

No Color
Documents
In File

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

A57-07357

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

PRIORITY DATE: 1983-02-25
IDWR WATER RIGHT NO. 5707357
BLM NUMBER: 5701588260
BASIS OF CLAIM: BENEFICIAL USE
BASIN NO.: 57

SOURCE	TRIBUTARY TO
LITTLE COTTONWOOD SPRING	SUCCOR CREEK

DESCRIPTION OF DIVERSION WORKS
HEADBOX & PIPE

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
STOCKWATER	0.030	0.80	0101	1231
WILDLIFE	0.010	0.80	0101	1231
TOTAL:	0.040 CFS	0.80 AF		

NON-IRRIGATION USES
S/60 RANGE CATTLE W/VAR AMT

TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
02S	04W	19	NE	SW		0	OWYHEE

MICROFILMED
OCT 07 1992

TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	OWNED	IRRIGATED ACRES
02S	04W	19	NE	SW	0	OWYHEE		0.0
02S	04W	19	NE	SW	0	OWYHEE		0.0

TOTAL ACRES IRRIGATED: 0.0

MICROFILMED

JUL 21 1994

BLM NUMBER: 5701588260

PAGE 2

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

RECEIVED

JUL - 9 1997

Department of Water Resources
Adjudication Bureau

RECEIVED

JUL 07 1997

OFFICE OF THE
ATTORNEY GENERAL

1997 JUL -2 AM 9:15

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA

Case No. 39576

ORDER OF PARTIAL DECREE

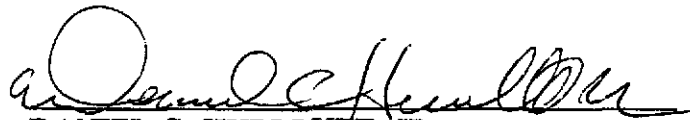
For Water Right 57-07357

On May 6, 1997, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

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

Therefore, IT IS ORDERED that water right 57-07357 be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED July 2, 1997.



DANIEL C. HURLBUTT, JR.

Presiding Judge

Snake River Basin Adjudication

MAIL6719

MICROFILM



JUL 09 1997

Andrew

RECEIVED

FEB 2 1997

UNITED STATES OF AMERICA

Department of Water Resources
Adjudication Bureau

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

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

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

In Re SRBA

Sub-case No. 57-11124 et. al.

Case No. 39576

MICROFILMED
STIPULATION FOR WITHDRAWAL

MAR 09 1998

DESCRIPTIVE SUMMARY

This is a stipulation to resolve claims for water rights and objections to claims for water rights. This stipulation is made between Harry Richard Bass, Henry Brandau, ~~Ted K. Blackstock~~, and Chipmunk Grazing Association, collectively referred to as the "Private Claimants," and the United States.

STIPULATION

WHEREAS, the United States recognizes the significant role of the livestock industry in the settlement, history and culture of Owyhee County, Idaho; and,

WHEREAS, the United States and the Private Claimants recognize the importance of the stockwater rights at issue in

these consolidated sub-cases to the livestock industry in Owyhee County and the United States Bureau of Land Management ("BLM") grazing program; and,

WHEREAS, the United States and the Private Claimants have filed competing claims for the same stockwater rights on the federal public land, and have filed objections to each others' claims for stockwater rights; and,

WHEREAS, the United States and the Private Claimants wish to resolve their dispute regarding ownership of these stockwater rights without further litigation, expense and delay;

THEREFORE, The Private Claimants and the United States of America, by and through their respective counsel, stipulate and agree as follows:

1. Pursuant to I.R.C.P. 41(a)(1)(ii), the United States dismisses with prejudice its objections to the water rights claimed in SRBA subcases 57-10375 and 57-10930D.
2. Pursuant to I.R.C.P. 41(a)(1)(ii), the Private Claimants dismiss with prejudice their claims to the water rights made in the SRBA subcases identified on Appendix A attached to this stipulation.
3. Pursuant to I.R.C.P. 41(a)(1)(ii), the Private Claimants dismiss with prejudice that portion of their claims to the water rights identified on Appendix B which are located on the federal public land. The Private Claimants will execute such further stipulations, such as Standard Form 5's, as the

Do we do
rec's on
w/drawn
claims?

MICROFILMED
MAR 9 1988

Master or the Court deem necessary to exclude all federal public land from the claimed place of use or point of diversion of these water rights.

4. Pursuant to I.R.C.P. 41(a)(1)(ii), the Private Claimants dismiss with prejudice their objections to the water rights claimed by the United States in the SRBA subcases identified on Appendix C attached to this stipulation.
5. The parties agree that the United States is the owner of the water rights identified on Appendix C. For each of these water rights, the purpose of use is the watering of livestock owned by persons holding BLM-issued grazing permits. With respect to those claims to water rights on Appendix C for which the United States holds a prior license or decree, the purpose of use shall be stockwater and whatever other uses were previously licensed or decreed. The stockwater purpose of use of the water rights on Appendix C shall not be changed so long as a valid BLM-issued grazing permit exists for the land on which a particular water right is located.
6. Nothing in this stipulation shall prevent the BLM from administering the use of a grazing allotment and its associated water rights in accordance with applicable law, including taking such administrative actions as

MICROFILMED

MAR 09 1998

- changing the boundaries of grazing allotments or modifying or terminating BLM-issued grazing permits.
7. Pursuant to I.R.C.P. 41(a)(1)(ii), the Private Claimants dismiss with prejudice their objections to the recommendation of the Director of the Idaho Department of Water Resources ("IDWR") with respect to the water rights identified on Appendix D. The Private Claimants recognize that the Director disallowed parts of these claims because the Private Claimants sought water rights on the federal public land that were in conflict with water rights claimed by the United States. The Private Claimants agree not to pursue the claims for stockwater located on the federal public land which were disallowed by the Director in the subcases identified on Appendix D.
8. This stipulation was reached through negotiations for the purpose of resolving legal disputes, including pending litigation. All parties agree that no offers and/or compromises made in the course of the negotiations regarding the SRBA subcases consolidated under case number 57-11124 et. al. shall be construed as admissions against interest or be used in any legal proceeding.
9. All parties agree to bear their own costs and attorney fees in connection with this matter.

MICROFILMED
MAR 09 1998

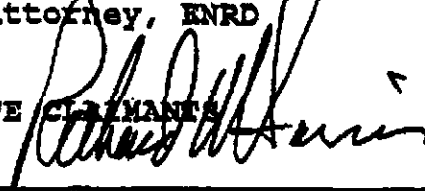
10. This stipulation was entered into and executed voluntarily by all parties in good faith, and without any fraud, misunderstanding, overreaching, misrepresentation, duress, or undue influence.

UNITED STATES OF AMERICA

Dated: 2-19-97


by: Paul F. Holleman
R. Lee Leininger
Attorney, ENRDDated: 2-19-97


PRIVATE CLAIMANTS


by: Richard Harris
Attorney for Private Claimants

2/6/97
APPENDIX A

ACTION REQUIRED:

CLAIMS LISTED BELOW ARE TO BE WITHDRAWN WITH PREJUDICE.

<u>SUBCASE</u>	<u>CLAIMANT</u>	<u>OBJECTOR</u>
57-07512*	BASS/JUNAYO/ORNDORFF/REUCK	BLM
57-07516*	BASS/JUNAYO/ORNDORFF/REUCK	BLM
57-10944	CHIPMUNK GRAZING	BLM AND CHIPMUNK
57-10946	CHIPMUNK GRAZING	BLM

MICROFILMED
MAR 09 1998

2/6/97
APPENDIX C:

ACTION REQUIRED:

PRIVATE OBJECTOR WITHDRAWS OBJECTION TO THESE SUBCASES WITH PREJUDICE.

SUBCASE	CLAIMANT	<i>Reserved Rt.</i>	OBJECTOR
57-01045	BLM →	57-11307	BASS
57-01046	BLM		CHIPMUNK GRAZING
57-01047	BLM		CHIPMUNK GRAZING
57-01049	BLM →	57-11192	BASS
57-01050	BLM →	57-11193	BASS & BLM *
57-01051	BLM →	57-11194	BASS
57-01053	BLM →	57-11195	BASS
57-01054	BLM →	57-11196	BASS
57-01057	BLM →	57-11199	BASS
57-01058	BLM →	57-11200	BASS
57-01059	BLM →	57-11201	BASS
57-01060	BLM →	57-11202	BASS
57-01061	BLM →	57-11203	BASS
57-01062	BLM	57-11251	BASS
57-02372	BLM	57-11251	BASS
57-02450	BLM	57-11251	BASS
57-02468	BLM	57-11251	BASS
57-02469	BLM	57-11251	BASS
57-02484	BLM	57-11238	BASS & BLM *
57-07089	BLM	57-11243	BASS
57-07154	BLM	57-11244	BASS
57-07165	BLM	57-11233	BASS AND MALMBERG
57-07166	BLM	57-11283	BASS AND BLM *
57-07168	BLM	57-11283	BASS AND BLM *
57-07344	BLM	57-11354	BASS
57-07354	BLM	57-11293	BASS
57-07357	BLM	57-11293	BASS
57-11138	BLM		BASS AND BLM *
57-11148	BLM		CHIPMUNK GRAZING
57-11149	BLM		CHIPMUNK GRAZING
57-11156	BLM		CHIPMUNK AND BLM *
57-11157	BLM		CHIPMUNK AND BLM *
57-11158	BLM		CHIPMUNK GRAZING
57-11162	BLM		BASS
57-11164	BLM		BASS AND BLM *
57-11166	BLM		BASS
57-11170	BLM		CHIPMUNK GRAZING
57-11173	BLM		BASS
57-11176	BLM		CHIPMUNK GRAZING
57-11179	BLM		CHIPMUNK AND BLM *
57-11181	BLM		CHIPMUNK GRAZING
57-11183	BLM		CHIPMUNK, CHIPMUNK, AND BLM *
57-11350	BLM		BASS AND BLM *
57-11351	BLM		BASS

Records printed: 44

MICROFILMED

* held for resolution of BLM obj. (11) MAR 09 1996

2/6/97
APPENDIX B

ACTION REQUIRED:

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

<u>SUBCASE</u>	<u>CLAIMANT</u>	<u>OBJECTOR</u>
57-10373	CHIPMUNK GRAZING	BLM
57-10850	CHIPMUNK GRAZING	BLM
57-10851	CHIPMUNK GRAZING	BLM
57-10914	BRANDAU/CHIPMUNK/MALMBERG	BLM
57-10916	CHIPMUNK GRAZING	BLM
57-10918	CHIPMUNK GRAZING	BLM
57-10919A	BRANDAU (X2) /CHIPMUNK/MALMBERG	BLM
57-10919B	BRANDAU (X2) /CHIPMUNK/MALMBERG	BLM
57-10921	CHIPMUNK GRAZING	BLM AND CHIPMUNK
57-10924	CHIPMUNK/JACA	BLM AND CHIPMUNK
57-10930A	BASS/JUNAYO/ORNDORFF/REUCK	BLM
57-10930B	BASS/JUNAYO/ORNDORFF/REUCK	BLM
57-10930C	BASS/JUNAYO/ORNDORFF/REUCK	BLM

Records printed: 13

MICROFILMED
MAR 09 1996

2/6/97
APPENDIX D

ACTION REQUIRED:

CLAIMANT WITHDRAWS OBJECTION TO HIS OWN CLAIM, WHERE THE PURPOSE OF THE OBJECTION WAS TO RECLAIM DISALLOWED PODS OR POUS DESCRIBING PUBLIC DOMAIN.

SUBCASE	CLAIMANT	OBJECTOR
57-10660	CHIPMUNK GRAZING	BLM AND CHIPMUNK
57-10921	CHIPMUNK GRAZING	BLM AND CHIPMUNK *
57-10924	CHIPMUNK GRAZING/JACA	BLM AND CHIPMUNK *
57-10944	CHIPMUNK GRAZING	BLM AND CHIPMUNK +
57-10945	CHIPMUNK GRAZING	CHIPMUNK GRAZING x (102446)
57-10947	CHIPMUNK GRAZING	CHIPMUNK GRAZING x (11179)

Records printed: 6

* also on Appendix B
+ also on Appendix A
x disallowed claim

withdrawn
decreed disallowed

MICROFILMED

MAR 09 1998

RECEIVED RECEIVED
MAR 25 1996 APR 29 1996
Department of Water Resources WATER RESOURCES
Adjudication Bureau WESTERN REGION

DISTRICT COURT-SRBA 5th Judicial District County of Twin Falls - State of Idaho	
MAR 20 1996	
By _____	Clerk
Deputy Clerk	

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

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

On March 18, 1996, Richard A. Simms and Margaret J. King of the firm of Simms & Stein, filed a *Motion for Leave to Withdraw* as counsel for Harry Richard Bass in the above referenced subcases stating that they have been discharged.

IT IS ORDERED that the *Motion for Leave to Withdraw* is granted and Richard A. Simms, Margaret J. King and the firm of Simms & Stein are withdrawn as counsel of record for Harry Richard Bass in the above referenced subcases.

IT IS FURTHER ORDERED that within 20 days from the date of mailing this Order, Harry Richard Bass shall either file a written notice with this court that states his intention to represent himself in the subcases listed on Exhibit A or otherwise specifically advise the court how he intends to proceed.

DATED March 20, 1996.


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

Subcase Numbers:

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

unobjcted to

MICROFILMED

MAR 09 1990

FEB-25-1997
0028

1

MICROFILMED

MAR 09 1998

RIGHT NUMBER: 57-07357

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

SOURCE: LITTLE COTTONWOOD SPRING TRIBUTARY: COTTONWOOD CREEK
SUGAR CREEK

QUANTITY:

0.04 CFS
0.8 AFY

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

PRIORITY DATE: 02/25/1983

POINT OF DIVERSION: T02S R04W S19 NESW Within Owyhee County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
STOCKWATER

PERIOD OF USE
01-01 12-31

QUANTITY
0.03 CFS
0.8 AFY
0.01 CFS
0.8 AFY

WILDLIFE

01-01 12-31

PLACE OF USE: STOCKWATER Within Owyhee County
T02S R04W S19 NESW

WILDLIFE Within Owyhee County
T02S R04W S19 NESW

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

BLM RECORD ID = 5701588260

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

N11/N13

Richard Simms
Margaret J. King
Simms & Stein, P.A.
102 Aspen Lakes Drive
P.O. Box 3329
Hailey, Idaho 83333
(208) 788-9145
Facsimile: (208) 788-0927

MAR 21 1996

Department of Water Resources
Adjudication Bureau

4-2-1-2-3

See 57-00243
for complete document
—VK

MOTION FOR LEAVE TO WITTEDRAW

Dated this 18th day of March, 1996.

MAR 25 1996

Department of Water Resources
Adjudication Bureau

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

Case No. 39576

**ORDER GRANTING MOTION TO
WITHDRAW**

DATED March 20, 1996.

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

ORDER GRANTING MOTION TO WITHDRAW
3/20/96

Page 1

57-07357

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

In Re SRBA
Case No. 39576

PRELIMINARY

SPECIAL MASTER'S RECOMMENDATION FOR

PARTIAL DECREE FOR

Water Right 57-07357

1997 MAR 24 PM 4:45
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

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

RECEIVED

MAR 26 1997

Department of Water Resources

SOURCE: LITTLE COTTONWOOD SPRING TRIBUTARY: COTTONWOOD CREEK
QUANTITY: 0.04 CFS
0.8 AFY

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

PRIORITY DATE: 02/25/1983

POINT OF DIVERSION: T02S R04W S19 NESW Within Owyhee County

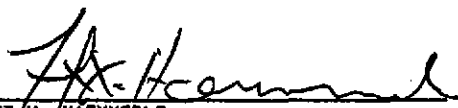
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.03 CFS
			0.8 AFY
	WILDLIFE	01-01 12-31	0.01 CFS
			0.8 AFY

PLACE OF USE: STOCKWATER Within Owyhee County
T02S R04W S19 NESW
WILDLIFE Within Owyhee County
T02S R04W S19 NESW

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

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

DATED: MAR 24 1997


FRITZ X. HAEMMERLE
Special Master
Snake River Basin Adjudication

SPECIAL MASTER'S RECOMMENDATION
Water Right 57-07357

MICROFILMED PAGE 1
FEB-25-1997

MAR 09 1997

RECEIVED

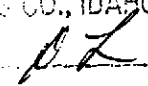
MAR 26 1997

Department of Water Resources

1997 MAR 24 PM 4:45

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED



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

In Re SRBA

) Subcase 57-07357

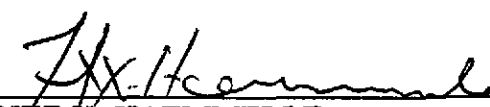
Case No. 39576

) PRELIMINARY SPECIAL
) MASTER'S REPORT

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

An objection to the *Director's Report* for subcase 57-07357 was filed on February 26, 1993 by Richard Bass. Subsequently, on February 21, 1997, the parties, filed a *Stipulation to Withdraw* was filed pursuant to I.R.C.P. 41, wherein the parties agreed that the water right be decreed as reported. All objections having been withdrawn, IT IS RECOMMENDED that subcase 57-07357 be decreed as recommended in the *Preliminary Special Master's Report and Recommendation for Partial Decree*.

DATED March 24, 1997.


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

MICROFILMED

MAR 09 1997

RECEIVED

MAR 26 1997

Department of Water Resources

1997 MAR 24 PM 4:44

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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

In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 57-07357

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 March 24, 1997, with sufficient first-class postage prepaid to the following:

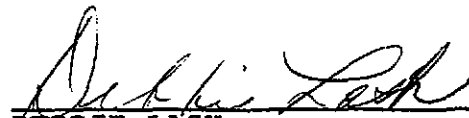
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

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

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

RICHARD BASS
HC 88 BOX 1050
MURPHY, ID 83650

MICROFILMED
MAR 09 1998


DEBBIE LASH
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
03/24/97

RECEIVED

MAR 26 1997

Department of Water Resources

1997 MAR 24 PM 4:44

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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

In Re SRBA)
Case No. 39576)
_____)

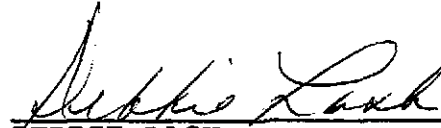
NOTICE OF ISSUANCE OF
PRELIMINARY SPECIAL MASTER'S
REPORT AND RECOMMENDATION

Water Right(s): 57-07357

On March 24, 1997, Special Master FRITZ X HAEMMERLE
lodged a PRELIMINARY SPECIAL MASTER'S REPORT and a PRELIMINARY
SPECIAL MASTER'S RECOMMENDATION pursuant to SRBA Administrative
Order 1 section 9 (f).

These documents are served only on parties to the subcase.
They are not served on the Presiding Judge. Parties to this subcase
may file a Motion to Alter or Amend with the Special Master, but
must do so before April 07, 1997.

DATED March 24, 1997.


DEBBIE LASH
Deputy Clerk

MICROFILMED

MAR 09 1998

NOTICE OF ISSUANCE

PAGE 1
03/24/97

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

In Re SRBA)
Case No. 39576)
_____)

1997 MAY -6 PM 2:30
SPECIAL MASTER'S RECOMMENDATION FOR
DISTRICT COURT - SRBA
PARTIAL DECREE FOR TWIN FALLS CO., IDAHO
Water Right 57-07357 *PL*

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

SOURCE: LITTLE COTTONWOOD SPRING TRIBUTARY: COTTONWOOD CREEK

QUANTITY: 0.04 CFS
0.8 AFY

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

PRIORITY DATE: 02/25/1983

POINT OF DIVERSION: T02S R04W S19 NESW Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.03 CFS
			0.8 AFY
	WILDLIFE	01-01 12-31	0.01 CFS
			0.8 AFY

PLACE OF USE:	STOCKWATER	Within Owyhee County
	T02S R04W S19	NESW
	WILDLIFE	Within Owyhee County
	T02S R04W S19	NESW

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: 5/4/97

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

1997 MAY -6 PM 2:30

DISTRICT COURT - SREA
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	)	Subcase 57-07357
	)	
Case No. 39576	)	SPECIAL MASTER'S REPORT
	)	

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

An objection to the *Director's Report* for subcase 57-07357 was filed. Subsequently, on February 21, 1997, the parties, filed a *Stipulation to Withdraw* pursuant to I.R.C.P. 41, wherein the parties agreed that the water right be decreed as reported.

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

IT IS RECOMMENDED that subcase 57-07357 be decreed as recommended in the *Special Master's Report and Recommendation for Partial Decree*.

DATED May 6, 1997.

MICROFILMED

MAR 9 1998

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

1997 JUL 02 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 57-07357

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 57-07357 was mailed
on July 02, 1997, with sufficient first-class postage prepaid
to the following:

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

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

RICHARD BASS
HC 88 BOX 1050
MURPHY, ID 83650

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

DIANA DELANEY
Chief 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 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. 57-07357
(You must insert the
water right number you
are objecting to)

OBJECTION RECEIVED

FEB 25 1993

Department of Water Resources
Adjudication Bureau

INSTRUCTIONS

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

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

(Over)

OBJECTION - 1

MICROFILMED

JUL 21 1994

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

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Name: Richard Bass

Address: HC 88 BOX 1050

Murphy Idaho 83650

Briefly describe your interest in this water right:

This water Right supplies Stockwater
for our permitted Livestock on
our Federal Grazing Allotment
and has historically provided
water for previous owners
and users.

2. Owner of the water right:

Name: USDI - Bureau of Land Management

Address: 3380 Americana Terrace

Boise Idaho 83706

3. If this objection is filed by an attorney:

Attorney Name: _____

Attorney Address: _____

Attorney Phone No.: _____

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

11. STATEMENT OF A.S. OBJECTION

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

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

(Over)

OBJECTION - 3

MICROFILMED

JUL 21 1994

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

REASONS SUPPORTING EACH BOX CHECKED

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

Box 1

See Attachment #1 Case No 57-07357

CHANGES TO THE DIRECTOR'S REPORT

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

See Attachment #1 Case No 57-07357

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

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

Attachment #1 Case No. 57-07357

VERIFICATION (Must be Completed)

State of JD

County of OWYHEE

Bruce Beuck, being first duly
(Name of person filing objection)
sworn, upon oath, deposes and says:

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

Bruce Beuck
Signature of person filing objection

By: _____
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 24th day of Feb.,
1993.

Sydney Freund
Notary Public for Idaho
Residing at: Homedale
My Commission expires: 12/15/98

MICROFILMED

JUL 21 1994

(Over)

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

I hereby certify that on the 24 day of FEB, 1993, I mailed the original and copies of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

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

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

Owner name:

USDI-BLM

Owner's address:

Idaho State Office

3380 American Terrace

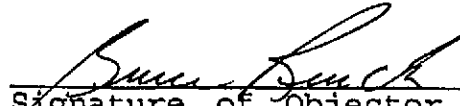
Boise, Idaho 83706

3. One copy to:

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

4. One copy to:

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



Signature of Objector or attorney
mailing on Objector's behalf

REASONS SUPPORTING EACH BOX CHECKED

(BOX 1) This water right was developed by historic use for stockwater by private individuals on unappropriated open range. Our current Federal grazing permit is based on that historic use and was awarded through an adjudication process in 1935. Our privately owned grazing permit can be bought, sold, traded, inherited and taxed and is totally dependent upon our continued ability to use this water right. Therefore the name on this water right should be ours.

CHANGES TO THE DIRECTORS REPORT

I want the name and address of the owner of the water right changed as follows:

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

TO Junayo Ranch Limited Partnership
1087 River Street, Suite 230, Boise, ID 83702
Owen Orndorff, 600 E. Braemere, Boise, ID 83702
Harry Richard Bass, HC 88, Box 1050, Murphy, ID 83650
Bruce Reuck, HC 88, Box 1080, Murphy, ID 83650

MICROFILMED

JUL 21 1994

WR5809NP
No. 57-07357

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/12/92
PAGE: 16

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	02/25/1983	STOCKWATER WILDLIFE	01-01 12-31 01-01 12-31	0.03 CFS 0.01 CFS	0.8 AFA 0.8 AFA
TOTAL DIVERSION:					0.04 CFS	0.8 AFA

Water Source: LITTLE COTTONWOOD SPRING

Tributary to: SUCCOR CREEK

Stage: LICENSE

Point(s) of Diversion: T02S R04W S19 NE SW

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE							
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac	
02S	04W	19	:																				

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

Pou County: OWYHEE

Non-Irrigation Uses: S/60 RANGE

Remarks: P/U REYNOLDS CK. ALLOTMENT, PROJECT NO. 5590.

Dates:	App. Received:	Priority Date:	02/25/1983
	Proof Due Date: 09/01/1984	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:

MICROFILMED
OCT 07 1992

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

DATE: 09/23/92
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706 (208) 334-1401	02/25/1983	STOCKWATER WILDLIFE	01-01 12-31 01-01 12-31	0.03 CFS 0.01 CFS	0.8 AFA 0.8 AFA
TOTAL DIVERSION:					0.04 CFS	0.8 AFA

Water Source: LITTLE COTTONWOOD SPRING

Tributary to: COTTONWOOD CREEK ✓

Stage: LICENSE ✓

Point(s) of Diversion:

T02S R04W S19

NESW

OWYHEE County

Place of use Legal Description for: STOCKWATER

	NE				NW				SW				SE			
T R S	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
02S 04W 19	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

Place of use Legal Description for: WILDLIFE

	NE				NW				SW				SE			
T R S	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
02S 04W 19	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

POU County: OWYHEE

Non-Irrigation Uses: STOCKWATER, 60 RANGE; 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 = 5701588260 ✓

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

MICROFILMED
OCT 07 1992

CLAIM NO A57-07357

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). 57-10936 See remarks
Claim totally disallowed ☒ or partially deleted? ☐
☐ Private claimant notification letter sent - Date _____
☐ No overlapping Federal Claim
☒ Overlapping Federal Claim
Claim No(s). A57-11294 - Copy of this in that file.
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 OR TRIBUTARY
☒ Source changed to reflect IDWR records - see remarks
Source or trib changed, explain: Actual trib. is Cottonwood Creek per map.
4. ☒ No Change - POINT OF DIVERSION - Claim matches existing license or decree
☐ Point of diversion changed, explain _____
☐ Point of diversion as claimed was changed from existing right - Map attached _____.
How was this verified? _____
5. N/A
6. ☒ No Change - WATER USES
☐ Water uses changed, explain: _____

☐ Water uses to reflect IDWR records as shown below:
Use _____ From _____ To _____ Amount _____ cfs _____ af
Use _____ From _____ To _____ Amount _____ cfs _____ af
7. ☒ No Change - TOTAL RATE AND VOLUME
☐ Total rate and volume changed to reflect IDWR records as shown:
_____ cfs _____ afa
☐ Total rate and volume changed, explain _____

MICROFILMED
OCT 07 1992

8. N/A

9. ☒ No Change - NON-IRRIGATION USES: Completed on claim
Changed to reflect data entry standards
☐ Incomplete on claim - Per IDWR records:
Domestic - No. of homes _____ Stockwater - No. of head _____
Other: _____

10. ☒ No Change - PLACE OF USE
☐ Place of use changed, explain _____
☐ Place of Use as claimed was changed from existing right -
Map attached _____.
How was this verified? _____

Remarks: Claim No. A57-10936 was filed by
a private individual for BLM license
nos. 57-07344 & 57-07357. Therefore,
since BLM has filed on both, I am
disallowing A57-10936 and remarking
Recommended as 57-07344 & 57-07357.

Review Completed by:

Jan Thente
signature

Date:

9-22-92

Water Right Number - A57-07357

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

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

*** C - CURRENT OWNER ***
US DEPT OF INTERIOR1 - BUREAU OF LAND MANAGEMENT
2 - IDAHO STATE OFFICE
3 - 3380 AMERICANA TERRACE
City- BOISE State- ID Zip- 83706
Phone -+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
02/25/1983 14 WESTERN Z - SEE REMARKS+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
LITTLE COTTONWOOD SPRING
COMBINED RIGHT SUCCOR CREEK
SEE REMARKS+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County
02S 04W 19 NE SW (73) OWYHEE+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
04 - STOCKWATER 01/01 12/31 0.030 0.80
16 - WILDLIFE 01/01 12/31 0.010 0.80+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.040 0.80 0.0+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
02S 04W 19 NE SW 04 STOCKWATER (73) OWYHEE

Total Acres:

+ - - Diversion Means - HEADBOX & PIPE

+ - - Non-Irrigation Use - S/60 RANGE

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
P/U REYNOLDS CK. ALLOTMENT, PROJECT NO. 5590.
SEE CLAIM NO. 57-10936.+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers FoundMICROFILMED
OCT 6 1992

Copy of A claim prior to BLM filing

Water right number - A57-07357

Prefix Translation: ADJUDICATION CLAIM

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

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

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

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

+ - - - - Adjudication Rights Dates and Flags Area - - - - -

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 03/19/1992	Last Amended Date	- 00/00/0000	Temporary Right	- T
		Receipt Number	- X777777	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

MICROFILMED
OCT 06 1992