGE 1  
08/18/97

JAMES ROESER  
STAR ROUTE  
MARSING, ID 83639

  
DEBBIE LASH  
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 2  
08/18/97

RECEIVED

JUN 24 1997

Department of Water Resources  
Adjudication Bureau

1997 JUN 23 AM 9:26

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

Subcase 57-07202A

Case No. 39576

AMENDED 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 Wilford Brimley. 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 57-07202A was filed by United States (BLM). Subsequently, a *Standard Form 5* was filed as to how the elements of this water right should be decreed. The parties agreed that the owner of the right should be James Roeser. The *Standard Form 5* was accepted by the court; now therefore,

IT IS THEREFORE RECOMMENDED that subcase 57-07202A be decreed as recommended in the attached *Amended Preliminary Special Master's Report and Recommendation for Partial Decree*.

DATED June 23, 1997.

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

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

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

PRELIMINARY

SPECIAL MASTER'S RECOMMENDATION FOR

PARTIAL DECREE FOR

Water Right 57-07202A

1997 JUN 23 AM 9:27

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO

FILED PL

NAME & ADDRESS: JAMES ROESER  
STAR ROUTE  
MARSING ID 83639

SOURCE: SPRINGS TRIBUTARY: SQUAW CREEK

POINT OF INJECTION INTO AND POINTS OF REDIVERSION FROM SQUAW  
CREEK.

QUANTITY: 35.0 AFY

PRIORITY DATE: 08/30/1977

POINT OF DIVERSION: T01S R05W S12 SWSSE Within OWYHEE County  
S13 NENENE  
S12 NWNENE  
S01 LOT 2 ( NWSE (INJECTION)  
NWNE (REDIVERSION)  
SWNE (REDIVERSION)  
SENE (REDIVERSION)  
LOT 3 ( NENW) (REDIVERSION)  
LOT 4 ( NWNW) (REDIVERSION)  
NESE (REDIVERSION)  
S02 LOT 1 ( NENE) (REDIVERSION)

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE          | PERIOD OF USE     | QUANTITY |
|----------------------------|-------------------------|-------------------|----------|
|                            | IRRIGATION STORAGE      | 01-01 12-31       | 35.0 AFY |
|                            | IRRIGATION FROM STORAGE | Irrigation Season | 35.0 AFY |

PLACE OF USE: IRRIGATION FROM STORAGE Within OWYHEE County  
T01S R05W S01 Lot 2 (NWNE) 1.0 SWNE 16.0 SENE 0.5 Lot 3 (NENW) 4.0  
Lot 4 (NWNW) 2.5 SENW 0.5 NESE 1.0 NWSE 2.5  
28.0 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 57-00283 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 28.0 ACRES IN A SINGLE  
IRRIGATION SEASON.

DATED: 6/23/97

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

1997 JUN 23 AM 9:27

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO

FILED PL

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     | ) | CERTIFICATE OF MAILING    |
|                | ) |                           |
| Case No. 39576 | ) | Water Right No. 57-07202A |
|                | ) |                           |

---

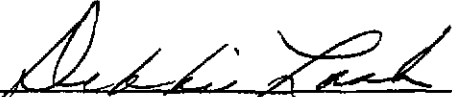
I certify that a true and correct copy of the *Amended Preliminary Special Master's Report and Recommendation; Findings of Fact and Conclusions of Law for Water Right No. 57-07202A* and *Notice of Issuance of Amended Preliminary Special Master's Report and Recommendation* were mailed on June 23, 1997, with sufficient first-class postage prepaid to the following:

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

The United States Department of Justice  
Environment and Natural Resources Division  
550 West Fort Street, Box 33  
Boise, ID 83724

James Roeser  
Star Route  
Marsing, Idaho 83639

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

  
Deputy Clerk

RECEIVED

JUN 24 1997

Department of Water Resources  
Adjudication Bureau

1997 JUN 23 AM 9:27

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO

FILED SL

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

In Re SRBA

Case No. 39576

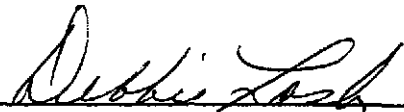
) NOTICE OF ISSUANCE OF  
) AMENDED PRELIMINARY  
) SPECIAL MASTER'S REPORT  
) AND RECOMMENDATION

)  
Water Right No. 57-07202A

On June 23, 1997, Special Master Fritz X. Haemmerle issued an *Amended Preliminary Special Master's Report and Recommendation* for subcase 57-07202A pursuant to *SRBA Administrative Order 1*, sections 11 (e) and (f).

The *Amended Preliminary Special Master's Report and Recommendation* is served only on parties to the subcase and is not served on the Presiding Judge. Parties to this subcase may file a *Motion to Reconsider* or a *Motion to Correct Clerical Errors* with the Special Master, but must do so within 10 days after receipt of the *Amended Preliminary Special Master's Report and Recommendation*.

DATED: June 23, 1997.

  
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 ) NOTICE OF COMPLETED  
 ) ADMINISTRATIVE PROCEEDINGS  
Case No. 39576 )  
 ) Water Rights 57-00283 and 57-07202A  
 )

IDWR has completed the following Administrative Proceeding:

|    |                       |
|----|-----------------------|
| _  | Change of Address     |
| _X | Substitution of Party |
| _  | I.C. 42-222 Transfer  |

## SUBSTITUTION OF PARTY

Does the change in "ownership" result in a splitting of the water right claimed?    ☐ Yes    ☒ No

If yes, does the split involve an I.C. 42-222 transfer? ☐ Yes ☐ No

Water Right(s): 57-00283 and 57-07202A

From (Claimant/Seller):

Name of Claimant: WILFORD BRIMLEY  
Address: 2165 E 2875 S  
SALT LAKE CITY UT 84109  
Phone: (801) 486-2540

To (Claimant/Purchaser):

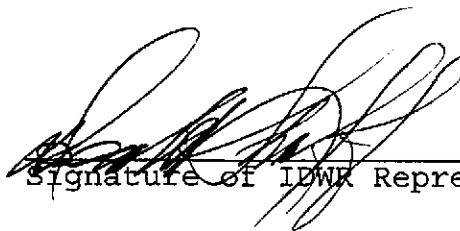
Name of Claimant: JAMES ROESER  
Address: STAR ROUTE  
MARSING ID 83639  
Phone: (208) 896-4421

---

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached Amended Director's Reports for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the Notice of Completed Administrative Transfer and Amended Director's Reports(s) on the claimant(s), prior claimants(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: JUNE 17, 1997



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 6-18-97 I mailed the original  
and copies of this form to the following persons, 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:  
Claimant/Seller for Substitution of Party or attorney of record:  
  
WILFORD BRIMLEY  
2165 E 2875 S  
SALT LAKE CITY UT 84109
3. One Copy to:  
Claimant/Purchaser for Substitution of Party or attorney of record:  
  
JAMES ROESER  
STAR ROUTE  
MARSING ID 83639
4. One Copy to:  
Each party in the subcase, or attorney of record:  
  
US DEPT OF JUSTICE  
ENVT & NAT RESOURCES DIV  
550 W FORT ST MSC 033  
BOISE ID 83724
5. One Copy to:  
Chief, Natural Resources Division  
Office of the Attorney General  
P.O. Box 44449  
Boise, Idaho 83711-4449

6. One Copy to:  
United States Dept. of Justice  
Environment & Natural Resource Div.  
550 West Fort Street, MSC 033  
Boise, ID 83724

Sandy Egbert  
Signature of person or attorney mailing the form

-----  
 RIGHTS FROM: SOURCE: SPRINGS TRIBUTARY: SQUAW CREEK  
 -----

RIGHT NUMBER: 57-07202A

NAME & ADDRESS: JAMES ROESER  
 STAR ROUTE  
 MARSING ID 83639

SOURCE: SPRINGS TRIBUTARY: SQUAW CREEK

POINT OF INJECTION INTO AND POINTS OF REDIVERSION FROM SQUAW CREEK.

QUANTITY: 35.0 AFY

PRIORITY DATE: 08/30/1977

POINT OF DIVERSION: T01S R05W S12 SWSESE Within Owyhee County  
 S13 NENENE  
 NWNENE  
 S12 NWSE (INJECTION)  
 S01 LOT 2 ( NWNE) (REDIVERSION)  
 SWNE (REDIVERSION)  
 SENE (REDIVERSION)  
 LOT 3 ( NENW) (REDIVERSION)  
 LOT 4 ( NWNW) (REDIVERSION)  
 NESE (REDIVERSION)  
 S02 LOT 1 ( NENE) (REDIVERSION)

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE     | QUANTITY |
|----------------------------|----------------|-------------------|----------|
| IRRIGATION STORAGE         |                | 01-01 12-31       | 35.0 AFY |
| IRRIGATION FROM STORAGE    |                | Irrigation Season | 35.0 AFY |

PLACE OF USE: IRRIGATION FROM STORAGE Within Owyhee County  
 T01S R05W S01 Lot 2 (NWNE) 1 SWNE 16 SENE 0.5 Lot 3 (NENW) 4  
 Lot 4 (NWNW) 2.5 SENW 0.5 NESE 1 NWSE 2.5  
 28 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 57-00283 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 28.0 ACRES IN A SINGLE IRRIGATION SEASON.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE  
 THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE: 57-02333 AND 57-02320

-----  
RIGHTS FROM: SOURCE: SQUAW CREEK TRIBUTARY: SNAKE RIVER  
-----

RIGHT NUMBER: 57-00283

NAME & ADDRESS: JAMES ROESER  
STAR ROUTE  
MARSING ID 83639

SOURCE: SQUAW CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.65 CFS

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

PRIORITY DATE: 04/15/1894

POINT OF DIVERSION: T01S R05W S01 LOT 2 ( NWNE) Within Owyhee County  
SWNE  
SENE  
LOT 3 ( NENW)  
LOT 4 ( NWNW)  
NESE  
S02 LOT 1 ( NENE)

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE     | QUANTITY |
|----------------------------|----------------|-------------------|----------|
|                            | IRRIGATION     | Irrigation Season | 0.56 CFS |
|                            | STOCKWATER     | 01-01 12-31       | 0.09 CFS |

PLACE OF USE: IRRIGATION Within Owyhee County  
T01S R05W S01 Lot 2 (NWNE) 1 SWNE 16 Lot 3 (NENW) 4 Lot 4 (NWNW) 2.5  
SENE 0.5 NESE 1 NWSE 3  
28 ACRES TOTALUSE OF THIS RIGHT WITH RIGHT NO. 57-07202A IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 28.0 ACRES IN A SINGLE  
IRRIGATION SEASON.

Place of Use for STOCKWATER is same as IRRIGATION

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

AJ5856NP

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

DATE: JUN-25-1997  
PAGE: A-3

-----  
RIGHTS FROM: SOURCE: SQUAW CREEK TRIBUTARY: SNAKE RIVER  
-----

RIGHT NUMBER: 57-00283 (CONT)

EXPLANATORY MATERIAL: (CONT)

RIGHT NO. 57-07202A IS ALSO REDIVERTED THROUGH POINTS OF  
DIVERSION DESCRIBED ABOVE.

TRANSMISSION VERIFICATION REPORT

TIME : 06/25/1997 10:10  
NAME : IDWR  
FAX : 3275400  
TEL : 3277906

|                                          |             |
|------------------------------------------|-------------|
| DATE, TIME                               | 06/25 10:07 |
| FAX NO./NAME                             | SRBA COURT  |
| DURATION                                 | 00:02:19    |
| PAGE(S)                                  | 04          |
| RESULT                                   | OK          |
| CHECK READABILITY OF TRANSMITTED PAGE(S) | 03          |
| MODE                                     | STANDARD    |



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000  
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

TRANSMITTAL COVER SHEET

FAX NUMBER: (208) 327-5400

DATE: 6-25-97

TO: Tiffany

FROM: Jally

DOCUMENT DESCRIPTION: Recm. Rites for  
57-07202A + 57-00283

COVER SHEET + 3 PAGES

CONTACT: Sal x862 IF YOU DO NOT RECEIVE ALL THE PAGES

THANK YOU

AJ0749NP  
No. R57-07202A

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

DATE: 06/14/97  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS                                                   | PRIORITY<br>DATE | WATER USE                                     | USE PERIOD<br>FROM TO      | DIVERSION<br>RATE | DIVERSION<br>VOLUME    |
|------------------|------------------------------------------------------------------|------------------|-----------------------------------------------|----------------------------|-------------------|------------------------|
| C                | JAMES ROESER<br>STAR ROUTE<br>MARSING ID 83639<br>(208) 896-4421 | 08/30/1977       | IRRIGATION STORAGE<br>IRRIGATION FROM STORAGE | 01-01 12-31<br>04-15 10-15 |                   | 35.00 AFA<br>35.00 AFA |
| TOTAL DIVERSION: |                                                                  |                  |                                               |                            |                   | 35.00 AFA              |

D WILFORD BRIMLEY  
2165 E 2875 S  
SALT LAKE CITY UT 84109  
(801) 486-2540

Water Source: SPRINGS

Tributary to: SQUAW CREEK

Stage: LICENSE

|                           |                      |        |      |             |       |               |
|---------------------------|----------------------|--------|------|-------------|-------|---------------|
| Point(s) of Diversion:    | T01S R05W S12        | SWSESE |      |             |       | OWYHEE County |
|                           | S13                  | NENENE | NWNE |             |       | OWYHEE County |
| Point(s) of Injection:    | T01S R05W S12        | NWSE   |      |             |       | OWYHEE County |
| Point(s) of Re-diversion: | T01S R05W S01 Lot02( | NWNE)  | SWNE | SENE Lot03( | NENW) | OWYHEE County |
|                           | S01 Lot04(           | NWNW)  | NESE |             |       | OWYHEE County |
|                           | S02 Lot01(           | NENE)  |      |             |       | OWYHEE County |

Place of use Legal Description for: IRRIGATION FROM STORAGE

| NE  |     |   |         | NW    |       |       |         | SW    |       |       |         | SE    |       |       |         |       |             |       |
|-----|-----|---|---------|-------|-------|-------|---------|-------|-------|-------|---------|-------|-------|-------|---------|-------|-------------|-------|
| 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 | 05W | 1 | :       | 02-01 | 16    | .5    | :       | 03-04 | 04-02 | .5    | :       | 01    | 02    |       | :       |       |             | 28.0  |
|     |     |   |         |       |       |       |         |       |       |       |         |       |       |       |         |       | TOTAL ACRES | 28.0  |

POU County: OWYHEE

Other Rights: 57-00283

Remarks: SRC POINT OF INJECTION INTO AND POINTS OF REDIVERSION FROM SQUAW CREEK.

POU1 USE OF THIS RIGHT WITH RIGHT NO. 57-00283 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 28.0 ACRES IN A SINGLE IRRIGATION SEASON.

EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE: 57-02333 AND 57-02320

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 57E Field Inspection Flag:  
Presumption Flag:

## MEMORANDUM

To: S. Sherman

From: Roxanne Brown *R-* *RF*

Re: Change of Ownership (Brimley to Roeser)

Date: June 14, 1997

=====

Please prepare an NCAP for these rights (57-00283 and 57-07202A). I have attached the R-files created during the preparation of a Special Master's Recommendation for each of these rights.

I received the Notice of Change of Water Right Ownership on my desk two days after I read Mr. Roeser's obituary in the newspaper. Knowing he was deceased, I asked Andrew to call Mr. Roeser's attorney and confirm a course of action.

Andrew, the Court and Mr. Roeser's attorney agree that the proper course would be to process the Ownership Change, decree the two rights and allow the probate process to determine the ownership at a later date.

The Special Master has requested we produce his recommendation documents; I have done so today and will forward them to the court on Monday. The court expects that the NCAP will be processed at, or near, the same time.

**STATE OF IDAHO**  
**IDAHO DEPARTMENT OF WATER RESOURCES**  
**NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP**

RECEIVED

JAN 29 1997

Department of Water Resources

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

*Record modified by  
R. Brown 6-14-97.*

1. Water Right Number(s) 57-00283 57-07202A *- blank prefix*  
 Adjudication Claim Number(s) AJ5809NP AJ5089NP *record modified*  
*+ ACR prepared*

2. The following **REQUIRED** information must be submitted with this form.

*by S. Sherman  
6-17-97.*

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) Wilford Brimley  
575 E. 4500 S., #575, Salt Lake City, UT 84107

4. New Owner/Claimant(s) James Roeser  
 Name connector (Check one): [ ] AND, [ ] OR, [ ] AND/OR  
 New Mailing Address Star Route  
 City, State and ZIP Code Marsing, ID 83639  
 New Telephone Number (208) 896 - 4421

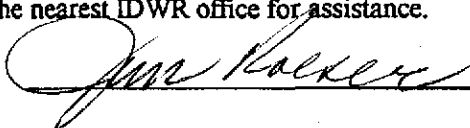
5. Date you acquired the property 9-11-96

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated \_\_\_\_\_ Number and type of stock range Cattle - 350 head

Diversion rate in CFS .67 cubic feet per second Number of homes 3 Other uses \_\_\_\_\_

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s)  Date 11-14-96  
 \_\_\_\_\_ Date \_\_\_\_\_

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)  
 8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

## INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights, and, if a required claim for the water right has not been filed, to file the needed claim.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures, or if you have questions about completing this form, please contact your nearest IDWR office or call 1-800-451-4129.

If you need additional space to describe or explain any of the items on the form, please attach additional sheets to the form as you may require.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at Item 1. If you or the seller believe there are water rights for the property but the numbers are unknown, you may wish to call IDWR or come into an office of IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at Item 2 is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at Item 3.
4. The name, mailing address, and telephone number of the new owner(s) is entered at Item 4. Please indicate the relationship between multiple owners by using the connector "and", "or" or "and/or". If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign, however only one of the named parties is required to sign.
5. At Item 5, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. If the property you have purchased is only a portion of the property owned by the former owner/seller, you may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at Item 6.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at Item 7. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

**IDWR Western Region, 2735 Airport Way, Boise, ID 83705-5082 (208) 334-2190**

**IDWR Southern Region, 222 Shoshone St. E., Twin Falls, ID 83301-6105 (208) 736-3033**

**IDWR Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814-2615 (208) 769-1450**

**IDWR Eastern Region, 900 N Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 (208) 525-7161**

WARRANTY DEED

FOR VALUE RECEIVED, A. WILFORD BRIMLEY and LYNNE BRIMLEY, husband and wife, the Grantors, do hereby grant, bargain, sell and convey unto JAMES ROESER and CARLENE ROESER, husband and wife, of Star Route, Marsing, ID 83639, the Grantees, the following described premises, to-wit:

See Exhibit "A" attached hereto and made hereof by reference.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees that they are the owners in fee simple of said premises; that said premises are free from all encumbrances except current taxes and assessments, easement, restrictions and reservations of record, and that Grantors will warrant and defend the same from all lawful claims whatsoever.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 1996.

A. Wilford Brimley

Lynne Brimley

STATE OF Idaho )  
County of Ada ) ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared A. WILFORD BRIMLEY and LYNNE BRIMLEY, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

FILED-RECORDED  
JUN 25 1996

*Sharon D. Wilson*  
*Notary Public*

*Sharon D. Wilson*  
Notary Public for: *Idaho*  
Residing at: *1111 E. 1st St.*  
My commission expires: *11/10/97*

57-00283  
57-07202A

WARRANTY DEED

Brigley Ranch

Brigley Ranch

Lots 3 and 4; and the SW 1/4 of the NE 1/4; the SE 1/4 of the NW 1/4;  
and the NW 1/4 of the SE 1/4 of Section 1, T1S, R5W, B.M.,  
Owyhee County, Idaho.

Roeser Ranch

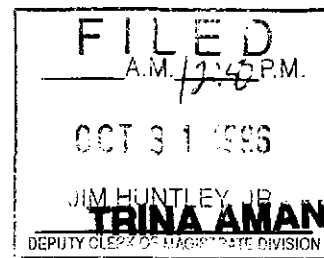
SW 1/4 of the SE 1/4; and the E 1/2 of the SE 1/4 of Section 1, and  
the NE 1/4 of Section 12, all in T1S, R5W, B.M., Owyhee County,  
Idaho.

57-00283

57-07202A

Warrant to Warrant Deed

James R. Gillespie  
James R. Gillespie, P.A.  
512 West Bannock  
P.O. Box 2337  
Boise, ID 83701  
Telephone: (208) 344-8400



Attorneys for Petitioner

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 Estate of | ) | No. SP96-00718             |
|                                | ) |                            |
| CARLENE ROESER,                | ) | AMENDED DECREE VESTING     |
|                                | ) | ESTATE IN SURVIVING SPOUSE |
| Deceased.                      | ) |                            |
|                                | ) |                            |

Upon consideration of the Petition for Summary Administration of Estate in Which Surviving Spouse is Sole Beneficiary, filed by James Roeser on or about the 21st day of October, 1996, the Court finds that:

1. The facts set forth in the Petition are true.
2. The decedent died on August 2, 1996, domiciled in Owyhee County.
3. Venue is proper.
4. The decedent and Petitioner were duly married at Elko, Nevada, on January 22, 1977, and remained married until the date of decedent's death.
5. The surviving spouse, James Roeser, is the sole heir or devisee of the decedent.
6. The decedent died testate, leaving a will dated July 11, 1993. The Will was validly executed and is the last will of

57-00283 + 57-07202A

the decedent.

7. The schedule of property attached to this Decree is a full and complete inventory of the property owned by the decedent and properly characterizes the property as community or separate property.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED as follows:

1. James Roeser is the surviving spouse of the decedent and is the sole heir or devisee of the decedent.

2. The property of the decedent described on the schedule attached to this Decree is hereby vested in and distributed to James Roeser free and clear of all right, title, claim or demand of any person or persons claiming or attempting to claim under the estate of the decedent as heir, devisee, or otherwise, except as a proper creditor.

3. The surviving spouse shall assume and be liable for any and all indebtedness that might be a claim against the estate of the decedent.

4. There shall be no administration of the estate of the decedent.

DATED this 31st day of October, 1996.

**THOMAS J. RYAN**

Magistrate

57-00283

57-07202A

220228

FILED - RECORDED

'96 NOV 6 PM 2 38

JIM HUNTLEY JR.  
CLERK OF COURT  
CLAY COUNTY, MO  
EX Legg J. J. Dorman  
DEPUTY

REQUEST OF

FEE

EXHIBIT "A"

COMMUNITY PROPERTY

REAL PROPERTY:

Parcel 1:

All situated in Owyhee County, Idaho:

**TRACT 1:**

| <u>Twp</u> | <u>Rng</u> | <u>Sec.</u> |                  |
|------------|------------|-------------|------------------|
| IN         | 4W         | 30          | Lot 2 and E2 NW4 |
| IN         | 4W         | 30          | Lot 1            |
| IN         | 5W         | 25          | NE4 SW4          |
|            |            |             | NW4 SE4          |
|            |            |             | S2 NE4           |
|            |            |             | NE4 NE4          |
| 1S         | 5W         | 26          | W2 SE4           |
| 1S         | 5W         | 35          | NE4 NW4          |
|            |            |             | NW4 NE4          |
|            |            |             | E2 E2            |

**TRACT 2:**

|    |    |    |         |
|----|----|----|---------|
| IN | 5W | 25 | NE4 SE4 |
|----|----|----|---------|

**TRACT 3:**

|    |    |    |              |
|----|----|----|--------------|
| 1S | 4W | 7  | SE4          |
|    |    |    | NE4 SW4      |
|    |    | 18 | NE4          |
|    |    |    | SE4 NW4      |
|    |    |    | NE4 SW4      |
|    |    |    | NW4 SE4      |
|    |    |    | Lots 2 and 3 |
| 1S | 5W | 13 | SE4 NE4      |
|    |    |    | NE4 SE4      |

**TOGETHER WITH** all water and water wells and rights by license, permit and/or appropriation or which are appurtenant to the real property, including but not limited to State of Idaho permits #57,00284, #57-02019, #57-02091, and #57-02321.

57-00283 + 57-07202 A

**Parcel 2:**

Lots 3 and 4; and the SW1/4 of the NE1/4; the SE1/4 of the NW1/4; and the NW1/4 of the SE1/4 of Section 1, T1S, R5W, B.M., Owyhee County, Idaho.

**Parcel 3:**

SW1/4 of the SE1/4; and the E1/2 of the SE1/4 of Section 1, and the NE1/4 of Section 12, all in T1S, R5W, B.M., Owyhee County, Idaho.

**Parcel 4:**

In Township 1 South, Range 5 West, B.M., Owyhee County, Idaho:

|             |             |
|-------------|-------------|
| Section 12: | W1/2 SE1/4  |
| Section 13: | SE1/4 SW1/4 |
| Section 24: | NW1/4 NW1/4 |

**PERSONAL PROPERTY:**

- A. All livestock:
  - (i) Cattle, calves and bulls
  - (ii) Horses
- B. Equipment and machinery
- C. All BLM permits

The net value of all of Decedent's interest in the personal property is less than \$600,000 and no federal or state estate tax is due or payable.

**SEPARATE PROPERTY**

STATE OF IDAHO }  
County of Owyhee } ss. None.

I hereby certify that the foregoing instrument is a true and correct copy of the original on file in this office.

Date Oct. 31 1996  
Jim Huntley, Jr., Clerk of the District Court  
Shirley Ames  
Deputy Clerk

57-00203

57-07202A

RECEIVED

APR 11 1997

Department of Water Resources

1997 APR 10 PM 1:57

DISTRICT COURT - SRBA  
TWIN FALLS CO. IDAHO

FILED

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

In Re SRBA

Case No. 39576

) Subcase 57-07202A  
)  
)  
)  
)  
)

**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 Wilford Brimley. 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 the 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 the water right was filed on February 26, 1993, by the United States Bureau of Land Management (BLM). Subsequently, a settlement was reached as to how the elements of this water right could be decreed, and on February 13, 1997, the parties, filed a *Standard Form 5*. IT IS THEREFORE RECOMMENDED that subcase 57-07202A be decreed as recommended in the attached *Preliminary Special Master's Report and Recommendation for Partial Decree*.

DATED April 10, 1997.

  
FRITZ K. HAEMMERLE

Special Master, Reporting Area 2  
Snake River Basin Adjudication

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

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

PRELIMINARY

SPECIAL MASTER'S RECOMMENDATION FOR

PARTIAL DECREE FOR

Water Right 57-07202A

1997 APR 10 PM 1:57  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED *[Signature]*

NAME & ADDRESS: WILFORD BRIMLEY  
2165 E 2875 S  
SALT LAKE CITY UT 84109

SOURCE: SPRINGS TRIBUTARY: SQUAW CREEK

POINT OF INJECTION INTO AND POINTS OF REDIVERSION FROM SQUAW  
CREEK.

QUANTITY: 35.0 AFY

PRIORITY DATE: 08/30/1977

POINT OF DIVERSION: T01S R05W S12 SWSSE  
S13 NENENE  
NWSE (INJECTION)  
S12 NWSE (REDIVERSION)  
S01 LOT 2 ( NWNE) (REDIVERSION)  
SWNE (REDIVERSION)  
SENE (REDIVERSION)  
LOT 3 ( NENW) (REDIVERSION)  
LOT 4 ( NWNW) (REDIVERSION)  
NESE (REDIVERSION)  
S02 LOT 1 ( NENE) (REDIVERSION)

Within OWYHEE County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE  
IRRIGATION STORAGE  
IRRIGATION FROM STORAGE

PERIOD OF USE  
01-01 12-31  
Irrigation Season

QUANTITY  
35.0 AFY  
35.0 AFY

PLACE OF USE:

IRRIGATION FROM STORAGE Within OWYHEE County  
T01S R05W S01 Lot 2 (NWNE) 1.0  
Lot 4 (NWNW) 2.5  
28.0 ACRES TOTAL

SWNE 16.0  
SENE 0.5

SENE 0.5 Lot 3 (NENW) 4.0  
NESE 1.0 NWSE 2.5

USE OF THIS RIGHT WITH RIGHT NO. 57-00283 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 28.0 ACRES IN A SINGLE  
IRRIGATION SEASON.

CONSUMPTIVE USE:

~~USE OF THIS RIGHT WITH RIGHT NO. 57-00283 IS LIMITED TO A  
TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 70.0 AF.~~

DATED: 4/10/97

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

SPECIAL MASTER'S RECOMMENDATION  
Water Right 57-07202A

PAGE 1  
MAR-3-1997

RECEIVED

APR 11 1997

Department of Water Resources

1997 APR 10 PM 1:57

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO *OK*

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 )  
\_\_\_\_\_ )

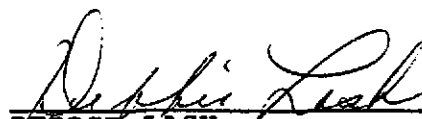
NOTICE OF ISSUANCE OF  
PRELIMINARY SPECIAL MASTER'S  
REPORT AND RECOMMENDATION

Water Right(s): 57-07202A

On April 10, 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 24, 1997.

DATED April 10, 1997.

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

RECEIVED

APR 11 1997

1997 APR 10 PM 1:58

Department of Water Resources

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): 57-07202A

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 April 10, 1997, with sufficient first-class postage prepaid to the following:

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

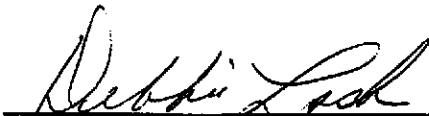
CLIVE STRONG  
DEP AG OFFICE OF ATTY GEN  
STATEHOUSE MAIL  
BOISE, ID 83720

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

JAMES R. GILLESPIE  
PO BOX 2337  
BOISE, ID 83701

WILFORD BRIMLEY  
2165 EAST 2875 SOUTH  
SALT LAKE CITY, UT 84109

CERTIFICATE OF MAILING

  
DEBBIE LASH  
Deputy Clerk

PAGE 1  
04/10/97

RECEIVED

FEB 28 1997

Department of Water Resources

1997 FEB 28 PM 3:16

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO

FILED

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

In Re SRBA

Case No. 39576

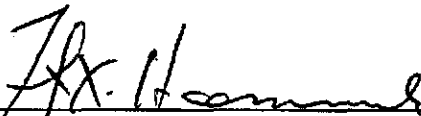
) Subcase: 57-00283 and 57-07202A  
)  
)  
)  
)  
)

ORDER VACATING  
STATUS CONFERENCE

Subcase numbers 57-00283 and 57-07202A are claims by Wilford Brimley. The claims were objected to by the United States Bureau of Land Management (BLM). On February 12, 1997 Andrew Helmlinger informed the court that IDWR had received *Standard Form 5's (SF5)*. Signatories to the *SF5* are the claimant, the objector and IDWR.

The Status Conference set for February 13, 1997 is vacated.

DATED February 24, 1997.

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

## CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER VACATING STATUS CONFERENCE** was mailed on February 24, 1997, with sufficient first-class postage to the following:

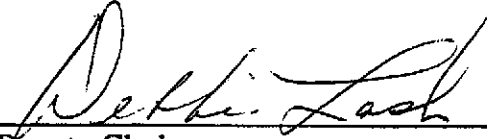
Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P. O. Box 44449  
Boise, ID 83711-4449  
By Fax

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

United States Department of Justice  
Environmental and Natural Resources Division  
550 West Fort Street, MSC 033  
Boise, Idaho 83724  
By Fax

James Gillespie  
P O Box 2337  
Boise, Idaho 83701  
Rep: Wilford Brimley

Wilford Brimley  
2165 East 2875 South  
Salt Lake City, Utah 84109

  
\_\_\_\_\_  
Deputy Clerk

RECEIVED

FEB 24 1997

Department of Water Resources

1997 FEB 21 AM 08:18  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

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

|                |   |                       |           |
|----------------|---|-----------------------|-----------|
| In Re SRBA     | ) | ORDER SETTING STATUS  |           |
|                | ) | CONFERENCE            |           |
| Case No. 39576 | ) |                       |           |
| _____          | ) | SUBCASE NOS: 57-00283 | 57-07202A |

Please be advised that Special Master FRITZ X HAEMMERLE  
has set a Status Conference in the above subcase(s)  
as follows:

THURSDAY, MARCH 27, 1997 at 02:30 PM

OWYHEE COUNTY COURTHOUSE  
HIGHWAY 78  
PO BOX 128  
MURPHY, ID

IT IS SO ORDERED.

Dated: FEBRUARY 21, 1997

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

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

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING STATUS CONFERENCE was mailed on FEBRUARY 21, 1997, with sufficient first-class postage to the following:

CLIVE STRONG  
DEP AG OFFICE OF ATTY GEN  
STATEHOUSE MAIL  
BOISE, ID 83720  
Phone: 208-334-2400  
Rep: STATE OF IDAHO

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

JACK HAUGRUD  
US DEPT OF JUSTICE  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724  
Phone: 202-305-0438  
Rep: USDI BLM

JAMES R. GILLESPIE  
PO BOX 2337  
BOISE, ID 83701  
Phone: 208-344-8400  
Rep: WILFORD BRIMLEY

WILFORD BRIMLEY  
2165 EAST 2875 SOUTH  
SALT LAKE CITY, UT 84109

Department of Water Resources

DISTRICT COURT-SRBA  
Fifth Judicial District  
County of Twin Falls, State of Idaho

**COPY**

FEB 13

By \_\_\_\_\_ Clerk

\_\_\_\_\_  
Deputy Clerk

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

**IN Re SRBA**  
**Case No. 39576**

STANDARD FORM 5  
AMENDED MAY 14, 1996

SUBCASE NO: 57-07202A

STIPULATED ELEMENTS  
OF A WATER RIGHT

This form is used to report the proposed elements of one federal reserved water right or one water right acquired under state law. Submission of this form will not result in the automatic 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; and they have been served with sufficient process, according to the law, and have appeared, prosecuted and defended their positions with regard to this water right dispute.

## INSTRUCTIONS FOR USE

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 objection should be listed exactly as they appear in the director's report. The statement as to an uncontested element 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 the element of the water right (attach additional pages if necessary).

1. The name and address of the claimant is:

James E. Roeser  
Charlene J. Roeser  
Star Route  
Marsing, ID 83639

Required Statement: IDWR and the parties stipulate that this is the correct description of the name and address of the claimant.

---

2. The source of water is: Springs, Tributary to Squaw Creek

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

---

3. The quantity of water used in cubic feet per second or the quantity of water stored in acre-feet per year is:

35.0 AFY

The amount of water diverted from Squaw Creek shall be reduced when necessary to prevent injury to appropriators of water from Squaw Creek downstream from each point of rediversion.

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

---

4. The priority date is: 08/30/1977

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

---

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

T01S R05W S12 SWSESE  
S13 NENENE  
NWNENE  
S12 NWSE (I)  
S01 Lot 2 (NWNE) (R)  
SWNE (R)  
SENE (R)  
Lot 3 (NENW) (R)  
Lot 4 (NWNW) (R)  
NESE (R)  
S02 Lot 1 (NENE) (R)

The following rights are also diverted through points of diversion described above: 57-02333 and 57-02320.

Required Statement: IDWR and the parties stipulate that this is the correct description of the points of diversion.

---

6. The purpose of use is: Irrigation Storage  
Irrigation from Storage

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

---

7. The period of year when the water is to be used is:

|                         |               |          |
|-------------------------|---------------|----------|
| Irrigation Storage      | 01/01 - 12/31 | 35.0 AFY |
| Irrigation from Storage | 04/15 - 10/15 | 35.0 AFY |
| Total Quantity:         |               | 35.0 AFY |

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

---

8. The legal description of the place of use or of the reservation is:

|               |              |     |      |      |      |     |
|---------------|--------------|-----|------|------|------|-----|
| T01S R05W S01 | Lot 2 (NWNE) | 1.0 | SWNE | 16.0 | SENE | 0.5 |
|               | Lot 3 (NENW) | 4.0 |      |      |      |     |
|               | Lot 4 (NWNW) | 2.5 | SENW | 0.5  | NESE | 1.0 |
|               |              |     | NWSE | 2.5  |      |     |

28.0 Acres Total

Use of this right with right number 57-00283 is limited to the irrigation of a combined total of 28 acres in a single irrigation season.

Required Statement: IDWR and the parties stipulate that this is the correct description of the place of use.

---

9. The annual volume of consumptive use is: 35.0 AFY

Use of this right with right number 57-00283 is limited to a total combined annual consumptive use volume of 70.0 AF.

Required Statement: IDWR and the parties stipulate that this is the correct description of the annual volume of consumptive use.

---

10. Other matters necessary to define this water right:

Explanatory Material - Basis of Claim: License

IF IDWR has not concurred by signing below, signing parties certify that they have served a copy of this document on the Idaho Department of Water Resources and have made a good faith attempt to obtain IDWR's concurrence, but have failed.

Signature and Address of Parties and their Attorney of Record  
(attach additional page if necessary)

I have read this form and know its contents and that the statements are true to the best of my knowledge and belief.

Name of Objector:

United States through  
Department of Justice for BLM  
601 Pennsylvania Ave., NW  
Washington, DC 20004

Attorneys of Record: R. Lee Leininger/Paul F. Holleman/  
William Ferry

Paul F. Holleman 2/7/97  
Attorney's Signature Date

Name of Claimant:

James E. Roeser  
Charlene J. Roeser  
Star Route  
Marsing, ID 83639

James E. Roeser 2-12-97  
Party's Signature Date

James Gillespie 2-12-97  
Attorney's Signature Date  
James Gillespie, Esquire

IDWR Concurrence:

Andrew Leininger Feb. 12, 97  
Signature Date

RECEIVED

FEB 12 1997

OFFICE OF THE  
ATTORNEY GENERAL

FEB 12 11 28 95

FEB 12 11 28 95  
FEB 12 11 28 95  
FEB 12 11 28 95IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

Subcase: 57-00283 and 57-07202A

ORDER VACATING  
STATUS CONFERENCE

Subcase numbers 57-00283 and 57-07202A are claims by Wilford Brimley. The claims were objected to by the United States Bureau of Land Management(BLM). On February 12, 1997 Andrew Helmlinger informed the court that IDWR had received *Standard Form 5's (SF5)*. Signatories to the *SF5* are the claimant, the objector and IDWR.

The Status Conference set for February 13, 1997 is vacated.

DATED February 12, 1997.

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

MAIL3883



**CERTIFICATE OF MAILING**

I certify that a true and correct copy of the **ORDER VACATING STATUS CONFERENCE** was mailed on February 12, 1997, with sufficient first-class postage to the following:

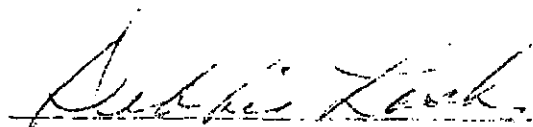
Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P. O. Box 44449  
Boise, ID 83711-4449

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

United States Department of Justice  
Environmental and Natural Resources Division  
550 West Fort Street, MSC 033  
Boise, Idaho 83724

James Gillespie  
P O Box 2337  
Boise, Idaho 83701  
Rep: Wilford Brimley

Wilford Brimley  
2165 East 2875 South  
Salt Lake City, Utah 84109

  
Deputy Clerk

RIGHTS FROM: SOURCE: SPRINGS TRIBUTARY: SQUAW CREEK

RIGHT NUMBER: 57-07202A

NAME AND ADDRESS: WILFORD BRIMLEY  
2165 E 2875 S  
SALT LAKE CITY UT 84109

*Roeser*

SOURCE: SPRINGS TRIBUTARY: SQUAW CREEK

QUANTITY: 35.0 AFY

PRIORITY DATE: 08/30/1977

POINT OF DIVERSION: T01S R05W S01 LOT 2 ( NWNE) (R) Within OWYHEE County  
SWNE (R)  
SENE (R)  
LOT 3 ( NENW) (R)  
LOT 4 ( NWNW) (R)  
NESE (R)  
S02 LOT 1 ( NENE) (R)  
S12 NWSE (I)  
SWSENE  
S13 NENENE  
NWNENE

*580  
0-2333  
-2320*

POINT OF INJECTION INTO AND POINTS OF REDIVERSION FROM SQUAW CREEK.

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE                 | PERIOD OF USE            | QUANTITY |
|----------------------------|--------------------------------|--------------------------|----------|
|                            | <u>IRRIGATION FROM STORAGE</u> | <u>Irrigation Season</u> | 35.0 AFY |
|                            | <del>IRRIGATION STORAGE</del>  | <del>08/18 10/18</del>   |          |
|                            | IRRIGATION STORAGE             | 01-01 12-31              | 35.0 AFY |

PLACE OF USE: IRRIGATION FROM STORAGE Within OWYHEE County  
T01S R05W S01 Lot 2 (NWNE) 1.0 SWNE 16.0 SENE 0.5 Lot 3 (NENW) 4.0  
Lot 4 (NWNW) 2.5 SENW 0.5 NESE 1.0 NWSE 2.5  
S02 Lot 1 (NENE) 1.0

28.0 ACRES TOTAL  
11/29/0 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 57-00283 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 28 ACRES IN A SINGLE IRRIGATION SEASON.

DOMESTIC WITHIN OWYHEE COUNTY  
T01S R05W S01 SWNE

CONSUMPTIVE USE: USE OF THIS RIGHT WITH RIGHT NO. 57-00283 IS LIMITED TO A

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

DATE: FEB-18-1997  
PAGE: A-2

57-07202A (CONT.)

TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 70 AF.

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

THE AMOUNT OF WATER DIVERTED FROM SQUAW CREEK SHALL BE REDUCED

USE OF THIS RIGHT WITH RIGHT NO. 57-00283 IS LIMITED TO A  
TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 72.9 AF, AND  
TO THE IRRIGATION OF A COMBINED TOTAL OF 29 ACRES IN A SINGLE  
IRRIGATION SEASON.

POINT OF INJECTION INTO AND POINTS OF REDIVERSION FROM SQUAW  
CREEK.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF  
DIVERSION DESCRIBED ABOVE: 57-02333 AND 57-02320

THE AMOUNT OF WATER DIVERTED FROM SQUAW CREEK SHALL BE REDUCED  
WHEN NECESSARY TO PREVENT INJURY TO APPROPRIATORS OF WATER FROM  
SQUAW CREEK DOWNSTREAM FROM EACH POINT OF REDIVERSION.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF  
DIVERSION DESCRIBED ABOVE: 57-02333 AND 57-02320

RECEIVED

JUL 01 1993

Department of Water Resources  
Adjudication Bureau

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

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

Case No. 57-07202A  
(Insert the Case No.  
from the Objection  
you are responding to)

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

RESPONSE TO OBJECTION

Petitioner, )

vs. )

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

Respondents. )

INSTRUCTIONS

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

To respond to objections filed against more than one water right, you must file a separate response form for each water right. Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form, as long as it is identical to the court's form. You must file your response by the deadline shown in the notice that IDWR mailed to you. The response must be received by the court on or before the deadline specified. Instructions for filing this response are found at Page 5, and must be strictly followed.

(Over)

RESPONSE TO OBJECTION - 1

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

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

I. GENERAL INFORMATION

Please fill in the following information:

1. Person responding to objection:

Name: Wilford Brimley  
Address: 2165 E 2875 S  
Salt Lake City, UT 84109

Briefly describe your interest in this water right:

Owner of water right

2. Person who filed objection:

Name: United States of America  
Bureau of Land Management  
Address: Dept. of Interior  
3380 Americana Terrace  
Boise, ID 83706

3. If this response is filed by an attorney:

Attorney Name: James R. Gillespie  
Attorney Address: P.O. Box 2337  
Boise, ID 83701  
Attorney Phone No.: (208) 344-8400

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

## II STATEMENT OF THE RESPONSE

Please check each "box" which identifies your response.

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

(Over)

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

REASONS SUPPORTING EACH BOX CHECKED

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

See attached page.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 Director's report should not be changed  
\_\_\_\_\_  
\_\_\_\_\_

Please note that you should attach copies of documents which support your response. Note on each document the "box number" it supports.

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

Documents will be submitted at time of hearing.  
\_\_\_\_\_  
\_\_\_\_\_

VERIFICATION (Must be Completed)

State of Idaho

County of Ada

James R. Gillespie for Wilford Brimley, being first duly  
(Name of person filing response)  
sworn, upon oath, deposes and says:

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

Wilford Brimley  
James R. Gillespie  
Signature of person filing response

By:

James R. Gillespie  
(Attorney signing in  
representative capacity)

Subscribed and sworn to before me this 30 day of June,  
1993.

Susan M. Kelly  
Notary Public for Idaho  
Residing at: Boise, Idaho  
My Commission expires: 3-9-96

INSTRUCTIONS FOR MAILING

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

(Over)

CERTIFICATE OF MAILING

I hereby certify that on the 30th day of June, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

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

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

Name: Wilford Brimley  
Address: 2165 E. 2875 S.  
Salt Lake City, UT 84109

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

Name: J. David Brunner, Boise District Manager  
Bureau of Land Management  
Address: 3380 Americana Terrace  
Boise, ID 83706

4. One copy to:

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

5. One copy to:

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

  
\_\_\_\_\_  
Signature of Respondent or attorney  
mailing on Respondent's behalf

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 1, 2, 3, 4, 7, 8, 9, 10, 12 and 12a, and all allegations of the Objection regarding these items, Wilford Brimley ("Brimley") states as follows:

Brimley lacks sufficient information to form a belief as to whether any or all of the lands upon which water is diverted, conveyed, or used pursuant to this right are owned by the United States. Brimley admits that the claims listed in the Objection are recommended in the Director's Report. Brimley denies the Objection and all allegations of the Objection not specifically admitted herein.

In response to items 12 and 12a of the Objection, Brimley alleges that the Objection is not based on facts or on any actual appropriation.

In response to item 4 of the Objection, Brimley alleges that all water described in the Objection was appropriated for beneficial use by Brimley prior to any interest claimed by any objector, including but not limited to the U.S. Department of the Interior by and through the Bureau of Land Management.

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     | ) | STANDARD FORM 5       |
| Case No. 39576 | ) | AMENDED MAY 14, 1996  |
|                | ) |                       |
|                | ) | SUBCASE NO: 57-07202A |
|                | ) |                       |
|                | ) | STIPULATED ELEMENTS   |
|                | ) | OF A WATER RIGHT      |
|                | ) |                       |

This form is used to report the proposed elements of one federal reserved water right or one water right acquired under state law. Submission of this form will not result in the automatic 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; and they have been served with sufficient process, according to the law, and have appeared, prosecuted and defended their positions with regard to this water right dispute.

INSTRUCTIONS FOR USE

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 objection should be listed exactly as they appear in the director's report. The statement as to an uncontested element 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 the element of the water right (attach additional pages if necessary).

1. The name and address of the claimant is:

Wilford Brimley  
2165 E 2875 S  
Salt Lake City, UT 84109

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

---

2. The source of water is: Springs, Tributary to Squaw Creek

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

---

3. The quantity of water used in cubic feet per second or the quantity of water stored in acre-feet per year is:

35.0 AFY

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

---

4. The priority date is: 08/30/1977

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

---

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

T01S R05W S12 SWSESE  
 S13 NENENE  
 NWNENE  
 S12 NWSE (I)  
 S01 Lot 2 (NWNE) (R)  
 SWNE (R)  
 SENE (R)  
 Lot 3 (NENW) (R)  
 Lot 4 (NWNW) (R)  
 NESE (R)  
 S02 Lot 1 (NENW) (R)

*(matches 57-002833) or remove?*

The following rights are also diverted through points of *EXP. MAT.*  
 diversion described above: 57-02333 and 57-02320. The amount of  
 water diverted from Squaw Creek shall be reduced when necessary  
 to prevent injury to appropriators of water from Squaw Creek  
 downstream from each point of rediversion. *QNT*

Required Statement: IDWR and the parties stipulate that this is the correct description of the points of diversion.

6. The purpose of use is: Irrigation Storage  
 Irrigation from Storage

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

7. The period of year when the water is to be used is:

|                         |               |          |
|-------------------------|---------------|----------|
| Irrigation Storage      | 01/01 - 12/31 | 35.0 AFY |
| Irrigation from Storage | 04/15 - 10/15 | 35.0 AFY |
| Total Quantity:         |               | 35.0 AFY |

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

8. The legal description of the place of use or of the reservation is:

|               |              |     |      |      |      |     |
|---------------|--------------|-----|------|------|------|-----|
| T01S R05W S01 | Lot 2 (NWNE) | 1.0 | SWNE | 16.0 | SENE | 0.5 |
|               | Lot 3 (NENW) | 4.0 |      |      |      |     |
|               | Lot 4 (NWNW) | 2.5 | SENW | 0.5  | NESE | 1.0 |
|               |              |     | NWSE | 2.5  |      |     |

28.0 Acres Total

Use of this right with right number 57-00283 is limited to the irrigation of a combined total of 28 acres in a single irrigation season.

Required Statement: IDWR and the parties stipulate that this is the correct description of the place of use.

---

9. The annual volume of consumptive use is: ~~35.0 AFY~~

Use of this right with right number 57-00283 is limited to a total combined annual consumptive use volume of 70.0 AF.

Required Statement: IDWR and the parties stipulate that this is the correct description of the annual volume of consumptive use.

---

10. Other matters necessary to define this water right:

~~Point of injection into and points of redirection from Squaw Creek.~~

Explanatory Material - Basis of Claim: License

AJ5809NP  
No. 57-10989

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 06/07/93  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS                                                                                                                       | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | US DEPT OF INTERIOR<br>BUREAU OF LAND MANAGEMENT<br>IDAHO STATE OFFICE<br>3380 AMERICANA TERRACE<br>BOISE ID 83706<br>(208) 334-1401 | 01/01/1875       | STOCKWATER | 01-01 12-31           | 0.02 CFS          |                     |
| TOTAL DIVERSION: |                                                                                                                                      |                  |            |                       | 0.02 CFS          |                     |

Water Source: SPRING

Tributary to: SINKS

Stage: BENEFICIAL USE

Point(s) of Diversion:

T01S R05W S13

NENE

OWYHEE County

Place of use Legal Description for: STOCKWATER

| NE  |     |    |         | NW   |      |      |      | SW     |      |      |      | SE     |      |      |      |        |      |      |      |   |
|-----|-----|----|---------|------|------|------|------|--------|------|------|------|--------|------|------|------|--------|------|------|------|---|
| T   | R   | S  | : Lt Ac | NENE | NWNE | SWNE | SENE | : NENW | NWNW | SWNW | SENW | : NESW | NWSW | SWSW | SESW | : NESE | NWSE | SWSE | SESE | : |
| 01S | 05W | 13 | :       | S    | :    | :    | :    | :      | :    | :    | :    | :      | :    | :    | :    | :      | :    | :    | :    | : |

POU County: OWYHEE

Non-Irrigation Uses: STOCKWATER, 231 RANGE CATTLE

Other Rights: WATER FEDERALLY RESERVED ON 1926-07-17, SEE REMARKS

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 = 5701580041

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:  
Presumption Flag:

*may be same spring  
as 57-02320 & 57-01207A*

AJ5809NP  
No. 57-10989A

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 06/07/93  
PAGE: 2

| 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 | 04/17/1926       | STOCKWATER | 01-01 12-31           | 0.02 CFS          |                     |
| TOTAL DIVERSION: |                                                                                                                                      |                  |            |                       | 0.02 CFS          |                     |

Water Source: SPRING

Tributary to: SINKS

Stage: RESERVED

Point(s) of Diversion:

T01S R05W S13

NENE

OWYHEE County

Place of use Legal Description for: STOCKWATER

| NE  |     |    |                           | NW                        |                           |                           |                           | SW                        |                           |                           |                           | SE                        |  |  |  |
|-----|-----|----|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|--|--|--|
| 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 | : 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 | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac |  |  |  |
| 01S | 05W | 13 | : S                       | :                         | :                         | :                         | :                         | :                         | :                         | :                         | :                         | :                         |  |  |  |

POU County: OWYHEE

Non-Irrigation Uses: STOCKWATER, 231 RANGE CATTLE

Other Rights: 57-10989

Remarks: BLM RECORD ID = 5701580041  
WATER ALSO FEDERALLY RESERVED BY EXECUTIVE ORDER DATED APRIL 17,  
1926, PWR NO. 107.

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:  
Presumption Flag:

AJ5809NP  
No. 57-10990A

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 06/07/93  
PAGE: 4

| 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 | 04/17/1926       | STOCKWATER | 01-01 12-31           | 0.02 CFS          |                     |
| TOTAL DIVERSION: |                                                                                                                                      |                  |            |                       | 0.02 CFS          |                     |

Water Source: SPRING

Tributary to: SINKS

Stage: RESERVED

Point(s) of Diversion:

T01S R05W S12

SESE

OWYHEE County

Place of use Legal Description for: STOCKWATER

|     |     |    |   | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |   |
|-----|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|---|
| T   | R   | S  | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | : |
| 01S | 05W | 12 | : |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | : |

POU County: OWYHEE

Non-Irrigation Uses: STOCKWATER, 231 RANGE CATTLE

Other Rights: 57-10990

Remarks: BLM RECORD ID = 5701580042  
WATER ALSO FEDERALLY RESERVED BY EXECUTIVE ORDER DATED APRIL 17,  
1926, PWR NO. 107.

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:  
Presumption Flag:

AJ5809NP  
No. 57-10990

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 06/07/93  
PAGE: 3

| OWNER<br>CODE    | NAME & ADDRESS                                                                                                                       | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | US DEPT OF INTERIOR<br>BUREAU OF LAND MANAGEMENT<br>IDAHO STATE OFFICE<br>3380 AMERICANA TERRACE<br>BOISE ID 83706<br>(208) 334-1401 | 01/01/1875       | STOCKWATER | 01-01 12-31           | 0.02 CFS          |                     |
| TOTAL DIVERSION: |                                                                                                                                      |                  |            |                       | 0.02 CFS          |                     |

Water Source: SPRING

Tributary to: SINKS

Stage: BENEFICIAL USE

Point(s) of Diversion:

T01S R05W S12

SESE

OWYHEE County

Place of use Legal Description for: STOCKWATER

|     |     |    |   | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |   |
|-----|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|---|
| T   | R   | S  | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | : |
| 01S | 05W | 12 | : |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | : |

POU County: OWYHEE

Non-Irrigation Uses: STOCKWATER, 231 RANGE CATTLE

Other Rights: WATER FEDERALLY RESERVED ON 1926-07-17, SEE REMARKS

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 = 5701580042

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:  
Presumption Flag:

DATE: 06/07/93  
PAGE: 5

Field Inspection Flag:  
Presumption Flag:

AJ5809NP  
No. 57-11179

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 06/07/93  
PAGE: 6

| OWNER<br>CODE    | NAME & ADDRESS                                                                                                                       | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | US DEPT OF INTERIOR<br>BUREAU OF LAND MANAGEMENT<br>IDAHO STATE OFFICE<br>3380 AMERICANA TERRACE<br>BOISE ID 83706<br>(208) 334-1401 | 01/01/1875       | STOCKWATER | 01-01 12-31           | 0.05 CFS          |                     |
| TOTAL DIVERSION: |                                                                                                                                      |                  |            |                       | 0.05 CFS          |                     |

Water Source: SQUAW CREEK

Tributary to: SNAKE RIVER

Stage: BENEFICIAL USE

Point(s) of Beginning Stream Reach: T01N R04W S17  
Point(s) of Ending Stream Reach: T01N R04W S08

SENW  
SENE

OWYHEE County  
OWYHEE County

Place of use Legal Description for: STOCKWATER

|     |     |    |   | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |    |    |   |
|-----|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|---|
| T   | R   | S  | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | : |
| 01N | 04W | 8  | : |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | : |
| 01N | 04W | 17 | : |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | : |

POU County: OWYHEE

Non-Irrigation Uses: STOCKWATER, 150 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

Other Rights: NONE

Conditions of Approval:

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

Remarks: BLM RECORD ID = 5701580248

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:  
Presumption Flag:

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: OCT-13-1992  
PAGE: A-1397

| RIGHT<br>NUMBER                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | NAME & ADDRESS                                              | PRIORITY<br>DATE       | PURPOSE OF USE                                      | PERIOD OF USE<br>FROM TO       | MAXIMUM<br>QUANTITY | BASIS OF CLAIM   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|------------------------|-----------------------------------------------------|--------------------------------|---------------------|------------------|
| SOURCE: SPRINGS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                             | TRIBUTARY: SQUAW CREEK |                                                     |                                |                     |                  |
| 57-07202A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | WILFORD BRIMLEY<br>2165 E 2875 S<br>SALT LAKE CITY UT 84109 | 08/30/1977             | IRRIGATION<br>STORAGE<br>IRRIGATION FROM<br>STORAGE | 01-01 12-31<br><br>04-15 10-15 | 35.0<br><br>35.0    | AFY<br><br>AFY   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                             |                        |                                                     |                                | TOTAL QUANTITY:     | 35.0 AFY         |
| POINT OF DIVERSION:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                             |                        |                                                     |                                |                     |                  |
| T01S R05W S12                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                             | SWSESE                 |                                                     |                                |                     |                  |
| S13                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                             | NENENE                 |                                                     |                                |                     |                  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                             | NWNENE                 |                                                     |                                |                     |                  |
| S12                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                             | NWSE (I)               |                                                     |                                |                     |                  |
| S01                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | LOT 2 (                                                     | NWNE) (R)              |                                                     |                                |                     |                  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                             | SWNE (R)               |                                                     |                                |                     |                  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                             | SENE (R)               |                                                     |                                |                     |                  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | LOT 3 (                                                     | NENW) (R)              |                                                     |                                |                     |                  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | LOT 4 (                                                     | NWNW) (R)              |                                                     |                                |                     |                  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                             | NESE (R)               |                                                     |                                |                     |                  |
| S02                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | LOT 1 (                                                     | NENE) (R)              |                                                     |                                |                     |                  |
| PLACE OF USE: IRRIGATION STORAGE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                             |                        |                                                     |                                |                     |                  |
| SAME AS OTHER USE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                             |                        |                                                     |                                |                     |                  |
| PLACE OF USE: IRRIGATION FROM STORAGE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                             |                        |                                                     |                                |                     |                  |
| T01S R05W S01                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Lot 2 (NWNE)                                                | 1.0                    | SWNE                                                | 16.0                           | SENE 0.5            | Lot 3 (NENW) 4.0 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Lot 4 (NWNW)                                                | 2.5                    | SENE                                                | 0.5                            | NESE 1.0            | NWSE 2.5         |
| S02                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Lot 1 (NENE)                                                | 1.0                    |                                                     |                                |                     |                  |
| 29.0 ACRES TOTAL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                             |                        |                                                     |                                |                     |                  |
| REMARKS: USE OF THIS RIGHT WITH RIGHT NO. 57-00283 IS LIMITED TO A<br>TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 72.5 AF, AND<br>TO THE IRRIGATION OF A COMBINED TOTAL OF 29 ACRES IN A SINGLE<br>IRRIGATION SEASON.<br>POINT OF INJECTION INTO AND POINTS OF REDIVERSION FROM SQUAW<br>CREEK.<br>THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF<br>DIVERSION DESCRIBED ABOVE: 57-02333 AND 57-02320<br>THE AMOUNT OF WATER DIVERTED FROM SQUAW CREEK SHALL BE REDUCED<br>WHEN NECESSARY TO PREVENT INJURY TO APPROPRIATORS OF WATER FROM<br>SQUAW CREEK DOWNSTREAM FROM EACH POINT OF REDIVERSION. |                                                             |                        |                                                     |                                |                     |                  |

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

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

Case No. 57-07202A -0001

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

RESPONSE TO OBJECTION

Petitioner, )

vs. )

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

Respondents. )  
\_\_\_\_\_ )

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

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

Briefly describe your interest in this water right:

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

(Over)

2. Person who filed objection:

Name: US BUREAU OF LAND MANAGEMENT  
IDAHO STATE OFFICE  
3380 AMERICANA TERRACE  
BOISE ID 83706-2544

3. If this response is filed by an attorney:

Attorney Name(s): DANIEL L. STECKEL

Attorney Address: DEPUTY ATTORNEY GENERAL(S)  
IDAHO DEPARTMENT OF WATER RESOURCES  
P.O. BOX 44449  
BOISE, ID 83711-4449

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

1. ☒ Name and Address: I respond to the objection concerning the name and/or address of the owner of the water right.
2. ☒ Source: I respond to the objection concerning the source of water.
3. ☒ Quantity: I respond to the objection concerning:
4. ☒ Priority Date: I respond to the objection concerning the priority date.
5. ☒ Points of Diversion: I respond to the objection concerning the legal description of the point(s) of diversion.
7. ☒ Purposes of Use: I respond to the objection concerning the purpose(s) of use.
8. ☒ Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
9. ☒ Place of Use: I respond to the objection concerning:

10. ☒ Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.
12. ☒ Water Right Recommendation: I respond to the objection concerning:
- 12a. ☒ This water right being recommended at all.

**REASONS SUPPORTING EACH BOX CHECKED**

In response to Statement of the Objection items 1, 2, 3, 4, 5, 7, 8, 9, 10, 12 and 12a. and all allegations of the objection regarding these items, IDWR responds as follows:

IDWR lacks sufficient information to form a belief as to whether any or all of the lands upon which water is diverted, conveyed, or used pursuant to this right are owned by the United States. The notices of claim attached to the objection were not filed with IDWR and IDWR has not recommended a water right based on these notices of claim. IDWR admits that the claims listed in the objection are recommended in the director's report. IDWR denies the objection and all allegations of the objection not expressly admitted herein.

**CHANGES TO THE DIRECTOR'S REPORT**

The director proposes no changes to the description of this claim in the Director's Report.

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

No. of  
Pages

Notice of Claim No. A57-07202A

3

(Over)

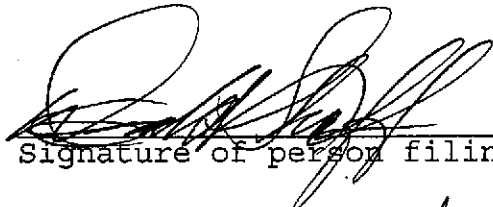
VERIFICATION (Must be Completed)

State of IDAHO

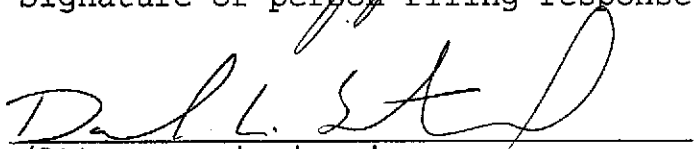
County of ADA

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

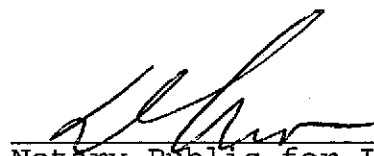
That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Section Manager for IDWR and am authorized by R. Keith Higginson, in his official capacity as director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

  
\_\_\_\_\_  
Signature of person filing response

By:

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

Subscribed and sworn to before me this 30 day of June,  
1993.

  
\_\_\_\_\_  
Notary Public for Idaho  
Residing at: Emmett  
My Commission expires: 5/30/98

CERTIFICATE OF MAILING

I hereby certify that on the 1st day of July, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared and addressed as follows:

1. Original to:

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

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

Name: WILFORD BRIMLEY  
Address: 2165 E 2875 S  
SALT LAKE CITY UT 84109

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

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

  
\_\_\_\_\_  
Signature of Respondent or attorney  
mailing on Respondent's behalf

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

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

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

Petitioner,

vs.

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

Respondents.

Case No. 57-07202A  
(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)

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

# **I. GENERAL INFORMATION**

Please fill in the following information:

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

Briefly describe your interest in this water right:

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

2. Owner of the water right:

Name: claimant Wilford Brimley  
  
Address: 2165 E. 2875 S  
Salt Lake City, UT 84109

3. If this objection is filed by an attorney:

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

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

## II. STATEMENT OF THE OBJECTION

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

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

(Over)

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

**REASONS SUPPORTING EACH BOX CHECKED**

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

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

**CHANGES TO THE DIRECTOR'S REPORT**

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

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

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

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

1. Map of claim on public land

2. Conflicting USDI claims

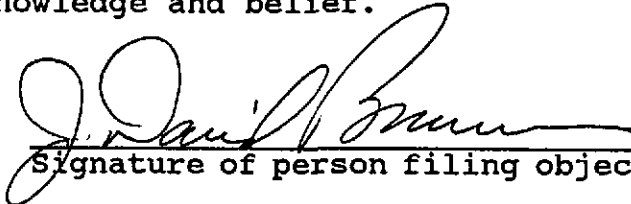
**VERIFICATION (Must be Completed)**

State of Idaho

County of Ada

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

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

  
Signature of person filing objection

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

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

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

### INSTRUCTIONS FOR MAILING

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

### CERTIFICATE OF MAILING

I hereby certify that on the 26 day of February, 1993, I ~~mailed~~<sup>serviced</sup> the original and ~~copies~~<sup>files</sup> 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: Wilford Brimley  
Owner's address: 2165 E 2875 S  
Salt Lake City, UT 84109

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:

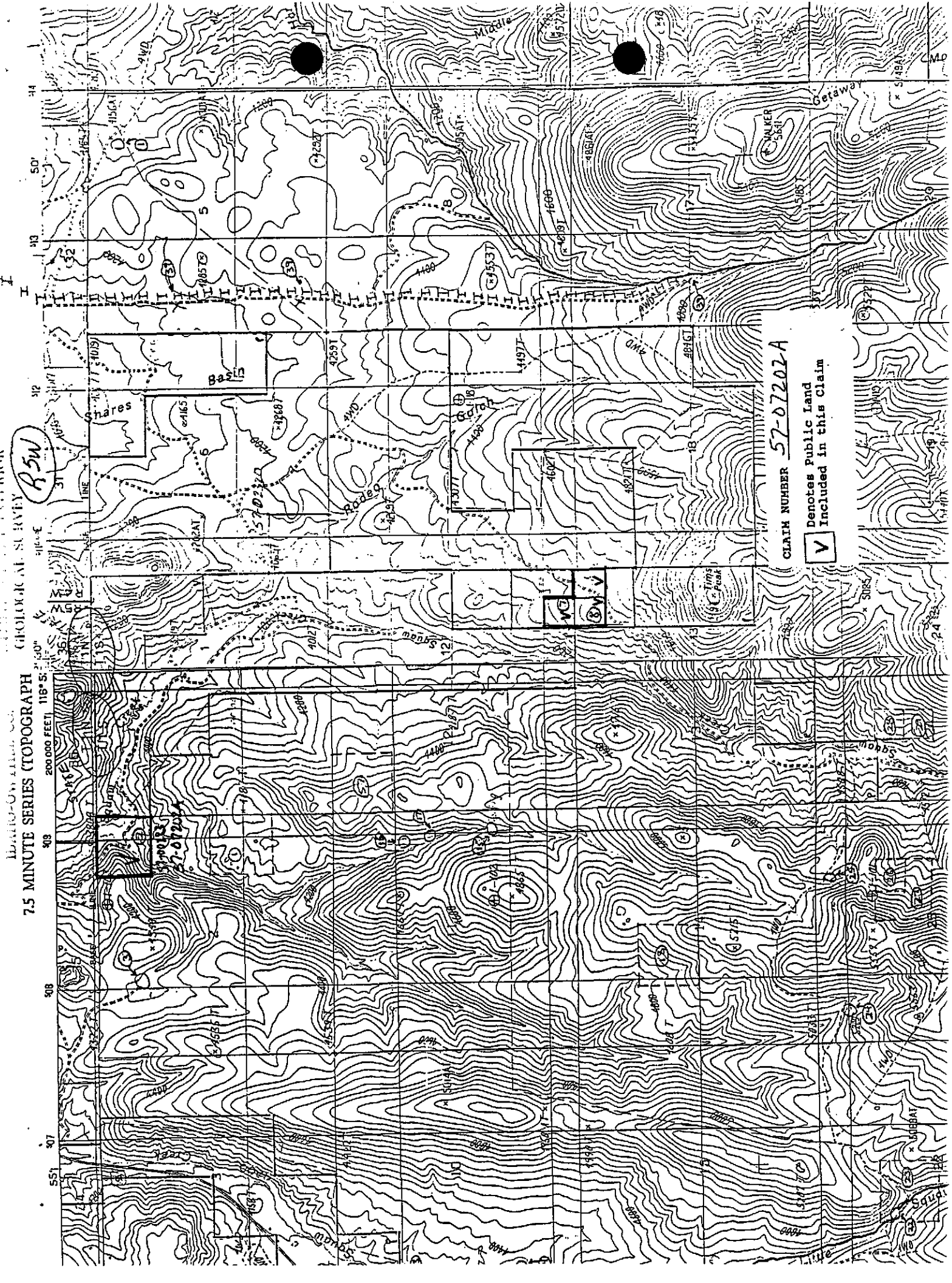
United States Department of Justice  
Environment and Natural Resource Division  
550 West Fort Street, Box 33  
Boise, Idaho 83734

  
\_\_\_\_\_  
Signature of Objector or attorney  
mailing on Objector's behalf

7.5 MINUTE SERIES (TOPOGRAPH)

GEOLOGICAL SURVEY

R5W



CLAIM NUMBER: 57-07202A

CONFLICTING CLAIMS FOUND IN THE DIRECTORS REPORT

57-10989  
57-10989A  
57-10990  
57-10990A  
57-11178  
57-11179

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

CIVIL CASE NUMBER: 39576

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

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

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

PRIORITY DATE: 1874-01-01  
AGENCY NUMBER: 5701582330  
BLM NUMBER: 5701582330  
BASIS OF CLAIM: BENEFICIAL USE  
BASIN NUMBER: 57

| SOURCE      | TRIBUTARY TO |
|-------------|--------------|
| SQUAW CREEK | SNAKE RIVER  |

DESCRIPTION OF DIVERSION WORKS

INSTREAM USE

| PURPOSE OF USE | DIVERSION RATE | DIVERSION VOLUME | PERIOD OF USE FROM | TO   |
|----------------|----------------|------------------|--------------------|------|
| WILDLIFE       | 0.020          | 0.00             | 0101               | 1231 |
| STOCKWATER     | 0.150          | 0.00             | 0101               | 1231 |
| TOTAL:         | 0.170 CFS      | 0.00 AF          |                    |      |

NON-IRRIGATION USES

S/ 428 RANGE CATTLE & WILDHORSES W/ VAR AMOUNTS

| POINT OF DIVERSION |     |     |        |        |        |     |        |
|--------------------|-----|-----|--------|--------|--------|-----|--------|
| TWP                | RNG | SEC | TRACT1 | TRACT2 | TRACT3 | LOT | COUNTY |
| 01S                | 05W | 23  |        | NW     | NW     | 00  | OWYHEE |
| 01S                | 05W | 14  |        | SW     | SE     | 00  | OWYHEE |
| 01N                | 05W | 25  |        | NW     | SW     | 00  | OWYHEE |
| 01S                | 05W | 02  |        |        |        | 03  | OWYHEE |
| 01S                | 05W | 02  |        |        |        | 01  | OWYHEE |
| 01N                | 05W | 35  |        |        |        | 01  | OWYHEE |

| PLACE OF USE |     |     |        |        |     |        | IRRIGATED OWNED | ACRES |
|--------------|-----|-----|--------|--------|-----|--------|-----------------|-------|
| TWP          | RNG | SEC | TRACT1 | TRACT2 | LOT | COUNTY |                 |       |
| 01S          | 05W | 23  | NW     | NW     | 00  | OWYHEE |                 | 0.0   |

BLM NUMBER: 5701582330

PAGE

|     |     |    |    |    |    |        |   |
|-----|-----|----|----|----|----|--------|---|
| 01S | 05W | 14 | SW | SW | 00 | OWYHEE | 0 |
| 01S | 05W | 14 | NW | SW | 00 | OWYHEE | 0 |
| 01S | 05W | 14 | SW | SE | 00 | OWYHEE | 0 |
| 01S | 05W | 14 | NW | SE | 00 | OWYHEE | 0 |
| 01S | 05W | 14 | SW | NE | 00 | OWYHEE | 0 |
| 01S | 05W | 14 | SE | NE | 00 | OWYHEE | 0 |
| 01S | 05W | 14 | NE | NE | 00 | OWYHEE | 0 |
| 01S | 05W | 14 | NW | NW | 00 | OWYHEE | 0 |
| 01S | 05W | 15 | SE | NE | 00 | OWYHEE | 0 |
| 01S | 05W | 15 | NE | NE | 00 | OWYHEE | 0 |
| 01S | 05W | 11 | SW | SW | 00 | OWYHEE | 0 |
| 01S | 05W | 11 | NW | SW | 00 | OWYHEE | 0 |
| 01S | 05W | 11 | SW | NW | 00 | OWYHEE | 0 |
| 01S | 05W | 11 | SE | NW | 00 | OWYHEE | 0 |
| 01S | 05W | 11 | NE | NW | 00 | OWYHEE | 0 |
| 01S | 05W | 11 | SE | SE | 00 | OWYHEE | 0 |
| 01S | 05W | 11 | NE | SE | 00 | OWYHEE | 0 |
| 01S | 05W | 11 | SE | NE | 00 | OWYHEE | 0 |
| 01S | 05W | 11 | NE | NE | 00 | OWYHEE | 0 |
| 01S | 05W | 02 | SE | SW | 00 | OWYHEE | 0 |
| 01S | 05W | 02 | SW | SE | 00 | OWYHEE | 0 |
| 01S | 05W | 02 | NW | SE | 00 | OWYHEE | 0 |
| 01S | 05W | 02 | SW | NE | 00 | OWYHEE | 0 |
| 01S | 05W | 02 | SE | NE | 00 | OWYHEE | 0 |
| 01S | 05W | 02 | SE | NW | 00 | OWYHEE | 0 |
| 01S | 05W | 02 | SE | SE | 00 | OWYHEE | 0 |
| 01N | 05W | 35 | NE | SE | 00 | OWYHEE | 0 |
| 01N | 05W | 35 | SE | NE | 00 | OWYHEE | 0 |
| 01N | 05W | 35 | NE | NE | 00 | OWYHEE | 0 |
| 01N | 05W | 26 | SE | SE | 00 | OWYHEE | 0 |
| 01N | 05W | 25 | SW | SW | 00 | OWYHEE | 0 |
| 01N | 05W | 25 | NW | SW | 00 | OWYHEE | 0 |
| 01S | 05W | 02 |    |    | 03 | OWYHEE | 0 |
| 01S | 05W | 02 |    |    | 01 | OWYHEE | 0 |
| 01S | 05W | 02 |    |    | 02 | OWYHEE | 0 |
| 01N | 05W | 35 |    |    | 01 | OWYHEE | 0 |
| 01S | 05W | 23 | NW | NW | 00 | OWYHEE | 0 |
| 01S | 05W | 14 | SW | SW | 00 | OWYHEE | 0 |
| 01S | 05W | 14 | NW | SW | 00 | OWYHEE | 0 |
| 01S | 05W | 14 | SW | SE | 00 | OWYHEE | 0 |
| 01S | 05W | 14 | NW | SE | 00 | OWYHEE | 0 |
| 01S | 05W | 14 | SW | NE | 00 | OWYHEE | 0 |
| 01S | 05W | 14 | SE | NE | 00 | OWYHEE | 0 |
| 01S | 05W | 14 | NE | NE | 00 | OWYHEE | 0 |
| 01S | 05W | 14 | NW | NW | 00 | OWYHEE | 0 |
| 01S | 05W | 15 | SE | NE | 00 | OWYHEE | 0 |
| 01S | 05W | 15 | NE | NE | 00 | OWYHEE | 0 |
| 01S | 05W | 11 | SW | SW | 00 | OWYHEE | 0 |

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

CIVIL CASE NUMBER: 39576

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

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

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

PRIORITY DATE: 1874-01-01  
AGENCY NUMBER: 5701582286  
BLM NUMBER: 5701582286  
BASIS OF CLAIM: BENEFICAL USE  
BASIN NUMBER: 57

| SOURCE         | TRIBUTARY TO |
|----------------|--------------|
| -----          | -----        |
| UNNAMED STREAM | SQUAW CREEK  |

DESCRIPTION OF DIVERSION WORKS  
-----  
INSTREAM USE

| PURPOSE OF USE | DIVERSION<br>RATE | DIVERSION<br>VOLUME | PERIOD OF USE<br>FROM | TO    |
|----------------|-------------------|---------------------|-----------------------|-------|
| -----          | -----             | -----               | -----                 | ----- |
| STOCKWATER     | 0.150             | 0.00                | 0101                  | 1231  |
| WILDLIFE       | 0.020             | 0.00                | 0101                  | 1231  |
| TOTAL:         | 0.170 CFS         | 0.00 AF             |                       |       |

NON-IRRIGATION USES  
-----  
S/ 428 RANGE CATTLE & WILDHORSES W/ VAR AMOUNTS

| POINT OF DIVERSION |       |       |        |        |        |       |        |
|--------------------|-------|-------|--------|--------|--------|-------|--------|
| TWP                | RNG   | SEC   | TRACT1 | TRACT2 | TRACT3 | LOT   | COUNTY |
| -----              | ----- | ----- | -----  | -----  | -----  | ----- | -----  |
| 01S                | 05W   | 12    |        | NE     | SE     | 00    | OWYHEE |
| 01S                | 04W   | 18    |        |        |        | 01    | OWYHEE |

| PLACE OF USE |       |       |        |        |       |        | IRRIGATED   |
|--------------|-------|-------|--------|--------|-------|--------|-------------|
| TWP          | RNG   | SEC   | TRACT1 | TRACT2 | LOT   | COUNTY | OWNED ACRES |
| -----        | ----- | ----- | -----  | -----  | ----- | -----  | -----       |
| 01S          | 05W   | 13    | NE     | NE     | 00    | OWYHEE | 0.0         |

|     |     |    |    |    |    |        |     |
|-----|-----|----|----|----|----|--------|-----|
| 01S | 05W | 11 | NW | SW | 00 | OWYHEE | 0.0 |
| 01S | 05W | 11 | SW | NW | 00 | OWYHEE | 0.0 |
| 01S | 05W | 11 | SE | NW | 00 | OWYHEE | 0.0 |
| 01S | 05W | 11 | NE | NW | 00 | OWYHEE | 0.0 |
| 01S | 05W | 11 | SE | SE | 00 | OWYHEE | 0.0 |
| 01S | 05W | 11 | NE | SE | 00 | OWYHEE | 0.0 |
| 01S | 05W | 11 | SE | NE | 00 | OWYHEE | 0.0 |
| 01S | 05W | 11 | NE | NE | 00 | OWYHEE | 0.0 |
| 01S | 05W | 02 | SE | SW | 00 | OWYHEE | 0.0 |
| 01S | 05W | 02 | SW | SE | 00 | OWYHEE | 0.0 |
| 01S | 05W | 02 | NW | SE | 00 | OWYHEE | 0.0 |
| 01S | 05W | 02 | SW | NE | 00 | OWYHEE | 0.0 |
| 01S | 05W | 02 | SE | NE | 00 | OWYHEE | 0.0 |
| 01S | 05W | 02 | SE | NW | 00 | OWYHEE | 0.0 |
| 01S | 05W | 02 | SE | SE | 00 | OWYHEE | 0.0 |
| 01N | 05W | 35 | NE | SE | 00 | OWYHEE | 0.0 |
| 01N | 05W | 35 | SE | NE | 00 | OWYHEE | 0.0 |
| 01N | 05W | 35 | NE | NE | 00 | OWYHEE | 0.0 |
| 01N | 05W | 26 | SE | SE | 00 | OWYHEE | 0.0 |
| 01N | 05W | 25 | SW | SW | 00 | OWYHEE | 0.0 |
| 01N | 05W | 25 | NW | SW | 00 | OWYHEE | 0.0 |
| 01S | 05W | 02 |    |    | 03 | OWYHEE | 0.0 |
| 01S | 05W | 02 |    |    | 01 | OWYHEE | 0.0 |
| 01S | 05W | 02 |    |    | 02 | OWYHEE | 0.0 |
| 01N | 05W | 35 |    |    | 01 | OWYHEE | 0.0 |

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

REMARKS

FIRST DATE OF BENEFICIAL USE - 1874

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

CIVIL CASE NUMBER: 39576

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

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

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

PRIORITY DATE: 1874-01-01  
AGENCY NUMBER: 5701582289  
BLM NUMBER: 5701582289  
BASIS OF CLAIM: BENEFICIAL USE  
BASIN NUMBER: 57

| SOURCE      | TRIBUTARY TO |
|-------------|--------------|
| RODEO GULCH | SQUAW CREEK  |

DESCRIPTION OF DIVERSION WORKS

-----

INSTREAM USE

| PURPOSE OF USE | DIVERSION<br>RATE | DIVERSION<br>VOLUME | PERIOD OF USE<br>FROM | TO   |
|----------------|-------------------|---------------------|-----------------------|------|
| WILDLIFE       | 0.020             | 0.00                | 0101                  | 1231 |
| STOCKWATER     | 0.150             | 0.00                | 0101                  | 1231 |
| TOTAL:         | 0.170 CFS         | 0.00 AF             |                       |      |

NON-IRRIGATION USES

-----

S/ 428 RANGE CATTLE & WILDHORSES W/ VAR AMOUNTS

| POINT OF DIVERSION |     |     |        |        |        |     |        |
|--------------------|-----|-----|--------|--------|--------|-----|--------|
| TWP                | RNG | SEC | TRACT1 | TRACT2 | TRACT3 | LOT | COUNTY |
| 01S                | 04W | 18  |        | SW     | SE     | 00  | OWYHEE |
| 01S                | 04W | 07  |        | SW     | NE     | 00  | OWYHEE |
| 01S                | 04W | 06  |        |        |        | 07  | OWYHEE |

PLACE OF USE

| TWP | RNG | SEC | TRACT1 | TRACT2 | LOT | COUNTY | IRRIGATED<br>OWNED | ACRES |
|-----|-----|-----|--------|--------|-----|--------|--------------------|-------|
| 01S | 04W | 18  | SW     | SE     | 00  | OWYHEE |                    | 0.0   |

BLM NUMBER: 5701582286

PAGE: 2

|     |     |    |    |    |    |        |     |
|-----|-----|----|----|----|----|--------|-----|
| 01S | 05W | 12 | SE | SE | 00 | OWYHEE | 0.0 |
| 01S | 05W | 12 | NE | SE | 00 | OWYHEE | 0.0 |
| 01S | 04W | 18 |    |    | 01 | OWYHEE | 0.0 |
| 01S | 05W | 13 | NE | NE | 00 | OWYHEE | 0.0 |
| 01S | 05W | 12 | SE | SE | 00 | OWYHEE | 0.0 |
| 01S | 05W | 12 | NE | SE | 00 | OWYHEE | 0.0 |
| 01S | 04W | 18 |    |    | 01 | OWYHEE | 0.0 |

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

-----  
NONE

REMARKS

-----  
FIRST DATE OF BENEFICIAL USE - 1874

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

CIVIL CASE NUMBER: 39576

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

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

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

PRIORITY DATE: 1874-01-01  
AGENCY NUMBER: 5701582287  
BLM NUMBER: 5701582287  
BASIS OF CLAIM: BENEFICIAL USE  
BASIN NUMBER: 57

| SOURCE         | TRIBUTARY TO |
|----------------|--------------|
| UNNAMED STREAM | SQUAW CREEK  |

DESCRIPTION OF DIVERSION WORKS

SPRING

| PURPOSE OF USE          | DIVERSION<br>RATE | DIVERSION<br>VOLUME | PERIOD OF USE<br>FROM | TO   |
|-------------------------|-------------------|---------------------|-----------------------|------|
| WILDLIFE STORAGE        | 0.000             | 0.40                | 0101                  | 1231 |
| STOCKWATER STORAGE      | 0.000             | 5.00                | 0101                  | 1231 |
| STOCKWATER FROM STORAGE | 0.000             | 5.00                | 0101                  | 1231 |
| WILDLIFE FROM STORAGE   | 0.000             | 0.40                | 0101                  | 1231 |

TOTAL: 0.540 CFS 0.00 AF

NON-IRRIGATION USES

S/ 428 RANGE CATTLE & WILDHORSES W/ VAR AMOUNTS

| POINT OF DIVERSION |     |     |        |        |        |     |        |
|--------------------|-----|-----|--------|--------|--------|-----|--------|
| TWP                | RNG | SEC | TRACT1 | TRACT2 | TRACT3 | LOT | COUNTY |
| 01S                | 05W | 12  |        | SE     | SE     | 00  | OWYHEE |

PLACE OF USE

| TWP | RNG | SEC | TRACT1 | TRACT2 | LOT | COUNTY | IRRIGATED<br>OWNED | ACRES |
|-----|-----|-----|--------|--------|-----|--------|--------------------|-------|
| 01S | 05W | 12  | SE     | SE     | 00  | OWYHEE |                    | 0.0   |

|     |     |    |    |    |    |        |     |
|-----|-----|----|----|----|----|--------|-----|
| 01S | 04W | 07 | SW | NE | 00 | OWYHEE | 0.0 |
| 01S | 04W | 07 | SE | NW | 00 | OWYHEE | 0.0 |
| 01S | 04W | 07 | NE | NW | 00 | OWYHEE | 0.0 |
| 01S | 04W | 07 |    |    | 01 | OWYHEE | 0.0 |
| 01S | 04W | 06 |    |    | 07 | OWYHEE | 0.0 |
| 01S | 04W | 18 | SW | SE | 00 | OWYHEE | 0.0 |
| 01S | 04W | 07 | SW | NE | 00 | OWYHEE | 0.0 |
| 01S | 04W | 07 | SE | NW | 00 | OWYHEE | 0.0 |
| 01S | 04W | 07 | NE | NW | 00 | OWYHEE | 0.0 |
| 01S | 04W | 07 |    |    | 01 | OWYHEE | 0.0 |
| 01S | 04W | 06 |    |    | 07 | OWYHEE | 0.0 |

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

-----  
NONE

REMARKS

-----  
FIRST DATE OF BENEFICIAL USE - 1874

BLM NUMBER: 5701582287

PAGE: 2

01S 05W 12 SE SE 00 OWYHEE

0.0

TOTAL ACRES IRRIGATED:

0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

-----  
NONE

REMARKS

-----  
FIRST DATE OF BENEFICIAL USE - 1874

RECEIVED

AUG 9 1991

Department of Water Resources  
Western Regional Office

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A57-07202A  
Date Received: 12/15/1988  
Receipt No: M002223  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: WILFORD BRIMLEY 801-486-2540  
Address: 216 E. BENDAMERE CIRCLE  
SALT LAKE CITY, UT 84109-0000
2. Date of Priority: AUG 30, 1977
3. Source: SPRINGS Trib. to: SQUAW CREEK  
SQUAW CREEK SNAKE RIVER
4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 01S      | 05W   | 1       | NW     | NW     | NW  |     | OWYHEE |
|          |       | 12      | SW     | SW     | SE  |     | OWYHEE |
|          |       | 13      |        | SW     | NE  |     | OWYHEE |

5. Description of diverting works:  
HEADGATE, DITCHES, RES., TRANSITORY POD.

6. Water is used for the following purposes:

| Purpose                 | From  | To    | C.F.S | (or) | A.F.A. |
|-------------------------|-------|-------|-------|------|--------|
| IRRIGATION STORAGE      | 01/01 | 12/31 |       |      | 28.50  |
| IRRIGATION FROM STORAGE | 04/01 | 10/30 |       |      | 28.50  |
| DIVERSION TO STORAGE    | 01/01 | 12/31 | 1.540 |      |        |

7. Total Quantity Appropriated is:  
1.540 C.F.S. (and/or)

28.50 A.F.A.

8. Total consumptive use is 500.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

MICROFILMED  
OCT 6 7 1992

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 01S      | 05W   | 1       | SW     | NE  |     | IRR | 40.0  |
|          |       |         | NE     | NW  |     | IRR | 40.0  |
|          |       |         | NW     | NW  |     | IRR | 40.0  |
|          |       |         | SE     | NW  |     | IRR | 40.0  |
|          |       |         | NW     | SE  |     | IRR | 40.0  |

Section Acres 200.0

Total Acres 200.0

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:  
A57-00283

14. Remarks:

DEVELOPED SPRINGS RUN INTO THE RESERVIOR YEAR AROUND, A TRACTOR WITH A PUMP IS USED ALL ALONG SQUAW CREEK AS THE TRANSITORY POD.  
..NO MAPS FOR THIS AREA..

15. Basis of Claim: PERMIT

16. Signature(s)

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

Number of attachments: \_\_\_\_\_

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s):

Date: 6/24/91

Date: \_\_\_\_\_

MICROFILMED  
OCT 07 1992

State of Idaho )  
 ) SS.  
County of \_\_\_\_\_ )

Subscribed and sworn (or affirmed) before me this 24<sup>th</sup> day

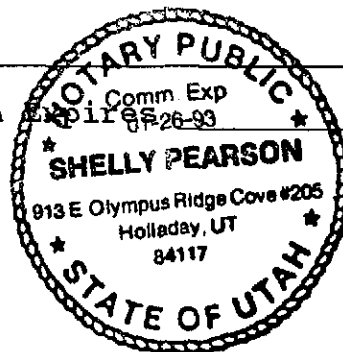
of June 19 91

Shelly Pearson  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_



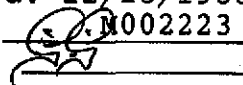
MICROFILMED  
OCT 07 1992

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.

CIVIL CASE NUMBER: 39576

RECEIVED  
JAN 27 1989

Ident. Number: A57-07202A  
Date Received: 12/15/1988  
Receipt No: M002223  
Received By: 

Department of Water Resources  
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: WILFORD BRIMLEY 801-486-2540  
Address: 216 E. BENDAMERE CIRCLE  
SALT LAKE CITY, UT 84109-0000

2. Date of Priority: AUG 30, 1977

3. Source: SPRINGS Trib. to: SQUAW CREEK  
SQUAW CREEK SNAKE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 | of | 1/4 | of | 1/4 | Lot | County |
|----------|-------|---------|-----|----|-----|----|-----|-----|--------|
| 01S      | 05W   | 1       | NW  |    | NW  |    | NW  |     | OWYHEE |
|          |       | 12      | SW  |    | SW  |    | SE  |     | OWYHEE |
|          |       | 13      |     |    | SW  |    | NE  |     | OWYHEE |

5. Description of diverting works:  
HEADGATE, DITCHES, RES., TRANSITORY POD.

6. Water is used for the following purposes:

| Purpose                 | From  | To    | C.F.S. | (or) | A.F.A. |
|-------------------------|-------|-------|--------|------|--------|
| IRRIGATION STORAGE      | 01/01 | 12/31 |        |      | 28.50  |
| IRRIGATION FROM STORAGE | 04/01 | 10/30 |        |      | 28.50  |
| DIVERSION TO STORAGE    | 01/01 | 12/31 | 1.540  |      |        |

7. Total Quantity Appropriated is:  
1.540 C.F.S. (and/or) 28.50 A.F.A.

8. Total consumptive use is 500.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

A57-07202A

Page 1

Date: 12/15/88

MICROFILMED  
OCT 07 1992

10. Place of Use:

| Township | Range | Section | 1/4 | of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|-----|----|-----|-----|---------------|-------|
| 01S      | 05W   | 1       | SW  |    | NE  |     | IRR           | 40.0  |
|          |       |         | NE  |    | NW  |     | IRR           | 40.0  |
|          |       |         | NW  |    | NW  |     | IRR           | 40.0  |
|          |       |         | SE  |    | NW  |     | IRR           | 40.0  |
|          |       |         | NW  |    | SE  |     | IRR           | 40.0  |
|          |       |         |     |    |     |     | Section Acres | 200.0 |
|          |       |         |     |    |     |     | Total Acres   | 200.0 |

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:  
A57-00283

14. Remarks:  
DEVELOPED SPRINGS RUN INTO THE RESERVIOR YEAR AROUND, A TRACTOR  
WITH A PUMP IS USED ALL ALONG SQUAW CREEK AS THE TRANSITORY POD.  
..NO MAPS FOR THIS AREA..

15. Basis of Claim: PERMIT

16. Signature(s)

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

Number of attachments: \_\_\_\_\_

**For Individuals:**

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Welford Brimley Date: 12/15/88

By Jeri Rousu Date: \_\_\_\_\_

State of Idaho )  
County of Owyhee ) SS.

Subscribed and sworn (or affirmed) before me this 15<sup>th</sup> day  
of Dec 19 88

M. P. Carlson  
Notary Public

Seal

Residing at Boise, ID

My Commission Expires 9-2-1994

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

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

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

Petitioner,

vs.

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

Respondents.

Case No. 57-07202A  
(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)

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

Briefly describe your interest in this water right:

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

2. Owner of the water right:

Name: claimant Wilford Brimley  
Address: 2165 E. 2875 S  
Salt Lake City, UT 84109

3. If this objection is filed by an attorney:

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

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

## II. STATEMENT OF THE OBJECTION

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

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

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.

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

#### CHANGES TO THE DIRECTOR'S REPORT

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

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

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

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

1. Map of claim on public land

2. Conflicting USDI claims

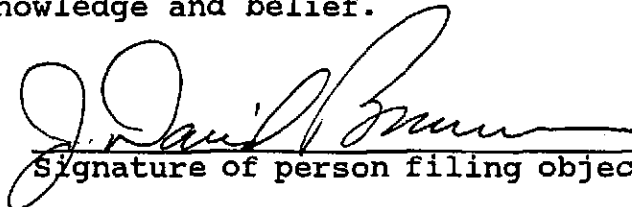
**VERIFICATION (Must be Completed)**

State of Idaho

County of Ada

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

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

  
Signature of person filing objection

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

(Attorney signing in  
representative capacity)

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

  
Notary Public for Ada County  
Residing at: Boise, Idaho  
My Commission expires: April 26, 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 26 day of February, 1993, I mailed the original and ~~copies~~ <sup>certified</sup> 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: Wilford Brimley  
Owner's address: 2165 E 2875 S  
Salt Lake City, UT 84109

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



CLAIM NUMBER: 57-07202A

CONFLICTING CLAIMS FOUND IN THE DIRECTORS REPORT

57-10989  
57-10989A  
57-10990  
57-10990A  
57-11178  
57-11179

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

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

Case No. 57-07202A -0001

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

RESPONSE TO OBJECTION

Petitioner,

vs.

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

Respondents.

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

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

Briefly describe your interest in this water right:

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

(Over)

2. Person who filed objection:

Name: US BUREAU OF LAND MANAGEMENT  
IDAHO STATE OFFICE  
3380 AMERICANA TERRACE  
BOISE ID 83706-2544

3. If this response is filed by an attorney:

Attorney Name(s): DANIEL L. STECKEL

Attorney Address: DEPUTY ATTORNEY GENERAL(S)  
IDAHO DEPARTMENT OF WATER RESOURCES  
P.O. BOX 44449  
BOISE, ID 83711-4449

Attorney Phone No.: (208) 327-7900

**II. STATEMENT OF THE RESPONSE**

1. ☒ Name and Address: I respond to the objection concerning the name and/or address of the owner of the water right.
2. ☒ Source: I respond to the objection concerning the source of water.
3. ☒ Quantity: I respond to the objection concerning:
4. ☒ Priority Date: I respond to the objection concerning the priority date.
5. ☒ Points of Diversion: I respond to the objection concerning the legal description of the point(s) of diversion.
7. ☒ Purposes of Use: I respond to the objection concerning the purpose(s) of use.
8. ☒ Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
9. ☒ Place of Use: I respond to the objection concerning:

10. ☒ Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.
12. ☒ Water Right Recommendation: I respond to the objection concerning:
- 12a. ☒ This water right being recommended at all.

**REASONS SUPPORTING EACH BOX CHECKED**

In response to Statement of the Objection items 1, 2, 3, 4, 5, 7, 8, 9, 10, 12 and 12a. and all allegations of the objection regarding these items, IDWR responds as follows:

IDWR lacks sufficient information to form a belief as to whether any or all of the lands upon which water is diverted, conveyed, or used pursuant to this right are owned by the United States. The notices of claim attached to the objection were not filed with IDWR and IDWR has not recommended a water right based on these notices of claim. IDWR admits that the claims listed in the objection are recommended in the director's report. IDWR denies the objection and all allegations of the objection not expressly admitted herein.

**CHANGES TO THE DIRECTOR'S REPORT**

The director proposes no changes to the description of this claim in the Director's Report.

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

No. of  
Pages

Notice of Claim No. A57-07202A

3

(Over)

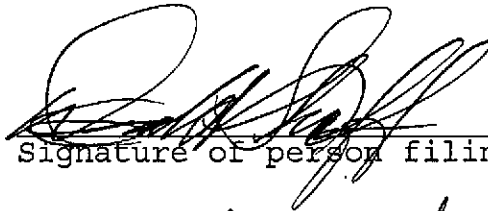
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

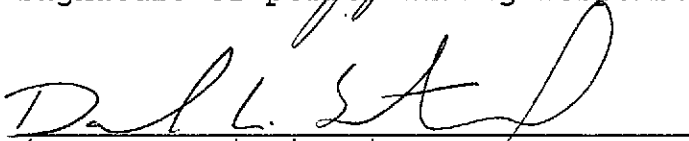
Donald V. Shaff, being first duly sworn, upon oath, deposes and says:

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



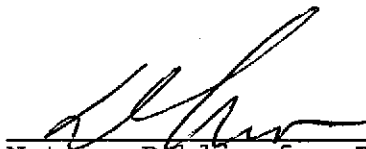
Signature of person filing response

By:



(Attorney signing in representative capacity)

Subscribed and sworn to before me this 30 day of June, 1993.



Notary Public for Idaho

Residing at: Emmett

My Commission expires: 5/30/98

CERTIFICATE OF MAILING

I hereby certify that on the 1st day of July, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared and addressed as follows:

1. Original to:

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

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

Name: WILFORD BRIMLEY  
Address: 2165 E 2875 S  
SALT LAKE CITY UT 84109

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

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

  
\_\_\_\_\_  
Signature of Respondent or attorney  
mailing on Respondent's behalf

MICROFILMED

JUL 20 1994

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

CIVIL CASE NUMBER: 39576

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

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

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

PRIORITY DATE: 1874-01-01  
AGENCY NUMBER: 5701582330  
BLM NUMBER: 5701582330  
BASIS OF CLAIM: BENEFICIAL USE  
BASIN NUMBER: 57

| SOURCE      | TRIBUTARY TO |
|-------------|--------------|
| SQUAW CREEK | SNAKE RIVER  |

DESCRIPTION OF DIVERSION WORKS

-----

INSTREAM USE

| PURPOSE OF USE | DIVERSION<br>RATE | DIVERSION<br>VOLUME | PERIOD OF USE<br>FROM | TO   |
|----------------|-------------------|---------------------|-----------------------|------|
| WILDLIFE       | 0.020             | 0.00                | 0101                  | 1231 |
| STOCKWATER     | 0.150             | 0.00                | 0101                  | 1231 |
| TOTAL:         | 0.170 CFS         | 0.00 AF             |                       |      |

NON-IRRIGATION USES

-----

S/ 428 RANGE CATTLE & WILDHORSES W/ VAR AMOUNTS

| TWP | RNG | SEC | TRACT1 | TRACT2 | TRACT3 | LOT | COUNTY |
|-----|-----|-----|--------|--------|--------|-----|--------|
| 01S | 05W | 23  |        | NW     | NW     | 00  | OWYHEE |
| 01S | 05W | 14  |        | SW     | SE     | 00  | OWYHEE |
| 01N | 05W | 25  |        | NW     | SW     | 00  | OWYHEE |
| 01S | 05W | 02  |        |        |        | 03  | OWYHEE |
| 01S | 05W | 02  |        |        |        | 01  | OWYHEE |
| 01N | 05W | 35  |        |        |        | 01  | OWYHEE |

MICROFILMED  
JUL 20 1994

| TWP | RNG | SEC | TRACT1 | TRACT2 | LOT | COUNTY | IRRIGATED<br>OWNED | ACRES |
|-----|-----|-----|--------|--------|-----|--------|--------------------|-------|
| 01S | 05W | 23  | NW     | NW     | 00  | OWYHEE |                    | 0.0   |

|     |     |    |    |    |    |        |   |
|-----|-----|----|----|----|----|--------|---|
| 01S | 05W | 14 | SW | SW | 00 | OWYHEE | 0 |
| 01S | 05W | 14 | NW | SW | 00 | OWYHEE | 0 |
| 01S | 05W | 14 | SW | SE | 00 | OWYHEE | 0 |
| 01S | 05W | 14 | NW | SE | 00 | OWYHEE | 0 |
| 01S | 05W | 14 | SW | NE | 00 | OWYHEE | 0 |
| 01S | 05W | 14 | SE | NE | 00 | OWYHEE | 0 |
| 01S | 05W | 14 | NE | NE | 00 | OWYHEE | 0 |
| 01S | 05W | 14 | NW | NW | 00 | OWYHEE | 0 |
| 01S | 05W | 15 | SE | NE | 00 | OWYHEE | 0 |
| 01S | 05W | 15 | NE | NE | 00 | OWYHEE | 0 |
| 01S | 05W | 11 | SW | SW | 00 | OWYHEE | 0 |
| 01S | 05W | 11 | NW | SW | 00 | OWYHEE | 0 |
| 01S | 05W | 11 | SW | NW | 00 | OWYHEE | 0 |
| 01S | 05W | 11 | SE | NW | 00 | OWYHEE | 0 |
| 01S | 05W | 11 | NE | NW | 00 | OWYHEE | 0 |
| 01S | 05W | 11 | SE | SE | 00 | OWYHEE | 0 |
| 01S | 05W | 11 | NE | SE | 00 | OWYHEE | 0 |
| 01S | 05W | 11 | SE | NE | 00 | OWYHEE | 0 |
| 01S | 05W | 11 | NE | NE | 00 | OWYHEE | 0 |
| 01S | 05W | 02 | SE | SW | 00 | OWYHEE | 0 |
| 01S | 05W | 02 | SW | SE | 00 | OWYHEE | 0 |
| 01S | 05W | 02 | NW | SE | 00 | OWYHEE | 0 |
| 01S | 05W | 02 | SW | NE | 00 | OWYHEE | 0 |
| 01S | 05W | 02 | SE | NE | 00 | OWYHEE | 0 |
| 01S | 05W | 02 | SE | NW | 00 | OWYHEE | 0 |
| 01S | 05W | 02 | SE | SE | 00 | OWYHEE | 0 |
| 01N | 05W | 35 | NE | SE | 00 | OWYHEE | 0 |
| 01N | 05W | 35 | SE | NE | 00 | OWYHEE | 0 |
| 01N | 05W | 35 | NE | NE | 00 | OWYHEE | 0 |
| 01N | 05W | 26 | SE | SE | 00 | OWYHEE | 0 |
| 01N | 05W | 25 | SW | SW | 00 | OWYHEE | 0 |
| 01N | 05W | 25 | NW | SW | 00 | OWYHEE | 0 |
| 01S | 05W | 02 |    |    | 03 | OWYHEE | 0 |
| 01S | 05W | 02 |    |    | 01 | OWYHEE | 0 |
| 01S | 05W | 02 |    |    | 02 | OWYHEE | 0 |
| 01N | 05W | 35 |    |    | 01 | OWYHEE | 0 |
| 01S | 05W | 23 | NW | NW | 00 | OWYHEE | 0 |
| 01S | 05W | 14 | SW | SW | 00 | OWYHEE | 0 |
| 01S | 05W | 14 | NW | SW | 00 | OWYHEE | 0 |
| 01S | 05W | 14 | SW | SE | 00 | OWYHEE | 0 |
| 01S | 05W | 14 | NW | SE | 00 | OWYHEE | 0 |
| 01S | 05W | 14 | SW | NE | 00 | OWYHEE | 0 |
| 01S | 05W | 14 | SE | NE | 00 | OWYHEE | 0 |
| 01S | 05W | 14 | NE | NE | 00 | OWYHEE | 0 |
| 01S | 05W | 14 | NW | NW | 00 | OWYHEE | 0 |
| 01S | 05W | 15 | SE | NE | 00 | OWYHEE | 0 |
| 01S | 05W | 15 | NE | NE | 00 | OWYHEE | 0 |
| 01S | 05W | 11 | SW | SW | 00 | OWYHEE | 0 |

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

CIVIL CASE NUMBER: 39576

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

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

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

PRIORITY DATE: 1874-01-01  
AGENCY NUMBER: 5701582286  
BLM NUMBER: 5701582286  
BASIS OF CLAIM: BENEFICIAL USE  
BASIN NUMBER: 57

| SOURCE         | TRIBUTARY TO |
|----------------|--------------|
| UNNAMED STREAM | SQUAW CREEK  |

DESCRIPTION OF DIVERSION WORKS

INSTREAM USE

| PURPOSE OF USE | DIVERSION<br>RATE | DIVERSION<br>VOLUME | PERIOD OF USE<br>FROM | TO   |
|----------------|-------------------|---------------------|-----------------------|------|
| STOCKWATER     | 0.150             | 0.00                | 0101                  | 1231 |
| WILDLIFE       | 0.020             | 0.00                | 0101                  | 1231 |
| TOTAL:         |                   | 0.170 CFS           | 0.00 AF               |      |

NON-IRRIGATION USES

S/ 428 RANGE CATTLE & WILDHORSES W/ VAR AMOUNTS

|     |     |     |        | POINT OF DIVERSION |        |     |        |
|-----|-----|-----|--------|--------------------|--------|-----|--------|
| TWP | RNG | SEC | TRACT1 | TRACT2             | TRACT3 | LOT | COUNTY |
| 01S | 05W | 12  |        | NE                 | SE     | 00  | OWYHEE |
| 01S | 04W | 18  |        |                    |        | 01  | OWYHEE |

| PLACE OF USE |     |     |        |        |     |        | IRRIGATED |       |
|--------------|-----|-----|--------|--------|-----|--------|-----------|-------|
| TWP          | RNG | SEC | TRACT1 | TRACT2 | LOT | COUNTY | OWNED     | ACRES |
| 01S          | 05W | 13  | NE     | NE     | 00  | OWYHEE |           | 0.0   |

|     |     |    |    |    |    |        |     |
|-----|-----|----|----|----|----|--------|-----|
| 01S | 05W | 11 | NW | SW | 00 | OWYHEE | 0.0 |
| 01S | 05W | 11 | SW | NW | 00 | OWYHEE | 0.0 |
| 01S | 05W | 11 | SE | NW | 00 | OWYHEE | 0.0 |
| 01S | 05W | 11 | NE | NW | 00 | OWYHEE | 0.0 |
| 01S | 05W | 11 | SE | SE | 00 | OWYHEE | 0.0 |
| 01S | 05W | 11 | NE | SE | 00 | OWYHEE | 0.0 |
| 01S | 05W | 11 | SE | NE | 00 | OWYHEE | 0.0 |
| 01S | 05W | 11 | NE | NE | 00 | OWYHEE | 0.0 |
| 01S | 05W | 02 | SE | SW | 00 | OWYHEE | 0.0 |
| 01S | 05W | 02 | SW | SE | 00 | OWYHEE | 0.0 |
| 01S | 05W | 02 | NW | SE | 00 | OWYHEE | 0.0 |
| 01S | 05W | 02 | SW | NE | 00 | OWYHEE | 0.0 |
| 01S | 05W | 02 | SE | NE | 00 | OWYHEE | 0.0 |
| 01S | 05W | 02 | SE | NW | 00 | OWYHEE | 0.0 |
| 01S | 05W | 02 | SE | SE | 00 | OWYHEE | 0.0 |
| 01N | 05W | 35 | NE | SE | 00 | OWYHEE | 0.0 |
| 01N | 05W | 35 | SE | NE | 00 | OWYHEE | 0.0 |
| 01N | 05W | 35 | NE | NE | 00 | OWYHEE | 0.0 |
| 01N | 05W | 26 | SE | SE | 00 | OWYHEE | 0.0 |
| 01N | 05W | 25 | SW | SW | 00 | OWYHEE | 0.0 |
| 01N | 05W | 25 | NW | SW | 00 | OWYHEE | 0.0 |
| 01S | 05W | 02 |    |    | 03 | OWYHEE | 0.0 |
| 01S | 05W | 02 |    |    | 01 | OWYHEE | 0.0 |
| 01S | 05W | 02 |    |    | 02 | OWYHEE | 0.0 |
| 01N | 05W | 35 |    |    | 01 | OWYHEE | 0.0 |

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

-----  
NONE

REMARKS

-----  
FIRST DATE OF BENEFICIAL USE - 1874MICROFILMED  
JUL 20 1994

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

CIVIL CASE NUMBER: 39576

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

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

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

PRIORITY DATE: 1874-01-01  
AGENCY NUMBER: 5701582289  
BLM NUMBER: 5701582289  
BASIS OF CLAIM: BENEFICIAL USE  
BASIN NUMBER: 57

| SOURCE      | TRIBUTARY TO |
|-------------|--------------|
| RODEO GULCH | SQUAW CREEK  |

DESCRIPTION OF DIVERSION WORKS

-----

INSTREAM USE

| PURPOSE OF USE | DIVERSION<br>RATE | DIVERSION<br>VOLUME | PERIOD OF USE<br>FROM | TO   |
|----------------|-------------------|---------------------|-----------------------|------|
| WILDLIFE       | 0.020             | 0.00                | 0101                  | 1231 |
| STOCKWATER     | 0.150             | 0.00                | 0101                  | 1231 |
| TOTAL:         | 0.170 CFS         | 0.00 AF             |                       |      |

NON-IRRIGATION USES

-----

S/ 428 RANGE CATTLE & WILDHORSES W/ VAR AMOUNTS

| POINT OF DIVERSION |     |     |        |        |        |     |        |
|--------------------|-----|-----|--------|--------|--------|-----|--------|
| TWP                | RNG | SEC | TRACT1 | TRACT2 | TRACT3 | LOT | COUNTY |
| 01S                | 04W | 18  |        | SW     | SE     | 00  | OWYHEE |
| 01S                | 04W | 07  |        | SW     | NE     | 00  | OWYHEE |
| 01S                | 04W | 06  |        |        |        | 07  | OWYHEE |

PLACE OF USE

| TWP | RNG | SEC | TRACT1 | TRACT2 | LOT | COUNTY | IRRIGATED<br>OWNED | ACRES |
|-----|-----|-----|--------|--------|-----|--------|--------------------|-------|
| 01S | 04W | 18  | SW     | SE     | 00  | OWYHEE |                    | 0.0   |

BLM NUMBER: 5701582286

PAGE: 2

|     |     |    |    |    |    |        |     |
|-----|-----|----|----|----|----|--------|-----|
| 01S | 05W | 12 | SE | SE | 00 | OWYHEE | 0.0 |
| 01S | 05W | 12 | NE | SE | 00 | OWYHEE | 0.0 |
| 01S | 04W | 18 |    |    | 01 | OWYHEE | 0.0 |
| 01S | 05W | 13 | NE | NE | 00 | OWYHEE | 0.0 |
| 01S | 05W | 12 | SE | SE | 00 | OWYHEE | 0.0 |
| 01S | 05W | 12 | NE | SE | 00 | OWYHEE | 0.0 |
| 01S | 04W | 18 |    |    | 01 | OWYHEE | 0.0 |

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

-----  
NONE

REMARKS

-----  
FIRST DATE OF BENEFICIAL USE - 1874

MICROFILMED  
JUL 20 1994

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

CIVIL CASE NUMBER: 39576

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

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

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

PRIORITY DATE: 1874-01-01  
AGENCY NUMBER: 5701582287  
BLM NUMBER: 5701582287  
BASIS OF CLAIM: BENEFICIAL USE  
BASIN NUMBER: 57

| SOURCE         | TRIBUTARY TO |
|----------------|--------------|
| -----          | -----        |
| UNNAMED STREAM | SQUAW CREEK  |

DESCRIPTION OF DIVERSION WORKS

-----

SPRING

| PURPOSE OF USE          | DIVERSION<br>RATE | DIVERSION<br>VOLUME | PERIOD OF USE<br>FROM | TO    |
|-------------------------|-------------------|---------------------|-----------------------|-------|
| -----                   | -----             | -----               | -----                 | ----- |
| WILDLIFE STORAGE        | 0.000             | 0.40                | 0101                  | 1231  |
| STOCKWATER STORAGE      | 0.000             | 5.00                | 0101                  | 1231  |
| STOCKWATER FROM STORAGE | 0.000             | 5.00                | 0101                  | 1231  |
| WILDLIFE FROM STORAGE   | 0.000             | 0.40                | 0101                  | 1231  |
| TOTAL:                  | 0.540 CFS         | 0.00 AF             |                       |       |

NON-IRRIGATION USES

-----

S/ 428 RANGE CATTLE & WILDHORSES W/ VAR AMOUNTS

| POINT OF DIVERSION |     |     |        |        |        |     |        |
|--------------------|-----|-----|--------|--------|--------|-----|--------|
| TWP                | RNG | SEC | TRACT1 | TRACT2 | TRACT3 | LOT | COUNTY |
| ---                | --- | --- | ---    | ---    | ---    | --- | ---    |
| 01S                | 05W | 12  |        | SE     | SE     | 00  | OWYHEE |

| PLACE OF USE |     |     |        |        |     |        | IRRIGATED   |
|--------------|-----|-----|--------|--------|-----|--------|-------------|
| TWP          | RNG | SEC | TRACT1 | TRACT2 | LOT | COUNTY | OWNED ACRES |
| ---          | --- | --- | ---    | ---    | --- | ---    | ---         |
| 01S          | 05W | 12  | SE     | SE     | 00  | OWYHEE | 0.0         |

|     |     |    |    |    |    |        |     |
|-----|-----|----|----|----|----|--------|-----|
| 01S | 04W | 07 | SW | NE | 00 | OWYHEE | 0.0 |
| 01S | 04W | 07 | SE | NW | 00 | OWYHEE | 0.0 |
| 01S | 04W | 07 | NE | NW | 00 | OWYHEE | 0.0 |
| 01S | 04W | 07 |    |    | 01 | OWYHEE | 0.0 |
| 01S | 04W | 06 |    |    | 07 | OWYHEE | 0.0 |
| 01S | 04W | 18 | SW | SE | 00 | OWYHEE | 0.0 |
| 01S | 04W | 07 | SW | NE | 00 | OWYHEE | 0.0 |
| 01S | 04W | 07 | SE | NW | 00 | OWYHEE | 0.0 |
| 01S | 04W | 07 | NE | NW | 00 | OWYHEE | 0.0 |
| 01S | 04W | 07 |    |    | 01 | OWYHEE | 0.0 |
| 01S | 04W | 06 |    |    | 07 | OWYHEE | 0.0 |

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

## OTHER WATER RIGHTS

-----  
NONE

## REMARKS

-----  
FIRST DATE OF BENEFICIAL USE - 1874MICROFILMED  
JUL 20 1994

BLM NUMBER: 5701582287

PAGE: 2

01S 05W 12 SE SE 00 OWYHEE 0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

-----  
NONE

REMARKS

-----  
FIRST DATE OF BENEFICIAL USE - 1874

MICROFILMED  
JUL 20 1994

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

| OWNER CODE       | NAME & ADDRESS                                                                | PRIORITY DATE | WATER USE                                     | USE PERIOD FROM TO         | DIVERSION RATE | DIVERSION VOLUME     |
|------------------|-------------------------------------------------------------------------------|---------------|-----------------------------------------------|----------------------------|----------------|----------------------|
| C                | WILFORD BRIMLEY<br>2165 E 2875 S<br>SALT LAKE CITY UT 84109<br>(801) 486-2540 | 08/30/1977    | IRRIGATION STORAGE<br>IRRIGATION FROM STORAGE | 01-01 12-31<br>04-15 10-15 |                | 35.0 AFA<br>35.0 AFA |
| TOTAL DIVERSION: |                                                                               |               |                                               |                            |                | 35.0 AFA             |

Water Source: SPRINGS

Tributary to: SQUAW CREEK

Stage: LICENSE

|                           |                      |        |      |             |       |               |
|---------------------------|----------------------|--------|------|-------------|-------|---------------|
| Point(s) of Diversion:    | T01S R05W S12        | SWSESE |      |             |       | OWYHEE County |
|                           | S13                  | NENENE | NWNE |             |       | OWYHEE County |
| Point(s) of Injection:    | T01S R05W S12        | NWSE   |      |             |       | OWYHEE County |
| Point(s) of Re-diversion: | T01S R05W S01 Lot 2( | NWNE)  | SWNE | SENE Lot 3( | NENW) | OWYHEE County |
|                           | S01 Lot 4(           | NWNW)  | NESE |             |       | OWYHEE County |
|                           | S02 Lot 1(           | NENE)  |      |             |       | OWYHEE County |

Place of use Legal Description for: IRRIGATION FROM STORAGE

| NE  |     |   |   | NW    |    |       |    | SW |    |    |    | SE    |    |       |    |             |      |    |    |
|-----|-----|---|---|-------|----|-------|----|----|----|----|----|-------|----|-------|----|-------------|------|----|----|
| T   | R   | S |   | Lt    | Ac | Lt    | Ac | Lt | Ac | Lt | Ac | Lt    | Ac | Lt    | Ac | Lt          | Ac   | Lt | Ac |
| 01S | 05W | 1 | : |       |    | 02-01 |    | 16 |    | .5 | :  | 03-04 |    | 04-02 |    | .5          | :    |    |    |
| 01S | 05W | 2 | : | 01-01 |    |       |    |    |    |    | :  |       |    |       |    |             | :    |    |    |
|     |     |   |   |       |    |       |    |    |    |    |    |       |    |       |    | TOTAL ACRES | 29.0 |    |    |

POU County: OWYHEE

Non-Irrigation Uses: NONE

Other Rights: 57-00283

Remarks: USE OF THIS RIGHT WITH RIGHT NO. 57-00283 IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 72.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 29 ACRES IN A SINGLE IRRIGATION SEASON.  
POINT OF INJECTION INTO AND POINTS OF REDIVERSION FROM SQUAW CREEK.  
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE: 57-02333 AND 57-02320  
THE AMOUNT OF WATER DIVERTED FROM SQUAW CREEK SHALL BE REDUCED WHEN NECESSARY TO PREVENT INJURY TO APPROPRIATORS OF WATER FROM SQUAW CREEK DOWNSTREAM FROM EACH POINT OF REDIVERSION.

Dates: Exam Made Date: 03/12/1991 Verified Date: 07/16/1992

Misc: Water District Number: 57E Field Inspection Flag:  
Presumption Flag:

Comments: Date: 09/24/1991 User-ID: WALKER Subject: COPIED FROM REMARKS  
DEVELOPED SPRINGS RUN INTO THE RESERVIOR YEAR AROUND, A TRACTOR WITH A PUMP IS USED ALL ALONG SQUAW CREEK AS THE TRANSITORY POD.

MICROFILMED  
OCT 07 1992

State of Idaho  
Department of Water Resources

JUN - 3 1992

# WATER RIGHT LICENSE

WATER RIGHT NO. 57-07202

Department of Water Resources  
Western Regional Office

Priority: August 30, 1977

Maximum Storage Volume:

35.0 AF

This is to certify, that WILFORD BRIMLEY  
216 E BENDAMERE CIRCLE  
SALT LAKE CITY UT 841090000

has complied with the terms and conditions  
of the permit, issued pursuant to Application for Permit dated August 30, 1977; and  
has submitted Proof of Beneficial Use on January 6, 1983. An examination indicates  
that the works have a storage capacity of 35.000 af of water from:

SPRINGS

tributary to SQUAW CREEK

source, and a water right has been established as follows:

| <u>BENEFICIAL USE</u>   | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|-------------------------|----------------------|--------------------------|----------------------|
| IRRIGATION STORAGE      | 01/01 to 12/31       |                          | 35.0 AF              |
| IRRIGATION FROM STORAGE | 04/01 to 11/01       |                          | 35.0 AF              |
| Totals                  |                      |                          | 35.0 AF              |

LOCATION OF POINT(S) OF DIVERSION:

SWSESE , Sec. 12, Township 01S, Range 05W  
NENENE , Sec. 13, Township 01S, Range 05W  
NWNENE , Sec. 13, Township 01S, Range 05W  
OWYHEE County

PLACE OF USE: IRRIGATION FROM STORAGE

| <u>TWN</u> | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u>  | <u>ACRES</u>    | <u>ACRES</u> | <u>TOTAL</u> |
|------------|------------|------------|---------------|-----------------|--------------|--------------|
| 01S        | 05W        | 1          | Lot 2(NWNE) 1 | SWNE 16         | SENE 0.5     |              |
|            |            |            | Lot 3(NENW) 4 | Lot 4(NWNW) 2.5 | SENE 0.5     |              |
|            |            |            | NESE 1        | NWSE 2.5        |              | 28           |
|            |            | 2          | Lot 1(NENE) 1 |                 |              | 1            |

Total number of acres irrigated:

29

CONDITIONS/REMARKS:

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 57E.
5. The issuance of this permit in no way grants any right-of-way or easement across the land of another.

MICROFILMED

OCT 07 1992

State of Idaho  
Department of Water Resources

**WATER RIGHT LICENSE**

WATER RIGHT NO. 57-07202

CONDITIONS/REMARKS:

6. The combined annual volume of water for storage purposes under this right & Right 57-2320 shall not exceed 35.0 acre feet. x

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 15<sup>th</sup> day of MAY, 1992

Acting for R. Keith Higginson, Director

MICROFILMED

OCT 07 1992

RECEIVED  
APR 13 1992

State of Idaho  
Department of Water Resources

APPROVED

APPLICATION FOR AMENDMENT  
(For Licensing Purposes)  
WATER RIGHT NO. 57-07202

Department of Water Resources

Date of Priority: August 30, 1977

Maximum Storage Volume: 35.0 AF

Comes now  
216 E BENDAMERE CIRCLE  
SALT LAKE CITY UT 841090000

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 57-07202, and requests that the permit be changed as follows:

Source: SPRINGS tributary to SQUAW CREEK

| <u>BENEFICIAL USE</u>   | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|-------------------------|----------------------|--------------------------|----------------------|
| IRRIGATION STORAGE      | 01/01 to 12/31       |                          | 35.0 AF              |
| IRRIGATION FROM STORAGE | 04/01 to 11/01       |                          | 35.0 AF              |
| Totals                  |                      |                          | 35.0 AF              |

LOCATION OF POINT(S) OF DIVERSION:  
SWSESE , Sec. 12, Township 01S, Range 05W  
NENENE , Sec. 13, Township 01S, Range 05W  
NWNENE , Sec. 13, Township 01S, Range 05W  
OWYHEE County

| <u>PLACE OF USE:</u>             | <u>IRRIGATION FROM STORAGE</u> |                 |              |              |              |
|----------------------------------|--------------------------------|-----------------|--------------|--------------|--------------|
| <u>TWN RGE SEC</u>               |                                | <u>ACRES</u>    | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
| 01S 05W 1                        | Lot 2(NWNE) 1                  | SWNE 16         | SENE 0.5     |              |              |
|                                  | Lot 3(NENW) 4                  | Lot 4(NWNW) 2.5 | SENE 0.5     |              |              |
|                                  | NESE 1                         | NWSE 2.5        |              |              | 28           |
| 2                                | Lot 1(NENE) 1                  |                 |              |              | 1            |
| Total number of acres irrigated: |                                |                 |              |              | 29           |

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Salt Lake City, UT, this 26 day of March, 1992.

Wilford Brimley  
(Signature)

MICROFILMED  
OCT 07 1992

State of Idaho  
Department of Water Resources

APPLICATION FOR AMENDMENT  
(For Licensing Purposes)  
WATER RIGHT NO. 57-07202

\*\*\*\*\*

FOR DEPARTMENT USE ONLY

#C023710

Preliminary check by SC Fee = \$20.00

Received by dbb Date 4/7/92

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 57-07202 with the following;

CONDITIONS/REMARKS:

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 57E.
5. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
5. The combined annual volume of water for storage purposes under this right & Right 57-2320 shall not exceed 35.0 acre feet.

Witness my hand this 15<sup>th</sup> day of May, 1992.

R. Keith Higginson  
Acting for R. Keith Higginson, Director

MICROFILMED  
OCT 07 1992

CLAIMANT'S NAME: Jim Gillespie 344-8400 DATE: 12-6-91

EMPLOYEE: Kay

RE: Ownership change of Brimley's land?  
will call me back on Monday -  
~ Dec. 23, 1991

→ Mr. Gillespie came into the office  
and ~~pick~~ picked up some change  
in ownership forms - He said  
he would pursue submittal of  
the forms by the middle of  
January.

MICROFILMED

OCT 07 1992



State of Idaho  
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

MAILING DATE: September 30, 1991

RESPONSE DATE: October 15, 1991

RE: NOTICE OF CLAIM NOS: A57-00283 and A57-07202A

Wilford Brimley  
2165 E. 2875 S.  
Salt Lake City, UT 84109

Dear Mr. Brimley:

We are currently in the process of preparing the above referenced Notices of Claim for court decree in the Snake River Basin Adjudication. During this review certain questions arose concerning the claims listed above. The following is a summary of what will be recommended to the court in regard to your claims.

**Claim A57-00283**

This claim will be recommended for direct diversion from Squaw Creek onto 29 acres of irrigation. Our recommendation on total number of acres are only those acres actually being irrigated and not the total acres owned. We have used all the 40-acre tract descriptions that Squaw Creek runs through on your property as points of diversion since your claim indicated that a portable pump is used to divert water to the irrigated lands. The claim also lists domestic use for three homes and stockwater for 350 head range cattle. The amount of water will be 0.58 cfs for 29 acres which is 1" of water for each irrigated acre, 0.08 cfs for the three homes and 0.09 cfs for stockwatering. I am enclosing a copy of the ASCS aerial photo on which I have based my recommendations.

This right was originally decreed for use of 43 inches of Squaw Creek water for the irrigation of 43 acres, stockwater and domestic purposes. I have recommended 0.58 cfs for the irrigation of 29 acres. Idaho law states that the normal duty of water in Idaho be limited to one inch of water per acre, unless it can be shown that more water is needed. In order to determine if more water is necessary, the enclosed Irrigation Flow Rate Questionnaire must be completed. Once this form is completed and returned, the Department can then determine if more than 1 inch per acre is needed. If we do not receive this form by the above response date, we will assume you agree with the inch per acre rule and this right will be recommended for 29 inches.

**MICROFILMED**

OCT 07 1992

Page 2 of 2  
Wilford Brimley  
September 30, 1991

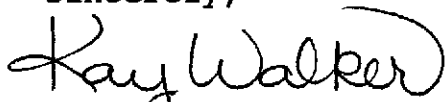
**Claim A57-07202A**

This claim will be recommended for storage water from the springs tributary to Squaw Creek. On this claim we have shown the points of diversion from the springs, along with a point of injection from the reservoir to Squaw Creek and then the tracts that Squaw Creek runs through your property as rediversion points. This claim will be recommended for 35 acre feet of water, which is the capacity of the reservoir. We have also recommended this claim for the 29 acres of irrigated land as shown on the aerial photo. You will be receiving correspondence in regard to Permit No. 57-07202 from our State Office in regard to the licensing of this right. You must follow through with the licensing of this permit for it to be considered in the decree.

Please note that I did not include the 10 acres around your home which are shown on the photo because this 10 acres did not appear irrigated on the 1987 Napp infrared photography of this area and it was not shown to our field examiner in 1988 when he went out to make an inspection of your use under 57-07202. Before you irrigate these lands you will need to file a separate application for permit to appropriate the water.

Thank-you for your cooperation. If you should have any questions, or feel that you need help in any way, please feel free to contact me at (208)334-2190.

Sincerely,



KAY WALKER  
Sr. Water Resource Agent  
Adjudication Bureau

**Enclosures:**

Irrigation Flow Rate Questionnaire  
Copy of 1988 ASCS Aerial Photo

**MICROFILMED**

**OCT 07 1992**

MEMORANDUM

DATE: 27-Sep-1991

TO: FILE A57-07202A

FROM: KAY WALKER <sup>SW</sup> THROUGH JAN SHURTE

RE: RECOMMENDATIONS FOR "R" FILE

\*\*\*\*\*  
\*\*\*\*\*

While reviewing Mr. Brimley's claim filed on Permit No. 57-07202 I found that a portion of this permit had been claimed by James Roeser, who also uses the springs diverted to the reservoir within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 1, Twp. 1S, Rge. 5W, under Rt. 57-02320. Mr. Roeser should not have claimed a portion of 57-07202 because the permit is in Mr. Brimley's name and Mr. Roeser is already licensed for more water than an inch to the acre for the lands under irrigation from the springs. I believe that Mr. Roeser claimed a portion of Permit 57-07202 because the permit covered some of his lands.

In review of claims filed by these gentlemen, I find that the permit should be licensed to Wilford Brimley (current permit holder) for the amount of 35 AF (based on field examination of Rt. A57-02320) for irrigation storage and irrigation from storage for use on his 29 acres of irrigated land. Mr. Brimley does not have any water rights for the use of the springs except for Permit 57-07202. Mr. Roeser was not interested in amending his claim on A57-02320 to include the lands owned by Mr. Brimley when we spoke to him about this.

The purpose of Permit 57-07202 was to expand the size of the reservoir by adding Squaw Creek as a source, which was not completed, and to get storage water on the lands now owned by Wilford Brimley, which was completed. In looking at the field examination of Rt. 57-02320 it clearly states that this reservoir fills more than one time a year, the remainder flowing over into the system which delivers water to both Roeser's and Brimley's lands. This being the case, Mr. Roeser has his license for 35 AF and Mr. Brimley has also developed a storage right for 35 AF. We have based the volume of the reservoir on the field inspection completed July 29, 1975 (see copy attached).

MICROFILMED  
OCT 17 1982

State of Idaho  
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. R-1094/57-2320 Priority Oct. 8, 1972 Amount 35 acre foot

THIS IS TO CERTIFY, that ORA E. WALKER  
of Marsing, Idaho, has complied with the terms and conditions of Permit  
No. R-1094/57-2320 issued pursuant to Application for Permit dated September 5, 1961  
and has submitted proof to the Department of Water Resources on October 15, 1974 (late proof)  
that he has applied water to a beneficial use, an examination by the Department indicates that the works have a  
capacity for the storage of 35 acre foot of water from unmined springs  
tributary to the Snake River, 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                                     |
|------------------------|-----------------------------------------------------------------|---------------------|---------------------------------------------------|
| Storage for Irrigation | from <u>Jan. 1</u> to <u>Dec. 31</u>                            | at <u>1</u> cfs and | <u>35 acre foot</u>                               |
| Irrigation             | from <u>April 1</u> to <u>Oct. 31</u><br>(both dates inclusive) | at <u>1</u> cfs and | <u>210 acre foot or</u><br><u>3.5 af per acre</u> |

Subject, however, to the condition that no more than 35 af of water be stored at any one time, and  
that the amount of water so stored and to which such right is entitled and accounted for the purpose  
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed  
3.5 acre foot per year, said water to be diverted within the NE 1/4 of Sec. 17  
Twp. 1 S, Rge. 6 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  | NW | SW | SE | NE     | NW | SW | SE | NE     | NW | SW | SE | NE     | NW | SW | SE |        |
| 18   | 5W    | 1    |     |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |
|      |       | 12   | 10  | 5  | 10 | 5  |        |    |    |    |        |    |    |    |        |    |    |    | 35     |
|      |       |      |     |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |
|      |       |      |     |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |
|      |       |      |     |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |

Total number of acres irrigated 60

\* Subject to the condition that the maximum volume per year shall not exceed 3.5  
acre foot per acre when combined with Licenses No. 15455/57-2140 and 10339/  
57-2333.

NOTE: Modification, 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

JANUARY, 19 76.

Director

MICROFILMED

OCT 07 1992

DATE OF EXAM 29 July 75

ACREAGE

Found 60

Recommended 60

Irrigation Requirement 3.5

Ac Ft/Ac

USE

Irrigation Q = — c.f.s.

V = 3.5

AF/Ann. from Apr. 1 to Nov. 1

Domestic Q = — c.f.s.

V = —

AF/Ann. from — to —

Livestock Q = — c.f.s.

V = —

AF/Ann. from — to —

Is water corralled? yes ☒ no ☐

Name source Winnfield City  
Twp. N/S Rge. 5 E/W. B.M. Sec. 102 Sub. 24 1/4 SE Onyiah County

Exchange? yes ☐ no ☒

Name source exchanged with —  
Twp. N/S Rge. — E/W. B.M. Sec. — Sub. — 1/4 — 1/4 — County

Point of injection  
Twp. N/S Rge. — E/W. B.M. Sec. — Sub. — 1/4 — 1/4 — County

Point of exchange  
Twp. N/S Rge. — E/W. B.M. Sec. — Sub. — 1/4 — 1/4 — County

Total Q measured 3.5 AF Method of measurement 2nd copy

Total Q recommended — Meter No. — Type — Condition —

Total V recommended 3.5 AF/Ann. (limited by permit)

Recommended Amendments.

P.D. —  
Place of Use —  
Other —  
None —

MEASUREMENT CALCULATION  
See bill 2 times per year when water is available

SYSTEM DESCRIPTION  
2000 ft. down w/pressure 2000 ft.

REMARKS  
System operating at time of inspection, all H.H. has been properly stated and is working

MICROFILMED

Examiner's Signature Chas. F. Sullivan Date 30/10/75

Checked by — Date 10-27-75

Approved by — Date —



State of Idaho

# DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

January 13, 1989

Jim Roeser  
Route 2, Box 724  
Caldwell, ID. 83605

RE: Permit 57-7202

Dear Mr. Roeser:

In researching other water rights concerning the irrigated lands under this permit I found 57-2320 with a priority date of October 9, 1972. This license is for irrigation storage and irrigation from storage with the springs as the source of water and the same reservoir used for storage.

As the primary reason for 57-7202 was to include diversion of Squaw Creek into the reservoir for additional storage and to increase the acres irrigated, and this was not developed I have recommended canceling this permit.

Although some of the acres now irrigated are different than the license, that can be corrected during the adjudication process now in progress. Handling the transfer of acres irrigated in this manner will allow you to operate in the same manner but the land irrigated will have the older priority date. Although you have already filed your claim, the corrections can be made during the review process and the file is noted for those corrections.

If you have any questions feel free to contact me for further information.

Sincerely,

*Kelly K. Christensen*  
Kelly K. Christensen  
Water Rights Examiner

Mr. Roeser  
not interested in  
applying his licensed  
right to another party.  
KW  
9/24/91

MICROFILMED

OCT 07 1992

Re-exam

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
BENEFICIAL USE FIELD REPORT

## A. GENERAL INFORMATION

Permit No. 57-072021. Owner: Wilford Brimley Phone No. 801-486-2540Current Address: 2165 E. 2875 S., Salt Lake City, UT 841092. Accompanied by: James Proser & Jan Shurte EXAM. DATE: 3-12-1991Address: Star Rt., Marsing, ID <sup>IDWR</sup> Phone No. 208-896-4421Relationship to Permit Holder: neighbor3. Source: springs tributary to Squaw Ck.

## B. OVERLAP REVIEW

1. Other water rights with same place of use: 57-00283 (Squaw Ck.)☐ Copies Attached2. Other water rights with same point of diversion: 57-02320, 57-02333 - see "R" record in data base☐ Copies Attached☐ Copies of Field Exam's Attachedattached  
quad - no  
plu overlap

## C. SYSTEM DESCRIPTION

1. Diversion System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☒ Alternative diagram attached

C O P Y  
C O P Y

MICROFILMED

OCT 07 1992

Scale: 1" = \_\_\_\_\_

2. ☒ Copy of U.S.G.S. Quadrangle Attached  
Showing location(s) of point(s) of diversion and  
place(s) of use (required).

- ☒ Aerial Photo Attached  
(required for irrigation of 10 acres or more).

- ☐ Photo of Diversion and System Attached - see dam safety file (57-2320)  
(required for all but single household domestic groundwater, and stockwater).

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Reservoir collection of 7 springs - see attached diagram of 7-6-88. Reservoir discharges into Squaw Ck. and is rediverted onto fields via transitory tractor with pump &/or open ditch flood irrigation. - see attached supplemental remarks sheet.

☐ See Remarks on page 4 for continuation

4.

| Well or Diversion Identification No.* | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|---------------------------------------|------------|----|------------------|-----------|-----------------------------------|
| N/A                                   |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |

\*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

| Ident. No. | Gov't. Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Method of Determination/Remarks |
|------------|------------|-----|-----|-----|------|------|------|--------|---------------------------------|
|            |            | NE  | NE  | NE  | 13   | 15   | 5W   | Dwyhee | orthophoto quad, exam           |
|            |            | NN  | NE  | NE  | 13   | 15   | 5W   | " "    | of Rt. 57-02320, Exam           |
|            |            | SW  | SE  | SE  | 12   | 15   | 5W   | " "    | by KC 7-6-88                    |
|            |            |     |     |     |      |      |      |        |                                 |

6. Place(s) of Use:

Indicate Method of Determination 1988 ASCS photo

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals   |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|----------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |          |
| 15   | 5W   | 1    |        | 4.2    | 1      | 16     | 0.5    | 4      | 2.5    | 0.5    |        |        |        |        | 1      | 2.5    |        |        | 28.0     |
|      |      | 2    |        | 4.1    | 1.0    |        |        |        |        |        |        |        |        |        |        |        |        |        | 1.0      |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        | 29 Total |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |          |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |          |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |          |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |          |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |          |

MICROFILMED

OCT 07 1992

Do not use this space

#### D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

| Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|-----------------------|------|------|-----------|------------|------|-------------|
|                       |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |

2. Measurements:

On-stream storage, no measurement required.  
Reservoir capacity = 35 AF. Reservoir fills  
more than once a year when water is  
available. See exam of Rt. 57-02320 for  
more info.

#### E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

#### F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: \_\_\_\_\_ psi x 2.31 = \_\_\_\_\_ ft (1); Dynamic pumping level: \_\_\_\_\_ ft (2)

Total Head: (1) + (2) = \_\_\_\_\_ (3) ; Flow rate: \_\_\_\_\_ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = \_\_\_\_\_ (5)

Meter Input KW: 3.6 x \_\_\_\_\_ KH x \_\_\_\_\_ CTR or \_\_\_\_\_ MULT x \_\_\_\_\_ PTR x \_\_\_\_\_ N/ \_\_\_\_\_ T = \_\_\_\_\_ (6)

Meter Input HP: (6) x 1.34 = \_\_\_\_\_ (7)

Panel Input KW: \_\_\_\_\_ Ave PF x \_\_\_\_\_ Ave Volts x \_\_\_\_\_ Ave Ampsx .001732 = \_\_\_\_\_ (6)

Panel Input HP: (6) x 1.34 = \_\_\_\_\_ (7) Efficiency: (5)/(7) x 100 = \_\_\_\_\_ %

#### G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$  \_\_\_\_\_

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$  \_\_\_\_\_

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$  \_\_\_\_\_

2. Volume Calculations for Other Uses:

MICROFILMED

OCT 07 1956

H. REMARKS AND OVERLAP REVIEW ANALYSIS

There was no development of Squaw Ck. into reservoir. No diversion to storage (on-stream reservoir). Lands under this recommendation not previously covered by these springs. Licenses 57-2320 & 57-2333 do not overlap these lands.

Reservoir located in SESE, Sec. 1, Twp. 1S, Rge. 5W. Reservoir fills more than one time per year when water is available. Overflow goes into irrig. system & for Squaw Ck. This recommendation based on review of Adj. claims filed by Roeser & Brimley. Proof of B/U made 1/6/83 - exam fee paid 6-15-87 (timely; see correspondence attached).

I. RECOMMENDATIONS

1. Recommended Amounts

| Beneficial Use             | Period of Use              |                         | Rate of Diversion<br>Q (cfs) | Annual Volume<br>V (afa) |
|----------------------------|----------------------------|-------------------------|------------------------------|--------------------------|
|                            | From                       | To                      |                              |                          |
| <u>Irrig. Storage</u>      | <u>1-1</u>                 | <u>12-31</u>            |                              | <u>35.0 AF</u>           |
| <u>Irrig. from Storage</u> | <u><del>4-15</del></u>     | <u><del>10-30</del></u> |                              | <u>35.0 AF</u>           |
|                            | <u>4-15</u>                | <u>10-15</u>            |                              |                          |
|                            | <u>(as of 1/6/92 - kw)</u> |                         |                              |                          |
|                            | Totals:                    |                         |                              | <u>35.0 AF</u>           |

2. Recommended Amendments

☒ Change P.D. as reflected above

☐ Add P.D. as reflected above

☐ None

☒ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

J. AUTHENTICATION

Field Examiner's Name

Kay Walker

Signature

Kay Walker

Certification Date

9-27-1991

Field Report Preparation Date

CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

MICROFILMED

OCT 07 1992

SUPPLEMENTAL REMARKS FOR BENEFICIAL USE EXAM  
PERMIT NO. 57-07202

Water from reservoir is injected into Squaw Creek in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 12, Twp. 1S, Rge. 5W. Water is rediverted from Squaw Creek in the following locations: NE $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 1; NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 2; Twp. 1S, Rge. 5W. Water is rediverted by means of a transitory tractor with pump &/or open ditch flood irrigation.

MICROFILMED

OCT 6 7 1982



Reservoir

DIRT FACED TIRE RIP RAP

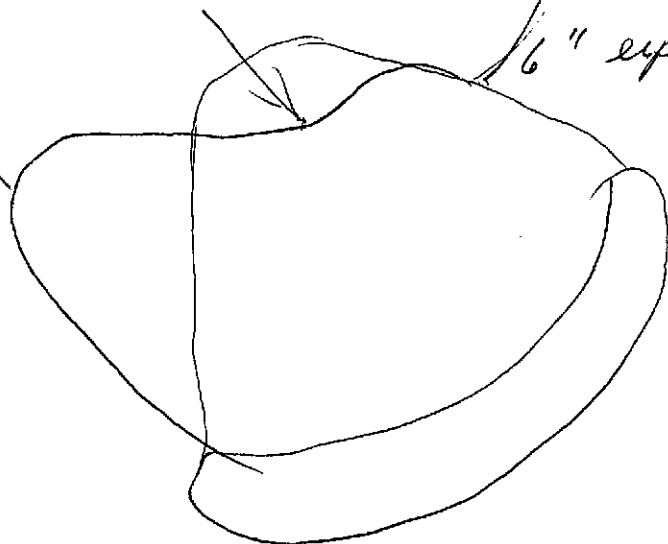
MAIN  
SPRING

FROM 5 SPRINGS

350 to 400 yards long

SPRING

6" expandable plastic

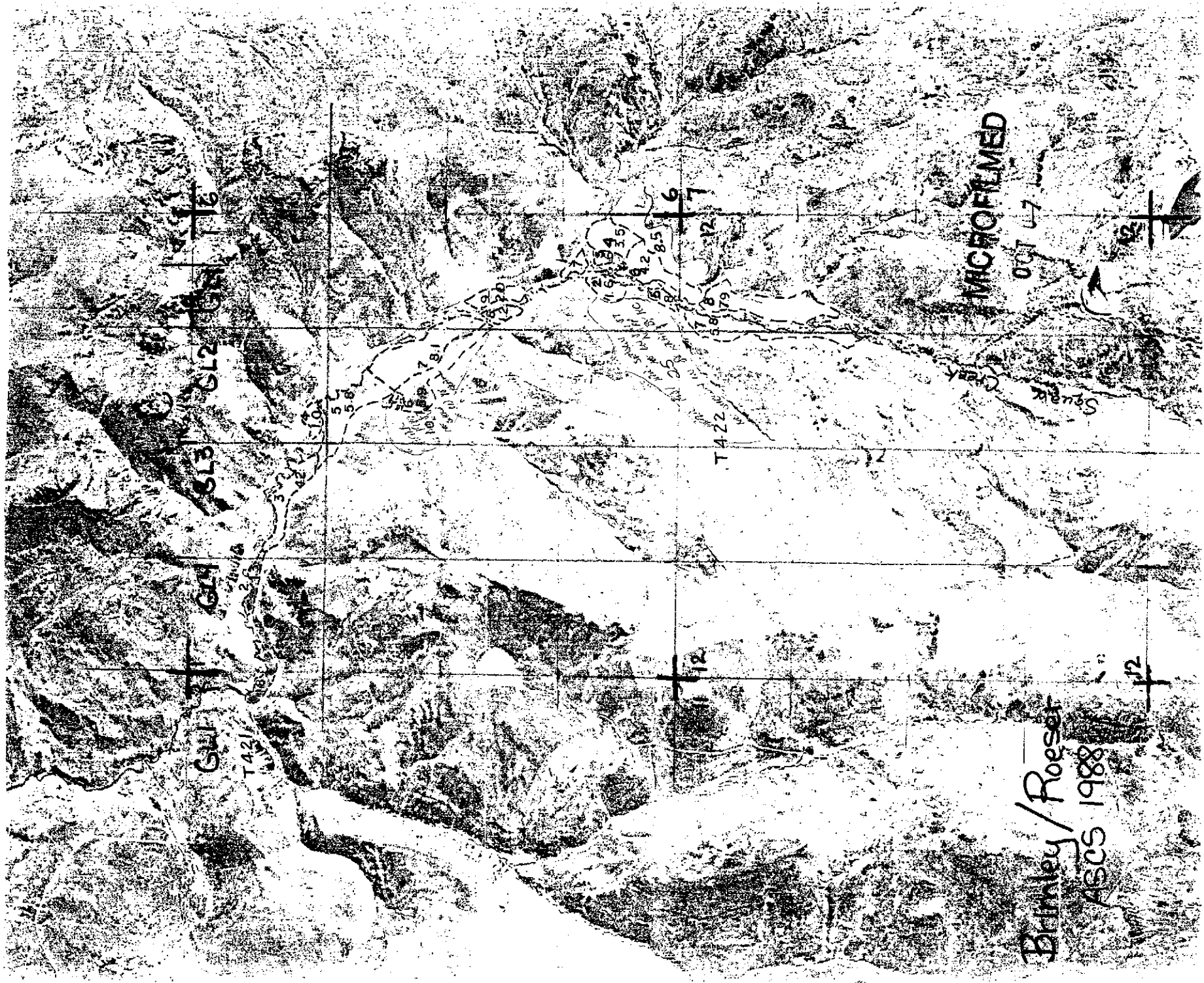


From exam done by Kelly Christensen  
on 7-6-1988.

MICROFILMED

OCT 6 7 1988

A57-07202A





1979 quads

Pink = Brimley's Claimed POU

Blue = Roeser's Claimed POU

WATER RESOURCES

W R4W

PIUTE BUTTE QUADRANGLE

IDAHO

7.5 MINUTE SERIES (ORTHOPHOTOQUAD)

UNITED STATES

DEPARTMENT OF THE INT

GEOLOGICAL SURVEY

55'

507

508

509

200 000 FEET 116° 52' 30"

511000m E



WR5810NP  
(OD-138)IDAHO DEPARTMENT OF WATER RESOURCES  
PLACE OF USE 1/4 1/4 COMPARISON REPORTDATE: 03/08/91  
PAGE: 4

| WR-NUMBER             | NAME                                   | STG | SOURCE      | T   | R                | S  | NE      |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |     |     | SUM |
|-----------------------|----------------------------------------|-----|-------------|-----|------------------|----|---------|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|-----|-----|
|                       |                                        |     |             |     |                  |    | NE      | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW  | SE  |     |
| A5707202A             | NO MATCHES FOR THIS POU IN AJ-POU-TEMP |     |             |     |                  |    |         |    |    |    |    |    |    |    |    |    |    |    |    |    |     |     |     |
| 5700283               | WALKER                                 | D   | SQUAW CREEK | 01S | 05W              | 1  | :       |    |    |    |    | X  | :  | X  | X  |    | X  | :  |    |    |     |     |     |
| A5700283              | BRIMLEY                                | D   | SQUAW CREEK | 01S | 05W              | 1  | :       |    |    |    |    | 40 | :  | 40 | 40 |    | 40 | :  |    |    | 200 |     |     |
| 5700285               | WALKER                                 | D   | SQUAW CREEK | 01S | 05W              | 1  | :       |    |    |    |    |    | :  |    |    |    | X  | :  | X  | X  |     |     |     |
| A5700285              | ROESER                                 | D   | SQUAW CREEK | 01S | 05W              | 1  | :       |    |    |    |    |    | :  |    |    |    | 5  | :  | 10 | 10 | 25  |     |     |
| 5702140               | WALKER                                 | L   | SQUAW CREEK | 01S | 05W              | 1  | :       |    |    |    |    |    | :  |    |    |    |    | :  | 6  |    | 6   |     |     |
| A5702140              | ROESER                                 | L   | SQUAW CREEK | 01S | 05W              | 1  | :       |    |    |    |    |    | :  |    |    |    |    | :  | 6  |    | 6   |     |     |
| 5702320               | WALKER                                 | L   | SPRINGS     | 01S | 05W              | 1  | :       |    |    |    |    |    | :  |    |    |    | 5  | :  | 10 | 10 | 25  |     |     |
| A5702320              | ROESER                                 | L   | SPRINGS     | 01S | 05W              | 1  | :       |    |    |    |    |    | :  |    |    |    | 5  | :  | 10 | 10 | 25  |     |     |
| 5702333               | WALKER                                 | L   | SPRINGS     | 01S | 05W              | 1  | :       |    |    |    |    |    | :  |    |    |    |    | :  | 10 |    | 10  |     |     |
| A5702333              | ROESER                                 | L   | SPRINGS     | 01S | 05W              | 1  | :       |    |    |    |    |    | :  |    |    |    |    | :  | 10 |    | 10  |     |     |
| 5707202               | BRIMLEY                                | P   | SPRINGS     | 01S | 05W              | 1  | :       |    |    |    |    | 40 | :  | 40 | 40 |    | 40 | :  | 5  | 40 | 10  | 10  |     |
| A5707202              | SPLIT RIGHT                            |     | SPRINGS     | 01S | 05W              | 1  | :       |    |    |    |    | 40 | :  | 40 | 40 |    | 40 | :  | 5  | 40 | 10  | 10  |     |
| L5707202              | BRIMLEY                                | L   | SPRINGS     | 01S | 05W              | 1  | :       |    |    |    | 1  | 13 | :  | 4  | 3  |    | 2  | :  | 2  | 5  | 11  | 41  |     |
| A5707202A             | BRIMLEY                                | P   | SPRINGS     | 01S | 05W              | 1  | :       |    |    |    |    | 40 | :  | 40 | 40 |    | 40 | :  |    |    |     | 200 |     |
| A5707202B             | ROESER                                 | P   | SPRINGS     | 01S | 05W              | 1  | :       |    |    |    |    |    | :  |    |    |    | 5  | :  |    | 10 | 10  | 25  |     |
| 1986 MAPPING DATA --- |                                        |     |             | -   | COUNTY 73 QUAD Y | 53 | 01S 05W | 1  | :  |    |    | 22 | :  |    | 5  |    | 5  | :  | 5  | 14 | 17  | 63  |     |

MICROFILMED  
OCT 07 1992



State of Idaho  
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

May 31, 1991

RE: Claims filed in the Snake River Basin Adjudication

Wilford Brimley  
2165 East Bendemere  
Salt Lake City, UT 84109

Dear Mr. Brimley:

We are in the final phase of preparing recommendations on some of the claims submitted in the Snake River Basin Adjudication and find that we cannot accept the claims that were submitted in your name. These claims are not acceptable because they are in your name but have been signed by Jim Roeser. I corresponded with Mr. Roeser, to try to obtain a power of attorney which authorized him to sign these documents for you, and in talking with Mrs. Roeser, I was advised to send duplicate claim forms to you for your signature.

Enclosed you will find computer generated copies of Claim Nos. A57-00283 and A57-07202A which you need to sign in the presence of a notary public and return to my attention at your earliest convenience. If you have any questions in regard to this matter, please feel free to contact me.

Sincerely,

KAY WALKER  
Sr. Water Resource Agent  
Adjudication Bureau

KW:k  
Enclosures

MICROFILMED  
OCT 07 1992



Cecil D. Andrus  
Governor

State of Idaho  
**DEPARTMENT OF WATER RESOURCES**  
Western Region

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

June 24, 1987

A. Wilford Brimley  
4516 S. 700 East, Suite 210  
Salt Lake City, UT 841017

Re: Permit No. 57-7202

Dear Mr. Brimley:

We received the examination fee information sheet for the above referenced water right permit along with a check for \$150.00. Since your permit is for 2.0 cubic feet per second (cfs), an examination fee of only \$125.00 is required. Therefore, your check is for \$25.00 more than the required fee.

Due to the large number of examination fees we have recently received, it will be more expeditious for you to simply submit a new check to our office. I therefore have enclosed your initial check for \$150.00. We will consider the fee paid as of June 15, 1987 (the date we received your check) to prevent loss of priority while we await the arrival of your check.

Please feel free to contact this office if you have any questions.

Sincerely,

Brad E. Dingee  
Sr. Water Resource Agent

BED:jp

Enclosure

**MICROFILMED**

OCT 07 1992

4/86

**RECEIVED**

JUN 15 1987

Department of Water Resources  
Western Regional Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

## EXAMINATION FEE INFORMATION

**KEYPUNCHED**

For Office Use Only

Fee Received 125Date 7/22/87Receipt # 43819Receipt by AKSent to S.O.       1. Permit No. 57-7202

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE:

- ☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: A. WILFORD BRIMLEY3. Post Office Address: 4516 SOUTH 700 EAST SUITE 210SALT LAKE CITY, UT 84107Telephone No. (801) 262-82004. Source of Water: SQUAW CREEK

5. Extent of Use:

Domestic        (No. of households) Stockwater        (No. and type of stock)Irrigation 260 (acres) Other/Remark       6. Total rate &/or volume for which proof is submitted 2.0 cfs 37 acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

8. Person to contact to accompany the department representative during the field examination:

JIM ROESER

(Name)

ROUTE II BOX 724, CALDWELL ID 83605

(Address)

(208) 459-4295

(Telephone Number)

- ☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

< 6-4-87A. Wilford Brimley  
Signature of Permit Holder (and title, if appropriate)