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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

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

A57-11220

PRIORITY DATE: 1926-04-17
IDWR WATER RIGHT NO. 5701580293
BLM NUMBER: 5701580293
BASIS OF CLAIM: FEDERAL RESERVED RIGHT
BASIN NO.: 57

SOURCE	TRIBUTARY TO
-----	-----
SPRING	SINKS

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
WILDLIFE	0.010	0.00	0101	1231
TOTAL:	0.020 CFS	0.00 AF		

NON-IRRIGATION USES

S/233 RANGE CATTLE

POINT OF DIVERSION							
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
---	---	---	-----	-----	-----	---	-----
01S	05W	06		SW	SW	0	OWYHEE

MICROFILMED
OCT 07 1982

PLACE OF USE							OWNED	IRRIGATED ACRES
TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY		
---	---	---	-----	-----	---	-----	-----	-----
01S	05W	06	SW	SW	0		YES	0.0
01S	05W	06	SW	SW	0	OWYHEE	YES	0.0

TOTAL ACRES IRRIGATED: 0.0

BLM NUMBER: 5701580293

PAGE 2

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

STATE LICENSE (PREVIOUSLY) OBTAINED ON THIS WATER, SEE REMARKS.

REMARKS

LICENSE 57-2375

MICROFILMED
OCT 07 1992

RECEIVED

JUL - 6 1999

Department of Water Resources
Adjudication Bureau

1999 JUN 28 AM 10:11

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

ORDER OF PARTIAL DECREE

For Water Right 57-11220

On April 12, 1999, 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 13f, 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 57-11220 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED JUN 28 1999



BARRY WOOD
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication



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

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

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 57-11220

1999 JUN 28 AM 10:11

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME AND ADDRESS: USOI BLM
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE, ID 83706

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.02 CFS

PRIORITY DATE: 04/17/1926

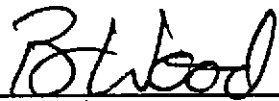
LOCATION INSTREAM FLOW: T01S R05W S06 NESW Within Owyhee County

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

PLACE OF USE: Stockwater Within Owyhee County
T01S R05W S06 SWSW

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.



Barry Wood
Administrative District Judge
Interim Presiding Judge of the
Snake River Basin Adjudication

1999 JUN 28 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 57-11220

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 57-11220 was mailed
on June 28, 1999, with sufficient first-class postage prepaid
to the following:

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

STATE OF IDAHO
Represented by:
CLIVE STRONG
NATURAL RESOURCES
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720-0010
Phone: 208-334-2400

STATE OF IDAHO
Represented by:
PETER J. AMPE
PO BOX 83720
BOISE, ID 83720-0010
Phone: 208-334-2400

CERTIFICATE OF MAILING

PAGE 1
06/28/99

57-11220

4/17/97 PUR107 claim stayed

22-141 50 SHEETS
22-142 100 SHEETS
22-144 200 SHEETS



WORKING COPY

recommended in report.

- 57-11179 Change ending point from SENE Sec. 8 to the NESE Sec. 8 due to SENE being on private land and delete this P/U in the SENE for same reason. Ok per land ownership and topo map. Also to change P/U from SESE, Sec. 8 to the SESW Sec. 8. Ok since Squaw Creek doesn't flow thru the SESE Sec. 8 and hits on corner of the SESW, S. 8. Result - change end point from SENE to NESE 08 1N 4W, delete P/U for SENE & SESE, S. 8 1N 4W add P/U in SESW, Sec. 8.
- 57-11183 Delete P/D in SWNE (end point), Sec. 18 and P/U in NENE, NWNE and SWNE, Sec. 18 - ok, all falls on private land. The deletion of ending point and all P/U's above leaves only the SWSW, Sec. 18 for the instream flow. So need to show the beginning point as the SWSWSW, Sec. 18 and the end point as the NESWSW, Sec. 18 with the only place of use being in the SWSW, Sec. 18 1N 5W.
- 57-11185 Change from SESE, Sec. 26 to the NENE Sec. 35 for both P/D and
57-11185A P/U. Add wildlife in non-irrigation use. Ok per location verified by NAPP AA6 NE. In changing P/D and P/U, it changes tributary from sinks to Brown's Creek.
RESULT: Ok to change to NENE, Sec. 35 5S 2W and change source = Spring/Browns Creek.
- 57-11190 Change from NWNE Sec. 34 to SWSW Sec. 26 5S 2W - both P/U and
57-11190A and P/D as marked on Toy Pass topo. Ok to change per verification of new P/D and P/U on NAPP AA6 NE.
- 57-11195 Change P/D from NWSENE, Sec. 3 to the NESENE, Sec. 3 2S 4W and add wildlife to non-irrigation uses. Ok per Soldier Cap Prov. Ed. 1989 top. State right 57-01053 shows the SENE only - so both rights will match by 1/4 1/4.
- 57-11201 Change from the SESE Sec. 8 to the NWSE, Sec. 8 - same for P/U. Ok to change this reserved right P/D, P/U to NWSE, Sec. 8 2S 4W and leave state law right No. 57-01059 below in the SESE, Sec. 8 for Salex Spring. Change 57-11201 source = Spring/Murphy Creek.
- 57-11208 Change from the SWSE, Sec. 9 to the NESW Sec. 9 - same as state law right 57-02353 not 57-02552 for same spring (per BLM map). Ok to change and we will change to the SENESW, Sec. 9 on P/D and NESW 09 6S 2W on P/U.
- 57-11220 Fed. Res. Rt.
Piute Butte Prov. Ed. 1989, OQ and NAPP Y53 NW NAPP shows a spring in NESW & wet area in SWSW on fence line junction where

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. 57-11220
(You must insert the
water right number you
are objecting to)

OBJECTION

RECEIVED

FEB 26 1993

Department of Water Resources
Adjudication Bureau

INSTRUCTIONS

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

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

(Over)

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

I. GENERAL INFORMATION

Please fill in the following information:

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

Briefly describe your interest in this water right:

The United States, through the Bureau of
Land Management, 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.

(Over)

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

REASONS SUPPORTING EACH BOX CHECKED

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

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

CHANGES TO THE DIRECTOR'S REPORT

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

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

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

☒ 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

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

1. Original to:

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

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

Owner name: 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: 57-11220

POINT OF DIVERSION:

CHANGE: T01S R05W S06 SWSW

TO: T01S R05W S06 NESW

BUREAU OF LAND MANAGEMENT
 ABSTRACTED CLAIMS TO WATER RIGHTS BASED UPON FEDERAL LAW

 DATE: 01-13-1992
 PAGE: A-204

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: SPRING						
TRIBUTARY: SINKS						
57-11219	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706	04/17/1926	STOCKWATER	01-01 12-31	.02	CFS RESERVED
NON-IRRIGATION-USES: STOCKWATER, 292 RANGE CATTLE & HORSES POINT OF DIVERSION: T01S R04W S04 SWSE PLACE OF USE: STOCKWATER T01S R04W S04 SWSE REMARKS: BLM RECORD ID = 5701580292						
TOTAL QUANTITY:						.02 CFS
57-11220	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706	04/17/1926	STOCKWATER	01-01 12-31	.02	CFS RESERVED
NON-IRRIGATION-USES: STOCKWATER, 233 RANGE CATTLE POINT OF DIVERSION: T01S R05W S06 SWSW PLACE OF USE: STOCKWATER T01S R05W S06 SWSW REMARKS: BLM RECORD ID = 5701580293						
TOTAL QUANTITY:						.02 CFS

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

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
ABSTRACTED CLAIMS TO WATER RIGHTS BASED UPON FEDERAL LAWDATE: OCT-1-1992
PAGE: A-214

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: SPRING						
TRIBUTARY: SINKS						
57-11218	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706	04/17/1926	STOCKWATER	01-01 12-31	.02 CFS	RESERVED
NON-IRRIGATION-USES:						
STOCKWATER, 294 RANGE CATTLE						
POINT OF DIVERSION:						
T02S R03W S11 NESE						
PLACE OF USE: STOCKWATER						
T02S R03W S11 NESE						
REMARKS: BLM RECORD ID = 5701580291						
57-11219	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706	04/17/1926	STOCKWATER	01-01 12-31	.02 CFS	RESERVED
NON-IRRIGATION-USES:						
STOCKWATER, 292 RANGE CATTLE & HORSES						
POINT OF DIVERSION:						
T01S R04W S04 SWSE						
PLACE OF USE: STOCKWATER						
T01S R04W S04 SWSE						
REMARKS: BLM RECORD ID = 5701580292						
TOTAL QUANTITY: .02 CFS						

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
ABSTRACTED CLAIMS TO WATER RIGHTS BASED UPON FEDERAL LAW

DATE: OCT-1-1992
PAGE: A-215

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
--------------	----------------	---------------	----------------	-----------------------	------------------	----------------

TRIBUTARY: SINKS

57-11220	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706	04/17/1926	STOCKWATER	01-01 12-31	.02	RESERVED
----------	--	------------	------------	-------------	-----	----------

NON-IRRIGATION-USES:
STOCKWATER, 233 RANGE CATTLE
POINT OF DIVERSION:
T01S R05W S06
PLACE OF USE: STOCKWATER

T01S R05W S06

PLACE OF USE: STOCKWATER

~~T01S R05W S06~~

REMARKS: BLM RECORD ID = 5701580293

57-11222	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706	04/17/1926	STOCKWATER	01-01 12-31	.02	RESERVED
----------	--	------------	------------	-------------	-----	----------

NON-IRRIGATION-USES:
STOCKWATER, 520 RANGE CATTLE
POINT OF DIVERSION:
T08S R02W S12
PLACE OF USE: STOCKWATER

T08S R02W S12

REMARKS: BLM RECORD ID = 5701580295

TOTAL QUANTITY:

.02 CFS

TOTAL QUANTITY:

.02 CFS

10/11/92
10/11/92
10/11/92

BLM's NOTICE OF ERROR

MICROFILMED
OCT 07 1992

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

1. ☐ No Overlap with Claim by Private Individual - OWNERSHIP
☒ Overlaps with Claim by Private Individual
 Claim No(s). 57-10 942
 Claim totally disallowed ☒ or partially deleted? ☐
☐ Private claimant notification letter sent - Date _____
☐ No overlapping Federal Claim
☒ Overlapping Federal Claim
 Claim No(s). 57-11220 - Copy of this form in file.
2. ☒ No Change - DATE OF PRIORITY - Claim matches existing license or decree
☐ Change - Claim does not match existing license or decree
 Priority date, per IDWR records, is _____
3. ☒ No Change - SOURCE OR TRIBUTARY
☐ Source changed to reflect IDWR records - see remarks
☐ Source or trib changed, explain: _____
4. ☒ No Change - POINT OF DIVERSION - Claim matches existing license or decree
☐ Point of diversion changed, explain _____
☐ Point of diversion as claimed was changed from existing right - Map attached _____
 How was this verified? _____
5. N/A
6. ☐ No Change - WATER USES
☒ Water uses changed, explain: Wildlife deleted - not licensed. **MICROFILMED**
☐ Water uses to reflect IDWR records as shown below: **OCT 07 1992**
 Use _____ From _____ To _____ Amount _____ cfs _____ af
 Use _____ From _____ To _____ Amount _____ cfs _____ af
7. ☐ No Change - TOTAL RATE AND VOLUME
☐ Total rate and volume changed to reflect IDWR records as shown:
 cfs _____ afa _____
☒ Total rate and volume changed, explain Incorrect addition plus licensed for .01 cfs. total.

8. N/A

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

10. ☒ No Change - PLACE OF USE
☒ Place of use changed, explain Deleted wildlife - not licensed.
☐ Place of Use as claimed was changed from existing right -
Map attached _____
How was this verified? _____

Remarks:

This claim with 57-04071 + 57-07352 +
57-07386 + 57-07387 totally overlaps
private filing by Ed Hammer 57-10942
+ 57-10942 will be disallowed.
Total cfs of all rights from Skull Spring
total .12 cfs which is just right for
150 hd cattle - .05 cfs + 2000 sheep - .07 cfs.

Review Completed by:

Jan Thun
signature

Date:

9-21-92

CLAIM NO. AS7-04021

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

1. ☐ No Overlap with Claim by Private Individual - OWNERSHIP
☒ Overlaps with Claim by Private Individual
Claim No(s). AS7-10942 - Gammett
Claim totally disallowed ☒ or partially deleted? ☐
☐ Private claimant notification letter sent - Date _____
☐ No overlapping Federal Claim
☒ Overlapping Federal Claim
Claim No(s). AS7-11220 - Copy of this form in file
2. ☒ No Change - DATE OF PRIORITY - Claim matches existing license or decree
☐ Change - Claim does not match existing license or decree
Priority date, per IDWR records, is _____.
3. ☒ No Change - SOURCE OR TRIBUTARY
☐ Source changed to reflect IDWR records - see remarks
☐ Source or trib changed, explain: _____
4. ☒ No Change - POINT OF DIVERSION - Claim matches existing license or decree
☐ Point of diversion changed, explain _____
☐ Point of diversion as claimed was changed from existing right -
Map attached _____.
How was this verified? _____
5. N/A
6. ☒ No Change - WATER USES
Water uses changed, explain: _____

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

MICROFILMED

OCT 07 1992

8. N/A

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

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

Remarks:

This right with 57-07352 & 57-02375
total .12 cfs for stockwater. The total
needed for 150 head cattle is .05 cfs
& for 2000 head sheep it is .07 cfs
which totals .12 cfs & all 3 rights
can be recommended. Overlapping
Federal claim would cause it to exceed
the cfs needed. NOTE: Private claim for
Red Gamble is being disallowed & recommended
on 57-04071, 57-02375 & 57-07352 & 57-07386 & 57-07387.

Review Completed by:

Jan Thurtell
signature

Date:

9-21-92

CLAIM NO. A57 - 01352

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

1. ☒ No Overlap with Claim by Private Individual - OWNERSHIP
☒ Overlaps with Claim by Private Individual
Claim No(s). 57 -
Claim totally disallowed ☒ or partially deleted?
☐ Private claimant notification letter sent - Date
☐ No overlapping Federal Claim
☒ Overlapping Federal Claim
Claim No(s). A57 - 11220 - Copy of this form in file
2. ☒ No Change - DATE OF PRIORITY - Claim matches existing license or decree
☐ Change - Claim does not match existing license or decree
Priority date, per IDWR records, is
3. ☒ No Change - SOURCE OR TRIBUTARY
☐ Source changed to reflect IDWR records - see remarks
☐ Source or trib changed, explain:
4. ☒ No Change - POINT OF DIVERSION - Claim matches existing license or decree
☐ Point of diversion changed, explain
☐ Point of diversion as claimed was changed from existing right - Map attached .
How was this verified?
5. N/A
6. ☒ No Change - WATER USES
☐ Water uses changed, explain:
- ☐ Water uses to reflect IDWR records as shown below:
Use From To Amount cfs af
Use From To Amount cfs af
7. ☒ No Change - TOTAL RATE AND VOLUME
☐ Total rate and volume changed to reflect IDWR records as shown:
 cfs afa
☐ Total rate and volume changed, explain

MICROFILMED
OCT 17 1987

8. N/A

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

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

Remarks: This claim & 57-02375 & 57-04071 overlap
private filing by Ed Gammett - #57-10942.
Also, 57-07386 & 07387 overlap remainder -
of private claim - recommending disallow
of entire right #57-10942.

Review Completed by:

Jan Thute
signature

Date:

9-21-92

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Department of Water Resources

1999 APR 12 PM 2:06

DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED

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

In Re SRBA

) Subcase 57-11220

Case No. 39576

) SPECIAL MASTER'S REPORT
)
)
)
_____)

FINDINGS OF FACT AND CONCLUSIONS OF LAW

A notice of claim was filed for this water right pursuant to I.C. § 42-1409 (1990). This right is based on Public Water Reserve 107. For rights having a federal basis, the director of the State of Idaho Department of Water Resources abstracts the claim. The abstract does not have any *prima facie* weight. Therefore, the burden rests with the United States to establish the factual and legal basis of the claim.

A hearing was held on the claim. Originally, the court DENIED the claim, without prejudice, because the United States failed to establish the proper quantity for the claim. *See, Order Denying Motion for Default Judgment (PWR 107)* (Nov. 16, 1998), incorporated herein by reference. Thereafter, the United States argued, and the court agreed, that the quantity for rights based on PWR 107 should be 13,000 gallons per day (0.02 cfs) consistent with other *de minimis* stock water rights decreed within the SRBA. The United States having established the factual and legal basis for these claims and there being no dual state basis for this right; now therefore,

IT IS THEREFORE RECOMMENDED that subcase 57-11220 be decreed as recommended in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED April 12, 1999.

FRITZ X. HAEMMERLE

Special Master, Snake River Basin Adjudication

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

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Department of Water Resources
DISTRICT COURT-SRS.
TWIN FALLS, IDAHO
FILED *[Signature]*

In Re SRBA)
Case No. 39576)
_____)

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

Water Right 57-11220

NAME AND ADDRESS: USDI BLM
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE, ID 83706

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.02 CFS

PRIORITY DATE: 04/17/1926

LOCATION INSTREAM FLOW: T01S R05W S06 NESW Within Owyhee County

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

PLACE OF USE:	Stockwater	Within Owyhee County
	T01S R05W S06	SWSW

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.

Barry Wood
Administrative District Judge
Interim Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION

APR 12 1999

[Signature]
SPECIAL MASTER

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Department of Water Resources

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DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED

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

In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 57-11220

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 April 12, 1999, with sufficient first-class postage prepaid to the following:

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

STATE OF IDAHO

Represented by:

CLIVE STRONG
NATURAL RESOURCES
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720-0010
Phone: 208-334-2400

STATE OF IDAHO

Represented by:

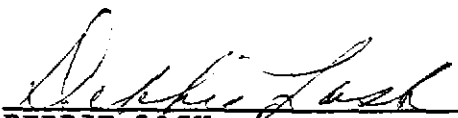
PETER J. AMPE
PO BOX 83720
BOISE, ID 83720-0010
Phone: 208-334-2400

CERTIFICATE OF MAILING

PAGE 1
04/12/99

USDI BLM

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835


DEBBIE LASH
Deputy Clerk

