

Department of Water Resources

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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

F¹ = ...

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

)

Subcases: See Exhibit A

Case No. 39576

)

ORDER VACATING SUMMARY
JUDGMENT HEARING

)

2

The summary judgment hearing is currently scheduled for the above referenced subcases on April 23, 1996 at 1:30 p.m. Most of the issues to be addressed in that summary judgment are addressed under issues outlined under Basin-Wide Issue 12. Basin-Wide Issue 12 is set to be heard on May 15, 1996. Because a resolution of the issues in Basin-Wide Issue 12 will address the issues set forth in the summary judgment currently scheduled for April 23, 1996, the court hereby vacates that summary judgment hearing.

IT IS SO ORDERED.

DATED April 17, 1996.

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

EXHIBIT A

Subcase Nos:

57-02362	57-11335
57-02365A	57-11337
57-02379	57-11360
57-02380	57-11367
57-02382	57-11375
57-02407	57-11376
57-02419	57-11377
57-02423	57-11379
57-02429	57-11388
57-07056	57-11382
57-07298	57-11385
57-07335	57-11398
57-07417	57-11399
57-07431	57-11422
57-07442	57-11424
57-10960	57-11449
57-10960A	57-11450
57-10977	57-11452
57-10977A	57-11453
57-10980	57-11454
57-10980A	57-11463
57-10981	57-11464
57-10981A	57-11465
57-10984	57-11469
57-10984A	57-11471
57-10985	57-11473
57-10985A	57-11475
57-10994	57-11476
57-10994A	57-11477
57-11013A	57-11480
57-11048	57-11482
57-11049A	57-11483
57-11078A	57-11484
57-11085	57-11486
57-11085A	57-11487
57-11108	57-11488
57-11150	57-11489
57-11154	57-11490
57-11155	57-11494
57-11171	
57-11195	
57-11201	
57-11246	
57-11284	
57-11286	
57-11287	
57-11304	
57-11317A	
57-11331	
57-11333	

(Subcase list: 57SF5BLM)
Page 4 4/17/96

See File 57-02362
for complete document =
KJ

Subcase Nos:

57-02362	57-11335
57-02365A	57-11337
57-02379	57-11360
57-02380	57-11367
57-02382	57-11375
57-02407	57-11376
57-02419	57-11377
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57-02429	57-11380
57-07056	57-11382
57-07298	57-11385
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57-10960A	57-11450
57-10977	57-11452
57-10977A	57-11453
57-10980	57-11454
57-10980A	57-11463
57-10981	57-11464
57-10981A	57-11465
57-10984	57-11469
57-10984A	57-11471
57-10985	57-11473
57-10985A	57-11475
57-10994	57-11476
57-10994A	57-11477
57-11013A	57-11480
57-11048	57-11482
57-11049A	57-11483
57-11078A	57-11484
57-11085	57-11486
57-11085A	57-11487
57-11108	57-11488
57-11150	57-11489
57-11154	57-11490
57-11155	57-11494
57-11171	
57-11195	
57-11201	
57-11246	
57-11284	
57-11286	
57-11287	
57-11304	
57-11317A	
57-11331	
57-11333	

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

A57-07298

PRIORITY DATE: 1981-11-17
IDWR WATER RIGHT NO. 5707298
BLM NUMBER: 5701588219
BASIS OF CLAIM: BENEFICIAL USE
BASIN NO.: 57

SOURCE	TRIBUTARY TO
-----	-----
UNNAMED STREAM	SINKS

DESCRIPTION OF DIVERSION WORKS

SIDE DRAINAGE STORAGE, 300' L X 10' H EARTHFILL DAM

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
-----	-----	-----	-----	-----
STOCKWATER STORAGE	0.000	0.30	0501	1031
STOCKWATER FROM STORAGE	0.000	0.30	0501	1031
WILDLIFE STORAGE	0.000	0.30	0101	1231
WILDLIFE FROM STORAGE	0.000	0.30	0101	1231
TOTAL:	0.000 CFS	0.30 AF		

NON-IRRIGATION USES

S/183 RANGE CATTLE W/VAR AMT

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OCT 01 1992

TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
---	---	---	---	---	---	---	---
03S	06W	14		SE	NE	0	OWYHEE

TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	OWNED	IRRIGATED ACRES
---	---	---	---	---	---	---	---	---
03S	06W	14	SE	NE	0	OWYHEE	YES	0.0
03S	06W	14	SE	NE	0	OWYHEE	YES	0.0
03S	06W	14	SE	NE	0	OWYHEE	YES	0.0

BLM NUMBER: 5701588219

PAGE 2

03S 06W 14 SE NE 0 DWYHEE YES 0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

REMARKS

PREVIOUSLY FILED WITH THE IDAHO DEPARTMENT OF WATER RESOURCES

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

CIVIL CASE NUMBER: 39576

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

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

A57-07298

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

PRIORITY DATE: 1981-11-17
IDWR WATER RIGHT NO. 5707298
BLM NUMBER: 5701588219
BASIS OF CLAIM: BENEFICIAL USE
BASIN NO.: 57

SOURCE	TRIBUTARY TO
-----	-----
UNNAMED STREAM	SINKS

DESCRIPTION OF DIVERSION WORKS

SIDE DRAINAGE STORAGE, 300' L X 10' H EARTHFILL DAM

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
-----	-----	-----	-----	-----
STOCKWATER STORAGE	0.000	0.30	0501	1031
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WILDLIFE STORAGE	0.000	0.30	0101	1231
WILDLIFE FROM STORAGE	0.000	0.30	0101	1231
TOTAL:	0.000 CFS	0.30 AF		

NON-IRRIGATION USES

S/183 RANGE CATTLE W/VAR AMT

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OCT 01 1992

POINT OF DIVERSION							
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
---	---	---	-----	-----	-----	---	-----
03S	06W	14		SE	NE	0	OWYHEE

PLACE OF USE							OWNED	IRRIGATED ACRES
TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY		
---	---	---	-----	-----	---	-----	-----	-----
03S	06W	14	SE	NE	0	OWYHEE	YES	0.0
03S	06W	14	SE	NE	0	OWYHEE	YES	0.0
03S	06W	14	SE	NE	0	OWYHEE	YES	0.0

BLM NUMBER: 5701588219

PAGE 2

03S 06W 14 SE NE 0 OWYHEE YES 0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

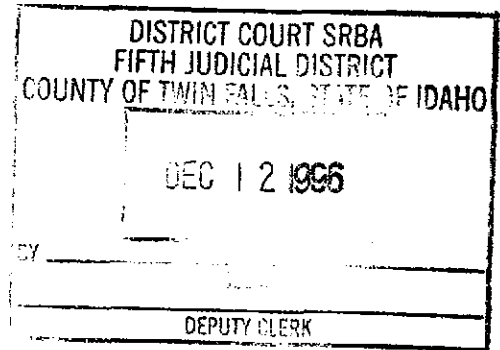
NONE

REMARKS

PREVIOUSLY FILED WITH THE IDAHO DEPARTMENT OF WATER RESOURCES

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OCT 01 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 SRBA

Case No. 39576

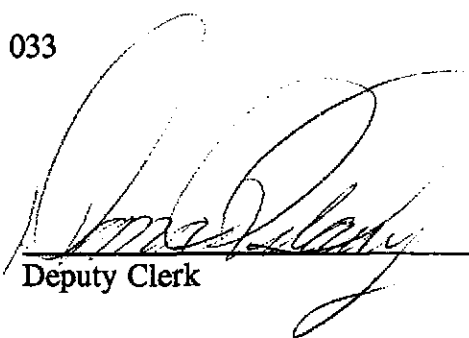
CERTIFICATE OF MAILING

For Water Right 57-07298

I certify that a true and correct copy of the *Order of Partial Decree for Water Right 57-07298 and Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 57-07298* was mailed on December ¹⁵~~12~~, 1996 with sufficient first-class postage prepaid to the following:

Director of IDWR
P.O. Box 83720
Boise, ID 83720-0098

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


Deputy Clerk

RECEIVED

DEC 17 1996

Department of Water Resources

DISTRICT COURT SRBA FIFTH JUDICIAL DISTRICT COUNTY OF TWIN FALLS DEC 12 1996 DEPUTY CLERK

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

In Re SRBA

Case No. 39576

ORDER OF PARTIAL DECREE

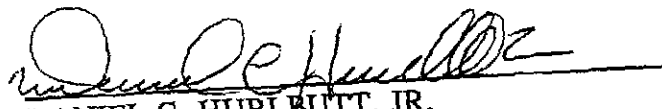
For Water Right 57-07298

On October 23, 1996, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

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

Therefore, IT IS ORDERED that water right 57-07298 be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED December 12, 1996.


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

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

I. GENERAL INFORMATION

Please fill in the following information:

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

Briefly describe your interest in this water right:

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

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

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

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

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MAR 09 1993

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. 57-07298
(You must insert the
water right number you
are objecting to)

OBJECTION

RECEIVED

FEB 26 1998

Department of Water Resources
Adjudication Bureau

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MAR 09 1998

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)

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

REASONS SUPPORTING EACH BOX CHECKED

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

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

CHANGES TO THE DIRECTOR'S REPORT

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

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

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

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MAR 09 1993

II. STATEMENT OF THE OBJECTION

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

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

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MAR 09 1998

(Over)

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

I hereby certify that on the 26 day of February, 1993, I ~~mailed~~^{filed} the original and copies of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

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

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

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

3. One copy to:

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

4. One copy to:

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

Sam A. Madar
Signature of Objector or Attorney
mailing on Objector's behalf
MICROFILMED
MAR 09 1993

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

1. List of changes required to correct this claim.

2. Copy of USDI claim from the Directors report.

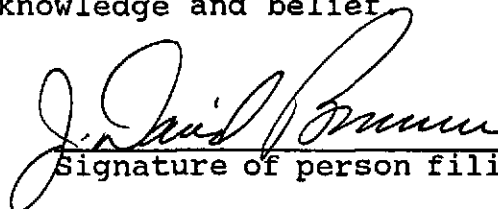
VERIFICATION (Must be Completed)

State of Idaho

County of Ada

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

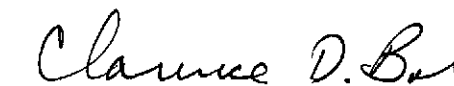
That I am the person or entity filing this objection, that I am a water claimant or party in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and belief.


Signature of person filing objection
MICROFILMED
MAR 09 1998

By: _____

(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 23 day of Feb.,
199 3.


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

ATTACHMENT 1

CLAIM NUMBER: 57-07298

POINT OF DIVERSION:

CHANGE: T03S R06W S14 SENE

TO: T03S R06W S14 NESE

PLACE OF USE:

CHANGE: T03S R06W S14 SENE

TO: T03S R06W S14 NESE

MICROFILMED
MAR 09 1996

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: NOV-09-1991
PAGE: A-1

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: UNNAMED STREAM		TRIBUTARY: SINKS				
57-07298	US DEPT OF INTERIOR	11/17/1981	STOCKWATER STORAGE	01-01 12-31	.3	AFY LICENSE
	BUREAU OF LAND MANAGEMENT		STOCKWATER FROM STORAG	01-01 12-31	.3	AFY
	IDAHO STATE OFFICE		WILDLIFE STORAGE	01-01 12-31	.3	AFY
	3380 AMERICANA TERRACE		WILDLIFE FROM STORAGE	01-01 12-31	.3	AFY
	BOISE ID 83706					
TOTAL VOLUME:					.3	AFY
NON-IRRIGATION USES:						
STOCKWATER, 200 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT						
POINT OF DIVERSION:						
T03S R06W S14 ~~SENE~~ <u>NESE</u>						
PLACE OF USE: STOCKWATER STORAGE						
T03S R06W S14 ~~SENE~~ <u>NESE</u>						
PLACE OF USE: STOCKWATER FROM STORAG						
T03S R06W S14 ~~SENE~~ <u>NESE</u>						
PLACE OF USE: WILDLIFE STORAGE						
T03S R06W S14 ~~SENE~~ <u>NESE</u>						
PLACE OF USE: WILDLIFE FROM STORAGE						
T03S R06W S14 ~~SENE~~ <u>NESE</u>						
REMARKS: THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING						
ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY						
USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.						
BLM RECORD ID = 5701588219						

MICROFILMED

MAR 0 - 1993

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

DATE: OCT-13-1992
PAGE: A-1570

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: UNNAMED STREAM		TRIBUTARY: SINKS				
57-07298	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706	11/17/1981	STOCKWATER STORAGE	01-01 12-31	.3	AFY
			STOCKWATER FROM STORAGE	01-01 12-31	.3	AFY
			WILDLIFE STORAGE	01-01 12-31	.3	AFY
			WILDLIFE FROM STORAGE	01-01 12-31	.3	AFY
			TOTAL QUANTITY:		.3	AFY

NON-IRRIGATION-USES:

STOCKWATER, 200 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:

T03S R06W S14 SENE

PLACE OF USE: STOCKWATER STORAGE

T03S R06W S14 SENE

PLACE OF USE: STOCKWATER FROM STORAGE

T03S R06W S14 SENE

PLACE OF USE: WILDLIFE STORAGE

T03S R06W S14 SENE

PLACE OF USE: WILDLIFE FROM STORAGE

T03S R06W S14 SENE

REMARKS: THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING
ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY
USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.
BLM RECORD ID = 5701588219

MICROFILMED
MAR 09 1993

SOURCE: UNNAMED STREAM

TRIBUTARY: SINKS

LICENSE

239

TOTAL QUANTITY:

BLM RECORD ID = 5701588219



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 28, 1992

US Department of Interior
Bureau of Land Management
Attn: Jeff Runkle
3380 Americana Terrace
Boise, ID 83706

Dear Jeff:

Enclosed are several documents which were a result of the Notice of Error procedure for the Bureau of Land Management proposed recommended rights in Basin 57. I will attempt to explain each different grouping along with any action still required.

Group A consists of a copy of the proposed recommended rights for BLM showing the changes requested and our actions taken. These were prepared during the Notice of Error procedure and are the State rights only (Federal right changes are in Group B). No further action needs to be taken on these rights as far as the Department is concerned.

Group B consists of a copy of the proposed recommended Federal rights for BLM again showing the changes or deletions requested and our actions taken. Profile reports of the rights that were changed are also enclosed per your previous request. In this group there were two claims that you requested be deleted which were not one of the "A" suffix claims we created in error. (Note: There were several "A" suffix claims generated for the federal portion on the BLM claims that were each filed as a state and federal right. The federal portions could only be for spring sources and some "A" suffix claims were generated in error on stream sources-these have been deleted as indicated). The two claims not in this category were claims filed as federal rights which you requested be deleted. In order to delete originally claimed rights, the claims need to be documented as filed and then withdrawn. Therefore, please sign the enclosed withdrawal forms for these two claims and return them to our office.

Group C is a statement of acknowledgement and approval along with the listing of instream stockwater rights that we amended by adding quarter-quarters to the points of diversion and places of use. These were the BLM claims filed with the location of the beginning and ending points on the streams shown in the place of use and only one point of diversion listed. Quarter-quarters were added based on Departmental requirements for filing instream stockwatering claims which require that the beginning and ending points be shown in the point of diversion and all the quarter-quarters in between those points shown as the place of use. Therefore, based on the information claimed by BLM, a quarter-quarter was added to the point of diversion, usually as an ending point, and the quarter-quarters between the two beginning and ending points added to the place of use. This approach was agreed upon at our first meeting at the State

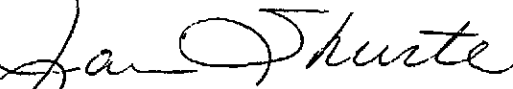
MICROFILMED
MAR 19 1993

office with IDWR personnel, Gary Madenford, Jack Hockberger and yourself. It was also verbally agreed that the BLM would supply some type of documentation at a later date to substantiate the increases since an amended claim is usually required for any increase, however, due to the time constraint for the Basin 57 Director's Report a verbal agreement was made at that time. Therefore, please sign and notarize the enclosed statement and return it to this office.

Group D is a statement of acknowledgement and approval along with the listing of rights that we amended by either increasing or adding items to the claim to match what had been decreed or licensed previously for that right. These claims were originally filed for less than what was licensed, and after pointing a few out to you it was decided and verbally agreed upon to increase the claims in question to what had actually been decreed or licensed. Due to our limited time we could not review all of BLM's decreed or licensed rights to see if an increase was needed, therefore, this list shows only those rights we could locate easily within the time we had left. I'm sure there are still BLM claims in the Basin 57 report that were claimed and recommended for less than what was on the existing right. In normal review of claims the Department is not required to locate and increase claims that are filed for less than what was decreed or licensed and only does so upon request from the claimant on a specific claim number and upon receipt of an amended claim. As with the other increases mentioned above we also need documentation in our files that these increases were agreed upon and the enclosed statement needs to be signed and notarized and returned for our files. Please note that it is to the BLM's advantage to sign and submit both of these approval forms since the claims were increased and would now have to be decreased if no documentation is submitted.

Hopefully this is all of the catch-up items needed and I am sorry for the delay in getting these back to you after the Basin 57 deadline, however, due to family illness, I have been in and out of the office quite a bit these last two months. All of us in the Adjudication Section at Western Region enjoyed working with you and appreciate your cooperative and patient attitude during a very busy and stressful time. If you think of anything else or have any questions, please feel free to contact me.

Sincerely,



JAN SHURTE
Water Rights Supervisor
Adjudication Section
Western Region

JS:j
Enclosures

ACKNOWLEDGEMENT AND APPROVAL BY THE BUREAU OF LAND MANAGEMENT TO IDWR
FOR AMENDMENTS MADE ON THOSE BASIN 57 BLM CLAIMS AS LISTED AND
EXPLAINED ON THE ATTACHED SHEET

The attached listing of Snake River Basin Adjudication claim numbers were changed either by adding items or increasing items on these claims to match what had previously been decreed or licensed, with one increase on a beneficial use claim to correct the total amount of water claimed. The attached list explains what was increased or added for each claim per a verbal agreement with the Bureau of Land Management. This verbal agreement, in place of amended claims, was made due to the limited time period remaining during the Notice of Error procedure prior to submittal of the Basin 57 Report to the Court on October 13, 1992. By signing below, the Bureau of Land Management acknowledges the verbal agreement for these changes and approval of the changes made to these claims, as shown on the attached listing.

State of Idaho/or _____)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day of
_____ 19__.

Notary Public _____

Residing at _____

My Commission Expires _____

GROUP

D

MICROFILMED

MAR 0 9 1993

BUREAU OF LAND MANAGEMENT
LISTING OF BASIN 57 AMENDED INSTREAM STOCKWATER CLAIMS

A57-11067	A57-11141	A57-11179	A57-11406	A57-11479
A57-11074	A57-11142	A57-11182	A57-11407	A57-11480
A57-11095	A57-11143	A57-11183	A57-11410	A57-11482
A57-11096	A57-11144	A57-11206	A57-11412	A57-11483
A57-11097	A57-11145	A57-11255	A57-11413	A57-11484
A57-11103	A57-11146	A57-11298	A57-11417	A57-11485
A57-11105	A57-11147	A57-11319	A57-11418	A57-11486
A57-11106	A57-11148	A57-11320	A57-11419	A57-11487
A57-11107	A57-11149	A57-11321	A57-11420	A57-11488
A57-11108	A57-11150	A57-11322	A57-11422	A57-11489
A57-11109	A57-11151	A57-11324	A57-11423	A57-11490
A57-11110	A57-11152	A57-11326	A57-11424	A57-11491
A57-11111	A57-11153	A57-11327	A57-11425	A57-11492
A57-11112	A57-11154	A57-11328	A57-11426	A57-11493
A57-11113	A57-11155	A57-11329	A57-11449	
A57-11114	A57-11156	A57-11330	A57-11450	
A57-11115	A57-11157	A57-11331	A57-11452	
A57-11116	A57-11158	A57-11332	A57-11453	
A57-11117	A57-11159	A57-11333	A57-11454	
A57-11118	A57-11160	A57-11334	A57-11455	
A57-11119	A57-11161	A57-11337	A57-11461	
A57-11120	A57-11162	A57-11338	A57-11462	
A57-11123	A57-11163	A57-11339	A57-11463	
A57-11124	A57-11164	A57-11340	A57-11464	
A57-11125	A57-11165	A57-11341	A57-11465	
A57-11126	A57-11166	A57-11342	A57-11466	
A57-11127	A57-11167	A57-11343	A57-11467	
A57-11128	A57-11168	A57-11344	A57-11468	
A57-11129	A57-11169	A57-11345	A57-11469	
A57-11130	A57-11170	A57-11346	A57-11470	
A57-11131	A57-11171	A57-11347	A57-11471	
A57-11132	A57-11172	A57-11348	A57-11472	
A57-11133	A57-11173	A57-11350	A57-11473	
A57-11134	A57-11174	A57-11351	A57-11474	
A57-11135	A57-11175	A57-11353	A57-11475	
A57-11137	A57-11176	A57-11403	A57-11476	
A57-11139	A57-11177	A57-11404	A57-11477	
A57-11140	A57-11178	A57-11405	A57-11478	

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MAR 09 1993

BUREAU OF LAND MANAGEMENT
LISTING OF BASIN 57 AMENDED CLAIMS

NUMBER	REASON
57-01048	INCREASED SEASON OF USE TO DECREED SEASON
57-01093	INCREASED SEASON OF USE TO DECREED SEASON
57-02346	CLAIMED 0.005 CFS INCREASED TO 0.01 CFS PER LICENSE
57-02348	CLAIMED 0.005 CFS INCREASED TO 0.04 PER LICENSE
57-02349	INCREASED SEASON OF USE TO LICENSED SEASON
57-02370	INCREASED SEASON OF USE TO LICENSED SEASON AND ADDED PLACE OF USE AS PER LICENSE
57-02392	INCREASED SEASON OF USE TO LICENSED SEASON
57-02396	INCREASED SEASON OF USE TO LICENSED SEASON
57-02397	INCREASED SEASON OF USE TO LICENSED SEASON
57-02400	INCREASED SEASON OF USE TO LICENSED SEASON
57-02401	INCREASED SEASON OF USE TO LICENSED SEASON
57-02402	INCREASED AMOUNT OF WATER TO 0.10 CFS PER LICENSED AMOUNT
57-02407	INCREASED SEASON OF USE TO LICENSED SEASON
57-02414	INCREASED SEASON OF USE TO LICENSED SEASON
57-02415	INCREASED SEASON OF USE TO LICENSED SEASON
57-02417	INCREASED SEASON OF USE TO LICENSED SEASON
57-02418	INCREASED SEASON OF USE TO LICENSED SEASON
57-02419	INCREASED SEASON OF USE TO LICENSED SEASON
57-02425	INCREASED SEASON OF USE TO LICENSED SEASON
57-02426	INCREASED SEASON OF USE TO LICENSED SEASON
57-02431	INCREASED SEASON OF USE TO LICENSED SEASON
57-02432	INCREASED SEASON OF USE TO LICENSED SEASON
57-02433	INCREASED SEASON OF USE TO LICENSED SEASON
57-02435	INCREASED SEASON OF USE TO LICENSED SEASON AND ADDED PLACE OF USE PER LICENSE
57-02437	INCREASED SEASON OF USE TO LICENSED SEASON
57-02438	INCREASED SEASON OF USE TO LICENSED SEASON
57-02439	INCREASED SEASON OF USE TO LICENSED SEASON
57-02441	INCREASED SEASON OF USE TO LICENSED SEASON
57-02448	INCREASED SEASON OF USE TO LICENSED SEASON
57-02449	INCREASED SEASON OF USE TO LICENSED SEASON
57-02457	INCREASED SEASON OF USE TO LICENSED SEASON
57-02461	INCREASED SEASON OF USE TO LICENSED SEASON
57-02462	INCREASED SEASON OF USE TO LICENSED SEASON
57-02463	INCREASED SEASON OF USE TO LICENSED SEASON
57-02464	INCREASED SEASON OF USE TO LICENSED SEASON
57-02471	INCREASED SEASON OF USE TO LICENSED SEASON
57-02472	INCREASED SEASON OF USE TO LICENSED SEASON
57-02473	INCREASED SEASON OF USE TO LICENSED SEASON
57-02474	INCREASED SEASON OF USE TO LICENSED SEASON
57-02475	INCREASED SEASON OF USE TO LICENSED SEASON
57-02476	INCREASED SEASON OF USE TO LICENSED SEASON
57-02477	INCREASED SEASON OF USE TO LICENSED SEASON
57-02478	INCREASED SEASON OF USE TO LICENSED SEASON
57-02479	INCREASED SEASON OF USE TO LICENSED SEASON
57-02480	INCREASED SEASON OF USE TO LICENSED SEASON
57-02481	INCREASED SEASON OF USE TO LICENSED SEASON
57-02482	INCREASED SEASON OF USE TO LICENSED SEASON

57-02483 INCREASED SEASON OF USE TO LICENSED SEASON
57-02484 ADDED WILDLIFE FOR 0.1 CFS AND PLACE OF USE
FOR WILDLIFE PER DECREE
57-07071 INCREASED SEASON OF USE TO LICENSED SEASON
57-07168 INCREASED SEASON OF USE TO DECREED SEASON
57-07291 INCREASED SEASON OF USE TO LICENSED SEASON
57-07298 INCREASED SEASON OF USE TO LICENSED SEASON
57-07300 INCREASED SEASON OF USE TO LICENSED SEASON
AND INCREASED NUMBER OF RANGE CATTLE PER
LICENSE
57-07356 INCREASED SEASON OF USE TO LICENSED SEASON
57-07373 INCREASED SEASON OF USE TO LICENSED SEASON
57-07375 INCREASED SEASON OF USE TO LICENSED SEASON
57-07376 INCREASED SEASON OF USE TO LICENSED SEASON
57-07377 INCREASED SEASON OF USE TO LICENSED SEASON
57-07378 INCREASED SEASON OF USE TO LICENSED SEASON
57-07386 INCREASED SEASON OF USE TO LICENSED SEASON
57-07387 INCREASED SEASON OF USE TO LICENSED SEASON
57-07402 INCREASED SEASON OF USE AND AMOUNT OF WATER
DUE TO LICENSED SEASON & AMOUNTS
57-11151 INCREASED TOTAL TO 0.09 CFS SINCE STOCK WAS
FOR 0.07 CFS AND WILDLIFE WAS FOR 0.02 CFS
57-11324 INCREASED NUMBER OF HEAD FROM 2 TO 20 PER
WRITTEN NOTICE OF ERROR

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MAR 09 1993

ACKNOWLEDGEMENT AND APPROVAL BY THE BUREAU OF LAND MANAGEMENT TO IDWR
FOR AMENDMENTS MADE TO THE POINT OF DIVERSION AND/OR PLACE OF USE FOR
BLM'S BASIN 57 INSTREAM STOCK CLAIMS LISTED ON THE ATTACHED SHEET

The attached listing of the Bureau of Land Management's Snake River Basin Adjudication claim numbers were amended by adding the beginning and/or ending points of instream stockwater use to the point of diversion. These points were originally claimed by the Bureau of Land Management under the place of use, with one point, usually the beginning point, in the point of diversion. The claims were also amended by changing and/or adding, to the place of use, the 1/41/4's on the stream between the beginning and ending points. These were amended by IDWR per a verbal agreement with the Bureau of Land Management. This verbal agreement, in place of amended claims, was made due to the limited time period remaining prior to submittal of the Basin 57 Report to the Court on October 13, 1992. By signing below the Bureau of Land Management acknowledges this verbal agreement and approval of these changes.

State of Idaho/or _____)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day of
_____ 19__.

Notary Public _____

Residing at _____

My Commission Expires _____

GROUP
C

MICROFILMED
MAR 09 1993

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

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706 (208) 334-1401	11/17/1981	STOCKWATER STORAGE STOCKWATER FROM STORAGE WILDLIFE STORAGE WILDLIFE FROM STORAGE	01-01 12-31 01-01 12-31 01-01 12-31 01-01 12-31		0.3 AFA 0.3 AFA 0.3 AFA 0.3 AFA
TOTAL DIVERSION:						0.3 AFA

Water Source: UNNAMED STREAM

Tributary to: SINKS

Stage: LICENSE

Point(s) of Diversion:

T03S R06W S14

SENE

OWYHEE County

Place of use Legal Description for: STOCKWATER STORAGE

NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
03S	06W	14	:					S	:							:

Place of use Legal Description for: STOCKWATER FROM STORAGE

NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
03S	06W	14	:					S	:							:

Place of use Legal Description for: WILDLIFE STORAGE

NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
03S	06W	14	:					W	:							:

Place of use Legal Description for: WILDLIFE FROM STORAGE

NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
03S	06W	14	:					W	:							:

POU County: OWYHEE

Non-Irrigation Uses: STOCKWATER, 200 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.

RECORDED

MAR 09 1993

AJ0749NP
No. R57-07298

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

DATE: 10/08/92
PAGE: 2

=====

Remarks: BLM RECORD ID = 5701588219

Dates: Exam Made Date: Verified Date:

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

Comments: Date: 09/24/1992 User-ID: SMITH Subject: COPIED FROM REMARKS
PREVIOUSLY FILED WITH THE IDAHO DEPARTMENT OF WATER RESOURCES.

Audit: 10/08/92 SHURTE

WR5809NP
No. 57-07298

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/18/93
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	US DEPT OF INTERIOR	11/17/1981	STOCKWATER STORAGE	01-01 12-31		0.3 AFA
			STOCKWATER FROM STORAGE	01-01 12-31		0.3 AFA
			WILDLIFE STORAGE	01-01 12-31		0.3 AFA
			WILDLIFE FROM STORAGE	01-01 12-31		0.3 AFA
TOTAL DIVERSION:						0.3 AFA

MICROFILMED

MAR 09 1993

Water Source: UNNAMED STREAM

Tributary to: SINKS

Stage: LICENSE

Point(s) of Diversion: T03S R06W S14 SE NE

Place of use Legal Description for: STOCKWATER STORAGE

	NE				NW				SW				SE			
	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T R S	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac
03S 06W 14	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:

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

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

Pou County: OWYHEE

Non-Irrigation Uses: S/200 RANGE.

Remarks: COWTRAP RESERVOIR,MCBRIDE-JACKSON ALLOTMENT #0506.

Dates:	App. Received:	Priority Date:	11/17/1981
	Proof Due Date: 03/01/1987	Proof Made Date:	01/01/1900
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date: 06/19/1984		

Misc: Water District Number: Field Exam Fee:

Audit: 01/21/85 05/01/88 CONVERT 04/03/89 NAMECHNG 01/26/92 POST-STD

WATER RIGHT NUMBER - A57-07298

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (O) NUMBER -

+ - - - - - LAST NAME - - - - - + - - - - - FIRST NAME - - - - - + - - - - - ADDRESS - - - - - +

*** A - ATTORNEY ***

HAUGRUD, JACK DR G GARVER DR D ZANE

1 - US DEPT OF JUSTICE
2 - ENV & NR DIV GEN LIT SEC
3 - PD SCX 663
CITY- WASHINGTON STATE- DC ZIP- 200440663
PHONE - 202-272-4134

*** C - CURRENT OWNER ***

US DEPT OF INTERIOR

1 - BUREAU OF LAND MANAGEMENT
2 - IDAHO STATE OFFICE
3 - 3390 AMERICANA TERRACE
CITY- BOISE STATE- ID ZIP- 83706
PHONE - 208-334-1401

*** K - ALSO KNOWN AS ***

BLM

1 - BUREAU OF LAND MANAGEMENT
2 - IDAHO STATE OFFICE
3 - 3390 AMERICANA TERRACE
CITY- BOISE STATE- ID ZIP- 83706
PHONE - 208-334-1401

+ - - PRIORITY DATE - - + + - - - REGION - - - + + - - - STAGE - - - + + - - - STATUS - - - +
11/17/1981 14 WESTERN L - LICENSE

+ - - - - - SOURCE - - - - - + + - - - - - TRIBUTARY - - - - - +
UNNAMED STREAM SINKS

+ - - - - - POINT OF DIVERSION - - - - - +
TWN RANG SEC TRACT LOT RFLG COUNTY STREAM INDEX (BLANK IF NO INDEX CODE)

03S 06W 14 SE NE (73) OWYHEE

CODE	DESCRIPTION	PERIOD FROM	PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
05	STOCKWATER STORAGE	05/01	10/31		0.30
06	STOCKWATER FROM STORAGE	05/01	10/31		0.30
17	WILDLIFE STORAGE	01/01	12/31		0.30
18	WILDLIFE FROM STORAGE	01/01	12/31		0.30

+ - TOTAL DIV. RATE - + + - TOTAL DIV. VOLUME - + + - TOTAL DIV. CAPACITY - + + - TOTAL CONSUMPTIVE USE - + + - KW USAGE - +
0.30 0.0

TWN	RANG	SEC	TRACT	LOT	ACRES	CODE	DESCRIPTION	COUNTY
03S	06W	14	SE NE			05	STOCKWATER STORAGE	(73) OWYHEE
03S	06W	14	SE NE			06	STOCKWATER FROM STORAGE	(73) OWYHEE
03S	06W	14	SE NE			17	WILDLIFE STORAGE	(73) OWYHEE
03S	06W	14	SE NE			18	WILDLIFE FROM STORAGE	(73) OWYHEE

+ - - DIVERSION MEANS - SIDE DRAINAGE STORAGE, 300' L X 10' H EARTHFILL DAM

WATER RIGHT NUMBER - A57-07298

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - - NON-IRRIGATION USE - S/183 RANGE CATTLE W/VAR AMT

+ - - OTHER RIGHTS FOR SAME USE - NONE

+ - - - - - REMARKS - - - - - +
BLM RECORD ID = 5701588219
PREVIOUSLY FILED WITH THE IDAHO DEPARTMENT OF WATER RESOURCES.

+ - - - - OLD WATER RIGHT NUMBERS - - - - - +
NO OLD WATER RIGHT NUMBERS FOUND.

+ - - - - CONDITIONS OF APPROVAL - - - - - +
NO CONDITIONS OF APPROVAL FOUND.

+ - - - - DECREE PLAINTIFF - - - - + - - - - DECREE DEPENDANT - - - - + - - DECREE DATE - +
00/00/0000

+ - - AUDIT FIELDS - 08/04/92 AJCTR

+ - - - - COMMENTS - - - - - +
NO COMMENTS FOUND

+ - - - - ADJUDICATION RIGHTS DATES AND FLAGS AREA - - - - - +

COURT REPORT FILING	- 00/00/0000	FIELD INSPECTION MADE	- 00/00/0000	CIVIL CASE NUMBER	- 39976
DEPOSITION FILED DATE	- 00/00/0000	FIELD INSPECTION FLAG	-	OLD CASE NUMBER	-
RESPONSE FILED DATE	- 00/00/0000	VERIFIED DATE	- 00/00/0000	OLD JUDICIAL DISTRICT	-
CLAIM RECEIVED DATE	- 05/30/1992	LAST AMENDED DATE	- 00/00/0000	TEMPORARY RIGHT	- P
PROOF DUE DATE	- 00/00/0000	PROOF MADE DATE	- 00/00/0000	WATER DISTRICT	-
LICENSED DATE	- 00/00/0000	RECEIPT NUMBER	- X111111	FEDERAL/STATE INDICATOR	- S
CLAIMS TAPE ERROR FLAG	-	POU OWNERSHIP FLAG	- Y	PRESUMPTION FLAG	-
FEE EXEMPT FLAG	-	NAME CONNECTOR	-	NOTICE OF ERROR FLAG	-

DATA ENTRY

ENTERED

CHECKED

9-24-92 Dnd
9/25/92 R2

Verified By
Topo Map/Ortho-PQ
A303 Map
Watermaster Records
NAP Photos
Field Exam
Other (See Remarks)
County Records
Witness Statement
Project Records
IDWR Records

VERIFIED

SEP 22 1992

CERTIFIED
SEP 22 1992
WATER EXAMINER

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
57-07298	03S	06W	14		SE	NE		OWYHEE
OTHER AJ CLAIMS WITH SAME AJ POD				WR RECORDS IN SAME 40 ACRE TRACT				
A PREFIX A57-07298				R PREFIX NONE		NONE		

SOURCE: UNNAMED STREAM

TRIB: SINKS

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
57-07298	03S	06W	14		SE	NE		OWYHEE
OTHER WR RECORDS WITH SAME WR POD				AJ CLAIMS IN SAME 40 ACRE TRACT				
NONE				A PREFIX A57-07298		R PREFIX NONE		

SOURCE: UNNAMED STREAM

TRIB: SINKS

C. FIELD EXAM REQUIRED?

	DUE TO POD DISCREPANCY? (Y/N)	DUE TO SOURCE DISCREPANCY? (Y/N)	DATABASE	FIELD EXAMINER
			Y	_____
			N	_____

NOTES:

No overlap.

No overlap at new location.

MICROFILMED

MAR 09 1993

BASIN 57
OBJECTION FILE
~~XXXXXXXXXX~~ AGENT NOTES

CLAIM NO.: 57-07298

PARTIES:

☐ Individual vs Individual	☐ BLM vs Individual
☐ Individual vs Department	☒ BLM vs Department
☐ Individual vs BLM	☐ General Provisions

SUMMARY OF OBJECTION:

P/D & P/U legal descriptions

AGENTS RESPONSE:

☐ NO RESPONSE

Recommended as claimed &
as recently licensed.

AGENT:

Ray Walker

DATE:

3-18-93

MICROFILMED
MAR 09 1993

2. Person who filed objection:

Name: US BUREAU OF LAND MANAGEMENT
Address: 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

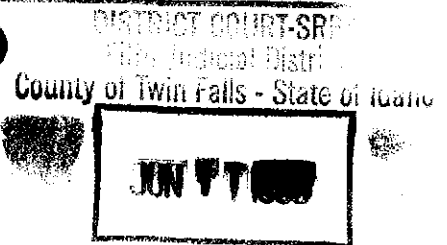
Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

5. ☒ Points of Diversion: I respond to the objection concerning the legal description of the points(s) of diversion.
9. ☒ Place of Use: I respond to the objection concerning:

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 5 and 9 and all allegations of the objection regarding these items IDWR responds as follows: The point of diversion and place of use were recommended as claimed by the United States and as licensed by IDWR. The United States improperly seeks to use the objection process to amend its notice of claim. IDWR believes that a claimant must obtain leave of the court to amend a claim after the director's report is filed, just as a party must obtain leave of the court to file a late claim after the director's report is filed. Once leave of court is granted, IDWR can investigate the amended claim and make an appropriate recommendation to the court. IDWR lacks sufficient information to form a belief as to the truth of the matter asserted and therefore denies the objection and all allegations of the objection.



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. 57-07298 -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.)

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MAR 09 1988

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)

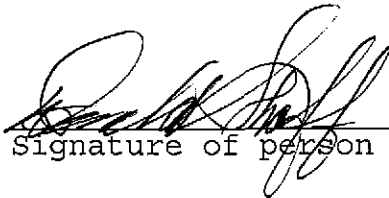
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

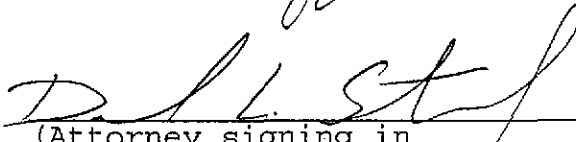
Donald V. Shaff, being first duly sworn, upon oath, deposes and says:

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 11th day of June,
1993.



Notary Public for Idaho

Residing at: Boise

My Commission expires: 11-14-1998

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MAR 09 1993

CHANGES TO THE DIRECTOR'S REPORT

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

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

No. of
Pages

Notice of Claim No. A57-07298

2

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MAR 09 1998

(Over)

CERTIFICATE OF MAILING

I hereby certify that on the 11th 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 prepared and addressed as follows:

1. Original to:

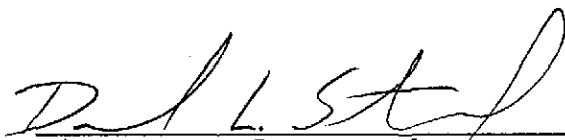
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

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

See No. 3

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
BOX 33
BOISE ID 83734



Signature of Respondent or attorney
mailing on Respondent's behalf

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MAR 09 1993

Movant's Name:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

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

PETER C. MONSON
LEIF JOHNSON
Attorneys, Department of Justice
Indian Resources Section
Environment and Natural Resources Division

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

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

In Re SRBA	)	Subcase No. 57-07298
	)	
Case No. 39576	)	STIPULATION AND ORDER
	)	TO RESOLVE OBJECTION
	)	
	)	
	)	
	)	

DESCRIPTIVE SUMMARY

This is a stipulation and order to resolve the United States' objection to water right number 57 - 07298.

STIPULATION

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

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

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

3. Upon entry of partial and final decrees for Water Right No. 57-07298, describing the right as shown in Exhibit 1 hereto, including the modification indicated thereon, the objection of the United States shall be deemed withdrawn.

4. Because there are no remaining objections to this water right, a partial decree may be entered for it pursuant to I.C. 42-1412(8).

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

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

Respectfully submitted,

UNITED STATES OF AMERICA
on behalf of the BLM

Dated:

By:

Daria J. Zane
R. Lee Leininger
Attorney
General Litigation Section
Environment & Natural Resources Division
U.S. Department of Justice
Washington, D.C. 20044
(202) 272-8351

Dated:

By:

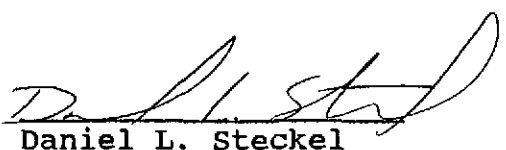
J. David Brunner
District Manager
Boise District
Bureau of Land Management

IDAHO DEPARTMENT OF WATER RESOURCES

Dated:

3/24/94

By:



Daniel L. Steckel
Deputy Attorney General
Department of Water Resources
Statehouse
Boise, Idaho 83720-9000
(208) 327-7900

ORDER

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

IT IS HEREBY ORDERED that the Court shall enter a partial decree for water right 57 - 07298 which includes the modifications to the Director's original recommendation shown on the attached Exhibit 1. The United States' objection shall be deemed withdrawn upon entry of the partial decree. Because no other objections have been raised to this water right, the hearing for entry of this partial decree is scheduled for _____, 199__, at the Snake River Basin Adjudication Courthouse, 253 Third Avenue North, Twin Falls, Idaho.

DATED and signed this _____ day of _____, 1993.

DANIEL C. HURLBUTT JR.
District Judge

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MAR 09 1993

1. The name and address of the claimant is:

U. S. Department of Interior
Bureau of Land Management
Idaho State Office
3380 Americana Terrace
Boise, ID 83706

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

2. The source of water is: Unnamed Stream

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:

.3 AFY

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

4. The priority date is: 11/17/81

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:

T03S R06W S14 NESE

Required Statement: The element as recommended originally was incorrect. The change reflects an accurate description of the elements. IDWR had previously reviewed this change and recommended it.

6. The purpose of use is: Stockwater, Wildlife

Required Statement: The provisions "200 Range Cattle" and "Variable Amounts" are not necessary to define the right.

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MAR 09 1990

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

01/01 - 12/31

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

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

Stockwater Storage, Stockwater from Storage, Wildlife
Storage, Wildlife from Storage
T03S R06W S14 NESE

All POU's are located in Owyhee County.

Required Statement: The element as recommended originally was incorrect. The change reflects an accurate description of the elements. IDWR had previously reviewed this change and recommended it.

9. The annual volume of consumptive use is: .3 AFY

Required Statement: This accurately describes this element.

10. Other matters necessary to define this water right:

These matters are necessary because:

The remark as originally recommended in the Director's Report is not necessary for the right.

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

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:

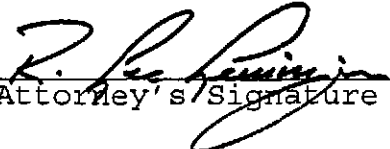
MICROFILMED

MAR 09 1990

Name: United States through
Dept. of Justice for BLM
Address: 601 Pennsylvania Ave., NW
City/State: Washington, DC 20004
Attorney of Record: R. Lee Leininger\Daria Zane\Bill Ferry

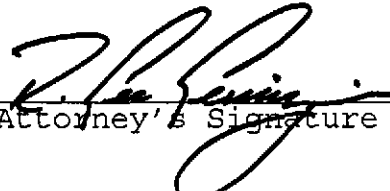
Signature

Date

 12/18/95
Attorney's Signature Date

Name of Claimant:

Name: United States through
Dept. of Justice for BLM
Address: 601 Pennsylvania Ave., NW
City/State: Washington, DC 20004
Attorney of Record: R. Lee Leininger\Daria Zane\Bill Ferry

 12/18/95
Attorney's Signature Date

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MAR 09 1996

INSTRUCTIONS FOR MAILING

You must mail the form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. **FAX filings will not be accepted by the SRBA Clerk of the Court.**

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I certify that on January 18, 1996, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or 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, ID 83303-2707

2. Copies to:

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

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

Paul J. Erickson
Signature of person or attorney
mailing the form

RECEIVED

FEB 27 1986

ALAN G. LANCE
Attorney General
State of Idaho

Department of Water Resources

COPIED FEB 28 AM 9:07
DISTRICT COURT
TWIN FALLS, IDAHO
FILED

COPY

RICHARD B. BURLEIGH
Deputy Attorney General
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098
Telephone: (208) 327-7900
FAX: (208) 327-7866

Attorney for IDWR

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

In Re SRBA

) Subcase No. 57-07298

Case No. 39576

) IDWR REPORT RE: REVIEW
) OF STANDARD FORM 5
)
)
)

DESCRIPTIVE SUMMARY

IDWR submits this report to inform the Court and the parties that IDWR has reviewed the Standard Form 5 submitted by the parties in this subcase and that the Director has chosen not to sign the Standard Form 5.

DISCUSSION

The Director did not sign the Standard Form 5 for the reasons set forth below:

1. The description of the elements of the water right in the Standard Form 5 are not correct as stated below:

[] Name and Address

[] Source

[] Quantity

[] Priority Date

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MAR 09 1986

[] Point of Diversion

[X] Purpose of Use

Although no objection was filed to the description of the purpose of use of this water right in the director's report, the Standard Form 5 seeks to change the description of the purpose of use in two ways.

First, the Standard Form 5 seeks to change the purpose of use from "STOCKWATER STORAGE, STOCKWATER FROM STORAGE, WILDLIFE STORAGE" and "WILDLIFE FROM STORAGE" to "STOCKWATER" and "WILDLIFE". Claim No. A57-07298 is a claim for a storage facility (a pond) used for stockwater and wildlife purposes. The purpose of use shown in the director's report is a more accurate description of the appropriation.

Second, the Standard Form 5 omits the further description of non-irrigation use. IDWR included in its recommendation a further description of non-irrigation uses that states: "STOCKWATER, 200 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT". This language was included pursuant to Idaho Code §42-1411(2)(f), which provides for IDWR to determine the purpose(s) of use of a water right to the extent the director deems appropriate to define and administer the water right, and 42-1411(2)(j), which further provides for IDWR to include such other matters as the director deems appropriate to define and administer the water right.

Further description of stockwater uses by the type and number of head defines the water right with sufficient specificity to prevent future expansions in use that would enlarge the water right and cause injury to other water rights.

The omission of the further description of non-irrigation uses from Standard Form 5s for water rights acquired under state law by the United States for stockwater purposes is currently the subject of further proceedings in Reporting Area 1, Basin 34, Subcase No. 34-04179.

☐ Period of Use

☐ Place of Use

☒ Consumptive Use

Consumptive use should be described as "de minimis". The Standard Form 5 indicates that the entire diversion volume recommended (0.3 AFY) is consumed by stock and wildlife. The director's report did not recommend 0.3 AFY as the consumptive use.

☒ Other Matters Necessary to Define or Administer the Right

The Standard Form 5 omits the following statement, "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." This statement is necessary to limit the use of this water right in combination with other rights claimed and recommended for the same use. In the case of BLM stockwater rights, combined use occurs where the BLM claims a separate right to each of a number of water sources, each for use by the full number of cattle on the allotment. Each right is quantified based on the total use for the allotment, to allow the grazing permittee to take the full amount of water needed from any combination of the sources within the allotment. Since each right is quantified based on the total use within the allotment, the combined use must also be limited to that same total, thereby

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avoiding the misconception that the rights are additive.

2. The Standard Form 5 was not signed by the Director for other reasons as stated below:

☐ Federal Reserved Water Right

☐ Other



Richard B. Burleigh
Deputy Attorney General
Idaho Department of Water Resources

CERTIFICATE OF MAILING

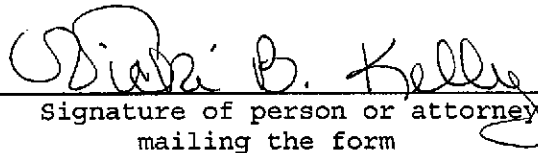
I certify that on February 23, 1996, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

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. Copies to:

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



Signature of person or attorney
mailing the form

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MAR 09 1996

ORIGINAL OF
THESE DOCUMENTS
Filed in:
57-02362

RECEIVED
FEB 26 1996
Department of Water Resources
Adjudication Bureau

57-07298

1996 FEB 23 PM 3:11

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 Nos.: See Attached Exhibit A
)
)
)

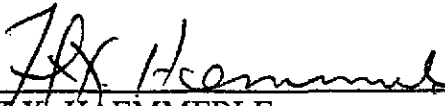
ORDER DENYING STIPULATION TO
RESET HEARING

On February 22, 1996, the United States Bureau of Land Management filed a *Stipulation to Reset Hearing Scheduled Before a Special Master and Motion to Continue Related Briefing and Request for Expedited Consideration Thereof (Stipulation)*. Having reviewed the *Stipulation* the court denies the motion. However, the court shall extend the period to file briefing to March 8, 1996 by 5:00 p.m.

Having reviewed the *Stipulation* the court notes that there are other possible issues that require resolution prior to accepting the *Standard Forms 5* currently before the court. Therefore, the United States is ordered to submit by 5:00 p.m. on Monday, February 26, 1996, a comprehensive list of any and all issues that require resolution prior to accepting the *Standard Forms 5*. The court shall hear a Status Conference on February 27, 1996 at 9:00 a.m. to consider the list of issues by the United States and to consider whether or not to extend the hearing and briefing dates in the aforementioned subcases.

IT IS SO ORDERED.

DATED February 23, 1996.


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

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MAR 01 1996

Department of Water Resources

1996 FEB 28 PM 4: 56

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

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

In Re SRBA	)	Subcase Nos.: See Attached Exhibit A
	)	
Case No. 39576	)	ORDER ON STATUS CONFERENCE
	)	
_____	)	

On February 27, 1996 at 9:00 a.m. and on February 28, 1996 at 11:30 a.m., the court held Status Conferences in the aforementioned cases. Lee Leininger and Fritz Holleman appeared by telephone on behalf of the United States. Richard Burleigh was present for the Idaho Department of Water Resources. The purpose of the hearing was to discuss the status of various *Standard Forms 5 (SF5s)* pending before the court. Having discussed the status of those pending *SF5s* with the parties, IT IS HEREBY ORDERED as follows:

1. The United States shall prepare a report due March 7, 1996 at 5:00 p.m. establishing which dual based claims exist in relation to the aforementioned subcases before the court. Once the court has had an opportunity to review that report, the court will order consolidation of those companion cases.
2. Summary Judgment Motions and briefs shall be filed with the court by April 16, 1996 by 5:00 p.m.

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MAR 09 1996

Page 1

Movant's Name:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

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

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

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

In Re SRBA	)	Subcase Nos. See Attached List
	)	
Case No. 39576	)	STIPULATION TO RESET HEARING
	)	SCHEDULED BEFORE A SPECIAL
	)	MASTER AND MOTION TO CONTINUE
	)	RELATED BRIEFING AND REQUEST FOR
	)	EXPEDITED CONSIDERATION THEREOF
	)	

DESCRIPTIVE SUMMARY

This is a Stipulation by the United States on behalf of the Bureau of Land Management to reset a scheduled hearing on Standard Forms 5 for those subcases listed in Attachment A and motion to continue the deadline for briefing of certain issues related to those subcases.

Stipulation to Reset Hearing
and Motion to Continue Briefing

See file 57-02362
for complete
document. VK

Movant's Name:
UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

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

DARIA J. ZANE
R. LEE LEININGER
PAUL F. HOLLEMAN
WILLIAM M. FERRY
Attorneys, Department of Justice
General Litigation Section
Environment and Natural Resources Division
P.O. Box 663
Washington, D.C. 20044-0663
(202) 305-0242

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

In Re SRBA	)	Subcase Nos.: See Attached Exhibit A
Case No. 39576	)	LIST OF ISSUES REGARDING FORM AND
	)	CONTENT OF STOCKWATERING RIGHTS

DESCRIPTIVE SUMMARY

This is the United States' list of issues regarding the form and content of stockwatering rights and decrees.

DISCUSSION

Pursuant to the Special Master of Basin 57's February 23, 1996 Order Denying Stipulation to Reset Hearing, the United States submits the following list on the issues that require resolution regarding the Standard Forms 5 for the above referenced subcases:

See file
57-02362
for complete
copy of document
VK

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MAR 0 8 1996

Department of Water Resources

1996 MAR -7 PM 2:33

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

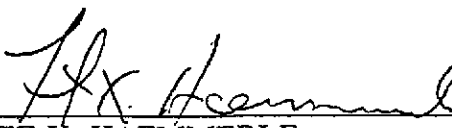
) Subcase Nos.: See Attached Exhibit A
)
)
)
)
)

ORDER VACATING STATUS
CONFERENCE

On January 26, 1996, this court issued its *Order Appoint Expert Witness Pursuant to I.R.E. 706 and Order Setting Hearing on Standard Forms 5*, which set a hearing for March 11, 1996 at 2:00 p.m. Subsequently, on February 28, 1996, this court issued its *Order on Status Conference*, which set new filing deadlines and hearing dates for the above subcases.

Therefore, IT IS ORDERED that the Status Conference previously set for March 11, 1996 at 2:00 p.m. is **vacated**. All deadlines and dates set forth in the *Order on Status Conference* shall remain in force and effect.

DATED March 7, 1996.


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

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APR 22 1996

Department of Water Resources

APR 18 PM 12:07

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

EXHIBIT A

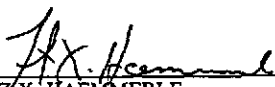
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA) Subcases: See Exhibit A
Case No. 39576) ORDER VACATING SUMMARY
JUDGMENT HEARING

The summary judgment hearing is currently scheduled for the above referenced subcases on April 23, 1996 at 1:30 p.m. Most of the issues to be addressed in that summary judgment are addressed under issues outlined under Basin-Wide Issue 12. Basin-Wide Issue 12 is set to be heard on May 15, 1996. Because a resolution of the issues in Basin-Wide Issue 12 will address the issues set forth in the summary judgment currently scheduled for April 23, 1996, the court hereby vacates that summary judgment hearing.

IT IS SO ORDERED.

DATED April 17, 1996.


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

Subcase Nos:

57-02362 57-11335
57-02365A 57-11337
57-02379 57-11360
57-02380 57-11367
57-02382 57-11375
57-02407 57-11376
57-02419 57-11377
57-02423 57-11379
57-02429 57-11380
57-07056 57-11382
57-07298 57-11385
57-07335 57-11398
57-07417 57-11399
57-07431 57-11422
57-07442 57-11424
57-10960 57-11449
57-10960A 57-11450
57-10977 57-11452
57-10977A 57-11453
57-10980 57-11454
57-10980A 57-11463
57-10981 57-11464
57-10981A 57-11465
57-10984 57-11469
57-10984A 57-11471
57-10985 57-11473
57-10985A 57-11475
57-10994 57-11476
57-10994A 57-11477
57-11013A 57-11480
57-11048 57-11482
57-11049A 57-11483
57-11078A 57-11484
57-11085 57-11486
57-11085A 57-11487
57-11108 57-11488
57-11150 57-11489
57-11154 57-11490
57-11155 57-11494
57-11171
57-11195
57-11201
57-11246
57-11284
57-11286
57-11287
57-11304
57-11317A
57-11331
57-11333

(Subcase list: 57SF5BLM)
Page 4 4/17/96

See File 57-02362
for complete document =

ELEMENTS OF STOCKWATER RIGHTS (2nd)

In Re SRBA

Twin Falls County Civil Case No. 39576

Sub-Case No.: See Attached Exhibit A

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources

Karl J. Dreher, Director

David B. Shaw, Adjudication Bureau Chief

March 18, 1996

Exhibit A

Subcase Nos:

57-02362	57-11335
57-02365A	57-11337
57-02379	57-11360
57-02380	57-11367
57-02382	57-11375
57-02407	57-11376
57-02419	57-11377
57-02423	57-11379
57-02429	57-11380
57-07056	57-11382
57-07298	57-11385
57-07335	57-11398
57-07417	57-11399
57-07431	57-11422
57-07442	57-11424
57-10960	57-11449
57-10960A	57-11450
57-10977	57-11452
57-10977A	57-11453
57-10980	57-11454
57-10980A	57-11463
57-10981	57-11464
57-10981A	57-11465
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57-10985A	57-11475
57-10994	57-11476
57-10994A	57-11477
57-11013A	57-11480
57-11048	57-11482
57-11049A	57-11483
57-11078A	57-11484
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57-11150	57-11489
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57-11171	
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57-11201	
57-11246	
57-11284	
57-11286	
57-11287	
57-11304	
57-11317A	
57-11331	
57-11333	

MAR 09 1996
MICROFILMED
See file 57-02362 for
complete document - VK

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MAR 01 1996

Department of Water Resources

MAR 29 1996

Exhibit A

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

In Re SRBA)
Case No. 39576) Subcase Nos.: See Attached Exhibit A
ORDER APPOINTING EXPERT
PURSUANT TO I.R.E. 706

On February 26, 1996, the United States, pursuant to an order of this court, submitted a list of issues regarding form and content of stockwatering rights. A prior order issued pursuant to I.R.E. 706 addressed some of the issues outlined by the United States. That prior order is hereby expanded to address the following issues:

1. Is a remark on combined usage necessary for definition or administration of a *de minimis* water right, and if so, where should the remarks appear in the decree?
2. Should the quantity used in cfs for a *de minimis* water right be based on a 24-hour rate, a 2-hour rate or set constant based on a 13,000 gallons per minute flow rate?

To the extent possible, the Idaho Department of Water Resources shall submit a factual report on these issues. To the extent the report addresses pure legal issues, the court shall on its own motion strike those portions of the report. The report is due by March 18, 1996 at 5:00 p.m. IDWR shall make this report available to the United States.

IT IS SO ORDERED.

DATED February 29, 1996.

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

Subcase Nos:

57-02362	57-11335
57-02365A	57-11337
57-02379	57-11360
57-02380	57-11367
57-02382	57-11375
57-02407	57-11376
57-02419	57-11377
57-02423	57-11379
57-02429	57-11380
57-07056	57-11382
57-07298	57-11385
57-07335	57-11398
57-07417	57-11399
57-07431	57-11422
57-07442	57-11424
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57-10960A	57-11450
57-10977	57-11452
57-10977A	57-11453
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57-10994A	57-11477
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57-11078A	57-11484
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57-11085A	57-11487
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57-11201	
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57-11284	
57-11286	
57-11287	
57-11304	
57-11317A	
57-11331	
57-11333	

See file 57-02362 for
complete document - VK

ALAN G. LANCE
Attorney General
State of Idaho

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

A. LYNNE KROGH
RICHARD B. BURLEIGH
Deputy Attorneys General
Idaho Department of Water Resources
P.O. Box 44449
Boise, ID 83711-4449
Telephone: (208) 327-7920
Fax: (208) 327-7866

** a copy of front
page put in each
sub-case file.
original document
in BW 12.*

518196

16

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

In Re SRBA	)	Sub-case No.: See Attached Exhibit A
	)	
Case No. 39576	)	IDWR'S REPORT RE: ELEMENTS OF
	)	SMALL STOCKWATER RIGHTS
	)	

DESCRIPTIVE SUMMARY

This document is IDWR's report regarding the elements of small stockwater rights submitted pursuant to Idaho Code §42-1412(4) at the request of the Special Master.

IDWR'S REPORT RE: ELEMENTS OF SMALL STOCKWATER RIGHTS, Page 1
MICROFILMED

MAR 09 1990

Exhibit A

Subcase Nos:

57-02362	57-11335
57-02365A	57-11337
57-02379	57-11360
57-02380	57-11367
57-02382	57-11375
57-02407	57-11376
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57-07442	57-11424
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57-10960A	57-11450
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57-11078A	57-11484
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57-11155	57-11494
57-11171	
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57-11201	
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57-11317A	
57-11331	
57-11333	

(Order Setting SF5 Hearing)

Page 3 1/25/96

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Department of Water Resources

SEP 26 PM 4:37

DISTRICT COURT-SRBA
TWIN FALLS COUNTY
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

Case No. 39576

) PRELIMINARY SPECIAL
) MASTER'S REPORT

) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW FOR

) WATER RIGHT 57-07298

FINDINGS OF FACT

A notice of claim was filed for this water right pursuant to I.C. § 42-1409 (1990). The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for Reporting Area 2 and investigated and abstracted the notice of claim for Reporting Area 2 (Basin 57), which includes portions of Owyhee County, State of Idaho. The *Director's Report for Reporting Area 2 (Director's Report)* contained a recommendation or abstract for the elements of this water right.

An objection to the *Director's Report* for water right 57-07298 was filed on February 26, 1993, by the United States Bureau of Land Management. A response was filed on June 11, 1993, by the State of Idaho Department of Water Resources. Subcase 57-07298 involves a stock water and/or wildlife claim filed by the United States Bureau of Land Management (BLM). A *Standard Form 5 - Stipulated Elements of a Water Right* was filed on January 22, 1996. The only signatory to the *Standard Form 5* is the claimant/objector, the United States Bureau of Land Management. The Idaho Department of Water Resources did not concur in the *Standard Form 5* and filed its *IDWR Report Re: Review of Standard Form 5*.

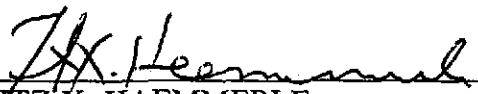
Because of the failure of IDWR to sign the *Standard Form 5* the United States filed a *Motion to Designate Basin Wide Issue 12* (BWI). The purpose of BWI 12 was to resolve all disputes the United States had with IDWR involving stock water rights. Subsequently, Special Master Haemmerle entered his opinion on BWI 12. The Special Master incorporates that decision by reference.

CONCLUSIONS OF LAW

Under *SRBA Administrative Order 1*, a Special Master is required to make a recommendation to the Presiding Judge as to whether and how a water right should be decreed.

Consistent with the recommendation of the *Second Amended Special Master's Recommendation Re: Basin Wide Issue 12* (Aug. 12, 1996) and with these findings and as a matter of law the Special Master recommends water right 57-07298 as listed on the attached *Preliminary Special Master's Recommendation* for Partial Decree.

DATED September 26, 1996.


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

1996 SEP 26 PM 4:39
SPECIAL MASTER'S RECOMMENDATION FOR
DISTRICT COURT-SRBA
PARTIAL DECREE FOR TWIN FALLS CO., IDAHO
Water Right 57-07298
FILED *[Signature]*

NAME & ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706

SOURCE: UNNAMED STREAM TRIBUTARY: SINKS

QUANTITY: 0.3 AFY

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

PRIORITY DATE: 11/17/1981

POINT OF DIVERSION: T03S R06W S14 NESE Within OWYHEE County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER STORAGE	01-01 12-31	0.3 AFY
	STOCKWATER FROM STORAGE	01-01 12-31	0.3 AFY
	WILDLIFE STORAGE	01-01 12-31	0.3 AFY
	WILDLIFE FROM STORAGE	01-01 12-31	0.3 AFY

PLACE OF USE:	STOCKWATER STORAGE	Within OWYHEE County
	T03S R06W S14	NESE
	STOCKWATER FROM STORAGE	Within OWYHEE County
	T03S R06W S14	NESE
	WILDLIFE STORAGE	Within OWYHEE County
	T03S R06W S14	NESE
	WILDLIFE FROM STORAGE	Within OWYHEE County
	T03S R06W S14	NESE

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

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

DATED:

SEP 26 1996

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

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SEP 30 1996

1996 SEP 26 PM 4:39

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

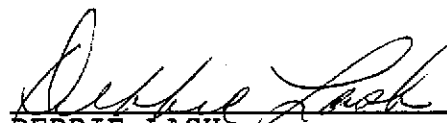
NOTICE OF ISSUANCE OF
PRELIMINARY SPECIAL MASTER'S
REPORT AND RECOMMENDATION

Water Right(s): 57-07298

On September 26, 1996, Special Master FRITZ X HAEMMERLE issued a PRELIMINARY SPECIAL MASTER'S REPORT and a PRELIMINARY SPECIAL MASTER'S RECOMMENDATION pursuant to SRBA Administrative Order 1 sections 11 (e) and (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 for Reconsideration or a Motion to Correct Clerical Errors with the Special Master, but must do so before October 10, 1996.

DATED September 26, 1996.


DEBBIE LASH
Deputy Clerk

MICROFILMED

MAR 09 1998

NOTICE OF ISSUANCE

PAGE 1
09/26/96

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SEP 30 1996

Department of Water Resources

076 SEP 26 PM 4:37

DISTRICT COURT-SRBA
TWINFALLS CO. ID AND
FILED *DL*

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

In Re SRBA

CERTIFICATE OF MAILING

Case No. 39576

Water Right(s): 57-07298

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 September 26, 1996, 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

K. JACK HAUGRUD
U.S. DEPARTMENT OF JUSTICE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724-0663

Debbie Lash
DEBBIE LASH
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
09/26/96

Because of the failure of IDWR to sign the *Standard Form 5* the United States filed a *Motion to Designate Basin Wide Issue 12* (BWI). The purpose of BWI 12 was to resolve all disputes the United States had with IDWR involving stock water rights. Subsequently, Special Master Haemmerle entered his opinion on BWI 12. The Special Master incorporates that decision by reference.

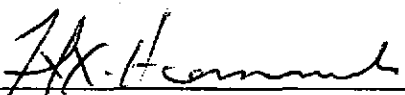
CONCLUSIONS OF LAW

Under *SRBA Administrative Order 1*, a Special Master is required to make a recommendation to the Presiding Judge as to whether and how a water right should be decreed.

A *Preliminary Special Master's Report and Recommendation; Findings of Fact and Conclusions of Law*, was issued for subcase 57-07298 on September 26, 1996. No Motions to Reconsider or Motions to Correct Clerical Errors were filed, and the time for such motions has now expired.

Consistent with the recommendation of the *Second Amended Special Master's Recommendation Re: Basin Wide Issue 12* (Aug. 12, 1996) and with these findings and as a matter of law the Special Master recommends water right 57-07298 as listed on the attached *Special Master's Recommendation* for Partial Decree.

DATED October 23, 1996.


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

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1996 OCT 23 PM 2:30
OCT 24 1996
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED CL

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	)	SPECIAL MASTER'S REPORT
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW FOR
	)	WATER RIGHT 57-07298
	)	MICROFILMED

MAR 09 1998

FINDINGS OF FACT

A notice of claim was filed for this water right pursuant to I.C. § 42-1409 (1990). The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for Reporting Area 2 and investigated and abstracted the notice of claim for Reporting Area 2 (Basin 57), which includes portions of Owyhee County, State of Idaho. The *Director's Report for Reporting Area 2 (Director's Report)* contained a recommendation or abstract for the elements of this water right.

An objection to the *Director's Report* for water right 57-07298 was filed on February 26, 1993, by the United States Bureau of Land Management. A response was filed on June 11, 1993, by the State of Idaho Department of Water Resources. Subcase 57-07298 involves a stock water and/or wildlife claim filed by the United States Bureau of Land Management (BLM). A *Standard Form 5 - Stipulated Elements of a Water Right* was filed on January 22, 1996. The only signatory to the *Standard Form 5* is the claimant/objector, the United States Bureau of Land Management. The Idaho Department of Water Resources did not concur in the *Standard Form 5* and filed its *IDWR Report Re: Review of Standard Form 5*.

MAIL2283



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

In Re SRBA)

Case No. 39576)

SPECIAL MASTER'S RECOMMENDATION FOR ^{1004 OCT 23 PM 2:30}

PARTIAL DECREE FOR DISTRICT COURT-SRBA
Water Right 57-07298 TWIN FALLS CO, IDAHO
FILED

NAME & ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706

SOURCE: UNNAMED STREAM TRIBUTARY: SINKS

QUANTITY: 0.3 AFY

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

PRIORITY DATE: 11/17/1981

POINT OF DIVERSION: T03S R06W S14 NESE Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER STORAGE	01-01 12-31	0.3 AFY
	STOCKWATER FROM STORAGE	01-01 12-31	0.3 AFY
	WILDLIFE STORAGE	01-01 12-31	0.3 AFY
	WILDLIFE FROM STORAGE	01-01 12-31	0.3 AFY

PLACE OF USE:	STOCKWATER STORAGE	Within Owyhee County
	T03S R06W S14	NESE
	STOCKWATER FROM STORAGE	Within Owyhee County
	T03S R06W S14	NESE
	WILDLIFE STORAGE	Within Owyhee County
	T03S R06W S14	NESE
	WILDLIFE FROM STORAGE	Within Owyhee County
	T03S R06W S14	NESE

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

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

DATED: OCT 23 1996

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

SPECIAL MASTER'S RECOMMENDATION

PAGE 1
SEP-12-1996

1996 OCT 23 PM 2:30

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)
_____)

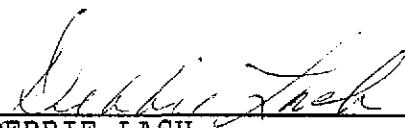
NOTICE OF ISSUANCE OF
SPECIAL MASTER'S REPORT
AND RECOMMENDATION

Water Right(s): 57-07298

On October 23, 1996, 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 October 23, 1996.



DEBBIE LASH
Deputy Clerk

1996 OCT 23 PM 2:30

DISTRICT COURT-SRBA
TWINFALLS 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): 57-07298

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 October 23, 1996, with sufficient first-class postage prepaid to the following:

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

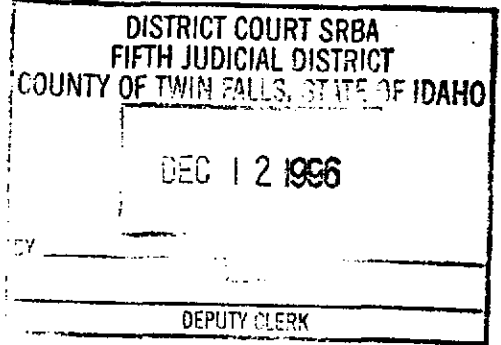
CLIVE STRONG
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720

K. JACK HAUGRUD
U.S. DEPARTMENT OF JUSTICE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724-0663


DEBBIE LASH
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
10/23/96



**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

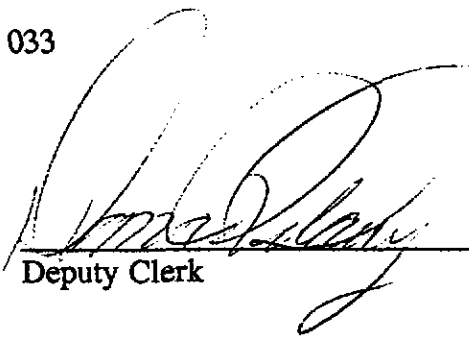
) **CERTIFICATE OF MAILING**

) **For Water Right 57-07298**

I certify that a true and correct copy of the *Order of Partial Decree for Water Right 57-07298 and Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 57-07298* was mailed on December ~~12~~¹⁵, 1996 with sufficient first-class postage prepaid to the following:

Director of IDWR
P.O. Box 83720
Boise, ID 83720-0098

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



Deputy Clerk

RULE 54(b) CERTIFICATE

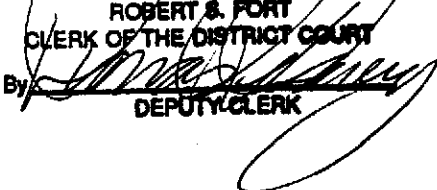
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment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

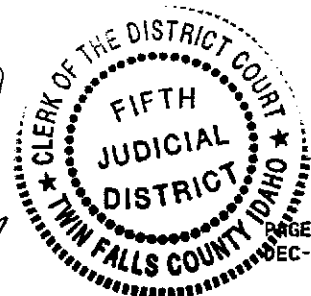
DATED: Dec 12 1994


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

ss.
I hereby certify the foregoing to be a full,
true and correct copy of the original on
file in the above entitled action.

ROBERT S. FORT
CLERK OF THE DISTRICT COURT

By 
DEPUTY CLERK



PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 57-07298

RECEIVED

DEC 17 1996

Department of Water Resources

DISTRICT COURT SRBA
FIFTH JUDICIAL DISTRICT
COUNTY OF TWIN FALLS

DEC 12 1996

DEPUTY CLERK

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

In Re SRBA

Case No. 39576

) ORDER OF PARTIAL DECREE

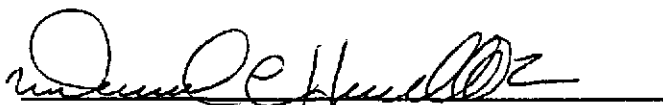
) For Water Right 57-07298

On October 23, 1996, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

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

Therefore, IT IS ORDERED that water right 57-07298 be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED December 12, 1996.



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