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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

A57-11229

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

PRIORITY DATE: 1926-04-17
IDWR WATER RIGHT NO. 5701580302
BLM NUMBER: 5701580302
BASIS OF CLAIM: FEDERAL RESERVED RIGH
BASIN NO.: 57

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

DESCRIPTION OF DIVERSION WORKS

UNDEVELOPED SPRING

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF FROM T
-----	-----	-----	-----
STOCKWATER	0.020	0.00	0101 12
TOTAL:	0.020 CFS	0.00 AF	

NON-IRRIGATION USES

S/584 RANGE CATTLE

POINT OF DIVERSION							
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
---	---	---	-----	-----	-----	---	-----
02S	04W	33		SW	SE	0	OWYHEE

PLACE OF USE								OWNED	IRRIGATED ACRES
TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY			
---	---	---	-----	-----	---	-----	-----	-----	-----
02S	04W	33	SW	SE	0	OWYHEE	YES	0.0	

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

MICROFILMED

OCT 07 1992

OTHER WATER RIGHTS

STATE LICENSE [PREVIOUSLY] OBTAINED ON THIS WATER, SEE REMARKS.

REMARKS

LICENSE 57-2404.

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

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

) ORDER OF PARTIAL DECREE

Case No. 39576

) For Water Right 57-11229

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 57-11229 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

1999 JUN 28 AM 10:11

In Re SRBA)
Case No. 39576)
_____)

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

Water Right 57-11229

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

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: T03S R04W S04 LOT 02 (NWNE) 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
T03S R04W S04 LOT 02 (NWNE)

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): 57-11229

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 57-11229 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

RECEIVED

MAY 14 1997

Department of Water Resources
Adjudication Bureau

1997 MAY 12 PM 2:33

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

) Subcases 57-11195, 57-11201, 57-11210,
) 57-11220, 57-11229, 57-11246, 57-11260,
) 57-11284, 57-11286, and 57-11287

) ORDER STAYING SUBCASES
)

The subcases listed above are Public Water Reserve 107 (PWR 107) claims wherein the state based half of the claim has a later priority date. Currently the United States has an appeal before the Idaho State Supreme Court on the validity of PWR 107 claims in the State of Idaho. Pending that appeal the subcases listed herein are stayed.

DATED May 12, 1997.


FRITZ K. HAEMMERLE

Special Master, Reporting Area 2
Snake River Basin Adjudication

CERTIFICATE OF MAILING

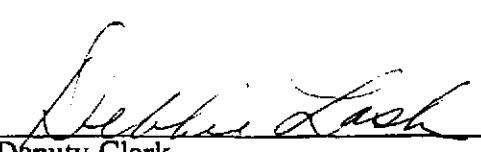
I certify that a true and correct copy of the ORDER STAYING SUBCASES was mailed on May 12, 1997, with sufficient first-class postage to the following:

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

The United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

Director of IDWR
P O Box 83720
Boise, Idaho 83720-0098

Dennis and Shirley Cox Murdoch
HC 79 Box 2065
Oreana, Idaho 83650


Deputy Clerk

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

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

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

Petitioner,

vs.

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

Respondents.

Case No. 57-11229
(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.

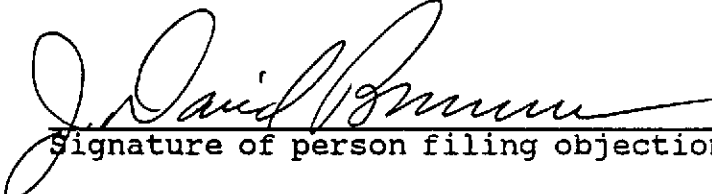
VERIFICATION (Must be Completed)

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:

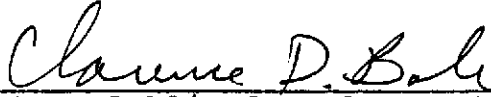
That I am the person or entity filing this objection, that I am a water claimant or party in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and belief.


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

(Over)

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

I hereby certify that on the 26 day of February, 1993, I ~~mailed~~^{filed} the original and copies of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

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

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

Owner name: 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: 57-11229

POINT OF DIVERSION:

CHANGE: T02S R04W S33 SWSE

TO: T03S R04W S04 LOT 2

PLACE OF USE:

CHANGE: T02S R04W S33 SWSE

TO: T03S R04W S04 LOT 2

PURPOSE OF USE:

NON-IRRIGATION USES:

ADD: WILDLIFE, VARIABLE AMOUNTS

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: SPRING						
TRIBUTARY: SINKS						

57-11225	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	.01	CFS RESERVED
NON-IRRIGATION-USES: STOCKWATER, 209 RANGE CATTLE POINT OF DIVERSION: T03S R02W S30 SENE PLACE OF USE: STOCKWATER T03S R02W S30 SENE REMARKS: BLM RECORD ID = 5701580298						
TOTAL QUANTITY: .01 CFS						
57-11229	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, 584 RANGE CATTLE POINT OF DIVERSION: T02S R04W S33 SWSE PLACE OF USE: STOCKWATER T02S R04W S33 SWSE REMARKS: BLM RECORD ID = 5701580302						
TOTAL QUANTITY: .02 CFS						

Old (D) Number -

*** A - ATTORNEY ***

*** C - CURRENT OWNER ***
US DEPT OF INTERIOR

*** K - ALSO KNOWN AS ***
BLM

[illegible]

```

+ - - - - Source - - - - - +
+ - - - - SINKS
+ - - - - Tributary - - - - - +

```

Twn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion
1	1	1	1	1	1	1	1

02S	33	SW SE	(73)	OWYHEE
02S	04W	33	SW SE	OWYHEE

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
+	+	+	+	+	+	+

04 - STOCKWATER	12/31	0.020
04 - STOCKWATER	01/01	0.020

	+ - Total Div. Rate - +	+ - Total Div. Volume - +	+ - Total Consumptive Use - +	+ - KW Usage - +
	0.020		0 0	

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Description	County
1	2	3	4	5	6	7	8	9

025	04W	33	SW SE	04	STOCKWATER	(73)	OWYHEE
025	04W	33	SW SE	04	STOCKWATER	(73)	OWYHEE

Total Acres:

- Diversion Means - UNDEVELOPED SPRING

- Non-Irrigation Use - STOCKWATER, 584 RANGE CATTLE

OCT 07 1992

Water right number - R57-11229

Prefix Translation: RESEARCH

+ - - Other Rights for Same Use -

+ - - - - - BLM RECORD ID = 5701580302

+ - - - - - No Old Water Right Numbers Found

+ - - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.+ - - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - - Decree Date - - -
00/00/0000+ - - - - - Comments - - - - - +
Date: 09/10/1992 User Id: MCCARTHY Subject: OVERLAPPING CLAIMS
A57-02404 (DISALLOWED-NOT CLAIMED IN REYNOLDS CR. ADJ.) AND A57-10959 MAY DUPLICATE THIS CLAIM+ - - Audit Fields - - +
09/18/92 MCCARTHY+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +
Court Report Filing - 00/00/0000 Field Inspection Made - 00/00/0000 Civil Case Number - 39576
Objection Filed Date - 00/00/0000 Field Inspection Flag - Old Case Number -
Response Filed Date - 00/00/0000 Verified Date - 00/00/0000 Old Judicial District -
Claim Received Date - 06/30/1992 Last Amended Date - 00/00/0000 Temporary Right - P
Receipt Number - X111111 Water District -
POU Ownership Flag - Y Federal/State Indicator - F
Name Connector - Presumption Flag -
Notice of Error Flag -

MICROFILMED

OCT 07 1992

VERIFIED BY S. McElrath
9-10-92

Water Right Number - R57-02404

Prefix Translation: RESEARCH

Old (D) Number - D1125

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

*** A - ATTORNEY ***

HAUGRUD, JACK OR G GARVER OR D ZANE

1 - US DEPT OF JUSTICE
2 - ENV & NR DIV GEN LIT SEC
3 - PO BOX 663
City- WASHINGTON
Phone - 202-272-4134

State- DC Zip- 200440663

*** C - CURRENT OWNER ***
US DEPT OF INTERIOR1 - BUREAU OF LAND MANAGEMENT
2 - IDAHO STATE OFFICE
3 - 3380 AMERICANA TERRACE
City- BOISE
Phone - 208-334-1401

State- ID Zip- 83706

*** K - ALSO KNOWN AS ***
BLM1 - BUREAU OF LAND MANAGEMENT
2 - IDAHO STATE OFFICE
3 - 3380 AMERICANA TERRACE
City- BOISE
Phone - 208-334-1401

State- ID Zip- 83706

+ - - - - Priority Date - - + + - - - - Region - - - + + - - - - Status - - - +
08/28/1958 14 WESTERN I - DISALLOWED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
SPRING BABINGTON CREEK

+ - - - - Rng Sec Tract Lot Rflg County Point of Diversion - - - - - +

02S 04W 33 SW SE (73) OWYHEE

+ - - - - Code Description Period From Period To Water Use Diversion Rate Diversion Volume - - - - - +

05 - STOCKWATER STORAGE
17 - WILDLIFE STORAGE01/01 12/31
01/01 12/310.20
0.01+ - - - - Total Div. Rate - + + - - - - Total Div. Volume - + + - - - - Total Consumptive Use - + + - - - - KW Usage - +
0.20 0.20 0.0

+ - - - - Twn Rng Sec Tract Lot Acres Code Description County - - - - - +

02S 04W 33 SW SE
02S 04W 33 SW SE05 STOCKWATER STORAGE
17 WILDLIFE STORAGE(73) OWYHEE
(73) OWYHEE

Total Acres:

+ - - - - Diversion Means - INSTREAM

MICROFILMED

OCT 07 1992

Prefix Translation: RESEARCH

Water right number - R57-02404

+ - - Non-Irrigation Use - S/584 RANGE CATTLE W/VAR AMT

+ - - Other Rights for Same Use - NONE

+ - - RIGHT NOT CLAIMED IN PRIOR ADJUDICATION.

+ - - No Old Water Right Numbers Found

+ - - Old Water Right Numbers

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

+ - - Decree Plaintiff - - +

+ - Decree Date - +
00/00/0000

+ - - Date: 09/10/1992 User Id: MCCARTHY subject: COPIED FROM REMARKS

BLM RECORD ID = 5701588062

PREVIOUSLY FILED WITH THE IDAHO DEPARTMENT OF WATER RESOURCES.

+ - - Audit Fields - - +
09/10/92 MCCARTHY

+ - - Court Report Filing - 00/00/0000	Field Inspection Made - 00/00/0000	Civil Case Number - 39576
+ - - Objection Filed Date - 00/00/0000	Field Inspection Flag -	Old Case Number -
+ - - Response Filed Date - 00/00/0000	Verified Date - 09/10/1992	Old Judicial District -
+ - - Claim Received Date - 06/30/1992	Last Amended Date - 00/00/0000	Temporary Right - P
	Receipt Number - X11111	Water District -
	POU Ownership Flag - Y	Federal/State Indicator - S
	Name Connector -	Presumption Flag -
		Notice of Error Flag -

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

AJ5809NP
No. A57-02404

OWNER CODE: C
NAME & ADDRESS: US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706
(208) 334-1401
PRIORITY DATE: 08/28/1958
WATER USE: STOCKWATER STORAGE
WILDLIFE STORAGE
USE PERIOD FROM TO: 01-01 12-31
01-01 12-31
DIVERSION RATE: 0.2 AFA
0.2 AFA
DIVERSION VOLUME: 0.2 AFA

Stage: LICENSE
OWYHEE County

Tributary to: BABBINGTON CREEK

Point(s) of Diversion: T02S R04W S33 SWSE

Place of use Legal Description for: STOCKWATER STORAGE

		NE				NW				SW				SE			
		NENE				NWNE				NWSW				NESW			
		NWNE				SWNE				SWNW				SESW			
		Lt				Ac				Lt				Ac			
T	R S	: Lt				: Ac				: Lt				: Ac			
		: Lt				: Ac				: Lt				: Ac			
		: Lt				: Ac				: Lt				: Ac			
		: Lt				: Ac				: Lt				: Ac			
02S	04W 33	:				:				:				:			

Place of use Legal Description for: WILDLIFE STORAGE

		NE				NW				SW				SE			
		NENE				NWNE				NWSW				NESW			
		NWNE				SWNE				SWNW				SESW			
		Lt				Ac				Lt				Ac			
T	R S	: Lt				: Ac				: Lt				: Ac			
		: Lt				: Ac				: Lt				: Ac			
		: Lt				: Ac				: Lt				: Ac			
		: Lt				: Ac				: Lt				: Ac			
02S	04W 33	:				:				:				:			

POU County: OWYHEE

Non-Irrigation Uses: S/584 RANGE CATTLE W/VAR AMT

Other Rights: NONE

Remarks: BLM RECORD ID = 5701588062
PREVIOUSLY FILED WITH THE IDAHO DEPARTMENT OF WATER RESOURCES.

Dates: Exam Made Date: Verified Date:
Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Not claimed in Reynolds Cr. Adj.

Completed
and to continue diligently and uninterruptedly to completion,
unless temporarily interrupted by circumstances over which the permit holder has no control.

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO
FOR FARMSTEAD, DOMESTIC, OR STOCK WATERING PURPOSES

Application No. D. 1125
Permit No. D. 1125 57-2904
District No. _____

1. Name of Applicant U.S. Dept of Interior, Bureau of Land Management
2. Post Office Address Box 917, Boise, Idaho
3. Quantity of water claimed 0.2 acre foot 8-28-1958
(Not to exceed 0.1 second foot or 15 acre feet)
4. Source of water supply spring
(Spring, well, unnamed stream, small lake, snow, or runoff)
5. Location of point of diversion _____ feet distant from the _____ corner of Section _____
Twp. _____, Rge. _____, B.M., and is in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 33, Twp. 2 S, Rge. 4 W, B.M.
in the County of Owyhee 73
6. Location of point of use _____ feet distant from the _____ corner of Section _____
Twp. _____, Rge. _____, B.M., and in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Sec. 33, Twp. 2 S, Rge. 4 W
7. Water to be used for livestock watering 1/1-12/31
8. Estimated cost of works \$150.00
9. Kind of works earth dam and dug pit
(Reservoir, dam, ditch, flume, pipe, etc.)
10. Size _____
(Headgate, ditch, flume, pipe, etc.)
11. Time required to apply water to proposed use immediate
12. If reservoir is used, fill in the following in addition to the above questions:
- (a) Height of dam 6 feet: Length at top 55 feet.
- (b) Material from which dam is constructed earth
(earth, concrete, timber, rock)
- (c) The outlet of the proposed reservoir is located foot from the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ corner of
Section 33, Twp. 2 S, Rge. 4 W, B.M.

REMARKS:

Applicant U.S. Dept of Interior
Bureau of Land Management Agent Gilbert Hall

MICROFILMED
OCT 07 1992

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enclosure with pipelines to pastures.

P/D S/B 1S 5W 06 SWNESW

P/U S/B 1S 5W 06 NESW

Source = Skull Spring/McBride Creek

Also change 57-02375, 57-04071, 57-07352 that have source = Skull Spring to this P/D with recommended P/U's.

57-11229

Fed. Res. Rt.

Want P/D change from the SWSE, Sec. 33 2S 4W to Lot 2 (NWNE) Sec. 4, 3S 4W. [57-10959 (NWSE)]. Same with P/U. Add wildlife. Ok to change legal descriptions per NAPP Z4 NW shows development in NWSE as well as Lot 2 (NWNE). Ok to change to Lot 2 (NWNE) P/D and P/U 04 3S 4W.

57-11230

Fed. Res. Rt.

Sinker Canyon Prov. Ed. 1990 (57-02423 - same source). Change from SWSESW to SWNESW and P/U from SESW to NESW 05 4S 2W. Also change source = Diamond Creek Spring/Diamond Creek. Same change recommended on overlapping right 57-02423.

57-11245

Fed. Res. Rt.

Triangle Reservoir Prov. Ed. 1990. Change P/D from SWSWSW Sec. 22 to the NWSWSW, Sec. 22. Overlap with 57-02470 which is for same spring (Stageroad Spring) and is in the report as the NWSWSW, Sec. 22 7S 2W. Ok to change the one to match 57-02470.

57-11287

Fed. Res. Rt.

Change P/D from NWSW, Sec. 13 to SWNW Sec. 13 and P/U also. Change source from Driscoll Spring/Sinks to Spring/Bates Creek. 57-11040 and 57-07230 all for Driscoll Spring tributary to Bates Creek for state rights. RESULT - Can see the spring in the SWNW and Driscoll Spring in the NWSW, so ok to change this one to the SWNW, Sec. 13 5S 3W along with P/U. However, source change should be Spring/Sinks. (It flows other direction than Driscoll Spring does). (57-11040A other fed. right on Driscoll Springs that will remain).

57-11300

Fed. Res. Rt.

Change P/D from 1S 2W, Sec. 19 to 1S 4W, Sec. 19 same 1/41/4. Typo in range. This right goes with 57-07315 which is referenced in 57-11300 and on BLM map in 1S 4W. P/D for 57-11300 S/B 1S 4W 19 NWNE.

57-11305

Fed. Res. Rt.

Want to change from the NESE, Sec. 34 to SWSW, Sec. 34 same P/U. Also change source from Horserace Spring to spring. Horserace Spring is located in the NESW Sec. 34 under right no. 57-01045 and 57-07351. Ok to change per spring location verification in the SWSW,

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APR 13 1999

Department of Water Resources

1999 APR 12 PM 2:06

DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED 12

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 57-11229

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 57-11229 be decreed as recommended in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED April 12, 1999.

Fritz X. Haemmerle
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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 57-11229

1999 APR 12 PM 2:07

RECEIVED DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
APR 13 1999 FILED *AL*

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

Department of Water Resources

SOURCE: SPRING TRIBUTARY: SINKS
QUANTITY: 0.02 CFS
PRIORITY DATE: 04/17/1926
LOCATION INSTREAM FLOW: T03S R04W S04 LOT 02 (NWNE) 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
T03S R04W S04 LOT 02 (NWNE)

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

AX. L.
SPECIAL MASTER

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Department of Water Resources

DISTRICT COURT-SRBA
TWINFALLS 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): 57-11229

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

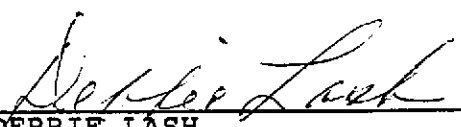
STATE OF IDAHO
Represented by:
PETER J. AMPE
PO BOX 83720
BOISE, ID 83720-0010
Phone: 208-334-2400

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

APR 13 1999

1969 APR 12 PM 2: 07

DISTRICT COURT-SRBA.
TWIN FALLS CO. IDAHO.

Water Right(s): 57-11229

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