

From: [Howe, Bob](#)
To: [Schwed, Tara](#)
Subject: Claims for Instream Stockwater on Land Held by the State of Idaho-Additional Evidence of Priority Requested
Date: Wednesday, March 18, 2026 2:15:56 PM
Attachments: [Outlook-ttdetlpj.png](#)

From: rhmorrisonconsulting@gmail.com <rhmorrisonconsulting@gmail.com>

Sent: Sunday, March 1, 2026 9:45 AM

To: Howe, Bob <Bob.Howe@idwr.idaho.gov>; bill@bakercon.com <bill@bakercon.com>;
irondragonmistress@yahoo.com <irondragonmistress@yahoo.com>

Subject: FW: Claims for Instream Stockwater on Land Held by the State of Idaho-Additional Evidence of Priority Requested

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Dear Bob:

Thank you for your thoughtful response regarding the stockwater claims of Casa Del Norte, L.P. on lands held by the State of Idaho. You raise excellent probative questions that we shall endeavor to answer below for the Idaho Department of Water Resources (hereafter "IDWR").

Casa Del Norte, L.P. (hereafter "CDN") is the successor in interest to several historical ranches including ranches known as the "Walker Ranch", "Corker Ranch", "Hammett Livestock Ranch", "Hall Ranch", the "Heath and Barnes Ranch", "Stout Ranch", "Wilson Ranch", and "Ross Ranch", located in Elmore County. Many of these ranches are bordered by other CDN ranches creating circumstances in which CDN owns a large number of contiguous property interests on Bennett Mountain in Elmore County. CDN is also the successor in interest to most of the State Lands Leases on Bennett Mountain as well as various Leases on Sections 16 and 36 of State School Lands located within the boundaries of CDN's BLM grazing allotments. These State Land Leases have historically been appurtenant to the CDN base ranches.[1] (*See Casa Del Norte Ranches Map in Report*).

In support of its water claims, CDN submitted to IDWR a 444-page Report and Exhaustive Chains of Title (*see* Volume 1 of CDN's Report) for all of the above referenced ranches. It also submitted 13 additional Volumes of 4,063 pages representing 1,140 title documents from the Official Records of Elmore County for the above referenced ranches. Those title documents date back to Territorial days and include abundant evidence of livestock grazing from the Official Record in documents such as chattel mortgages and property tax records. Unfortunately, it is virtually impossible to obtain affidavits as evidence of pre-State Lands livestock grazing because most witnesses have long since passed away.

The historical settlement and appropriation record for these ranches can be best

summarized as follows. Typically, the early ranching pioneers settled and patented land which could be irrigated and cultivated. These properties were generally located at the lower elevations, closer to the Snake River. As these pioneers expanded their herds of sheep, cattle and horses, they typically ran their livestock on the open range and saved the cultivated land to raise valuable crops or winter feed. Notably, before these rangelands could be lawfully fenced, *all of the ranchers ran their livestock in common*, including on lands later conveyed to the State of Idaho. In the summer, they would trail their cattle or sheep to Bennett Mountain. In the winter, most of the livestock would be brought back to the range closer to their private base property, or home ranch. Ultimately, the BLM managed lands were divided and adjudicated among the established ranchers in the area during the BLM Range Adjudication.

Notably, CDN's predecessors aggressively applied for and received patents from the United States and State of Idaho for much of the lands in their summer range on Bennett Mountain. What land was not conveyed in patents to the settlers was ultimately conveyed to the State of Idaho. Several ranches, Montgomery's Inc. in particular, acquired the first leases issued for the remaining State lands, especially at Dry Ranch. Those leases continued to be conveyed in Deeds and Mortgage Records up to the present owners and are so referenced in the Exhaustive Chain of Title submitted by CDN.

While the Idaho State Leases in this matter have always been appurtenant to several of the CDN home ranches or base properties, the appropriation of stockwater on State lands occurred well before these lands were transferred from the United States to the State of Idaho. The above-referenced Report exhaustively documents this historical livestock grazing from the Official Records of Elmore County.

The pioneer ranchers appropriated vested water rights and rights of ways which are specifically acknowledged and protected in the 1866 Mining Act:[2]

That whenever, by priority of possession, rights to the use of water for mining, agricultural, manufacturing, or other purposes, **have vested and accrued, and the same are recognized and acknowledged by the local customs, laws and the decisions of the courts, the possessors and owners of such vested rights shall be maintained and protected in the same.**

The Act specifically protected the water rights appropriated by the early pioneers under the local laws, customs, and court decisions of the time. The specific language of the 1866 Mining Act in fact can be found as a reservation in virtually every patent issued by the United States since that time.

Therefore, CDN believes its vested rights were acknowledged and protected in every patent issued by the United States and that lands patented to the State of Idaho are not distinguishable from any other land patented from the United States with regard to protections for vested rights. In summary, CDN's vested stockwaters which happen to be located on lands owned by the State, vested before the State of Idaho's acquisition of these lands. Therefore, vested claims

to water were not created as a result of a CDN predecessor obtaining a state grazing lease. Rather, the vested water right existed before the State acquired the land in question.

CDN initially provided IDWR electronic copies of the above referenced 14 Volume Report and Exhaustive Chain of Title. However, we are also happy to provide a printed version for easier reference. I can assure you, the 14 Volume Report contains overwhelming title evidence, diagrams of ownership and maps, establishing that CDN's predecessors appropriated stockwater on the open range around their base property and on Bennett Mountain beginning as early as the 1860's and have been continuously grazing livestock there ever since.

To the extent IDWR needs additional assistance to identify the documentation of vested rights for individual claims we are available to answer those specific questions from the Exhibits submitted in the above-referenced report. The Report and Exhaustive Chain of Title represent a complete record of conveyance of all of rights to property appropriated by the first settlers to the present owner, CDN. It also contains the evidence from the Official Record of beneficial use of the waters in question for stockwatering purposes.

This letter is intended to provide an overview of the basis for CDN's stockwater claims on State Lands. Please advise if IDWR requires references to specific exhibits within the CDN Report and Exhaustive Chain of Title in addition to what was previously provided to assist in a final review of these claims. We look forward to working with you on this matter.

Best Regards,

Ramona Hage Morrison

RH Morrison Consulting, LLC

Agent,

Casa Del Norte, LP

[1] The water claims for two additional ranches, the Van Berkem Ranch in Elmore County, and the Faulkner Land and Livestock Ranch in Camas County, have yet to be submitted to IDWR.

[2] Mining Act of March 3, 1866, 14 Stat. 253, § 9.

From: rhmorrisonconsulting@gmail.com <rhmorrisonconsulting@gmail.com>

Date: Friday, February 27, 2026 at 9:29 AM

To: Howe, Bob <Bob.Howe@idwr.idaho.gov>

Subject: FW: Claims for Instream Stockwater on Land Held by the State of Idaho-
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Bob:

Bill has been tied up with some personal matters taking care of his father. He asked if he could review our response over the weekend. Will that work for you?

Ramona Morrison
RH Morrison Consulting LLC
775.722.2517

From: Ramona Morrison <rhmorrissonconsulting@gmail.com>

Date: Thursday, February 26, 2026 at 7:02 AM

To: Howe, Bob <Bob.Howe@idwr.idaho.gov>

Subject: Re: Claims for Instream Stockwater on Land Held by the State of Idaho-
Additional Evidence of Priority Requested

Thanks Bob! I misunderstood the email. I will talk to you soon!

Ramona

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From: Howe, Bob <Bob.Howe@idwr.idaho.gov>

Date: Wednesday, February 25, 2026 at 8:45 PM

To: Ramona Morrison <rhmorrissonconsulting@gmail.com>

Subject: Re: Claims for Instream Stockwater on Land Held by the State of Idaho-
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Sorry, I did not say I am done, it I have prepared them as far as the information I have been provided and gathered has allowed. I do not typically wait to start such a large task. Since I am the only staff tasked with late claims for the entire state, as well as processing claims in active adjudications it is important that my work is at a point that allows me to return to it if called elsewhere and complete my expected tasks as timely as possible.

Thank you for reaching out. I will look forward to your complete response on the 27th, as you have proposed.

Best Regards,

Bob Howe

From: Ramona Morrison <rhmorrissonconsulting@gmail.com>

Sent: Wednesday, February 25, 2026 8:37 AM

To: Howe, Bob <Bob.Howe@idwr.idaho.gov>; Teresa McCallum <irondragonmistress@yahoo.com>;

bill bakerecon.com <bill@bakerecon.com>

Subject: Re: Claims for Instream Stockwater on Land Held by the State of Idaho-Additional Evidence of Priority Requested

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Bob:

I am traveling for work and unfortunately, our reply to this email is on my computer at home and is not loading into the Cloud where I usually can access it remotely. Would it be possible to send you the reply on Friday, February 27 when I am back to my office? Please let me know what works for your office.

Regards,

Ramona Morrison

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From: Howe, Bob <Bob.Howe@idwr.idaho.gov>

Date: Tuesday, January 27, 2026 at 10:16 AM

To: bill@bakerecon.com <bill@bakerecon.com>, rhmorrisonconsulting@gmail.com <rhmorrisonconsulting@gmail.com>

Cc: Saxton, Craig <Craig.Saxton@idwr.idaho.gov>

Subject: Claims for Instream Stockwater on Land Held by the State of Idaho-Additional Evidence of Priority Requested

Dear Bill Baker and Ramona Morrison,

I have completed the draft recommendations for the Casa Del Norte claims 37-23475 through 23482 and 37-23484 through 23501 (26 claims), filed 01/28/2025 for instream stockwater use on lands held by the State of Idaho. In review of the grazing leases issued by the State of Idaho I found inconsistencies in the legal descriptions of the land leased under grazing lease No. 3747 (doc. I-35) and the current grazing lease G700105, and no clear record of the lessee's base property. I reached out to IDL to better understand the relationship between the lease ID, leased properties, and base property. What I found is that Idaho State Grazing leases do not have a base property, or any record thereof. Furthermore, the leased lands are occasionally changed based on the needs of the lessees.

As you may be aware, the criteria for the consideration of stockwater claims in the state of Idaho on federal grazing allotments was established through the Joyce Livestock. In the Idaho

Supreme Court case *Joyce Livestock Company v U.S.* (February 9, 2007), the Court held that a cattle rancher can establish an in-stream water right on federal land for the watering of livestock if the rancher had authority to access the federal land to graze cattle. The Court held that such a water right becomes appurtenant to (or attached to) the “base property” or “base ranch” for which the stockwater right was established. The base property is the private land used to support the livestock at the time the water right was perfected.

Initially we thought that stockwater claims for use on State lands could be supported and recommended in a similar way. However, if there is no base property to tie the establishment of a stockwater right to, in order to support continued grazing on an allotment that predates the current grazing leases, the claimant will need to show a complete chain of the grazing leases for each claimed place of use (POU) showing continued authorization to graze on state land. To support a date prior to the earliest state lease would require substantive evidence, such as an affidavit stating personal knowledge of livestock use within the claimed POU predating the earliest grazing lease, or other historic legal documents describing livestock use within the claimed POU.

Additionally, we found that the POU claimed for 37-23475 & 37-23476 are not lands leased to Casa Del Norte through grazing lease G700105 but instead are within lands leased to Claire Olson through Grazing lease G700081. Based on the evidence available these claims will be recommended disallowed, as Casa Del Norte have not proven their beneficial use within the POUs claimed.

Please provide the requested documentation within the next 30 days (before February 26, 2026) for each individual claim submitted by Casa Del Norte for stockwater use on lands held by the State of Idaho. Any claim you do not provide further evidence supporting the claimed priority date will be recommended based on claim on file.

Feel free to reach out to me with any questions or concerns. Thank you for your time and attention on these matters.

Best Regards,

Bob Howe



IDAHO DEPARTMENT OF
WATER RESOURCES
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