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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

In Re SRBA	)	
	)	
Case No. 39576	)	STATUS REPORT FOR REPORTING
	)	AREA 2 (BASIN 57)
	)	
_____	)	

DESCRIPTIVE SUMMARY

95-11-0034

This is the Status Report for Reporting Area 2 (Basin 57) submitted pursuant to the Order Setting Status Conference On Expedited Basis issued by the Special Master for Reporting Area 2 on November 3, 1995.

I. INTRODUCTION

The Director's Report for Reporting Area 2 (Basin 57) was filed on October 13, 1992. Six hundred and twelve objections to the Director's Report, including 13 late objections, were filed with the Court resulting in 565 contested water rights. Motions to file two late claims are pending before the Court. The State

of Idaho's motions to submit late responses in seven subcases are currently pending. The United States filed stipulations to dismiss 98 of the United States' contested claims. The United States also filed motions to dismiss 224 of the United States' uncontested claims. The parties and the Idaho Department of Water Resources have also engaged in negotiations to settle numerous pending objections.

A general breakdown of the contested claims is as follows:

Total objections filed: 612

Total contested claims: 565

Reserved: 45 Other: 520

Total U.S. objections: 457

To U.S. claims: 289

Reserved: 44 Other: 245

To non-U.S. claims: 168

Total other objections: 155

To U.S. claims: 108

Reserved: 1 Other: 107

To non-U.S.: 47

By claimant: 38 Other than claimant: 9

Information regarding the general detail of subcases is provided in the remainder of this report. The report is divided into topic areas and identifies the claimant and the objector in each given subcase. A subcase designated with an asterisk (*) indicates that more than one objection was made against the claim. A double asterisk (**) indicates that the United States

moved to voluntarily dismiss the claim. Those subcases designated with the "†" character indicate subcases in which settlement negotiations have occurred and which are in the process of settling. "R" indicates an abstract of a reserved right claim.

II. OBJECTIONS CONCERNING GENERAL PROVISIONS ONLY

Discussion by the Idaho Department of Water Resources on the general provisions is included in its report filed with the Court for the September 19, 1995 Status Conference. In addition, the State of Idaho moved the Court to designate as Basin Wide Issue No. 5 the consideration of the validity of all of the general provisions.

1. The Pioneer Irrigation District objected to the following general provisions impacting claim no. 57-00040: General Provision 6 (measuring devices and control works) on the grounds that the Director lacks authority to require installation of such devices; General Provision 14 (diversion volume) on the grounds that maximum annual volume is not an element of a water right and is not necessary for administration of right; the statement that "maximum annual volume of water reasonably required at the field headgate will be measured at the point of diversion...."; and General Provision 17 (diversion rates in excess of .02 cfs per acre) on the grounds that the General Provision "determines a rate of flow not based on a decreed right," that the basis for .02 cfs not explained, and that the General Provision states that "a rate of flow required at the

field headgate will be measured at the point of diversion...." Pioneer Irrigation District did not object to any element of water right.

2. The Idaho Power Company objected to General Provision No. 4 (administration of Basin 57 and the Snake River Basin) as applied to claim no. 57-07148, on the grounds that because a portion of Basin 57 is within the Trust Water Area, this provision violates the Swan Falls Agreement. Idaho Power does not object to any elements of the water right itself.

III. UNITED STATES' OBJECTION CONCERNING USDA-FHA OWNERSHIP

The United States objected to the recommendation of claim no. 57-10856 asserting that ownership of right should be listed as "USA, acting through USDA-FHA" rather than "USDA." This objection is conceded by the Idaho Department of Water Resources response to the objection and is basically resolved.

IV. CLAIMS ASSOCIATED WITH THE OWYHEE RESERVOIR

1. The Bureau of Reclamation ("BOR") objected to the disallowal of its claim for the Owyhee Reservoir in objection no. 57-10807-0001. The claim was disallowed on the basis that the storage right at issue is an Oregon water right and is therefore outside of the scope of the SRBA. The primary issue in this subcase is therefore the scope of the SRBA.

2. The BOR also filed six (6) objections to recommendations of water rights to Gem Irrigation District on the grounds that the water for the claims originates in Owyhee Reservoir. The Idaho Department of Water Resources recognizes

that the rights are limited to the natural flow of Succor Creek and do not include any right to divert storage water conveyed in the natural channel of Succor Creek.

Objection Nos.:

57-02118-0001	57-04104-0001	57-10912-0001
57-02177-0001	57-10854-0001	57-10913-0001

V. BUREAU OF LAND MANAGEMENT'S DISALLOWED OR OMITTED CLAIMS

1. The Bureau of Land Management ("BLM") filed twenty-one (21) objections asserting that its claims were "wrongly disallowed." The objections focus on the water right but may seek changes from the manner in which the claim was originally filed. The United States has stipulated to withdraw eleven (11) of these claims.

Objection Nos.:	57-04080-0001	57-11456-0001
57-02317-0001	57-07341-0001	57-11457-0001**
57-02391-0001**	57-07347-0001	57-11458-0001**
57-02424-0001**	57-07350-0001	57-11459-0001**
57-02459-0001	57-07362-0001	57-11460-0001**
57-02492-0001**	57-11408-0001**	57-11481-0001**
57-04075-0001	57-11414-0001**	
57-04077-0001	57-11415-0001**	

2. The BLM objected to the omission in the Director's Report of a licensed right (objection no. 57-07432-0001). However, the BLM failed to claim this right in the SRBA. With regard to the same right, the U.S. also objected to the preamble of Report on basis that text is incorrect because the report omits the licensed right.

3. The BLM objected to the disallowal of seven (7) claims and also objected to the following general provisions applied to the claims to the extent that they are inconsistent with the

McCarran Amendment: General Provision 1 (effect of adjudication); General Provision 4 (administration of basin 57 and Snake River basin); General Provision 5 (administration of small D&S); General Provision 6 (measuring devices and control works); General Provision 8 (firefighting purposes); General Provision 10 (administration of rights from Reynolds Creek); General Provision 11 (domestic use); General Provision 12 (stockwater use).¹ The BLM also objected to the "Purpose of the Report" on basis that the text is incorrect because the report omits the seven claims. The United State subsequently stipulated to withdraw all but three of these claims.

Objection Nos.:

57-10996-0001**	57-11034-0001**	57-11090-0001**
57-11032-0001	57-11035-0001	57-11102-0001
57-11121-0001**		

4. Seven (7) additional claims were disallowed on the basis that they were not claimed in the Reynolds Creek Adjudication. The U.S. objected to the disallowal asserting that it is not bound by the Reynolds Creek decree. The United States also objected to the same general provisions as above. The United States subsequently moved to dismiss all but three of these claims.

Objection Nos.:

57-02403-0001**	57-02406-0001	57-04087-0001
57-02404-0001**	57-04081-0001	57-11349-0001**

¹ With regard to the general provisions the United States indicated that it will withdraw its objections to the general provisions in the subcases where issues as to the water rights are resolved and leave the general provisions to be addressed in other subcases such as those set forth in Paragraph II above.

57-02405-0001**

5. Four (4) addition claims were disallowed on the basis that they were not claimed in the Shoofly Adjudication. The U.S. objected to the disallowal asserting that it had valid claims.

Objection Nos.:	57-02420-0001	57-11444-0001
57-02421-0001	57-02422-0001	

VI. BUREAU OF LAND MANAGEMENT OBJECTIONS TO BLM CLAIMS

In over one-third of the subcases in Basin 57, two hundred and twenty-six (226) subcases, the sole objection is by the BLM to BLM recommended claims. Of these 226 claims, 187 are progressing towards complete or partial resolution either through a stipulation to dismiss the claims or by settlement of the objections to the claims. As noted above, those claims designated with the † character are at various stages of settling and any stipulations to settle will be converted into a Standard Form 5 and submitted with the Court. The United States has stipulated to the dismissal of those designated with a double asterisk.

1. The BLM filed one hundred and thirty-eight (138) objections to recommended BLM claims seeking the addition of wildlife as a purpose of use. Many of the objections also seek an increase in the total quantity of water claimed. Some objections claim assorted errors.

Objection Nos.:	57-02488-0001	57-07163-0001
57-02360-0001†	57-02490-0001	57-07410-0001
57-02378-0001	57-02491-0001	57-07417-0001†
57-02379-0001	57-02493-0001	57-10954-0001**
57-02380-0001	57-02494-0001	57-10956-0001**†
57-02382-0001†	57-07056-0001	57-10957-0001**†

57-10960-0001†	57-11382-0001†	57-11452-0001†
57-10977-0001†	57-11383-0001†	57-11453-0001†
57-10981-0001†	57-11384-0001**	57-11454-0001†
57-10984-0001†	57-11385-0001†	57-11455-0001**†
57-10985-0001†	57-11386-0001†	57-11462-0001†
57-10988-0001**	57-11387-0001†	57-11463-0001†
57-10994-0001†	57-11388-0001†	57-11464-0001†
57-11003-0001**†	57-11389-0001†	57-11465-0001†
57-11021-0001**†	57-11390-0001**†	57-11466-0001**†
57-11048-0001†	57-11392-0001**†	57-11467-0001**†
57-11066-0001	57-11393-0001†	57-11468-0001**†
57-11108-0001†	57-11394-0001**†	57-11469-0001
57-11154-0001†	57-11395-0001**†	57-11470-0001**
57-11171-0001†	57-11396-0001**†	57-11471-0001†
57-11185-0001**†	57-11397-0001†	57-11472-0001
57-11190-0001**†	57-11398-0001†	57-11473-0001†
57-11195-0001 (R) †	57-11399-0001†	57-11474-0001**†
57-11229-0001 (R)	57-11400-0001†	57-11475-0001
57-11325-0001**†	57-11401-0001	57-11476-0001
57-11330-0001**†	57-11402-0001**	57-11477-0001
57-11335-0001†	57-11403-0001**	57-11478-0001**†
57-11360-0001†	57-11404-0001**	57-11479-0001**†
57-11361-0001**†	57-11405-0001**†	57-11480-0001
57-11362-0001**†	57-11406-0001**†	57-11482-0001
57-11363-0001**†	57-11407-0001	57-11483-0001†
57-11364-0001**†	57-11410-0001**†	57-11484-0001†
57-11365-0001**†	57-11411-0001**†	57-11485-0001*
57-11366-0001**†	57-11412-0001**†	57-11485-0002*
57-11367-0001†	57-11413-0001**†	57-11486-0001†
57-11368-0001†	57-11416-0001**†	57-11487-0001†
57-11369-0001†	57-11417-0001**†	57-11488-0001†
57-11370-0001**†	57-11418-0001**†	57-11489-0001†
57-11371-0001†	57-11419-0001**†	57-11490-0001†
57-11372-0001†	57-11420-0001**†	57-11491-0001†
57-11373-0001†	57-11422-0001	57-11492-0001**†
57-11374-0001**†	57-11423-0001	57-11493-0001**
57-11375-0001†	57-11424-0001†	57-11494-0001
57-11376-0001†	57-11425-0001**†	
57-11377-0001†	57-11426-0001†	
57-11379-0001†	57-11437-0001**†	
57-11380-0001†	57-11449-0001	
57-11381-0001**†	57-11450-0001	

2. The BLM also filed eighty-eight (88) objections to recommended BLM claims for "assorted errors" regarding the source, PU and/or PD.

Objection Nos.: 57-01044-0001† 57-02352-0001†

57-02359-0001**†	57-10957A-0001	57-11210-0001 (R) †
57-02362-0001†	(R) **†	57-11214-0001
57-02364-0001**	57-10960A-0001	(R) **†
57-02365A-0001†	(R) †	57-11220-0001 (R) †
57-02365B-0001†	57-10977A-0001 (R)	57-11230-0001
57-02407-0001†	57-10980-0001†	(R) **†
57-02415-0001**	57-10980A-0001	57-11232-0001
57-02416-0001†	(R) †	(R) **†
57-02419-0001†	57-10981A-0001 (R)	57-11235-0001
57-02423-0001†	57-10984A-0001	(R) **†
57-02426-0001	(R) †	57-11245-0001
57-02429-0001†	57-10985A-0001	(R) **
57-02442-0001†	(R) †	57-11246-0001 (R) †
57-02457-0001†	57-10994A-0001	57-11249-0001
57-02466-0001†	(R) †	(R) **†
57-04074-0001**†	57-11003A-0001	57-11258-0001
57-07064-0001†	(R) **†	(R) **†
57-07071-0001†	57-11013A-0001	57-11265-0001
57-07074-0001†	(R) †	(R) **†
57-07119-0001†	57-11018A-0001	57-11278-0001
57-07122-0001†	(R) **†	(R) **†
57-07295-0001**†	57-11021A-0001	57-11284-0001 (R) †
57-07298-0001†	(R) **†	57-11286-0001 (R) †
57-07300-0001†	57-11049A-0001	57-11287-0001 (R)
57-07304-0001**	(R) †	57-11295-0001
57-07335-0001†	57-11066A-0001 (R)	(R) **
57-07353-0001†	57-11078A-0001 (R)	57-11296-0001
57-07356-0001**†	57-11085-0001	(R) **†
57-07359-0001†	57-11085A-0001	57-11300-0001
57-07363-0001†	(R) †	(R) **
57-07372-0001†	57-11150-0001†	57-11304-0001†
57-07375-0001†	57-11155-0001†	57-11305-0001
57-07377-0001†	57-11185A-0001	(R) **
57-07378-0001**†	(R) **†	57-11310-0001
57-07431-0001†	57-11190A-0001	(R) **†
57-07442-0001	(R) †	57-11317A-0001
57-10956A-0001	57-11201-0001 (R) †	(R) †
(R) **	57-11208-0001 (R) †	57-11331-0001†
		57-11333-0001†
		57-11337-0001†

VII. OTHER OBJECTIONS TO U.S. CLAIMS

1. Private party objections to U.S. claims are based on issues of ownership of the water right. There are one hundred and six (106) objections by owners of grazing permits objecting to recommendation of stockwater claims in name of BLM. The

objections set out below are broken down by the name of the objecting party. The 20 objections marked with an asterisk indicate the claims against which the BLM also asserts an objection (listed under subparagraph k). The BLM objections generally concern the description of the right. Because the issues raised by the BLM objections are substantially different, judicial economy may be served by first determining who owns the right and then resolving issues as to errors in the description of the right.

a. Harry Richard Bass

57-01045-0001	57-01062-0001	57-07344-0001
57-01049-0001	57-02372-0001	57-07354-0001
57-01050-0001*	57-02450-0001	57-07357-0001
57-01051-0001	57-02468-0001	57-11138-0001*
57-01053-0001	57-02469-0001	57-11162-0001
57-01054-0001	57-02484-0001*	57-11164-0001*
57-01057-0001	57-07089-0001	57-11166-0001
57-01058-0001	57-07154-0001	57-11173-0001
57-01059-0001	57-07165-0001	57-11350-0001*
57-01060-0001	57-07166-0001*	57-11351-0001
57-01061-0001	57-07168-0001*	

(Note: claim 57-07165 is objected to by both Harry Richard Bass, asserting that ownership should be in the name of Junayo Ranch Ltd. Partnership, and by Bruce Malmberg (below at c.), asserting that the water right should be in the name of Bruce Malmberg, Richard Brandau, Henry Brandau and Chipmunk Grazing Association.)

b. Elias Jaca

57-01046-0001	57-11148-0001	57-11157-0001*
57-01047-0001	57-11149-0001	57-11158-0001
57-11139-0001*	57-11156-0001*	

c. Bruce Malmberg

57-01055-0001
57-07165-0002*
57-11175-0001

d. Dennis or Shirley Cox Murdoch

57-02353-0001*	57-11036-0001	57-11141-0001
57-02357-0001*	57-11105-0001	57-11255-0001
57-02361-0001	57-11115-0001	57-11260-0001 (R)
57-07062-0001	57-11117-0001	57-11328-0001
57-07066-0001	57-11118-0001	57-11329-0001
57-07069-0001	57-11120-0001	57-11336-0001
57-11029-0001	57-11123-0001	

e. Ted Gammett

57-02366-0001	57-02505-0001	57-07352-0001
57-02375-0001†	57-02506-0001	57-07386-0001
57-02434-0001	57-04071-0001	57-07387-0001
57-02483-0001	57-07291-0001	57-07444-0001
		57-07466-0001

f. Ted Blackstock

57-10979-0001
57-11147-0001
57-11319-0001*

g. Junayo Ranch Ltd. Partnership

57-11067-0001

h. Alan and Nolene Johnstone

57-11095-0001	57-11355-0001
57-11103-0001	57-11298-0001

i. Joyce Livestock Co.

57-11124-0001	57-11130-0001	57-11341-0001*
57-11125-0001*	57-11131-0001*	57-11342-0001
57-11126-0001*	57-11132-0001	57-11343-0001
57-11127-0001*	57-11133-0001	57-11344-0001*
57-11128-0001	57-11134-0001	57-11345-0001
57-11129-0001	57-11334-0001	57-11346-0001

j. Chipmunk Grazing Assoc., Inc.

57-11170-0001	57-11179-0001*
57-11176-0001	57-11181-0001

k. BLM

57-01050-0002*†	57-02357-0002*†	57-07166-0002*†
57-02353-0002*†	57-02484-0002*†	57-07168-0002*†

57-11125-0002*†	57-11139-0002*†	57-11319-0002*†
57-11126-0002*†	57-11156-0002*†	57-11341-0002*†
57-11127-0002*†	57-11157-0002*†	57-11344-0002*†
57-11131-0002*†	57-11164-0002*†	57-11350-0002*†
57-11138-0002*†	57-11179-0002*†	

2. Two (2) objections were filed by **Chipmunk Grazing Assoc., Inc.** contesting the recommendation of an instream flow right to the BLM on the grounds that (1) the claim should be in the name of the private party (57-11183-0001*), and (2) that the claim is improperly located partly on private land (57-11183-0002*). The U.S. concurs in a separate objection (57-11183-0003*) to the extent that the place of use should not be located on private property.

VIII. PRIVATE CLAIMS CONTESTED SOLELY BY THE BLM

The BLM filed 162 objections against claims recommended to private parties for water rights on public lands. In 140 of these subcases, listed below, the BLM objection is the only objection. The BLM challenges the validity of the right on the basis that all or part of the point of diversion or place of use is located on federal lands. The objections set out below are broken down by private claimants. Those claims designated with the "†" character indicate the objections in which settlement discussions have been initiated.

a. **Harry Richard Bass and/or Owen Orndorff and/or Bruce Reuck and/or Junayo Ranch Ltd. Partnership**

57-00248-0001	57-01073-0001	57-10930B-0001
57-00249-0001	57-07040-0001	57-10930C-0001
57-00250-0001	57-10930A-0001	57-10930D-0001

Two of the BLM objections assert that the right

recommended to these claimants is a licensed BLM water right on BLM land. In addition to the above, these objections also object to the preamble of the report and General Provisions Nos. 1 (effect of adjudication), 5 (administration of small D&S), and 13 (irrigation use), on basis that the text is incorrect due to the erroneous recommendation of these rights.

57-07512-0001 57-07516-0001

b. Mike & Joanna Black

57-07184-0001† 57-07331-0001† 57-07333-0001†

c. Mattie & Paul Black

57-01222-0001† 57-07010-0001†

d. Wilford Brimley

57-00283-0001 57-07202A-0001

e. Lulu M. Burghardt

57-02285A-0001† 57-02285B-0001†

f. Burghardt Co. Inc.

57-01202-0001† 57-01205-0001 57-01207-0001

g. Bob D. & Ruth M. Collett

57-10501-0001 57-10503-0001

h. Shirley Cox

57-00055-0001†	57-10616-0001	57-10627A-0001†
57-10605-0001	57-10619-0001	57-10631-0001
57-10606-0001	57-10620-0001	57-10642-0001
57-10608-0001	57-10625-0001	

i. Carol P. Gilbert

57-00085-0001†	57-00108-0001†	57-00112-0001†
57-00087-0001†		57-00114-0001†
57-00100-0001†		57-00115-0001†
57-00102-0001†		57-00121-0001†

57-00135-0001†
57-00147-0001†
57-00162-0001†
57-02249-0001†
57-10203-0001

j. Floyd L. & Barbara Horn

57-00245B-0001 57-01027-0001

k. Eva Johnston

57-00084-0001† 57-00111-0001† 57-00146-0001†
57-00101-0001† 57-00133-0001† 57-02210A-0001†

l. Nolene S. & Alan J. Johnstone

57-02313-0001 57-10948-0001

m. Murphy Irrigation District

57-00179-0001 57-00180B-0001

n. David L. Putnam

57-00097A-0001 57-00106A-0001 57-00237A-0001

o. R. T. Nahas Co.

57-00177-0001 57-02221-0001 57-10470-0001
57-00178-0001 57-07219-0001 57-10545-0001†
57-02217-0001 57-10469-0001 57-10567-0001

p. James E. and Carlene J. Roeser

57-00285-0001 57-02320-0001 57-02321-0001

q. Seven High Ranch Inc.

57-00244-0001 57-00245A-0001 57-00247-0001

r. Margie & Mark D. Shenk

57-02114-0001† 34-07003-0001† 34-10893-0001†
57-04005-0001† 57-07082-0001†

s. Wayne F. & Patricia A. Smith

57-02266-0001 57-10138-0001

t. Beverly & William White

57-00038-0001 57-00039-0001

u. Chipmunk Grazing Assn.

57-10373-0001	57-10918-0001	57-10920-0001
57-10375-0001	57-10919A-0001	57-10946-0001
57-10850-0001	57-10919B-0001	
57-10851-0001		
57-10914-0001		
57-10916-0001		

v. Joyce Livestock Co.

57-00001A-0001†	57-00176-0001†	57-04028-0001
57-00002-0001†	57-00180A-0001	57-10488-0001†
57-00173-0001†	57-02293-0001†	57-10588-0001
57-00174-0001†	57-04008-0001	

w. Elias & Inez Jaca and/or Richard Gabica

57-00246-0001	57-01023-0001
57-01022-0001	57-10727-0001

x. Joseph L. Parkinson and/or James & Annetta Garrett

57-07186-0001†
57-07222-0001†

y. Merville and Margaret Robinson

57-00067-0001†

z. George and Ellen Jess

57-00073-0001†

aa. Nick Nettelton

57-00090-0001

ab. Gordon and Rose King

57-00091-0001

ac. Harry Richard Bass

57-00243-0001

ad. William and Beatrice Boston

57-02026-0001

ae. Josephine Maahs

57-02173-0001

af. Ace Development (Idaho), Inc.

57-02211B-0001†

ag. Baltzor Cattle Co., Inc.

57-02232-0001

ah. James Hayhurst

57-04002-0001†

ai. Arthur and Verla Merrick

57-07034A-0001

aj. Y T Farms

57-07034B-0001

ak. Shoofly Ranch

57-07051B-0001†

al. Jacobson Feedlots, Inc.

57-07227-0001†

am. Bruneau Cattle Co.

57-07332-0001

an. Jack and Belva Lawson

57-10155-0001†

ao. William Dresser and Mary Lou Leonard

57-10201-0001

ap. Mary and Robert O'Malley

57-10472-0001

aq. Elmer Stahle

57-10833-0001

ar. William H. Pyatt

57-10896-0001

as. Ted Gammett

57-10939-0001

at. John T. Schroeder

57-11508-0001

au. Walter and Lucy Yarbrough.

On July 22, 1983 the United States filed a notice of withdrawal of its objection no. 57-10104-0001.

IX. PRIVATE CLAIMS CONTESTED BY THE BLM AND BY PRIVATE CLAIMANTS AND RELATED CLAIMS

The BLM filed twenty (22) objections against claims recommended to private parties for water rights on public lands. The BLM challenges the validity of the right on the basis that all or part of the point of diversion or place of use is located on federal lands. These same claims are objected to by the claimants (1) objecting to the disallowal of a portion of a private stockwater right where the ownership of the disallowed stockwater right was recommended to the BLM under a separate BLM claim; (2) asserting that the historic season of use for the claims is from March 1 to November 15; (3) asserting that the recommendation did not include change in ownership, change in PD/PU or purpose of use or objecting to the remarks. Related objections by the claimants are also listed with each claimant. These objections concern season of use, or the disallowal of a

stockwater right on federal land. The report is broken down by private claimants and by objection. Those objections designated with the "†" character indicate the objections in which settlement discussions have been initiated. The objections not designated with a single asterisk indicate those claims to which only private claimant objected.

1. Nolene S. & Alan J. Johnstone

a. BLM objection

57-10917-0001*

b. Private objection regarding partial disallowal

57-10917-0002*

2. Chipmunk Grazing Assn.

a. BLM objection

57-10921-0001*

57-10924-0001*

57-10660-0001*

57-10944-0001*

b. Private objection regarding partial disallowal

57-10660-0002*

57-10924-0002*

57-10921-0002*

57-10944-0002*

c. Disallowal of private stockwater right located on federal land

57-10923-0001

57-10945-0001

57-10947-0001

3. Joyce Livestock Co.

a. BLM objection

57-10428-0002*†

57-10487-0001*

57-10598-0001*

57-10486-0001*†

57-10587-0001*

57-10770-0001*

57-10922-0001*†

b. Private objection regarding partial disallowal

57-10587-0002*

57-10598-0002*

57-10770-0002*

c. Season of use

57-10428-0001*

d. Ownership, change in PD/PU or purpose of use

57-10486-0002*

57-10487-0002*

57-10922-0002*

e. Disallowal of private stockwater right located on federal land

57-10586-0001

4. Elias & Inez Jaca and/or Richard Gabica

a. BLM objection

57-10726-0001*

b. The claimants also filed two objections against the same claim asserting omission of PU/PD that was in the Reynolds Creek decree and asserting a change in owner. These objections have been or are in the process of being resolved consistent with the position of the claimant.

57-10726-0002*

57-10726-0003*

5. Joseph L. Parkinson and/or James & Annetta Garrett

a. BLM objection

57-00046A-0002*†	57-00167-0002*	57-00170-0002*
57-00046B-0002*†	57-00168-0002*	57-00171-0002*
57-00166-0002*	57-00169-0002*	57-11496-0002*†

b. Season of use

57-00046A-0001*	57-00141-0001	57-00204-0001
57-00046B-0001*	57-00165-0001	57-00225-0001
57-00047-0001	57-00166-0001*	57-02102-0001
57-00051-0001	57-00167-0001*	57-02157-0001
57-00063-0001	57-00168-0001*	57-07206-0001
57-00077-0001	57-00169-0001*	57-11496-0001*
57-00093-0001	57-00170-0001*	
57-00110-0001	57-00171-0001*	

c. The claimant also objected to the omission of a stocktank that was not present during the field exam. Mr. Parkinson subsequently moved to amend his notice of claim.

57-07521-0001

X. MISCELLANEOUS OBJECTIONS BY PRIVATE CLAIMANTS

1. The Murphy Irrigation District filed the following three (3) objections to the disallowal of its claims asserting

that the ownership of the claims had changed and that the claims were not forfeited.

57-02015-0001

57-02191-0001

57-02315-0001

2. Little Valley Mutual Irrigation Company objected to the recommendation of ownership of claim no. 57-02203A to J.R. Simplot Company.

XI. CLAIMS WITH ERRORS BUT NO OBJECTIONS.

The following five (5) claims contain errors but have no objections pending and are not subcases. The parties do not dispute the need to correct the errors contained in the Director's Report. Appropriate motions to address these errors will be filed at a later date.

57-04086

57-11207

57-17346

57-11100

57-11461

XII. LATE FILINGS\HEARINGS

1. The State of Idaho moved to file late responses on objections to seven claims associated with the res judicata effect of the Reynolds Creek decree. The United State moved to withdraw four of the claims. A hearing on the State of Idaho's motion is scheduled for December 18, 1995.

Objection Nos.:

57-02403-0001**

57-02406-0001

57-11032-0001

57-02404-0001**

57-04081-0001

57-11035-0001

57-02405-0001**

57-04087-0001

57-11349-0001**

2. Envirosafe, Inc. filed two motions to file late claims (57-10035 and 57-10036). Leave from the Court to file the late claims has not yet been granted. A hearing on the motions is scheduled for December 19, 1995.

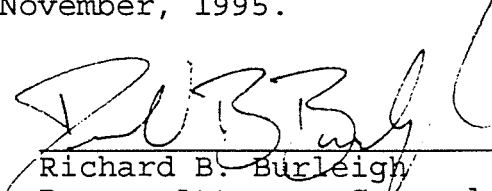
3. John and Barbara Jones filed a motion to file a late objection to claim no. 57-00041A asserting that the proposed reduction of their water right was excessive. A hearing on the motion is scheduled for December 18, 1995.

4. A hearing to substitute parties in 57-02240 (an uncontested claim) is scheduled for December 19, 1995.

XIII. CONCLUSION

At this time all of the six hundred and twelve (612) objections remain outstanding. However, in two hundred and fifty-three (253) subcases the parties and the Idaho Department of Water Resources have engaged in some settlement discussion and it is anticipated that a partial or total settlement will result in most if not all of these subcases. In addition, the United States has moved or stipulated to dismiss ninety-eight (98) of its contested claims, thirty-five (35) of which have not been involved in settlement discussions. Consequently, of the 612 objections, two hundred and eighty-eight (288) may reach resolution in the near future, leaving only three hundred and twenty-four (324) objections to resolve.

Dated this 17th day of November, 1995.


Richard B. Burleigh
Deputy Attorney General
Idaho Department of Water Resources

CERTIFICATE OF SERVICE

I hereby certify that I served true and correct copies of the foregoing document to each person at the address listed on the court's certificate of mailing and all parties and their counsel of record in Reporting Area 2 by mailing in the U.S. Mail with the correct postage affixed thereto on the 17th day of November, 1995.


Richard B. Burleigh