



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

November 23, 1992

Chipmunk Grazing Association, Inc.
P.O. Box 175
Marsing, ID 83639

RE: Application for Permit No. 57-07562

Dear Applicant:

At a water right conference conducted this morning in the above-referenced matter, the participants determined that the water use that is described in your application has already been recorded. Thus, it appears that an application for permit is not appropriate at this time.

Enclosed please find a copy of the Department's recommendation to the adjudication court for water right no. 57-07335. In addition I have enclosed a copy of the BLM claim to a federal reserved water right for this system, which has been numbered 57-11303. Note that both water rights are described in the name of the U.S. Bureau of Land Management (BLM).

At this time it appears that there are two outstanding issues regarding these water rights. First, there is a discrepancy between the legal descriptions on the application for permit and those on the recommended water right. To clarify this issue, I am forwarding a copy of this letter to our water right adjudication staff with a request that the places of use from the spring tributary to Hardtrigger Creek be verified with an on-site investigation.

Second, there is a dispute as to the proper name for the water right holder. The BLM does not desire to include the names of allotment holders on water rights, and it is my understanding that Chipmunk Grazing does desire this recognition. I would suggest that the proper forum for this issue is the adjudication court in the Snake River Basin Adjudication. The mechanism for bringing specific issues before this court is described in the information sent to your association regarding the way your claims were identified in the Director's Report.

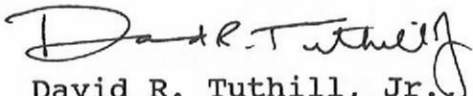
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MAR 09 1993

November 23, 1992

Accordingly, I have enclosed a Withdrawal of Application form with this letter. Please review this information, and if you concur with this analysis please sign the form and return it to this office. We will plan to contact both the BLM and your association before conducting the place of use field examination next spring.

Sincerely,



David R. Tuthill, Jr. P.E.
Manager, Western Regional Office

cf: Jan Shurte, Kay Walker, State Office File,
BLM (Attn: Dana Danzer)

Enclosures: Withdrawal of Application form
Copies of Director's Report recommendations for:
57-07335 and 57-11303

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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	

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

A57-07335

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

PRIORITY DATE: 1982-05-28
IDWR WATER RIGHT NO. 5707335
BLM NUMBER: 5701588243
BASIS OF CLAIM: BENEFICIAL USE
BASIN NO.: 57

SOURCE	TRIBUTARY TO
-----	-----
SPRING	HARDTRIGGER CREEK

DESCRIPTION OF DIVERSION WORKS

COLLECTION SYSTEM, HEADBOX, PIPELINE & TROUGHS

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
STOCKWATER	0.100	6.00	0101	1231
WILDLIFE	0.010	6.00	0101	1231
TOTAL:		0.110 CFS	6.00 AF	

NON-IRRIGATION USES

S/450 RANGE CATTLE (INCLUDES WILD HORSES/VAR AMT) W/VAR AMT

POINT OF DIVERSION							
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
01S	04W	17		SW	NW	0	OWYHEE

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OCT 07 1992

PLACE OF USE							IRRIGATED ACRES
TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	OWNED
01S	04W	05	SW	SW	0	OWYHEE	0.0
01S	04W	05	SW	NW	0	OWYHEE	0.0
01N	04W	32	NE	SW	0	OWYHEE	0.0
01N	04W	32	NE	NE	0	OWYHEE	0.0
01N	04W	21	SW	SW	0	OWYHEE	0.0

BLM NUMBER: 5701588243

PAGE 2

01N	04W	16	SE	NW	0	OWYHEE	0.0
01S	04W	05	SW	SW	0	OWYHEE	0.0
01S	04W	05	SW	NW	0	OWYHEE	0.0
01N	04W	32	NE	SW	0	OWYHEE	0.0
01N	04W	32	NE	NE	0	OWYHEE	0.0
01N	04W	21	SW	SW	0	OWYHEE	0.0
01N	04W	16	SE	NW	0	OWYHEE	0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

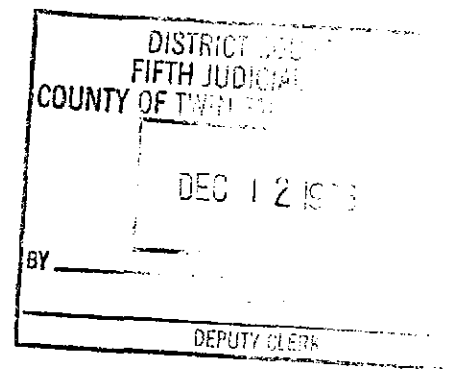
OTHER WATER RIGHTS

NONE

REMARKS

PREVIOUSLY FILED WITH THE IDAHO DEPARTMENT OF WATER RESOURCES

MICROFILMED
OCT 07 1992



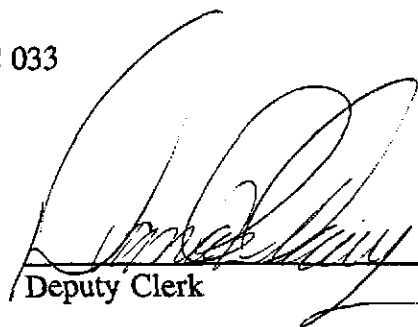
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	CERTIFICATE OF MAILING
	)	
Case No. 39576	)	For Water Right 57-07335
_____	)	

I certify that a true and correct copy of the *Order of Partial Decree for Water Right 57-07335 and Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 57-07335* was mailed on December 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 FIFTH JUDICIAL DISTRICT COUNTY OF TWIN FALLS
DEC 12 1996
BY _____
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

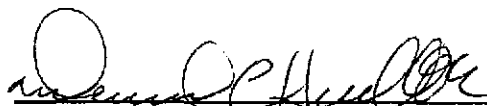
) For Water Right 57-07335

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 57-07335 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

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. 57-07335
(You must insert the
water right number you
are objecting to)

OBJECTION RECEIVED
MAR 01 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.

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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

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

I. GENERAL INFORMATION

Please fill in the following information:

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

Briefly describe your interest in this water right:

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

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

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

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

II. STATEMENT OF THE OBJECTION

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

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

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(Over)

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

REASONS SUPPORTING EACH BOX CHECKED

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

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

CHANGES TO THE DIRECTOR'S REPORT

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

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

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

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

1. List of changes required to correct this claim.

2. Copy of USDI claim from the Directors report.

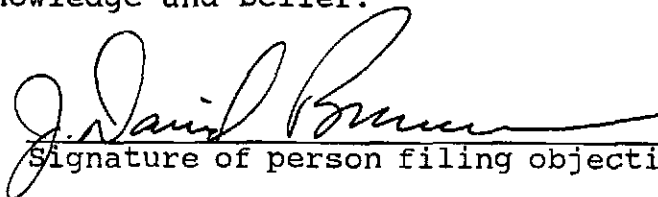
VERIFICATION (Must be Completed)

State of Idaho

County of Ada

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

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


Signature of person filing objection

By: _____

(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 1 day of March,
1993.

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

(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 01 day of March, 1993, I ^{sent} ~~mailed~~ the original and ^{filed} ~~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

John E. Bian
Signature of Objector or attorney
mailing on Objector's behalf

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ATTACHMENT 1

CLAIM NUMBER: 57-07335

POINT OF DIVERSION:

CHANGE: 01S 042 S17 SWNW

TO: 01S 04W S17 NWSW

SOURCE:

CHANGE: SOURCE: SPRING TRIBUTARY: HARDTRIGGER CREEK

TO: SOURCE: HARDTRIGGER CREEK TRIBUTARY: SNAKE RIVER

AJ5856NP

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

DATE: OCT-13-1992

PAGE: A-1226

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: SPRING		TRIBUTARY: HARDTRIGGER CREEK				
57-07335	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706	05/28/1982	STOCKWATER	01-01 12-31	.1 6.0	CFS AFY
			WILDLIFE	01-01 12-31	.01 6.0	CFS AFY
TOTAL QUANTITY:					.11 6.0	CFS AFY

NON-IRRIGATION-USES:

STOCKWATER, 450 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:

T01S R04W S17 SWNW

PLACE OF USE: STOCKWATER

T01N R04W S16 SENW

S21 SWSW

S32 NENE

T01S R04W S05 SWNW NESW

PLACE OF USE: WILDLIFE

T01N R04W S16 SENW

S21 SWSW

S32 NENE

T01S R04W S05 SWNW NESW

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 = 5701588243

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MAR 09 1993



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

November 23, 1992

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P.O. Box 175
Marsing, ID 83639

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Second, there is a dispute as to the proper name for the water right holder. The BLM does not desire to include the names of allotment holders on water rights, and it is my understanding that Chipmunk Grazing does desire this recognition. I would suggest that the proper forum for this issue is the adjudication court in the Snake River Basin Adjudication. The mechanism for bringing specific issues before this court is described in the information sent to your association regarding the way your claims were identified in the Director's Report.

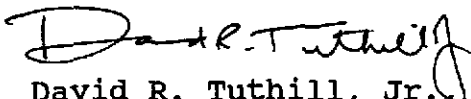
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November 23, 1992

Accordingly, I have enclosed a Withdrawal of Application form with this letter. Please review this information, and if you concur with this analysis please sign the form and return it to this office. We will plan to contact both the BLM and your association before conducting the place of use field examination next spring.

Sincerely,



David R. Tuthill, Jr. P.E.
Manager, Western Regional Office

cf: Jan Shurte, Kay Walker, State Office File,
BLM (Attn: Dana Danzer)

Enclosures: Withdrawal of Application form
Copies of Director's Report recommendations for:
57-07335 and 57-11303

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

 DATE: OCT-13-1992
 PAGE: A-1226

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: SPRING		TRIBUTARY: HARDTRIGGER CREEK				
57-07335	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706	05/28/1982	STOCKWATER	01-01 12-31	.1	CFS
			WILDLIFE	01-01 12-31	6.0	AFY
					.01	CFS
					6.0	AFY
			TOTAL QUANTITY:		.11	CFS
					6.0	AFY
NON-IRRIGATION-USES:						
STOCKWATER, 450 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT						
POINT OF DIVERSION:						
T01S R04W S17		SWNW				
PLACE OF USE: STOCKWATER						
T01N R04W S16		SENW				
S21		SWSW				
S32		NENE				
T01S R04W S05		SWNW				
PLACE OF USE: WILDLIFE		NESW				
T01N R04W S16		SENW				
S21		SWSW				
S32		NENE				
T01S R04W S05		SWNW				
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.				
		BLN RECORD ID = 5701588243				

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
ABSTRACTED CLAIMS TO WATER RIGHTS BASED UPON FEDERAL LAWDATE: OCT-13-1992
PAGE: A-127

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: SPRING		TRIBUTARY: HARDTRIGGER CREEK				
57-11303	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706	04/17/1926	STOCKWATER	01-01 12-31	.02	CFS RESERVED
TOTAL QUANTITY:					.02	CFS
NON-IRRIGATION-USES:						
STOCKWATER, 292 RANGE CATTLE & HORSES						
POINT OF DIVERSION:						
T01S R04W S17		SWNW				
PLACE OF USE: STOCKWATER						
T01N R04W S16		SENW				
S21		SWSW				
S32		NENE				
T01S R04W S05		SWNW				
T01S R04W S05		NESW				
T01S R04W S05		SWSW				
REMARKS: BLM RECORD ID = 5701580396						

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MAR 09 1993

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	05/28/1982	STOCKWATER WILDLIFE	01-01 12-31 01-01 12-31	0.10 CFS 0.01 CFS	6.0 AFA 6.0 AFA
TOTAL DIVERSION:					0.11 CFS	6.0 AFA

Water Source: SPRING

Tributary to: HARDTRIGGER CREEK

Stage: LICENSE

Point(s) of Diversion:

T01S R04W S17

SWNW

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
01N	04W	16	:																				
01N	04W	21	:																				
01N	04W	32	:	S																			
01S	04W	5	:							S													

Place of use Legal Description for: WILDLIFE

				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
01N	04W	16	:																				
01N	04W	21	:																				
01N	04W	32	:	W																			
01S	04W	5	:							W													

POU County: OWYHEE

Non-Irrigation Uses: STOCKWATER, 450 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 = 5701588243

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Comments: Date: 09/18/1992 User-ID: SMITH Subject: COPIED FROM REMARKS

OCT 07 1992

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MICROFILMED

AJ5809NP
No. R57-07335

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 09/22/92
PAGE: 23

Comments: Date: 09/18/1992 User-ID: SMITH Subject: COPIED FROM REMARKS
PREVIOUSLY FILED WITH THE IDAHO DEPARTMENT OF WATER RESOURCES.

Audit: 09/18/92 SMITH

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A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
57-07335	01S	04W	17		SW	NW		OWYHEE

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
57-11303 NONE
A57-07335
~~A57-11303~~

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: SPRING

TRIB: HARDTRIGGER CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
57-07335	01S	04W	17		SW	NW		OWYHEE

OTHER WR RECORDS WITH SAME WR POD

NONE

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
~~57-11303~~ NONE
~~A57-07335~~
~~A57-11303~~

SOURCE: SPRING

TRIB: HARDTRIGGER CREEK

C. FIELD EXAM REQUIRED?

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

NOTES:

57-11303: Fed. law claim for this source.

No overlap at new location.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

1993 JUN 25 PM 3:45
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

Case No. 57-07335 -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
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

2. ☒ Source: I respond to the objection concerning the source of water.
5. ☒ Points of Diversion: I respond to the objection concerning the legal description of the points(s) of diversion.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 2 and 5 and all allegations of the objection regarding these items IDWR responds as follows: The point of diversion and source 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. IDWR denies the objection and all allegations of the objection.

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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. A57-07335

2

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MAR 0 1998

(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.

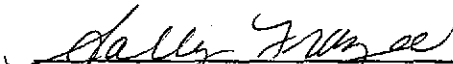


Signature of person filing response

By:


(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 20th day of JUNE, 1993.



Notary Public for Idaho

Residing at: Boise

My Commission expires: 11-14-1998

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MAR 09 1998

CERTIFICATE OF MAILING

I hereby certify that on the 25th 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:

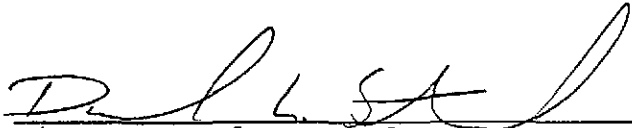
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

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

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. 57-07335
	)	
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 - 07335.

STIPULATION

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

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MAR 09 1980

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. 57-07335, 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.

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MAR 09 1993
MAD H 14-

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:

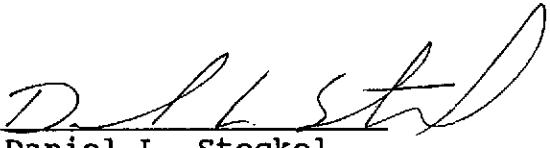
J. David Brunner
District Manager
Boise District
Bureau of Land Management

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

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MAR 09 1998

ORDER

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

IT IS HEREBY ORDERED that the Court shall enter a partial decree for water right 57 - 07335 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 1990

AJ5856NP

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

DATE: NOV-10-1993
PAGE: A-1

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: <u>HARDTRIGGER CREEK</u>		TRIBUTARY: <u>SNAKE RIVER</u>				
<u>SPRING</u>		<u>HARDTRIGGER CREEK</u>				
57-07335	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706	05/28/1982	STOCKWATER	01-01 12-31	.1	CFS LICENSE
			WILDLIFE	01-01 12-31	6.0	AFY
					.01	CFS
					6.0	AFY
				TOTAL QUANTITY:	.11	CFS
				TOTAL VOLUME:	6.0	AFY
NON-IRRIGATION USES:						
STOCKWATER, 450 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT						
POINT OF DIVERSION:						
T01S R04W S17						
NWSW						
SWSW						
PLACE OF USE: STOCKWATER						
T01N R04W S16						
S21						
S32						
T01S R04W S05						
SWSW						
PLACE OF USE: WILDLIFE						
T01N R04W S16						
S21						
S32						
T01S R04W S05						
SWSW						
SWSW						
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 = 5701588243						

ORIGINAL OF
THESE DOCUMENTS
filed in:
57-02362

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FEB 26 1996
Department of Water Resources
Adjudication Bureau

57-07335

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

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MAR 09 1996

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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

Case No. 39576

) Subcase Nos.: See Attached Exhibit A

) 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

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

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MAR 09 1996

BASIN 57
OBJECTION FILE
AGENT NOTES

CLAIM NO.: 57-07335 NAME: BLM

PARTIES:

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

SUMMARY OF OBJECTION:

Source Change & P.O. Change.

AGENTS RESPONSE:

☐ NO RESPONSE

Change from Spring to Hardtrigger
Creek which changes P.O., however, cannot
change source without date of change
prior to 11-19-87 - License issued 7-28-1986.
Also, injury from change will need to
be done - downstream users on Hard-
trigger Creek, plus what happened to the
Spring source?

AGENT: _____

DATE: _____

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MAR 09 1990

WORKING COPY

in the SESW, Sec. 21 2S 4W.

- 57-11286 Related to 57-07168 but P/D, P/U S/B 2S 4W 21 NWSW only.
- 57-07295 Change from SESE, Sec. 30 to the NENE, Sec. 30 - Should have been to change to the SENE, Sec. 31. Ok to SENE, Sec. 31 1N 5W which matches #20 marked on the Jump Creek Canyon Prov. Ed. 1989 topo map by BLM and location on topo map for Jerry's Creek. NAPP Y3 SW verifies reservoir location.
- 57-07298 Change from SENE, Sec. 14 to NESE, Sec. 14 3S 6W. Ok per NAPP Z3 SW and topo map location marked by BLM.
- 57-07300 Change location from NWNW, Sec. 25 to the NENW, Sec. 25 verified on NAPP Z2 NE. Nothing in the NWNW and reservoir seen in NENW 2S 2S 6W.
- 57-07304 Change can only be done thru permitting and licensing system. Will need to check out during our re-exam now required. Objection denied and answered this response as to that it will be handled thru our permit exam and licensing. 57-07304 is still in the permit stage. Hwy 95 well. [NOTE: put note on exam to check for different 1/4 1/4 and to add the new pu's as requested in objection.]
- 57-07335 Objection to change pd and source. Dana ____, BLM employee, said on 7/22/93 diversion is just north of fenceline which is dashed line on Soldier Cap Prov. Ed. 1989. Pd from the SWNW to the NWSW 17 1S 4W. Source from spring tributary to Hardtrigger to Hartrigger Creek tributary to Snake River. Reserved right 57-11303 - same as original claim - 57-07335, no objection filed, reserved right. Change reserved right also?
- 57-07356 Objection to change pu from Sec. 5, NESE to 2S 5W Sec. 4, NWSW verified on topo Piute Butte Prov. Ed. 1989 (BLM) and NAPP Y53 NW. Change source = Unnamed Stream/McBride Creek (for accuracy).
- 57-07359 Delete pu's in the SENE Sec. 11 and NWSW Sec. 12. Per BLM records, Rockville 1967 and NAPP Y52 NE spring is located only in SWNW, Ok - change P/D, P/U to SWNW, Sec. 12, 1S, 6W.
- 57-11207 Pd SENE (Sam's Spring) pu SENE - no objection filed. Needs to be changed same as 57-07359. Also 57-04086 is for Sam's Spring and it needs to be changed to match 57-07359 and 57-11207. MICROFILMED
- 57-07363 Objection wants to change from NESE to SESE Sec. 20 1N 5W. 1993
57-11296 Ok to change per Soldier Cap Prov. Ed. 1989 and NAPP Y54 NW.

57-07335

ORIGINAL OF
THESE DOCUMENTS
Filed in:
57-02362

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FEB 26 1996
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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

(1)
In Re SRBA) Subcase Nos.: See Attached Exhibit A
Case No. 39576) ORDER DENYING STIPULATION TO
RESET HEARING

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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
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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

(2)
In Re SRBA) Subcase Nos.: See Attached Exhibit A
Case No. 39576) ORDER ON STATUS CONFERENCE

2-22-96 18:20 1A

2027245636;# 2/7

Movant's Name:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

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

(3)
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

MICROFILMED
MAR 09 1996

See file 57-02362
for complete
document. HK

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:

MICROFILMED
MAR 09 1997

See file
57-02362
for complete
copy of document
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MAR 08 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

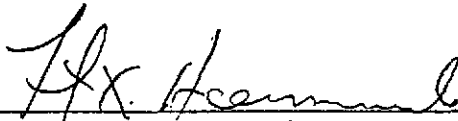
) Subcase Nos.: See Attached Exhibit A
)
)
)
)
)

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

MICROFILMED
MAR 09 1996

IN Re SRBA
Case No. 39576

SUBCASE NO: 57-07335

PROPOSED ELEMENTS OF A WATER RIGHT

MAR 09 1998

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: Hardtrigger Creek
Tributary: Snake River

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

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

.11 CFS

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

4. The priority date is: 05/28/82

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 R04W S17 NWSW

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 "450 Range Cattle" and "Variable Amounts" are not necessary to define the right.

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MAR 0 8 1986

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 and Wildlife
T01S R04W S16 SENW
S21 SWSW
S32 NENE NESW
T01S R04W S05 SWNW SWSW

All POU's are located in Owyhee County.

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

9. The annual volume of consumptive use is: 6.0 AFY

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

10. Other matters necessary to define this water right:

These matters are necessary because:

The remark in the Director's Report is not necessary to define the right.

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

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MAR 09 1998

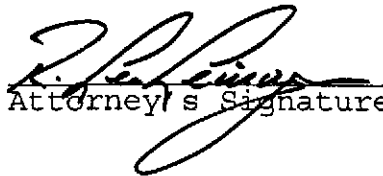
Signature and Address of Parties and their Attorney of Record
(attach additional page if necessary)

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:

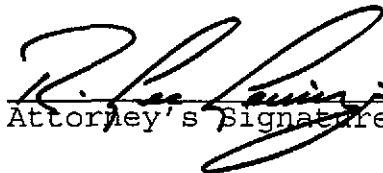
Name: United States through
Dept. of Justice for BLM
Address: 601 Pennsylvania Ave., NW
City/State: Washington, DC 20004
Attorney of Record: R. Lee Leininger\Daria Zane\Bill Ferry

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

MICROFILMED

MAR 09 1998

AJ5856NP

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

DATE: OCT-13-1992
PAGE: A-1226

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: SPRING		TRIBUTARY: HARDTRIGGER CREEK				
57-07335	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706	05/28/1982	STOCKWATER	01-01 12-31	.1	CFS
					6.0	AFY
			WILDLIFE	01-01 12-31	.01	CFS
					6.0	AFY
			TOTAL QUANTITY:		.11	CFS
					6.0	AFY

NON-IRRIGATION-USES:

STOCKWATER, 450 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

POINT OF DIVERSION:

T01S R04W S17

SWNW

PLACE OF USE: STOCKWATER

T01N R04W S16

SESW

S21

SWSW

S32

NENE

NESW

T01S R04W S05

SWNW

SWSW

PLACE OF USE: WILDLIFE

T01N R04W S16

SESW

S21

SWSW

S32

NENE

NESW

T01S R04W S05

SWNW

SWSW

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 = 5701588243

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MAR 09 1993

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

Anna E. Smith
Signature of person or attorney
mailing the form

ALAN G. LANCE
Attorney General
State of Idaho

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

APR 12 PM 3:32
DISTRICT COURT, IDAHO
TWIN FALLS COUNTY
FILED

COPY

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. 57-07335
	)	
	)	IDWR REPORT RE: REVIEW
Case No. 39576	)	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:

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

1. [] Name and Address
2. [] Source

3. ☒ Quantity

The quantity shown on the Standard Form 5 is not the same as the recommendation in the director's report. The quantity should be shown as recommended in the director's report, including diversion rate and diversion volume for each use:

STOCKWATER	.10 CFS	6.0 AFY
WILDLIFE	.01 CFS	6.0 AFY
TOTAL QUANTITY	.11 CFS	6.0 AFY

4. ☐ Priority Date

5. ☐ Point of Diversion

6. ☒ Purpose of Use

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, 450 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.

The 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. This is particularly true for stockwater rights because a reasonable rate of flow (cfs) for such rights is capable of producing an annual diversion volume

significantly in excess of the volume of water required for drinking by the stock for which the water was appropriated.

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 before the Special Master.

7. [] Period of Use

8. [X] Place of Use

There is a typographical error in the description of the place of use in the SF5. The SF5 states the township for sections 16, 21 and 32 as "T01S". The correct township is "T01N".

9. [X] Consumptive Use

Consumptive use should be described as "de minimis". The Standard Form 5 indicates that the entire diversion volume recommended (6.0 AFY) is consumed by stock and wildlife. The director's report did not recommend 6.0 AFY as the consumptive use.

10. [X] 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 avoiding the misconception that the rights are additive.

B. 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

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MAR 09 1998

CERTIFICATE OF MAILING

I certify that on March 11, 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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APR 22 1996

Department of Water Resources

APR 18 PM 12:07

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

EXHIBIT A

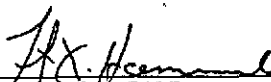
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

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: 57SF58LM)
Page 4 4/17/96

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MAR 9 1996

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
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	

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57-02362 for
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Department of Water Resources

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

In Re SRBA) Subcase Nos.: See Attached Exhibit A
Case No. 39576)
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

ORDER APPOINTING EXPERT
PURSUANT TO I.R.E. 706
2/29/96

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
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57-07056	57-11382
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57-10984A	57-11471
57-10985	57-11473
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57-11085A	57-11487
57-11108	57-11488
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57-11201	
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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

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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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57-11331	
57-11333	

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Department of Water Resources

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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

) PRELIMINARY SPECIAL
) MASTER'S REPORT

) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW FOR

) WATER RIGHT 57-07335

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 57-07335 was filed on March 1, 1993, by the United States Bureau of Land Management. A response was filed on June 25, 1993, by the State of Idaho Department of Water Resources. Subcase 57-07335 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*.

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MAR 09 1996

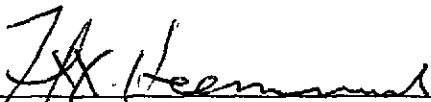
Because of the failure of IDWR to sign the *Standard Form 5* the United States filed a *Motion to Designate Basin Wide Issue 12* (BWI). The purpose of BWI 12 was to resolve all disputes the United States had with IDWR involving stock water rights. Subsequently, Special Master Haemmerle entered his opinion 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 57-07335 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

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MAR 09 1998

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

In Re SRBA)
Case No. 39576)
_____)

PRELIMINARY

SPECIAL MASTER'S RECOMMENDATION FOR: 41
PARTIAL DECREE FOR DISTRICT COURT-SRBA
Water Right 57-07335 TWIN FALLS CO. IDAHO
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: HARDTRIGGER CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.11 CFS
6.0 AFY

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

PRIORITY DATE: 05/28/1982

POINT OF DIVERSION: T01S R04W S17 NWSW Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.1 CFS
			6.0 AFY
	WILDLIFE	01-01 12-31	0.01 CFS
			6.0 AFY

PLACE OF USE:	STOCKWATER	Within Owyhee County
	T01N R04W S16	SENW
	S21	SWSW
	S32	NENE NESW
	T01S R04W S05	SWNW SWSW
	WILDLIFE	Within Owyhee County
	T01N R04W S16	SENW
	S21	SWSW
	S32	NENE NESW
	T01S R04W S05	SWNW SWSW

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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MAR 09 1998

09/26/96

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Department of Water Resources

1996 SEP 26 PM 4:41

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): 57-07335

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
Deputy Clerk

CERTIFICATE OF MAILING

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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	)	SPECIAL MASTER'S REPORT
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW FOR
	)	
	)	WATER RIGHT 57-07335

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 57-07335 was filed on March 1, 1993, by the United States Bureau of Land Management. A response was filed on June 25, 1993, by the State of Idaho Department of Water Resources. Subcase 57-07335 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 ~~WATER RIGHT~~ *Review of Standard Form 5*.

MAR 09 1996



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.

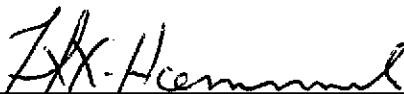
CONCLUSIONS OF LAW

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 57-07335 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 57-07335 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

MICROFILMED

MAR 09 1998

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

1996 OCT 23 PM 2:39

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO

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

SPECIAL MASTER'S RECOMMENDATION FOR

PARTIAL DECREE FOR

Water Right 57-07335

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

SOURCE: HARDTRIGGER CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.11 CFS
6.0 AFY

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

PRIORITY DATE: 05/28/1982

POINT OF DIVERSION: T01S R04W S17 NWSW Within Owyhee County

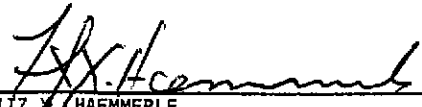
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.1 CFS 6.0 AFY
	WILDLIFE	01-01 12-31	0.01 CFS 6.0 AFY

PLACE OF USE:	STOCKWATER	Within Owyhee County
	T01N R04W S16	SENW
	S21	SWSW
	S32	NENE NESW
	T01S R04W S05	SWNW SWSW
	WILDLIFE	Within Owyhee County
	T01N R04W S16	SENW
	S21	SWSW
	S32	NENE NESW
	T01S R04W S05	SWNW SWSW

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 1988


FRITZ X. HAEMMERLE
Special Master
Snake River Basin Adjudication

MICROFILMED

MAR 09 1996
SEP-12-1996

SPECIAL MASTER'S RECOMMENDATION

1996 OCT 23 PM 2:39

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
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)
Case No. 39576)
_____)

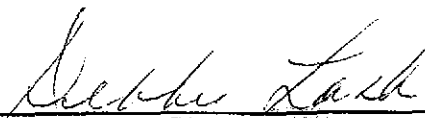
NOTICE OF ISSUANCE OF
SPECIAL MASTER'S REPORT
AND RECOMMENDATION

Water Right(s): 57-07335

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

NOTICE OF ISSUANCE

MICROFILMED

MAR 09 1998
PAGE 1
10/23/96

1996 OCT 23 PM 2:39

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): 57-07335

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
DEBBIE LASH
Deputy Clerk

CERTIFICATE OF MAILING

MICROFILMED

OCT 23 1996
10/23/96

DISTRICT COURT FIFTH JUDICIAL COUNTY OF TWIN FALLS
DEC 12 1996
BY _____
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

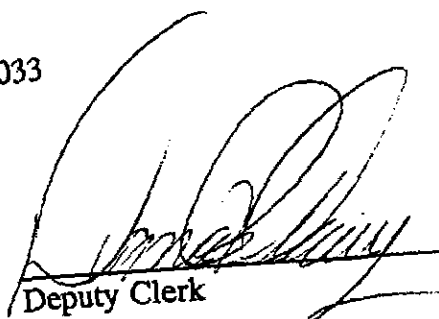
CERTIFICATE OF MAILING

For Water Right 57-07335

I certify that a true and correct copy of the *Order of Partial Decree for Water Right 57-07335 and Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 57-07335* was mailed on December 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

PROFILMED
MAR 09 1996

RECEIVED

DEC 17 1996

Department of Water Resources

DISTRICT COURT SEVENTH FIFTH JUDICIAL DISTRICT COUNTY OF TWIN FALLS	
DEC 12 1996	
BY _____	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 57-07335

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 I*, 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 57-07335 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

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MAR 09 1998

CLAIM NO. 57-07335

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

1. ☒ No Overlap with Claim by Private Individual - OWNERSHIP
☐ Overlaps with Claim by Private Individual
Claim No(s). _____
☐ Private claimant notification letter sent - Date _____
☒ Overlapping Federal Claim
Claim No(s). A57-11303
2. ☒ No Change - DATE OF PRIORITY - Claim matches existing license or decree
☐ Change - Claim does not match existing license or decree
Priority date, per IDWR records, is _____.
3. ☒ No Change - SOURCE
Source, per IDWR records, is _____.
4. ☒ No Change - POINT OF DIVERSION - Claim matches existing license or decree
☐ Point of diversion has changed - Map attached.
Twp _____, Rge _____, Sec _____, _____ 1/4, _____ 1/4, _____ 1/4
How was this verified? _____
5. N/A
6. ☒ No Change - WATER USES
Uses, per IDWR records:
Use _____ From _____ To _____ Amount _____ cfs _____ af
Use _____ From _____ To _____ Amount _____ cfs _____ af
7. ☒ No Change - TOTAL RATE AND VOLUME
Total rate and volume, per IDWR records: _____ cfs _____ afa
8. N/A
9. ☒ No Change - NON-IRRIGATION USES: Completed on claim *added wildlife*
Incomplete on claim - Per IDWR records: *OK on license*
Domestic - No. of homes _____ Stockwater - No. of head _____
Other: _____

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OCT 07 1992

10. ☒ No Change - PLACE OF USE *Added 104 Wildlife (same as street)*
☐ Place of Use has changed as shown - Map attached
Use Twp. Rge. Sec. 1/4, 1/4,

How was this verified? _____

Remarks: (Comments pertinent to review)

Review Completed by: *Jan Thunte*
signature
Date: *9-17-92*

WR5809NP
No. 57-07335

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/12/92
PAGE: 14

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	05/28/1982	STOCKWATER WILDLIFE	01-01 12-31 01-01 12-31	0.10 CFS 0.01 CFS	6.0 AFA 6.0 AFA
TOTAL DIVERSION:					0.11 CFS	6.0 AFA

Water Source: SPRING

Tributary to: HARDTRIGGER CREEK

Stage: LICENSE

Point(s) of Diversion Capacity: 0.11 CFS

Point(s) of Diversion: T01S R04W S17 SW NW

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	16	:																			:
01N	04W	21	:																			:
01N	04W	32	:	S										S								:
01S	04W	5	:							S												:

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

Pou County: OWYHEE

Non-Irrigation Uses: S/450 RANGE

Remarks: ALSO KNOWN AS SHARES BASIN PIPELINE.

Dates:	App. Received:	Priority Date:	05/28/1982
	Proof Due Date: 10/01/1987	Proof Made Date:	03/08/1983
	Exam Made Date: 03/13/1984	Exam Sent to S.O.:	
	Licensed Date: 07/28/1986		

Misc: Water District Number: Field Exam Fee:

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OCT 07 1992

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

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

A57-07335

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

PRIORITY DATE: 1982-05-28
IDWR WATER RIGHT NO. 5707335
BLM NUMBER: 5701588243
BASIS OF CLAIM: BENEFICIAL USE
BASIN NO.: 57

SOURCE	TRIBUTARY TO
-----	-----
SPRING	HARDTRIGGER CREEK

DESCRIPTION OF DIVERSION WORKS

COLLECTION SYSTEM, HEADBOX, PIPELINE & TROUGHS

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
-----	-----	-----	-----	-----
STOCKWATER	0.100	6.00	0101	1231
WILDLIFE	0.010	6.00	0101	1231
TOTAL:	0.110 CFS	6.00 AF		

NON-IRRIGATION USES

S/450 RANGE CATTLE (INCLUDES WILD HORSES/VAR AMT) W/VAR AMT

POINT OF DIVERSION

TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
---	---	---	-----	-----	-----	---	-----
01S	04W	17		SW	NW	0	OWYHEE

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PLACE OF USE

TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	OWNED	IRRIGATED ACRES
---	---	---	-----	-----	---	-----	-----	-----
01S	04W	05	SW	SW	0	OWYHEE		0.0
01S	04W	05	SW	NW	0	OWYHEE		0.0
01N	04W	32	NE	SW	0	OWYHEE		0.0
01N	04W	32	NE	NE	0	OWYHEE		0.0
01N	04W	21	SW	SW	0	OWYHEE		0.0

BLM NUMBER: 5701588243

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01N	04W	16	SE	NW	0	OWYHEE	0.0
01S	04W	05	SW	SW	0	OWYHEE	0.0
01S	04W	05	SW	NW	0	OWYHEE	0.0
01N	04W	32	NE	SW	0	OWYHEE	0.0
01N	04W	32	NE	NE	0	OWYHEE	0.0
01N	04W	21	SW	SW	0	OWYHEE	0.0
01N	04W	16	SE	NW	0	OWYHEE	0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

REMARKS

PREVIOUSLY FILED WITH THE IDAHO DEPARTMENT OF WATER RESOURCES

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OCT 07 1992