

DATE: 04/17/97
PAGE: 1

Water Source:	GOOSEBERRY CREEK	Tributary to:	WARM SPRING CREEK	Stage:	LICENSE
Point of diversion:	T11N R21E S03		NWSNWN	CUSTER County	

Place of use Legal Description for: STOCKWATER

Place of use Legal Description for: WILDLIFE

Other Rights: NONE

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

VERIFIED BY *[Signature]*

APR-10-1997
0039

RIGHT NUMBER:

72-07244

NAME AND ADDRESS:

UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709

SOURCE:

GOOSEBERRY CREEK
~~GOOSEBERRY SPRING~~

TRIBUTARY: WARM SPRING CREEK
~~GOOSEBERRY CREEK~~

QUANTITY:

0.02 CFS
~~0.5 AFY~~

PRIORITY DATE:

10/03/1982
~~10/01/1982~~

POINT OF DIVERSION:

T11N R21E S03
~~S04~~

Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
WILDLIFE WILDLIFE, VARIABLE AMOUNT
WILDLIFE
STOCKWATER

PERIOD OF USE
01-01 12-31
5-5 9-30 (Lic)
01/01 12/31

QUANTITY
0.02 CFS
0.02 AFY
0.02 CFS

• 5 AFA
• 9 AFA

PLACE OF USE:

WILDLIFE
T11N R21E S04
S09
S08
STOCKWATER
T11N R21E S08
S09

Within CUSTER County

NESE
SWNE
SENN

W12M1A CUSTER COUNTY
SENN
SWNE

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

BLM RECORD ID = 7204588224

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

ENT

OK 4/15/97

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD		DIVERSION		DIVERSION VOLUME
				FROM	TO	RATE	SESE	
C	US DEPT OF INTERIOR	10/03/1982	STOCKWATER WILDLIFE	05/25	09/30	0.020 CFS	0.90 AFA	
				01/01	12/31	0.020 CFS	0.50 AFA	
				TOTAL DIVERSION:		0.020 CFS	1.40 AFA	

Water Source: GOOSEBERRY CREEK

Tributary to: WARM SPRING CREEK

Stage: LICENSE

Point(s) of Diversion Capacity: 0.020 CFS

Point(s) of Diversion: T11N R21E S03 NWSNW

Place of use Legal Description for: STOCKWATER									
NE									
NENE NWNE SENE : NENW NWNW SNW SENW : NESW NWSW SWSW SESW : NESE NWSE SWESE : SE									
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt
11N	21E	4	:	:	:	:	:	:	:
11N	21E	9	:	:	:	:	:	:	:

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

Pou County: CUSTER

Conditions of Approval:

R37 - This right, when considered with all other rights common to the

- same grazing allotment, shall be limited to the quantity of water

- beneficially used by the number of stock within the allotment.

Remarks:

Stockwater use is for 200 range cattle.

Dates:

App. Received: 10/01/1982 Priority Date: 10/03/1982 (Priority Date Advanced.)

Proof Due Date: 05/01/1988 Proof Made Date: 05/03/1988 (Proof Received Late.)

Exam Made Date: 08/15/1990 Exam Sent to S.O.: 09/28/1992

Licensed Date: 04/20/1993

Misc:

Water District Number: Field Exam Fee: N (Not Required)

Audit:

04/28/86 05/28/88 CONVERT 09/29/88 CURTIS 04/03/89 NAMECHING

11/14/90 JASPER 01/26/92 POST-STD 09/28/92 FOSTER 10/15/92 SKAGGS

03/09/93 SKAGGS 03/15/93 SKAGGS

MAR 03 1997

In Re SRBA

Case No. 39576

AMENDED NOTICE of CLAIM
for Water Right number: Department of Water Resources

A72-07244

NAME and
ADDRESS:

United States of America acting through
Bureau of Land Management
Idaho State Office
1387 South Vinnell Way
Boise, ID 83709 - 1657

BLMIDENT:

7204588224

SOURCE:

Source	Tributary
GOOSEBERRY SPRING/PIPELINE	GOOSEBERRY CREEK

QUANTITY:

0.02 CFS or VOLUME: 0 Acre Fee

The quantity of water under this right for stockwater shall not exceed 13,000 gallons per day

PRIORITY DATE:

10/1/82

POINT of
DIVERSION:

Twtnship	Range	Section	T1	T2	T3	LOT	within the	County of
11N	21E	4		SE	NE	0		CUSTER

PURPOSE
and
PERIOD
OF USE:

Purpose of Use	Period of Use (from - to):	Rate in CFS	or	Volume in Ac
04	0101	1231	0.02	0
16	0101	1231	0.02	0

CONSUMPTIVE
USE:

de minimis stockwater use

DATE: 01-Mar-97 2:53 PM

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

PLACE
of USE:

Water Use	Twtn	Rge	Sec	T1	T2	LOT	within the	County of
04	11N	21E	8	SE	NW	0		CUSTER
04	11N	21E	9	SW	NE	0		CUSTER
16	11N	21E	8	SE	NW	0		CUSTER
16	11N	21E	9	SW	NE	0		CUSTER



A7207244

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 LAW

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

PRIORITY DATE: 1982-10-01
IDWR NUMBER: 7207244
BLM NUMBER: 7204588224
BASIS OF CLAIM: PERMIT
BASIN NUMBER: 72

SOURCE	TRIBUTARY TO
-----	-----
GOOSEBERRY SPRING	GOOSEBERRY CREEK

DESCRIPTION OF DIVERSION WORKS

TROUGHS, PIPE

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
-----	-----	-----	-----	-----
STOCKWATER	0.020	0.00	0101	1231
WILDLIFE	0.020	0.00	0101	1231
TOTAL:	0.020 CFS	0.00 AF		

NON-IRRIGATION USES

1810 RANGE CATTLE

				POINT OF DIVERSION			
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
---	---	---	---	---	---	---	---
11N	21E	04		SE	NE	00	CUSTER

PLACE OF USE							IRRIGATED OWNED	ACRES
TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	YES	NO
---	---	---	---	---	---	---	---	---
11N	21E	09	SW	NE	00	CUSTER	YES	0.0
11N	21E	08	SE	NW	00	CUSTER	YES	0.0

MICROFILMED
NOV 17 1954

BLM NUMBER: 7204588224

PAGE: 2

11N	21E	09	SW	NE	00	CUSTER	YES	0.0
11N	21E	08	SE	NW	00	CUSTER	YES	0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

REMARKS

PREVIOUSLY FILED WITH THE DEPARTMENT OF WATER RESOURCES

WICHITA COUNTY
FILED 10-10-2004

BLM NUMBER: 7204588224

PAGE: 2

11N	21E	09	SW	NE	00	CUSTER	YES	0.0
11N	21E	08	SE	NW	00	CUSTER	YES	0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

REMARKS

PREVIOUSLY FILED WITH THE DEPARTMENT OF WATER RESOURCES

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

DATE: 10/26/93
PAGE: 1

Water Source:	GOOSEBERRY CREEK	Tributary to:	WARM SPRING CREEK	Stage:	LICENSE
Point of Diversion:	T11N R21E S03		NWSNW		CUSTER County

Point(s) of Diversion: T11N R21E S03 NWSNWN

Place of use Legal Description for: WILDLIFE

[illegible]

POU County: CUSTER

Non-Irrigation Uses: WILDLIFE, VARIABLE AMOUNT.

Other Rights: NONE

Remarks: BLM RECORD ID = 7204588224

Dates: Exam Made Date:

Verified Date: 10-26-93

Misc: _____
Water District Number: _____

Field Inspection Flag:
Presumption Flag:

MICROFILMED
NOV 02 1994

AJ5809NP
No. A72-07244

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/26/93
PAGE: 1

POOR ORIGINAL VOLUME

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: 10/01/1982
WATER USE: STOCKWATER
WILDLIFE

USE PERIOD FROM TO: 5-25-93-30
01-01-12-31
01-01-12-31
DIVERSION RATE: 0.02 CFS
0.02 CFS
0.02 CFS

Water Source: GOOSEBERRY SPRING
Point(s) of Diversion: T11N R21E S04
Place of use Legal Description for: STOCKWATER

NE NESE NWSE SENE : NENE NWNE SWNE : NENE NWNE SWNE SENE : NENE NWNE SWNE SENE : NENE NWNE SWNE SENE :
Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac :
11N 21E 8 :
11N 21E 9 :
11N 21E 9 :

Place of use Legal Description for: WILDLIFE
NE NESE NWSE SENE : NENE NWNE SWNE : NENE NWNE SWNE SENE : NENE NWNE SWNE SENE : NENE NWNE SWNE SENE :
Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac :
11N 21E 8 :
11N 21E 9 :
11N 21E 9 :

POU County: CUSTER
Non-Irrigation Uses: 1000 RANGE CATTLE
Other Rights: NONE

Remarks: BLM RECORD ID = 7204588224
PREVIOUSLY FILED WITH THE DEPARTMENT OF WATER RESOURCES

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

Water Source: GOOSEBERRY CREEK
Tributary to: SEWEE PWSWNNW
Stage: PERMIT
CUSTER County

MICROFILMED

NOV 07 1994

LICENSE ISSUED '93
PRIOR RT 72-02272
FOR STOCKWATER BUT
DO WILDLIFE.
SAV FELIPE 72-10396 MAY BE
DIVERGENT AT SAME POINT.
10-26-93

MAIL7670



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AUG 29 1997

AUG 28 1997

Department of Water Resources
Adjudication Bureau

OFFICE OF THE
ATTORNEY GENERAL

RECEIVED

SEP 03 1997

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
Southern Region

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

Case No. 72-07244
(You must insert the
water right number you
are objecting to)

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

OBJECTION

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.

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)

OBJECTION - 1

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:

Name: Dave Nelson, Mtn. Springs Ranch LLC

Address: 5550 Barton Flat Road

Mackay, Idaho 83251

Briefly describe your interest in this water right:

Mtn Springs Ranch LLC has claimed a water right
upon the same point of diversion, one of the
places of use, and is the permittee associated
with the direct use of this water right. POU
for this water right is upon private lands now
owned by Mtn. Springs Ranch LLC.

2. Owner of the water right:

Name: Claimant: United States of America, BLM

Address: Idaho State Office, 1387 S Vinnell Way

Boise, Idaho 83709-1657

3. If this objection is filed by an attorney:

Attorney Name: _____

Attorney Address: _____

Attorney Phone No.: _____

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: A water right being decreed with a pipeline located crossing objector's property.
- _____
- _____
- _____

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.

(1): Claimant should be Mtn Springs Ranch LLC as claimed in water right 72-10396. (9): Place of Use as described is upon private lands owned by objector. (14): An easement for any pipeline, whether with or without a decree will be required by the objector. (7): Claimed use includes wildlife, and upon private lands.

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.

This water right is adequately described in objector's filing # 72-10396. This water right should be decreed to Mtn Springs Ranch who owns the private lands upon which the place of use occur. Delete wildlife use as part of this decree.

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.

VERIFICATION (Must be Completed)

State of Idaho

County of Custer

Dave Nelson, Manager, Mtn. Springs Ranch, 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.

Dave Nelson Manager
Signature of person filing objection

By:

(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 25 day of Aug,
1997.

Charlotte J. Wall
Notary Public for Idaho
Residing at: Blackfoot
My Commission expires: 12-18-99

(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 August, 199 , I mailed 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: UNITED STATES OF AMERICA - BLM

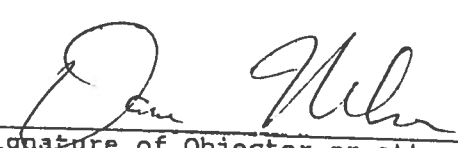
Owner address: IDAHO STATE OFFICE, 1387 S. BINELL WAY
BOISE, ID. 83709-1657

3. One copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44419
Boise, Idaho 83711-4449

4. One copy to:

United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, Box 33
Boise, Idaho 83734



Signature of Objector or attorney
mailing on Objector's behalf.