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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

A57-11286

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. 5701580366
BLM NUMBER: 5701580366
BASIS OF CLAIM: FEDERAL RESERVED RIGHT
BASIN NO.: 57

SOURCE	TRIBUTARY TO
DEAD COW SPRING	COTTLE CREEK

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	POINT OF DIVERSION TRACT2	TRACT3	LOT	COUNTY
02S	04W	21		NE	SW	0	OWYHEE

TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	OWNED	IRRIGATED ACRES
02S	04W	21	NE	SW	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 57-7168

MICROFILMED

OCT 07 1992

RECEIVED

JUN - 6 1999

Department of Water Resources
Adjudication Bureau

1999 JUN 28 AM 10: 12

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 57-11286

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 57-11286 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 10:12

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 57-11286

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

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

SOURCE: DEAD COW SPRING TRIBUTARY: COTTLE CREEK

QUANTITY: 0.02 CFS

PRIORITY DATE: 04/17/1926

LOCATION INSTREAM FLOW: T02S R04W S21 NWSW 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
	T02S R04W S21	NWSW	

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): 57-11286

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 57-11286 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**

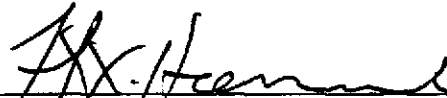
In Re SRBA
Case No. 39576

) 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

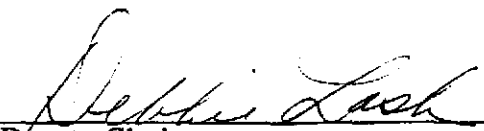
I certify that a true and correct copy of the ORDER STAYING SUBCASES was mailed on May 12, 1997, with sufficient first-class postage to the following:

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

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

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

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


Deputy Clerk

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. 57-11286
	)	
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 - 11286.

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:

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. 57-11286, 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.

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

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 - 11286 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

AJ5856NP

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

DATE: NOV-08-1993
PAGE: A-1

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
57-11286	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

SOURCE: DEAD COW SPRING

TRIBUTARY: COTTLE CREEK

NON-IRRIGATION USES:
STOCKWATER, 584 RANGE CATTLE
POINT OF DIVERSION:
T02S R04W S21

NWSW
W2SW

PLACE OF USE: STOCKWATER
T02S R04W S21

W2SW

REMARKS: BLM RECORD ID = 5701580366

TOTAL QUANTITY: .02 CFS

Water Right Number - R57-11286 Prefix Translation: RESEARCH Old (D) Number -
+ - - - - Last Name - - - - + + - First 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 State- DC Zip- 200440663
Phone - 202-272-4134

*** C - CURRENT OWNER ***
US DEPT OF INTERIOR
1 - BUREAU OF LAND MANAGEMENT
2 - IDAHO STATE OFFICE
3 - 3380 AMERICANA TERRACE
City- BOISE State- ID Zip- 83706
Phone - 208-334-1401

*** K - ALSO KNOWN AS ***
BLM
1 - BUREAU OF LAND MANAGEMENT
2 - IDAHO STATE OFFICE
3 - 3380 AMERICANA TERRACE
City- BOISE State- ID Zip- 83706
Phone - 208-334-1401

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
04/17/1926 14 WESTERN P - RESERVED
+ - - - - Source - - - - + + - - - - Tributary - - - - - +
DEAD COW SPRING COTTLE CREEK

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot Rflg County
02S 04W 21 NE SW (73) OWYHEE

+ - - - - Description Period From Period To Water Use Diversion Rate Diversion Volume
Code Description Period From Period To Diversion Rate Diversion Volume
04 - STOCKWATER 01/01 12/31 0.020
+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.020 0.020 0.0

+ - - - - Place of Use Description County
Twn Rng Sec Tract Lot Acres Code Description County
02S 04W 21 NE SW 04 STOCKWATER (73) OWYHEE

Total Acres:
+ - - Diversion Means - UNDEVELOPED SPRING
+ - - Non-Irrigation Use - STOCKWATER, 584 RANGE CATTLE

Water right number - R57-11286

[illegible][illegible][illegible][illegible][illegible]

Date: 09/10/1992 User Id: MCCARTHY Subject: COPIED FROM REMARKS

LICENSE 57-7168

LICENSE 37-7199
date: 09/10/1992 User Id: MCCARTHY Subject: OVERLAPPING CLAIM

THIS CLAIM APPEARS TO OVERLAP DECREED RT. 57--07168

+ - - Audit Fields - - +

09/18/92 MCCARTHY

[illegible]

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	- X11111	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- F
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

MICROFILMED
OCT 07 1992

VERIFIED BY *R. McCarthy*
9-18-92

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

AJ0749NP
No. R57-07168

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 AMERICAN TERRACE BOISE ID 83706 (208) 334-1401	07/12/1976	STOCKWATER WILDLIFE	04-01 10-31 01-01 12-31	0.01 CFS 0.01 CFS	4.1 AFA 7.2 AFA
TOTAL DIVERSION:				0.01 CFS		7.3 AFA

Stage: DECREED

OWYHEE County

Tributary to: SINKS

NESW

Water Source: DEAD COW SPRING

T02S R04W S21

Point(s) of Diversion:

Place of use Legal Description for: STOCKWATER

		NE		NW		SW		SE	
T	R	S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt
02S	04W	21	:	:	:	:	:	:	:

Place of use location for WILDLIFE is the same location as described for: STOCKWATER

POU County: OWYHEE

Non-Irrigation Uses: STOCKWATER, 260 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT

Conditions of Approval:

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

Remarks: BLM RECORD ID = 5701588356

Dates: Exam Made Date: Verified Date: 09/18/1992

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

Comments: Date: 09/10/1992 User-ID: MCCARTHY Subject: BLM PROJECT #5453
ACCORDING TO REYNOLDS CREEK DECREE

Date: 09/10/1992 User-ID: MCCARTHY Subject: OVERLAPPING CLAIM
A57-11286 APPEARS TO OVERLAP THIS RIGHT

Audit: 09/18/92 MCCARTHY

CLAIM NO. 157-07168

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. A57-10735
That Recommendation Corrected? yes ☒ no ☐
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
☐ Source, per IDWR records, is _____.
4. ☒ No Change - POINT OF DIVERSION - Claim matches existing license or decree
☐ Point of diversion has changed
Twp _____, Rge _____, Sec _____, _____ 1/4, _____ 1/4, _____ 1/4
How was this verified? _____
- N/A
- ☒ No Change - WATER USES
☐ Uses, per IDWR records:
- | | | | | | |
|-----------|------------|----------|--------------|-----------|----------|
| Use _____ | From _____ | To _____ | Amount _____ | cfs _____ | af _____ |
| Use _____ | From _____ | To _____ | Amount _____ | cfs _____ | af _____ |
- ☒ No Change - TOTAL RATE AND VOLUME
☐ Total rate and volume, per IDWR records: _____ cfs _____ afa
- N/A
- ☒ No Change - NON-IRRIGATION USES: Completed on claim
☐ Incomplete on claim - Per IDWR records:
- Domestic - No. of homes _____ Stockwater - No. of head _____
- Other: _____

MICROFILMED

OCT 07 1992

10. ☒ No Change - PLACE OF USE:

☐ Place of Use has changed:

Use Twp. Rge. Sec. 1/4, 1/4,

How was this verified? _____

Remarks: (Comments pertinent to review)

BLM Project #5453

Overlapping claim: A57-11886

Recommended per Reynolds Cr. decree

Review Completed by:

R. McElroy

signature

Date:

9-10-98

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. 57-11286
(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.

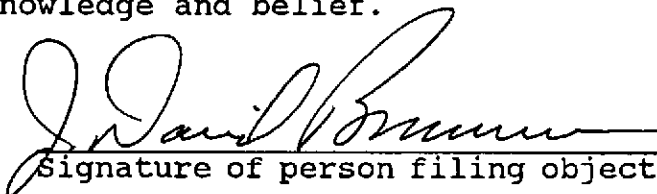
VERIFICATION (Must be Completed)

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:

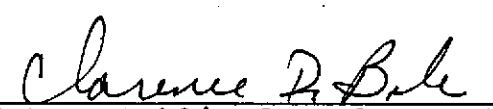
That I am the person or entity filing this objection, that I am a water claimant or party in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and belief.


Signature of person filing objection

By: _____

(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 23 day of Feb,
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~~^{certified} 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:

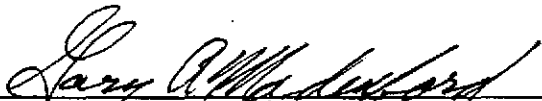
Owner name: US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
Owner's address: 3380 AMERICANA TERRACE
BOISE IDAHO 83706

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: 57-11286

POINT OF DIVERSION:

CHANGE: T02S R04W S21 NENW

TO: T02S R04W S21 NWSW

PLACE OF USE:

CHANGE: T02S R04W S21 NENW

TO: T02S R04W S21 NWSW

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
57-11286	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE ID 83706	SOURCE: DEAD COW SPRING	04/17/1926 STOCKWATER	01-01 12-31	.02	CFS RESERVED
NON-IRRIGATION-USES: STOCKWATER, 584 RANGE CATTLE POINT OF DIVERSION: T02S R04W S21 PLACE OF USE: STOCKWATER NESW					TOTAL QUANTITY: .02 CFS	
T02S R04W S21 REMARKS: BLM RECORD ID = 5701580366 NESW						

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APR 13 1999

Department of Water Resources

1999 APR 12 PM 2:08

DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED AK

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 57-11286

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 57-11286 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

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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

Department of Water Resources

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 57-11286

1999 APR 12 PM 2:08

DISTRICT COURT-SRBA
TWIN FALLS CO. (IDaho)
FILED *[Signature]*

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

SOURCE: DEAD COW SPRING TRIBUTARY: COTTLE CREEK

QUANTITY: 0.02 CFS

PRIORITY DATE: 04/17/1926

LOCATION INSTREAM FLOW: T02S R04W S21 NWSW Within Owyhee County

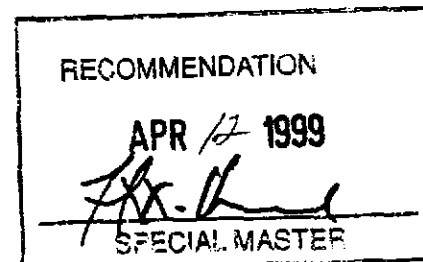
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Stockwater Within Owyhee County
T02S R04W S21 NWSW

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



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DISTRICT COURT-SRBA

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): 57-11286

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

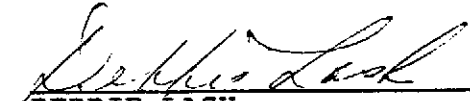
RECEIVED

APR 12 1999

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

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Department of Water Resources

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DISTRICT COURT-SRBA
TWIN FALLS, 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
RECOMMENDATION

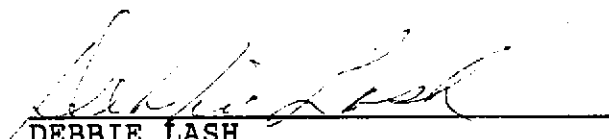
Water Right(s): 57-11286

On April 12, 1999, Special Master FRITZ X HAEMMERLE issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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

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

DATED April 12, 1999.


DEBBIE LASH
Deputy Clerk