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NOV 14 2006

DEPARTMENT OF
WATER RESOURCES

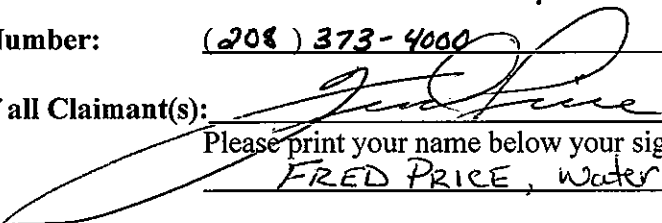
Snake River Basin Adjudication
Change in Address of Notice of Claim

Water Right Number(s): 79-14087 ~~P.D.~~

Previous Mailing Address: US Dept. of Interior
Bureau of Land Management
Rt 3 Box 181; Cottonwood, ID 83522

New Mailing Address: United States of America acting through
USDI, Bureau of Land Management; Idaho State Office
1387 S. Vinnell Way; Boise, ID 83709-1457

Telephone Number: (208) 373-4000

Signature of all Claimant(s): 

Please print your name below your signature.

FRED PRICE, Water Rights Specialist

Please mail or FAX this completed form to the office nearest you:

Adjudication Bureau
Idaho Dept. of Water Resources
1910 Northwest Blvd., Ste. 210
Coeur d'Alene, ID 83814-2615
Ph. 208/769-1450 or
FAX 208/769-1454

Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348

Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380
Ph. 208/525-7161 or
FAX 208/736-3037

Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653
Ph. 208/736-3033 or
FAX 208/525-7177

Adjudication Bureau
Idaho Dept. Of Water Resources
322 E. Front St.
P.O. Box 83720
Boise, Id 83720-0098
Ph 208/287-4800
FAX 208/287-6701

NCAP done.

10/17/2006

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

RIGHT NUMBER: 79-14087

NAME AND ADDRESS: US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
COTTONWOOD RESOURCE AREA
RT 3 BOX 181
COTTONWOOD ID 83522

SOURCE: SOUTH FORK RACE CREEK

TRIBUTARY: RACE CREEK

QUANTITY: 0.220 CFS

PRIORITY DATE: 05/25/1908

POINT OF DIVERSION:

T24N R01E S8 NENW Within IDAHO County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.220 CFS

PLACE OF USE: IRRIGATION Within IDAHO County

T24N R01E S08 NWNE 1.50

1.5 ACRES TOTAL

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

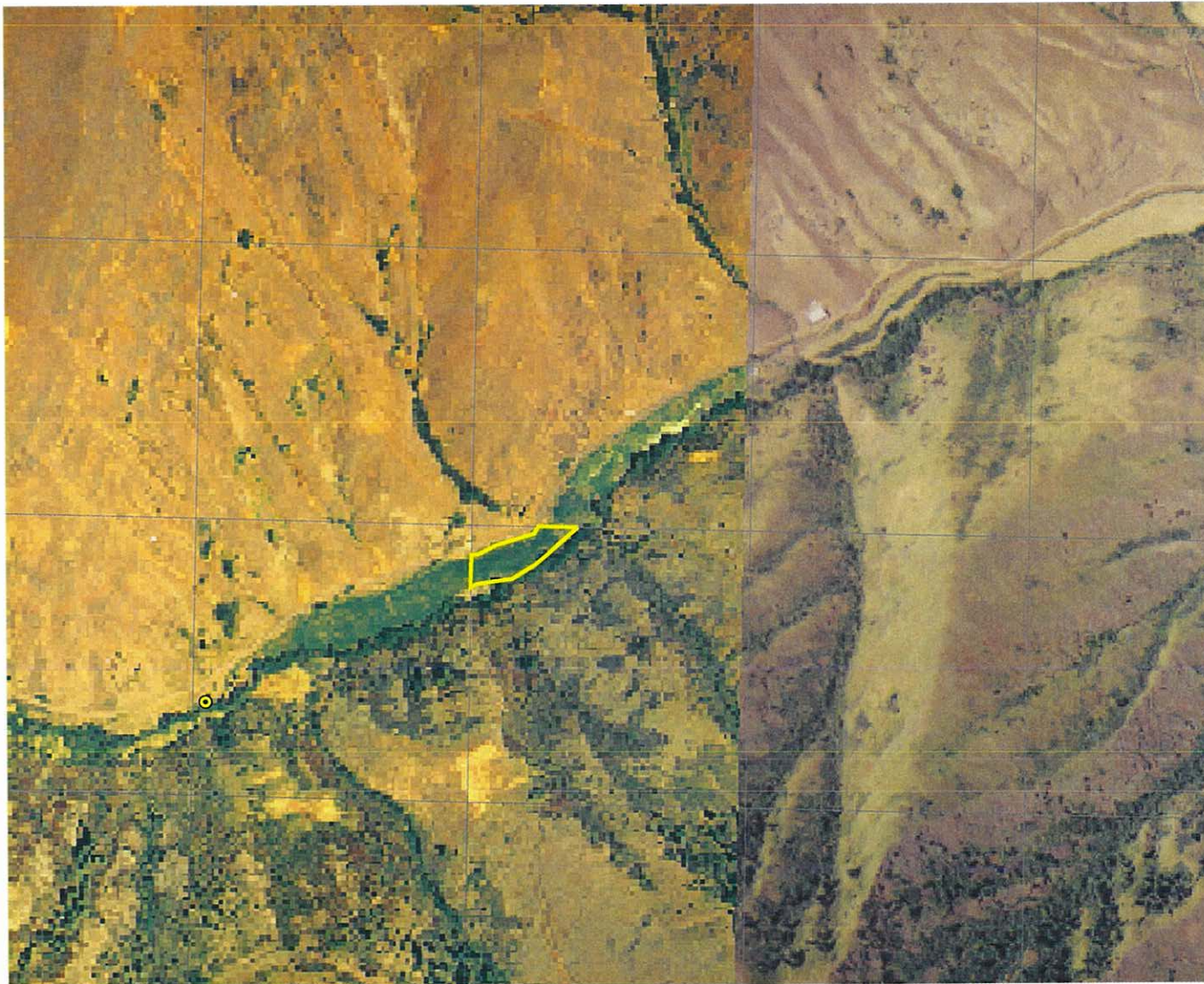
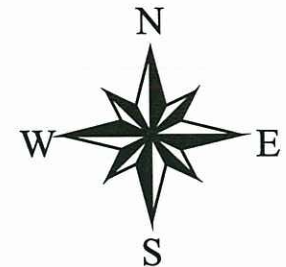
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

79-14087

T24N R01E
Section(s) 8

● Point of Diversion
□ Place of Use



0 1000 2000 3000 Feet

A horizontal scale bar with four segments. The first segment is labeled '0', the second '1000', the third '2000', and the fourth '3000 Feet'.

Map prepared by: Greg Taylor
Date Prepared: April 26, 2005
Photography: Aerial Photo
Idaho Department of Water Resources

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 79-14087
Date Received: 7/24/1995
Receipt No: W019632
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
COTTONWOOD RESOURCE AREA
RT 3 BOX 181
COTTONWOOD ID USA 83522

Phone: (208)962-3245

2. Date of Priority: 07/01/1904

3. Source: RACE CREEK SOUTH FORK Trib. to: RACE CREEK

1.6 Ac. from shap

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
24N	01E	8	NW NW	IDAHO	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	10/30	0.02	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
24N	01E	8	NW NE	IRRIGATION	0.7
Section Acres					0.7
Total Acres					0.7

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:

14. Remarks:

This claim is the result of a basin number change - renumbered from 77-13847.

THE PURPOSE OF THIS CLAIM IS TO RECORD THE WATER RIGHT ESTABLISHED BY BENEFICIAL USE ON BLM GROUND. THE INTENT IS THAT THIS CLAIM WILL EVENTUALLY BE TRANSFERRED TO CLIFFORD GALLI AS A CONTINGENCY OF THE LAND TRADE. IF THE LAND TRADE DOES NOT OCCUR, THE CLAIMANT AGREES THERE IS NO RIGHT TO THE HISTORICAL DIVERSION POINT BASED ON THIS CLAIM AS LISTED UNDER ITEM NO. 4.

15. Basis of Claim: Beneficial Use

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

Renumbered To: 79-14087

Ident. Number: A77-13847

Date Received: 7/24/1995

Receipt No: W019632

Received By: *[Signature]*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: US DEPT OF INTERIOR 208-962-3245
Address: BUREAU OF LAND MANAGEMENT
COTTONWOOD RESOURCE AREA
ROUTE 3 BOX 181
COTTONWOOD ID 83522

2. Date of Priority: JUL 1, 1904

3. Source: RACE CREEK, SOUTH FORK Trib. to: RACE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
24N	01E	8	NW	NW			IDAHO

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	10/30	0.020		

7. Total Quantity Appropriated is:
0.020 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
24N	01E	8	NW	NE		IRR	0.7

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	0.7
					Total Acres	0.7

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:

14. Remarks:

THE PURPOSE OF THIS CLAIM IS TO RECORD THE WATER RIGHT ESTABLISHED BY BENEFICIAL USE ON BLM GROUND. THE INTENT IS THAT THIS CLAIM WILL EVENTUALLY BE TRANSFERRED TO CLIFFORD GALLI AS A CONTINGENCY OF THE LAND TRADE. IF THE LAND TRADE DOES NOT OCCUR, THE CLAIMANT AGREES THERE IS NO RIGHT TO THE HISTORICAL DIVERSION POINT BASED ON THIS CLAIM AS LISTED UNDER ITEM NO. 4.

15. Basis of Claim: BENEFICIAL USE

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/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

RECEIVED

JUL 24 1995

WATER RESOURCES
WESTERN REGION

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

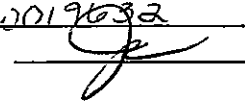
IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A77-13847

Date Received: 7/17/1995

Receipt No: 12019632

Received By: 

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

1. Name: US DEPT OF INTERIOR 208-962-3245
Address: BUREAU OF LAND MANAGEMENT
COTTONWOOD RESOURCE AREA
ROUTE 3 BOX 181
COTTONWOOD ID 83522

2. Date of Priority: JUL 1, 1904

3. Source: RACE CREEK, SOUTH FORK Trib. to: RACE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
24N	01E	8	NW	NW	NW		IDAHO

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	10/30	0.020		

7. Total Quantity Appropriated is:
0.020 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
24N	01E	8	NW	NE		IRR	0.7

Section Acres 0.7

10. Place of Use: Continued

Total Acres 0.7

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:

14. Remarks:

THE PURPOSE OF THIS CLAIM IS TO RECORD THE WATER RIGHT ESTABLISHED BY BENEFICIAL USE ON BLM GROUND. THE INTENT IS THAT THIS CLAIM WILL EVENTUALLY BE TRANSFERRED TO CLIFFORD GALLI AS A CONTINGENCY OF THE LAND TRADE. IF THE LAND TRADE DOES NOT OCCUR, THE CLAIMANT AGREES THERE IS NO RIGHT TO THE HISTORICAL DIVERSION POINT BASED ON THIS CLAIM AS LISTED UNDER ITEM NO. 4.

15. Basis of Claim: BENEFICIAL USE

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/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *Greg M. Yuncovich* Date: *7/21/95*
AREA MANAGER Date: _____
COTTONWOOD RESOURCE AREA

State of Idaho)
County of Idaho) SS.

Subscribed and sworn (or affirmed) before me this 21ST day
of July 19 95

Ron Grant
Notary Public

Seal

Residing at Cottonwood
My Commission Expires 11/27/99

File copy

December 2, 2003

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
COTTONWOOD RESOURCE AREA
RT 3 BOX 181
COTTONWOOD ID 83522

Dear Claimants:

Enclosed is a computer-generated copy of your Claim No. 79-14087, which was previously numbered 77-13847 when originally filed.

The Department's water right numbering system is by the drainage basin within which your point of diversion is located and is designated by the first two numbers of the water right number, referred to as the basin number. During a review of this claim, we found that the original basin number for your claim was incorrect and it has now been renumbered to the correct basin number. If you have any questions concerning this claim in the future, please refer to this new claim number.

Feel free to contact this office if you have any questions concerning this letter.

Sincerely,

Adjudication Section
Western Region

Enclosures



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Upper Columbia & Salmon-Clearwater Ecosystems
Cottonwood Resource Area Office
Route 3, Box 181
Cottonwood, Idaho 83522-9498

In Reply Refer To:
2200(065)

APR - 6 1995

Mr. Clifford Galli
P.O. Box 469
Riggins, ID 83549

Dear Cliff:

As we have discussed, there must be a water permit in BLM's name for any water used on public land before we can issue you a permit to farm the public land.

If you will help us prepare a proper application, furnish necessary filing fees, and obtain a water permit, we will be able to issue the farm permit.

The purpose of our issuance of a farm permit is to authorize an historic, inadvertent use. It is easy to understand how no one would have realized there was 3/4 of an acre of public land on the north side of the creek until the recent survey was completed by the Forest Service.

An authorization is necessary if the existing use is to continue. However, the BLM has no desire to rent land for agricultural uses over the long term. Our land use plan identifies the various scattered parcels of public land lying west of Riggins as potentially available for land exchange.

The most logical course of action would be for BLM to trade its half dozen scattered tracts of land in this area (including the parcel you are farming) to the State of Idaho for a parcel of state land elsewhere that is isolated among BLM land.

If the state is interested in a trade with BLM, and you have an authorization for agricultural use on the land to be traded, the terms of the trade will ensure that your existing use is not jeopardized. As you and I have discussed, there are numerous opportunities for something to be worked out between you and the state concerning the use and disposition of this parcel of land.

If a land trade cannot be worked out between the BLM and the state, we will look for alternative ways to dispose of this isolated 40-acre parcel of public land through land exchange. I can assure you, however, that no matter how the land gets traded, or who ends up owning it, the BLM must take into account the needs of any existing users.

Once we have eliminated your unauthorized use through issuance of a Land Use Permit, you and I should get together with the State Lands Department and see if we can all work out a long term solution that will be satisfactory to you.

I'm waiting to hear from you about the water permit.

Sincerely,

A handwritten signature in cursive script that reads "Ron".

Ron L. Grant
Realty Specialist



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Upper Columbia & Salmon-Clearwater Ecosystems
Cottonwood Resource Area Office
Route 3, Box 181
Cottonwood, Idaho 83522-9498

In Reply Refer To:
2800(065)

March 22, 1995

Mr. Clifford Galli
P.O. Box 469
Riggins, ID 83549

Dear Cliff:

We received your application for a Land Use Permit.

Something I didn't previously discuss with you is the issue of water rights. I'm sure you are aware of the state's ongoing water filing effort and that there are a lot of potential legal issues surrounding water rights and usage.

As a result of all this, we have recently received instructions (copy enclosed) for issuing permits involving the use of water on public lands. Since I'm accustomed to dealing with dry-land farmers around the Cottonwood area, I'm unfamiliar with some these water right issues and I guess it slipped my mind until now.

I think that once you look through the enclosed instructions you'll agree that obtaining a permit may not be worth the hassle. Maybe we should consider how much of a problem it would be for you to stop farming this little corner of public ground.

I realize that this has been the year for Cliff Galli to get "bureaucrated" and I'm keeping the trend alive. Of course, it's not intentional. We just need to re-think our options and figure out another way to resolve the situation. Please give me a call.

Sincerely,

962-3245

Ron L. Grant
Realty Specialist

1 Enclosure

200
769
5000

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Idaho State Office
3380 Americana Terrace
Boise, Idaho 83706-2500

In Reply Refer To:
2920/7250 (943) (930)

APR 14 1995

EMS

Instruction Memorandum No. ID-94-095
Expires: 9/30/95

To: IMT

From: State Director

Subject: Issuance of Land Use Permits for Agricultural Use (Farming)

A concern has developed in the Snake River Basin Adjudication (SRBA) from water right issues that impact our land use permitting program. The farming of public land under our Land Use Permit (LUP) program could allow the permittee to obtain a water right on public land in the permittee's name, rather than in the name of the United States.

An analysis of Case Recordation (CR) indicates we have a total of 1,389.962 acres under cultivation in 59 cases. Further, the analysis shows another 171.81 acres that were under cultivation in 14 cases, but the permits have not been renewed. There are also 158 acres under cultivation by lease that expires in the year 2000 and another case with 7 acres that expires in 2020.

A recent Solicitor's opinion on this subject advises us to modify the 2920 permitting process as it relates to farming of public land. He advises us to include the following stipulation in every new or renewed permit:

Title to any water right utilized on the described public land shall be permitted, licensed, claimed and/or decreed solely in the name of the United States of America and its assigns. In the event that the permittee or any other individual has claimed or obtained a right for water use on the described public land, the permittee will cooperate fully with the United States to take all steps necessary, including effectuating any amendments to permittee's previous water rights claim(s) which are necessary to ensure that any water right appurtenant to public land is held exclusively by the United States. Failure of permittee to fully comply to the satisfaction of the Bureau of Land Management with this special condition, within 30 days following issuance of this permit, will result in the automatic termination of this permit in accordance with 43 CFR § 2920.9-3(a)(1), unless BLM in its sole discretion elects in writing to extend the time period for compliance with this special condition.

In light of this recent opinion, the following process is advised for implementation of the Solicitor's stipulation:

1. All new permits for the farming of public land should only be issued after the water right issue, as described in the Solicitor's stipulation, has been resolved. If the type of farming pursued utilizes water, then refer to attachment #1 for appropriate procedure. The permit must still include the Solicitor's stipulation even if the water right issue has been resolved.
2. All permits up for renewal for this same purpose would be handled as in item 1., above.
3. Existing permits already issued for this purpose, should be allowed to expire of their own terms. Comply with item 2. above, should renewal of a permit be contemplated.

We should, as soon as possible, notify all permittees utilizing public land for farming purposes of the new procedures. This will give them time to conform to the new procedures should permit renewal be desirous, or to begin moving their operation off public land.

In the event the permittee is willing to agree with the new permit procedures, a permit can be issued or renewed for farming of public land, by including the Solicitor's stipulation in the permit. However, should the permittee not comply with the stipulation, the permit should be cancelled in accordance with 43 CFR § 2920.9-3(a). Furthermore, the Idaho Department of Water Resources (IDWR) should be notified that the permittee is no longer authorized to pursue the agricultural use of public land to which water has been applied.

We also have approximately 400 cases involving up to 4,197.87 acres listed under trespass development in CR. It is known a water right cannot be perfected under trespass; however, as these cases are processed, if a LUP or lease is to be issued on them, the above procedures will apply.

If you need further clarification on this subject, contact Larry Lievsay at FTS/COM (208) 384-3166 for information on land use permits and Gary Madenford at FTS/COM (208) 384-3070 for information regarding water rights.

Delmar D. Vail
Delmar D. Vail

Attachment

cc:

K. Jack Haugrud, Department of Justice
J. Jack Hockberger, Office of Field Solicitor
Acumenics, Boise Document Center

943:DBale:bp:x3102:04/07/94:irrigati.del Utility Copies: CF DIV SDRF AUTH
930:Price:se:04/11/94:lup.im CF SDRF DIV AUTH DSDRF

GUIDANCE -PERMIT/WATER RIGHT INTERACTION AND APPLICATION:

If a water right is to be recognized (claimed) for the authorized agricultural use of public land, that it be claimed solely in the name of the Bureau of Land Management. Work with your Water Rights Specialist on this. Specific situations may be encountered as follows:

- 
1. **No Private Historical Claim Exists and No Private SRBA Claim is Filed Representing the Unauthorized Agricultural Use (Ag Trespass).**
 - a. If no permit exists: issue a permit (see 1.b.); or terminate the activity and resist any attempt in future of private interests acquiring a water right in trespass.
 - b. If first time issuance of permit: issue permit with the stipulation and file administratively for a water right with priority date of permit issuance in the name of BLM. Review and resist future late claim filings in the SRBA by private interests representing this authorization (unless they are filing on behalf and in the name of the BLM), as SRBA filings take precedence over administrative filings.
 - c. If a permit exists: file administratively for a water right with IDWR; or file a late claim in the SRBA. The choice depends on the date of permit issuance (which would be the priority date), and feasibility of filing a late claim. Resist any future private attempt at filing a late claim in the SRBA (as in 1.b.). When permit expires, do not renew without new stipulation.
 2. **No Private Historical Claim Exists and Yes Private SRBA Claim is Filed Representing the Unauthorized Agricultural Use.**
 - a. If no permit exists: issue a permit (see 2.b.); or terminate the activity, file a late objection to the private SRBA water right, and argue in the SRBA that a claim to water cannot be made in trespass.
 - b. If first time issuance of permit: issue permit with the stipulation and affect a transfer/splitting of the SRBA water right. Making the assumption that the new permit (with stipulation) represents a formal statement of cooperation by the permittee to transfer the portion of the private right appurtenant to public land into the name of the BLM. IDWR would not oppose a transfer/splitting of the right if both parties agreed.
 - c. If a permit exists: file a late objection to the private SRBA water right so the BLM can compete for the water right. Regardless of whether SRBA late objection is permitted, when the permit expires, do not renew without new stipulation.
 3. **Yes Private Historical Claim Exists and No Private SRBA Claim is Filed Representing the Unauthorized Agricultural Use.**
 - a. If no permit exists: Chances are the historical water right has been abandoned (since it was not refiled in the SRBA), and the private
- 

entity is no longer cultivating public land. But, if public land is being cultivated: issue a permit (see 3.b.), or terminate the activity and resist any attempt in future of private interests acquiring a water right in trespass.

- b. If first time issuance of permit: issue permit with the stipulation and file administratively for a water right with priority date of permit issuance in name of BLM (leave historical claim unclaimed). Review and resist future late claim filings in the SRBA by private interests representing this authorization (unless they are filing on behalf and in the name of the BLM), as SRBA filings take precedence over administrative filings.
 - c. If a permit exists: If permittee is no longer cultivating public land, terminate the permit in accordance with 43 CFR § 2920.9.3(a)(3). If the permittee is still cultivating public land: file administratively for a water right with IDWR; or a late claim in the SRBA. The choice depends on the date of permit issuance (which would be the priority date), and feasibility of filing a late claim. Resist any future private attempt at filing a late claim in the SRBA (as in 3.b.). When the permit expires, do not renew without new stipulation.
4. Yes Private Historical Claim Exists and Yes Private SRBA Claim is Filed Representing the Unauthorized Agricultural Use.
- a. If no permit exists: issue a permit (see 4.b.); or terminate the activity, file a late objection to the private SRBA water right, and argue that a claim to water cannot be made in trespass.
 - b. If first time issuance of permit: issue permit with the stipulation and affect a transfer/splitting of the SRBA water right. Making the assumption that the new permit (with stipulation) represents a formal statement of cooperation by the permittee to transfer the portion of the private right appurtenant to public land into the name of the BLM. IDWR would not oppose a transfer/splitting of the right if both parties agreed.
 - c. If a permit exists: use an existing BLM objection to the private SRBA water right to negotiate for a splitting of the right. Whether negotiations are successful or not, let current permit expire and do not renew without new stipulation.

When the permit expires: If the permittee wants to be renewed and the BLM feels it would meet with BLM's plans, policy, objectives and resource management programs; a new permit could be issued (see 4.b.), but any new or renewed permit has to incorporate latest policy (i.e. inclusion of the new stipulation). Renewal of a permit would then require a splitting of the private water right, or the permit cannot be renewed. If the permit is not renewed; then the cultivation of public land has terminated and the private water right can be declared abandoned immediately; or the BLM has sold the land and the issue of water right is moot.