



CLAIM NUMBER 57-10921

☒ Denotes Public Land Included in this claim

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A57-10921**
Date Received: 2/ 3/1992
Receipt No: W014095
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: CHIPMUNK GRAZING ASSOCIATION INC 208-466-8801
Address: BOX 175
MARSING ID 83639

2. Date of Priority: JUN 1, 1875

3. Source: JUMP CREEK Trib. to: SNAKE RIVER
BRIDGE CREEK JUMP CREEK
UNNAMED STREAMS BRIDGE CREEK
UNNAMED STREAMS JUMP CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
----------	-------	---------	--------	--------	-----	-----	--------

Beginning Point of Instream Flow

01N	05W	32	NW	NW		OWYHEE
01N	06W	12	SE	NW		OWYHEE
01N	06W	12	SW	SW		OWYHEE
01N	06W	14	SW	NW		OWYHEE
01N	06W	23	NE	NW		OWYHEE
01N	06W	36	NW	NE		OWYHEE
01N	06W	36	NE	NW		OWYHEE

Ending Point of Instream Flow

01N	05W	8	SW	NE		OWYHEE
01N	05W	18	NE	NE		OWYHEE
01N	05W	18	NW	NE		OWYHEE
01N	05W	18	NE	SW		OWYHEE
01N	05W	19	SE	SW		OWYHEE
01N	06W	12	SE	SE		OWYHEE
01N	06W	25	SW	SE		OWYHEE

5. Description of diverting works:
INSTREAM STOCKWATER

MICROFILMED
OCT 08 1992

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.130		

7. Total Quantity Appropriated is:

0.130 C.F.S. (and/or) A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

STOCKWATER, 600 HEAD RANGE COWS

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01N	05W	7	SW		SW		STOCK	
			SE		SW		STOCK	
			SW		SE		STOCK	
			SE		SE		STOCK	
		8	SW		NE		STOCK	
			SE		NW		STOCK	
			NE		SW		STOCK	
			NW		SW		STOCK	
			SW		SW		STOCK	
		18	NE		NE		STOCK	
			NW		NE		STOCK	
			SW		NE		STOCK	
			NE		NW		STOCK	
			NW		NW		STOCK	
			NE		SW		STOCK	
			NW		SW		STOCK	
			SE		SW		STOCK	
			NW		SE		STOCK	
		19	NE		NW		STOCK	
			SE		NW		STOCK	
			NE		SW		STOCK	
			SW		SW		STOCK	
			SE		SW		STOCK	
		30	NW		NE		STOCK	
			NE		NW		STOCK	
			NW		NW		STOCK	
			NW		SE		STOCK	
			SW		SE		STOCK	
			SE		SE		STOCK	
		31	NE		NE		STOCK	
		32	NW		NW		STOCK	
	06W	12	SW		NE		STOCK	
			SE		NW		STOCK	
			SW		SW		STOCK	
			SE		SW		STOCK	

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OCT 08 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	06W	12	NW	SE		STOCK	
			SW	SE		STOCK	
			SE	SE		STOCK	
		13	NE	NE		STOCK	
			NW	NE		STOCK	
			NW	NW		STOCK	
			SW	NW		STOCK	
			SE	NW		STOCK	
			SW	SW		STOCK	
			SE	SE		STOCK	
		14	NE	NE		STOCK	
			NW	NE		STOCK	
			SE	NE		STOCK	
			NE	NW		STOCK	
			NW	NW		STOCK	
			SW	NW		STOCK	
			SE	SE		STOCK	
		23	NE	NE		STOCK	
			NW	NE		STOCK	
			NE	NW		STOCK	
		24	NW	NE		STOCK	
			NE	NW		STOCK	
			NW	NW		STOCK	
			SE	NW		STOCK	
		25	NE	NE		STOCK	
			NW	NE		STOCK	
			NE	SE		STOCK	
			NW	SE		STOCK	
			SW	SE		STOCK	
		36	NW	NE		STOCK	
			NE	NW		STOCK	

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
A57-10918

14. Remarks:
AKA SANDS BASIN ALLOTMENT - BLM GRAZING ALLOTMENT
SOURCES FOR THIS RIGHT ARE JUMP CREEK TRIB. TO SNAKE RIVER,
BRIDGE CREEK TRIB. TO JUMP CREEK, UNNAMED STREAMS (2) TRIB. TO
BRIDGE CREEK, AND UNNAMED STREAMS (3) TRIB. TO JUMP CREEK.

15. Basis of Claim: BENEFICIAL USE

MICROFILMED
OCT 08 1992

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
OCT 08 1992

[illegible]

APR - 1 1998

1998 MAR 27 PM 3: 52
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

In Re SRBA	)	SPECIAL MASTER’S REPORT
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHT 57-10921
	)	

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

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

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 57-10921

1998 MAR 27 PM 3:52
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

NAME & ADDRESS: CHIPMUNK GRAZING ASSOCIATION INC
PO BOX 175
MARSING ID 83639

SOURCE: JUMP CREEK TRIBUTARY: SNAKE RIVER
BRIDGE CREEK JUMP CREEK
UNNAMED STREAMS BRIDGE CREEK
UNNAMED STREAMS JUMP CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 06/01/1875

POINT OF DIVERSION:	T01N R05W S08	NWSW	(INSTREAM BEGINNING POINT)	Within OWYHEE County
	S18	NWNE	(INSTREAM BEGINNING POINT)	
	S19	NENW	(INSTREAM BEGINNING POINT)	
	S30	NENW	(INSTREAM BEGINNING POINT)	
		NWNW	(INSTREAM BEGINNING POINT)	
	S31	NENE	(INSTREAM BEGINNING POINT)	
	R06W S24	NENW	(INSTREAM BEGINNING POINT)	
	S25	NESE	(INSTREAM BEGINNING POINT)	
	S36	NWNE	(INSTREAM BEGINNING POINT)	
		NENW	(INSTREAM BEGINNING POINT)	
	R05W S08	NESW	(INSTREAM ENDING POINT)	
	S18	NENE	(INSTREAM ENDING POINT)	
		NWNE	(INSTREAM ENDING POINT)	
		NESW	(INSTREAM ENDING POINT)	
	S19	NESW	(INSTREAM ENDING POINT)	
		SESW	(INSTREAM ENDING POINT)	
	S31	NENE	(INSTREAM ENDING POINT)	
	R06W S25	NESE	(INSTREAM ENDING POINT)	
		SWSE	(INSTREAM ENDING POINT)	

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.02 CFS

PLACE OF USE:	STOCKWATER	Within OWYHEE County	
	T01N R05W S08	NESW	NWSW
	S18	NESW	NWSW
	S19	NENW	NESW
	S30	NENW	NWNW
	S31	NENE	
	R06W S13	SESE	
	S24	NWNE	NENW
	S25	NWNE	NESE
	S36	NWNE	NENW
			SWSE

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.

RULE 54(b) CERTIFICATE

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

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

RECOMMENDATION

MAR 27 1998

John X. Hammond
SPECIAL MASTER

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

In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 57-10921

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 March 27, 1998, with sufficient first-class postage prepaid to the following:

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

STATE OF IDAHO

Represented by:

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

USDI BLM

Represented by:

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

CERTIFICATE OF MAILING

PAGE 1
03/27/98

CHIPMUNK GRAZING ASSN
PO BOX 175
MARSING, ID 83639

AMI ALBERDI
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)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 57-10921

On March 27, 1998, Special Master FRITZ X HAEMMERLE
issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s)
pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party
to the adjudication including parties to the subcase, may file a Motion
to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate
in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION
shall constitute a waiver of the right to challenge it before the
Presiding Judge.

DATED March 27, 1998.

AMI ALBERDI
Deputy Clerk

RECEIVED

MAR 30 1998

Department of Water Resources
Adjudication Bureau

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

In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 57-10921

On March 27, 1998, Special Master FRITZ X HAEMMERLE issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (A01), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED March 27, 1998.

AMI ALBERDI
Deputy Clerk

RECEIVED

MAR 30 1998

Department of Water Resources

1998 MAR 27 PM 3: 52

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 57-10921
	)	

I. 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 examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

☐ There were no objections to this water right; however, this water right is used in combination with a water right which is the subject of an objection.

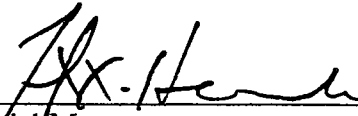
☒ All objections to this water right were resolved by stipulation of the parties at hearing or with a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

☐ All objections to this water right were resolved at trial. The court made oral Findings of Fact and Conclusions of Law at the trial. The oral Findings of Fact and Conclusions of Law are incorporated here by reference.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that this water right be decreed with the elements as set forth in the *Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 57-10921*.

DATED: MAR 27 1998



Special Master
Snake River Basin Adjudication

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

In Re SRBA)
)
Case No. 39576)
)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 57-10921

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TWIN FALLS CO., IDAHO
FILED

NAME & ADDRESS: CHIPMUNK GRAZING ASSOCIATION INC
PO BOX 175
MARSING ID 83639

SOURCE: JUMP CREEK
BRIDGE CREEK
UNNAMED STREAMS
UNNAMED STREAMS
TRIBUTARY: SNAKE RIVER
JUMP CREEK
BRIDGE CREEK
JUMP CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 06/01/1875

POINT OF DIVERSION:	T01N R05W S08	NWSW (INSTREAM BEGINNING POINT)	Within OWYHEE County
	S18	NWNE (INSTREAM BEGINNING POINT)	
	S19	NENW (INSTREAM BEGINNING POINT)	
	S30	NENW (INSTREAM BEGINNING POINT)	
		NWNW (INSTREAM BEGINNING POINT)	
	S31	NENE (INSTREAM BEGINNING POINT)	
	R06W S24	NENW (INSTREAM BEGINNING POINT)	
	S25	NESE (INSTREAM BEGINNING POINT)	
	S36	NWNE (INSTREAM BEGINNING POINT)	
		NENW (INSTREAM BEGINNING POINT)	
	R05W S08	NESW (INSTREAM ENDING POINT)	
	S18	NENE (INSTREAM ENDING POINT)	
		NWNE (INSTREAM ENDING POINT)	
		NESW (INSTREAM ENDING POINT)	
	S19	NESW (INSTREAM ENDING POINT)	
		SESW (INSTREAM ENDING POINT)	
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	R06W S25	NESE (INSTREAM ENDING POINT)	
		SWSE (INSTREAM ENDING POINT)	

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.02 CFS

PLACE OF USE:	STOCKWATER	Within OWYHEE County	
	T01N R05W S08	NESW	NWSW
	S18	NESW	NWSW
	S19	NENW	NESW
	S30	NENW	NWSW
	S31	NENE	
	R06W S13	SESE	
	S24	NWNE	NENW
	S25	NWNE	NESE
	S36	NWNE	NENW
			SWSE

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.

RULE 54(b) CERTIFICATE

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

RECOMMENDATION

MAR 27 1998

Felix Hammond
SPECIAL MASTER

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)
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Water Right(s): 57-10921

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U.S. DEPT. OF JUSTICE
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Phone: 208-387-0835

CERTIFICATE OF MAILING

PAGE 1
03/27/98

CHIPMUNK GRAZING ASSN
PO BOX 175
MARSING, ID 83639

AMI ALBERDI
Deputy Clerk

AJ0749NP
No. A57-10921

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

DATE: 07/07/93
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CHIPMUNK GRAZING ASSOCIATION INC BOX 175 MARSING ID 83639 (208) 466-8801	06/01/1875	STOCKWATER	01-01 12-31	0.13 CFS	
TOTAL DIVERSION:					0.13 CFS	

Water Source: JUMP CREEK
BRIDGE CREEK
UNNAMED STREAMS
UNNAMED STREAMS

Tributary to: SNAKE RIVER
JUMP CREEK
BRIDGE CREEK
JUMP CREEK

Stage: BENEFICIAL USE

Point(s) of Beginning Stream Reach: T01N R05W S32
R06W S12

NWNW
SENN
SWSW

OWYHEE County
OWYHEE County
OWYHEE County
OWYHEE County
OWYHEE County
OWYHEE County
OWYHEE County
OWYHEE County
OWYHEE County
OWYHEE County

Point(s) of Ending Stream Reach:

T01N R05W S08
S18
S19
R06W S12
S25

NWNE
SWNE
NENE
SESW
SESE
SWSE

NESW

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE			
T	R	S		NENE	NWNE	SWNE	SENE	NENN	NWNW	SWNW	SENN	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
01N	05W	7	:																
01N	05W	8	:																
01N	05W	18	:	(S)		(S)					(S)								
01N	05W	19	:																
01N	05W	30	:																
01N	05W	31	:																
01N	05W	32	:																
01N	06W	12	:																
01N	06W	13	:																
01N	06W	14	:																
01N	06W	23	:																
01N	06W	24	:																
01N	06W	25	:																
01N	06W	36	:																

POU County: OWYHEE

Non-Irrigation Uses: STOCKWATER, 600 HEAD RANGE COWS

Other Rights: A57-10918

Remarks: AKA SANDS BASIN ALLOTMENT - BLM GRAZING ALLOTMENT
SOURCES FOR THIS RIGHT ARE JUMP CREEK TRIB. TO SNAKE RIVER,

POU claimed but not recommended (BLM ground)

AJ0749NP
No. A57-10921

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

DATE: 07/07/93
PAGE: 2

=====

Remarks: BRIDGE CREEK TRIB. TO JUMP CREEK, UNNAMED STREAMS (2) TRIB. TO
BRIDGE CREEK, AND UNNAMED STREAMS (3) TRIB. TO JUMP CREEK.

Dates: Exam Made Date: Verified Date:

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

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

Water Right Number - 57-10921

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***

CHIPMUNK GRAZING ASSOCIATION INC

1 - BOX 175

2 -

3 -

City- MARSING

State- ID Zip- 83639

Phone - 208-466-8801

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
06/01/1875 14 WESTERN J - BENEFICIAL USE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
JUMP CREEK SNAKE RIVER
BRIDGE CREEK JUMP CREEK
UNNAMED STREAMS BRIDGE CREEK
UNNAMED STREAMS JUMP CREEK+ - - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County
01N 05W 32 NW NW B (73) OWYHEE
06W 12 SE NW B (73) OWYHEE
SW SW B (73) OWYHEE
14 SW NW B (73) OWYHEE
23 NE NW B (73) OWYHEE
36 NW NE B (73) OWYHEE
NE NW B (73) OWYHEE
05W 8 NE SW E (73) OWYHEE
18 NE NE E (73) OWYHEE
NW NE E (73) OWYHEE
NE SW E (73) OWYHEE
06W 19 SE SW E (73) OWYHEE
12 SE SE E (73) OWYHEE
25 SW SE E (73) OWYHEE+ - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
04 - STOCKWATER 01/01 12/31 0.130
+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.130 0.0+ - - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
01N 05W 7 SW SW 04 STOCKWATER (73) OWYHEE
01N 05W 7 SE SW 04 STOCKWATER (73) OWYHEE
01N 05W 7 SW SE 04 STOCKWATER (73) OWYHEE
01N 05W 7 SE SE 04 STOCKWATER (73) OWYHEE
01N 05W 8 NE SW 04 STOCKWATER (73) OWYHEE

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

Water right number - 57-10921

Prefix Translation: WATER RIGHT

+ - - - - - Place of Use - - - - - +									
TwN	Rng	Sec	Tract	Lot	Acres	Code	Description	County	
01N	05W	8	NW SW			04	STOCKWATER	(73)	OWYHEE
01N	05W	18	NE NW			04	STOCKWATER	(73)	OWYHEE
01N	05W	18	NW NW			04	STOCKWATER	(73)	OWYHEE
01N	05W	18	NE SW			04	STOCKWATER	(73)	OWYHEE
01N	05W	18	NW SW			04	STOCKWATER	(73)	OWYHEE
01N	05W	18	SE SW			04	STOCKWATER	(73)	OWYHEE
01N	05W	18	NW SE			04	STOCKWATER	(73)	OWYHEE
01N	05W	19	NE NW			04	STOCKWATER	(73)	OWYHEE
01N	05W	19	SE NW			04	STOCKWATER	(73)	OWYHEE
01N	05W	19	NE SW			04	STOCKWATER	(73)	OWYHEE
01N	05W	19	SE SW			04	STOCKWATER	(73)	OWYHEE
01N	05W	30	NW NE			04	STOCKWATER	(73)	OWYHEE
01N	05W	30	NE NW			04	STOCKWATER	(73)	OWYHEE
01N	05W	30	NW NW			04	STOCKWATER	(73)	OWYHEE
01N	05W	30	NW SE			04	STOCKWATER	(73)	OWYHEE
01N	05W	30	SW SE			04	STOCKWATER	(73)	OWYHEE
01N	05W	30	SE SE			04	STOCKWATER	(73)	OWYHEE
01N	05W	31	NE NE			04	STOCKWATER	(73)	OWYHEE
01N	05W	32	NW NW			04	STOCKWATER	(73)	OWYHEE
01N	06W	12	SW NE			04	STOCKWATER	(73)	OWYHEE
01N	06W	12	SE NW			04	STOCKWATER	(73)	OWYHEE
01N	06W	12	SW SW			04	STOCKWATER	(73)	OWYHEE
01N	06W	12	SE SW			04	STOCKWATER	(73)	OWYHEE
01N	06W	12	NW SE			04	STOCKWATER	(73)	OWYHEE
01N	06W	12	SW SE			04	STOCKWATER	(73)	OWYHEE
01N	06W	12	SE SE			04	STOCKWATER	(73)	OWYHEE
01N	06W	13	NE NE			04	STOCKWATER	(73)	OWYHEE
01N	06W	13	NW NE			04	STOCKWATER	(73)	OWYHEE
01N	06W	13	NW NW			04	STOCKWATER	(73)	OWYHEE
01N	06W	13	SW NW			04	STOCKWATER	(73)	OWYHEE
01N	06W	13	SE NW			04	STOCKWATER	(73)	OWYHEE
01N	06W	13	SW SW			04	STOCKWATER	(73)	OWYHEE
01N	06W	13	SE SE			04	STOCKWATER	(73)	OWYHEE
01N	06W	14	NE NE			04	STOCKWATER	(73)	OWYHEE
01N	06W	14	NW NE			04	STOCKWATER	(73)	OWYHEE
01N	06W	14	SE NE			04	STOCKWATER	(73)	OWYHEE
01N	06W	14	NE NW			04	STOCKWATER	(73)	OWYHEE
01N	06W	14	NW NW			04	STOCKWATER	(73)	OWYHEE
01N	06W	14	SW NW			04	STOCKWATER	(73)	OWYHEE
01N	06W	14	SE SE			04	STOCKWATER	(73)	OWYHEE
01N	06W	23	NE NE			04	STOCKWATER	(73)	OWYHEE
01N	06W	23	NW NE			04	STOCKWATER	(73)	OWYHEE
01N	06W	23	NE NW			04	STOCKWATER	(73)	OWYHEE
01N	06W	24	NW NE			04	STOCKWATER	(73)	OWYHEE
01N	06W	24	NE NW			04	STOCKWATER	(73)	OWYHEE
01N	06W	24	NW NW			04	STOCKWATER	(73)	OWYHEE
01N	06W	24	SE NW			04	STOCKWATER	(73)	OWYHEE
01N	06W	25	NE NE			04	STOCKWATER	(73)	OWYHEE

Water right number - 57-10921

Prefix Translation: WATER RIGHT

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
01N	06W	25	NW NE			04	STOCKWATER	(73) OWYHEE
01N	06W	25	NE SE			04	STOCKWATER	(73) OWYHEE
01N	06W	25	NW SE			04	STOCKWATER	(73) OWYHEE
01N	06W	25	SW SE			04	STOCKWATER	(73) OWYHEE
01N	06W	36	NW NE			04	STOCKWATER	(73) OWYHEE
01N	06W	36	NE NW			04	STOCKWATER	(73) OWYHEE

Total Acres:

+ - - Diversion Means - INSTREAM STOCKWATER

+ - - Non-Irrigation Use - STOCKWATER, 600 HEAD RANGE COWS

+ - - Other Rights for Same Use - A57-10918

Remarks

AKA SANDS BASIN ALLOTMENT - BLM GRAZING ALLOTMENT
SOURCES FOR THIS RIGHT ARE JUMP CREEK TRIB. TO SNAKE RIVER,
BRIDGE CREEK TRIB. TO JUMP CREEK, UNNAMED STREAMS (2) TRIB. TO
BRIDGE CREEK, AND UNNAMED STREAMS (3) TRIB. TO JUMP CREEK.

Old Water Right Numbers

No Old Water Right Numbers Found

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.

Decree Plaintiff

Decree Defendant

Decree Date - 00/00/0000

Comments

No Comments Found

Audit Fields

00/00/00

Adjudication Rights Dates and Flags Area

Court Report Filing	- 10/13/1992	Field Inspection Made	- 09/25/1992	Civil Case Number	- 39576
Objection Filed Date	- 02/26/1993	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 02/03/1992	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- W014095	Water District	-
		POU Ownership Flag	- N	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-

AJ0743NP
(00-124)

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

07/07/93 07:56:02
Page 4

Water right number - 57-10921

Prefix Translation: WATER RIGHT

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

Notice of Error Flag -

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. 57-10921
(You must insert the
water right number you
are objecting to)

OBJECTION

RECEIVED

FEB 26 1993

Department of Water Resources
Adjudication Bureau

INSTRUCTIONS

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

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

(Over)

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

I. GENERAL INFORMATION

Please fill in the following information:

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

Briefly describe your interest in this water right:

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

2. Owner of the water right:

Name: claimant Chipmunk Grazing Assoc
Address: Box 175
Marsing, ID 83639

3. If this objection is filed by an attorney:

Attorney Name: K. Jack Haugrud
Daria J. Zane
Attorney Address: U. S. Department of Justice
500 West Fort Street
P.O. Box 33
Boise, Idaho 83734

Attorney Phone No.: 202-272-4134/8351

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

II. STATEMENT OF THE OBJECTION

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

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

(Over)

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

REASONS SUPPORTING EACH BOX CHECKED

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

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

CHANGES TO THE DIRECTOR'S REPORT

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

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

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

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

1. Map of claim on public land

2. Conflicting USDI claims

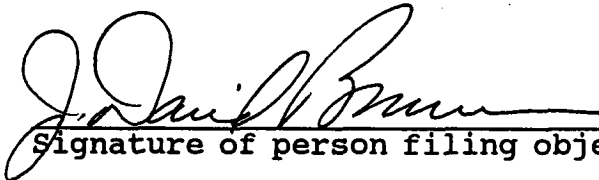
VERIFICATION (Must be Completed)

State of Idaho

County of Ada

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

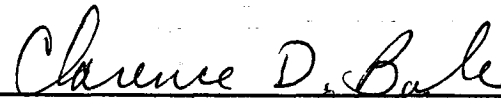
That I am the person or entity filing this objection, that I am a water claimant or party in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and belief.


Signature of person filing objection

By: _____

(Attorney signing in
representative capacity)

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


Notary Public for Ada County
Residing at: Boise Idaho
My Commission expires: April 24, 1997

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

I hereby certify that on the 26 day of February, 1993, I ~~mailed~~^{served} the original and ~~copies~~^{filed} 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:

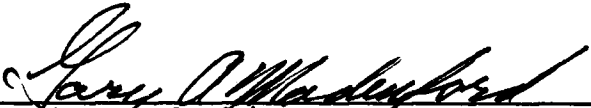
Owner name: Chipmunk Grazing Assoc
Owner's address: Box 175
Marsing, ID 83639

3. One copy to:

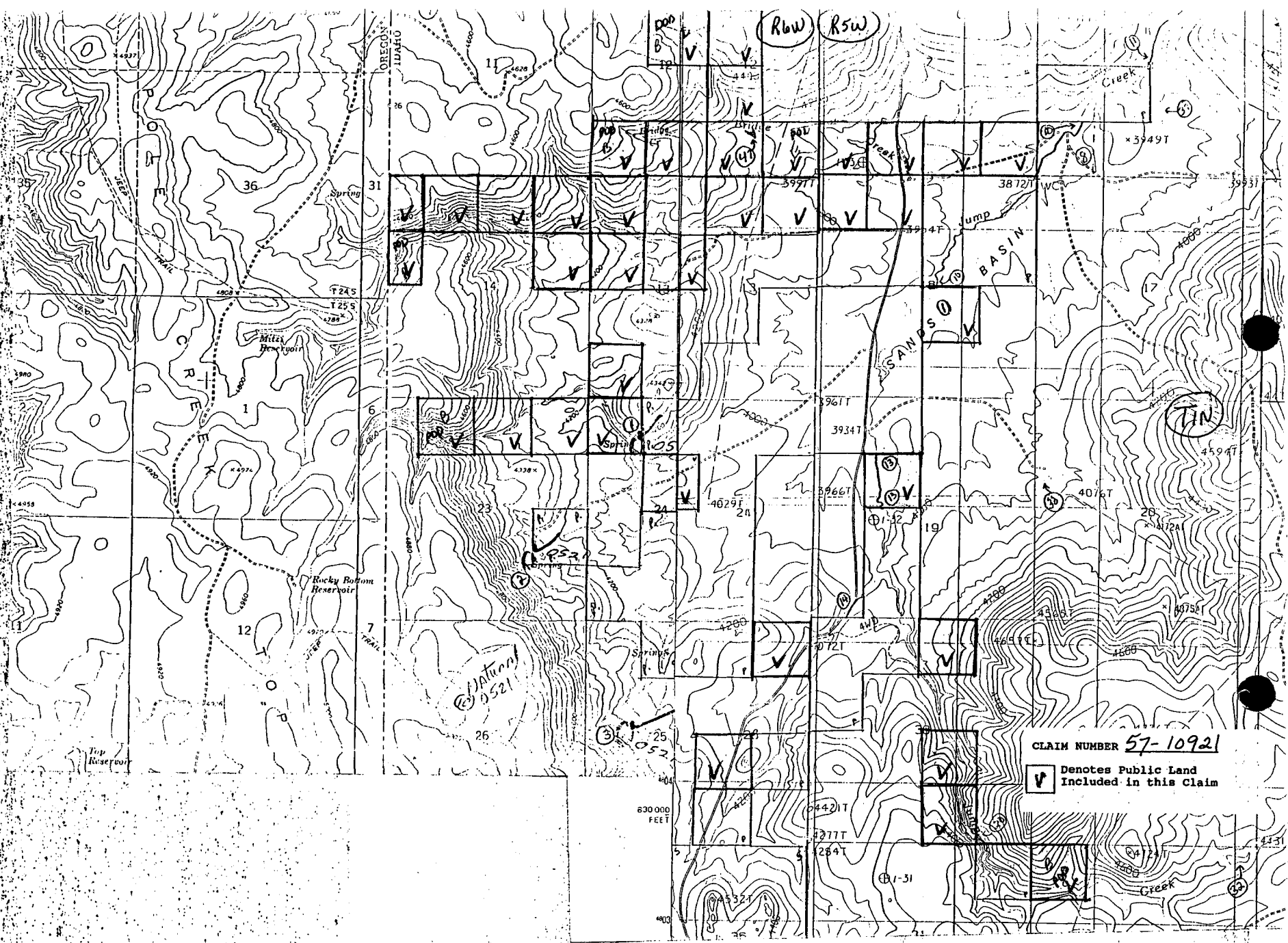
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

4. One copy to:

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



Signature of Objector or attorney
mailing on Objector's behalf



CLAIM NUMBER: 57-10921

CONFLICTING CLAIMS FOUND IN THE DIRECTORS REPORT

57-11181
57-11183
57-07295
57-07305
57-11000
57-11000A
57-11024
57-11024A

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

CIVIL CASE NUMBER: 39576

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

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

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

PRIORITY DATE: 1874-01-01
AGENCY NUMBER: 5701582409
BLM NUMBER: 5701582409
BASIS OF CLAIM: BENEFICIAL USE
BASIN NUMBER: 57

SOURCE	TRIBUTARY TO
----- UNNAMED STREAM	----- JUMP CREEK

DESCRIPTION OF DIVERSION WORKS

INSTREAM USE

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
-----	-----	-----	-----	-----
STOCKWATER	0.190	0.00	0101	1231
WILDLIFE	0.020	0.00	0101	1231
TOTAL:	0.210 CFS	0.00 AF		

NON-IRRIGATION USES

S/ 700 RANGE CATTLE & WILDHORSES W/ VAR AMOUNTS

				POINT OF DIVERSION			
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
-----	-----	-----	-----	-----	-----	-----	-----
01N	06W	23				01	OWYHEE
01N	06W	24		NW	NW	00	OWYHEE

PLACE OF USE							IRRIGATED	
TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	OWNED	ACRES
-----	-----	-----	-----	-----	-----	-----	-----	-----
01N	06W	23			01	OWYHEE		0.0

BLM NUMBER: 5701582409

PAGE: 2

01N	06W	23			01	OWYHEE	0.0
01N	06W	23	NE	NW	00	OWYHEE	0.0
01N	06W	23	NW	NE	00	OWYHEE	0.0
01N	06W	23	NE	NE	00	OWYHEE	0.0
01N	06W	14	SE	SE	00	OWYHEE	0.0
01N	06W	24	NW	NW	00	OWYHEE	0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

REMARKS

FIRST DATE OF BENEFICIAL USE - 1874

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

CIVIL CASE NUMBER: 39576

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

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

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

PRIORITY DATE: 1874-01-01
AGENCY NUMBER: 5701582410
BLM NUMBER: 5701582410
BASIS OF CLAIM: BENEFICIAL USE
BASIN NUMBER: 57

SOURCE	TRIBUTARY TO
-----	-----
UNNAMED STREAM	JUMP CREEK

DESCRIPTION OF DIVERSION WORKS

INSTREAM USE

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
-----	-----	-----	-----	-----
WILDLIFE	0.020	0.00	0101	1231
STOCKWATER	0.190	0.00	0101	1231
TOTAL:	0.210 CFS	0.00 AF		

NON-IRRIGATION USES

S/ 700 RANGE CATTLE & WILDHORSES W/ VAR AMOUNTS

POINT OF DIVERSION							
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
---	---	---	---	---	---	---	-----
01N	05W	18		NE	NW	00	OWYHEE
01N	06W	14				02	OWYHEE

PLACE OF USE							IRRIGATED
TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	OWNED ACRES
---	---	---	---	---	---	-----	-----
01N	06W	14	NW	NW	00	OWYHEE	0.0

01N	06W	14	NE	NW	00	OWYHEE	0.0
01N	06W	14	NW	NE	00	OWYHEE	0.0
01N	06W	14	SW	NE	00	OWYHEE	0.0
01N	06W	14	SE	NE	00	OWYHEE	0.0
01N	06W	14	NE	NE	00	OWYHEE	0.0
01N	06W	13	NW	NW	00	OWYHEE	0.0
01N	06W	13	SW	NW	00	OWYHEE	0.0
01N	06W	13	SE	NW	00	OWYHEE	0.0
01N	06W	13	SW	NE	00	OWYHEE	0.0
01N	06W	13	NW	NE	00	OWYHEE	0.0
01N	06W	13	NE	NE	00	OWYHEE	0.0
01N	05W	07	SE	SW	00	OWYHEE	0.0
01N	05W	18	NE	NW	00	OWYHEE	0.0
01N	06W	14			02	OWYHEE	0.0
01N	05W	18			01	OWYHEE	0.0
01N	05W	07			04	OWYHEE	0.0
01N	06W	14			02	OWYHEE	0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

REMARKS

FIRST DATE OF BENEFICIAL USE - 1874

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

CIVIL CASE NUMBER: 39576

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

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

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

PRIORITY DATE: 1874-01-01
AGENCY NUMBER: 5701582413
BLM NUMBER: 5701582413
BASIS OF CLAIM: BENEFICIAL USE
BASIN NUMBER: 57

SOURCE	TRIBUTARY TO
BRIDGE CREEK	JUMP CREEK

DESCRIPTION OF DIVERSION WORKS

INSTREAM USE

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
STOCKWATER	0.190	0.00	0101	1231
WILDLIFE	0.020	0.00	0101	1231
STOCKWATER	0.190	0.00	0101	1231
WILDLIFE	0.020	0.00	0101	1231
TOTAL:		0.210 CFS	0.00 AF	

NON-IRRIGATION USES

S/ 700 RANGE CATTLE & WILDHORSES W/ VAR AMOUNTS

				POINT OF DIVERSION			
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
01N	06W	12		SW	SW	00	OWYHEE
01N	06W	12		SE	SW	00	OWYHEE
01N	06W	12		SW	SW	00	OWYHEE
01N	06W	12		SE	SW	00	OWYHEE

PLACE OF USE							IRRIGATED	
TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	OWNED	ACRES
01N	06W	12	SW	SW	00	OWYHEE		0.0

BLM NUMBER: 5701582413

PAGE: 2

01N	06W	12	SW	SW	00	OWYHEE	0.0
01N	06W	12	SE	SW	00	OWYHEE	0.0
01N	06W	12	SW	SW	00	OWYHEE	0.0
01N	06W	12	SW	SW	00	OWYHEE	0.0
01N	06W	12	SE	SW	00	OWYHEE	0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

REMARKS

FIRST DATE OF BENEFICIAL USE - 1874

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

CIVIL CASE NUMBER: 39576

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

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

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

PRIORITY DATE: 1874-01-01
AGENCY NUMBER: 5701582273
BLM NUMBER: 5701582273
BASIS OF CLAIM: BENEFICIAL USE
BASIN NUMBER: 57

SOURCE	TRIBUTARY TO
JUMP CREEK	SNAKE RIVER

DESCRIPTION OF DIVERSION WORKS

INSTREAM USE

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
WILDLIFE	0.020	0.00	0101	1231
STOCKWATER	0.220	0.00	0101	1231
TOTAL:	0.240 CFS	0.00 AF		

NON-IRRIGATION USES

S/ 700 RANGE CATTLE & WILDHORSES W/ VAR AMOUNTS

POINT OF DIVERSION							
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
01N	05W	29		NE	SW	00	OWYHEE
01N	05W	32		NW	NW	00	OWYHEE
01N	05W	31		SE	NE	00	OWYHEE
01N	05W	30		SE	SE	00	OWYHEE
01N	05W	30		NW	NE	00	OWYHEE

PLACE OF USE							IRRIGATED	
TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	OWNED	ACRES
01N	05W	29	NE	SW	00	OWYHEE		0.0

01N	05W	29	SE	SW	00	OWYHEE	0.0
01N	05W	29	SW	SW	00	OWYHEE	0.0
01N	05W	32	NW	NW	00	OWYHEE	0.0
01N	05W	31	SE	NE	00	OWYHEE	0.0
01N	05W	30	SE	SE	00	OWYHEE	0.0
01N	05W	30	SW	SE	00	OWYHEE	0.0
01N	05W	30	NW	SE	00	OWYHEE	0.0
01N	05W	30	SW	NE	00	OWYHEE	0.0
01N	05W	30	NW	NE	00	OWYHEE	0.0
01N	05W	29	NE	SW	00	OWYHEE	0.0
01N	05W	29	SE	SW	00	OWYHEE	0.0
01N	05W	29	SW	SW	00	OWYHEE	0.0
01N	05W	32	NW	NW	00	OWYHEE	0.0
01N	05W	31	SE	NE	00	OWYHEE	0.0
01N	05W	30	SE	SE	00	OWYHEE	0.0
01N	05W	30	SW	SE	00	OWYHEE	0.0
01N	05W	30	NW	SE	00	OWYHEE	0.0
01N	05W	30	SW	NE	00	OWYHEE	0.0
01N	05W	30	NW	NE	00	OWYHEE	0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

REMARKS

FIRST DATE OF BENEFICIAL USE - 1874

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

CIVIL CASE NUMBER: 39576

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

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

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

PRIORITY DATE: 1874-01-01
AGENCY NUMBER: 5701582274
BLM NUMBER: 5701582274
BASIS OF CLAIM: BENEFICAL USE
BASIN NUMBER: 57

SOURCE	TRIBUTARY TO
UNNAMED STREAM	JUMP CREEK

DESCRIPTION OF DIVERSION WORKS

INSTREAM USE

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
STOCKWATER	0.220	0.00	0101	1231
WILDLIFE	0.020	0.00	0101	1231
TOTAL:	0.240 CFS	0.00 AF		

NON-IRRIGATION USES

S/ 700 RANGE CATTLE & WILDHORSES W/ VAR AMOUNTS

TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
01N	05W	31		NE	SW	00	OWYHEE
01N	05W	31		NW	SW	00	OWYHEE
01N	06W	25		SE	SE	00	OWYHEE
01N	06W	25		SE	NW	00	OWYHEE
01N	06W	25		SE	NE	00	OWYHEE
01N	06W	25		NE	NE	00	OWYHEE
01N	06W	25		NW	SE	00	OWYHEE
01N	05W	31				01	OWYHEE

01N 05W 19

04 OWYHEE

PLACE OF USE							IRRIGATED	
TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	OWNED	ACRES
01N	05W	31	NW	SW	00	OWYHEE		0.0
01N	05W	31	NE	SW	00	OWYHEE		0.0
01N	05W	31	SE	NW	00	OWYHEE		0.0
01N	05W	31	SW	NW	00	OWYHEE		0.0
01N	06W	25	SE	SE	00	OWYHEE		0.0
01N	06W	25	SE	NW	00	OWYHEE		0.0
01N	06W	25	SW	NE	00	OWYHEE		0.0
01N	06W	25	SE	NE	00	OWYHEE		0.0
01N	06W	25	NE	NE	00	OWYHEE		0.0
01N	06W	25	NW	SE	00	OWYHEE		0.0
01N	06W	31			01	OWYHEE		0.0
01N	05W	19			04	OWYHEE		0.0
01N	05W	31	NW	SW	00	OWYHEE		0.0
01N	05W	31	NE	SW	00	OWYHEE		0.0
01N	05W	31	SE	NW	00	OWYHEE		0.0
01N	05W	31	SW	NW	00	OWYHEE		0.0
01N	06W	25	SE	SE	00	OWYHEE		0.0
01N	06W	25	SE	NW	00	OWYHEE		0.0
01N	06W	25	SW	NE	00	OWYHEE		0.0
01N	06W	25	SE	NE	00	OWYHEE		0.0
01N	06W	25	NE	NE	00	OWYHEE		0.0
01N	06W	25	NW	SE	00	OWYHEE		0.0
01N	06W	31			01	OWYHEE		0.0
01N	05W	19			04	OWYHEE		0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

REMARKS

FIRST DATE OF BENEFICIAL USE - 1874

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

CIVIL CASE NUMBER: 39576

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

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

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

PRIORITY DATE: 1874-01-01
AGENCY NUMBER: 5701582266
BLM NUMBER: 5701582266
BASIS OF CLAIM: BENEFICAL USE
BASIN NUMBER: 57

SOURCE	TRIBUTARY TO
UNNAMED STREAM	JUMP CREEK

DESCRIPTION OF DIVERSION WORKS

INSTREAM USE

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
STOCKWATER	0.220	0.00	0101	1231
WILDLIFE	0.020	0.00	0101	1231
TOTAL:	0.240 CFS	0.00 AF		

NON-IRRIGATION USES

S/ 700 RANGE CATTLE & WILDHORSES W/ VAR AMOUNTS

POINT OF DIVERSION							
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
01N	05W	29		NW	NE	00	OWYHEE
01N	05W	29		NE	NW	00	OWYHEE
01N	05W	29		NW	NW	00	OWYHEE
01N	05W	18		NW	SE	00	OWYHEE

PLACE OF USE							IRRIGATED	
TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	OWNED	ACRES
01N	05W	20	SW	SE	00	OWYHEE		0.0

01N	05W	20	NW	SE	00	OWYHEE	0.0
01N	05W	20	NE	SW	00	OWYHEE	0.0
01N	05W	20	SE	NW	00	OWYHEE	0.0
01N	05W	20	SW	NW	00	OWYHEE	0.0
01N	05W	20	SE	SW	00	OWYHEE	0.0
01N	05W	20	SW	SW	00	OWYHEE	0.0
01N	05W	19	SE	NE	00	OWYHEE	0.0
01N	05W	19	NW	NE	00	OWYHEE	0.0
01N	05W	18	SW	SE	00	OWYHEE	0.0
01N	05W	18	NW	SE	00	OWYHEE	0.0
01N	05W	29	NW	NE	00	OWYHEE	0.0
01N	05W	29	NE	NW	00	OWYHEE	0.0
01N	05W	29	NW	NW	00	OWYHEE	0.0
01N	05W	20	SW	SE	00	OWYHEE	0.0
01N	05W	20	NW	SE	00	OWYHEE	0.0
01N	05W	20	NE	SW	00	OWYHEE	0.0
01N	05W	20	SE	NW	00	OWYHEE	0.0
01N	05W	20	SW	NW	00	OWYHEE	0.0
01N	05W	20	SE	SW	00	OWYHEE	0.0
01N	05W	20	SW	SW	00	OWYHEE	0.0
01N	05W	19	SE	NE	00	OWYHEE	0.0
01N	05W	19	NW	NE	00	OWYHEE	0.0
01N	05W	18	SW	SE	00	OWYHEE	0.0
01N	05W	18	NW	SE	00	OWYHEE	0.0
01N	05W	29	NW	NE	00	OWYHEE	0.0
01N	05W	29	NE	NW	00	OWYHEE	0.0
01N	05W	29	NW	NW	00	OWYHEE	0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

REMARKS

FIRST DATE OF BENEFICIAL USE - 1874

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

CIVIL CASE NUMBER: 39576

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

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

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

PRIORITY DATE: 1874-01-01
AGENCY NUMBER: 5701582261
BLM NUMBER: 5701582261
BASIS OF CLAIM: BENEFICIAL USE
BASIN NUMBER: 57

SOURCE	TRIBUTARY TO
BRIDGE CREEK	JUMP CREEK

DESCRIPTION OF DIVERSION WORKS

INSTREAM USE

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
WILDLIFE	0.020	0.00	0101	1231
STOCKWATER	0.220	0.00	0101	1231
TOTAL:		0.240 CFS	0.00 AF	

NON-IRRIGATION USES

S/ 700 RANGE CATTLE & WILDHORSES W/ VAR AMOUNTS

				POINT OF DIVERSION			
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
01N	06W	12		SE	SW	00	OWYHEE

PLACE OF USE							IRRIGATED	
TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	OWNED	ACRES
01N	06W	12	SE	SW	00	OWYHEE		0.0
01N	06W	12	SW	SE	00	OWYHEE		0.0

01N	06W	12	SE	SE	00	OWYHEE	0.0
01N	05W	07	SW	SW	00	OWYHEE	0.0
01N	05W	07	SE	SW	00	OWYHEE	0.0
01N	05W	07	SW	SE	00	OWYHEE	0.0
01N	05W	08	NE	NW	00	OWYHEE	0.0
01N	06W	12	SE	SW	00	OWYHEE	0.0
01N	06W	12	SW	SE	00	OWYHEE	0.0
01N	06W	12	SE	SE	00	OWYHEE	0.0
01N	05W	07	SW	SW	00	OWYHEE	0.0
01N	05W	07	SE	SW	00	OWYHEE	0.0
01N	05W	07	SW	SE	00	OWYHEE	0.0
01N	05W	08	NE	NW	00	OWYHEE	0.0

TOTAL ACRES IRRIGATED: 0.0

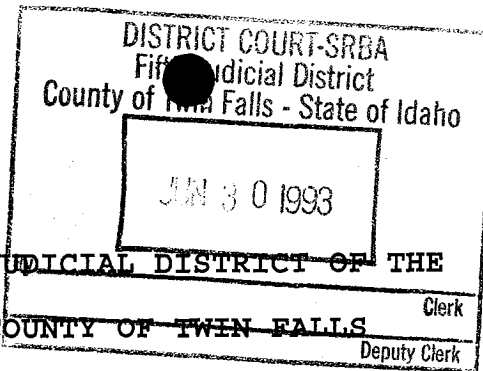
TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

REMARKS

FIRST DATE OF BENEFICIAL USE - 1874



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

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

Case No. 57-10921 -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 MGMT
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

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

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

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, and 12a and all allegations of the objection regarding these items IDWR responds as follows:

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

CHANGES TO THE DIRECTOR'S REPORT

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

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

(Over)

No. of
Pages

Notice of Claim No. A57-10921

10

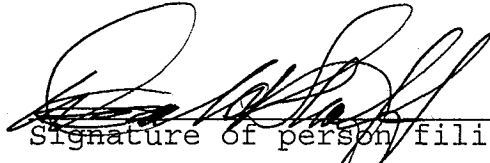
VERIFICATION (Must be Completed)

State of IDAHO

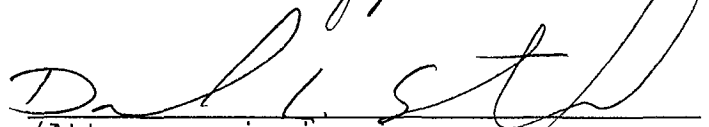
County of ADA

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.

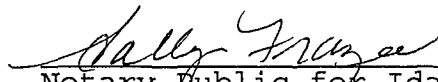


Signature of person filing response

By: 

(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 22nd day of June,
1993.



Notary Public for Idaho
Residing at: Boise
My Commission expires: 11-14-1998

(Over)

CERTIFICATE OF MAILING

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

1. Original to:

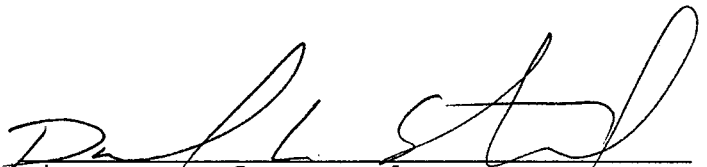
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

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

Name: CHIPMUNK GRAZING ASOOC
Address: BOX 175
MARSING ID 83639

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

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

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

CIVIL CASE NUMBER: 39576

Ident. Number A57-10921Date Received 2-3-1992Receipt Number W014095

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Chipmunk Grazing Assoc. Inc. Phone (208) 495-2570
Mailing Address Box 175, Marsing, ID Zip 83639

2. Date of Priority (Only one (1) per claim) 6-1-1875

3. Source of water supply (a) ① Jump Creek
which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township _____ Range _____ Section _____,
_____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of _____

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

① Township 1N Range 5W Section 32, _____ 1/4 of NW 1/4 of NW 1/4,

Govt. Lot _____ B.M., County of Owyhee

ending point is: Township 1N Range 5W Section 6, _____ 1/4 of SW 1/4 of

NE 1/4, Govt. Lot _____ B.M., County of Owyhee

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Instream stockwater.

MICROFILMED

OCT 08 1992

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

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

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

CIVIL CASE NUMBER: 39576

Ident. Number _____

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) _____ Phone () _____

Mailing Address _____ Zip _____

2. Date of Priority (Only one (1) per claim) _____

3. Source of water supply (a) ^② Bridge Creek
which is tributary to (b) Jump Creek

4. a. Location of existing point of diversion is: Township _____ Range _____ Section _____,
_____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of _____

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

^② Township 1N Range 6W Section 12, _____ 1/4 of SW 1/4 of SW 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township 1N Range 5W Section 8, _____ 1/4 of NE 1/4 of
NE 1/4, Govt. Lot _____ B.M., County of Owyhee ↑ 18

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. _____

MICROFILMED

OCT 08 1992

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

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

CIVIL CASE NUMBER: 39576

Ident. Number _____

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) _____ Phone () _____

Mailing Address _____ Zip _____

2. Date of Priority (Only one (1) per claim) _____

3. Source of water supply (a) ^③ unnamed stream
which is tributary to (b) Bridge Creek4. a. Location of existing point of diversion is: Township _____ Range _____ Section _____,
_____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of _____

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township 1N Range 6W Section 12, _____ 1/4 of SE 1/4 of NW 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township 1N Range 6W Section 12, _____ 1/4 of SE 1/4 of
SE 1/4, Govt. Lot _____ B.M., County of _____5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. _____RECEIVED
OCT 8 1992

OCT 8 1992

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

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

CIVIL CASE NUMBER: 39576

Ident. Number _____

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) _____ Phone () _____

Mailing Address _____ Zip _____

2. Date of Priority (Only one (1) per claim) _____

3. Source of water supply (a) ⁽⁴⁾ unnamed stream
which is tributary to (b) Bridge Creek4. a. Location of existing point of diversion is: Township _____ Range _____ Section _____,
_____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of _____

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

⁽⁴⁾ Township 1N Range 6W Section 14, _____ 1/4 of SW 1/4 of NW 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township 1N Range 5W Section 18, _____ 1/4 of NW 1/4 of
NE 1/4, Govt. Lot _____ B.M., County of _____5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. _____

RECORDED

OCT 08 1992

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

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

CIVIL CASE NUMBER: 39576

Ident. Number _____

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) _____ Phone () _____

Mailing Address _____ Zip _____

2. Date of Priority (Only one (1) per claim) _____

3. Source of water supply (a) ^⑤unnamed stream
which is tributary to (b) Jump Creek4. a. Location of existing point of diversion is: Township _____ Range _____ Section _____,
_____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of _____

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

^⑤Township 1N Range 6W Section 23, _____ 1/4 of NE 1/4 of NW 1/4,Govt. Lot _____ B.M., County of Owyheeending point is: Township 1N Range 5W Section 18, _____ 1/4 of NE 1/4 of
SW 1/4, Govt. Lot _____ B.M., County of _____5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. _____

RECEIVED

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NOTICE OF CLAIM
TO A
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ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) _____ Phone () _____

Mailing Address _____ Zip _____

2. Date of Priority (Only one (1) per claim) _____

3. Source of water supply (a) ^⑥ unnamed stream
which is tributary to (b) Jump Creek

4. a. Location of existing point of diversion is: Township _____ Range _____ Section _____,
_____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of _____

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township ^⑥ 1N Range 6W Section 36, _____ 1/4 of NE 1/4 of NW 1/4,

Govt. Lot _____ B.M., County of Owyhee

ending point is: Township 1N Range 5W Section 19, _____ 1/4 of SE 1/4 of
SW 1/4, Govt. Lot _____ B.M., County of Owyhee

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. _____

RECORDED

OCT 08 1992

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

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

CIVIL CASE NUMBER: 39576

Ident. Number _____

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) _____ Phone () _____

Mailing Address _____ Zip _____

2. Date of Priority (Only one (1) per claim) _____

3. Source of water supply (a) ^⑦ unnamed stream
which is tributary to (b) Jump Creek4. a. Location of existing point of diversion is: Township _____ Range _____ Section _____,
_____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of _____

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township ^⑦ 1N Range 6W Section 36, _____ 1/4 of NW 1/4 of NE 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township 1N Range 6W Section 25, _____ 1/4 of SW 1/4 of
SE 1/4, Govt. Lot _____ B.M., County of _____5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. _____

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Stockwater purposes from 1-1 to 12-31 amount 0.13 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.13 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is N/A acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Stockwater, 600 hd. range cows

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>1N</u>	<u>5W</u>	<u>8</u>			<u>S</u>					<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>						
		<u>7</u>											<u>S</u>	<u>S</u>					
		<u>18</u>	<u>S</u>	<u>S</u>	<u>S</u>		<u>S</u>	<u>S</u>			<u>S</u>	<u>S</u>		<u>S</u>		<u>S</u>			
		<u>19</u>					<u>S</u>			<u>S</u>	<u>S</u>		<u>S</u>	<u>S</u>					
		<u>30</u>		<u>S</u>			<u>S</u>	<u>S</u>								<u>S</u>	<u>S</u>	<u>S</u>	
		<u>31</u>	<u>S</u>																
		<u>32</u>						<u>S</u>											

page 1 of 2 - Sands Basin Allotment

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? Owyhee

12. Do you own the property listed above as place of use? Yes _____ No ✓
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None ()

14. Remarks: AKA Sands Basin Allotment - BLM Grazing Allotment.

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OCT 03 1992

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) _____ (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
1N	6W	12			S					S			S	S		S	S	S	
		13	S	S				S	S	S			S					S	
		14	S	S		S	S	S	S									S	
		23	S	S			S												
		24		S			S	S		S									
		25	S	S											S	S	S		
		36		S			S												

pg 2 of 2 - Sands Basin
Allotment

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? _____

12. Do you own the property listed above as place of use? Yes _____ No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

_____ or None ()

14. Remarks:

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OCT 08 1992

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

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If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President

Title

of Chippmunk Grazing Assoc., Inc. , that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Elias Jara

Title and Organization President Date _____

State of Idaho/or _____)

County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 3RD day of February 1992

SEAL

Notary Public Kathleen A. Walker

Residing at Boise, Idaho

My Commission Expires 2-14-1993

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

MICROFILMED

OCT 08 1992

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

RECEIVED

JUL 01 1993

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

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

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

Case No. 57-10921
(Insert the Case No.
from the Objection
you are responding to)

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

RESPONSE TO OBJECTION

Petitioner,)

vs.)

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

Respondents.)

INSTRUCTIONS

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

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

(Over)

RESPONSE TO OBJECTION - 1

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

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

I. GENERAL INFORMATION

Please fill in the following information:

1. Person responding to objection:

Name: Chipmunk Grazing Association Inc

Address: Box 175
MARSING Idaho 83639

Briefly describe your interest in this water right:

See Attachment A and B

2. Person who filed objection:

Name: BLM State Office

Address: 3380 Americana Terrace
Boise Id 83706

3. If this response 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.

II STATEMENT OF THE RESPONSE

Please check each "box" which identifies your response.

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

(Over)

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

REASONS SUPPORTING EACH BOX CHECKED

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

See Attachment A + B

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 A + B

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

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

A - 1 page
B - 1 page

VERIFICATION (Must be Completed)

State of _____

County of _____

_____, being first duly
(Name of person filing response)
sworn, upon oath, deposes and says:

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

Signature of person filing response

By: _____

(Attorney signing in
representative capacity)

Subscribed and sworn to before me this ____ day of _____,
199____.

Notary Public for _____
Residing at: _____
My Commission expires: _____

INSTRUCTIONS FOR MAILING

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

(Over)

CERTIFICATE OF MAILING

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

1. Original to:

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

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

Name: Chipmunk Grazing Association Inc

Address: Box 175
Marsing Idaho 83639

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: BLM State Office

Address: 3380 Americana Terrace
Boise Idaho 83706

4. One copy to:

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

5. One copy to:

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

Elias Jara

Signature of Respondent or attorney
mailing on Respondent's behalf

✓ B.L.M.'s Objection (1 through 12) is ambiguous and does not provide a sufficient legal and factual basis in order for there to be a detailed response. Respondent denies all allegations of the Objection. At such time as Respondent has further information and facts concerning the basis for the Objection, a detailed response will be filed. In the past, the U.S.A./B.L.M. has been well aware of Respondent's claimed water right and historical use, all without any prior objection. Respondent incorporates herein its Notice of Claim on file as if it were set forth in full, and Respondent also incorporates all affirmative defenses pursuant to Idaho Rules of Civil Procedure, Rule 8(c): accord and satisfaction; arbitration and award; estoppel; illegality; laches; license; payment; release; res judicata and/or collateral estoppel; statute of limitations; waiver; and B.L.M. has no standing. ✓ Respondent reserves the right to amend this Response and to allege other claims, defenses, and arguments as discovery may indicate. Without further factual and legal information, the B.L.M.'s Objection should be summarily denied and Respondent's should be awarded costs and attorney's fees as applicable.

Response Exhibit A:

Case No. _____
(Water Right Number)

REASONS SUPPORTING EACH BOX CHECKED:

We are responding to boxes: _____:

The Bureau of Land Management has filed objections, (1) to our water rights on our private lands, (2) where our water right diversions and canals legally intrude on BLM land, and (3) to our stock water rights on the Federal lands. We have been told by the BLM that Objection were filed arbitrarily on the following basis:

- 1 - All priority dates older than 1870.
- 2 - All priority dates more than 7 years prior to land patent.
- 3 - All rights which contain a legal description for point of diversion, irrigation canals, ditches, or place of use located on BLM lands.
- 4 - All stock water rights which are located on BLM lands.

Regarding items 1,2,3 above: BLM Objections have been filed without regard to our ownership of the land, our previously decreed rights, or any other evidence of our beneficial use or priority date, and without regard to our legally granted rights of way for water diversion and conveyance over BLM lands. All rights of way in use prior to 1976 are absolutely granted to the user by the Federal government.

Regarding item 4 above: BLM Objections have also been filed without regard to the investment interest and investment backed expectations in Grazing Permits which we own on the Federal Land. This situation is entirely different than the typical private land livestock grazing lease which is arbitrarily sought and granted. We are clearly allowed by Idaho law to hold permits for stock water on lands which are not owned by us. While we do not own the land we have acquired and own the permit which is a property interest that is routinely bought, sold, traded, inherited and taxed. The BLM cannot arbitrarily change the area of use of our permit, take the permit away, or issue it to someone else. We also own the livestock which provide the beneficial use of our water rights. The livestock use began long before the Federal government issued grazing permits through their adjudication process and began collecting fees for use. The government can not claim stock water as a beneficial use prior to 1934 on BLM administered lands since no permits or grazing fees existed until then. The economic value of our grazing permits, our privately owned ranch property, and our ability to put the land to its highest and best use are directly dependent on continued use of our water rights for our livestock on the federal lands.

We object to the arbitrary and capricious manner in which the BLM filed objections to our water rights without regard to the true facts of each case. We further object to the Federal Government being allowed to file applications after the deadline which we were required to meet and the fact that they have not paid the fees for court costs required of all other applicants.

CHANGES TO THE DIRECTORS REPORT:

We want the directors report to reject the BLM objection and to properly identify this water right as ours, together with the source, quantities, described points of diversion or instream flows, purpose of use, time of use, and place of use as requested in our application.

NOV 04 1993

1993 NOV -3 PM 3: 56

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

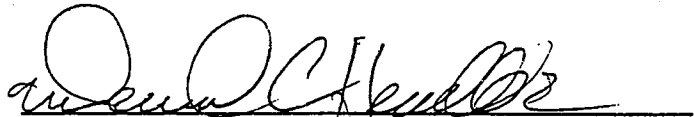
Page 1

IT IS ORDERED that the *Motions to File Late Objections* are GRANTED. The *Objections* previously lodged with the clerk of this court shall be deemed to be filed as of October 19, 1993.

Any Responses to the Objections of Chipmunk Grazing Association, Inc. shall be filed with this court on or before 5:00 p.m., December 20, 1993.

IT IS SO ORDERED.

Dated November 3, 1993.



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

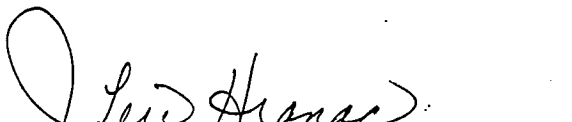
CERTIFICATE OF MAILING

I certify a true and correct copy of the **ORDER GRANTING MOTION TO FILE LATE OBJECTIONS** was mailed November 3, 1993, with sufficient first-class postage to the following:

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

United States Department of Justice
Environment & Natural Resources Division
550 West Fort Street, Box 33
Boise, ID 83734

John Schroeder
Schroeder & Lezamiz Law Offices
P.O. Box 267
Boise, ID 83701


Deputy Clerk

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OCT 26 1993

Department of Water Resources
Adjudication Bureau

JOHN T. SCHROEDER, ESQ.
SCHROEDER & LEZAMIZ LAW OFFICES
447 WEST MYRTLE
P.O. BOX 267
BOISE, IDAHO 83701
TELEPHONE: 384-1627

COPY

Attorney for Chipmunk Grazing Association, Inc.

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)

Case No. 39576

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

MEMORANDUM IN SUPPORT OF
MOTION TO FILE LATE
OBJECTION TO THE
DIRECTOR'S REPORT

Petitioner,)

vs.)

Sub Case: 57-10917

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

57-10921
57-10923
57-10924
57-10944
57-10945
57-10947
57-10660

Respondents.)

This Memorandum of Chipmunk Grazing Association, Inc., is
filed in support of its Motion to file a late Objection to the
Director's Report. In summary, Chipmunk Grazing Association urges
the Court that the Motion should be granted because the exact same
issues of fact and law are already before the Court with regard to
other Objections filed by the Department of the Interior, as well

MEMORANDUM IN SUPPORT OF MOTION FOR
FILING LATE OBJECTION TO DIRECTOR'S REPORT - Page 1

as other Objections filed by Chipmunk Grazing, and the Responses of each party, as well as Responses by the State of Idaho. Since the same issues of fact and law are already before the Court, there would be no harm or prejudice to any party that the late Objections be allowed and consolidated with the other Objections, and decided and determined by the Special Master and this Court.

PROCEDURE, FACTS AND BACKGROUND

A summary of the background of the various Objections filed by both the Department of the Interior and Chipmunk Grazing Association, Inc., is necessary to understand the issues before the Court.

a. The Water Right Claims of Chipmunk Grazing & Interior

The water right claims at issue in this matter between Chipmunk Grazing Association, the Department of the Interior, and the State of Idaho/Director of Water Resources, pertain to stockwater rights of Chipmunk Grazing Association, Inc., and alleged in-stream water right claims of Interior, with regard to certain creeks in Basin 57 of Southwestern Idaho. The sub-case numbers cited above relate to different creeks:

1. Sub-Case No. 10917 pertains to Chipmunk Grazing Association stock water claims in Little Squaw Creek, Sage Hen Gulch, Unnamed Stream, McBride Creek and its forks;
2. Sub-Case No. 10921 pertains to Chipmunk Grazing Association stock water claims in Jump Creek and Bridge Creek;
3. Sub-Case No. 10923 pertains to Chipmunk Grazing Association stock water claims in Jump Creek;
4. Sub-Case No. 10924 pertains to Chipmunk Grazing

Association stock water claims in Peters Gulch and Reynolds Creek;

5. Sub-Case No. 10944 pertains to Chipmunk Grazing Association stock water claims in a developed spring named Upper Rats Nest Spring;
6. Sub-Case No. 10945 pertains to Chipmunk Grazing Association stock water claims in a developed spring named Rosebud Spring;
7. Sub-Case No. 10947 pertains to Chipmunk Grazing Association stock water claims in Squaw Creek;
8. Sub-Case No. 10660 pertains to Chipmunk Grazing Association stock water claims in Little McBride Creek.

Prior to the Director's Report being issued, Chipmunk Grazing claimed stockwater rights in all of said creeks, including the main stem of the creeks and the extreme upper reaches of the creeks. Ted Blackstock and Chipmunk Grazing own cattle, and possess B.L.M. grazing permits, in and around said creeks, including the main stem of the creeks and the extreme upper reaches of the creeks.

Prior to the Director's Report being issued, the United States, Department of the Interior, claimed alleged in-stream water rights for the main stem of most of said creeks, excluding any stretch of the creeks that passed through deeded private property. The United States, Department of the Interior, also did not make any claim to alleged in-stream water rights for the extreme upper reaches of the creeks that were within the confines of public land administered by the B.L.M.

b/1. The Director's Report/Main Stem of Creeks.

The Director's Report then came out. The Director, State of

Idaho Department of Water Resources, recommended (in summary) that for the main stem of said creeks not within the confines of private land, the claimed in-stream water right should be awarded to the United States, Department of the Interior (B.L.M.). The Director reasoned that since the Department of the Interior owned the public land, then the claimed in-stream water right for those selected areas should be awarded to it. Shortly thereafter, Chipmunk Grazing Association, Inc./Ted Blackstock, filed a timely Objection to this recommendation of the Director's Report for, among other reasons, the fact that Chipmunk Grazing Association, Inc., possessed the permit allowing it to graze cattle upon the public lands surrounding the creeks and it was only Chipmunk Grazing Association/Ted Blackstock's cattle who were mainly responsible for making the beneficial use of the water out of the creeks. (Chipmunk Grazing Association, Inc., is a grazing association and Ted Blackstock is one of its members and shareholders, whose cattle graze in the areas surrounding the above named creeks.) Chipmunk Grazing Association asserted that its claimed stock water rights should have been granted instead of Interior's claimed water rights. The State of Idaho, Department of Water Resources, filed a Response to the Objection of Chipmunk Grazing Association. The U.S. Department of the Interior also filed a Response to the Objection of Chipmunk Grazing Association.

b/2. The Director's Report/Upper reaches of creeks.

In addition, the Director, State of Idaho Department of Water Resources, recommended that for the upper reaches of the creeks in

areas owned and administered by the B.L.M., the claimed stock water rights of Chipmunk Grazing Association, should be awarded to it because no other entity or person claimed any of said rights in the upper reaches of the creeks. Shortly thereafter, the U.S. Department of the Interior filed an Objection to the Director's Report. The State of Idaho thereafter filed a Response to Interior's Objection. Chipmunk Grazing Association also filed a timely Response to the Interior's Objection, and furthermore, within the Response, Chipmunk Grazing Association, stated the following:

"CHANGES TO THE DIRECTORS REPORT

Respondent (Chipmunk Grazing Association) would like the Director's Report to reject the BLM Objection and properly identify this water right as ours, together with the source, quantities, described points of diversion or in-stream flows, purpose of use, time of use, and place of use as requested and applied for in our original claim enclosed."

c. Motion to file Late Objection to Director's Report.

Chipmunk Grazing Association, Inc., acting without an Attorney, believed that the issues were properly framed before the Court. Indeed, it is respectfully urged that all issues are in any event before the Court because they are included within the various Objections/Responses that have already been filed in the 8 Sub-cases. However, even though the foregoing Objections and Responses were filed, Chipmunk Grazing Association/Blackstock learned that it may be wise to file a separate and supplemental Objection to the

Director's Report on the basis that the Director failed to affirmatively grant the main stem stock water right claims of Chipmunk Grazing Association, Inc. In other words, Chipmunk Grazing Association already had filed a timely Objection to the Director's Report on the basis that the Director erred in granting the claimed main stem creek in-stream water rights of Interior; however, Chipmunk Grazing Association, had not yet filed an Objection to the Director's Report for not granting the affirmative relief requested of Chipmunk Grazing Association in awarding to it its claimed main stem creek stock water rights. Chipmunk Grazing Association had assumed that if its Objection prevailed as to the Interior's main stem creek in-stream claim, then automatically the Chipmunk Grazing Association stock water right claim would be recommended because there would, at that time, be no other competing claim to the same water.

Regardless of what was, or was not, the procedural law in the case, on or about June 29, 1993 Chipmunk Grazing Association filed a Motion, and Late Objection, objecting to the Director's Report for not affirmatively granting the claimed stock water rights of Chipmunk Grazing Association in the main stem of the creeks. No party was taken off-guard and no party has or will be prejudiced by the late Objection. The issues were already before the Court.

ARGUMENT

Even to Attorneys, it is easy to see how a non-Attorney could be confused about the procedural framework relating to the

Director's Report, and Objections and Responses thereto. It becomes even more confusing when, as in this case, the cross-Objections of the litigants (Chipmunk Grazing Association and Interior) to the Director's Report, and the Responses thereto, appear to cover all issues. As stated previously, it is not even certain whether legally under the SRBA procedural framework it was, or is, necessary for Chipmunk Grazing Association in this matter to file the separate and supplemental Objection as to the Director's Report for the Director's alleged failure to affirmatively grant all relief requested by Chipmunk Grazing Association in its water right claims. In light of the foregoing, it was certainly excusable neglect for Chipmunk Grazing Association to file the late, separate and supplemental Objection. Attorneys and lay people alike, under the circumstances in these Sub-cases, could be confused as to how many Objections and Responses are actually necessary to preserve all rights and claims before the Court.

This Court has incorporated the Idaho Rules of Civil Procedure into this SRBA action. Rule 60(b) provides that:

On Motion and upon such terms as are just, the court may relieve a party or his legal representative from a final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect . . .

Rule 60(b) may not be direct authority because no Judgment has been entered in the case. However, the Rule does permit a party to have relief from Orders when there has been mistake or excusable neglect, and the party does have a defense or justiciable issue to be decided, and no party has been harmed by the delay or

modification of the earlier Order. See, generally, Schraufnagel v. Quinowski, 113 Idaho 753 (App. 1987). In Schraufnagel, the Idaho Court of Appeals stated the following:

We are mindful of the general rule in Idaho that pro se litigants are normally held to the same rules as those represented by attorneys. (Cites). However, this is not a case where the pro se litigant seeks exemption from a rule. Rather, he seeks to invoke a rule, I.R.C.P. 60(b)(1), which is available to all litigants. In applying that rule we perceive a difference between persons whose indifference leads to entry of judgment by default, e.g. Newbold v. Anderson, supra, and those who take affirmative steps to plead their own case but fail because they misperceive the intent of a court document.

Our holding is consistent with Idaho's policy favoring disposition of cases on their merits. In Orange Transportation Co., v. Taylor, 71 Idaho 275, 280-81, 230 P.2d 689, 692-93 (1951), our Supreme Court said:

What constitutes excusable neglect, or just how a reasonable (sic) prudent person should act under similar circumstances are comparative terms and the decisions as to when a default and a judgment may be set aside and answer permitted, may appear at times to be somewhat in conflict Each case must be examined in the light of the facts presented, and the circumstances surrounding same.

* * * *

In doubtful cases, the general rule is to incline toward granting relief from the default and bring about a judgment on the merits.

113 Idaho at 755.

In the case at bar, there has been no Scheduling Order entered as of yet, no discovery has yet taken place, no hearings have been set in the Sub-cases, and no party has been without notice that Chipmunk Grazing Association, Inc., has claimed, and always claimed, that it wanted its stock water rights decreed just as originally set forth, despite the recommendation of the Director's

report. The timely filed Objections and Responses of Chipmunk Grazing Association gave notice of this position of Chipmunk Grazing Association.

The conduct of Chipmunk Grazing Association in delaying the filing of the last supplemental Objection was excusable. Chipmunk Grazing Association thought that the earlier filed pleadings (Objections and Responses) covered the issues. It is respectfully urged that the previously filed Objections and Responses have already placed before the Court the issues necessary to litigate Chipmunk Grazing Association's claims/objections to the Director's Report. No harm or prejudice has been suffered by any party. In light of the facts of this case, it is easy to understand how Chipmunk Grazing Association, acting without an Attorney, could be confused as to the procedural framework.

CONCLUSION

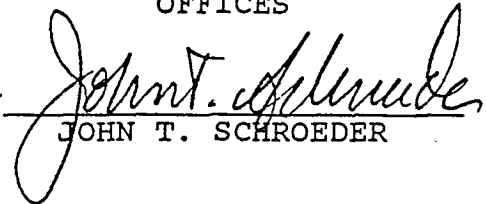
Chipmunk Grazing Association respectfully urges the Court to grant its Motion to file the supplemental late Objection to the Director's Report. The facts, law and issues are already before the Court as referenced in the previous, timely filed Objections and Responses by Chipmunk Grazing Association, Inc. Chipmunk Grazing Association has a defense and justiciable issue in the case because it is its (or member's) cattle that beneficially use the water. Chipmunk Grazing Association claims that the Director's Report should have awarded it the stock water rights on the main stem of the creeks. Idaho water law is based upon beneficial use.

A party making beneficial use of water can have such a water right claim upon property owned by another. Stock water rights are very important to Chipmunk Grazing Association, Inc., and its members; its continued operation depends upon them. Case law in Idaho favors having cases heard on the merits, as opposed to having cases decided by default. Chipmunk Grazing Association has not been negligent in preserving its claims. Chipmunk Grazing has been persistent in timely filing Objections and Responses, and it should be entitled to have its claimed stock water rights heard and decided upon the merits.

Respectfully submitted and dated this 13th day of October, 1993.

SCHROEDER & LEZAMIZ LAW
OFFICES

By


JOHN T. SCHROEDER

CERTIFICATE OF HAND DELIVERY AND MAILING

I HEREBY CERTIFY That an un-signed copy of the foregoing Memorandum in Support of Motion to file Late Objection was mailed, postage pre-paid by first class mail, to the following Counsel on the 04th day of October, 1993, and I HEREBY CERTIFY That another copy of the foregoing Memorandum, duly signed, was hand delivered to the following Counsel on the 13th day of October, 1993:

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

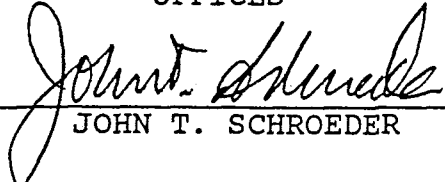
The United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, Box 33
Boise, Idaho 83734

Ms. Daria Zane, Esq.
Boise Adjudication Team
U.S. Department of Justice
380 ParkCenter Blvd.
Boise, Idaho 83706

Mr. Alan Johnstone
Route 1, Box 1251
Homedale, Idaho 83638
(mail only)

The purpose for the prior mailing on October 04, 1993 was to give said Counsel advance notice. Dated this 13th day of October, 1993.

SCHROEDER & LEZAMIZ LAW
OFFICES

By 
JOHN T. SCHROEDER

JOHN T. SCHROEDER, ESQ.
SCHROEDER & LEZAMIZ LAW OFFICES
447 WEST MYRTLE
P.O. BOX 267
BOISE, IDAHO 83701
TELEPHONE: 384-1627

RECEIVED

OCT 11 1993

Department of Water Resources
Adjudication Bureau

Attorney for Chipmunk Grazing Assn, Inc.

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)

Case No. 39576

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

NOTICE OF APPEARANCE FOR
CHIPMUNK GRAZING ASSN, INC.

Petitioner,)

Sub Case: 57-10917

vs.)

57-10921

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

57-10923

57-10924

57-10944

57-10945

57-10947

57-10660

Respondents.)

TO: State of Idaho, Office of Attorney General; U.S. Department
of Justice:

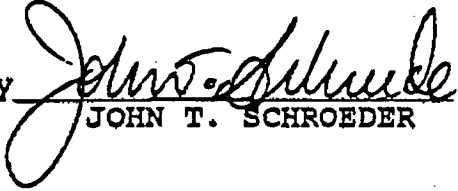
YOU WILL PLEASE TAKE NOTICE THAT John T. Schroeder, Esq., of
the law firm of Schroeder & Lezamiz Law Offices, Boise, Idaho,
enters an appearance for Chipmunk Grazing Assn, Inc., with regard
to the Motion to File Late Objection to the Director's Report and
any further proceedings on said Objection should the Motion be

NOTICE OF APPEARANCE FOR CHIPMUNK GRAZING
WITH REGARD TO MOTION TO FILE LATE OBJECTION - Page 1

allowed. All further pleadings and correspondence should be delivered to said Attorney at the above address.

Dated this 20th day of September, 1993.

SCHROEDER & LEZAMIZ LAW
OFFICES

By 
JOHN T. SCHROEDER

CERTIFICATE OF DELIVERY

I HEREBY CERTIFY That a true and correct copy of the foregoing Notice of Appearance was hand delivered to the following persons and individuals:

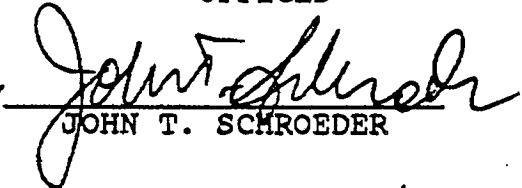
Chief, Natural Resources Division
Office of Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

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

Mr. Alan Johnstone
Route 1, Box 1251
Homedale, Idaho 83638

Dated this 20th day of September, 1993.

SCHROEDER & LEZAMIZ LAW
OFFICES

By 
JOHN T. SCHROEDER

NOTICE OF APPEARANCE FOR CHIPMUNK GRAZING
WITH REGARD TO MOTION TO FILE LATE OBJECTION - Page 2

JOHN T. SCHROEDER, ESQ.
SCHROEDER & LEZAMIZ LAW OFFICES
447 WEST MYRTLE
P.O. BOX 267
BOISE, IDAHO 83701
TELEPHONE: 384-1627

Attorney for Chipmunk Grazing Assn, Inc.

RECEIVED

OCT 01 1993

Department of Water Resources
Adjudication Bureau

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

In Re the General Adjudication of
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
Water System,

Respondents.

Case No. 39576

MOTION OF CHIPMUNK TO
RESET HEARING AND
AFFIDAVIT

Sub Case: 57-10917
57-10921
57-10923
57-10924
57-10944
57-10945
57-10947
57-10660

MOTION

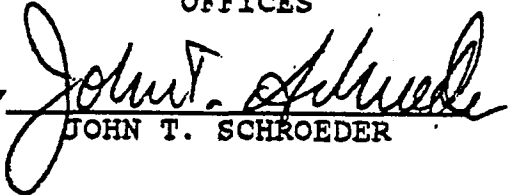
Chipmunk Grazing Association, Inc., by and through its Counsel
of Record, hereby moves the above entitled Court to reset the
Hearing on the Motion to File Late Objection to the Director's
Report, to the October 19, 1993 general session of the Court, for
the reason that Counsel has just been hired and does not have any

MOTION OF CHIPMUNK TO RESET HEARING
AND AFFIDAVIT - Page 1

of the papers or documents at this time and needs further time to prepare. Respectfully submitted.

Dated this 20th day of September, 1993.

SCHROEDER & LEZAMIZ LAW
OFFICES

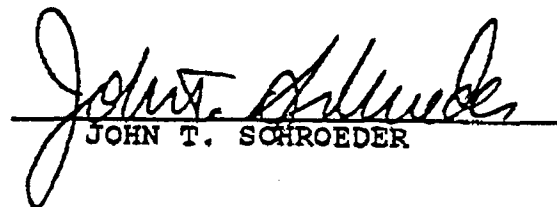
By 
JOHN T. SCHROEDER

AFFIDAVIT

STATE OF IDAHO)
) ss:
COUNTY OF ADA)

JOHN T. SCHROEDER, After first being duly sworn, deposes and states: Affiant was hired last Friday by telephone at about 1:00 P.M. to represent Chipmunk and Joyce Livestock with regard to a Motion to File Late Objection and any subsequent proceeding thereon. As of today, I have no papers or pleadings with regard to the matter, nor have I had an opportunity to personally meet and discuss the case with Client in preparation for any hearing. Affiant needs more time to prepare. Affiant requests that this matter be set over to the October 19, 1993 general session of the Court. Respectfully submitted.

Dated this 20th day of September, 1993.


JOHN T. SCHROEDER

MOTION OF CHIPMUNK TO RESET HEARING
AND AFFIDAVIT - Page 2

SUBSCRIBED AND SWORN TO BEFORE Me this 20th day of September,
1993.

Blaine E. Anderson
Notary Public for Idaho
Residing at Boise, Idaho
Commission Expires: 12/26/97

CERTIFICATE OF DELIVERY

I HEREBY CERTIFY THAT A true and correct copy of the foregoing
Motion to Reset Hearing was hand delivered to the following persons
and entities:

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

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

Mr. Alan Johnstone
Route 1, Box 1251
Homedale, Idaho 83638

Dated this 20th day of September, 1993.

SCHROEDER & LEZAMIZ LAW
OFFICES

By John T. Schroeder
JOHN T. SCHROEDER

MOTION OF CHIPMUNK TO RESET HEARING
AND AFFIDAVIT - Page 3

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SEP 27 1993

Department of Water Resources
Adjudication Bureau

JOHN T. SCHROEDER, ESQ.
 SCHROEDER & LEZAMIZ LAW OFFICES
 447 WEST MYRTLE
 P.O. BOX 267
 BOISE, IDAHO 83701
 TELEPHONE: 384-1627

Attorney for Chipmunk Grazing Assn, Inc.

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
SEP 20 1993	
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 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)
 Water System,)

Respondents.)

Case No. 39576

ORDER ON CHIPMUNK
 MOTION TO RESET
 HEARING

Sub Case: 57-10917
 57-10921
 57-10923
 57-10924
 57-10944
 57-10945
 57-10947
 57-10660

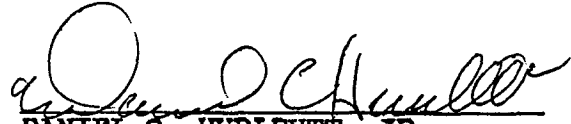
The Motion of Chipmunk Grazing Assn, Inc., to reset the Hearing on the Motion to File Late Objections having come before the Court on this 20th day of September, 1993, and there being good cause to reset the hearing, IT IS HEREBY ORDERED that Chipmunk's Hearing on the Motion to File Late Objections in the above subcases is reset for October 19, 1993 at 1:30 P.M., at the Snake River

SECOND ORDER RESETTING HEARING

Page 1

Basin Adjudication Courthouse in Twin Falls, Idaho.

Dated this 20 day of September, 1993.


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

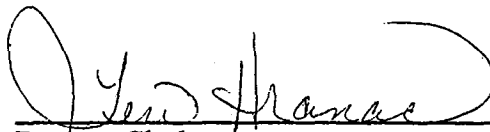
CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER ON CHIPMUNK MOTION TO RESET HEARING** was mailed on September 22, 1993, in an envelope with sufficient first-class postage to the following:

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

The United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, Box 33
Boise, ID 83734

John T. Schroeder
Schroeder & Lezamiz Law Offices
447 West Myrtle
P.O. Box 267
Boise, ID 83701



Deputy Clerk

Schroeder & Lezamiz
Law Offices
447 West Myrtle
Post Office Box 267
Boise, Idaho 83701

RECEIVED
SEP 22 1993
Department of Water Resources
Adjudication Bureau

JOHN T. SCHROEDER
MARGARET M. LEZAMIZ
W. ALAN SCHROEDER*

September 20, 1993

ELAINE E. ANDERSON
Certified Lawyer's Assistant

TELEPHONE (208) 384-1627
FAX (208) 384-1833

*Admitted in Idaho & Washington

Clerk of the Court
Attn: Teri Hranac
Snake River Basin Adjudication
District Court/SRBA Chambers
P.O. Box 2707
Twin Falls, Idaho 83303-2707

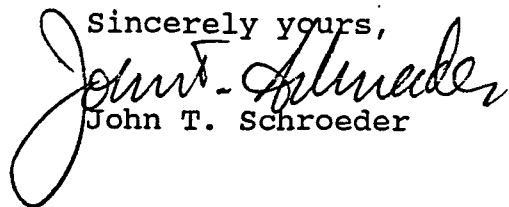
VIA FAX: 736-2121 Re: Chipmunk Grazing Assn, Inc. &
Joyce Livestock

Dear Teri:

We enclose to you the following:

1. Proposed Second Order on Resetting Hearing in the Chipmunk matter.
2. Proposed Second Order on Resetting Hearing in the Joyce Livestock matter.

Thank you for your time and consideration in this matter. It is appreciated.

Sincerely yours,

John T. Schroeder

JTS/j
enc. As stated
cc/w/enc. Chipmunk Grazing Assn.
Joyce Livestock
Alan Johnstone
State of Idaho
U.S. Department of Justice

JOHN T. SCHROEDER, ESQ.
SCHROEDER & LEZAMIZ LAW OFFICES
447 WEST MYRTLE
P.O. BOX 267
BOISE, IDAHO 83701
TELEPHONE: 384-1627

RECEIVED

SEP 22 1993

Department of Water Resources
Adjudication Bureau

Attorney for Chipmunk Grazing Assn, Inc.

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)
)

Case No. 39576

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

ORDER ON CHIPMUNK
MOTION TO RESET
HEARING

Petitioner,)
)

vs.)
)

Sub Case: 57-10917
57-10921
57-10923
57-10924
57-10944
57-10945
57-10947
57-10660

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

Respondents.)
_____)

The Motion of Chipmunk Grazing Assn, Inc., to reset the
Hearing on the Motion to File Late Objections having come before
the Court on this 20th day of September, 1993, and there being good
cause to reset the hearing, IT IS HEREBY ORDERED that Chipmunk's
Hearing on the Motion to File Late Objections in the above subcases
is reset for October 19, 1993 at 1:30 P.M., at the Snake River

Basin Adjudication Courthouse in Twin Falls, Idaho.

Dated this ____ day of September, 1993.

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

JOHN T. SCHROEDER, ESQ.
SCHROEDER & LEZAMIZ LAW OFFICES
447 WEST MYRTLE
P.O. BOX 267
BOISE, IDAHO 83701
TELEPHONE: 384-1627

Attorney for Joyce Livestock Co.

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)
_____)

Case No. 39576

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

ORDER ON JOYCE
LIVESTOCK MOTION
TO RESET HEARING

Petitioner,)

vs.)

Sub Case: 57-10770
57-10598
57-10586
57-10587

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

Respondents.)
_____)

The Motion of Joyce Livestock Co., to reset the Hearing on the Motion to File Late Objections having come before the Court on this 20th day of September, 1993, and there being good cause to reset the hearing, IT IS HEREBY ORDERED that Joyce Livestock's Hearing on the Motion to File Late Objections in the above subcases is reset for October 19, 1993 at 1:30 P.M., at the Snake River Basin

Adjudication Courthouse in Twin Falls, Idaho.

Dated this _____ day of September, 1993.

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

RECEIVED

SEP 01 1993

Department of Water Resources
Adjudication Bureau

478

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
AUG 26 1993
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 the General Adjudication of Rights
to the Use of Water from the Snake River
Basin Water System

Case No. 57-10917; 57-10921;
57-10923; 57-10924; 57-10944;
57-10945; 57-10947; 57-10660

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

Petitioner,

vs.

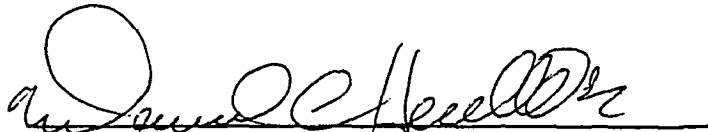
The United States; the State of Idaho; and
all claimants to the use of Water from the
Snake River Basin Water System,

Respondents.

ORDER RESETTING HEARING

IT IS ORDERED the *Motions to File Late Objections* filed in the above subcases are
reset for hearing for September 21, 1993 at 1:30 p.m. at the Snake River Basin Adjudication
Courthouse in Twin Falls, Idaho.

Dated August 16, 1993.


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

CERTIFICATE OF MAILING

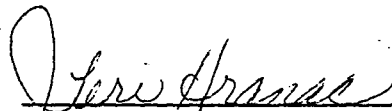
I certify a true and correct copy of the **ORDER RESETTING HEARING** was mailed August 27, 1993, with sufficient first-class postage to the following:

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

Alan Johnstone
Route 1, Box 1251
Homedale, ID 83638

United States Department of Justice
Environment & Natural Resources Division
550 West Fort Street, Box 33
Boise, ID 83734

Chipmunk Grazing Association
P.O. Box 175
Marsing, Idaho 83639


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 Drainage
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.

United States; State of Idaho;
and all unknown claimants to
the use of water from the
Snake River Drainage Basin
Water System,

Respondents.

Case No. 39576

REPORTER'S TRANSCRIPT

BE IT REMEMBERED that the above-entitled matter,
pending in the above-entitled court, came regularly on for
hearing before THE HONORABLE DANIEL C. HURLBUTT, JR.,
District Judge, sitting without a jury, in Twin Falls,
Idaho, at the hour of 1:35 P.M. on Tuesday, August 24, 1993
for ASAY, CHIPMUNK, NETTLETON & PARKINSON MOTIONS and
STATUS CONFERENCE.

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1 COURTROOM OF THE DISTRICT COURT,
2 THERON W. WARD JUDICIAL BUILDING,
3 Twin Falls County, Twin Falls, Idaho,
4 Tuesday, August 24, 1993, 1:35 P.M.
5 *****

6 THE COURT: Again, good day, ladies
7 and gentlemen. This is the District Court of the
8 Fifth Judicial District in and for the State of
9 Idaho. I'm Judge Hurlbutt.

10 We're proceeding on the regularly scheduled
11 status conference in the Snake River Basin
12 Adjudication.

13 Mr. Parkinson, this is Judge Hurlbutt. We
14 are in the courtroom with a number of people
15 present. If you'll be patient, I'll be calling
16 your matter in just one moment.

17 MR. PARKINSON: Okay. Thank you.

18 THE COURT: Ladies and gentlemen,
19 there are a number of matters set for hearing
20 this afternoon.

21 I'll note for the record that Mr. Strong
22 and Mr. Barber are present for the State of
23 Idaho. Mr. Monson is present for the United
24 States.

25 Mr. Monson, do you want to introduce your

1

1 new associate?

2 MR. MONSON: I do, Your Honor. Thank
3 you. With me today is Mr. Leif Johnson who is
4 with our office in Washington, D.C.; and he'll be
5 working on the case, effectively replacing
6 David Harder who has left the department and
7 moved on to New Orleans, the Big Easy.

8 THE COURT: Very well. Thank you.
9 Welcome, Mr. Johnson.

10 MR. JOHNSON: Thank you.

11 THE COURT: Mr. Strong, we do, of
12 course, have the usual matter of taking up
13 certain reporting on the adjudication. Do you
14 want to begin with that, or should we proceed
15 with hearing on these various motions first?

16 MR. STRONG: Your Honor, I propose that
17 we proceed with hearings on the motions so that
18 we don't keep parties around unless they would
19 desire to hear the reports.

20 THE COURT: Very well. I think that's
21 a good suggestion.

22 Because Mr. Parkinson is participating this
23 afternoon by telephone, why don't we begin with
24 his matter. Mr. Parkinson has filed a motion to
25 amend the notice of claim in the director's

2

1 report.

2 Mr. Parkinson, I reviewed the documents
3 you've filed with the court. Was there anything
4 further you wish to state about your motion?

5 MR. PARKINSON: Not really. I think the
6 substance of my motion is what I have worked out
7 with John Josie (sic) over at the BLM and then,
8 in follow-up, talked to Ron Howerton with the
9 Idaho Department of Water Resource.

10 And the only correction they had was on
11 the, oh, on this point of diversion which, you
12 know, we would rather we didn't do other than
13 maybe later by transfer; and that's fine. And
14 then on the -- apparently the State would like
15 to -- you know, because there will be a special
16 visit on one of the wells. They are going to
17 charge me. I think that's fine. They have been
18 very good to me. And I have no doubt it will be
19 very fair.

20 So I think we are all in agreement at this
21 point based on the response that the State has
22 filed. And that's all agreeable with me. So,
23 you know, I could stipulate to that.

24 THE COURT: All right. Thank you,
25 Mr. Parkinson.

3

1 Mr. Barber, did you wish to address the
2 motion?

3 MR. BARBER: Yes, Your Honor. Very
4 briefly. As Mr. Parkinson indicated, I think
5 it's been resolved by the -- by his motions and
6 then by our responses. Several of them simply --
7 and those were, I believe, 93-141 and 165 --
8 simply involved a small addition of land. And we
9 didn't object to those.

10 The others, there were a group, I believe,
11 beginning at 166 through 171 where there is this
12 problem with the point of diversion, the one
13 controversy that we had. And my understanding of
14 the resolution of that is simply that
15 Mr. Parkinson will use the existing point of
16 diversion; and at some point in time, if he deems
17 it appropriate, then file the necessary transfer
18 proceedings with the department.

19 And then with respect to the last one,
20 7521, these are all in basin 57, simply requires
21 a brief visit to the stock tank and to confirm
22 it.

23 So I don't believe there is any controversy
24 at this point in time, and simply ask that the
25 court proceed to allow the amendments as

4

1 indicated with the changes brought forth in my
2 responsive pleading.
3 THE COURT: And how do you intend
4 mechanically to facilitate this agreement? Is it
5 going to be an amendment to the director's report
6 or to the notice of claim?
7 MR. BARBER: Well, I believe the motion
8 asks for an amendment to the notice of claim.
9 And I think what then would happen is that, at
10 least with respect to the 7521 matter, that's
11 going to require a very brief investigation and
12 some type of reporting back to the court.
13 Our responsive pleading was a little vague
14 on this as to whether it will be a supplemental
15 director's report or in some other format. I
16 guess that reflects the fact that we hadn't made
17 a final decision as to how we would recommend to
18 proceed on that. But at least we will come back
19 with some type of report to the court; and if it
20 is not procedurally the way the court would like
21 it, then we will address that issue at that
22 time.
23 I don't know what our final procedure is
24 going to be in terms of that. And that's why the
25 pleading, at least with respect to that one, is a

5

1 little bit vague as to how we would do that.
2 THE COURT: So technically with
3 respect to 7521, we're really dealing with a late
4 notice of claim situation?
5 MR. BARBER: Yes, Your Honor.
6 THE COURT: Well, under these
7 circumstances, I think that would be an
8 acceptable way to proceed without requiring the
9 now standard form for the procedure. I think we
10 can go ahead. I don't want to make this more
11 difficult than it has to be.
12 According to my file, no other party has
13 filed a notice to participate in this motion.
14 Have I missed somebody that intended to speak on
15 the motion?
16 MR. MONSON: Your Honor, we did not --
17 Peter Monson for the United States. We did not
18 file a notice to participate because, as
19 Mr. Parkinson indicated, he has worked it out
20 locally with the bureau of land management.
21 John Josie (sic) is here in the courtroom,
22 and he has confirmed that what Mr. Parkinson said
23 is correct. So we have no problem with the
24 agreement as Mr. Parkinson described it.
25 THE COURT: Well, counsel, I think we

6

1 can proceed on that basis. Mr. Barber I'll leave
2 it to you to draw up whatever documentation we
3 need here, whether it be a stipulation confirming
4 what's been agreed to and how we should proceed.
5 MR. BARBER: Thank you, Your Honor.
6 MR. PARKINSON: Thank you, Your Honor.
7 THE COURT: Thank you, Mr. Parkinson.
8 Mr. Parkinson, that resolves the matter you had
9 before the court. You are welcome to stay on
10 line and listen to the proceedings; or if you
11 would like to sign off, you are certainly free to
12 do that at this point.
13 MR. PARKINSON: I think I will sign off.
14 I thank the court for this accommodation, saving
15 me the drive over there. And, again, I filed
16 this motion just to try to expedite this and to
17 clear this up for you. I hope this will do that.
18 THE COURT: Thank you, Mr. Parkinson.
19 I think we can accommodate your interests, and I
20 appreciate your help. Good day.
21 Counsel, that brings us to the motion to
22 file late objection which has been filed by
23 Reed Z. and Lynette -- is it Asay? Are they
24 here?
25 (No response)

7

1 THE COURT: Well, Mr. Barber, did you
2 want to speak to their motion at this juncture?
3 I know the Asays are not here, but perhaps we can
4 deal with part of this matter.
5 MR. BARBER: Your Honor, we did file
6 the -- the department did file the responsive
7 document to that late objection. It brings up a
8 subject that, as I understand it, we'll discuss
9 in more general, in a more general situation a
10 little bit later.
11 Essentially the objection requests two
12 things. It essentially is a late notice of claim
13 with respect to a certain number of acres, and
14 then really amounts to an objection to another
15 portion of the director's report.
16 I should indicate to the court that on
17 page 2 of the responsive document there's an
18 error of omission. I neglected to put in one
19 line there about a certain number of acres that
20 they had asked for in terms of their proposed
21 objection. And that was in the section 28, the
22 northeast northeast quarter, and in the
23 director's report did not recommend anything with
24 respect to that because it was not claimed. But
25 they did request in the proposed objection

8

1 31 acres with respect to that.
2 THE COURT: I'm sorry. I'm looking at
3 this. Now, which --
4 MR. BARBER: I'm sorry, Your Honor. I
5 apologize for my omission. Let me see if I can
6 be a little bit more clear on the record. In the
7 chart on page 2, Your Honor.
8 THE COURT: Yes.
9 MR. BARBER: And you see a line that
10 says S28.
11 THE COURT: Yes.
12 MR. ANDERSON: And then across from that
13 is northwest northeast.
14 THE COURT: Yeah. Before I thought
15 you said northeast northeast. That's why I was
16 having trouble.
17 MR. BARBER: Well, fine. What I am
18 saying my error is, I should have had one more
19 row underneath the northwest northeast that would
20 indicate northeast northeast.
21 THE COURT: Okay.
22 MR. BARBER: Then for the director's
23 report there should simply be two lines in the
24 column entitled "proposed objection," there
25 should be 31. And "notice of claim" should say

9

1 "not claimed."
2 In any event, Your Honor, what we attempted
3 to do in our reply was to look at this and say
4 what's the substance of what these people are
5 doing; and how do we get this matter determined.
6 And what we think the best way to proceed
7 is is simply allow the objection to stand with
8 respect to a portion of their notice of
9 claim 2253; and, because they claimed initially
10 50 acres, simply allow their objection to stand
11 to the director's recommendation which, I
12 believe, was 43 acres. And for the acreage in
13 excess of 50, which I believe would be 59, simply
14 have them provide a -- go through the procedure
15 for a late notice of claim.
16 I didn't want to be bureaucratic about it
17 and say, well, go file another piece of paper.
18 The problem is that we have some information
19 about this water right. We attached that as an
20 attachment in the report of beneficial use; and
21 that indicated there was only, there were only
22 50 acres used at the time of that exam.
23 So we really don't know the date that you
24 would assign in terms of a priority for a
25 beneficial use claim. So it really requires them

10

1 to file a late notice of claim, and then let it
2 be considered under that procedure.
3 THE COURT: I agree. And that will be
4 this court's order -- allow the objection to
5 stand with respect to the 43 acres; the Asays
6 will be directed to file a late notice of claim.
7 Again, I don't want to be bureaucratic; but
8 I don't think we can really deal with this and
9 deal with a fully reflective record unless they
10 go through that process. And that will allow me
11 to accommodate the interests of the department
12 and allow for the charges for not only the late
13 claim or claim, but for the investigation
14 pursuant to the standard rules.
15 MR. BARBER: Your Honor, would you want
16 me to prepare those papers; or will you prepare
17 those?
18 THE COURT: By "those papers," I
19 guess --
20 MR. BARBER: The order that you were
21 just describing.
22 THE COURT: If you would be kind
23 enough to do it, I would appreciate it.
24 MR. BARBER: I would be happy to
25 forward that down, and I will forward a copy to

11

1 the Asays also.
2 THE COURT: Thank you very much,
3 Mr. Barber.
4 MR. MONSON: Your Honor, if I could?
5 As a point of clarification, I was wondering.
6 There is some confusion, at least on our side, as
7 to some legal descriptions and that sort of
8 thing.
9 I was wondering will other parties have an
10 opportunity, then, to file responses to the
11 objection that you are allowing?
12 THE COURT: Yes.
13 MR. MONSON: And what is the time frame
14 for that?
15 THE COURT: What's your suggestion?
16 MR. MONSON: 60 days?
17 THE COURT: Mr. Barber, would that be
18 appropriate?
19 MR. BARBER: I have no problem with
20 that time period. Clive, do you have any?
21 THE COURT: Mr. Barber, then why don't
22 you include that in the order.
23 And, yes, Mr. Monson, I think that's a good
24 suggestion. Thank you.
25 MR. MONSON: Thank you, Your Honor.

12

1 THE COURT: Is there anything further
2 we should take up with respect to the Asay
3 motion?
4 (No response)
5 THE COURT: Let me proceed to the
6 motion to file late objections filed by Chipmunk
7 Grazing involving several subcases.
8 Good afternoon, sir. Your name is?
9 MR. BLACKSTOCK: Dennis Blackstock.
10 THE COURT: And How do you spell your
11 name for the record.
12 MR. BLACKSTOCK: B-l-a-c-k-s-t-o-c-k.
13 THE COURT: And, Mr. Blackstock, you
14 are representing Chipmunk Grazing?
15 MR. BLACKSTOCK: Yes.
16 THE COURT: And your capacity with
17 Chipmunk Grazing is what? How are you related to
18 the Chipmunk Grazing.
19 MR. BLACKSTOCK: I'm on the board of
20 directors. May I propose that we hear
21 Paul Nettleton's motion as well, together with
22 mine? It is the same -
23 THE COURT: Mr. Barber.
24 MR. BLACKSTOCK: -- one.
25 MR. BARBER: Counsel was talking to me

13

1 at the time, so I am not sure I heard the
2 question. But I am guessing it was concerning
3 Paul Nettleton, whether he wants to have it heard
4 at the same time. I would have no objection, if
5 that's what the request is.
6 MR. MONSON: United States has no
7 objection to that request, either.
8 THE COURT: Certainly. Then why don't
9 we proceed.
10 Sir, your name is?
11 MR. NETTLETON: Paul Nettleton.
12 THE COURT: And you are the
13 Paul Nettleton who filed the motion, is that
14 correct.
15 MR. NETTLETON: Correct, sir, for
16 Joyce Livestock.
17 THE COURT: Please be seated.
18 Counsel, in these two matters we have
19 objections to the motion filed both by the
20 United States and by the State of Idaho
21 Department of Water Resources. Perhaps to focus
22 the issues, it might be easier to take up the
23 objections first; and then I can ask
24 Mr. Blackstock and Mr. Nettleton to explain how
25 we might deal with those difficulties.

14

1 MR. BARBER: Yes.
2 THE COURT: Mr. Barber.
3 MR. BARBER: Yes. Your Honor, we filed
4 a responsive pleading with respect to both of
5 these matters. And the substance of it was the
6 same.
7 We simply think that before someone can
8 file a late objection they need a pretty good
9 reason, and need to explain that. And in the
10 documents that we received there wasn't that kind
11 of explanation.
12 My best understanding is they are going to
13 provide at least some explanation to you today.
14 And since I have only listened to that for a
15 couple of minutes, I would like some opportunity
16 to comment about that.
17 I have one other concern that just was
18 raised by the statements of Mr. Blackstock here.
19 I don't believe he is an attorney licensed to
20 practice in this state. He can certainly appear
21 pro se for himself; but if he starts representing
22 people, then there becomes a problem associated
23 with that.
24 And I don't know -- I don't believe he very
25 knowledgeable about that particular area of law.

15

1 But I think there needs to be some clarification
2 with respect to how he's appearing today,
3 Your Honor.
4 That's all I have in terms of comments.
5 THE COURT: Thank you, Mr. Barber.
6 Mr. Monson?
7 MR. MONSON: Thank you, Your Honor. I
8 too will be quite brief. We share the same
9 concerns that the State of Idaho has about the
10 lack of any explanation supporting the motions to
11 file the late objections, both by the Joyce
12 Livestock Company and Mr. Nettleton and by, or by
13 Chipmunk, thank you, sorry, Chipmunk Grazing.
14 Essentially our concern is one of
15 protecting the procedures of the court as well as
16 protecting federal rights. The objections, the
17 merits of the objection that are at issue here
18 have to concern water rights that are used on
19 federal lands.
20 As I understand the facts of the case, the
21 proposed objectors here, Joyce Livestock and
22 Chipmunk Grazing, both are permittees on BLM
23 lands. And they are seeking to claim water
24 rights on those lands to graze their livestock.
25 United States has claimed water rights for

16

1 the purpose of grazing livestock on the very same
2 lands. And so the issue is really who owns the
3 water rights.

4 The objectors have in our view had more
5 than adequate notice about the existence of the
6 proceedings. They had the round one service of
7 notice; they had round two service of notice.

8 And there was even a special round of notice to
9 people who used federal lands, sort of a third
10 round of notice, of the existence of the case.

11 They filed their claims. The claims were
12 disallowed by the department of water resources.

13 It was clear in the department's notices
14 that were given, again, to all the claimants that
15 anybody who had an objection to their own rights
16 as well as another's rights could file those
17 objections, and must file those objections.
18 Otherwise, they are deemed waived.

19 The department disallowed these particular
20 claims. The claimants here are seeking to
21 reinstate by their objections. But they do so
22 nearly four months late. The closing date for
23 basin 57 was March 1st, 1993; and they are now
24 seeking to file objections.

25 I believe that they filed the papers on or

17

1 around the end of June, first part of July. And
2 in the papers there is no indicia, no explanation
3 as to why the claims were filed late. And we
4 think that at a minimum there ought to be an
5 explanation as to the reason for the late
6 filing.

7 In our view, and one of the positions that
8 we suggested in the briefs is that late
9 objections ought to be treated in the same
10 fashion as late claims. In other words, that
11 there be both an explanation as to the reason for
12 the delay in filing the claims, and that there
13 also be some showing that the claims have some
14 merit.

15 And on that point, we would suggest to the
16 court that the objections that, the late
17 objections here, there really is very little
18 merit in that. It is a matter of traditional
19 water law in Idaho and elsewhere that the water
20 rights are appurtenant to the land on which they
21 are used. That's reflected in the Idaho Code and
22 in fact even in the adjudication code at
23 42-1402.

24 And it is our position that if the court
25 were to adopt the standard that governs the

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1 filing of late claims which would require both a
2 showing of excusable neglect for the lateness of
3 the claim for the objection, and some showing on
4 the merits that there's at least a substantial
5 question raised by the objection or the late
6 claim as the case may be, that in neither of
7 those two tests would these particular objections
8 stand. And so we would oppose, and we do oppose,
9 their filing the late objection at this time.

10 Thank you.

11 THE COURT: Thank you, Mr. Monson.

12 Mr. Blackstock, let me first turn to you.

13 Sir, you are a member of the board for Chipmunk
14 Grazing; is that correct?

15 MR. BLACKSTOCK: Yes, Your Honor.

16 THE COURT: And I take it you are not
17 an attorney.

18 MR. BLACKSTOCK: No, Your Honor.

19 THE COURT: And what you wish to do
20 here is speak for Chipmunk Grazing on this issue,
21 is that right?

22 MR. BLACKSTOCK: Yes, Your Honor.

23 THE COURT: Have you or has Chipmunk
24 Grazing consulted with an attorney about how to
25 proceed in this action?

19

1 MR. BLACKSTOCK: Yes, I have, Your Honor.

2 THE COURT: And was counsel -- did you
3 request your attorney to come and appear and
4 speak for you in this case?

5 MR. SCHROEDER: Your Honor, if I may
6 briefly, I am John Schroeder. Chipmunk has not
7 hired me. I am a lawyer admitted to practice in
8 the State of Idaho.

9 They haven't hired me to do anything with
10 regard to this except, except last night to kind
11 of educate them a little bit on His Honor and the
12 courtroom and procedures. And they elected to go
13 on it by themselves, and they don't wish me to
14 participate.

15 So for the court's convenience, I wanted
16 the court to know that I am here. But they have
17 not hired me to do anything with regard to
18 arguing it or participating in the case or
19 anything like that. They've elected to do it
20 themselves.

21 In fact, the objection, the pleadings that
22 have been filed by Chipmunk are in their own
23 name. Mr. Blackstock signed those. So the court
24 is aware of that, I wanted to offer that.

25 THE COURT: Mr. Blackstock, the

20

1 situation is you can represent yourself
2 individually. You can represent your own
3 property or other legal interests. You are not
4 allowed to represent others.
5 Now, as I understand it, you're attempting
6 to represent others. While you are a member of
7 the board for Chipmunk Grazing, I assume you are
8 representing not only yourself as a shareholder,
9 but others who are also shareholders. And for
10 that reason, I'm not allowed to allow you to
11 speak on behalf of those other interests.
12 Now, what I can do perhaps is continue this
13 matter to allow you to seek representation and
14 present your case in court. I would certainly be
15 happy to do that. I don't hear any objection to
16 continuing the matter, and I'll have to deal with
17 that.
18 Mr. Blackstock, how -- would you like to
19 continue this matter so that you can seek
20 representation?
21 MR. BLACKSTOCK: Yes, I would, Your Honor.
22 THE COURT: And please understand. I
23 have no problem with you representing your own
24 interests. But I would be remiss if I allowed
25 you to represent the interests of others under

21

1 these circumstances.
2 Mr. Barber, do you have any objection to
3 continuing their motion?
4 MR. BARBER: No objection.
5 THE COURT: Mr. Monson?
6 MR. MONSON: No objection, Your Honor.
7 THE COURT: Mr. Blackstock, then I
8 will continue this matter to September 21st, the
9 next regularly scheduled status conference. I
10 will set it for 1:30 in the afternoon.
11 MR. BLACKSTOCK: Thank you, Your Honor.
12 THE COURT: Mr. Blackstock, I'm sorry
13 for any confusion that may have been caused. I
14 appreciate your patience.
15 Mr. Nettleton, let me ask you: You are
16 here representing Joyce Livestock Company, is
17 that correct?
18 MR. NETTLETON: Yes, Your Honor.
19 THE COURT: Sir, are you a member of
20 the board?
21 MR. NETTLETON: I am Joyce Livestock
22 Company.
23 THE COURT: Okay.
24 MR. NETTLETON: I am -- Joyce Livestock
25 Company is a limited family partnership of which

22

1 I am the general partner.
2 THE COURT: Mr. Barber?
3 MR. BARBER: I'm not sure how it
4 applies in that circumstance, Your Honor, to be
5 very honest.
6 THE COURT: I have to confess.
7 I've -- I think it is the same problem.
8 MR. STRONG: I'm fairly certain it is
9 the same issue.
10 THE COURT: I believe notwithstanding
11 the fact, Mr. Nettleton, you are a general
12 partner, which puts you in an entirely different
13 position than Mr. Blackstock, it still means that
14 you would be representing the property interests
15 of limited partners who are members of the
16 irrigation -- or of the livestock company.
17 MR. NETTLETON: Your Honor, I am, if there
18 is such a thing, the registered agent. I mean I
19 have conducted all the business of Joyce
20 Livestock Company. I am the only general
21 partner. I am the managing partner of the
22 partnership.
23 THE COURT: How many limited partners
24 are there, sir?
25 MR. NETTLETON: About seven minor aged

23

1 children who are -- I'm their parent.
2 THE COURT: So they are your
3 children.
4 MR. NETTLETON: I am the parent of four of
5 them. Let's put it that way.
6 THE COURT: And what's your
7 relationship with the other three limited
8 partners?
9 MR. NETTLETON: Two nieces and a nephew.
10 THE COURT: Well, under general
11 partnership law, the limited partners still are
12 property owners with separate and distinct
13 interests. And I think the problem is the same.
14 Mr. Monson, do you have any thoughts on the
15 subject? Or Mr. Johnson?
16 MR. MONSON: Your Honor, I don't have
17 any specific thoughts on the nature of limited or
18 general partnerships; but I do have a possible
19 suggestion that might help us out. If we could
20 defer -- since the issues raised in
21 Mr. Nettleton's case are the same as for Chipmunk
22 Grazing, we might as well hear them at the same
23 time. And that would be to continue
24 Mr. Nettleton's case as well to the next status
25 conference. That would give him time to sort out

24

1 the representation problem.

2 THE COURT: Mr. Nettleton, would you
3 be willing to do that? I think the suggestion is
4 that perhaps you ought to seek legal advice on
5 whether you are in a position where you can
6 proceed, whether I can allow you to proceed
7 without counsel or not.

8 MR. NETTLETON: Well, Your Honor, I guess
9 I'm somewhat confused. If the registered agent
10 of the partnership is not allowed to speak for
11 the partnership, then who is? Does that require
12 legal counsel in every case?

13 THE COURT: Well, if it was a simple
14 partnership, you probably could speak for the
15 partnership. The problem here is that it is a
16 limited partnership. And the interests of
17 limited partners are somewhat different from
18 those of general partners.

19 General partners are co-equal owners and
20 managers of the business. The limited partner,
21 though, has a somewhat different role and has
22 limitations on management activities in which
23 they can be involved. They almost operate as
24 shareholders, and shareholders --

25 MR. NETTLETON: Your Honor, if it will

25

1 help, I own about 68 percent of the shares of
2 this partnership which makes me also, I guess,
3 the majority partner.

4 THE COURT: It certainly does.

5 Mr. Barber, let me ask: Does the State
6 have any objection to Mr. Nettleton representing
7 the limited partnership in this situation?

8 MR. BARBER: Well, Your Honor, you
9 never like to object to someone on this basis
10 because they are a pro se claimant. And on the
11 other hand, we thought we had an ethical
12 obligation to raise the issue to the court. I
13 simply don't have a good enough understanding of
14 that area of the law to know whether we have a
15 problem or not.

16 If I could recommend something to the
17 court, it might be easier for the court to
18 resolve that in chambers in a five-minute recess
19 in talking with other members of the court staff,
20 and may well assist you. And I recommend that if
21 it would at least increase your comfort level you
22 take that five-minute recess, and come back and
23 we can proceed on how to court determines to do
24 so.

25 THE COURT: Well, counsel, I think

26

1 I'll resolve it this way: I'm going to accept

2 Mr. Monson's recommendation that, whoever speaks
3 for Joyce Livestock, the matter will be
4 continued. And we'll take that motion up
5 simultaneously with the Chipmunk Grazing. I
6 don't think it particularly makes any sense to
7 deal with them separately.

8 In the meantime, Mr. Nettleton, I will
9 review this matter and notify you whether or not
10 you can proceed on behalf of the limited
11 partnership. And I don't know that there will be
12 a quick and easy answer; but I will come up with
13 an answer and notify you hopefully this week so
14 you'll know immediately whether you will be able
15 to speak or you'll be required to bring in legal
16 counsel on your behalf.

17 MR. NETTLETON: Thank you, Your Honor.

18 MR. BARBER: Your Honor, would we be
19 able to get a copy of whatever you send out so we
20 know what the status is also?

21 THE COURT: I will issue a written
22 decision on that matter and then circulate it to
23 parties who participate here as well as the court
24 service list.

25 MR. BARBER: Thank you very much.

27

1 MR. MONSON: Thank you, Your Honor.

2 THE COURT: Mr. Nettleton,
3 Mr. Blackstock, thank you for appearing again.
4 I'm sorry that there's some confusion here.
5 We'll try to get it resolved so we can deal with
6 the specifics of the issues that you brought to
7 my attention. Thank you.

8 Finally, before the court today is the
9 continued matter of the Hagerman Water Right
10 Owners' motion and the cross motion of the
11 department of water resources with respect to the
12 management and preservation of documents. I
13 don't know precisely what we are taking up, or
14 whether this is just an opportunity for a further
15 status conference on that.

16 Mr. Brown or Mr. Barber, did you wish to
17 report?

18 MR. STRONG: Your Honor.

19 THE COURT: Mr. Strong.

20 MR. STRONG: If I might, I can respond
21 to that.

22 THE COURT: Please, sir.

23 MR. STRONG: The draft disclosure order
24 that the parties have continued to work on, a
25 more recent draft had been circulated as of

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1 July 30th of this year. The steering committee
2 discussed the issue yesterday. We've agreed that
3 the comments on that draft disclosure order will
4 be due to my office by September 7th; that we
5 will schedule one additional meeting; and then
6 hope to report a final resolution on that matter
7 at the September status conference.

8 Presently there are about three issues that
9 we are still working on. So we have made
10 substantial progress, but we are not in a
11 position at this time to finally recommend to the
12 court a resolution of that issue.

13 THE COURT: Thank you, Mr. Strong.

14 Did anyone else wish to comment on the
15 management and preservation of documents issue?

16 MR. BROWN: Your Honor, I'm a bit
17 confused. As I understood my conversation with
18 Mr. Strong earlier -- and it is true that we are
19 working on a draft. This is the first I've heard
20 that the steering committee met to discuss the
21 motion. So I don't know what transpired there
22 and what changes have been made, if any.

23 So I don't represent to the court that I
24 can concur in those or that a stipulation will be
25 resulting. I do agree that it is time to move

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1 this matter along and, based upon whatever comes
2 out of the next round, should go to hearing on
3 the next status conference date.

4 MR. STRONG: Your Honor, that
5 representation -- if there's any confusion, the
6 steering committee just agreed on the procedure
7 of our schedule to go forward. There was no
8 final resolution or changes at that meeting in
9 terms of the document itself. So Mr. Brown is
10 correct that we are still working on those
11 issues.

12 THE COURT: So as I understand it,
13 whatever stipulation is agreed upon by the
14 parties will be presented at the November status
15 conference. Any unresolved issues, then, will be
16 subject to hearing at that conference so that the
17 court can resolve them.

18 MR. STRONG: Our hope is we will be
19 able to advise the court of the resolved issues
20 at the September status conference. And that any
21 unresolved issues, we would go ahead and schedule
22 for a particular hearing at an appropriate time.
23 And we can handle that at the September status
24 conference.

25 THE COURT: So for unresolved issues,

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1 we'll simply schedule a hearing, then, on those
2 issues. Very well. Thank you, Mr. Strong.

3 Mr. Strong, did you wish to report on other
4 matters that --

5 MR. STRONG: Yes, Your Honor. There
6 are several matters that you requested the State
7 to comment upon. And I'm prepared to go forward
8 with those matters, if it is appropriate at this
9 time.

10 I believe it was at the June status
11 conference you requested some information or
12 direction from the department with regard to the
13 handling of the motions to amend claims that are
14 filed after the director's report is filed. And
15 we see that as being two -- the issue really
16 breaks down into two parts.

17 You got the type of amendments to claims
18 that really don't result in any substantive
19 change in the water right per se in that it would
20 injure some other party. And those, we believe,
21 are ones that can be easily taken care of, such
22 as clerical errors or simple legal description
23 changes that parties may have failed to observe
24 or discover in the objection-and-response process
25 or through the error-correction process.

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1 The ones that are more problematic from our
2 perspective are those types of amendments that
3 increase the amount of water being claimed or
4 attempt to advance a priority date, something
5 that would work injury to another party. We see
6 those types of claims as creating significant
7 notice problems.

8 We're concerned that a large number of
9 those claims, if granted, could wreak havoc on
10 the process that's in place statutorily in terms
11 of trying to use the director's report as a
12 mechanism for providing adequate notice to all
13 parties of what is being claimed so they have an
14 opportunity to file objections and responses.

15 It is for that reason that when we look at
16 those amended claims that we think that there
17 needs to be some additional showing required in
18 order to accept those amended claims.
19 Specifically we believe that there needs to be
20 some exceptional showing of why the claim was not
21 originally filed during the claims objection
22 period or before the filing of the director's
23 report; and that there also should be some
24 requirement that the party make some showing that
25 there is a substantial question with respect to

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1 the way the claim is presently being presented
2 and some likelihood of prevailing on that issue.
3 The articulation of that standard is
4 difficult; but we think it is something akin to a
5 rule 60(b) motion where you are coming in and
6 trying to set aside a resolved issue. We think
7 standards similar to that would be appropriate in
8 the context of motions to amend claims after the
9 director's report is filed.
10 We specifically feel that there is a real
11 need for notice. And the notice, I think, can be
12 accomplished through two different mechanisms --
13 one, through the docket sheet obviously in terms
14 of the preparation of the motion; and then, if it
15 is granted, a need to have that right listed in
16 some supplemental director's report. And if that
17 were to occur, we believe that those costs that
18 are associated with the preparation of that
19 report should appropriately be charged to the
20 party or claimant requesting that change.
21 So in general, that's how we see the issue,
22 what the way we recommend proceeding on it. We
23 have no objection, and in fact think it would
24 probably be beneficial, to have some form of a
25 standardized motion or form for filing amended

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1 claims. But we do, as a threshold matter, want
2 to ensure that the parties demonstrate a
3 substantial need and reason for not meeting the
4 original deadlines. Otherwise I think we lose
5 the integrity of the process that has been
6 established pursuant to the statute.

7 THE COURT: Was it your intention to
8 propose a standard form for a late -- or for a
9 motion to amend a claim as a late claim?

10 MR. STRONG: Your Honor, our
11 understanding was from the request of the court
12 that we were to give you our thoughts with regard
13 to that matter. We've done that. If the
14 direction would be for us to go forward and draft
15 a proposal, we certainly could do that.

16 THE COURT: Well, I think the
17 suggestion is a good one. If you want to take a
18 shot at it, you can. Otherwise I'm prepared to
19 draft, as we have with the late notice of claim
20 form, a form that would similarly deal with a
21 motion to amend claims. And then we could
22 circulate it to the court's service list asking
23 for comments, and then ultimately adopt it in the
24 same format as we have with other standard form
25 orders as a part of the administrative order one.

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1 MR. STRONG: Perhaps before we decide
2 on how to proceed on that, we ought to talk about
3 a couple of other matters, I think, that are
4 related to that issue. The court also requested
5 comment from the department with regard to filing
6 late objections and responses.

7 And we see the issue with late objections
8 and responses being very similar to the issues
9 being raised by amended claims, particularly in
10 instances where the objection is to the
11 claimant's own water right. With the claimant's
12 own water right, they have an opportunity to
13 initially file the claim, a second opportunity to
14 review the claims through the error-correction
15 process. And we believe through those two
16 processes that they have had significant
17 opportunity to ensure that that right is as
18 should be reported.

19 Nonetheless, we are still finding a
20 significant number of objections that are coming
21 in that are identifying errors that could have
22 been identified or should have been identified
23 through the error-correction process. And we
24 recognize we are going to have to deal with
25 those, and that they will have to be handled.

35

1 But, nonetheless, we still believe that
2 there should be some showing of justification for
3 the late objection, a significant showing, and a
4 showing that the basis for the objection is
5 something that would raise a substantial
6 question, i.e., we're concerned about late
7 objections that might be frivolous. And we want
8 to make sure that there is some mechanism for
9 ensuring that there is a substantial basis for
10 proceeding on that objection.

11 The difficulty with those objections,
12 particularly if they are filed too late in time,
13 is we may be past the time in which we have
14 decreed water rights within a particular basin.
15 And then it becomes very difficult to find
16 closure with respect to any of the issues in the
17 adjudication.

18 So, again, what we would advocate would be
19 a fairly substantial threshold requirement for
20 the parties to come forward and show
21 justification for the filing of the late
22 objection.

23 Our concerns aren't quite as high, but
24 still some of the same concerns are raised with
25 objections to third-party claims. The major

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1 concern with objections to a third-party claim is
2 a concern that allowing a late objection may
3 cause others to want to reassess their need for
4 filing an objection or a response.
5 And, again, we are concerned about trying
6 to reach closure on what the issues are so that
7 we can bring finality to those particular
8 subcases. And it's for that reason we think the
9 same kind of standard, some substantial showing,
10 should be required for filing objections to
11 third-party claims.
12 There was a third matter, I think, that
13 fits in the same category, and that is: How do
14 we handle procedurally corrections in the
15 director's report that are discovered after the
16 filing of the director's report? In that
17 respect, we're prepared to suggest to the court
18 that we think the way to handle those would be
19 through a motion that would be filed with the
20 court, and scheduled to be heard at the same time
21 as the unobjected claims are heard. That would
22 then be noticed up through the docket sheet
23 procedure.
24 And by that mechanism, we could get the
25 pleadings conformed at the time of the decree of

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1 the unobjected to claims and have a universe of
2 pleadings that represent what the actual
3 pleadings will be in the subcases. And that
4 would be our recommendation with regard to that
5 procedure.
6 THE COURT: The motion would be --
7 this motion would be entitled what? Motion to
8 amend the director's report?
9 MR. STRONG: Motion to amend the
10 director's report to correct clerical errors. It
11 would be limited to that particular purpose.
12 THE COURT: Would this begin the
13 running of a new objection-response period with
14 respect to those corrections?
15 MR. STRONG: Your Honor, we would not
16 foresee that as being a new objection-response
17 period. Instead, we would see it as traditional
18 motion practice where people could intervene or
19 appear in that motion and object.
20 If we found that people were objecting to
21 the particular correction, let's say it is an
22 unobjected water right, then that would not be
23 decreed at that time. We could set it up as a
24 separate subcase and handle that issue through
25 the subcase proceeding. If it is an objected to

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1 water right, then we would assume it would just
2 go through the regular subcase proceeding.
3 THE COURT: Mr. Strong, in those
4 situations where -- well, let me ask you: When
5 you talk about correcting clerical errors, how
6 are these clerical errors discovered? Are they
7 discovered as a result -- or what if the claimant
8 discovers a clerical error? Is the claimant
9 required to file an objection? Or is this a
10 matter that they bring up with the department,
11 and that's what generates this amendment to
12 correct clerical errors? Or what universe of
13 problems are we dealing with here?
14 MR. STRONG: Okay. Your Honor, as I
15 see it, there are -- the following situations
16 have occurred. There have been instances where
17 we have reported the water right as claimed. And
18 after the reporting, it has gone through the
19 error-correction process; nobody has identified
20 an error; and then ultimately the claimant
21 recognizes that the way the claim was originally
22 filed had an error in it, seeking that
23 correction.
24 The second situation that we have seen is
25 instances where there may have been an error in

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1 the process of preparing the director's report
2 that was not discovered between the claim, the
3 way the claim was filed and between the way the
4 director's report appeared; and, for some reason,
5 during the error-correction process, the claimant
6 did not discover it or report it to the
7 department.
8 The third situation is instances where we
9 simply through the review of our own files
10 discover that error. And it is those three
11 situations that we have contemplated could be
12 handled through this motion practice.
13 Now, certainly from a claimant's
14 standpoint, if it is an error that they have made
15 or have failed to set forth in the claim, it is
16 something that they are going to need to bring
17 forward through some motion. We would not be
18 aware of that.
19 The other two instances are situations
20 where we could simply agree to handle that
21 through the error-correction process. From a
22 claimant's standpoint, they may wish to file an
23 objection simply to protect themselves. But
24 certainly the department is committed to going
25 forward and filing the types of motions that are

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1 necessary to correct any errors that we discover
2 or brought to our attention by the claimants.
3 THE COURT: If it is a situation where
4 the, however the error gets into the director's
5 report, it is later discovered by the claimant
6 who files an objection, the department agrees
7 there is an error, files this motion, it goes
8 into the subcase where the objection resides,
9 then it simply would be the task of the court to
10 either work with the parties to enter a
11 stipulation to terminate the case or figure out
12 some other mechanism to enter a partial decree
13 that the parties agree to.
14 MR. STRONG: That's correct,
15 Your Honor. Our view would be to try to use the
16 subcases as much as we possibly can to resolve
17 those claims. Depending upon the type of error,
18 then we have to look at the specific notice that
19 we may need for that particular situation.
20 THE COURT: So what we are
21 contemplating here would be a universe of
22 standard motions that would be available to
23 claimants -- one that would cover motions to
24 amend claims which would be filed following the
25 filing of a director's report; a motion to file

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1 late objections and responses; a motion to --
2 MR. STRONG: Correct clerical --
3 THE COURT: -- amend the director's
4 report to correct clerical errors; and then the
5 already existing motion file a late claim.
6 MR. STRONG: I think the motion to file
7 late claims falls into the same category as the
8 motion to amend type of claims. There should be
9 some substantial showing with respect to those as
10 well.
11 THE COURT: Yes. But there would be
12 essentially four different vehicles that we're
13 talking about that would be adopted in a standard
14 format requiring certain showings in order to get
15 into the ballpark to file a late notice of claim,
16 amend a claim, correct clerical errors, or file
17 late objections and/or responses.
18 MR. STRONG: Potentially it could be
19 that. But I also see that there would be a
20 possibility of combining some of those. For
21 instance, the motion to amend claim or motion to
22 file late claim are in essence fairly similar;
23 and there would be an ability, perhaps, to make
24 that one form.
25 THE COURT: Yes. I'll have to

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1 consider that. I guess the essence of the
2 function is the same either way, but I would have
3 to think about that some more.
4 Are there any distinctions between those
5 two processes that you discern?
6 MR. STRONG: The only major distinction
7 is that with the amended claim you've already got
8 a claim form out there, and somehow you would
9 have to reflect what that amended claim looked
10 like. But in substance you are attempting to do
11 the same thing, which is to change the claim to
12 make it look different.
13 With a late claim, you are simply bringing
14 it forward at a later time. So I see those as
15 being very similar from my perspective.
16 THE COURT: Anything else on that
17 topic, Mr. Strong?
18 MR. STRONG: No, that was all I had to
19 provide the court on those topics. There was
20 another procedural matter that I wanted to bring
21 to the court's attention. It was an issue that
22 we discussed some time ago with regard to the
23 ownership issue, where a party desires to make a
24 change in ownership and wants to file a motion
25 with the court.

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1 The court has adopted a standardized form
2 with respect to those issues. But one issue that
3 it doesn't contemplate is a situation where we
4 have a split claim, where someone has filed an
5 original claim with the court and since that time
6 has subdivided the property or somehow split the
7 property and the water right.
8 At the present time the standardized form
9 isn't adequate for the purposes of us being able
10 to evaluate whether a split claim situation
11 exists.
12 THE COURT: It wasn't intended to
13 cover a split claim.
14 MR. STRONG: I recognize that,
15 Your Honor. But what I'm going to propose is
16 that the addition of a question to that
17 standardized form as to whether the claim is
18 being split could substantially facilitate our
19 review of those particular claims, and may avoid
20 the need for an additional set of forms.
21 THE COURT: Well, in my view a split
22 claim is a late claim.
23 MR. STRONG: Well, Your Honor --
24 THE COURT: It has nothing to do with
25 a change in ownership. But educate me.

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1 MR. STRONG: Your Honor, in our view
2 split claim would not be a late claim because
3 what you are doing is you are taking a claim that
4 has already been filed with the court; and you
5 are simply splitting it into different parts. So
6 you are not increasing the water right. You are
7 simply representing it as a fraction of the
8 original water right.

9 So the claim was originally before the
10 court; and it is simply being represented -- and
11 the way we've done it with our standard claims is
12 to subdivide them as an A and B suffix showing
13 the water right is just simply being split. It
14 is not being increased or changed.

15 THE COURT: It is not two new water
16 rights? In one sense I see that it is not, and
17 in another sense I see that it is.

18 MR. STRONG: Hypothetically you could
19 classify that as two separate water rights
20 because they now have separate numbers. But it
21 is really the same water right.

22 It is no different than having 40 acres and
23 dividing that 40 acres into 20-acre parcels.
24 Since the whole claim was originally before the
25 court, we don't see that as being late. It's

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1 simply trying to reflect what the actual
2 ownership patterns may be with respect to that
3 water right that has been subdivided.

4 THE COURT: But now we have two water
5 right numbers that nowhere appear in the
6 director's report.

7 MR. STRONG: They don't appear within
8 the director's report; but they are still the
9 representation of the A and B suffix. And we
10 could continue forward, I assume, to treat those
11 as one subcase rather than two separate subcases;
12 and then the ownership issue could be handled
13 through that process.

14 THE COURT: I guess my difficulty is I
15 don't see this as strictly a change in
16 ownership. If it is not a late claim, isn't it
17 an amended claim, making two claims out of one,
18 both of which get new water right numbers? I
19 don't know how the department has handled it in
20 the past. Somehow I'm finding it icky. That's a
21 term of art.

22 MR. STRONG: I agree with you. It is
23 an icky situation. But, nonetheless, the
24 practical realities of life are that people are
25 going to change how they own property. They are

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1 going to split it amongst themselves.

2 We are simply trying to treat it as a
3 practical situation. It is not an increase in
4 the amount of water that's being claimed. It is
5 not an increase in the duty of water or any of
6 the other elements. It's simply that somebody
7 owning 20 acres or 40-acre parcels and somebody
8 else owning 20 acres and they are simply taking
9 the water that's necessary to irrigate that same
10 amount of land.

11 So if we went forward and decreed both of
12 those water rights through one subcase and if
13 there was an objection filed to it, it is not
14 doing injury to anybody else. It is not changing
15 the practices that have gone on. It is simply
16 reflecting a change in who owns what portion of
17 that particular right.

18 And again, you know, I couldn't quibble
19 with you over the idea that it could be viewed as
20 an amended claim because you are changing the way
21 the ownership looks. But as a practical matter
22 if you look --

23 THE COURT: You are changing the
24 acreage, too.

25 MR. STRONG: Well, no, you are not

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1 changing the acreage. It is still the same
2 acreage. It is just simply being owned by two
3 different people. If you put it back together,
4 the same water right would look the same in terms
5 of a split claim.

6 THE COURT: That's true, but they
7 still have new numbers.

8 MR. STRONG: That's true.

9 THE COURT: I think the best way to
10 deal with this, Mr. Strong, if -- why don't you
11 submit to me how the form ought to look and how
12 that question would help this situation. I
13 certainly want to consider that.

14 I can't agree with you more. We have to
15 deal with real life. In real life these will be
16 transferred; and there will be a splitting of the
17 right in that sense. And I mean we got to
18 accommodate that phenomenon. And the only issue
19 is what is the most sensible way to accommodate
20 that phenomenon so that the department and court
21 can deal with it and the record is complete.

22 MR. STRONG: Okay, Your Honor. I'll be
23 pleased to provide that. We will get it in
24 within the next few weeks.

25 THE COURT: Excellent.

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1 MR. STRONG: There were two other
2 matters that I wish to report on. One, the court
3 had requested simply an update on of where we are
4 at with the test basins that we are moving
5 forward with.

6 With respect to the first issue, the
7 Snake Plain Aquifer study, the court had
8 requested that the State report on the progress
9 of that study at its monthly status conferences.
10 I have discussed with Wayne Haus (sic) of the
11 department of water resources the status of that
12 study.

13 He's indicated that at the present time
14 they are close to completion of the inputting of
15 the land-use data that goes into the modeling,
16 and that they are now working on updating the
17 return flow and diversion data that goes into the
18 model. He indicates that the study is still on
19 schedule.

20 If there's no questions with respect to
21 that study, then I would propose moving to the
22 next issue, which was to provide the court with
23 somewhat of an overview of what we are seeing
24 with respect to basin 57.

25 THE COURT: Please.

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1 MR. STRONG: We've had an opportunity
2 to spend a little time examining the objections
3 and responses that have been filed in basin 57,
4 and also an opportunity to work towards
5 resolution of some of those issues.

6 As the court may recall, there were
7 approximately 2806 claims filed in basin 57. We
8 received a total number of objections of 600 in
9 basin 57. Of those 600 objections, 457 were
10 filed by the United States. That of the 457
11 objections filed by the United States, 289 of the
12 objections were to claims of the United States;
13 and 168 objections were to claims of other
14 private parties by the United States.

15 We had 143 objections filed by private
16 parties. 108 of those objections were filed to
17 claims of the United States. 35 were filed as to
18 claims of other private parties.

19 At the present time we believe that we have
20 resolved with the United States approximately 246
21 of the 289 objections the United States filed to
22 its own claims. Those issues are now before the
23 Department of Justice for approval. And we would
24 be hopefully submitting a stipulation to the
25 court in the very near future on that. That

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1 would mean that of the 289 objections to the
2 United States claims, we have approximately 43
3 that are unresolved at this point in time.

4 Of the 168 objections that the
5 United States has filed to other private party
6 claims, the department of water resources has not
7 been involved in the negotiations with respect to
8 those. But I was advised by counsel for the
9 United States that they believe that they will
10 resolve a substantial number of those objections,
11 maybe as much as 100 of those.

12 With respect to the private objections, the
13 143 private objections, of the 108 that were
14 filed to the United States claims, 106 of those
15 deal with the issue of whether the United States
16 or the private claimant is entitled to claim a
17 water right for a grazing allotment. It would be
18 our expectation that those cases, those 106 cases
19 will be consolidated, or we would recommend
20 consolidation of those cases, into one subcase
21 and a basinwide issue with respect to that
22 matter.

23 The other two objections are as to points
24 of diversion and other elements of a water
25 right. And I'm uncertain as to the status of

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1 those two.

2 As to the objection, the remaining 35
3 objections by private claimants to other private
4 claimants, 26 of those were filed by the same
5 claimant. It is our expectation that 20 of those
6 26 will be settled. And of the remaining 9
7 claims filed by other parties, some of those will
8 settle; and we're not certain of the exact
9 number.

10 We expect to see two potential basinwide
11 issues out of basin 57. The first one I have
12 noted with regard to the ownership of water
13 rights for grazing allotments on federal land.
14 And the second would deal with general
15 provisions.

16 In summary, what it appears to me from an
17 examination of the data, of the 600 objections
18 that were filed, we expect that there will be
19 less than 75 total subcases in basin 57. And so
20 it looks like the process in terms of going
21 through the data and trying to weed out the
22 objections and get resolutions is succeeding
23 fairly well at this point in time.

24 Our hope is that after the close of the
25 response period on September 1 with regard to

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1 basins 36 and 34 that we will be in a position
2 mid September to propose to the court an overall
3 recommendation from the department with regard to
4 how to proceed on the other two subbasins, and
5 what issues we think might warrant basinwide
6 treatment. And so that at the present time is a
7 summary of where we are at in terms of the
8 objection and response for the three test
9 basins.

10 The court had also requested -- and I just
11 note for reference that we will be reporting in
12 the September status conference on how we would
13 recommend proceeding on the in-stream flow claims
14 and tribal claims that are still outside the
15 current order regarding filing of subbasin
16 reports. And we would also at that time be
17 advising the court with respect to future
18 director's reports.

19 THE COURT: Mr. Strong, the State has
20 in response to my order of remittitur filed a
21 motion to reconsider. In the normal course, that
22 would not be heard until November.

23 Should we consider hearing that on a more
24 expedited basis?

25 MR. STRONG: Your Honor, I'm pleased

53

1 you brought that to my attention. That was a
2 matter I wished to discuss with the court. It
3 would be my recommendation that we do treat that
4 on an expedited basis so we have some
5 anticipation of what our responsibilities will
6 be.

7 THE COURT: What time frame do you
8 feel would be most workable?

9 MR. STRONG: From the department's
10 perspective, we're prepared to proceed at any
11 time. I assume that there may be other parties
12 that wish to comment with respect to that order.

13 So I guess my recommendation is that it
14 should not be any later than the next status
15 conference because there's a substantial amount
16 of work that's associated with the completion of
17 that task if the order is not reconsidered. But
18 we would ask that it be heard as soon as
19 possible.

20 THE COURT: Mr. Monson, let me ask
21 you: You, of course, did file a motion for entry
22 of order remittitur following the United States
23 Supreme Court decision. I don't know if you have
24 seen -- I assume you have seen the remittitur. I
25 don't know if you have seen the motion to

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1 reconsider.

2 Did the United States wish to be involved
3 on the motion to reconsider?

4 MR. MONSON: Yes, Your Honor. We did
5 see Mr. Strong's motion to reconsider. And we
6 would like an opportunity to respond in writing
7 to that motion and anticipated a hearing.

8 I don't -- given that, I'm not sure -- I
9 don't want to mislead the court in believing that
10 we oppose the motion to reconsider because I
11 think in large measure we have -- we see some
12 merit in their motion. But --

13 THE COURT: I'm not surprised.

14 MR. MONSON: We would like to just
15 flesh that out a little bit and think through
16 with our clients in particular as to how that,
17 how those abstracts of claims should be reported
18 and what follows after the abstracts are
19 presented. Do the objections and responses come
20 next; and, if so --

21 THE COURT: The statute would declare
22 that that would happen next.

23 MR. MONSON: Then that's something that
24 obviously would concern us because of the
25 potential disruption to any negotiations that are

55

1 going on. But, anyway, those are things that we
2 can discuss whenever the court chooses to
3 schedule this. We would like, I think, at least
4 a couple of weeks in which to prepare a written
5 response.

6 MR. STRONG: Your Honor, there is --

7 THE COURT: Thank you, Mr. Monson.
8 Yes, Mr. Strong.

9 MR. STRONG: There is one aspect of
10 that order that just occurred to me. I believe
11 it's September 21st that you wanted a form of
12 abstract submitted to the court that would be at
13 issue. I would propose at this point in time
14 that the department would stand on the form of
15 abstract that is used in its current director's
16 report unless there's something that the court
17 would prefer to proceed further on with respect
18 to that issue.

19 THE COURT: Well, Mr. Strong, let me
20 consider it. I think if that's the
21 representation, then nothing further needs to be
22 shown. That's assuming we can understand how
23 that form relates to reserved claims, but --

24 MR. STRONG: We used that abstract form
25 in reporting federal reserved water rights in the

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1 first three test basin. I guess the easiest ones
2 to point you to would be the Craters of the Moon
3 agreement, and then also there were also several
4 livestock water right claims in which -- several
5 thousands, I should say, reserved water rights
6 claims for livestock use. And the abstract form
7 was used for that.

8 THE COURT: Okay. So that is the
9 abstract form that would be used for generally
10 federal reserved rights.

11 MR. STRONG: Yes, Your Honor.

12 THE COURT: We are talking about
13 in-stream flow claims, Indian tribal claims.

14 MR. STRONG: Yes, Your Honor.

15 THE COURT: Essentially anything other
16 than the consumptive claims.

17 MR. STRONG: (Counsel indicates).

18 THE COURT: Well, I think nothing
19 further needs to be submitted on that then,
20 Mr. Strong. What I would like to do is consider
21 United States' request for two weeks in which to
22 respond, giving clearly other parties the same
23 time frame within which to respond.

24 As I understand it, Mr. Strong, you would
25 feel it is important that we proceed on the

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1 motion to reconsider on or before the September
2 status conference.

3 MR. STRONG: That's correct,
4 Your Honor. The volume of work as represented in
5 the response -- or the petition to be filed
6 certainly demonstrates our need to have a quick
7 ruling on that.

8 THE COURT: Well, that's why I brought
9 it up in the first place. November would not be
10 rational.

11 Let me consider a schedule for that case;
12 and, Mr. Strong, Mr. Monson, I will call you
13 before I send that out just to confirm that it
14 meets your needs. And then I will send it out to
15 the full service list and put it on the docket
16 sheet.

17 MR. MONSON: Thank you, Your Honor.

18 MR. STRONG: With that, Your Honor,
19 that concludes my report for the month.

20 THE COURT: Thank you, Mr. Strong.
21 You may be seated.

22 Ladies and gentlemen, were there any other
23 matters that any of you wish to bring forward at
24 this status conference this afternoon?

25 MR. STRONG: Your Honor, there's no

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1 other matters we wish to bring forward; but if
2 the court would be available after the status
3 conference, those parties involved in the
4 Rim View matter would like to discuss scheduling
5 with respect to that case.

6 THE COURT: Very well. There being
7 nothing further before the court at the status
8 conference, we are adjourned.

9 I will be available, Mr. Strong.

10 (Proceedings adjourned)

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REPORTER'S CERTIFICATE

1 STATE OF IDAHO)
2)
3)
4 County of Twin Falls)
5)
6)

7 I, DUANE J. SCHNEBERGER, duly appointed,
8 qualified and acting official reporter of the
9 Fifth Judicial District of the State of Idaho, DO
10 HEREBY CERTIFY that I reported in stenotype the
11 evidence and proceedings adduced in the above and
12 foregoing cause, and that I thereafter
13 transcribed said stenotype notes in longhand
14 typewriting, and that the within and foregoing
15 constitutes and is a true and correct copy of the
16 transcript of said requested evidence and
17 proceedings, said transcript consisting of pages
18 1 through 59, inclusive.

19 IN WITNESS WHEREOF, I have hereunto set my
20 hand this 30th day of August, 1993.

21
22 
23 DUANE J. SCHNEBERGER
24 Idaho CSR Cert. No. 5
25 Twin Falls, Idaho

60

COPY

LARRY ECHOHAWK
ATTORNEY GENERAL

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

DAVID J. BARBER
Deputy Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449
Telephone: (208) 334-2400
FAX: (208) 334-2690

Attorneys for Petitioner

1993 AUG 16 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 the General Adjudication)
of Rights to the Use of Water)
from the Snake River Drainage)
Basin Water System)
_____)

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

Petitioner,)
vs.)

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

Respondents.)
_____)

Case No. 39576

REPLY OF
THE IDAHO DEPARTMENT
OF WATER RESOURCES
TO OBJECTION TO
NOTICE OF CLAIM NO.
57-10921 FILED BY
CHIPMUNK GRAZING
ASSOCIATION, INC.

DESCRIPTIVE SUMMARY

This document responds to the OBJECTION to Notice of Claim No. 57-10921 filed by Chipmunk Grazing Association, Inc. by opposing the late objection.

REPLY TO OBJECTION TO NOTICE OF CLAIM NO. 57-10921

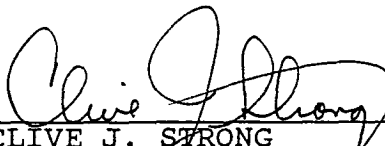
The Idaho Department of Water Resources (IDWR) requests that the District Court deny the request to file this late objection for the following reasons. This notice of claim is within Reporting Area 2 (Basin 57), and objections to the Director's Report were due on March 1, 1993. The moving party has provided no explanation why the objection could not have been filed on a timely basis. Absent a showing of excusable neglect or for other good cause shown, the District Court should not allow this late objection.

CONCLUSION

The IDWR requests that the District Court deny the moving party's request to file its late objection, if the moving party fails to provide an adequate explanation for the untimely objection.

Dated this 16th day of August, 1993.

LARRY ECHOHAWK
Attorney General



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



DAVID J. BARBER
Deputy Attorney General
Natural Resources Division

CERTIFICATE OF SERVICE

I further certify that on the 16th day of August, 1993, I served a true and correct copy of this REPLY OF THE IDAHO DEPARTMENT OF WATER RESOURCES TO OBJECTION TO NOTICE OF CLAIM NO. 57-10921 FILED BY CHIPMUNK GRAZING ASSOCIATION, INC. by mailing a copy thereof to the following persons, addressed as follows:

1. One copy to:

U.S. Department of Justice
Enviro. & Natural Res. Division
550 West Fort Street, Box 33
Boise, ID 83734

Carolyn Minder
SRBA Attorney
7283 Obsidian
Boise, Idaho 83709

2. One copy to each of the following parties identified in the pleading from whom relief is sought:

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

LARRY ECHOHAWK
Attorney General



DAVID J. BARBER
Deputy Attorney General
Natural Resources Division

P3227NBA

MYLES E. FLINT
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
P.O. Box 44378
Washington, D.C. 20026-4378
(202) 272-5749

K. JACK HAUGRUD
DARIA J. ZANE
Attorneys, Department of Justice
General Litigation Section
Environment and Natural Resources Division
P.O. Box 663
Washington, D.C. 20044-0663
(202) 272-4134, (202) 272-8351

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,)

Plaintiff,)

v.)

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

Defendants.)

RECEIVED

AUG 30 1993

Department of Water Resources
Adjudication Bureau

Case No. 39576

Water Right No. 57-10921

UNITED STATES' RESPONSE TO
CHIPMUNK GRAZING ASSOC., INC.'S
MOTION TO FILE LATE OBJECTION

Descriptive Sumamry

This is the United States' opposition to Chipmunk Grazing Association, Inc.'s motion to file a late objection to his claim as recommended in the Director's Report. Claimant's late objection should be disallowed. As set forth below, claimant has not demonstrated excusable neglect for failing to file a timely objection, and claimant's objection is without merit.

I. BACKGROUND

By opposing claimant's late objection, the United States seeks to preserve the integrity of the rules established by this Court for adjudicating the water rights in the Snake River Basin. If claimant is allowed to file a late objection in this instance, it will allow a party to ignore this Court's rules without excuse. Such action would potentially encourage other parties to file similarly late pleadings without providing any excuse for the tardiness. This would permit parties to litigate without regard for the protocol established by this Court for this adjudication and would prevent this massive adjudication from being efficiently resolved.

The claimant has been aware of this adjudication and its procedural requirements for many years. During the two-year period ending in February 1990, notices were mailed to potential claimants in all counties within the SRBA, including the county in which claimant resides, Owyhee County. These notices informed claimant of the adjudication and the need to file its claims. In addition, Round 2 notices were mailed to individuals within Basin 57

reminding them of the claim filing requirements. Claimant is a water right holder in Owyhee County. Finally, on November 29, 1991, a third notice was mailed to certain identifiable users, such as claimant, who are users of Federal lands under permit, lease, claim or other entry methods.

Pursuant to these notices, claimant filed various claims for water rights in Basin 57 before the expiration date for filing such claims. On October 13, 1992, notices were mailed to all claimants in Basin 57 to notify them of the filing of the Director's report with the Court and of the March 1, 1993 deadline for filing objections to the Director's report. Prior to or on March 1, 1993, claimant filed certain objections to the Director's report for Basin 57, including objections to claims made by the United States on behalf of the Bureau of Land Management (BLM). At that time, claimant did not file an objection to the subject claim.

II. FACTS

The original claim filed by Chipmunk Grazing Association filed on or around February, 1992. See attachment to IDWR's response to objection filed on or before July 1, 1993. That claim was for an instream flow for livestock watering. At that time, Chipmunk claimed a number of points of diversion/places of use, including those it now seeks to have recommended through its late objection. Chipmunk did admit that some of the lands claimed were lands of the United States, administered by the Bureau of Land Management (BLM).

In the Director's report, IDWR recommended the claim less some of the claimed points of diversion/places of use that were on public lands. See page A57, A827, A1601 and A1627, Dir. Rpt. Specifically, IDWR did not recommend the places of use claimant now seeks to have added. However, IDWR did recommend certain of those sections as points of diversion, which claimant now seeks to have designated places of use. Those are: T01N, R05W, Section 18, NENE and NWNE.

The United States also filed for a water right on some of the same places of use which claimant now seeks. See Water Right No. 57-11183, p. A822, Dir. Rpt. Specifically, the United States filed for places of use on T01N, R05W, Section 8, SWSW, T.01N, R05W, Section 18, NENE, NWNE and SWNE. IDWR recommended these be granted.

On or before March 1, 1993, the date for filing objections, Chipmunk Grazing did file objections to certain claims made in Basin 57. See e.g., objection to Water Right No. 57-01046, filed by the United States on behalf of BLM. Mr. Blackstock also filed objections. See e.g., objection to Water Right No. 57-10979, filed by the United States on behalf of the BLM. Neither Chipmunk nor Mr. Blackstock filed an objection to this water right. Only the BLM filed an objection to this water right. The United States, on behalf of the BLM, also filed an objection to its own water right no. 57-11183.

Subsequently, on or before May 1, 1993, claimant and IDWR filed responses to the objection. In its response, claimant did

not raise the issue of IDWR's failure to recommend the claim to include these specific places of use nor did claimant file any objection at that time.

Now, more than two months after the deadline for filing objection, claimant seeks to object to the claim as recommended by IDWR. Claimant seeks to have certain places of use not recommended by IDWR decreed. Of the places of use claimant seeks to add, the following are lands owned by the United States and managed by BLM: T01N, R05W, Section 8, SWNE, SENW, SWSW, and Section 19, SWSW.

III. THERE IS NO EXCUSE FOR CLAIMANT'S FILING THIS LATE OBJECTION.

Although there has been no specific test set forth for determining whether a late objection should be allowed, Administrative Order No. 1 provides that late claims filed after issuance of the Director's report shall be judged by standards set out in I.R.C.P. Rule 55(c), and I.R.C.P. Rule 60(b), A. O. 1, at 4A(4)(b). These provisions require a showing of excusable neglect or other good cause to set aside judgments, as well as a meritorious defense. Although these are not late claims, they seek to accomplish the same purpose by objecting to a disallowed claim, and they create similar problems regarding notice and efficient adjudication management. As a result, they are analogous to a late claim and should be judged by the same standards.

There is no reason for claimant's filing this objection late. The March 1, 1993, deadline for filing objection in Basin 57 was established long ago. Claimant received notice of this deadline and was well aware of it as evidenced by the fact claimant

UNITED STATES' RESPONSE TO MOTION TO FILE LATE OBJECTION --5

met the deadline in filing other objections. There simply has never been any question that objections were due on March 1, 1993.

Claimant provides no explanation for its late filing. Rather, without providing any factual support, claimant baldly argues that its objection is timely. Filing this objection more than three months after the due date can in no way be considered timely.

Alternatively, claimant argues that at some future time it would like to file an affidavit to explain its negligent failure to file a timely objection. To date, claimant has provided no affidavit of explanation.¹

Claimant simply cannot explain its negligence. Claimant itself was on notice of the Director's recommendations through the publication of the Director's report, and claimant was aware of the objection deadline. This is demonstrated by the fact that claimant did review claims recommended in the Directors' report and filed objections to them on or before the deadline, including objections to water rights claims for stockwatering.

IV. CLAIMANT'S OBJECTIONS ARE WITHOUT MERIT.

Under the standards set forth in IRCP 55(c) and 60(b), the moving party must establish that its underlying claim or defense is meritorious. See Reeves v. Wisenor, 102 Idaho 271, 629 P.2d 667 (1981). In this case, even if claimant's neglect in

¹The United States would object to the movant submitting such an affidavit. Both SRBA Admin. Order No. 1 and the Idaho Rules of Civil Procedure require affidavits to be filed with the motion. See A.O. at paragraph 7(e)(4)(a) and IRCP 6(d).

failing to file timely objections could somehow be excused, claimant has provided no evidence that its objection has merit.

In fact, from the little information provided, it is likely that the objection has no merit. Claimant's objections apparently seek to obtain an exclusive private water right on lands owned by the federal government and managed by the Bureau of Land Management (BLM). The claimant's use of the public lands, including the water located there, is only through permission granted by the BLM through a grazing permit.

Under federal law, a grazing permit cannot create any right, title, interest, or estate in or to the public land. 43 U.S.C. 315b; see United States v. Fuller, 409 U.S. 488, 494 (1973). Because water rights are included within the definition of real property under Idaho law, Ireton v. Idaho Irrigation Co., 30 Idaho 310, 164 P. 687 (1910), the permit cannot give rise to a water right, and Chipmunk's claim is thus without merit.²

In truth, it is the United States, as the land owner, that is entitled to this type of water right. The United States has put the water to beneficial use in furtherance of its comprehensive program to use, protect and improve the federal rangelands. In the Director's Report for Basin 57, IDWR

²This analysis is not meant to be comprehensive and does not address other deficiencies in any claim made by Chipmunk Grazing. For example, Chipmunk has not had exclusive use of the water it seeks to claim on federal land. This water has been and may currently be beneficially used by the other allottees, on public domain lands in connection with grazing privileges awarded by the federal government through the Bureau of Land Management.

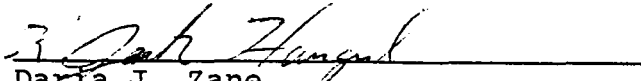
recommended that the United States, as the landowner, be granted the water right for this place of use. See Recommendation of Claim 57-11183 Dir. Rep. at A822. Given these facts, there is little likelihood that Chipmunk's claim will be meritorious.

V. CONCLUSION

Allowing claimant to disregard the rules established by this Court for filing claims will set a dangerous precedent and allow other individuals to file without any justification for late filing. This will not only erode the system of notice but will also disrupt the efficient and orderly adjudication of rights. Accordingly, the United States respectfully requests that claimant's motion be denied.

Respectfully submitted this 16th day of August, 1993.


Peter C. Monson
Leif Johnson
Attorneys, Department of Justice
Env. & Natural Resources Div.
Indian Resources Section
P.O. Box 44378
Washington, D.C. 20026-4378
(202) 272-5784

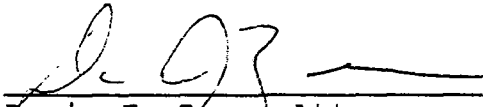

Daria J. Zane
K. Jack Haugrud
Attorneys, Department of Justice
Env. & Natural Resources Division
General Litigation Section
P.O. Box 663
Washington, D.C. 20044-0663
(202) 272-8351

CERTIFICATE OF SERVICE

I certify that on the 16th day of August, 1993, I served a true and correct copy of the United States' Response to Motion to File Late Objection and Proposed Order upon the following individuals by United States first-class mail, postage prepaid:

Chipmunk Grazing Assoc., Inc. (subcases 57-10917,
c/o Ted Blackstock 57-10921, -10923,
Box 175 -10924, -10944,
Marsing, Idaho 83639 -10945, -10660, -10947)

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



Daria J. Zane, Attorney
Department of Justice
General Litigation Section
Environment & Natural
Resources Division
P.O. Box 663
Washington, D.C. 20044-0663
(202) 272-8351

57-10921
RECEIVED

June 28, 1993

JUL 01 1993

Chipmunk Grazing Association Inc.

Department of Water Resources
Adjudication Bureau

I contend that this objection is timely filed. To the extent this objection is considered to be untimely filed, I hereby move for an Order authorizing the filing of this objection as being timely filed or move for an Order extending the time to file an objection. I also request additional time to file an affidavit supporting such motion.

Chipmunk Grazing Association by
Ted S. Blackstock BOD2

RECEIVED

JUL 01 1993

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

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

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

Case No. 57-10921
(You must insert the
water right number you
are objecting to)

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

OBJECTION

Petitioner,

vs.

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

Respondents.

INSTRUCTIONS

This form must be used to file 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

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:

Chipmunk Grazing Inc.

Address:

Box 175
Marsing ID 83639

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, ID 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.

II. STATEMENT OF THE OBJECTION

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

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

(Over)

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

REASONS SUPPORTING EACH BOX CHECKED

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

Boxes 9 and 12 b. These water rights
did not include all water claimed.
Exhibit A describes water not in
recommendation

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.

Include the missing water claims

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.

Claims not recommended - 1 page

VERIFICATION (Must be Completed)

State of _____

County of _____

_____, 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 ____ day of _____,
199__.

Notary Public for _____
Residing at: _____
My Commission expires: _____

(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 29 day of June, 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:

Chipmunk Grazing Association

Owner's address:

Box 175
Marsing Idaho 83639

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

Chipmunk Grazing by
Ed S Blackstock
Signature of Objector or attorney
mailing on Objector's behalf

WATER RIGHT NUMBER 57-10921

CLAIMS NOT RECOMMENDED

NON-IRRIGATION USES:

Stockwater, 600 range cattle

Source: Jump Creek
 Bridge Creek
 unnamed streams
 unnamed streams

Tributary: Snake River
 Jump Creek
 Bridge Creek
 Jump Creek

Place of use: Stockwater

T01N R05W S08	SWNE
S18	NENE
S19	SWSW

SEnw	SWSW
NWNE	SWNE

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

1993 DEC 20 PM 4: 51
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. 57-10921 -0002

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: CHIPMUNK GRAZING ASSOC INC
Address: PO BOX 175
MARSING ID 83639

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

9. ☒ Place of Use: I respond to the objection concerning:
12. ☒ Water Right Recommendation: I respond to the objection concerning:
- 12b. ☒ This water right not being recommended.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 9, 12 and 12b., and all allegations of the objection regarding these items IDWR responds as follows: Portions of this water right were claimed by both the United States and the objector thus creating a dispute over the ownership of these portions between the owner of the place of use (the United States) and the holder of a federal grazing permit to these lands (the objector). Generally, in landlord/tenant type disputes over the ownership of a water right based on appropriation, the water right is presumed to be owned by the owner of the place of use unless a mutual intent to the contrary is clearly shown. As to the contested portions of this water right, the objector did not submit evidence to IDWR sufficient to overcome the presumption. IDWR therefore denies the

objection and all allegations of the objection not expressly admitted herein.

CHANGES TO THE DIRECTOR'S REPORT

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

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

No. of
Pages

The notice of claim is attached to IDWR's response to Objection No. 57-10921-0001

(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.



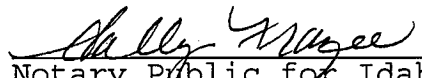
Signature of person filing response

By:



(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 17th day of December,
1993.



Notary Public for Idaho
Residing at: Boise ID
My Commission expires: 11-14-1998

CERTIFICATE OF MAILING

I hereby certify that on the 20th day of December, 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:

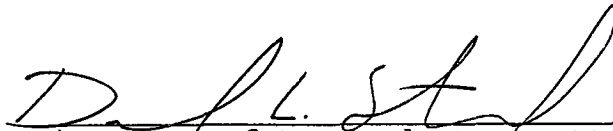
See No. 3

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: JOHN T SCHROEDER
Address: 447 W MYRTLE
PO BOX 267
BOISE ID 83701

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 Respondent or attorney
mailing on Respondent's behalf

SUBCASE	CLAIMANT	OBJECTOR
57-10921	Chipmunk	BLM/Chipmunk

To IDWR.

This is a claim to a stream.

not ready

EDT

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

In Re SRBA	)	SUBCASE NO: <u>57-10921</u>
	)	(Insert Water Right Number)
	)	
Case No. 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS
	)	OF A WATER RIGHT

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

INSTRUCTIONS

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

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

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

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

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

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

ELEMENTS

1. Name and address of the claimant:

Chipmunk Grazing Association, Inc.
Box 175
Marsing, Idaho 83639

Required statement:

As recommended in the Director's Report.

2. Source of water:

Unnamed Streams tributary to Bridge Creek
Bridge Creek tributary to Jump Creek
Unnamed Streams tributary to Jump Creek
Jump Creek tributary to Snake River

Required statement:

As recommended in the Director's Report.

3. Quantity of water used:

Stockwater: 0.02 c.f.s. ✓

Total: 0.02 c.f.s. ✓

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

Required statement:

Quantity in c.f.s. is changed from 0.14 c.f.s. to 0.02 c.f.s. and the "13,000 gpd" statement is added pursuant to the Special Master's Second Amended Recommendation for Basin-Wide Issue #12 dated August 12, 1996.

4. Priority date:

06/01/1875

Required statement:

As recommended in the Director's Report.

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

T01N R05W S08 NWSW (Beginning Point)

T01N R05W S18 NWNE (Beginning Point) x3 ~~SWSE (E)~~

T01N R05W S18 SWSE (Beginning Point)

T01N R05W S19 NENW (Beginning Point)

T01N R05W S30 NENW (Beginning Point)

T01N R05W S30 NWNW (Beginning Point)

T01N R05W S31 NENE (Beginning Point)

T01N R06W S24 NENW (Beginning Point)

T01N R06W S25 NESE (Beginning Point)

T01N R06W S36 NWNE (Beginning Point)

T01N R06W S36 NENW (Beginning Point)

T01N R05W S08 NESW (Ending Point)

T01N R05W S18 NENE (Ending Point) x2

T01N R05W S18 NWNE (Ending Point)

T01N R05W S18 NESW (Ending Point) x2

T01N R05W S19 NESW (Ending Point)

T01N R05W S19 SESW (Ending Point)

T01N R05W S31 NENE (Ending Point)

T01N R06W S25 SWSE (Ending Point) x2

T01N R06W S25 NESE (E)

There are three beginning points of diversion within:

T01N R05W S18 NWNE (B).

There are two ending points of diversion within:

T01N R05W S18 NENE (E);

T01N R05W S18 NESW (E); and

T01N R06W S25 SWSE (E).

Required statement:

The United States and the claimant stipulate that this is the correct description of the point of diversion. The parties agree to the deletion of the following points of diversion:

~~T01N R05W S32 NWNW (Beginning Point)~~

~~T01N R06W S12 SENW (Beginning Point)~~

~~T01N R06W S12 SWSW (Beginning Point)~~

T01N R06W S14	SWNW	(Beginning Point)
T01N R06W S23	NENW	(Beginning Point)
T01N R06W S12	SESE	(Ending Point)

6. **Purpose of use:**

Stockwater

Required statement:

As recommended in the Director's Report. Pursuant to the Special Master's Second Amended Recommendation for Basin-Wide Issue #12 dated August 12, 1996, stock numbers are not described in the purpose of use.

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

01-01 through 12-31

Required statement:

As recommended in the Director's Report.

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

T01N R05W S08	NESW
T01N R05W S08	NWSW
T01N R05W S18	NESW
T01N R05W S18	NWSW
T01N R05W S18	SESW
T01N R05W S19	NENW
T01N R05W S19	NESW
T01N R05W S19	SESW
T01N R05W S30	NENW
T01N R05W S30	NWNW
T01N R05W S31	NENE
T01N R06W S13	SESE
T01N R06W S24	NWNE
T01N R06W S24	NENW
T01N R06W S25	NWNE
T01N R06W S25	NESE
T01N R06W S25	SWSE
T01N R06W S36	NWNE
T01N R06W S36	NENW

Required statement:

The United States and the claimant stipulate that this is the correct description of the place of use. This element is as recommended in the Director's Report, except the parties agree to the deletion of the following places of use:

T01N R05W S07 SWSW
T01N R05W S07 SESW
T01N R05W S07 SWSE
T01N R05W S07 SESE

T01N R05W S18 NENW
T01N R05W S18 NWNW
T01N R05W S18 NWSE

T01N R05W S19 SENW

T01N R05W S30 NWNE
T01N R05W S30 NWSE
T01N R05W S30 SWSE
T01N R05W S30 SESE

T01N R05W S32 NWNW

T01N R06W S12 SWNE
T01N R06W S12 SENW
T01N R06W S12 SWSW
T01N R06W S12 SESW
T01N R06W S12 NWSE
T01N R06W S12 SWSE
T01N R06W S12 SESE

T01N R06W S13 NENE
T01N R06W S13 NWNE
T01N R06W S13 NWNW
T01N R06W S13 SWNW
T01N R06W S13 SENW
T01N R06W S13 SWSW

T01N R06W S14 NENE
T01N R06W S14 NWNE
T01N R06W S14 SENE
T01N R06W S14 NENW
T01N R06W S14 NWNW
T01N R06W S14 SWNW
T01N R06W S14 SESE

T01N R06W S23 NENE
T01N R06W S23 NWNE
T01N R06W S23 NENW

T01N R06W S24 NWNW
T01N R06W S24 SENW

T01N R06W S25 NENE

9. Annual volume of consumptive use:

De minimis stockwater use.

Required statement:

This element was not reported by IDWR in the director's report. Pursuant to Idaho Code 42-1401A(2) 1996, this water right need not contain a determination of the annual volume of consumptive use.

10. Other necessary matters:

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

These matters are necessary because:

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

Review By IDWR

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

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

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

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

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

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

Party's Signature	Date	Attorney's Signature	Date
-------------------	------	----------------------	------

Name: Chipmunk Grazing Association, Inc.
Address: Box 175
City/State/Zip: Marsing, Idaho 83639
Attorney of Record: Richard L. Harris
Phone: (208) 459-1588

Party's Signature	Date	Attorney's Signature	Date
-------------------	------	----------------------	------

IDWR Concurrence: _____
Signature Date

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. FAX filings will not be accepted by the SRBA Clerk of the Court. You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on _____, 199____, I mailed the original and copies of this form, including all attachments, 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. Copy to:

Idaho Department of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, Idaho 83720-0098

3. Copies to all parties to the subcase (insert names and addresses):

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

Richard L. Harris
P.O. Box 1438
1023 Arthur Street
Caldwell, Idaho 83605-1438

Signature of person or attorney mailing the form

SUBCASE	CLAIMANT	OBJECTOR
57-10921	Chipmunk	BLM/Chipmunk

Worked out with Andrew on 03/21/97:

-determined an additional ending POD was needed, which wasn't listed in draft SF-5, at T01N R06W S25 NESE (E).

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

In Re SRBA	)	SUBCASE NO: <u>57-10921</u>
	)	(Insert Water Right Number)
	)	
Case No. 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS
	)	OF A WATER RIGHT

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

INSTRUCTIONS

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

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

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

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

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

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

ELEMENTS

1. Name and address of the claimant:

Chipmunk Grazing Association, Inc.
Box 175
Marsing, Idaho 83639

Required statement:

As recommended in the Director's Report.

2. Source of water:

Unnamed Streams tributary to Bridge Creek
Bridge Creek tributary to Jump Creek
Unnamed Streams tributary to Jump Creek
Jump Creek tributary to Snake River

Required statement:

As recommended in the Director's Report.

3. Quantity of water used:

Stockwater: 0.02 c.f.s.

Total: 0.02 c.f.s.

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

Required statement:

Quantity in c.f.s. is changed from 0.14 c.f.s. to 0.02 c.f.s. and the "13,000 gpd" statement is added pursuant to the Special Master's Second Amended Recommendation for Basin-Wide Issue #12 dated August 12, 1996.

4. Priority date:

06/01/1875

Required statement:

As recommended in the Director's Report.

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

T01N R05W S08 NWSW (Beginning Point)

T01N R05W S18 NWNE (Beginning Point)

T01N R05W S18 SWSE (Beginning Point)

T01N R05W S19 NENW (Beginning Point)

T01N R05W S30 NENW (Beginning Point)

T01N R05W S30 NWNW (Beginning Point)

① T01N R05W ~~S31 NENE~~ (Beginning Point)
 530 SESE

T01N **R06W** S24 NENW (Beginning Point)

T01N R06W S25 NESE (Beginning Point)

T01N R06W S36 NWNE (Beginning Point)

T01N R06W S36 NENW (Beginning Point)

T01N R05W S08 NESW (Ending Point)

T01N R05W S18 NENE (Ending Point)

T01N R05W S18 NWNE (Ending Point)

T01N R05W S18 NESW (Ending Point)

T01N R05W S19 NESW (Ending Point)

① T01N R05W S19 SESW (Ending Point)

T01N R05W S31 NENE (Ending Point)

T01N **R06W** S25 SWSE (Ending Point)

~~T01N R06W S25 NESE (Ending Point)~~

There are three beginning points of diversion within:

T01N R05W S18 NWNE (B).

There are two ending points of diversion within:

T01N R05W S18 NENE (E);

T01N R05W S18 NESW (E); and

T01N R06W S25 SWSE (E).

Required statement:

The United States and the claimant stipulate that this is the correct description of the point of diversion.

6. **Purpose of use:**

Stockwater

Required statement:

As recommended in the Director's Report. Pursuant to the Special Master's Second Amended Recommendation for Basin-Wide Issue #12 dated August 12, 1996, stock numbers are not described in the purpose of use.

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

01-01 through 12-31

Required statement:

As recommended in the Director's Report.

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

T01N R05W S08 NESW

T01N R05W S08 NWSW

T01N R05W S18 NESW

T01N R05W S18 NWSW

T01N R05W S18 SESW

T01N R05W S19 NENW

T01N R05W S19 NESW

T01N R05W S19 SESW

T01N R05W S30 NENW

T01N R05W S30 NWNW

T01N R05W S31 NENE

T01N R06W S13 SESE

T01N R06W S24 NWNE

T01N R06W S24 NENW

T01N R06W S25 NWNE

T01N R06W S25 NESE

T01N R06W S25 SWSE

T01N R06W S36 NWNE

T01N R06W S36 NENW

Required statement:

The United States and the claimant stipulate that this is the correct description of the place of use.

9. **Annual volume of consumptive use:**

De minimis stockwater use.

Required statement:

This element was not reported by IDWR in the director's report. Pursuant to Idaho Code 42-1401A(2) 1996, this water right need not contain a determination of the annual volume of consumptive use.

10. **Other necessary matters:**

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

These matters are necessary because:

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

Review By IDWR

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

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

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

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

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

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

Party's Signature	Date	Attorney's Signature	Date
-------------------	------	----------------------	------

Name: Chipmunk Grazing Association, Inc.
Address: Box 175
City/State/Zip: Marsing, Idaho 83639
Attorney of Record: Richard L. Harris
Phone: (208) 459-1588

Party's Signature	Date	Attorney's Signature	Date
-------------------	------	----------------------	------

IDWR Concurrence: _____
Signature Date

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. FAX filings will not be accepted by the SRBA Clerk of the Court. You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on _____, 199____, I mailed the original and copies of this form, including all attachments, 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. Copy to:

Idaho Department of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, Idaho 83720-0098

3. Copies to all parties to the subcase (insert names and addresses):

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

Richard L. Harris
P.O. Box 1438
1023 Arthur Street
Caldwell, Idaho 83605-1438

Signature of person or attorney mailing the form

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

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CHIPMUNK GRAZING ASSOCIATION INC BOX 175 MARSING ID 83639 (208) 466-8801	06/01/1875	STOCKWATER	01-01 12-31	0.13 CFS	
					TOTAL DIVERSION:	0.13 CFS

Water Source: JUMP CREEK
BRIDGE CREEK
UNNAMED STREAMS
UNNAMED STREAMS

Tributary to: SNAKE RIVER
JUMP CREEK
BRIDGE CREEK
JUMP CREEK

Stage: BENEFICIAL USE

Point(s) of Beginning Stream Reach: T01N R05W S32 NWNW
R06W S12 SENW SWSW
S14 SWNW
S23 NENW
S36 NWNE NENW
Point(s) of Ending Stream Reach: T01N R05W S08 NESW
S18 NENE NWNE NESW
S19 SESW
R06W S12 SESE
S25 SWSE

OWYHEE County
OWYHEE County
OWYHEE County
OWYHEE County
OWYHEE County
OWYHEE County
OWYHEE County
OWYHEE County
OWYHEE County
OWYHEE County

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE																		
				NENE	NWNE	SWNE	SENE					NENW	NWNW	SWNW	SESW					NESW	NWSW	SWSW	SESW					NESE	NWSE	SWSE	SESE			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	
01N	05W	7	:									:							:						:							:		
01N	05W	8	:									:							:	S		S			:							:		
01N	05W	18	:									:	S		S				:	S		S			:			S				:		
01N	05W	19	:									:	S						:	S					:							:		
01N	05W	30	:									:	S		S				:						:			S		S		:		
01N	05W	31	:	S								:							:						:							:		
01N	05W	32	:									:			S				:						:							:		
01N	06W	12	:					S				:							:			S		S	:			S		S		:		
01N	06W	13	:	S		S						:			S		S		:			S			:							:		
01N	06W	14	:	S		S			S			:	S		S		S		:						:							:		
01N	06W	23	:	S		S						:	S						:						:							:		
01N	06W	24	:			S						:	S		S				:						:							:		
01N	06W	25	:	S		S						:							:						:	S		S		S		:		
01N	06W	36	:			S						:	S						:						:							:		

POU County: OWYHEE

Non-Irrigation Uses: STOCKWATER, 600 HEAD RANGE COWS

Other Rights: A57-10918

Conditions of Approval:

L12 - THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING

JUL 21 1994
MICROFILMED

Conditions of Approval:

- ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY
- USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.

Remarks: AKA SANDS BASIN ALLOTMENT - BLM GRAZING ALLOTMENT
SOURCES FOR THIS RIGHT ARE JUMP CREEK TRIB. TO SNAKE RIVER,
BRIDGE CREEK TRIB. TO JUMP CREEK, UNNAMED STREAMS (2) TRIB. TO
BRIDGE CREEK, AND UNNAMED STREAMS (3) TRIB. TO JUMP CREEK.

Dates: Exam Made Date: 09/25/1992 Verified Date:

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

MICROFILMED

JUL 21 1994

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

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CHIPMUNK GRAZING ASSOCIATION INC BOX 175 MARSING ID 83639 (208) 466-8801	06/01/1875	STOCKWATER	01-01 12-31	0.13 CFS	
					TOTAL DIVERSION:	0.13 CFS
Water Source: JUMP CREEK BRIDGE CREEK UNNAMED STREAMS UNNAMED STREAMS		Tributary to: SNAKE RIVER JUMP CREEK BRIDGE CREEK JUMP CREEK		Stage: BENEFICIAL USE		
Point(s) of Beginning Stream Reach: T01N R05W S32 NWNW R06W S12 SENW SWSW S14 SWNW S23 NENW S36 NWNE NENW Point(s) of Ending Stream Reach: T01N R05W S08 NESW S18 NENE NWNE NESW S19 SESW R06W S12 SESE S25 SWSE						
OWYHEE County OWYHEE County OWYHEE County OWYHEE County OWYHEE County OWYHEE County OWYHEE County OWYHEE County OWYHEE County OWYHEE County						

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE							
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac	
01N	05W	7	:					:					:			S	S	:			S	S	:
01N	05W	8	:					:					:	S	S			:					:
01N	05W	18	:					:	S	S			:	S	S			:	S				:
01N	05W	19	:					:	S			S	:	S			S	:					:
01N	05W	30	:			S		:	S	S			:					:	S	S	S		:
01N	05W	31	:	S				:					:					:					:
01N	05W	32	:					:		S			:					:					:
01N	06W	12	:			S		:				S	:			S	S	:	S	(S)	S		:
01N	06W	13	:	S	S			:		S	S	S	:			S		:			S		:
01N	06W	14	:	S	S		S	:	S	S	S		:					:			S		:
01N	06W	23	:	S	S			:	S				:					:					:
01N	06W	24	:		S			:	S	S		S	:					:					:
01N	06W	25	:	S	S			:					:					:	S	S	S		:
01N	06W	36	:		S			:	S				:					:					:

POU County: OWYHEE

Irrigation Uses: STOCKWATER, 600 HEAD RANGE COWS

Other Rights: A57-10918

Other Water Rights Listing Overlapping Place(s) of use:

OCT 08 1992
MICROFILMED

=====

Other Water Rights Listing Overlapping Place(s) of use:
R57-02059

Remarks: AKA SANDS BASIN ALLOTMENT - BLM GRAZING ALLOTMENT
SOURCES FOR THIS RIGHT ARE JUMP CREEK TRIB. TO SNAKE RIVER,
BRIDGE CREEK TRIB. TO JUMP CREEK, UNNAMED STREAMS (2) TRIB. TO
BRIDGE CREEK, AND UNNAMED STREAMS (3) TRIB. TO JUMP CREEK.

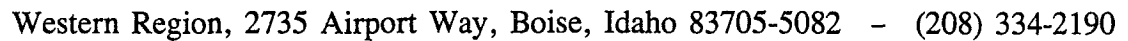
Dates: Exam Made Date: 09/25/1992 Verified Date: 09/25/1992

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

Comments: Date: 09/25/1992 User-ID: HOWERTON Subject: BLM RIGHTS
57-11319 COVERS T1N, R5W, SEC. 8, SWNE, SENW.
57-11180 COVERS T1N, R5W, SEC. 19, SWSW.
57-11183 COVERS T1N, R5W, SEC. 8, SWSW.
& SEC. 18, NENE, NWNE, & SWNE.

Audit: 09/25/92 HOWERTON

MICROFILMED
OCT 08 1992



MICROFILMED
 OCT 03 1992

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CHIPMUNK GRAZING ASSOCIATION INC BOX 175 MARSING ID 83639 (208) 466-8801	06/01/1875	STOCKWATER	01-01 12-31	0.13 CFS	
					TOTAL DIVERSION:	0.13 CFS

Water Source: JUMP CREEK
BRIDGE CREEK
UNNAMED STREAMS
UNNAMED STREAMS

Tributary to: SNAKE RIVER
JUMP CREEK
BRIDGE CREEK
JUMP CREEK

Stage: BENEFICIAL USE

Point(s) of Beginning Stream Reach: T01N R05W S32
R06W S12
S14
S23
S36

Point(s) of Ending Stream Reach: T01N R05W S08
S18
S19
R06W S12
S25

NWNW
SENW
SWNW
NENW
NENE
SWNE
NENE
SESW
SESE
SWSE

SWSW
NENW
NWNE
NESW

OWYHEE County
OWYHEE County
OWYHEE County
OWYHEE County
OWYHEE County
OWYHEE County
OWYHEE County
OWYHEE County
OWYHEE County
OWYHEE County

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE							
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
01N	05W	7	:																
01N	05W	8	:																
01N	05W	18	:																
01N	05W	19	:																
01N	05W	30	:																
01N	05W	31	:																
01N	05W	32	:																
01N	06W	12	:																
01N	06W	13	:																
01N	06W	14	:																
01N	06W	23	:																
01N	06W	24	:																
01N	06W	25	:																
01N	06W	36	:																

POU County: OWYHEE

Non-Irrigation Uses: STOCKWATER, 600 HEAD RANGE COWS

Other Rights: A57-10918

Conditions of Approval:

B01 - THIS RIGHT IS RECOMMENDED CONDITIONALLY PENDING THE FILING OF

MICROFILMED
OCT 08 1992

Conditions of Approval:

- CLAIMS BY THE BUREAU OF LAND MANAGEMENT OF THE U.S. DEPARTMENT
- OF INTERIOR. IN THE EVENT THE CLAIM IS INCLUDED IN THE
- DIRECTOR'S REPORT IN THE NAME OF THE UNITED STATES, THE ABOVE
- NAMED CLAIMANT WILL BE NOTIFIED PRIOR TO THE DIRECTOR'S REPORT.

Remarks: AKA SANDS BASIN ALLOTMENT - BLM GRAZING ALLOTMENT
SOURCES FOR THIS RIGHT ARE JUMP CREEK TRIB. TO SNAKE RIVER,
BRIDGE CREEK TRIB. TO JUMP CREEK, UNNAMED STREAMS (2) TRIB. TO
BRIDGE CREEK, AND UNNAMED STREAMS (3) TRIB. TO JUMP CREEK.

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Audit: 07/17/92 WERNER

*Delete sources out if
not used*

MICROFILMED
OCT 8 1992

CLAIM NO. A57-10921

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM VERIFICATION EXAM SHEET

(use in place of the CVR for small Domestic/Stock exams)

1. ☒ No Change NAME
NEW OWNER: _____
☐ No Change ADDRESS
NEW ADDRESS: _____
2. ☒ No Change - DATE OF PRIORITY: Completed - No Field Verification Needed.
☐ Incomplete - Claim shows no priority date, claimant should be asked during the exam when was water first used.
Priority date, per claimant, is _____.
(if the priority date, based on your exam, seems questionable, explain in remarks.)
3. ☒ No Change - SOURCE
Source is different than that claimed:
Source found: _____
4. ☒ No Change - POINT OF DIVERSION
Point of diversion is different than the claim
New P/D: Twp. _____, Rge. _____, Sec. _____, _____ 1/4 _____ 1/4 _____ 1/4
5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS
Incomplete desc., complete items missing, IF KNOWN.
Additional comments in remarks.
HP of pump _____ Pump Ser. # _____ Pumping water level _____
Well depth _____ Motor Ser. # _____ Static water level _____
Casing size _____ Method of irr. _____
6. ☒ No Change - WATER USES
Different uses, (list uses found).
Use _____ From _____ To _____ Amount _____ cfs _____ af
Use _____ From _____ To _____ Amount _____ cfs _____ af
7. ☐ No Change - TOTAL VOLUME
☒ Incomplete on claim, the total is, -- -- _____ cfs _____ af
☐ Change found, the new total is, -- -- -- _____ cfs _____ af
8. N/A
9. ☒ No Change - NON-IRRIGATION USES: Completed on claim
Incomplete on claim - Exam found:
Domestic - No. of homes _____ Stockwater - No. of head _____
Other: _____

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OCT 08 1992

10. ☒ No Change - PLACE OF USE: (If changed, list below.)
Use Twp. Rge. Sec. 1/4, 1/4,

Remarks: (Comments pertinent to field examination)

*A map is available in a separate drawer
Sw Kay Walker*

ATTACHMENTS:

Attached to
This Form.

Attachments are
in Permit File.

PHOTOS (optional) ☐
MAP ☐
SYSTEM DIAGRAM ☐

☐
☐
☐

☐ Changes found during exam or additional information in the permit file, see permit file.

IN-Office

DATE EXAM CONDUCTED: 7-8-92

FIELD EXAMINER:

Signature

Linda Warner

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

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

CIVIL CASE NUMBER: 39576

Ident. Number

Date Received

Receipt Number

A57-10921
2-3-1992
W014095

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Chipmunk Grazing Assoc. Inc. Phone (208) 466-8801

Mailing Address Box 175, Marsing, ID Zip 83639

2. Date of Priority (Only one (1) per claim) 6-1-1875

3. Source of water supply (a) ① Jump Creek
which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township _____ Range _____ Section _____,
_____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of _____

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township ① IN Range 5W Section 32, _____ 1/4 of NW 1/4 of NW 1/4,

Govt. Lot _____ B.M., County of Owyhee

ending point is: Township IN Range 5W Section 6, _____ 1/4 of SW 1/4 of
NE 1/4, Govt. Lot _____ B.M., County of Owyhee

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Instream stockwater.

MICROFILMED

OCT 08 1992

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

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

CIVIL CASE NUMBER: 39576

Ident. Number _____

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) _____ Phone () _____

Mailing Address _____ Zip _____

2. Date of Priority (Only one (1) per claim) _____

3. Source of water supply (a) Bridge Creek
which is tributary to (b) Jump Creek

4. a. Location of existing point of diversion is: Township _____ Range _____ Section _____,
_____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of _____

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township 1N Range 6W Section 12, _____ 1/4 of SW 1/4 of SW 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township 1N Range 5W Section 8, _____ 1/4 of NE 1/4 of
NE 1/4, Govt. Lot _____ B.M., County of Owyhee 18

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. _____

MICROFILMED

OCT 08 1992

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

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

CIVIL CASE NUMBER: 39576

Ident. Number _____

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) _____ Phone () _____

Mailing Address _____ Zip _____

2. Date of Priority (Only one (1) per claim) _____

3. Source of water supply (a) ^③ unnamed stream
which is tributary to (b) Bridge Creek

4. a. Location of existing point of diversion is: Township _____ Range _____ Section _____,
_____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of _____

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township 1N Range 6W Section 12, _____ 1/4 of SE 1/4 of NW 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township 1N Range 6W Section 12, _____ 1/4 of SE 1/4 of
SE 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. _____

RECEIVED
DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO

OCT 08 1992

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

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

CIVIL CASE NUMBER: 39576

Ident. Number _____
Date Received _____
Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) _____ Phone () _____

Mailing Address _____ Zip _____

2. Date of Priority (Only one (1) per claim) _____

3. Source of water supply (a) ^④ unnamed stream
which is tributary to (b) Bridge Creek

4. a. Location of existing point of diversion is: Township _____ Range _____ Section _____,
_____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of _____

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

^④ Township 1N Range 6W Section 14, _____ 1/4 of SW 1/4 of NW 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township 1N Range 5W Section 18, _____ 1/4 of NW 1/4 of
NE 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. _____

RECORDED

OCT 08 1992

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

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

CIVIL CASE NUMBER: 39576

Ident. Number _____

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) _____ Phone () _____

Mailing Address _____ Zip _____

2. Date of Priority (Only one (1) per claim) _____

3. Source of water supply (a) ^⑤ unnamed stream
which is tributary to (b) Tump Creek

4. a. Location of existing point of diversion is: Township _____ Range _____ Section _____,
_____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of _____

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

^⑤ Township 1N Range 6W Section 23, _____ 1/4 of NE 1/4 of NW 1/4,

Govt. Lot _____ B.M., County of Owyhee

ending point is: Township 1N Range 5W Section 18, _____ 1/4 of NE 1/4 of
SW 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. _____

RECORDED

OCT 08 1992

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

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

CIVIL CASE NUMBER: 39576

Ident. Number _____

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) _____ Phone () _____

Mailing Address _____ Zip _____

2. Date of Priority (Only one (1) per claim) _____

3. Source of water supply (a) unnamed stream
which is tributary to (b) Jump Creek

4. a. Location of existing point of diversion is: Township _____ Range _____ Section _____,
_____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of _____

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township 1N Range 6W Section 36, _____ 1/4 of NE 1/4 of NW 1/4,

Govt. Lot _____ B.M., County of Owyhee

ending point is: Township 1N Range 5W Section 19, _____ 1/4 of SE 1/4 of
SW 1/4, Govt. Lot _____ B.M., County of Owyhee

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. _____

RECORDED

OCT 8 8 1992

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

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

CIVIL CASE NUMBER: 39576

Ident. Number _____

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) _____ Phone () _____

Mailing Address _____ Zip _____

2. Date of Priority (Only one (1) per claim) _____

3. Source of water supply (a) ^⑦ unnamed stream
which is tributary to (b) Tump Creek

4. a. Location of existing point of diversion is: Township _____ Range _____ Section _____,
_____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of _____

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township ^⑦ 1N Range 6W Section 36, _____ 1/4 of NW 1/4 of NE 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township 1N Range 6W Section 25, _____ 1/4 of SW 1/4 of
SE 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. _____

RECEIVED
TWIN FALLS DISTRICT COURT

OCT 03 1988

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Stockwater purposes from 1-1 to 12-31 amount 0.13 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.13 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is N/A acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Stockwater, 600 hd. range cows

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>1N</u>	<u>5W</u>	<u>8</u>			<u>S</u>					<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>						
		<u>7</u>											<u>S</u>	<u>S</u>					
		<u>18</u>	<u>S</u>	<u>S</u>	<u>S</u>		<u>S</u>	<u>S</u>			<u>S</u>	<u>S</u>		<u>S</u>		<u>S</u>			
		<u>19</u>					<u>S</u>			<u>S</u>	<u>S</u>		<u>S</u>	<u>S</u>					
		<u>30</u>		<u>S</u>			<u>S</u>	<u>S</u>								<u>S</u>	<u>S</u>	<u>S</u>	
		<u>31</u>	<u>S</u>																
		<u>32</u>						<u>S</u>											

page 1 of 2 - Sands Basin
Allotment

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? Owyhee

12. Do you own the property listed above as place of use? Yes _____ No ✓

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

or None ()

14. Remarks: AKA Sands Basin Allotment - BLM Grazing Allotment.

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OCT 08 1992

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) _____ (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
1N	6W	12			S					S			S	S		S	S	S	
		13	S	S				S	S	S			S					S	
		14	S	S		S	S	S	S									S	
		23	S	S			S												
		24		S			S	S		S									
		25	S	S											S	S	S		
		36		S			S												

pg 2 of 2-Sands Basin
Allotment

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? _____

12. Do you own the property listed above as place of use? Yes _____ No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None ()

14. Remarks:

MICROFILMED

OCT 08 1992

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

AS7-10921

RECEIVED

AUG 10 1994

WATER RESOURCES
WESTERN REGION

SIMMS & STEIN, P.A.
102 Aspen Lakes Drive
P.O. Box 280
Hailey, ID 83333
(208) 788-9145

*9.9. Seifert told me
NOT to change 57-0104?
AS. 8-9-94*

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 SUBSTITUTION
OF COUNSEL

TO THE CLERK OF THE ABOVE ENTITLED COURT.

Pursuant to Rule 11 (b)(1) of the Idaho Rules of Civil Procedure, you are hereby notified that the firm of SIMMS & STEIN, P.A., is substituted as the firm of record in place of SCHROEDER & LEZAMIZ LAW OFFICES. This substitution is for the following parties: JOYCE LIVESTOCK and CHIPMUNK GRAZING ASSOCIATION, in the attached subcases.

The firm of Simms & Stein, P.A., will file timely notices

of appearance in the applicable subcases.

DATED this 26 day of May, 1994.

SIMMS & STEIN, P.A.

SCHROEDER & LEZAMIZ LAW OFFICES

By: /S/
Margaret J. King

By: /S/
John T. Schroeder

CHIPMUNK GRAZING ASSOCIATION

SUBCASE NUMBERS:

57 10917

57 10921

57 10923

57 10924

57 10944

57 10945

57 01047

57 10660

JOYCE LIVESTOCK:

57 10586

57 10587

57 10598

57 10770

CERTIFICATE OF MAILING

The undersigned certifies that on the 26 day of May, 1994, a true and correct copy of the above and foregoing Notice of Substitution of Counsel was served on the following persons by depositing true and correct copies thereof in the United States Mail, first class postage prepaid, or personally delivering the same, addressed as follows:

Clerk of the SRBA Court (FAX)
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

Chief, Natural Resources Division (1)
Office of Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

The United States Department of Justice (1)
Environment and Natural Resources Division
550 West Fort Street, Box 33
Boise, ID 83734

Bruce Malmberg (1)
P.O. Box 175
Marsing, ID 83639



Margaret J. King

RECEIVED

AUG 10 1994

WATER RESOURCES
WESTERN REGION

SIMMS & STEIN, P.A.
102 Aspen Lakes Drive
P.O. Box 280
Hailey, ID 83333
(208) 788-9145

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 APPEARANCE
)
)

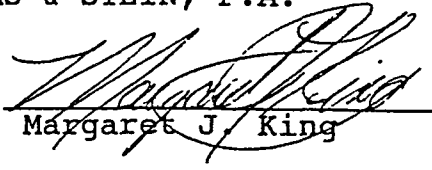
COMES NOW the firm of Simms & Stein, P.A., and hereby enters an appearance for CHIPMUNK GRAZING ASSOCIATION, subcase numbers attached.

All further pleadings, notices, and correspondence of any kind filed hereafter in this matter should be sent to Simms & Stein, P.A., P.O. Box 280, Hailey, Idaho 83333.

DATED this 26 day of May, 1994.

SIMMS & STEIN, P.A.

By:


Margaret J. King

CHIPMUNK GRAZING ASSOCIATION

SUBCASE NUMBERS:

57 10373	57 11157✓
57 10375	57 11158✓
57 10660	57 11170✓
57 10850	57 11176✓
57 10851	57 11179✓
57 10914	57 11181✓
57 10916	57 11183✓
57 10917	
57 10918	
57 10919A	
57 10919B	
57 10920	
57 10921	
57 10924	
57 10944	
57 10946	
57 01046✓	
57 01047✓	
57 10923	
57 10945	
57 10947	
57 11148✓	
57 11149✓	
57 11156✓	

do not change
57-01046 - 11156
- 11157
57-01047 11158
57-11170 11170
- 11149 11176
11179
- 11181
- 11183

CERTIFICATE OF MAILING

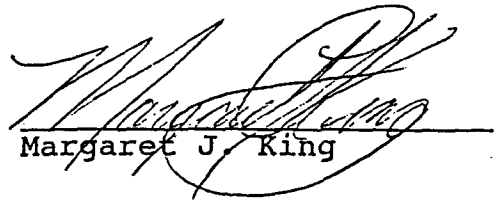
The undersigned certifies that on the 26 day of May, 1994, a true and correct copy of the above and foregoing Notice of Appearance was served on the following persons by depositing true and correct copies thereof in the United States Mail, first class postage prepaid, or personally delivering the same, addressed as follows:

Clerk of the SRBA Court (original)
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

Chief, Natural Resources Division (1)
Office of Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

The United States Department of Justice (1)
Environment and Natural Resources Division
550 West Fort Street, Box 33
Boise, ID 83734

Bruce Malmberg (1)
P.O. Box 175
Marsing, ID 83639


Margaret J. King

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

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

Case No. 57-10921 -0002

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: CHIPMUNK GRAZING ASSOC INC
Address: PO BOX 175
MARSING ID 83639

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

9. ☒ Place of Use: I respond to the objection concerning:
12. ☒ Water Right Recommendation: I respond to the objection concerning:
- 12b. ☒ This water right not being recommended.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 9, 12 and 12b., and all allegations of the objection regarding these items IDWR responds as follows: Portions of this water right were claimed by both the United States and the objector thus creating a dispute over the ownership of these portions between the owner of the place of use (the United States) and the holder of a federal grazing permit to these lands (the objector). Generally, in landlord/tenant type disputes over the ownership of a water right based on appropriation, the water right is presumed to be owned by the owner of the place of use unless a mutual intent to the contrary is clearly shown. As to the contested portions of this water right, the objector did not submit evidence to IDWR sufficient to overcome the presumption. IDWR therefore denies the

objection and all allegations of the objection not expressly admitted herein.

CHANGES TO THE DIRECTOR'S REPORT

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

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

No. of
Pages

The notice of claim is attached to IDWR's response to Objection No. 57-10921-0001

(Over)

MICROFILMED
JUL 21 1994

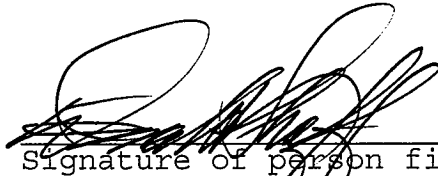
VERIFICATION (Must be Completed)

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.



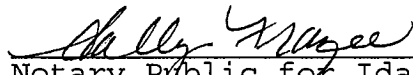
Signature of person filing response

By:



(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 17th day of December,
1993.



Notary Public for Idaho
Residing at: Boise ID
My Commission expires: 11-14-1998

CERTIFICATE OF MAILING

I hereby certify that on the 20th day of December, 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:

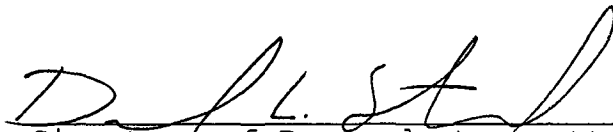
See No. 3

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: JOHN T SCHROEDER
Address: 447 W MYRTLE
PO BOX 267
BOISE ID 83701

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 Respondent or attorney
mailing on Respondent's behalf

JOHN T. SCHROEDER, ESQ.
SCHROEDER & LEZAMIZ LAW OFFICES
447 WEST MYRTLE
P.O. BOX 267
BOISE, IDAHO 83701
TELEPHONE: 384-1627

Attorney for Chipmunk Grazing Assn, Inc.

RECEIVED

OCT 01 1993

Department of Water Resources
Adjudication Bureau

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

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

Case No. 39576

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

NOTICE OF APPEARANCE FOR
CHIPMUNK GRAZING ASSN, INC.

Petitioner,)

Sub Case: 57-10917

vs.)

57-10921

57-10923

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

57-10924

57-10944

57-10945

57-10947

57-10660

Respondents.)

TO: State of Idaho, Office of Attorney General; U.S. Department
of Justice:

YOU WILL PLEASE TAKE NOTICE THAT John T. Schroeder, Esq., of
the law firm of Schroeder & Lezamiz Law Offices, Boise, Idaho,
enters an appearance for Chipmunk Grazing Assn, Inc., with regard
to the Motion to File Late Objection to the Director's Report and
any further proceedings on said Objection should the Motion be

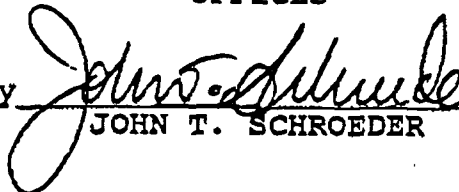
NOTICE OF APPEARANCE FOR CHIPMUNK GRAZING
WITH REGARD TO MOTION TO FILE LATE OBJECTION - Page 1 MICROFILMED

JUL 21 1994

allowed. All further pleadings and correspondence should be delivered to said Attorney at the above address.

Dated this 20th day of September, 1993.

SCHROEDER & LEZAMIZ LAW
OFFICES

By 
JOHN T. SCHROEDER

CERTIFICATE OF DELIVERY

I HEREBY CERTIFY That a true and correct copy of the foregoing Notice of Appearance was hand delivered to the following persons and individuals:

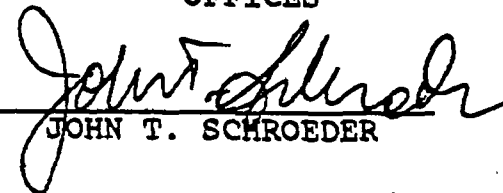
Chief, Natural Resources Division
Office of Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

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

Mr. Alan Johnstone
Route 1, Box 1251
Homedale, Idaho 83638

Dated this 20th day of September, 1993.

SCHROEDER & LEZAMIZ LAW
OFFICES

By 
JOHN T. SCHROEDER

NOTICE OF APPEARANCE FOR CHIPMUNK GRAZING
WITH REGARD TO MOTION TO FILE LATE OBJECTION - Page 2

MICROFILMED

JUL 21 1994

ADJUDICATION MEMORANDUM

CLAIM NO.: A57-10921

SUBJECT: Chipmunk Grazing Assoc.

EMPLOYEE: Heinie Day

DATE: 11-10-93

Map for this claim is filed
in Drawer # 19 of the wooden
map cabinet.

MICROFILMED

JUL 21 1994

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

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

Case No. 57-10921 -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)

RESPONSE TO OBJECTION NO. 57-10921 -0001

- PAGE

MICROFILMED
JUL 21 1994

2. Person who filed objection:

Name: US BUREAU OF LAND MGMT
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

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

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

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, and 12a and all allegations of the objection regarding these items IDWR responds as follows:

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

CHANGES TO THE DIRECTOR'S REPORT

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

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

(Over)

No. of
Pages

Notice of Claim No. A57-10921

10

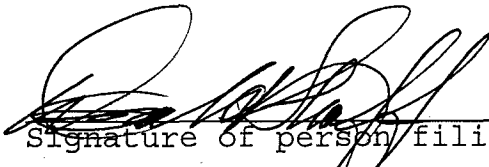
VERIFICATION (Must be Completed)

State of IDAHO

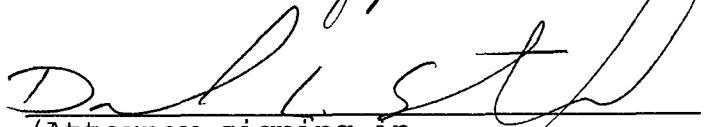
County of ADA

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.

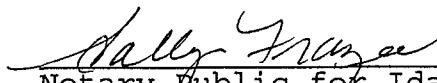


Signature of person filing response

By: 

(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 29th day of June,
1993.



Notary Public for Idaho
Residing at: Boise
My Commission expires: 11-14-1998

(Over)

CERTIFICATE OF MAILING

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

1. Original to:

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

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

Name: CHIPMUNK GRAZING ASOOC
Address: BOX 175
MARSING ID 83639

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

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. 57-10921
(You must insert the
water right number you
are objecting to)

OBJECTION

RECEIVED

FEB 26 1993

Department of Water Resources
Adjudication Bureau

INSTRUCTIONS

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

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

(Over)

OBJECTION - 1

JUL 21 1994

MICROFILMED

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

I. GENERAL INFORMATION

Please fill in the following information:

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

Briefly describe your interest in this water right:

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

2. Owner of the water right:

Name: claimant Chipmunk Grazing Assoc
Address: Box 175
Marsing, ID 83639

3. If this objection is filed by an attorney:

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

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

II. STATEMENT OF THE OBJECTION

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

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

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JUL 21 1994

(Over)

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

REASONS SUPPORTING EACH BOX CHECKED

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

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

CHANGES TO THE DIRECTOR'S REPORT

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

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

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

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

1. Map of claim on public land

2. Conflicting USDI claims

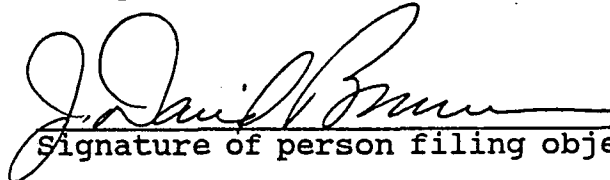
VERIFICATION (Must be Completed)

State of Idaho

County of Ada

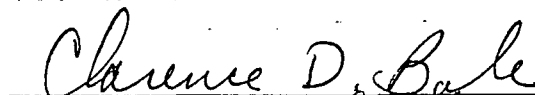
J. DAVID BRUNNER, BOISE DISTRICT MANAGER, being first duly
(Name of person filing objection)
sworn, upon oath, deposes and says:

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


Signature of person filing objection

By: _____
(Attorney signing in
representative capacity)

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


Notary Public for Ada County
Residing at: Boise Idaho
My Commission expires: April 24, 1997

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 26 day of February, 1993, I ^{personally} 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:

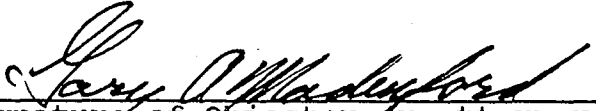
Owner name: Chipmunk Grazing Assoc
Owner's address: Box 175
Marsing, ID 83639

3. One copy to:

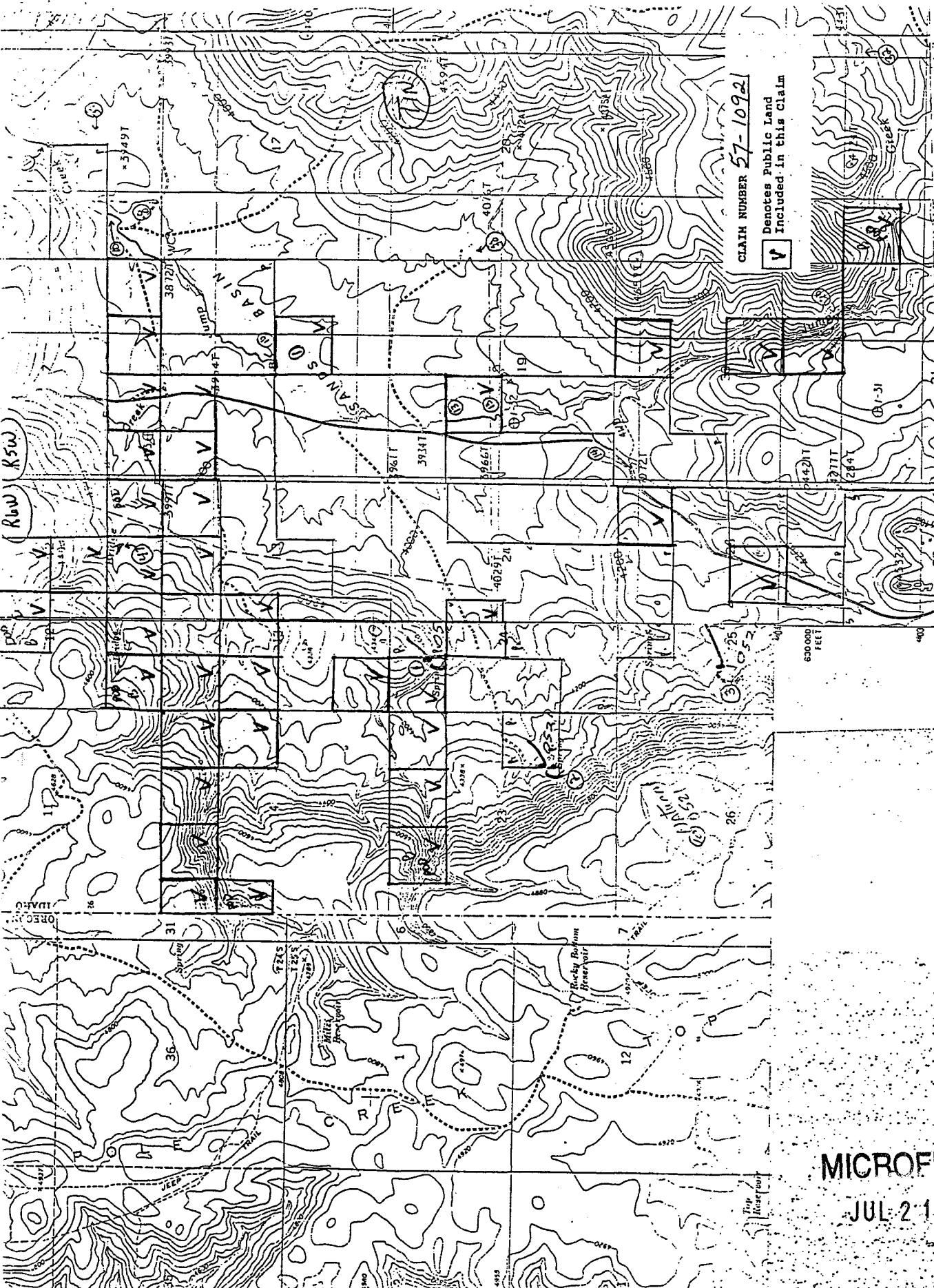
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

4. One copy to:

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



Signature of Objector or attorney
mailing on Objector's behalf



CLAIM NUMBER 57-10921

Denotes Public Land
Included in this Claim



POOR ORIGINAL

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JUL 21 1994

CLAIM NUMBER: 57-10921

CONFLICTING CLAIMS FOUND IN THE DIRECTORS REPORT

57-11181
57-11183
57-07295
57-07305
57-11000
57-11000A
57-11024
57-11024A

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

CIVIL CASE NUMBER: 39576

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

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

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

PRIORITY DATE: 1874-01-01
AGENCY NUMBER: 5701582409
BLM NUMBER: 5701582409
BASIS OF CLAIM: BENEFICIAL USE
BASIN NUMBER: 57

SOURCE	TRIBUTARY TO
-----	-----
UNNAMED STREAM	JUMP CREEK

DESCRIPTION OF DIVERSION WORKS

INSTREAM USE

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
-----	-----	-----	-----	-----
STOCKWATER	0.190	0.00	0101	1231
WILDLIFE	0.020	0.00	0101	1231
TOTAL:	0.210 CFS	0.00 AF		

NON-IRRIGATION USES

S/ 700 RANGE CATTLE & WILDHORSES W/ VAR AMOUNTS

POINT OF DIVERSION							
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
---	---	---	-----	-----	-----	---	-----
01N	06W	23				01	OWYHEE
01N	06W	24		NW	NW	00	OWYHEE

PLACE OF USE

TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	IRRIGATED OWNED	ACRES
---	---	---	-----	-----	---	-----	-----	-----
01N	06W	23			01	OWYHEE		0.0

MICROFILMED

JUL 21 1994

BLM NUMBER: 5701582409

PAGE:

01N	06W	23			01	OWYHEE	0.0
01N	06W	23	NE	NW	00	OWYHEE	0.0
01N	06W	23	NW	NE	00	OWYHEE	0.0
01N	06W	23	NE	NE	00	OWYHEE	0.0
01N	06W	14	SE	SE	00	OWYHEE	0.0
01N	06W	24	NW	NW	00	OWYHEE	0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

REMARKS

FIRST DATE OF BENEFICIAL USE - 1874

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

CIVIL CASE NUMBER: 39576

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

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

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

PRIORITY DATE: 1874-01-01
AGENCY NUMBER: 5701582410
BLM NUMBER: 5701582410
BASIS OF CLAIM: BENEFICIAL USE
BASIN NUMBER: 57

SOURCE	TRIBUTARY TO
-----	-----
UNNAMED STREAM	JUMP CREEK

DESCRIPTION OF DIVERSION WORKS

INSTREAM USE

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
-----	-----	-----	-----	-----
WILDLIFE	0.020	0.00	0101	1231
STOCKWATER	0.190	0.00	0101	1231
TOTAL:	0.210 CFS	0.00 AF		

NON-IRRIGATION USES

S/ 700 RANGE CATTLE & WILDHORSES W/ VAR AMOUNTS

POINT OF DIVERSION							
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
-----	-----	-----	-----	-----	-----	-----	-----
01N	05W	18		NE	NW	00	OWYHEE
01N	06W	14				02	OWYHEE

PLACE OF USE							IRRIGATED OWNED	ACRES
TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY		
-----	-----	-----	-----	-----	-----	-----	-----	-----
01N	06W	14	NW	NW	00	OWYHEE		0.0

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01N	06W	14	NE	NW	00	OWYHEE	0.0
01N	06W	14	NW	NE	00	OWYHEE	0.0
01N	06W	14	SW	NE	00	OWYHEE	0.0
01N	06W	14	SE	NE	00	OWYHEE	0.0
01N	06W	14	NE	NE	00	OWYHEE	0.0
01N	06W	13	NW	NW	00	OWYHEE	0.0
01N	06W	13	SW	NW	00	OWYHEE	0.0
01N	06W	13	SE	NW	00	OWYHEE	0.0
01N	06W	13	SW	NE	00	OWYHEE	0.0
01N	06W	13	NW	NE	00	OWYHEE	0.0
01N	06W	13	NE	NE	00	OWYHEE	0.0
01N	05W	07	SE	SW	00	OWYHEE	0.0
01N	05W	18	NE	NW	00	OWYHEE	0.0
01N	06W	14			02	OWYHEE	0.0
01N	05W	18			01	OWYHEE	0.0
01N	05W	07			04	OWYHEE	0.0
01N	06W	14			02	OWYHEE	0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

REMARKS

FIRST DATE OF BENEFICIAL USE - 1874

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

CIVIL CASE NUMBER: 39576

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

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

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

PRIORITY DATE: 1874-01-01
AGENCY NUMBER: 5701582413
BLM NUMBER: 5701582413
BASIS OF CLAIM: BENEFICIAL USE
BASIN NUMBER: 57

SOURCE	TRIBUTARY TO
BRIDGE CREEK	JUMP CREEK

DESCRIPTION OF DIVERSION WORKS

INSTREAM USE

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
STOCKWATER	0.190	0.00	0101	1231
WILDLIFE	0.020	0.00	0101	1231
STOCKWATER	0.190	0.00	0101	1231
WILDLIFE	0.020	0.00	0101	1231
TOTAL:	0.210 CFS	0.00 AF		

NON-IRRIGATION USES

S/ 700 RANGE CATTLE & WILDHORSES W/ VAR AMOUNTS

				POINT OF DIVERSION			
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
01N	06W	12		SW	SW	00	OWYHEE
01N	06W	12		SE	SW	00	OWYHEE
01N	06W	12		SW	SW	00	OWYHEE
01N	06W	12		SE	SW	00	OWYHEE

PLACE OF USE

TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY
01N	06W	12	SW	SW	00	OWYHEE

MICROFILMED IRRIGATED
OWNED ACRES
JUL 21 1994
0.0

BLM NUMBER: 5701582413

PAGE:

01N	06W	12	SW	SW	00	OWYHEE	0.0
01N	06W	12	SE	SW	00	OWYHEE	0.0
01N	06W	12	SW	SW	00	OWYHEE	0.0
01N	06W	12	SW	SW	00	OWYHEE	0.0
01N	06W	12	SE	SW	00	OWYHEE	0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

REMARKS

FIRST DATE OF BENEFICIAL USE - 1874

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

CIVIL CASE NUMBER: 39576

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

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

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

PRIORITY DATE: 1874-01-01
AGENCY NUMBER: 5701582273
BLM NUMBER: 5701582273
BASIS OF CLAIM: BENEFICIAL USE
BASIN NUMBER: 57

SOURCE	TRIBUTARY TO
JUMP CREEK	SNAKE RIVER

DESCRIPTION OF DIVERSION WORKS

INSTREAM USE

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
WILDLIFE	0.020	0.00	0101	1231
STOCKWATER	0.220	0.00	0101	1231
TOTAL:	0.240 CFS	0.00 AF		

NON-IRRIGATION USES

S/ 700 RANGE CATTLE & WILDHORSES W/ VAR AMOUNTS

POINT OF DIVERSION							
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
01N	05W	29		NE	SW	00	OWYHEE
01N	05W	32		NW	NW	00	OWYHEE
01N	05W	31		SE	NE	00	OWYHEE
01N	05W	30		SE	SE	00	OWYHEE
01N	05W	30		NW	NE	00	OWYHEE

PLACE OF USE							MICROFILMED	IRRIGATED	
TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY		OWNED	ACRES
01N	05W	29	NE	SW	00	OWYHEE	JUL 2-1 1994		0.0

BLM NUMBER: 5701582273

PAGE:

01N	05W	29	SE	SW	00	OWYHEE	0.0
01N	05W	29	SW	SW	00	OWYHEE	0.0
01N	05W	32	NW	NW	00	OWYHEE	0.0
01N	05W	31	SE	NE	00	OWYHEE	0.0
01N	05W	30	SE	SE	00	OWYHEE	0.0
01N	05W	30	SW	SE	00	OWYHEE	0.0
01N	05W	30	NW	SE	00	OWYHEE	0.0
01N	05W	30	SW	NE	00	OWYHEE	0.0
01N	05W	30	NW	NE	00	OWYHEE	0.0
01N	05W	29	NE	SW	00	OWYHEE	0.0
01N	05W	29	SE	SW	00	OWYHEE	0.0
01N	05W	29	SW	SW	00	OWYHEE	0.0
01N	05W	32	NW	NW	00	OWYHEE	0.0
01N	05W	31	SE	NE	00	OWYHEE	0.0
01N	05W	30	SE	SE	00	OWYHEE	0.0
01N	05W	30	SW	SE	00	OWYHEE	0.0
01N	05W	30	NW	SE	00	OWYHEE	0.0
01N	05W	30	SW	NE	00	OWYHEE	0.0
01N	05W	30	NW	NE	00	OWYHEE	0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

REMARKS

FIRST DATE OF BENEFICIAL USE - 1874

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

CIVIL CASE NUMBER: 39576

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

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

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

PRIORITY DATE: 1874-01-01
AGENCY NUMBER: 5701582274
BLM NUMBER: 5701582274
BASIS OF CLAIM: BENEFICIAL USE
BASIN NUMBER: 57

SOURCE	TRIBUTARY TO
UNNAMED STREAM	JUMP CREEK

DESCRIPTION OF DIVERSION WORKS

INSTREAM USE

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
STOCKWATER	0.220	0.00	0101	1231
WILDLIFE	0.020	0.00	0101	1231
TOTAL:	0.240 CFS	0.00 AF		

NON-IRRIGATION USES

S/ 700 RANGE CATTLE & WILDHORSES W/ VAR AMOUNTS

TWP	RNG	SEC	TRACT1	POINT OF DIVERSION TRACT2	TRACT3	LOT	COUNTY
01N	05W	31		NE	SW	00	OWYHEE
01N	05W	31		NW	SW	00	OWYHEE
01N	06W	25		SE	SE	00	OWYHEE
01N	06W	25		SE	NW	00	OWYHEE
01N	06W	25		SE	NE	00	OWYHEE
01N	06W	25		NE	NE	00	OWYHEE
01N	06W	25		NW	SE	00	OWYHEE
01N	05W	31				01	OWYHEE

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JUL 21 1994

01N 05W 19

04 OWYHEE

PLACE OF USE						IRRIGATED	
TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	OWNED ACRES
01N	05W	31	NW	SW	00	OWYHEE	0.0
01N	05W	31	NE	SW	00	OWYHEE	0.0
01N	05W	31	SE	NW	00	OWYHEE	0.0
01N	05W	31	SW	NW	00	OWYHEE	0.0
01N	06W	25	SE	SE	00	OWYHEE	0.0
01N	06W	25	SE	NW	00	OWYHEE	0.0
01N	06W	25	SW	NE	00	OWYHEE	0.0
01N	06W	25	SE	NE	00	OWYHEE	0.0
01N	06W	25	NE	NE	00	OWYHEE	0.0
01N	06W	25	NW	SE	00	OWYHEE	0.0
01N	06W	31			01	OWYHEE	0.0
01N	05W	19			04	OWYHEE	0.0
01N	05W	31	NW	SW	00	OWYHEE	0.0
01N	05W	31	NE	SW	00	OWYHEE	0.0
01N	05W	31	SE	NW	00	OWYHEE	0.0
01N	05W	31	SW	NW	00	OWYHEE	0.0
01N	06W	25	SE	SE	00	OWYHEE	0.0
01N	06W	25	SE	NW	00	OWYHEE	0.0
01N	06W	25	SW	NE	00	OWYHEE	0.0
01N	06W	25	SE	NE	00	OWYHEE	0.0
01N	06W	25	NE	NE	00	OWYHEE	0.0
01N	06W	25	NW	SE	00	OWYHEE	0.0
01N	06W	31			01	OWYHEE	0.0
01N	05W	19			04	OWYHEE	0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

REMARKS

FIRST DATE OF BENEFICIAL USE - 1874

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

CIVIL CASE NUMBER: 39576

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

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

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

PRIORITY DATE: 1874-01-01
AGENCY NUMBER: 5701582266
BLM NUMBER: 5701582266
BASIS OF CLAIM: BENEFICIAL USE
BASIN NUMBER: 57

SOURCE	TRIBUTARY TO
-----	-----
UNNAMED STREAM	JUMP CREEK

DESCRIPTION OF DIVERSION WORKS

INSTREAM USE

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
-----	-----	-----	-----	-----
STOCKWATER	0.220	0.00	0101	1231
WILDLIFE	0.020	0.00	0101	1231
TOTAL:	0.240 CFS	0.00 AF		

NON-IRRIGATION USES

S/ 700 RANGE CATTLE & WILDHORSES W/ VAR AMOUNTS

TWP	RNG	SEC	POINT OF DIVERSION				COUNTY
			TRACT1	TRACT2	TRACT3	LOT	
---	---	---	-----	-----	-----	---	-----
01N	05W	29		NW	NE	00	OWYHEE
01N	05W	29		NE	NW	00	OWYHEE
01N	05W	29		NW	NW	00	OWYHEE
01N	05W	18		NW	SE	00	OWYHEE

PLACE OF USE							IRRIGATED
TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	OWNED ACRES
---	---	---	-----	-----	---	-----	-----
01N	05W	20	SW	SE	00	OWYHEE	0.0

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JUL 21 1994

BLM NUMBER: 5701582266

PAGE:

01N	05W	20	NW	SE	00	OWYHEE	0.0
01N	05W	20	NE	SW	00	OWYHEE	0.0
01N	05W	20	SE	NW	00	OWYHEE	0.0
01N	05W	20	SW	NW	00	OWYHEE	0.0
01N	05W	20	SE	SW	00	OWYHEE	0.0
01N	05W	20	SW	SW	00	OWYHEE	0.0
01N	05W	19	SE	NE	00	OWYHEE	0.0
01N	05W	19	NW	NE	00	OWYHEE	0.0
01N	05W	18	SW	SE	00	OWYHEE	0.0
01N	05W	18	NW	SE	00	OWYHEE	0.0
01N	05W	29	NW	NE	00	OWYHEE	0.0
01N	05W	29	NE	NW	00	OWYHEE	0.0
01N	05W	29	NW	NW	00	OWYHEE	0.0
01N	05W	20	SW	SE	00	OWYHEE	0.0
01N	05W	20	NW	SE	00	OWYHEE	0.0
01N	05W	20	NE	SW	00	OWYHEE	0.0
01N	05W	20	SE	NW	00	OWYHEE	0.0
01N	05W	20	SW	NW	00	OWYHEE	0.0
01N	05W	20	SE	SW	00	OWYHEE	0.0
01N	05W	20	SW	SW	00	OWYHEE	0.0
01N	05W	19	SE	NE	00	OWYHEE	0.0
01N	05W	19	NW	NE	00	OWYHEE	0.0
01N	05W	18	SW	SE	00	OWYHEE	0.0
01N	05W	18	NW	SE	00	OWYHEE	0.0
01N	05W	29	NW	NE	00	OWYHEE	0.0
01N	05W	29	NE	NW	00	OWYHEE	0.0
01N	05W	29	NW	NW	00	OWYHEE	0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

REMARKS

FIRST DATE OF BENEFICIAL USE - 1874

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

CIVIL CASE NUMBER: 39576

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

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

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

PRIORITY DATE: 1874-01-01
AGENCY NUMBER: 5701582261
BLM NUMBER: 5701582261
BASIS OF CLAIM: BENEFICIAL USE
BASIN NUMBER: 57

SOURCE

TRIBUTARY TO

BRIDGE CREEK

JUMP CREEK

DESCRIPTION OF DIVERSION WORKS

INSTREAM USE

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
WILDLIFE	0.020	0.00	0101	1231
STOCKWATER	0.220	0.00	0101	1231
TOTAL:	0.240 CFS	0.00 AF		

NON-IRRIGATION USES

S/ 700 RANGE CATTLE & WILDHORSES W/ VAR AMOUNTS

				POINT OF DIVERSION			
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
01N	06W	12		SE	SW	00	OWYHEE

PLACE OF USE

							IRRIGATED	
TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	OWNED	ACRES
01N	06W	12	SE	SW	00	OWYHEE		0.0
01N	06W	12	SW	SE	00	OWYHEE		0.0

MICROFILMED

JUL 21 1994

BLM NUMBER: 5701582261

PAGE: 2

01N	06W	12	SE	SE	00	OWYHEE	0.0
01N	05W	07	SW	SW	00	OWYHEE	0.0
01N	05W	07	SE	SW	00	OWYHEE	0.0
01N	05W	07	SW	SE	00	OWYHEE	0.0
01N	05W	08	NE	NW	00	OWYHEE	0.0
01N	06W	12	SE	SW	00	OWYHEE	0.0
01N	06W	12	SW	SE	00	OWYHEE	0.0
01N	06W	12	SE	SE	00	OWYHEE	0.0
01N	05W	07	SW	SW	00	OWYHEE	0.0
01N	05W	07	SE	SW	00	OWYHEE	0.0
01N	05W	07	SW	SE	00	OWYHEE	0.0
01N	05W	08	NE	NW	00	OWYHEE	0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

REMARKS

FIRST DATE OF BENEFICIAL USE - 1874