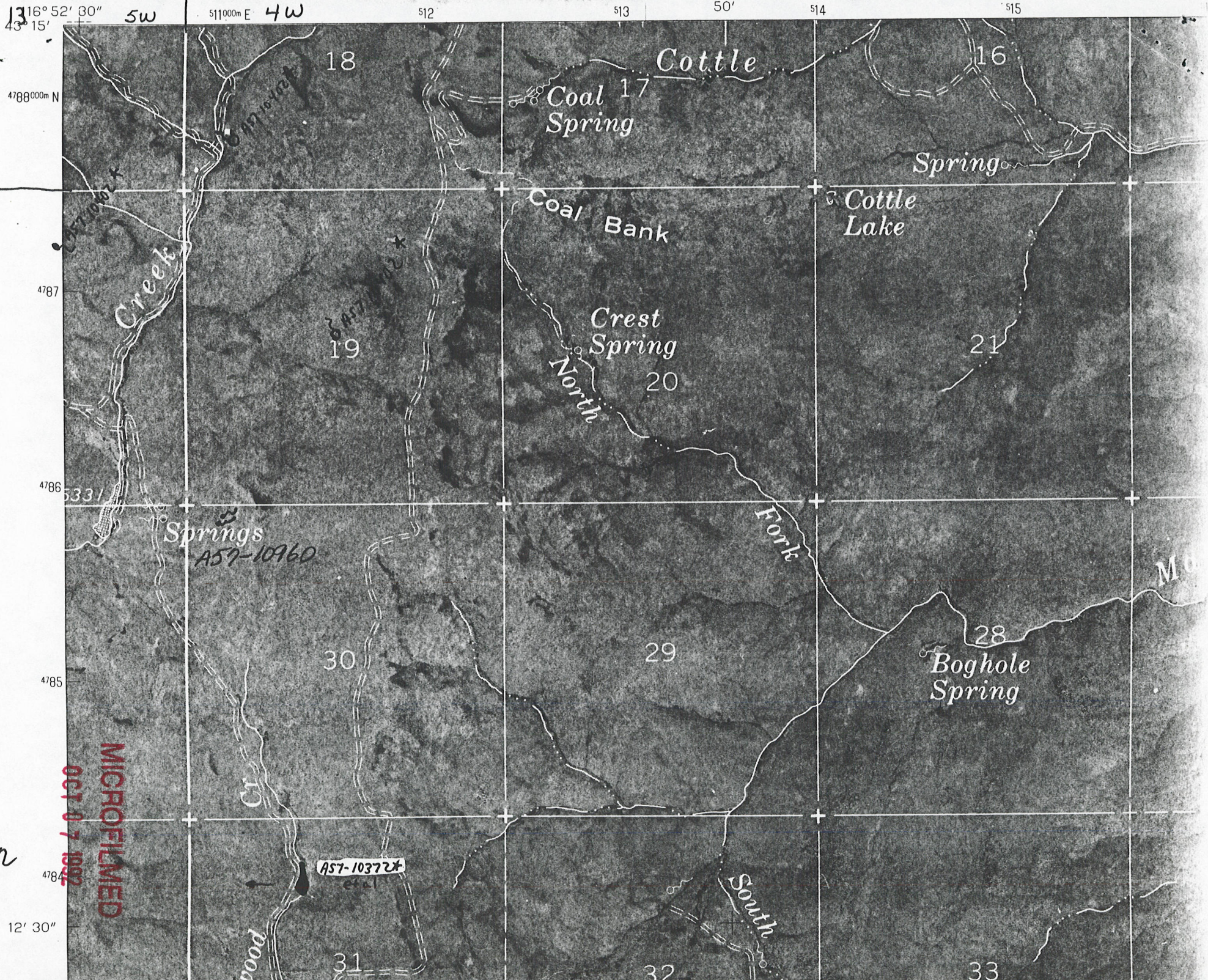




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IN THE DISTRICT COURT OF
THE FIFTH JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

CIVIL CASE NUMBER: 39576

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

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE AND FEDERAL LAW

A57-10960

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

PRIORITY DATE: 1875-01-01
(RESERVED 1926-04-17)
IDWR WATER RIGHT NO. 5701580012
BLM NUMBER: 5701580012
BASIS OF CLAIM: BENEFICIAL USE
(SUBSEQUENT FEDERAL RESERVE)
BASIN NO.: 57

SOURCE	TRIBUTARY TO
SPRING	SINK

DESCRIPTION OF DIVERSION WORKS
UNDEVELOPED SPRING

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

NON-IRRIGATION USES
S/584 RANGE CATTLE

TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
02S	04W	30		NE	NW	0	OWYHEE

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OCT 07 1992

TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	OWNED	IRRIGATED ACRES
02S	04W	30	NE	NW	0	OWYHEE	YES	0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

WATER FEDERALLY RESERVED ON 1926-04-17, SEE REMARKS

REMARKS

FIRST DATE OF BENEFICIAL USE -1875; WATER ALSO FEDERALLY RESERVED
BY EXECUTIVE ORDER DATED APRIL 17, 1926, PWR NO. 107

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OCT 07 1992

RECEIVED

FEB 13 1997

Department of Water Resources

1997 FEB 11 PM 3:53

DISTRICT COURT-SF
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA

Case No. 39576

ORDER OF PARTIAL DECREE

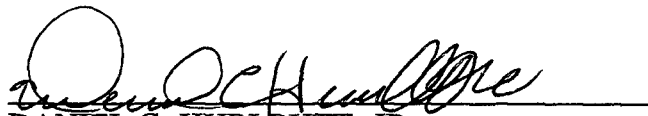
For Water Right 57-10960

On December 26, 1996, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

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

Therefore, IT IS ORDERED that water right 57-10960 be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED February 11, 1997.


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

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OCT 19 1998

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~~OCT 07 1998~~

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FEB 13 1997

Department of Water Resources

1997 FEB 11 PM 3:53

DISTRICT COURT-5TH
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA

Case No. 39576

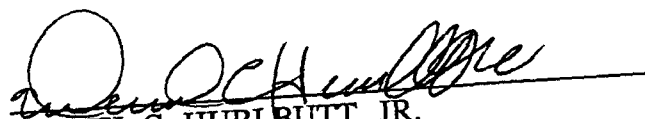
) ORDER OF PARTIAL DECREE
)
)
) For Water Right 57-10960
)

On December 26, 1996, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

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

Therefore, IT IS ORDERED that water right 57-10960 be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED February 11, 1997.


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

MICROFILMED

OCT 19 1998

MICROFILMED

OCT 07 1998

RECEIVED

DEC 30 1996

Department of Water Resources

1996 DEC 26 PM 1:30

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

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

In Re SRBA

) SPECIAL MASTER'S REPORT

Case No. 39576

) For Water Right 57-10960

FINDINGS OF FACT

Subcase 57-10960 involves an instream stock water claim filed by the United States Bureau of Land Management (BLM). On January 22, 1996, the BLM filed a *Standard Form 5* with the court. After the *Standard Form 5* was filed Special Master Haemmerle issued his recommendation on Basin-Wide Issue 12 involving issues dealing with *de minimis* stock water claims. (*Special Master's Second Amended Recommendation Re: Basin-Wide Issue 12* (Aug 12, 1996). For subcase 57-10960 the court adopts the recommendation involving Basin-Wide Issue 12 into the Special Master's Report and Recommendation Findings of Fact and Conclusions of Law.

CONCLUSION

Under *SRBA Administrative Order 1*, a Special Master is required to make a recommendation to the Presiding Judge as to whether and how a water right should be decreed. A *Preliminary Special Master's Report* was issued on November 1, 1996. No motion to alter or amend was filed and the time for such a motion has now expired.

Therefore, consistent with these findings, the court recommends water right 57-10960 as listed on the attached *Special Master's Recommendation for Partial Decree for Water Right 57-10960*.

DATED December 17, 1996.

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

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OCT 07 1998

SPECIAL MASTER'S REPORT
12/17/96

MICROFILMED

OCT 19 1998

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

In Re SRBA)
Case No. 39576)
_____)

SPECIAL MASTER'S RECOMMENDATION FOR

PARTIAL DECREE FOR

Water Right 57-10960

1996 DEC 26 PM 1:30

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED DL

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

RECEIVED

DEC 30 1996

SOURCE: SPRINGS TRIBUTARY: SINKS

QUANTITY: 0.02 CFS

Department of Water Resources

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

PRIORITY DATE: 01/01/1875

LOCATION OF INSTREAM FLOW: T02S R04W S30 NENW Within Owyhee County

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
T02S R04W S30 NENW

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

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

DATED: 12-26-96

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

~~MICROFILMED~~
~~OCT 07 1998~~

MICROFILMED
OCT 19 1998

SPECIAL MASTER'S RECOMMENDATION

PAGE 1
OCT-1-1996

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DEC 30 1996

Department of Water Resources

1996 DEC 26 PM 1:30

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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

In Re SRBA
Case No. 39576

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S REPORT
AND RECOMMENDATION

Water Right(s): 57-10960

On December 26, 1996, Special Master FRITZ X HAEMMERLE issued a SPECIAL MASTER'S REPORT AND RECOMMENDATION for the above subcase pursuant to SRBA Administrative Order 1 (AO1), Section 9.

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

DATED December 26, 1996.


DEBBIE LASH
Deputy Clerk

MICROFILMED

OCT 19 1998

~~MICROFILMED~~

~~OCT 07 1998~~

NOTICE OF ISSUANCE

PAGE 1
12/26/96

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DEC 30 1996

Department of Water Resources

1996 DEC 26 PM 1:30

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

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

In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 57-10960

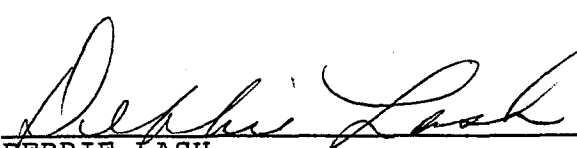
CERTIFICATE OF MAILING

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 December 26, 1996, with sufficient first-class postage prepaid to the following:

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

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

JACK HAUGRUD
US DEPT OF JUSTICE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724


DEBBIE LASH
Deputy Clerk

CERTIFICATE OF MAILING

~~MICROFILMED~~

MICROFILMED OCT 07 1998

OCT 19 1998

PAGE 1
12/26/96

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

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

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b) FOR

Water Right 57-10960

2007 FEB 11 PM 3:53
DISTRICT COURT-3rd JUDICIAL DISTRICT
TWIN FALLS CO. IDAHO
FILED _____

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

SOURCE: SPRINGS TRIBUTARY: SINKS

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 01/01/1875

POINT OF DIVERSION: T02S R04W S30 NENW Within Owyhee County

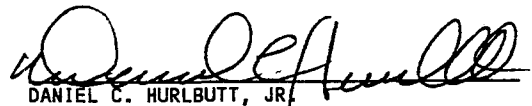
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE STOCKWATER	PERIOD OF USE 01-01 12-31	QUANTITY 0.02 CFS
-------------------------------	------------------------------	------------------------------	----------------------

PLACE OF USE: STOCKWATER Within Owyhee County
T02S R04W S30 NENW

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

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

DATED: FEB 11 1997


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

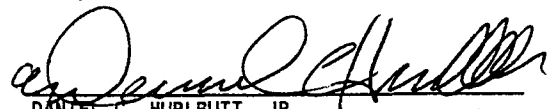
RULE 54(b) CERTIFICATE

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

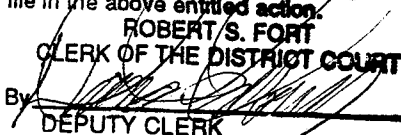
DATED: FEB 11 1997

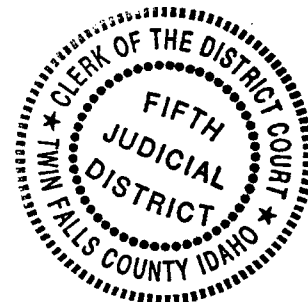
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OCT 19 1998

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OCT 07 1998


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

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b) true and correct copy of the original on file in the above entitled action.

State of Idaho
County of Twin Falls ss.
I hereby certify the foregoing to be a true and correct copy of the original on file in the above entitled action.
ROBERT S. FORT
CLERK OF THE DISTRICT COURT
By 
DEPUTY CLERK



RECEIVED

NOV 04 1996

Department of Water Resources

1996 NOV -1 AM 11:43

Lodged
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED *DL*

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

In Re SRBA

Case No. 39576

) PRELIMINARY SPECIAL MASTER'S
) REPORT

) FINDINGS OF FACT, CONCLUSIONS
) OF LAW

) For Water Right 57-10960

FINDINGS OF FACT

A notice of claim was filed for this water right pursuant to I.C. § 42-1409(1990). The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for Reporting Area 1 and investigated and abstracted the notices of claim for Reporting Area 2 (Basin 57), which included portions of Owyhee County. The Director of the Idaho Department of Water Resources then filed A *Director's Report for Reporting Area 57 (Director's Report)* which asserted how the elements of this water right should be decreed by the court.

Subcase 57-10960 involves an instream stock water claim filed by the United States Bureau of Land Management (BLM). On January 22, 1996, the BLM filed a *Standard Form 5* with the court. After the *Standard Form 5* was filed Special Master Haemmerle issued his recommendation on Basin-Wide Issue 12 involving issues dealing with *de minimis* stock water claims. (*Special Master's Second Amended Recommendation Re: Basin-Wide Issue 12* (Aug 12, 1996). For subcase 57-10960 the court adopts the recommendation involving Basin-Wide Issue 12 into the Special Master's Report and Recommendation Findings of Fact and Conclusions of Law.

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OCT 19 1998

MICROFILMED

OCT 07 1998

CONCLUSION

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

Therefore, consistent with these findings, the court recommends water right 57-10960 as listed on the attached *Special Master's Recommendation for Partial Decree*.

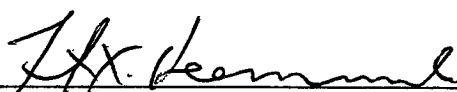
DATED October 31, 1996.

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~~OCT 07 1998~~

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OCT 19 1998


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

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

In Re SRBA)
Case No. 39576)
_____)

PRELIMINARY

1996 NOV -1 AM 11:43
SPECIAL MASTER'S RECOMMENDATION FOR
PARTIAL DECREE FOR DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
Water Right 57-10960
FILED *PL*

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

SOURCE: SPRINGS TRIBUTARY: SINKS

QUANTITY: 0.02 CFS

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

RECEIVED
NOV 04 1996
Department of Water Resources

PRIORITY DATE: 01/01/1875

LOCATION OF INSTREAM FLOW: T02S R04W S30 NENW Within OWYHEE County

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

PLACE OF USE: STOCKWATER Within OWYHEE County
T02S R04W S30 NENW

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

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

DATED: NOV 1 - 1996

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

SPECIAL MASTER'S RECOMMENDATION

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OCT 19 1998

MICROFILMED
OCT 8 7 1998

PAGE 1
OCT-1-1996

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1996 NOV -1 AM 11:43

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

Department of Water Resources

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

In Re SRBA

Case No. 39576

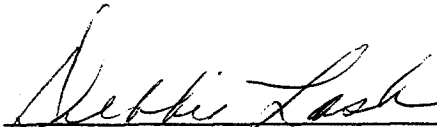
NOTICE OF ISSUANCE OF
PRELIMINARY SPECIAL MASTER'S
REPORT AND RECOMMENDATION

Water Right(s): 57-10960

On November 01, 1996, Special Master FRITZ X HAEMMERLE
lodged a PRELIMINARY SPECIAL MASTER'S REPORT and a PRELIMINARY
SPECIAL MASTER'S RECOMMENDATION pursuant to SRBA Administrative
Order 1 section 9 (f).

These documents are served only on parties to the subcase.
They are not served on the Presiding Judge. Parties to this subcase
may file a Motion to Alter or Amend with the Special Master, but
must do so before November 15, 1996.

DATED November 01, 1996.


DEBBIE LASH
Deputy Clerk

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OCT 19 1998

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OCT 8 7 1998

NOTICE OF ISSUANCE

PAGE 1
11/01/96

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Department of Water Resources

1996 NOV -1 AM 11:43

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED *[Signature]*

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

In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 57-10960

CERTIFICATE OF MAILING

I certify that a true and correct copy of PRELIMINARY SPECIAL MASTER'S REPORT, PRELIMINARY SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF PRELIMINARY SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on November 01, 1996, with sufficient first-class postage prepaid to the following:

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

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

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

Debbie Lash
DEBBIE LASH
Deputy Clerk

CERTIFICATE OF MAILING

~~MICROFILMED~~

~~OCT 07 1998~~

MICROFILMED 11/01/96

OCT 19 1998

PAGE 1

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APR 22 1996

Department of Water Resources

1976 APR 18 PM 12:07

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

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

In Re SRBA

Case No. 39576

) Subcases: See Exhibit A

) ORDER VACATING SUMMARY
) JUDGMENT HEARING
)

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

IT IS SO ORDERED.

DATED April 17, 1996.

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

MICROFILMED

OCT 19 1998

ORDER VACATING SUMMARY
JUDGMENT HEARING
4/17/96

Page 1

EXHIBIT A

Subcase Nos:

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

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

See file 57-02362
for complete document
AK

ELEMENTS OF STOCKWATER RIGHTS (2nd)

In Re SRBA
Twin Falls County Civil Case No. 39576
Sub-Case No.: See Attached Exhibit A

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources
Karl J. Dreher, Director
David B. Shaw, Adjudication Bureau Chief

March 18, 1996

MICROFILMED
OCT 07 1998

MICROFILMED

OCT 19 1998

Exhibit A

Subcase Nos:

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

See file 57-02362 for
complete document - VK

ALAN G. LANCE
Attorney General
State of Idaho

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

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

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

518196

16

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

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

DESCRIPTIVE SUMMARY

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

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Subcase Nos:

57-02362	57-11335
57-02365A	57-11337
57-02379	57-11360
57-02380	57-11367
57-02382	57-11375
57-02407	57-11376
57-02419	57-11377
57-02423	57-11379
57-02429	57-11380
57-07056	57-11382
57-07298	57-11385
57-07335	57-11398
57-07417	57-11399
57-07431	57-11422
57-07442	57-11424
57-10960	57-11449
57-10960A	57-11450
57-10977	57-11452
57-10977A	57-11453
57-10980	57-11454
57-10980A	57-11463
57-10981	57-11464
57-10981A	57-11465
57-10984	57-11469
57-10984A	57-11471
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57-10985A	57-11475
57-10994	57-11476
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57-11085A	57-11487
57-11108	57-11488
57-11150	57-11489
57-11154	57-11490
57-11155	57-11494
57-11171	
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57-11284	
57-11286	
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57-11317A	
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57-11333	

(Order Setting SF5 Hearing)
Page 3 1/25/96

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Department of Water Resources

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

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

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

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

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

IT IS SO ORDERED.

DATED February 29, 1996.

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

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

Page 1

Exhibit A

Subcase Nos:

57-02362	57-11335
57-02365A	57-11337
57-02379	57-11360
57-02380	57-11367
57-02382	57-11375
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57-11195	
57-11201	
57-11246	
57-11284	
57-11286	
57-11287	
57-11304	
57-11317A	
57-11331	
57-11333	

See File 57-02362 for
complete document - VK

See file
57-02362
for complete
copy of document
VK

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Department of Water Resources

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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

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

In Re SRBA

Case No. 39576

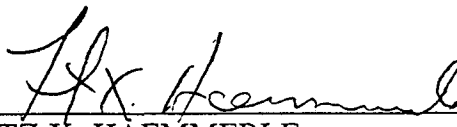
) Subcase Nos.: See Attached Exhibit A
)
)
)
)
)

ORDER VACATING STATUS
CONFERENCE

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

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

DATED March 7, 1996.



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

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See file 57-02362
for complete
document. VK

Movant's Name:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

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Assistant Attorney General
Environment and Natural Resources Division

DARIA J. ZANE
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(202) 305-0242

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

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

DESCRIPTIVE SUMMARY

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

DISCUSSION

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

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57-02362

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Department of Water Resources
Adjudication Bureau

57-10960

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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

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

In Re SRBA

) Subcase Nos.: See Attached Exhibit A
)

Case No. 39576

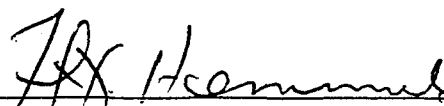
) ORDER DENYING STIPULATION TO
) RESET HEARING
)

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

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

IT IS SO ORDERED.

DATED February 23, 1996.


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

ORDER DENYING STIPULATION TO RESET
HEARING
2/23/96

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Department of Water Resources

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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

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

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

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

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

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Movant's Name:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

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Assistant Attorney General
Environment and Natural Resources Division

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(202) 272-8351, (202) 272-4692

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

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

DESCRIPTIVE SUMMARY

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

Stipulation to Reset Hearing
and Motion to Continue Briefing

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ALAN G. LANCE
Attorney General
State of Idaho

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

Attorney for IDWR

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO

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FEB 27 1996

Department of Water Resources

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

In Re SRBA	)	Subcase No. 57-10960
	)	
	)	IDWR REPORT RE: REVIEW
Case No. 39576	)	OF STANDARD FORM 5
	)	
	)	

DESCRIPTIVE SUMMARY

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

DISCUSSION

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

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

1. [] Name and Address
2. [] Source
3. [] Quantity
4. [] Priority Date

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5. [] Point of Diversion

6. [X] Purpose of Use

The Standard Form 5 seeks to change the description of the purpose of use in two ways.

First, the Standard Form 5 seeks to change the purpose of use from "STOCKWATER" to "STOCKWATER" and "WILDLIFE." The United States did not claim wildlife as a purpose of use in its Notice of Claim. Even if it had, wildlife use cannot be included as a purpose of use for an instream stockwater water appropriation. Physical diversion is required for an appropriation unless an exception is established by statute. Idaho Code §§42-113 and 42-114 establish an exception to the diversion requirement for watering of domestic livestock, but no exception is provided for appropriations by the United States for wildlife purposes. However, IDWR recognizes that wildlife preservation is an appropriate use of public lands, and to the extent the United States has a right to water for instream stockwatering purposes, wildlife might also drink from the source. On this basis, IDWR is willing to include in its recommendation a further description of non-irrigation uses that states: "STOCKWATER, 584 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT." This language recognizes wildlife use as incidental to stockwater use but does not recognize wildlife as a purpose of use of the water right independent from stockwater use.

Second, the Standard Form 5 omits the further description of non-irrigation use stated above. Further description of stockwater uses by the type and number of head is provided pursuant to Idaho

Code §42-1411(2)(f), which provides for IDWR to determine the purpose(s) of use of a water right to the extent the director deems appropriate to define and administer the water right, and 42-1411(2)(j), which further provides for IDWR to include such other matters as the director deems appropriate to define and administer the water right. The further description of non-irrigation uses defines the water right by describing the purpose of use with sufficient specificity to prevent future expansions in use that would enlarge the water right and cause injury to other water rights. This is particularly true for instream stockwater rights because a reasonable rate of flow (cfs) for such rights is capable of producing an annual diversion volume that is significantly in excess of the volume of water reasonably required for drinking by the stock for which the water was appropriated.

The omission of the further description of non-irrigation uses from Standard Form 5s for water rights acquired under state law by the United States for stockwater purposes is currently the subject of further proceedings in subcase no. 34-04179.

7. ☐ Period of Use

8. ☐ Place of Use

9. ☐ Consumptive Use

10. ☒ Other Matters Necessary to Define or Administer the Right

The Standard Form 5 omits the following statement, "THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT." This statement is necessary to limit the use of this water right in combination with other rights

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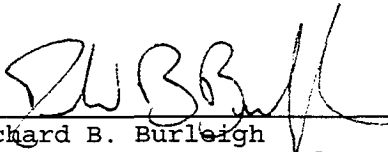
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claimed and recommended for the same use. In the case of BLM stockwater rights, combined use occurs where the BLM claims a separate right to each of a number of water sources, each for use by the full number of cattle on the allotment. Each right is quantified based on the total use for the allotment, to allow the grazing permittee to take the full amount of water needed from any combination of the sources within the allotment. Since each right is quantified based on the total use within the allotment, the combined use must also be limited to that same total, thereby avoiding the misconception that the rights are additive.

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

- ☐ Federal Reserved Water Right
- ☐ Other


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

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CERTIFICATE OF MAILING

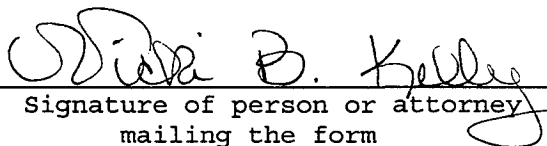
I certify that on February 23, 1996, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. Copies to:

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



Signature of person or attorney
mailing the form

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OFFICE OF THE
ATTORNEY GENERAL

Movant's Name:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

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Assistant Attorney General
Environment and Natural Resources Division

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

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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	)	Subcase Nos.: See Attached
	)	List
	)	
	)	NOTICE OF FILING
Case No. 39576	)	
	)	

Descriptive Summary

This is the United States notice of filing Standard Forms No. 5 for the attached list of Bureau of Land Management (BLM) objections to BLM claims in SRBA sub-basin number 57.

Notice

The United States hereby provides notice that Standard Forms No. 5 to resolve objections to the Director's recommendations for the attached list of claims in basin 57 were

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submitted to the Court on January 19, 1995. A package containing the Standard Forms No. 5 was sent by over-night courier to the Court on January 18, 1995.

The United States identified one hundred and twelve (112) subcases in which the United States by and through the BLM is the only party. The Standard Form Fives to resolve ninety of these subcases were submitted on January 19, 1995. Due to the extended furlough period of federal workers and inclement weather in the Washington, D.C. area, the BLM and attorneys at the Department of Justice were unable to finalize the remaining Standard Form Fives to resolve BLM objections to BLM claims. SF5s for these claims will be submitted in the near future.

The United States is also sending copies of the submitted SF5s to the Idaho Department of Water Resources. Accompanying the copies of the SF5 are one-page sheets asking that IDWR concur with the elements of the water right as described on the SF5s. This procedure is consistent with the Court's indications that parties are the appropriate persons to sign the agreements. See, July 18, 1995 transcript at 50-51.

If IDWR does not concur, the sheet asks that the Department state the elements of the water right with which it does not agree, any changes it would recommend to the elements and the reasons for its proposed changes. It is requested that this sheet be filed with the Court and a copy sent to the United States.

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The letter of concurrence will allow the Court to identify elements of the water right which the Department finds at issue. The Court may then determine what further action, if any, is necessary, e.g., a settlement conference, briefing or hearing.

We have discussed this procedure with IDWR and IDWR finds it acceptable.

By way of further explanation, the United States made changes to certain elements in the SF5s from the elements recommended in the Director's Report. Legal locations were changed to correct typographical errors or misidentified places of use or points of diversion. These errors were discussed with IDWR previously. There should be no disagreement as to these changes.

In addition, element number 9 on annual volume of consumptive use is now described as "de minimis". The United States discussed this description with IDWR and IDWR concurs with this change.

Additional changes were made to element numbers 6 and 10. The United States did not include the number of cattle as recommended in the Director's Report under element number 6 and did not include the remark attached to BLM stockwatering rights, under element 10. The United States met with IDWR to attempt to resolve the dispute regarding the elements necessary to define and administer a stockwater right on Thursday, January 18, 1996. The meeting did not result in an agreement. The United States

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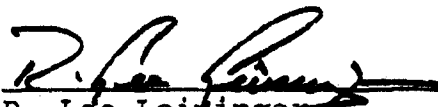
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respectfully requests that the Court schedule hearings for the final determination of these water rights, if necessary.

Respectfully submitted this 19 day of ~~December~~,
1996. *January*


R. Lee Leininger
Daria J. Zane
Attorneys, Department of
Justice
General Litigation Section
Environment and Natural
Resources Division

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CERTIFICATE OF SERVICE

I certify that on the ~~14~~¹⁵ day of January, 1996, I served a true and correct copy of the Notice of Filing in Basin 57 by facsimile transmission upon the following individuals:

Richard Burleigh/ A. Lynne Krogh
Deputy Attorneys General
Idaho Department of Water Resources
1301 N. Orchard St.
Boise, Idaho 83702

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



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List of Subcases

57-02362	57-11013A	57-11379
57-02365A	57-11048	57-11380
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**IN Re SRBA
Case No. 39576**

PROPOSED ELEMENTS OF A WATER RIGHT

1. The name and address of the claimant is:

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

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

2. The source of water is: Springs

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

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

.02 CFS

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

4. The priority date is: 01/01/1875

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

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

T02S R04W S30 NENW

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

6. The purpose of use is: Stockwater, Wildlife

Required Statement: The provisions "584 Range Cattle" and "Variable Amount" are not necessary to define the right.

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

01/01 - 12/31

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

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

Stockwater
T02S R04W S30 NENW

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

9. The annual volume of consumptive use is: De Minimis

Required Statement: This accurately describes this element of the water right.

10. Other matters necessary to define this water right:

These matters are necessary because:

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

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

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

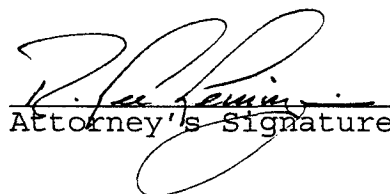
I have read this form and know its contents and that the
statements are true to the best of my knowledge and belief.

Name of Objector:

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

Signature

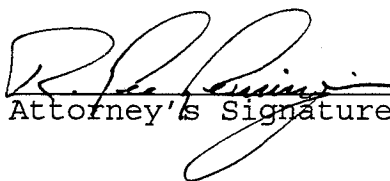
Date


Attorney's Signature


Date

Name of Claimant:

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


Attorney's Signature


Date

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OCT 07 1998

RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: OCT 12 1998
PAGE: A-1387

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
	SOURCE: SPRINGS		TRIBUTARY: SINKS			
57-10960	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706	01/01/1875	STOCKWATER	01-01 12-31	.02	CFS BENEFICIAL USE
	NON-IRRIGATION-USES: STOCKWATER, 584 RANGE CATTLE POINT OF DIVERSION: T02S R04W S30 PLACE OF USE: STOCKWATER					
	T02S R04W S30 REMARKS: THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT. BLM RECORD ID = 5701580012					
			TOTAL QUANTITY:		.02	CFS

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OCT 19 1998

INSTRUCTIONS FOR MAILING

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

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

CERTIFICATE OF MAILING

I certify that on January 18, 1996, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. Copies to:

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

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

David C. Smith
Signature of person or attorney
mailing the form

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OCT 19 1998

Movant's Name:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

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

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

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

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

In Re SRBA	)	Subcase No. 57-10960
	)	
Case No. 39576	)	STIPULATION AND ORDER
	)	TO RESOLVE OBJECTION
	)	
	)	
	)	
	)	

DESCRIPTIVE SUMMARY

This is a stipulation and order to resolve the United States' objection to water right number 57 - 10960.

STIPULATION

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

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

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

3. Upon entry of partial and final decrees for Water Right No. 57-10960, describing the right as shown in Exhibit 1 hereto, including the modification indicated thereon, the objection of the United States shall be deemed withdrawn.

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

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

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

STIPULATION AND ORDER TO RESOLVE OBJECTION

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OCT 7 1998

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OCT 19 1998

Respectfully submitted,

UNITED STATES OF AMERICA
on behalf of the BLM

Dated:

By:

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

Dated:

By:

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

IDAHO DEPARTMENT OF WATER RESOURCES

Dated:

3/24/94

By:


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

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OCT 19 1998

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STIPULATION AND ORDER TO RESOLVE OBJECTION OCT 19 1998

ORDER

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

IT IS HEREBY ORDERED that the Court shall enter a partial decree for water right 57 - 10960 which includes the modifications to the Director's original recommendation shown on the attached Exhibit 1. The United States' objection shall be deemed withdrawn upon entry of the partial decree. Because no other objections have been raised to this water right, the hearing for entry of this partial decree is scheduled for _____, 199__, at the Snake River Basin Adjudication Courthouse, 253 Third Avenue North, Twin Falls, Idaho.

DATED and signed this _____ day of _____, 1993.

DANIEL C. HURLBUTT JR.
District Judge

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~~OCT 07 1998~~

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: NOV-10-1993
PAGE: A-1

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
	SOURCE: SPRINGS		TRIBUTARY: SINKS			
57-10960	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706	01/01/1875	STOCKWATER	01-01 12-31	.02	CFS BENEFICIAL USE
	NON-IRRIGATION USES: STOCKWATER, 584 RANGE CATTLE POINT OF DIVERSION: T02S R04W S30					
	PLACE OF USE: STOCKWATER T02S R04W S30					
	REMARKS: THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT. BLM RECORD ID = 5701580012					
				TOTAL QUANTITY:	.02	CFS

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OCT 17 1998

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

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

FILED
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
OCT -1 PM 5:03

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

Case No. 57-10960 -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. 57-10960 -0001 - PAGE 1

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OCT 07 1998

2. Person who filed objection:

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

3. If this response is filed by an attorney:

Attorney Name(s): DANIEL L. STECKEL

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

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

5. ☒ Points of Diversion: I respond to the objection concerning the legal description of the point(s) of diversion.
7. ☒ Purposes of Use: I respond to the objection concerning the purpose(s) of use.
9. ☒ Place of Use: I respond to the objection concerning:

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 5 and 9 and all allegations of the objection regarding these items IDWR responds as follows: The United States' notice of claim described T02S R04W S30 NENW as the point of diversion and place of use for this unnamed spring. IDWR was unable to locate a spring at this location. The map submitted with this notice of claim identified T02S R04W S30 NWNWNW as the point of diversion and T02S R04W S30 NWNW as the place of use for the same spring. IDWR was able to confirm the use of a spring at this location. IDWR therefore recommended water right no. 57-10960 at this confirmed location. The United States now seeks to amend their notice of claim to claim T02S R04W S32 NWSE as the point of diversion and place of use for this right. The United States improperly seeks to use the objection process to amend its

notice of claim. IDWR believes that a claimant must obtain leave of court to amend a claim after the director's report is filed, just as a party must obtain leave of court to file a late claim after the director's report is filed. Once leave of court is granted, IDWR can investigate the amended claim and make an appropriate recommendation to the court. IDWR denies this portion of the objection and all allegations regarding this portion of the objection.

In response to Statement of the Objection item 7 and all allegations of the objection regarding this item IDWR responds as follows:

The United States did not claim wildlife as a purpose of use. The United States improperly seeks to use the objection process to amend its notice of claim. IDWR believes that a claimant must obtain leave of the court to amend a claim after the director's report is filed, just as a party must obtain leave of the court to file a late claim after the director's report is filed. Once leave of the court is granted, IDWR can investigate the amended claim and make an appropriate recommendation to the court.

In the event leave to amend is granted, IDWR further responds as follows:

Wildlife use cannot be included as part of an instream stockwater appropriation. Physical diversion is required for an appropriation unless an exception is established by statute. Idaho Code sections 42-113 and 42-114 establish an exception to the diversion requirement for watering of domestic livestock, but no exception is provided for appropriations by the United States for wildlife purposes. However, IDWR recognizes that: 1) wildlife preservation is an appropriate use of public lands and 2) to the extent the United States has a right to water for instream stockwatering purposes, wildlife might also drink from the source. On this basis, IDWR has no objection to revising the remark under "non-irrigation uses" as shown in the attachment entitled "List of Water Rights Acquired Under State Law." This change does not recognize wildlife use as a purpose of use independent from stockwater use.

IDWR offers the following information regarding the original notice of claim:

The United States submitted a number of claims which stated on a single claim form that the claimed water right was both appropriated under state law and reserved under federal law. IDWR is required to include a recommendation for claims to water rights appropriated under state law in Part I of the director's report, to prepare an abstract of claims to water rights reserved under federal law in Part II of the director's report, and to

(Over)

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include the claims to water rights reserved under federal law Part III of the director's report, pursuant to Idaho Code section 42-1411. To meet the requirements of the statute, IDWR prepared a recommendation for this claim, no. A57-10960, and prepared an abstract of this claim, no. A57-10960A. The notice of claim is included in Part III of the director's report for Reporting Area 2 (Basin 57) which was previously filed with the court.

CHANGES TO THE DIRECTOR'S REPORT

See attached List of Recommended Water Rights Acquired under State Law.

☒ 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 for this right is included in Part III of the Director's Report which was previously filed with the court.

Recommended Water Rights Acquired Under State Law

1

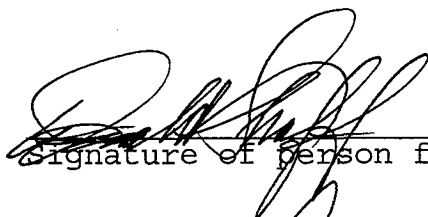
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

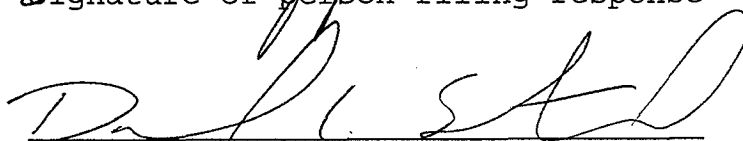
Donald V. Shaff, being first duly sworn, upon oath, deposes and says:

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.



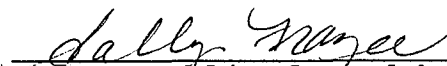
Signature of person filing response

By:



(Attorney signing in representative capacity)

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



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

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(Over)

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~~OCT 19 1998~~

CERTIFICATE OF MAILING

I hereby certify that on the 15th 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:

MICROFILMED

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

OCT 19 1998

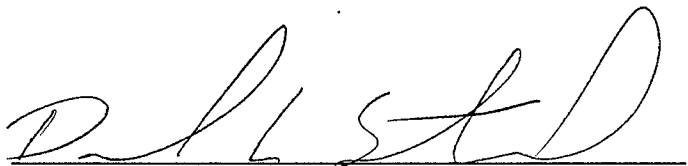
2. One copy to the owner of the water right, and you must fill in the following information:

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~~OCT 07 1998~~

See No. 3

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

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



Signature of Respondent or attorney
mailing on Respondent's behalf

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: JUN-29-1993
PAGE: A-1

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: SPRINGS		TRIBUTARY: SINKS				
57-10960	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706	01/01/1875	STOCKWATER	01-01 12-31	.02	CFS BENEFICIAL USE
					TOTAL QUANTITY:	.02 CFS
NON-IRRIGATION-USES:						
STOCKWATER, 584 RANGE CATTLE, WILDLIFE, VARIOUS AMOUNTS						
POINT OF DIVERSION:						
T02S R04W S30 NWNWNW						
PLACE OF USE: STOCKWATER						
T02S R04W S30 NWNW						
REMARKS: THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT. BLM RECORD ID = 5701580012						

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A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
57-10960	02S	04W	30	NW	NW	NW		OWYHEE

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT
NONE

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OCT 8 7 1998

SOURCE: SPRINGS

TRIB: SINKS

B. WR POINT OF DIVERSION AND SOURCE:

5710960 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: RATTLESNAKE RESERVOIR
LONG TOM RESERVOIR
LITTLE CAMAS RESERVOIR

TRIB:

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OCT 1 9 1998

C. FIELD EXAM REQUIRED?

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

NOTES:

No overlaps.

No overlaps at new location.

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

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. 57-10960
(You must insert the
water right number you
are objecting to)

OBJECTION

RECEIVED

FEB 26 1998

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.

OBJECTION - 1

OCT 19 1998

(Over)

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

I. GENERAL INFORMATION

Please fill in the following information:

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

Briefly describe your interest in this water right:

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

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

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

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

II. STATEMENT OF THE OBJECTION

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

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

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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: _____

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OCT 19 1998

REASONS SUPPORTING EACH BOX CHECKED

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

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

CHANGES TO THE DIRECTOR'S REPORT

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

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

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

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

1. List of changes required to correct this claim.

2. Copy of USDI claim from the Directors Report.

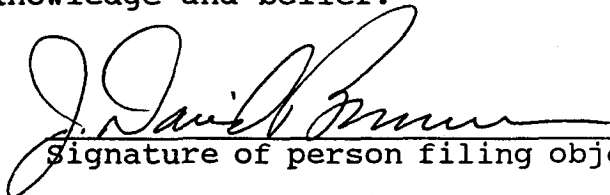
VERIFICATION (Must be Completed)

State of Idaho

County of Ada

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

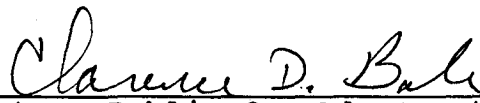
That I am the person or entity filing this objection, that I am a water claimant or party in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and belief.


Signature of person filing objection

By: _____

(Attorney signing in
representative capacity)

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


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

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OCT 19 1998

(Over)

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OCT 07 1998

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 ^{sent}mailed the original and ^{filed}copies of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

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

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~~OCT 8 7 1998~~

MICROFILMED

OCT 19 1998

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

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

3. One copy to:

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

4. One copy to:

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



Signature of Objector or attorney
mailing on Objector's behalf

ATTACHMENT 1

CLAIM NUMBER: 57-10960

POINT OF DIVERSION:

CHANGE: T02S R04W S30 NWNWNW

TO: T02S R04W S32 NWSE

PLACE OF USE:

CHANGE: T02S R04W S30 NWNW

TO: T02S R04W S32 NWSE

PURPOSE OF USE:

NON-IRRIGATION USES:

ADD: WILDLIFE, VARIABLE AMOUNTS

MICROFILMED

OCT 19 1998

~~MICROFILMED~~

~~OCT 07 1998~~

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: OCT-13-1992
PAGE: A-1387

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
	SOURCE: SPRINGS		TRIBUTARY: SINKS			
57-10960	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706	01/01/1875	STOCKWATER	01-01 12-31	.02 CFS	BENEFICIAL USE
	NON-IRRIGATION-USES: STOCKWATER, 584 RANGE CATTLE					
	POINT OF DIVERSION: T02S R04W S30		NWNNW			
	PLACE OF USE: STOCKWATER					
	T02S R04W S30		NWNNW			
REMARKS:	THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT. BLM RECORD ID = 5701580012					
			TOTAL QUANTITY:		.02 CFS	

~~MICROFILMED~~
~~OCT 8 1998~~

MICROFILMED

OCT 19 1998

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

Water Source: SPRINGS

Tributary to: SINKS

Stage: BENEFICIAL USE

Point(s) of Diversion:

T02S R04W S30

NWNWNW

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
02S	04W	30	:							S									

POU County: OWYHEE

Non-Irrigation Uses: STOCKWATER, 584 RANGE CATTLE

Conditions of Approval:

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

Remarks: BLM RECORD ID = 5701580012

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Comments: Date: 09/23/1992 User-ID: WHITE Subject: COPIED FROM REMARKS
BLM RECORD ID = 5701580012
FIRST DATE OF BENEFICIAL USE - 1875; WATER ALSO FEDERALLY RESERVE
BY EXECUTIVE ORDER DATED APRIL 17, 1926, PWR NO. 107

Audit: 09/17/92 SHAFF 09/23/92 WHITE

MICROFILMED
OCT 07 1992

ok S.W. Keen
9/25/92

13 16° 52' 30" 43° 15'

5W

511000m E 4W

512

513

50'

514

515

4788000m N

4787

4786

4785

