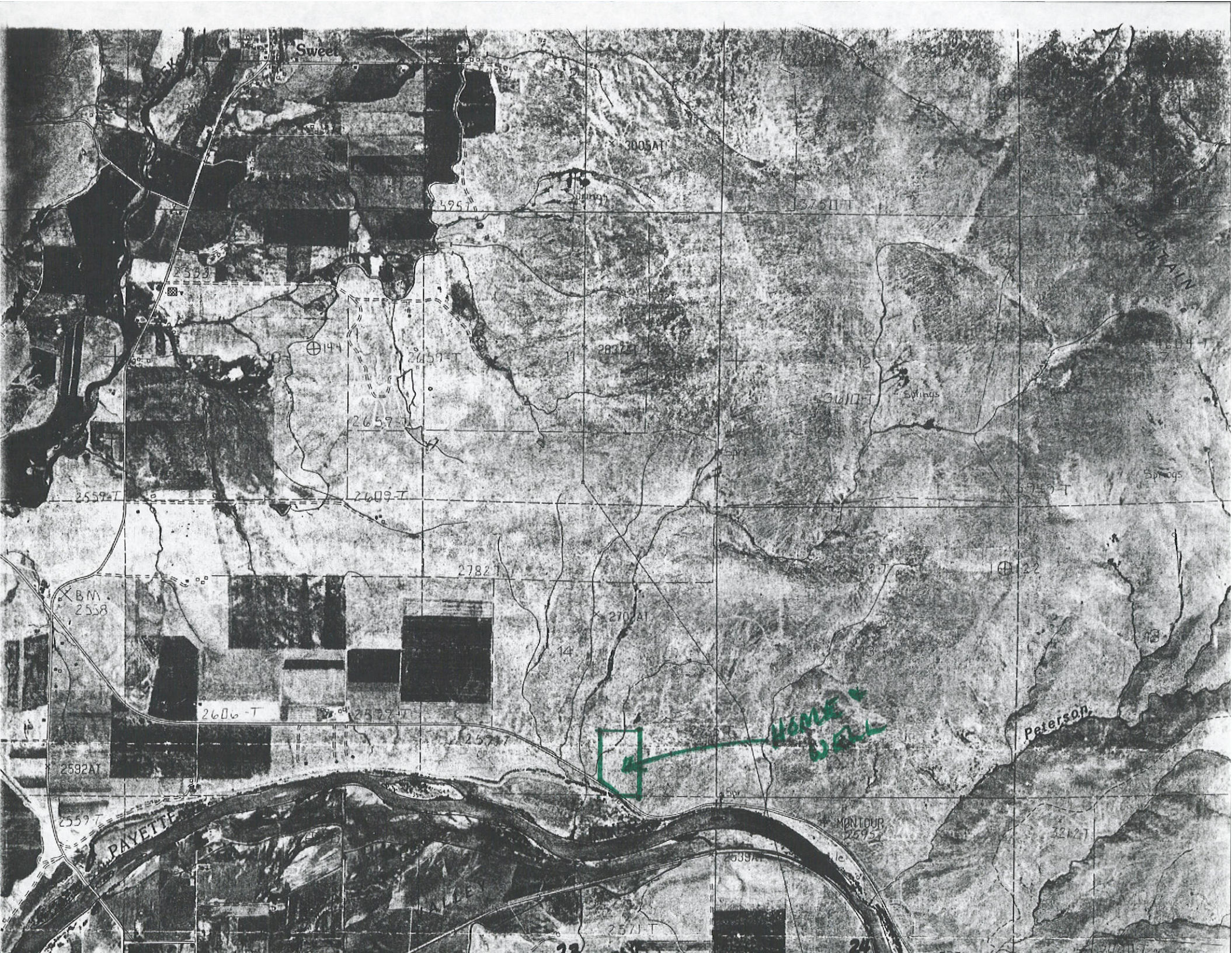




AMENDED RECORD OF SURVEY

OF A PORTION OF SECTION 14, TOWNSHIP 7 NORTH,
RANGE 1 EAST, BOISE MERIDIAN,
GEM COUNTY, IDAHO

Instr. No.:

STATE OF IDAHO } ss.
COUNTY OF GEM }

Recorded at the request of
Tri County Surveying, Inc.

Time: _____

Date: _____

Instr. No.: _____

Recorded as a Survey

*Susan K. Howard, Clerk
Ex-officio Recorder*

Deputy

Fee: \$5.00

BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE EAST LINE OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 14, TOWNSHIP 7 NORTH, RANGE 1 EAST, BOISE MERIDIAN, i.e. N 00°02'05" W

LEGEND:

- Ⓢ FOUND GLO BRASS CAP MONUMENT
- Ⓢ FOUND STATE HIGHWAY R/W BRASS CAPPED MONUMENT
- Ⓢ FOUND 5/8" IRON PIN
- Ⓢ SET 5/8" IRON PIN W/PLASTIC CAP PLS 6552
- SET 1/2" IRON PIN W/PLASTIC CAP PLS 6552
- x— BARBED WIRE FENCE
- GLO PROPERTY LINE SHOWN ON R of S No. 207277

NOTE:

TRI COUNTY SURVEYING, INC. ASSUMES NO LIABILITY FOR PRESENT OR FUTURE COMPLIANCE OR NONCOMPLIANCE WITH COUNTY PLANNING AND ZONING ORDINANCE RESTRICTIONS AS THEY PERTAIN TO BUILDING PERMITS AND THE ISSUANCE THEREOF.

SURVEY FOR:

ANNIE NEWELL
10770 No. HIGHWAY 52
HORSESHOE BEND, ID 83629
PHONE: (208) 584-3523

TRI COUNTY SURVEYING, INC

PROFESSIONAL LAND SURVEYORS

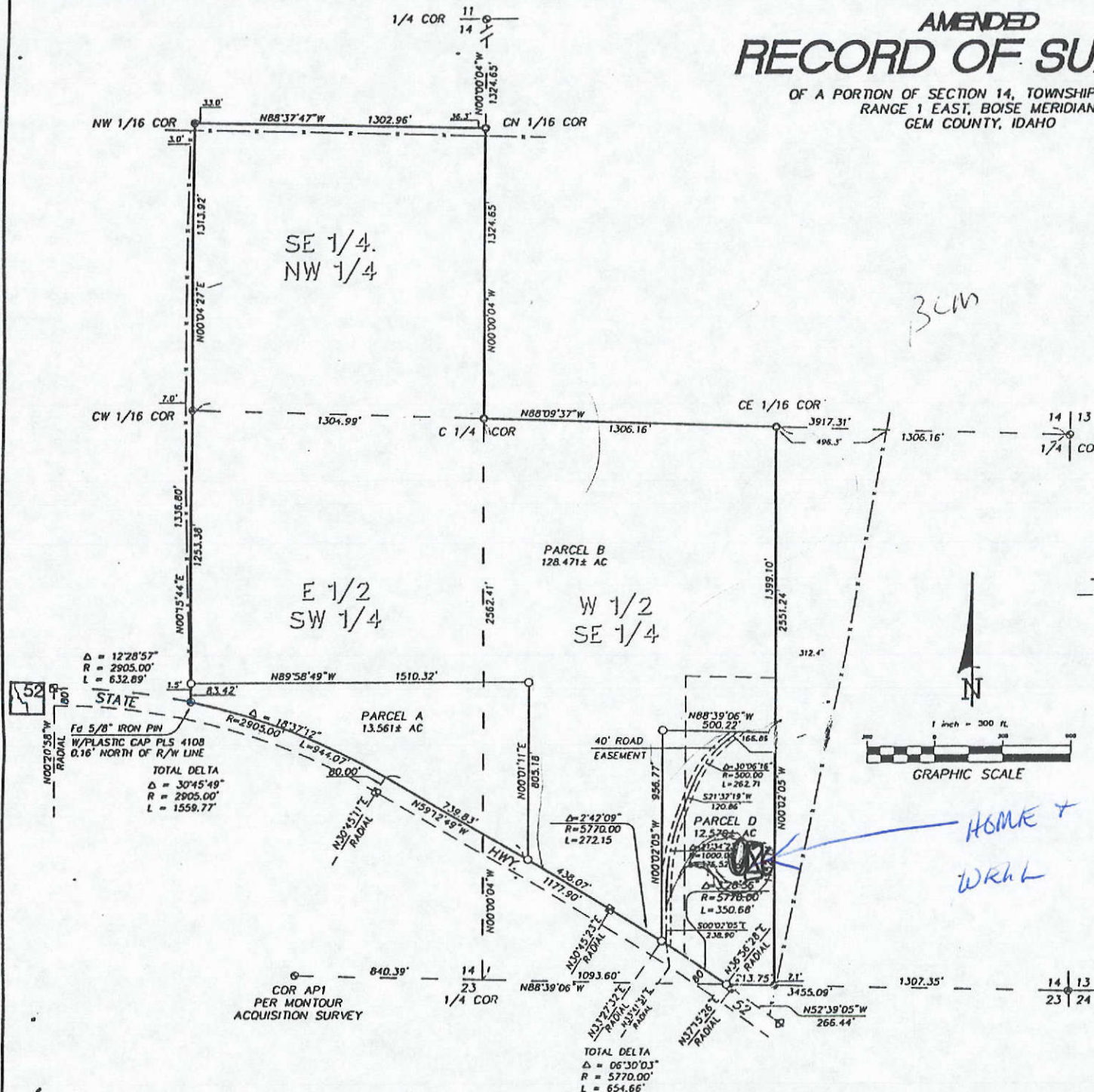
P.O. Box 974

703 No. WASHINGTON AVE.

Emmett. Idaho 83617

Phone: (208) 365-7470

INDEX No. 711-14-0-0-0 JOB No. 990 JULY 19



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 65-22263
Date Received: 7/19/00
Receipt No:
Received By:

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

1. Name of Claimant(s)

LORI LINDSEY
10800 N HWY 52
HORSESHOE BEND ID USA 83629

Phone: (208) 941-1436

GREG LINDSEY
10800 N HWY 52
HORSESHOE BEND ID USA 83629

Phone: (208) 941-1436

2. Date of Priority:

3. Source: Unknown

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07N	01E	14	SW SE	GEM	

5. Description of diverting works:

Well, pump and pipeline.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
DOMESTIC	01/01	12/31	0.04	

7. Total Quantity Appropriated is:

8. Total consumptive use:

9. Non-irrigation uses:

Number of homes: 1

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07N	01E	14	SW SE		DOMESTIC	

11. Place of use in counties: GEM

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

Address change by DB 5/2/2001

15. Basis of Claim: Beneficial Use

RIGHT NUMBER: 65-22263

NAME AND ADDRESS: GREG LINDSEY
10800 N HWY 52
HORSESHOE BEND ID 83629

LORI LINDSEY
10800 N HWY 52
HORSESHOE BEND ID 83629

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS
1.2 AFY

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

PRIORITY DATE: 01/01/1994

POINT OF DIVERSION:

T07N R01E S14 SWSE Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS 1.20 AFY

PLACE OF USE:

DOMESTIC Within GEM County
T07N R01E S14 SWSE

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 13, 2001

Lori and Greg Lindsey
PO Box 4393
Boise, ID 83711-4393

Re: Office visits to Water Resources

Mr. and Mrs. Lindsey:

I understand that you came into the office the other day with questions on your water rights. I have worked on your rights for the Snake River Basin Adjudication, 65-22282 and 65-22263, and also have met with you, Lori, on two different occasions.

If you have questions regarding your water rights, I would ask that you address them to me. Please call to schedule an appointment and we can go over any questions you may have. This will save time from meeting with various office staff and having to explain the situation time and time again.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Sue Bock', is written over a horizontal line.

Sue Bock
Sr. Water Resource Agent
Western Region

10/06/2000

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 65-22263

NAME AND ADDRESS: GREG LINDSEY
LORI LINDSEY
PO BOX 4393
BOISE, ID 83711-4393

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS
1.2 AFY

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

PRIORITY DATE: 01/01/1994

POINT OF DIVERSION: T07N R01E S14 SWSE Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC 1 HOMES	01-01 12-31	0.04 CFS
		1.2 AFY

PLACE OF USE:

DOMESTIC Within GEM County
T07N R01E S14 SWSE

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 02 2001

WATER RESOURCES
WESTERN REGION

CHANGE IN ADDRESS OF NOTICE OF CLAIM

[] Water Right Number(s):

65-22263

65-22282

[] Claimant Name(s):

Lindsay

[] Old Mailing Address:

[X] New Mailing Address:

10800 N. Highway 52

HORSESHOE BEND, IDAHO

83629

[X] Telephone Number:

(208) 941-1436

[X] Signature of Claimant(s):

Date:

5/2/01

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 65-22263
Date Received: 7/19/00
Receipt No: W026743
Received By: 

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

1. Name of Claimant(s)

Name: GREG LINDSEY Phone: (208)584-3588

Address: PO BOX 4393
BOISE ID USA 83711-4393

Name: LORI LINDSEY Phone: (208)584-3588

Address: PO BOX 4393
BOISE ID USA 83711-4393

2. Date of Priority: 01/01/1994

3. Source: Ground Water

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07N	01E	14	SW SE		GEM

5. Description of diverting works:

Well, pump and pipeline.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S. (or) A.F.A
DOMESTIC	01/01	12/31	0.04

7. Total Quantity Appropriated is:
0.04 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:
Number of homes: 1

10. Place of use:

Township Acres	Range	Section	1/4 of 1/4	Lot	Use
07N	01E	14	SW SE		DOMESTIC

11. Place of use in counties: GEM

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used: NONE

14. Remarks:

15. Basis of Claim: Beneficial Use

16. Signature(s) N/A

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

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

CIVIL CASE NUMBER: 39576

Ident. Number AD5-22263Date Received 7-19-00Receipt Number W026743

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day. Filing fee \$25

Please type or print clearly

- Name of Claimant (s) GREG & DR LORI LINDSEY Phone 808 584-3588
Mailing Address PO BOX 4393, BOISE, ID Zip 83711-4393
- Date of Priority (Only one (1) per claim) 1-1-1994
- Source of water supply (a) GROUNDWATER
which is tributary to (b) _____
- Location of point of diversion is: Township 2N Range 6E
Section 14, — 1/4 of SW 1/4 of SE 1/4, Govt. Lot _____, B.M.,
County of _____
Additional points of diversion if any: _____
- Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate 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. _____

- Water is claimed for the following: (Limited to Domestic and/or Stockwater only. See Instructions)
For DOMESTIC purposes from 1-1 (Both dates are inclusive) to 12-31 amount .04 (cfs)
For _____ purposes from _____ to _____ amount _____
- Total quantity claimed .04 (cfs)
- Total consumptive use claimed is de minimus
- Non-irrigation uses. Describe fully. (Domestic: give number of households served; Stockwater: Type and number of
livestock) DOMESTIC - 1 HOME w/UP TO 1/2 ACRE IRRIGATION

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.

10. Place a "D" for domestic and "S" for stockwater use in the corresponding place of use below.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4
1N	1E	14															D	

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

12. Do you own the property listed above as place of use? Yes X 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 X

14. Remarks: _____

15. Basis of Claim (check one) Beneficial Use X 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) [Signature] Date 7/19/00
[Signature] Date 7/17/00

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, 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 _____

Title and Organization _____ Date _____

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

Subscribed and sworn (or affirmed) before me this 19TH day of July 19 2000

SEAL

Notary Public [Signature]

Residing at Mendocino ID

My Commission Expires 9-14-2000

Last Name _____ Ident No. _____

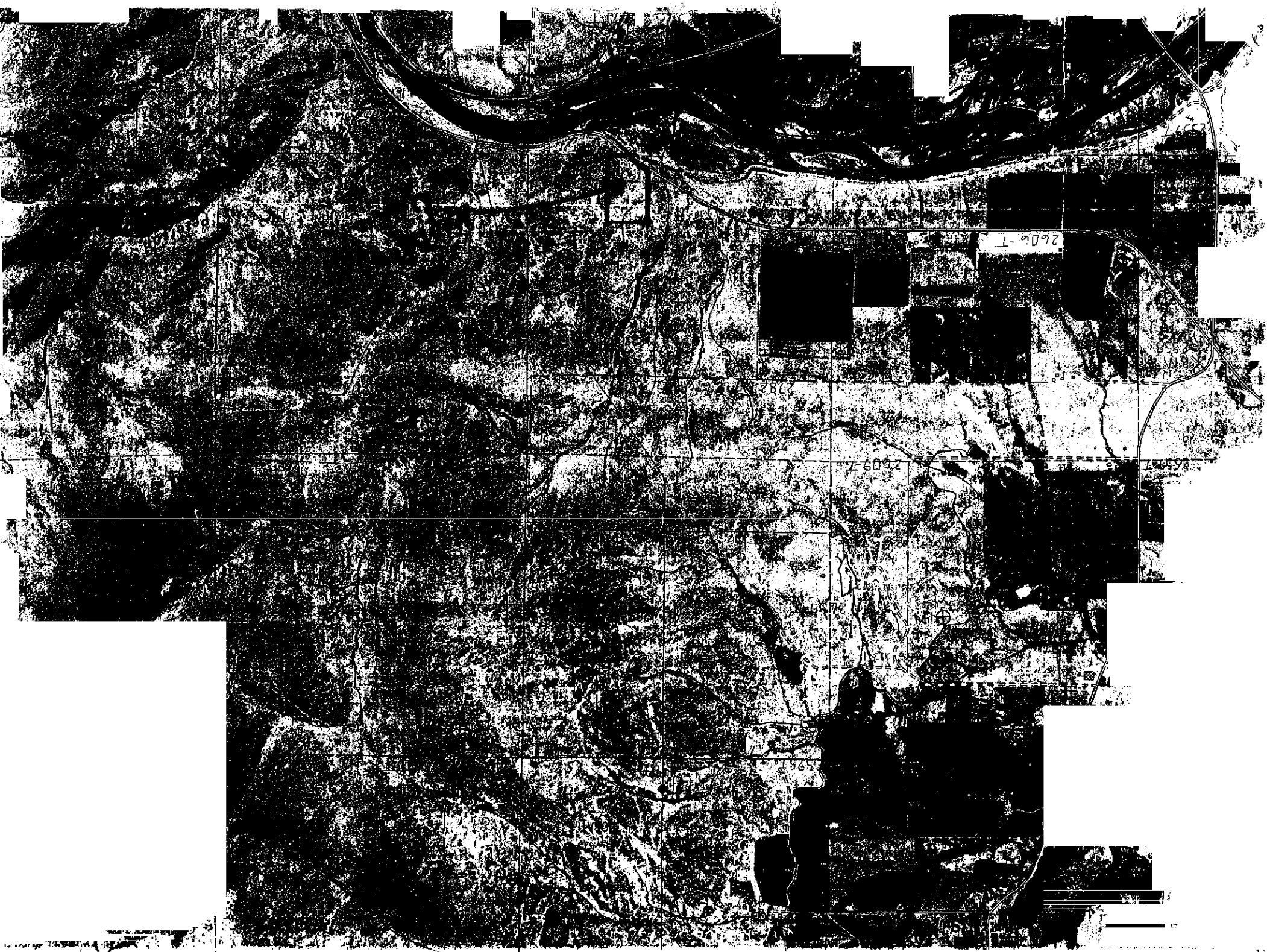
Copies White-State, Yellow-Claimant

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.



RECORD OF SURVEY

AMENDED
OF A PORTION OF SECTION 14, TOWNSHIP 7 NORTH,
RANGE 1 EAST, BOISE MERIDIAN,
GEM COUNTY, IDAHO

STATE OF IDAHO } ss.
COUNTY OF GEM }

Recorded at the request of
TRI COUNTY SURVEYING, INC.

Time: _____
Date: _____
Instr. No.: _____
Recorded as a Survey

Susan K. Howard, Clerk
Ex-officio Recorder

Deputy
Fee: \$5.00

BASIS OF BEARINGS:

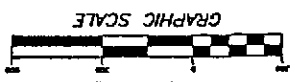
THE BASIS OF BEARINGS FOR THIS SURVEY IS THE EAST
LINE OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF
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MERIDIAN, I.E. N 00°02'05" W

LEGEND:

- FOUND OLD BRASS CAP MONUMENT
- FOUND STATE HIGHWAY R/W BRASS CAPPED MONUMENT
- FOUND 5/8" IRON PIN
- SET 1/2" IRON PIN W/PLASTIC CAP PLS 6552
- SET 1/2" IRON PIN W/PLASTIC CAP PLS 6552
- - - - - BARBED WIRE FENCE
- - - - - OLD PROPERTY LINE SHOWN ON R. OF S. NO. 20727

NOTE:

TRI COUNTY SURVEYING, INC. ASSURES NO LIABILITY FOR PRESENT OR
FUTURE COMPLIANCE OR NONCOMPLIANCE WITH COUNTY PLANNING AND
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AND THE ISSUANCE THEREOF.

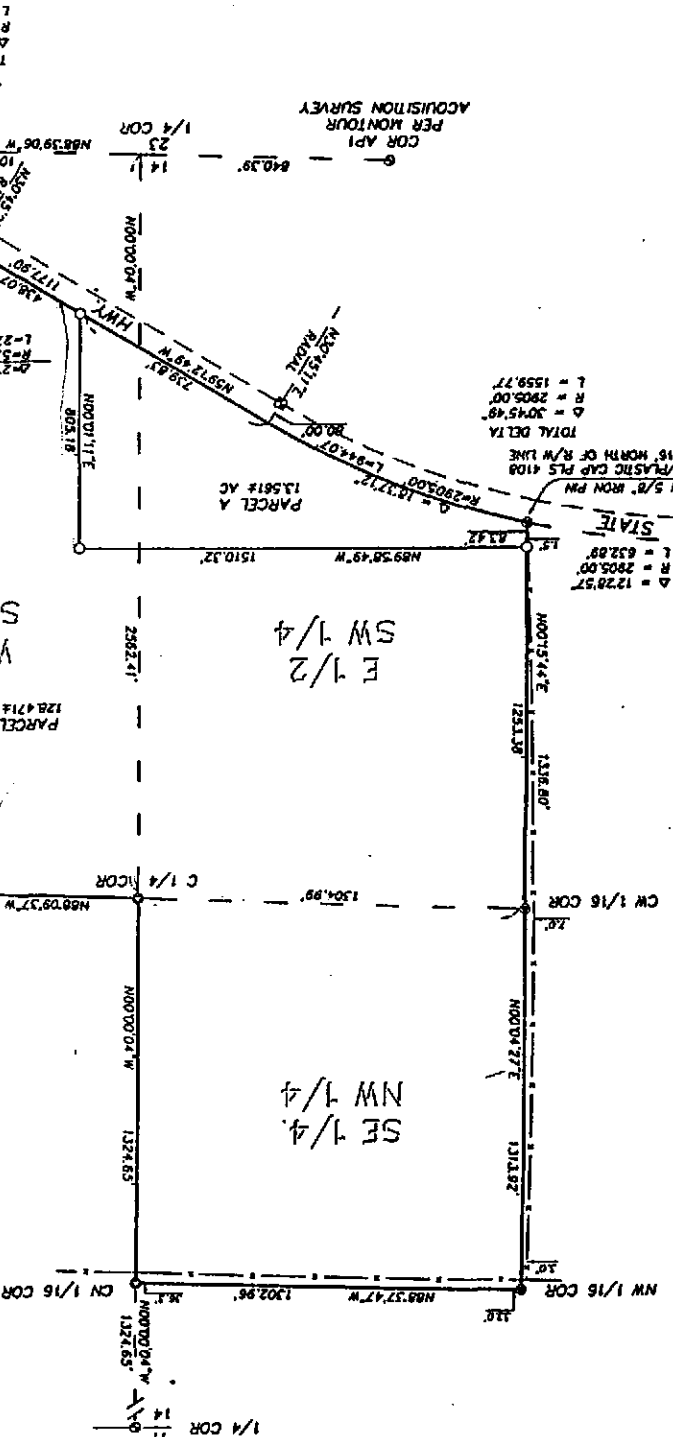


SURVEY FOR:

ANNIE NEWELL
10770 NO. HIGHWAY 52
HORSESHOE BEND, ID 83629
PHONE: (208) 584-3523



TRI COUNTY SURVEYING, INC.
PROFESSIONAL LAND SURVEYORS
P.O. Box 974
703 NO. WASHINGTON AVE.
EMMETT, IDAHO 83617
Phone: (208) 365-7470





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 10, 2002

Nate Helm
304 N 8th Street Room 149
Boise, ID 83702

Re: Lindsey Water Rights

Dear Nate:

This letter provides further information about the water right filings by Greg &/or Lori Lindsey discussed at a meeting on June 5, 2002.

Greg & Lori Lindsey filed an application with the Idaho Department of Water Resources (IDWR) for a new water right, numbered 65-13971, seeking to appropriate 0.20 cfs from a spring for irrigation of 13 acres. The proposed point of diversion and a portion of the conveyance works would be located upon federal land administered by the Bureau of Land Management (BLM). IDWR requested information about a right-of-way across the federal property, and Lindseys submitted a copy of an application for right-of-way filed with BLM.

At the meeting, Lindseys asserted that water had been diverted from the spring by former owners of their property. I stated that Lindseys might be able to file a claim for a water right in the Snake River Basin Adjudication if they could establish a beneficial use from the spring prior to 1971.

My general statement about filing claims for unrecorded beneficial uses is correct in most of the state of Idaho. A previous adjudication of the water rights for water in the Payette River Drainage, however, complicates the filing of an adjudication claim for a beneficial use right in the Payette River Drainage.

The Payette River Adjudication began in 1969. From 1970 to 1977, landowners were sent notice of the adjudication and were informed that claims must be filed for all water rights within the basin. Claims were filed, and the court decreed the water rights. As with any lawsuit, the decree of the court must determine, with finality, the disputes that are pending before the court. As you probably already know, this is the judicial principal of res judicata, or "it is finished." Upon final decree of the Payette River Adjudication, all water rights not claimed, including water rights perfected by beneficial use, were not decreed. These unclaimed water rights were determined to be nonexistent.

Nate Helm
June 10, 2002
Page -2-

While assisting Lindseys with their Snake River Basin Adjudication Claims, IDWR could not find a water right decreed in the Payette River Adjudication authorizing diversion of water from the spring for irrigation of the Lindsey property. If water from the spring was beneficially used on the Lindsey property prior to 1971, IDWR assumes it was not claimed and decreed in the Payette River Adjudication. Any diversion of water from the spring begun after 1971 not authorized by a valid water right would be an illegal use of water.

Some water users diverting water in the Payette River Drainage have attempted to claim beneficial use rights in the Snake River Basin Adjudication despite the Payette River Adjudication. IDWR has recommended that all of these claims be disallowed. I am not aware of any beneficial use rights, unclaimed in the Payette River Adjudication, that have been decreed by the Snake River Basin Adjudication Court.

Despite these difficulties, Lindseys are not prevented from filing a claim in the Snake River Basin Adjudication for a beneficial use of water right bearing a priority date earlier than 1971. I thought it was important that Lindseys and the participants to our meeting understand the possible complications related to the claim, however.

Because of other commitments, I was unable to stay for the duration of the meeting. I do not know whether there were other solutions discussed. As I stated during the meeting, however, I will hold the application for another sixty (60) days. If the appeals of the land exchange decision by BLM are resolved during the next 60 days, I will initiate contact with Lindseys to determine whether they want to continue seeking the appropriation of water. If the appeals are not resolved within 60 days, I will schedule the contested case for hearing.

Sincerely,


Gary Spackman

- c. Greg & Lori Lindsey
Scott Turlington
Effie Schultsmeier
Sue Bock
Jan Shurte
Garrick Baxter

MEMORANDUM

DATE: 4/2/2001

FROM: Lori Graves *LG*

TO: File 65-13971

RE: Newell/Lindsey Rights

Lindsey

On 7/25/2000 Greg and Lori Lindsey filed application 65-13971 for a spring in the SWSWSE S14 for irrigation of 13 acres in the SWSE S14. They then amended the location of the spring to the SWNESE on 8/7/00.

Newell

On 11/14/2000 Anna Marie Newell filed SRBA claim 65-22308 listing a 1/1/1930 priority on a spring in the SWSE S14 for stockwater use in the SWSE S14. Mrs. Newell stated in remarks that the P/U and P/D are owned by BLM. The claim has been recommended for decree as filed. SRBA staff stated that BLM will most likely file an objection on the claim, however, as discussed in the below, the SWSE is actually private land.

On 12/15/2000 Anna Marie Newell filed application 65-22313 for a spring in the SWNESE S14 for domestic use in the SWSE S14. A permit has been issued.

BLM

Water right 65-13312 was licensed to BLM for a spring in the SWSESE S14 for stock and wildlife use in the SESE S14. Licensed remarks state that the spring is locally known as "Newell Spring".

BLM filed SRBA claim 65-13312 listing a 1/1/1874 priority date on a spring in the NESE and SESE S14 for stock and wildlife use in the NESE and SESE S14. According to Bob Mallis with BLM, the claim was withdrawn because of the post 1987 license no. 65-13312. However, BLM is probably going to reinstate the claim to gain a 1934 priority date, which represents the commencement of the Federal Grazing Act.

Mary Clark with BLM confirmed that Anna Marie Newell does have grazing rights on BLM land in the E1/2SE S14. The SWSE is private land, where Newell and Lindsey own property.

Bob and Mary explained that having a BLM grazing permit allowed stock, owned by the permit holder, access to the natural food and water sources located within the boundaries of the grazing permit. It did not give the permit holder permission to develop or divert water from BLM land to private land without a special right-of-way authorized by BLM. According Bob, neither Newell nor Lindseys have right-of-ways to any water sources on BLM land in S14.

Bob stated that the Lindseys have expressed ownership interest in the NESE tract, but that the tract is part of a large BLM land exchange deal currently in the works. Its destiny is dependent upon the elements of the exchange, if the deal is finalized.

Conclusion

Obviously, the exact location of the spring in question has been difficult to pin-point on the previous filings described above. BLM does not own any property in the W1/2 SE. All parties involved agree that the spring is located on BLM land, which places the spring somewhere in the E1/2 SE.

Because BLM has not granted either party a right-of-way to divert water from the spring to private property for irrigation or domestic/stockwater uses, Lindseys' application no. 65-13971 should be voided and Newell's permit no. 65-22313 should be cancelled. Newell's SRBA claim should also be flagged for disallowal just in case BLM does not file an objection.