

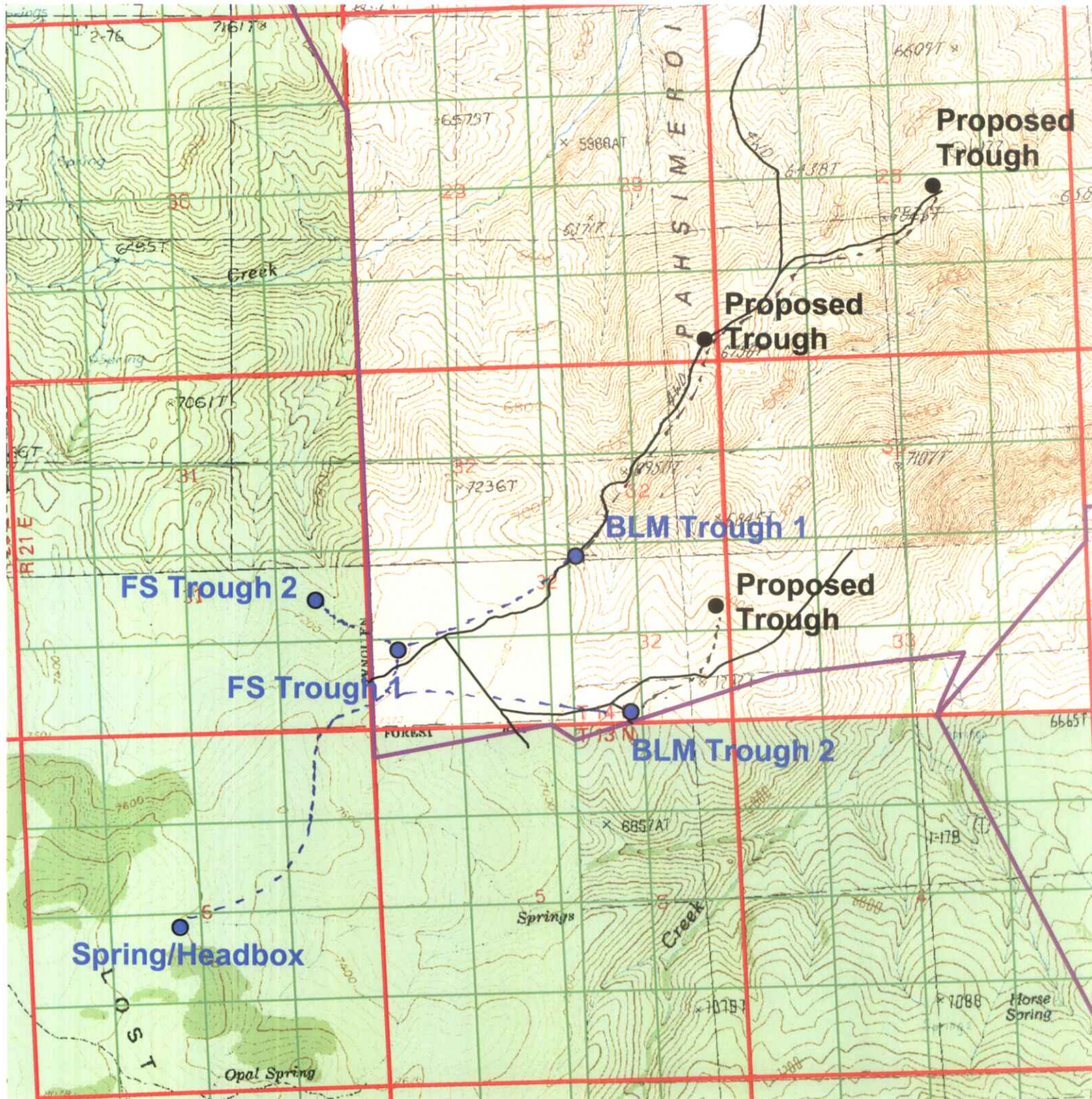
# HEARING EXHIBIT LIST

IN THE MATTER OF APPLICATION )  
 FOR PERMIT NO. 73-11973 IN THE )  
 NAME OF USDI – BUREAU OF LAND )  
 MANAGEMENT )  
 \_\_\_\_\_ )

March 22, 2007

Hearing Officer: Gary Spackman

| EXHIBIT<br>NUMBER | EXHIBIT DESCRIPTION                | STATUS OF EVIDENCE |          |
|-------------------|------------------------------------|--------------------|----------|
|                   |                                    | INTRODUCED         | ADMITTED |
| Applicant<br># 1  | Secretary of State Business Entity | Yes                | No.      |
| Applicant<br># 2  | Opal Spring Pipeline               | Yes                | Yes      |
| Applicant<br># 3  | Spring in relation to Valley Sun   | Yes                | Yes      |
| Applicant<br># 4  | Trail Creek Allotment Map          | Yes                | Yes      |
| Applicant<br># 5  | Application, Master Title Plat     | Yes                | Yes.     |
| Applicant<br># 6  | BLM Allotment Master Report        | Yes.               | Yes      |
| Applicant<br># 7  | 12/16/2004 letter from BLM         | Yes                | Yes      |
| Applicant<br># 8  | 11/30/2005 letter from BLM         | Yes                | Yes      |
|                   |                                    |                    |          |
| Protestant<br>"A" | Letter May 16, 2006                | Yes                | Yes      |
|                   |                                    |                    |          |
|                   |                                    |                    |          |
|                   |                                    |                    |          |
|                   |                                    |                    |          |
|                   |                                    |                    |          |
|                   |                                    |                    |          |
|                   |                                    |                    |          |



### Legend

- BLM
- PRIVATE
- STATE
- USFS
- Allotment Boundary
- Roads

### Opal Spring Pipeline Trail Creek Allotment T13N R21E & T14N R21E

0 0.5 1 Miles

Scale = 1:24,000

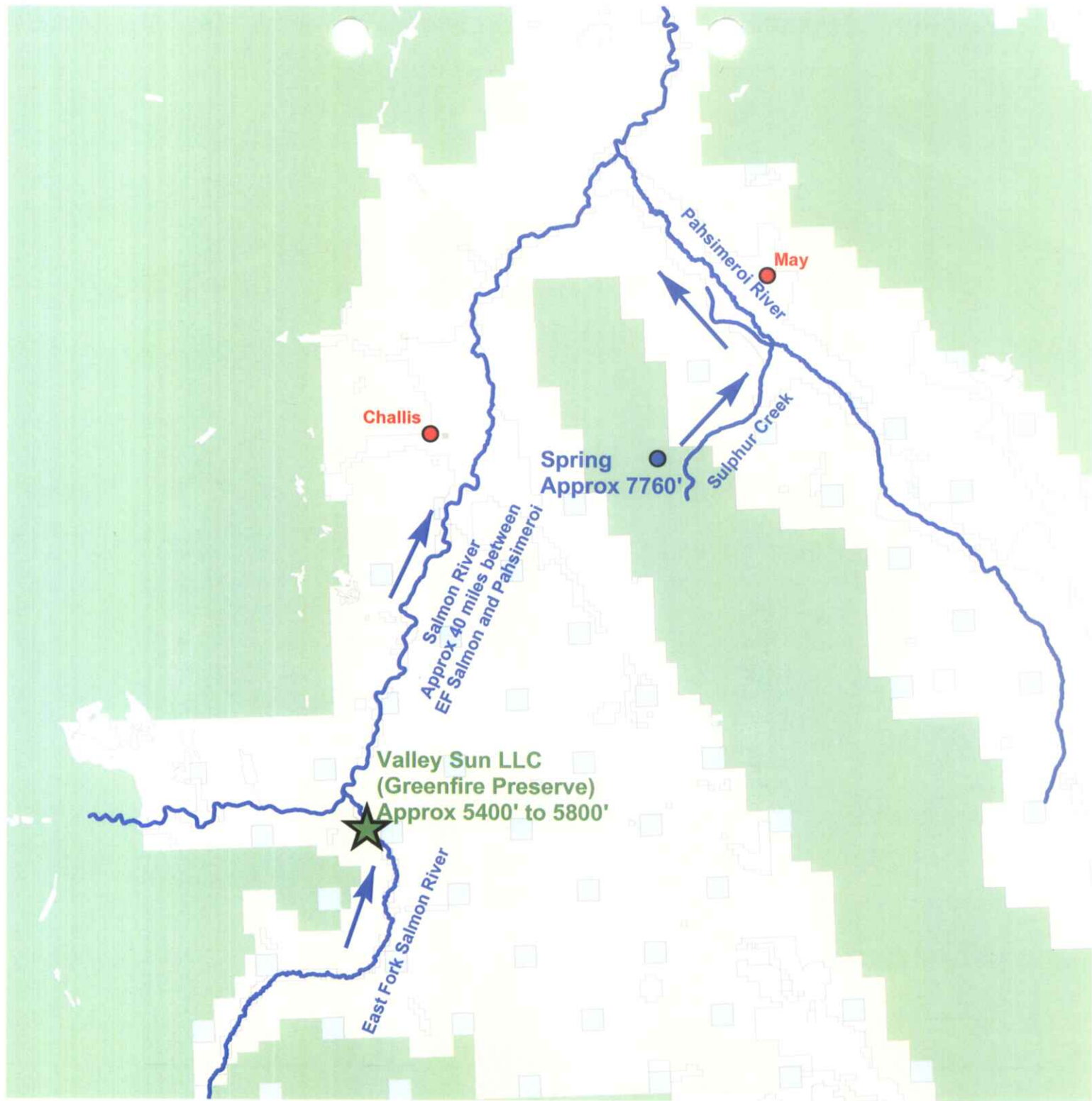


No warranty is made by the Bureau of Land Management (BLM) for use of this data for purposes not intended by the BLM

Map created on 3/9/07.  
Proposed troughs screen digitized.  
All other data is part of BLM corporate data sets.



**EXHIBIT**  
*Applicant*  
*#2*



**Application 73-11973 Spring  
in relation to  
Valley Sun LLC Greenfire Preserve**

0 7.5 15 Miles

Scale = 1:400,000



No warranty is made by the Bureau of Land Management (BLM) for use of this data for purposes not intended by the BLM

Map created on 3/9/07.  
Proposed troughs screen digitized.  
All other data is part of BLM corporate data sets.



**EXHIBIT**

*Applicant #3*

**Legend**

- BLM
- PRIVATE
- STATE
- USFS
- Streams
- Cities

## A detailed topographic map of the Trail Creek Allotment. The map features contour lines indicating elevation, with labels such as 6000, 6200, 6400, 6600, 6800, 7000, 7200, 7400, 7600, 7800, 8000, 8200, 8400, 8600, 8800, 9000, 9200, 9400, 9600, 9800, 10000, 10200, 10400, 10600, 10800, 11000, 11200, 11400, 11600, 11800, 12000, 12200, 12400, 12600, 12800, 13000, 13200, 13400, 13600, 13800, 14000, 14200, 14400, 14600, 14800, 15000, 15200, 15400, 15600, 15800, 16000, 16200, 16400, 16600, 16800, 17000, 17200, 17400, 17600, 17800, 18000, 18200, 18400, 18600, 18800, 19000, 19200, 19400, 19600, 19800, 20000. Major roads are shown in red, and smaller roads in black. Water bodies include Blind Fork Trail Creek, Trail Creek, and Sulphur Creek. Several points are marked with dots and labeled: "Proposed Trough" (two locations), "BLM Trough 1", "FS Trough 2", "FS Trough 1", and "BLM Trough 2". A purple line runs along the right side of the map, possibly representing a boundary or a specific route. The title "Trail Creek Allotment" is prominently displayed at the top left.

 **BLM**  
 **PRIVATE**  
 **STATE**  
 **USFS**  
 **Allotment Boundary**  
 **Roads**  
 **Streams**

A horizontal number line is shown with three tick marks. The first tick mark is labeled '0'. The second tick mark is labeled '0.75'. The third tick mark is labeled '1.5 Miles'.

No warranty is made by the Bureau of Land Management (BLM) for use of this data for purposes not intended by the BLM.

Map created on 3/9/07.  
Proposed troughs screen digitized.  
All other data is part of BLM corporate data sets.

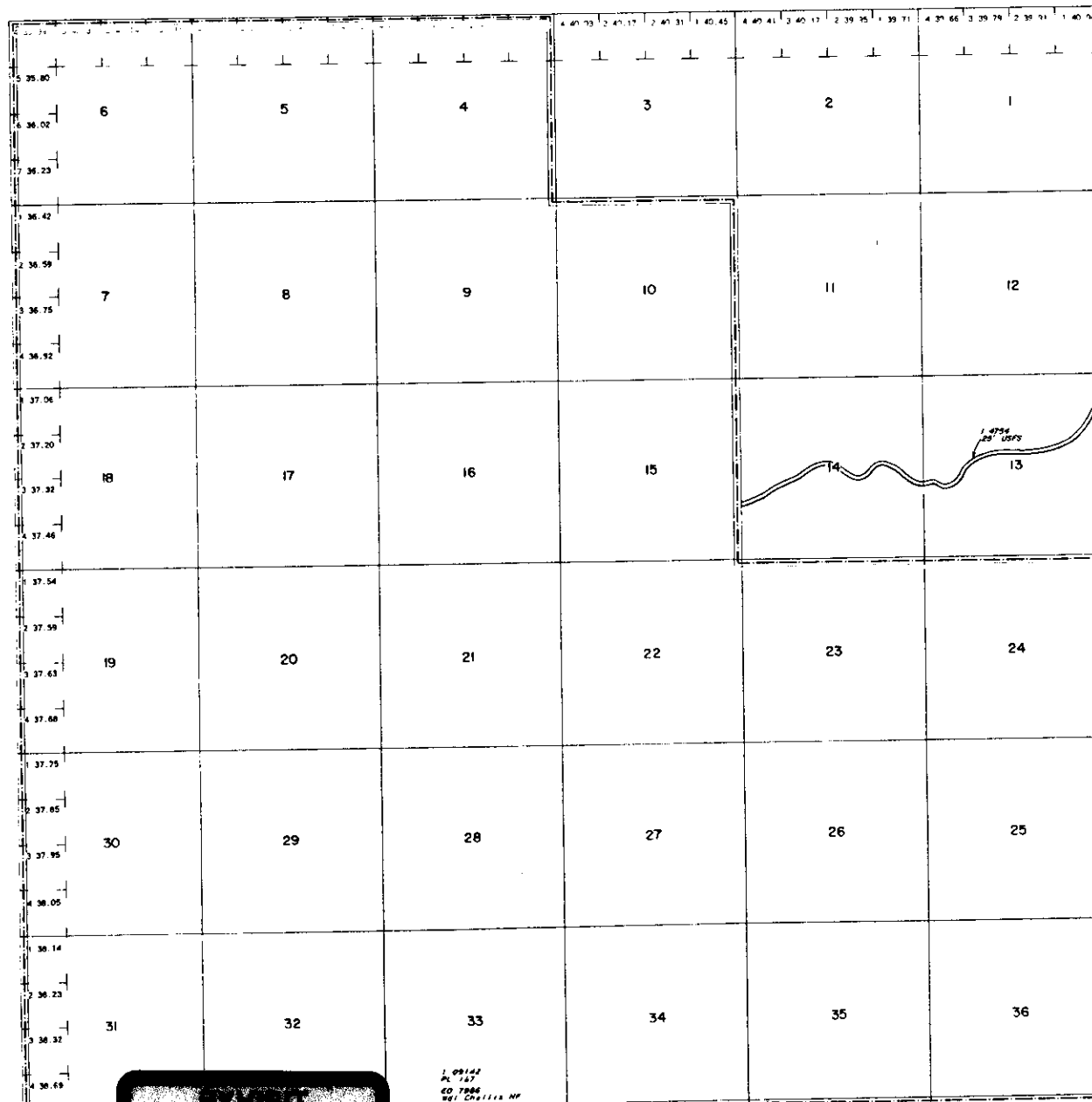


Applicant  
#4



STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES[illegible]

1 09142 Det PL 167 (Act of Cong 7/23/1955)  
completed 12/10/1962. All NF surface Mgmt by USFS



FOR ORDERS EFFECTING DISPOSAL OR USE OF UNIDENTIFIED LANDS REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

|            |            |
|------------|------------|
| CURRENT TO | CURRENT TO |
|            |            |
|            |            |

USE PLATE

Boise Mer

T. 13N  
R. 21E

|           |           |
|-----------|-----------|
| 12 N-20 E | 12 N-21 E |
|-----------|-----------|

Applicant  
# 5

SCALE in Chords

**WARNING STATEMENT**

**WARNING STATEMENT**

This plot is the Bureau's strongest asset and should be used only as a graphically displayed tool in the courtroom. It is not to be used as a means of communication with the jury. It is to be used as a means of communication with the judge. It is to be used as a means of communication with the jury only if the judge so directs.

THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITHDRAWAL ORDER



**UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
ALLOTMENT MASTER REPORT  
ID04501 TRAIL CREEK**

DATE PRINTED: 3/19/2007

State and Office: ID330 CHALLIS FO  
Allotment Number & Name: 04501 TRAIL CREEK  
Allotment Group:  
Management Plan Type:  
Management Plan Implemented Date:  
Management Status Code: M MAINTAIN CATEGORY  
Ephemeral Ecosystem:

**Land Information**

| Ownership      | Acres        | AUMS       |
|----------------|--------------|------------|
| Public Land:   | 5,327        | 550        |
| Other Federal: | 540          | 36         |
| State:         | 0            | 0          |
| Private:       | 0            | 0          |
| <b>Total:</b>  | <b>5,867</b> | <b>586</b> |

**Internal Office Use**

Field 1: ELL-PA  
Field 2: WILLIA  
Field 3:  
Distribution: OKAY

**Pastures**

1 TRAIL CREEK

**Type Land Summary**

| Code  | Description | Level  | Acre % | AUMS % | Fund Symbol | Exec Order | Office Acres % | State Acres % | County Acres % |
|-------|-------------|--------|--------|--------|-------------|------------|----------------|---------------|----------------|
| 01    | PL 03       |        | 100    | 100    | 145032      | 0          |                |               |                |
| ID330 | CHALLIS FO  | Office |        |        |             |            | 100            |               |                |
| ID    | IDAHO       | State  |        |        |             |            |                | 100           |                |
| ID037 | CUSTER      | County |        |        |             |            |                |               | 100            |

**Authorization Cross Reference**

| Authorization Office | Authorization Number | Operator Name       | Active AUMS | Suspended AUMS | Permitted Use |
|----------------------|----------------------|---------------------|-------------|----------------|---------------|
| ID330                | 1104031              | CIRCLE PI RANCH     | 188         | 0              | 188           |
| ID330                | 1104047              | ROBERT T. WHITWORTH | 89          | 0              | 89            |
|                      |                      |                     | <b>277</b>  | <b>0</b>       | <b>277</b>    |



UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
ALLOTMENT MASTER REPORT  
ID04501 TRAIL CREEK

DATE PRINTED: 3/19/2007

**Allotment Terms and Conditions**

The terms and conditions displayed below are printed on selected documents for permittees or lessees authorized grazing use of this allotment. Mandatory and other terms and conditions are also included on grazing authorizations for this allotment. The documents on which these terms and conditions may be printed include permits, leases, exchange-of-use agreements, applications and bills.

**Terms and Conditions**

UPLAND UTILIZATION ON BLUEBUNCH WHEATGRASS DURING THE CRITICAL GROWTH PERIOD (BOOT TO FLOWER) WOULD BE LIMITED TO 40% OF CURRENT GROWTH. GRAZING OUTSIDE THE CRITICAL GROWTH PERIOD (USUALLY JUNE 20) WOULD NOT EXCEED 60% UTILIZATION. UPLAND UTILIZATION ON ALL OTHER KEY SPECIES WILL BE LIMITED TO 50% DURING THE GROWING SEASON AND 60% AFTER THE GROWING SEASON (PLANT DORMANCY). (CHALLIS RMP, JULY 1999, LIVESTOCK GRAZING, GOAL 1, DECISION #7).

LIVESTOCK WILL BE MANAGED TO MAINTAIN A MINIMUM 6" MEDIAN HERBACEOUS STUBBLE HEIGHT ALONG TRAIL CREEK AND THE BLIND FORK OF TRAIL CREEK DURING THE SCHEDULED GRAZING PERIOD.

LIVESTOCK WILL BE MANAGED SO THAT NO MORE THAN 20% OF THE STREAMBANK ALONG TRAIL CREEK AND THE BLIND FORK OF TRAIL CREEK IS SHEARED BY LIVESTOCK HOOF ACTION.

LIVESTOCK WILL BE MANAGED SO THAT NO MORE THAN 50% FREQUENCY OF NIPPING ON CURRENT YEAR LEADERS ON WOODY SPECIES OCCURS ALONG BLM ADMINISTERED PORTIONS OF TRAIL CREEK AND THE BLIND FORK OF TRAIL CREEK WHERE WOODY SPECIES ARE SUSCEPTIBLE TO BROWSING DAMAGE AND AFFECTING NORMAL GROWTH FORM OR AGE CLASS STRUCTURE.

END OF REPORT

Applicant  
#6



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Challis Field Office  
801 Blue Mountain Road  
Challis, Idaho 83226  
<http://www.id.blm.gov/offices/challis>



In Reply Refer To:  
7250 (330)

December 16, 2004

Idaho Department of Water Resources  
900 North Skyline Drive  
Idaho Falls, Idaho 83402

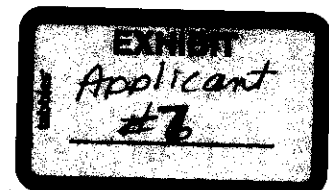
Dear Idaho Department of Water Resources:

This letter is in response to the Western Watersheds Project (WWP) and Jon Marvel's protest of water right permit application 73-11973, dated October 3, 2002.

The water, which the Bureau of Land Management (BLM) is seeking to appropriate, is from a spring near Opal Springs on the US Geologic Survey quadrangle map but not Opal Springs itself. The new BLM project (Opal Spring Pipeline Extension) is simply an extension of an existing project (Opal Spring Pipeline), which has already developed this source under water right license 73-02209.

The following is in response to points laid out by WWP in their letter of protest:

1. WWP being an Idaho non-profit organization is not ground for protesting water rights under Idaho water law. Absent a specific, legitimate concern, there is no basis for protest.
2. WWP has no interest by virtue of water rights held at their Green-Fire Preserve on the East Fork of the Salmon River. Any BLM water appropriation in the Pahsimeroi watershed does not and cannot affect WWP and its Green-Fire Preserve. Water in the Pahsimeroi does not contribute to water in the East Fork of the Salmon River. Therefore, there is no injury to WWP and its Green-Fire Preserve. "Involvement in livestock grazing management" does not constitute an interest in this water right application. Absent a legitimate concern, there is no basis for protest.
3. As mentioned above, Opal Springs is not the source for this project. The source for this project is a spring that sinks and does not connect to a downstream tributary. There are no fish in these waters. Extending the existing Development of this source does not impede "hiking, study, and other scientific, recreational and aesthetic pursuits", as the extension will not change the nature or character of the source that has already been developed. There are no water rights held at this source for the other purposes mentioned by WWP, such as fishing, hiking or study. Absent a specific, legitimate, concern there is no basis for the protest.



4. Securing water rights for "maximum use and benefit" is the law and policy of the state. Stockwater is identified as a beneficial use in Idaho. Therefore, there is not an inherent problem with our request. Absent a specific, legitimate concern, there is no basis for protest.

5. (1) The Idaho Department of Water Resources (IDWR) under Idaho law is the determiner of the local public interest. Local public interest has to be affected parties. To intervene, WWP must demonstrate to IDWR that they are a legitimate interested and affected party. (2) There is enough water at this source for the existing pipeline as well as the extension of the pipeline during the intended period of use. Further, it is a de minimus quantity of water used for stockwater and is limited to the quantity of water beneficially used by the number of stock within the allotment. (3) WWP has no jurisdiction or authority in unauthorized use situations on federal public land. It is the responsibility of the US Forest Service to deal with unauthorized use on lands managed by the Forest Service, not WWP. Incidentally, the Forest Service developed the existing pipeline in conjunction with the BLM and three of the existing troughs are within a Forest Service grazing allotment. There is nothing in Idaho water law that says the BLM cannot hold water rights to stockwater use (troughs) on Forest Service land and vice versa, especially when dealing with pipelines that cross federal ownership and/or management lines.

Absent legitimate concerns, there is no basis for protest.

6. Since there are no other Protestants, WWP cannot be an intervener in this matter, if their protest does not grant them party status. They are not affected by this water right application. They may not protest based upon general and vague concerns, and not provide any facts to substantiate their baseless accusations. Further, they cannot assert the interests of others who have not filed protests of their own.

The extension of this pipeline has been planned for two years, and WWP's frivolous protest is causing needless delays in construction of this project. IDWR should summarily dismiss the protest of water right application 73-11973. If IDWR feels there is a ground for protest, then the BLM requests to waive the usual informal conference and proceed to an immediate hearing.

Sincerely,



David Rosenkrance  
Field Manager

cc:  
Western Watersheds Project  
Fred Price (ID 933b)  
Law offices of Laurence J. Lucas

Applicant  
# 7



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Challis Field Office  
801 Blue Mountain Road  
Challis, Idaho 83226  
<http://www.id.blm.gov/offices/challis>



In Reply Refer To:  
7250 (330)

November 30, 2005

Idaho Department of Water Resources  
900 North Skyline Drive  
Idaho Falls, Idaho 83402

Dear Idaho Department of Water Resources:

Approximately one year ago, in a letter dated December 16, 2004, the Bureau of Land Management (BLM) requested an "immediate hearing" with regard to Western Watershed Project's (WWP) protest of the BLM's water right permit application 73-11973. Apparently no action has taken place at your office, as we have received no correspondence from you since we sent our letter on December 16, 2004.

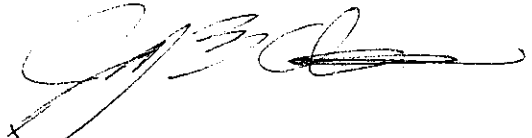
This project planning has been ongoing for three years now, and WWP's protest has continued to cause needless delays in its environmental analysis process. The protestants, WWP, will have an opportunity for public involvement through the NEPA process to comment on the proposed action and alternatives.

As previously outlined in six points in the letter of December 16, 2004, WWP's protest is absent a specific, legitimate concern, and there is therefore no basis for protest. The protest process is designed to resolve conflicts, not to delay projects. Unless IDWR moves forward with this matter, the end result is simply a successful delay tactic on the part of WWP. The BLM requests that IDWR summarily dismiss the protest of water right application 73-11973. If IDWR feels there is a ground for protest, then the BLM requests that IDWR set a schedule to hear this matter. BLM also requests that IDWR waive the usual informal conference and proceed to an immediate hearing.



Please see to it that a hearing gets scheduled with regard to this matter.

Sincerely,

  
(for) David Rosenkrance  
Field Manager

Enclosure

cc:

Western Watersheds Project

Fred Price (ID 933b)

Law offices of Laurence J. Lucas

Applicant  
# 8



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Challis Field Office  
801 Blue Mountain Road  
Challis, Idaho 83226  
<http://www.id.blm.gov/offices/challis>



RECEIVED

MAY 17 2006

WWP

In Reply Refer To:  
7250 (330)

May 16, 2006

Ralph Rau  
Salmon/Challis National Forest  
H/C 63, Box 1669  
Challis, Idaho 83226

Dear Ralph Rau:

This letter is seeking resolution to the Western Watersheds Project (WWP) and Jon Marvel's protest of water right permit application 73-11973, dated October 3, 2002.

The water, which the Bureau of Land Management (BLM) is seeking to appropriate, is from a spring near Opal Springs on the US Geologic Survey quadrangle map but not Opal Springs itself. It is located at T13N R21E S6 NENESW. The new BLM project (Opal Spring Pipeline Extension) is an extension of an existing cooperative project (Opal Spring Pipeline), which is already developed at this source and covered under water right 73-02209. The Forest Service has one trough in this pipeline with an additional three troughs on BLM land.

In a pre-hearing conference on April 24, 2006, Jon Marvel indicated that he would be willing to drop the protest if the Forest Service would fence this spring source from cattle. Jon expressed that he felt the "hydrologic integrity" of the spring was compromised by cattle use. As a result the BLM agreed to ask the Forest Service if this would be something the Forest might consider.

Would the Forest Service be willing to fence the spring, since the proposed extension project is entirely on BLM managed public lands, for the purpose of better livestock distribution, resulting in cattle further from the spring source?

Sincerely,

David Rosenkrance  
Field Manager

cc:

Jon Marvel, Western Watersheds Project  
IDWR Eastern Regional Office



LITTLE ANTELOPE FLAT QUADRANGLE  
IDAHO-CUSTER CO.  
7.5 MINUTE SERIES (POGRAPHIC)  
NEW LONE PINE DEPARTMENT QUADRANGLE

733 (CHALLIS 1:6)

734

737 R. 21 E.

738

114°00' 114°30'



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 )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 73-02209

200 APR 25 AM 8:41  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED

NAME AND ADDRESS: USDI BLM  
IDAHO STATE OFFICE  
1387 S VINNELL WAY  
BOISE, ID 83709-1657

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: 02/21/1968

POINT OF DIVERSION: T13N R21E S06 SESESE Within Custer County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 01-01 TO 12-31 | 0.02 CFS |
|                               | Wildlife       | 01-01 TO 12-31 | 0.02 CFS |

|               |               |              |                      |
|---------------|---------------|--------------|----------------------|
| PLACE OF USE: | Stockwater    |              | Within Custer County |
|               | T14N R21E S32 | SWSW<br>SWSE | NWSE                 |
|               | Wildlife      |              | Within Custer County |
|               | T14N R21E S32 | SWSW<br>SWSE | NWSE                 |

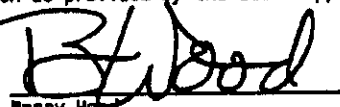
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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. I.C. SECTION 42-1412(6).

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  
Presiding Judge of the  
Snake River Basin Adjudication

2000 APR 25 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

Case No. 39576

Water Right(s) : 73-02209

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 73-02209 was mailed on April 25, 2000, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

Represented by:  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724  
Phone: 208-387-0835

DIANA DELANEY  
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1  
04/25/00

200 APR 25 AM 8:41

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

)  
) ORDER OF PARTIAL DECREE

)  
) For Water Right 73-02209  
)

On February 3, 2000, 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 73-02209 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED APR 25 2000

  
BARRY WOOD  
Administrative District Judge and  
Presiding Judge of the  
Snake River Basin Adjudication

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 73-2209

WATER RIGHT NUMBER: 73-2209

|                   |                                                                                                                                                                |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                                                                                                                        |
| Current Owner     | UNITED STATES OF AMERICA ACTING THROUGH<br>USDI BUREAU OF LAND MANAGEMENT<br>IDAHO STATE OFFICE<br>1387 S VINNELL WAY<br>BOISE, ID 83709-1657<br>(208)373-4000 |

Priority Date: 02/21/1968

Basis: Decreed

Status: Active

|               |                  |
|---------------|------------------|
| <u>Source</u> | <u>Tributary</u> |
| SPRING        | SINKS            |

|                       |                         |           |                       |                      |
|-----------------------|-------------------------|-----------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u>             | <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| STOCKWATER            | 1/01                    | 12/31     | 0.020 CFS             |                      |
| WILDLIFE              | 1/01                    | 12/31     | 0.020 CFS             |                      |
|                       | <u>Total Diversion:</u> |           | 0.020 CFS             |                      |

Location of Point(s) of Diversion

|               |            |         |          |               |
|---------------|------------|---------|----------|---------------|
| SPRING        | NE1/4SW1/4 | Sec. 6, | Twp 14N, | Rge 21E, B.M. |
| CUSTER County |            |         |          |               |

Place of Use

STOCKWATER

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 14N | 21E | 3   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | X      |
| 14N | 21E | 6   |    |    |    | X  |    |    |    |    |    |    |    |    |    |    |    |    |        |
| 14N | 21E | 32  |    |    |    | X  |    |    |    |    |    |    |    |    |    |    |    |    | X      |

WILDLIFE

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 14N | 21E | 3   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | X      |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 73-2209

|            |  |   |  |  |  |   |
|------------|--|---|--|--|--|---|
| 14N 21E 6  |  | X |  |  |  |   |
| 14N 21E 32 |  | X |  |  |  | X |

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. BLM RECORD ID = 7304588036 ASSOCIATED WITH 7304583956 STOCKWATER, 296 RANGE CATTLE; WILDLIFE VAR. AMT.

Remarks:Comments:

1. AJU10-EC 10/14/1998 AJU10 CONDITION UPDATE  
 Comment: CONDITION CODE(S) N11 N13 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Dates and Other Information:

Licensed Date:  
 Decreed Date: 4/25/2000  
 Enlargement Use Priority Date:  
 Enlargement Statute Priority Date:  
 State or Federal: S  
 Owner Name Connector:  
 Water District Number:  
 Generic Max Rate Per Acre:  
 Generic Max Volume Per Acre:  
 Decree Defendant:  
 Decree Plaintiff:  
 Civil Case Number: 39576  
 Judicial District: FIFTH  
 Swan Falls Trust or Nontrust:  
 Swan Falls Dismissed:  
 DLE Act Number:  
 Carey Act Number:  
 Mitigation Plan: False

Combined Use Limits:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 73-2209

SubCase:

SubCase Number: 73-2209

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date: 2/3/2000

Attorney Assigned: SARA C DENISTON

Adjudication Agent:

Basis of Claim:

Date Filed: 4/6/1999 Objection Status: Active

Water Supply Bank:

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 73-4076

WATER RIGHT NUMBER: 73-4076

|                   |                                                                                                                 |
|-------------------|-----------------------------------------------------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                                                                         |
| Current Owner     | USDA FOREST SERVICE<br>BOISE NATIONAL FOREST<br>1249 S VINNELL WAY STE 200<br>BOISE, ID 83709<br>(208) 373-4133 |

Priority Date: 09/30/1960  
Basis: Statutory Claim  
Status: Active

|               |                  |
|---------------|------------------|
| <u>Source</u> | <u>Tributary</u> |
| SPRING        | SULPHUR CREEK    |

|                       |                         |                       |                      |
|-----------------------|-------------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| STOCKWATER            | 5/01 to 10/30           | 0.020 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.020 CFS             |                      |

Location of Point(s) of Diversion

|               |            |         |          |               |
|---------------|------------|---------|----------|---------------|
| SPRING        | NE1/4SW1/4 | Sec. 6, | Twp 13N, | Rge 21E, B.M. |
| CUSTER County |            |         |          |               |

Place of Use

STOCKWATER

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 13N | 21E | 6   |    |    |    |    |    |    |    |    | X  | X  |    |    |    |    |    |    |        |

Conditions of Approval:Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report 73-4076

Licensed Date:  
Decreed Date:  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
State or Federal:  
Owner Name Connector:  
Water District Number:  
Generic Max Rate Per Acre:  
Generic Max Volume Per Acre:  
Decree Defendant:  
Decree Plaintiff:  
Civil Case Number:  
Judicial District:  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Carey Act Number:  
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

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

1997 OCT -3 PM 2:27

In Re SRBA )  
Case No. 39576 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT  
I.R.C.P. 54(b) FOR  
Water Right 72-16518

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

NAME & ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH  
USDA FOREST SERVICE  
550 W FORT ST MSC 033  
BOISE ID 83724

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY..

PRIORITY DATE: 12/31/1885

POINT OF DIVERSION: T14N R21E S32 SWSW Within CUSTER County

|                               |                              |                              |                      |
|-------------------------------|------------------------------|------------------------------|----------------------|
| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE<br>STOCKWATER | PERIOD OF USE<br>05-01 10-31 | QUANTITY<br>0.02 CFS |
|-------------------------------|------------------------------|------------------------------|----------------------|

PLACE OF USE: STOCKWATER Within CUSTER County  
T14N R21E S31 NESE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.

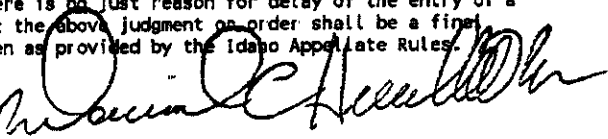
DATED: OCT - 3 1997

  
DANIEL C. HURLBUTT, JR.  
PRESIDING JUDGE  
Snake River Basin Adjudication

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.

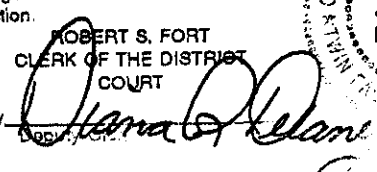
DATED: OCT - 3 1997

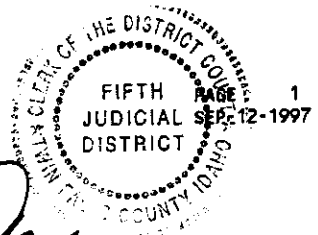
  
DANIEL C. HURLBUTT, JR.  
PRESIDING JUDGE  
Snake River Basin Adjudication

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)  
Water Right 72-16518

State of Idaho  
County of Twin Falls ss  
I hereby certify the foregoing to be a  
full, true and correct copy of the  
original on file in the above entitled  
action.

ROBERT S. FORT  
CLERK OF THE DISTRICT  
COURT

By 



## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 72-16518

WATER RIGHT NUMBER: 72-16518

|                   |                                                                                                                             |
|-------------------|-----------------------------------------------------------------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                                                                                     |
| Current Owner     | UNITED STATES OF AMERICA ACTING THROUGH<br>USDA FOREST SERVICE<br>550 W FORT ST MSC 033<br>BOISE, ID 83724<br>(208)387-0835 |

Priority Date: 12/31/1885

Basis: Decreed

Status: Active

|               |                  |
|---------------|------------------|
| <u>Source</u> | <u>Tributary</u> |
| SPRING        | SINKS            |

|                       |                         |                       |                      |
|-----------------------|-------------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| STOCKWATER            | 5/01 to 10/31           | 0.020 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.020 CFS             |                      |

Location of Point(s) of Diversion

|               |            |                                 |
|---------------|------------|---------------------------------|
| SPRING        | SW1/4SW1/4 | Sec. 32, Twp 14N, Rge 21E, B.M. |
| CUSTER County |            |                                 |

Place of Use

STOCKWATER

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 14N | 21E | 31  |    |    |    |    |    |    |    |    |    |    |    |    | X  |    |    |    | X      |

Conditions of Approval:

1. FOREST SERVICE RECORD ID = 0406 17060201 37 0065
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 72-16518

Licensed Date:

Decreed Date: 10/3/1997

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number: 39576

Judicial District: FIFTH

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

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

1997 OCT -3 PM 2: 27

In Re SRBA )  
Case No. 39576 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 72-16518

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

NAME & ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH  
USDA FOREST SERVICE  
550 W FORT ST MSC 033  
BOISE ID 83724

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: 12/31/1885

POINT OF DIVERSION: T14N R21E S32 SWSW Within CUSTER County

|                |                |               |          |
|----------------|----------------|---------------|----------|
| PURPOSE AND    |                |               |          |
| PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|                | STOCKWATER     | 05-01 10-31   | 0.02 CFS |

PLACE OF USE: STOCKWATER Within CUSTER County  
T14N R21E S31 NESE SESE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.

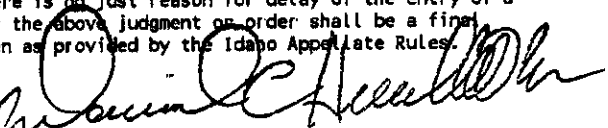
DATED: OCT - 3 1997

  
DANIEL C. HURLBUTT, JR.  
PRESIDING JUDGE  
Snake River Basin Adjudication

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.

DATED: OCT - 3 1997

  
DANIEL C. HURLBUTT, JR.  
PRESIDING JUDGE  
Snake River Basin Adjudication

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)  
Water Right 72-16518

State of Idaho  
County of Twin Falls ss  
I hereby certify the foregoing to be a  
full, true and correct copy of the  
original on file in the above entitled  
action.

ROBERT S. FORT  
CLERK OF THE DISTRICT  
COURT

By 