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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

UNITED STATES OF AMERICA,)	Case No. 1:22-cv-00236-DCN
)	
)	
Plaintiff,	)	DECLARATION OF FREDRIC W.
	)	PRICE IN SUPPORT OF UNITED
	)	STATES' MOTION FOR SUMMARY
v.	)	JUDGMENT
)	
STATE OF IDAHO; and IDAHO)	
DEPARTMENT OF WATER RESOURCES,)	

an agency of the State of Idaho; and GARY)
SPACKMAN, in his official capacity as)
Director of the Idaho Department of Water)
Resources,)
)
Defendants,)
)
v.)
)
IDAHO HOUSE OF REPRESENTATIVES;)
MIKE MOYLE, in his official capacity as)
Majority Leader of the House; IDAHO)
SENATE; and CHUCK WINDER, in his)
official capacity as President Pro Tempore of)
the Senate,)
)
Intervenor-Defendants.)
)

I, Fredric W. Price, in accordance with the requirements of 28 U.S.C. § 1746, declare as follows:

1. My name is Fredric W. Price. I am an employee of the United States, Department of Interior, Bureau of Land Management (“BLM”). The following statements are based upon my personal knowledge. My present position is that of Water Rights Specialist for the BLM Idaho State Office. My current responsibilities include being the program lead for water issues in Idaho and a portion of Nevada for Idaho BLM and managing BLM's participation in general stream adjudications in Idaho and part of Nevada, including the Snake River Basin Adjudication ("SRBA") and adjudications in other river basins. In my position as a Water Rights Specialist, I provide guidance and technical support to BLM’s Idaho State Director, District Managers, Field Office Managers, and technical specialists in BLM field offices, particularly those specialists working in water rights, range, and lands programs. I develop agency policy on water-related issues and in other programs affected by water issues, such as the range management and lands programs. I also review, interpret and analyze water right applications /claims. Based on this

review and analysis, I prepare opinions, recommendations, protests, objections, responses for administrative and adjudication matters.

2. I have been employed by the BLM since 1982 in the following positions:

a. From 1982-August 1993, eleven and a half years in various positions within the Rangeland Firefighting Program at the BLM, Shoshone Field Office, including twelve (12) months working on that office's water rights team preparing 5,500 BLM water right claims for filing in the SRBA; and

b. Water Rights Specialist at the BLM State Office in Boise, Idaho since August 1993 to the present.

3. My work experience with BLM includes the following:

Through my eleven and a half years in BLM's fire program, I gained the ability to understand and interpret maps, legal land descriptions, and Range Improvement Project Files. In the various fire positions I held, I routinely traveled to remote locations with just a map, to map the position and extent of fires for which I was responsible, to locate, construct and maintain range improvements (including but not limited to spring developments, pipelines, and fences), to prepare as-built drawings, and to supplement range improvement project files. I taught several courses to new employees in interpreting maps and BLM Master Title Plats, as well as, how to use a compass. My work required the ability to interpret maps and legal land descriptions in order to assist with the preparation, mapping, and review of 5,500 water right claims by the Shoshone District in the SRBA. I have reviewed hundreds of Range Improvement Project Files for the purpose of locating the project, determining when it was constructed, whether it was completed, whether it is still functional, to identify potential SRBA water claims, and to capture certain types of projects and claim locations into a geographic information system (i.e., computer

mapping software applications commonly called “GIS”). During my time in that office, I inputted base data into BLM’s GIS for Public Land Survey System (“PLSS”) (i.e., legal land descriptions), land ownership, soil types, and appurtenant water rights. PLSS, ownership, and water rights data are mapped in data layers; therefore it was necessary for me to interpret the agency’s records to prepare products for establishing those data layers.

As a Water Rights Specialist at the BLM State Office, since 1993, I interpret national program policy, federal regulations, and state/federal laws to prepare and recommend policy, procedures, and statewide guidance for the BLM’s water rights program. In addition, I provide critical input into BLM’s national policy involving water rights and water issues. I also routinely consult with and assist other state BLM offices with their water rights’ policy and issues. My work experience also includes developing policy for Idaho BLM across several programs to deal with water issues, such as those affecting the range management and lands programs.

In my position, I provide guidance and direction to employees in Idaho BLM offices on all matters relating to water issues, water rights, preparation of Applications for Water Permit, Applications for Transfer, Notices of Claim, Protests, Objections, and Petitions. I developed the investigative criteria, methods, and forms to be used by the Idaho BLM field offices to investigate water sources, which provide the basis for preparing Notices of Claim and submitting Proofs of Beneficial Use for licensing.

I have reviewed thousands of Idaho BLM claim files and field investigations conducted by BLM. I have also performed investigations of water sources and water rights in the field.

I have reviewed hundreds of Range Improvement Project Files for the purpose of locating the project, determine when it was constructed, whether it was completed, if it is still functional,

who contributed to the construction and in what amounts, and determine whether water is present, used, and in what amounts.

Since 1995 when the State Director delegated authority to me as part of my official duties, I have been authorized to determine Idaho BLM's official position on water matters, to appear in court or in state agency administrative proceedings on behalf of Idaho BLM, to determine settlement parameters for Idaho BLM, to engage in and negotiate settlements on behalf of Idaho BLM, and to represent the agency in all aspects of any water rights manner or water issue. As part of the delegation of authority, I am responsible for making final BLM recommendations to the Solicitor's Office and the Department of Justice and providing technical support on matters involving water issues and general stream adjudications affecting lands or resources managed by Idaho BLM.

In my position, as part of BLM's due diligence in evaluating claims and objections within a general stream adjudication or in evaluating applications and protests before the Idaho Department of Water Resources ("IDWR") in administrative proceedings, I have reviewed tens of thousands of legal land descriptions focusing on Points of Diversion ("POD"), Places of Use ("POU"), and the route of the conveyance means between the POD and POU ("route") that are contained in Applications for Water Permit, Applications for Transfer, Applications for Temporary Permit, Notices of Instream Diversion, Notices of Claim, IDWR Director's Report Recommendations, Standard Forms 5 (i.e., settled elements of the water right), Special Master's Reports, and Partial Decrees. My review ascertained land ownership of the POD, POUs, and route and whether those elements impacted federal lands. This work requires me to interpret these legal land descriptions against BLM's official records, including Master Title Plats ("MTP"), Historical Indexes ("HI"), and Control Document Indexes ("CDI"). I have used these

resources and other BLM records to determine the ownership history for thousands of parcels, as described by legal land descriptions. For decades, it is also part of my duties to train staff employees in how to read and interpret legal land descriptions, MTPs and HIs.

My experience includes developing policy for Idaho BLM across several programs to deal with water issues, such as the range management and lands programs.

I have reviewed thousands of patents and deeds to determine who owned what as provided by the legal land descriptions or metes and bounds descriptions contained in the instrument. Based on my expertise, I have required numerous changes and corrections to MTPs, HIs and CDIs, and have filed hundreds of objections, protests, or petitions to water right applications, transfers, notices, claims, or recommendations due to erroneous legal land descriptions or the unauthorized use of federal lands. Through diligent research and analysis in interpreting lands records, I have determined changes needed to legal land descriptions for thousands of water right descriptions for use within settlement documents, such as the Standard Form 5 ("SF-5") in adjudications, or Settlement Agreements in administrative proceedings. These settlement documents resolve objections and protests in adjudication and administrative proceedings. For thousands of adjudication subcases, I have made determinations whether multiple claims exist for the same water source, what the nature of their relationship is to each other, and how they are distinguished from other water sources and claims.

I have personally investigated the realty records of various counties across Idaho to determine the chain of title or ownership history for given property descriptions in an adjudication or as part of a water right permit, transfer, or license proceeding. For hundreds of parcels of land, I have used data and internet resources that I determined through research to be reliable and determinative of the current ownership and boundaries of these owned parcels.

Besides my work experience in working with Master Title Plats, Historical Indexes, and Control Document Indexes, I have extensive knowledge of, and experience with other official business records of BLM, including but not limited to, Idaho BLM water right claim files, Idaho BLM water right field investigations, Tract Books, Serialized Case Recordation Files, Cadastral Survey Plats, Mining Claim Files, Homestead Entry Files, Grazing Allotment Files, Grazing Operator Files, and Range Improvement Project Files. I also have extensive knowledge of, and experience with, the official business records of the IDWR, including Water Right Backfiles and Adjudication Backfiles.

Since the early 1980s, as shown from my work experience, I have developed extensive knowledge in interpreting maps, aerial photos and legal land descriptions, as well as, using various computer mapping software applications (i.e., GIS) to create thousands of maps from many different data sets.

I have filed or assisted in the filing of approximately 10,000 BLM objections to third party water right claims and resolved or assisted in the resolution of approximately 96,000 objections filed against water right claims filed on behalf of the BLM. BLM is a regulatory agency managing authorized uses of Federal land who also prosecutes unauthorized uses of and prohibited acts upon Federal land. In order to formulate and articulate a basis for filing a protest or objection, I must know and understand the relevant laws, regulations, rules, policy, and caselaw as it applies to how land and water uses on Federal land shall be regulated.

I have testified as a witness or by affidavit numerous times before IDWR hearings officers, as well as, in state and federal courts regarding water rights issues and federal ownership of land. In these proceedings I have prepared affidavits, declarations, reports, and

maps as Exhibits for use by BLM, U.S. Attorney's Office, Solicitor's Office, and the Department of Justice.

4. One very important water use on the public lands managed by BLM is for the watering of livestock and wildlife.

5. BLM's authority to manage livestock grazing is derived from the following statutes, regulations, and orders:

The Taylor Grazing Act of 1934 ("TGA"), as amended, 43 U.S.C. § 315 *et seq.*;
The Federal Land Policy and Management Act of 1976 ("FLPMA"), as amended, 43 U.S.C. § 1701 *et seq.*;
The Public Rangelands Improvement Act of 1978 ("PRIA"), 43 U.S.C. § 1901 *et seq.*;
Executive Order 10046 of March 24, 1949;
Executive Order 10175 of October 25, 1950;
Executive Order 10787 of November 6, 1958;
Executive Order 10890 of October 27, 1960;
Executive Order 12548 of February 14, 1986;
The Oregon and California Railroad Grant Land Act of 1937, 43 U.S.C. § 1181d;

and

Other public land orders, executive orders, or agreements that relate to the Secretary of Interior's authority to administer livestock grazing on specified lands.

BLM Manual 4100, Rel. 4-109, January 12, 2009,
https://www.blm.gov/sites/blm.gov/files/uploads/mediacenter_blmpolicymanual4100.pdf.

6. Taylor Grazing Act Summary: The TGA instituted a formal federal effort to regulate grazing on federal land and to stop injury to public lands due to over-grazing and soil deterioration. The TGA established a new regulatory agency called the Grazing Service, which was charged with creating grazing districts and administering a fee-for-service permitting system to manage and control livestock grazing on federal land. This new agency regulated occupancy and use; preserved the land and resources from destruction or unnecessary injury; provided for

the orderly management and development of the range; and sought to stabilize the livestock industry. 43 U.S.C. § 315 *et seq.*, PL 73-482, 48 Stat. 1269 (1934).

The TGA authorizes the Secretary of Interior to establish grazing districts (§315) and regulate their use (§315a), to protect (§315) and preserve the land and resources (§315a) within such districts, to specify the amount of grazing permitted (§315b) in each district, to issue permits for grazing (§315b), and to regulate the construction of wells, reservoirs and other improvements (§315c) necessary to the care and management of the permitted livestock. 43 U.S.C. §§ 315-315c.

7. FLPMA Summary: In 1976 Congress enacted FLPMA, which sought to establish public land policy; to establish guidelines for its administration; and to provide for the management, protection, development, and enhancement of the public lands. FLPMA declared that the public lands be: retained in Federal ownership; be managed for multiple use and sustained yield; provide food and habitat for fish and wildlife and domestic animals; and that the U.S. receive fair market value for the use of public lands and its resources. An entire title of FLPMA (Title IV) was devoted to Range Management and provide for more rigorous administration of livestock grazing. 43 U.S.C. § 1701 *et seq.*, PL 94-579, 90 Stat. 2743 (1976).

8. Other federal agencies also manage other federal lands within Idaho that are not managed by the BLM, including particularly the National Forest Service, which manages National Forest System (“NFS”) lands, as well as such agencies as the Bureau of Reclamation, National Park Service, U.S. Fish & Wildlife Service, etc. Some of these agencies allow grazing on certain of those lands and hold water rights to support their grazing programs. Those programs are managed under other provisions of federal law.

9. The State of Idaho encompasses 53.5 million acres of land. BLM manages 11,800,000 acres of the Federal lands in Idaho (22% of Idaho). The SRBA was a general stream adjudication commenced on November 19, 1987 pursuant to the limited waiver of sovereign immunity provided by the McCarran Amendment, 43 U.S.C. § 666. *See RE Case No. 39576, Commencement Order* for the SRBA by Judge Daniel C. Hurlbutt Jr. (Nov. 19, 1987). The Snake River watershed is the tenth largest watershed in North America and covers 108,000 square miles in portions of six states (Idaho, Nevada, Oregon, Utah, Washington, and Wyoming). The largest part of the watershed is located in Idaho. Kammerer, J.C. (May 1990). "Largest Rivers in the United States" (<https://pubs.usgs.gov/of/1987/ofr87-242/pdf/ofr87242.pdf>). The SRBA involved 46 million acres across Idaho (86.18% of Idaho) and 11,342,376 acres of BLM land (96.12% of BLM land in Idaho).

The above statistics (and those in paragraph 10) were generated by me using ESRI ArcMap computer mapping software. I incorporated GIS data from BLM systems for state boundaries, and surface management agency ("SMA") data. I was able to obtain administrative basin boundary lines from IDWR and extract the SRBA adjudication area from it. I generated queries in ArcMap to define adjudication areas and then used a software tool to identify agency lands within the adjudication areas. I then used the software to calculate the acreages used in this declaration.

a. GIS data (shapefile) representing the Idaho State boundary (NOC CADNSDI Idaho State Boundary (Polygon)) can be obtained from the BLM Navigator website: https://navigator.blm.gov/data?keyword=state%20boundary&fs_publicRegion=Idaho.

b. GIS data (shapefile) representing federal lands within Idaho (BLM Idaho Surface Management Agency) can be obtained from the BLM Navigator website:

https://navigator.blm.gov/data?keyword=surface%20management%20agency&fs_publicRegion=Idaho.

c. GIS data (shapefile) representing IDWR administrative basins can be obtained from IDWR's website:

<https://data-idwr.opendata.arcgis.com/pages/gis-data#Administrative>.

10. On August 25, 2014, the SRBA court entered a Final Unified Decree that incorporated all partial decrees into one final order covering 158,890 water rights. From my review of the Final Unified Decree entered in the SRBA on August 26, 2014, the United States received 27,427 partial decrees through seventeen different federal agencies. BLM received 16,939 partial decrees, and the Forest Service received 10,274 partial decrees. From my review of BLM records and based on my personal knowledge, the overwhelming majority of BLM's 16,939 partial decrees in the SRBA were for stockwatering and wildlife purposes and can be categorized by the following estimates: approximately 2,725 for diverted stockwater (i.e., diverted through a physical structure/facility into tanks, troughs, ponds, etc.); approximately 6,485 for instream stockwater; approximately 6,500 for stockwater under federal reserve rights (mostly based on the federal reserve known as Public Water Reserve 107); and approximately 1,212 for other purposes. Most of BLM's water rights that included a stockwater purpose of use (approximately 15,710 total (9,210 state based, 6,500 federal based)) are for small but important quantities of water due to the aridness of the lands and climate. Most of the thousands of decreed stockwater rights now held by the BLM were the subject of objections by the State of Idaho or private parties that were eventually resolved, either through settlement agreements (of one form or another), withdrawal of objections, or both.

11. On August 26, 2014, the SRBA Court issued the Final Unified Decree, which has remained open for the filing of deferred claims for de minimis domestic or stockwater claims. The State has also commenced additional smaller general stream adjudications (see below). Acreage statistics list below were generated by me using the same methodology used in paragraph 9 above:

Coeur d’Alene -Spokane River Basins Adjudication (“CSRBA”) covering 2.86 million acres or 5.36% of the State (basins 91-95);

Palouse River Basin Adjudication (“PRBA”) covering 348,114 acres or 0.65% of the State (basin 87);

Clark Fork -Pend Oreille River Basin Adjudication (“CFPRBA”) covering 1.29 million acres or 2.41% of the State (basins 96-97);

Bear River Basins Adjudication (“BRBA”) covering 2.2 million acres or 4.11% of the State (basins 11, 13, 15, and 17);

There are no plans to adjudicate the Kootenai River Basin covering 690,035 acres or 1.29% of the State (basin 98).

12. According to an Idaho Department of Lands (“IDL”) website (<https://www.idl.idaho.gov/leasing/grazing-farming-conservation-program/>), “The IDL manages 1,127 grazing leases that cover 1,758,213 acres of endowment land located primarily across the southern two-thirds of Idaho. These leases contributed an estimated 258,315 animal unit months (AUM) of forage to livestock operations in FY19.”

13. Like the Idaho Department of Lands’ efforts to manage a viable grazing program, BLM also strives to ensure the long-term viability of public lands grazing in accordance with the TGA and FLPMA. Permitted livestock use shall be based upon the amount of forage available

for livestock grazing (43 CFR 4110.22(a)). The authorized livestock grazing use shall not exceed the livestock carrying capacity of the allotment (43 CFR 4130.3-1(a)). In my experience, forage availability for grazing livestock depends a great deal upon the availability and distribution of water across an allotment (*see also* paragraph 17 below).

a. The basic unit of BLM's livestock grazing program is an allotment, which is an area of public land designated for grazing (43 CFR § 4100.0-5, *Allotment*) and made available via permits or leases, typically for ten-year terms (43 CFR § 4130.2(d)). BLM grazing allotments in Idaho can vary in size from just a few acres (e.g., Canaday Individual Allotment (3 acres)) to hundreds of thousands of acres (e.g., Wildhorse Allotment (230,653 acres)). BLM may authorize grazing for a single permittee or multiple permittees in a single allotment (43 CFR § 4110.1(a), § 4110.3-1, § 4130.1-2). Allotments on federal lands managed by BLM are not exclusively devoted to livestock grazing; rather, such lands are generally concurrently managed for multiple purposes (43 CFR § 1601.0-2, § 4100.0-8) and available for other uses, ranging from recreation, to mineral development, to treaty-protected Native American uses (43 CFR § 1601.0-5(i), *Multiple Use*).

I was able to identify the smallest and largest grazing allotments by sorting the Rangeland Administration System ("RAS") data I downloaded on April 16, 2020 and confirmed it with Grazing Allotment shapefile data in ArcGIS.

b. A variety of water sources, including natural streams, artificial ponds, wells, or troughs fed by water pipelines, may provide water for livestock consumption on BLM grazing allotments. Pipeline systems can extend for significant distances (e.g., House Creek Pipeline System (356.8 miles) and Jim Bob Pipeline System (216.9 miles)). In Idaho, it is not uncommon for a water pipeline to provide water to multiple grazing allotments (e.g., House Creek Pipeline

(29 allotments containing 653,768 acres) and Jim Bob Pipeline (6 allotments containing 238,448 acres)).

The above statistics were generated by me using ESRI ArcMap computer mapping software. I incorporated Geographic Information Systems (“GIS”) data from BLM sources for allotment boundaries and range improvements. I selected out the pipelines comprising the systems of interest from the range improvement data and exported the data to a new shapefile and used software tools on the data to get the mileage figures. I then selected all of the allotments served by the pipelines, exported the data to a new shapefile, and used software tools to calculate the acreage figures.

- i. GIS data (shapefile) representing grazing allotments within Idaho can be obtained from the BLM Navigator website:

https://navigator.blm.gov/data?keyword=grazing%20allotments&fs_publicRegion=Idaho

- ii. GIS data (shapefile) representing range improvement (line) data within Idaho can be obtained from the BLM Navigator website:

https://navigator.blm.gov/data?keyword=range%20improvement&fs_publicRegion=Idaho

14. BLM’s water rights for stockwatering purposes are important for the administration of grazing on federal lands. The BLM Exchange Handbook, identifies water rights as one of the various “interests in land” that BLM might seek to acquire through a land exchange, alongside access rights, mineral rights, and conservation easements. *See* BLM Land Exchange Handbook H-2200-1, Chapter 1, C.2.b. (pp. 1-5) (<https://www.blm.gov/sites/blm.gov/files/H-2200-1.pdf>); 43 CFR § 2200.0-5(i), (l), and § 2710.0-5(a)). Public lands and interests in land shall be retained

in federal ownership (43 U.S.C. § 1701). Disposal of land or interests in land requires a land use plan amendment determining that disposal will serve the national interest (Sec. 102(a)(1), FLPMA). Until and unless Congress decides to no longer manage public lands for livestock grazing, federally-owned stockwater rights are not surplus to federal needs and therefore are not subject to disposal (Sec. 102 (3) & (10), Federal Property and Administrative Services Act of 1949 (63 Stat. 377, June 30, 1949)).

15. By statute, the Secretary is empowered to make provision for the protection, administration, regulation, and improvement of grazing districts and to do all things necessary to accomplish these purposes: to regulate occupancy and use; preserve the land and its resources; to provide for the orderly use; and to improve and develop the range (43 U.S.C. § 315a). It is therefore necessary for the United States to develop water sources in support of the federal grazing program and to secure rights to the developed water occupying the federally-owned facility. Without federally-held water rights for livestock to drink from water sources on federal lands, BLM's ability to assure a viable grazing program becomes complicated. BLM needs to ensure that all authorized grazing permittees have water for livestock. Watering of livestock on federal land is provided by access to water rights held by the BLM for that purpose.

16. In my position, I participated (as one of many) in the development of BLM's range regulations which state that "[a]ny right acquired on or after August 21, 1995 to use water on public land for the purpose of livestock watering on public land ... shall be acquired, perfected, maintained, and administered in the name of the United States." *See* 43 CFR § 4120.3-9 (2005), 60 FR 9965, February 22, 1995.

17. Over my forty (40) years of working for BLM, I have come to understand that how much forage in a BLM grazing allotment is "available" for permitted use depends a great deal

upon the distribution of water across the allotment; therefore, federally-held stockwater rights are important to BLM's management of livestock grazing. Water developments are range improvements designed to provide water to livestock, but also to control patterns of use and distribution of livestock across the allotment and thereby protect and improve the condition of the rangeland. Without water developments, grazing use can cause an unacceptable level or pattern of utilization, or exceed the livestock carrying capacity of the allotment, then BLM may have to reduce permitted grazing or otherwise modify management practices. My knowledge, experience, and statements above are informed by laws, BLM's grazing regulations, BLM manuals, BLM handbooks, caselaw, etc., as discussed below.

a. Controlling Regulations: The Department of Interior last amended the Grazing Regulations in 2006. 71 FR 39402-39509 (July 12, 2006). In 2008, however, the U.S. District Court of Idaho enjoined those amendments from taking effect. *See Western Watersheds Project v. Kraayenbrink*, 538 F. Supp. 2d 1302 (D. Idaho 2008), *aff'd* in relevant part, vacated in part, remanded, 632 F.3d 472 (9th Cir. 2001). Therefore, the controlling grazing regulations are those in effect prior to the 2006 amendments. *See* 43 CFR § 4100 *et. seq.* (2005) Grazing Administration -Exclusive of Alaska, <https://www.govinfo.gov/app/collection/cfr/2005/title43/subtitleB/chapterII/subchapterD/part4100>, 60 FR 9894-9971, February 22, 1995.

b. Current Manuals, Handbooks, & Regulations: My knowledge and experience are informed, in part, by BLM Manuals and a series of regulations contained in the 2005 edition of the Code of Federal Regulations (see below):

43 CFR § 4100.0–5, Definitions.
 Livestock carrying capacity;
 Permitted use;
 Range Improvement.

43 CFR § 4100.0–8, Land use plans.

43 CFR § 4110.2–2(a), Specifying permitted use.

43 CFR § 4110.3, Changes in permitted use.

43 CFR § 4110.3–2(a) and (b), Decreasing permitted use.

43 CFR § 4180.2(c), Standards and guidelines for grazing administration.

43 CFR § 4180.2(f), Standards and guidelines for grazing administration.

43 CFR § 4180.2(f)(2)(xiii) and (xiv), Fallback guidelines.

<https://www.govinfo.gov/app/collection/cfr/2005/title43/subtitleB/chapterII/subchapterD/part4100>

BLM Handbook 1740-1 Renewable Resource Improvements and Treatments (Rel. 1-1509, 12/7/87) (Rel. 1-1570, 12/4/89).

Glossary:

Improvement

Resource improvement

Structural improvement

BLM Handbook 1741-2 Water Developments (Rel 1-1591, 11/6/90).

Chapter 2 B.6. Grazing Management.

<https://www.arlis.org/docs/vol1/L/AlaskaWaterRights/Day3/H-1-Field-data/Calculations&Misc/3-BLM-H1741-2.pdf>

18. Based upon my experience, the State has historically supported the landowner's right to establish water rights to the water uses conducted on the landowner's property.

a. In the SRBA, IDWR explained its historical practice of favoring landowners such as BLM:

IDWR has long held the position that the owner of a water right, for the purposes of permits, licenses or adjudication recommendations, should be the title holder when a non-title holder also claims ownership of the water right.

* * *

The Morros court held that the United States benefits from the development of the water right by a permittee because it aides the proprietary management of the public land. Accordingly, the Nevada Supreme Court upheld the state water resource agency's issuance of stock water permits to the United States. This holding supports IDWR's recommendations because it affirms that the United States' management interest in federal public lands is a sufficient beneficial use to support an appropriation. The Nevada court apparently did not need to find a formal agency relationship between the cattle owners and the United States.

IDWR's I.R.E. 706 Report for 57-10587 et. al., attached as **Exhibit 1** at 2, 4-5.

b. In my experience, prior to the passage of the State statutes in recent years, IDWR generally treated the State of Idaho, Department of Lands (“IDL”) and BLM like any other similarly situated landowner who provide forage and water to their customers. The IDL holds stockwater rights on State lands and manages a viable state grazing program, just as BLM does on federal land. Historically, IDWR routinely approved stockwatering permit applications by IDL and federal agencies until passage of the recent State statutes. Prior to commencing the SRBA, BLM had established over 3,800 licenses for developed stockwater pursuant to I.C. §§ 42-501 and 42-202.

19. After Congress passed the TGA in 1934, the Idaho Legislature in 1939 enacted Idaho Code, Title 42, Chapter 5 specifically providing that stockwater rights could be applied for and held by the Grazing Service, later amended to be for the “Bureau of Land Management” as the entity that succeeded the Grazing Service (<https://law.justia.com/codes/idaho/2016/title-42/chapter-5/>). Based on my review of and familiarity with BLM records, and my time in a local BLM Field Office (where I constructed range improvements), it appears that the Grazing Service, and later the BLM, would file for a water permit and license whenever it planned to build a stockwater range improvement. Typically, BLM would file for the application for water permit, then execute a Cooperative Range Improvement Agreement to authorize the project the next year, and finally build the range improvement the following year, after which IDWR would issue a water right license to BLM. Where a stockwater source is developed, federal monies often fund the development.

By the time the SRBA commenced in 1987, BLM had established over 3,800 state issued and recognized water licenses for developed water pursuant to I.C. §§ 42-501 and 42-202. It is

my understanding that BLM holds sole title to the range improvement, and BLM is precluded from expending funds to enhance private property, per the following citations:

a. Title to Range Improvement: 43 CFR § 4120.3-2 (60 FR 9964, Feb. 22, 1995, as amended at 61 FR 4227, Feb. 5, 1996), <https://www.govinfo.gov/content/pkg/CFR-2005-title43-vol2/pdf/CFR-2005-title43-vol2-sec4120-3.pdf>.

b. Expending Funds: BLM Handbook H-2100-1 Acquisition, Ch. 2, IV, https://www.blm.gov/sites/blm.gov/files/uploads/Media_Library_BLM_Policy_h2100-1.pdf.

20. Leading up to the SRBA, BLM held meetings with members of the livestock industry to talk about filing for stockwater in the adjudication. Based on my review of and familiarity with BLM records, BLM decided it would carry the burden of pursuing stockwater rights on federal land because BLM could secure appropriations, had the expertise to successfully undertake this massive endeavor, and difficulties to the management of the federal grazing program that would arise if the rights are not held in the United States' name, as discussed in this declaration. As a consequence, many BLM grazing permittees did not file claims for stockwater on the federal allotments and relied on the BLM to secure these stockwater rights to cover the use by all permitted livestock. *See* Bauscher Ranch, Inc. letter dated January 23, 2002, a true and correct copy of which is attached hereto as part of **Exhibit 2**. In my experience resolving thousands of objections, many of BLM's objections to claims filed by permittees were resolved by the permittee withdrawing their claims once they realized BLM had already filed claims to those water sources.

21. To support its stockwater claims, BLM invested thousands of hours in staff time to investigate its claims on-the-ground and to defend them in the adjudication (as most of them

were contested). Between the early 1990s and the early 2000s, I commenced a massive effort by BLM for the Field Offices to visit each of its claims on-the-ground for water right claim purposes. Toward the end of the effort, the Boise District offices essentially closed down for a month and a half, so that most of the employees could go out into the field and finish up the field investigations. During the entire twenty-seven (27) year span of the adjudication, BLM personnel also visited claims subject to objection in order to obtain factual information in support of the case.

22. The State of Idaho objected to thousands of BLM's instream (undeveloped) stockwater claims in thirty-seven (37) of the forty (40) SRBA administrative basins.¹ Between 1999 and 2003, the State Attorney General's Office entered into settlement agreements with BLM resolving its objections to BLM stockwater claims. These settlements provided that BLM be decreed a priority date for instream stockwater no earlier than June 28, 1934, the date when the TGA was enacted. As a result of those settlements, the SRBA Court issued thousands of decrees for instream stockwater to BLM, including rights subject to forfeiture petitions filed recently with IDWR and resulting orders to show cause issued by IDWR why the rights should not be forfeited. The State of Idaho objected to 56 of the 57 BLM water rights that are at issue under orders to show cause that led to the filing of these judicial proceedings, and all were resolved by settlement agreements on June 6, 1999, July 1, 1999, and March 11, 2003. True and correct copies of settlements with the State of Idaho are attached as **Exhibit 3**, as well as, a spreadsheet listing all of the water rights at issue, who objected, and when the objections were settled.²

¹ The BLM filed stockwater claims based on state and federal law. The federal-law-based claims are not at issue in this case and, unless otherwise noted, all references to BLM's stockwater claims here are to state-law-based claims.

² The Federal Stockwater Group, discussed in the next paragraph, filed objections to the one water right that the State did not, which was also resolved by a settlement agreement.

23. In 2002, the Federal Stockwater Group (“FSG”), an informal association of federal land grazing permittees who claimed water rights on federal lands and filed objections to federal stockwater claims throughout the SRBA, also settled with BLM and Forest Service, resulting in the decree to the United States of thousands of U.S. instream and developed stockwater claims. The FSG objected to 5,605 BLM claims across Idaho. During the pendency of the litigation, BLM began meeting with affected grazing permittees outside of the FSG allotments. By the time settlement was reached, affected permittees elsewhere had demanded the FSG withdraw 493 objections to BLM claims within their allotments because they were relying on BLM’s claims. In its letter, representatives of Bauscher Ranch, Inc. stated, “No one had any quarrel with the water rights being in the name of the land owner, including the federal government.” True and correct copies of permittee letters in support of BLM water rights are attached as **Exhibit 2**. As a consequence, those 493 objections were withdrawn. In 2002, the FSG ultimately settled with the United States on the remainder.

24. In 2007, the Idaho Supreme Court issued decisions in *Joyce Livestock Co. v. United States*, 156 P.3d 502 (Idaho 2007) and *LU Ranching Co. v. United States*, 156 P.3d 590 (Idaho 2007). After these decisions, the SRBA Court continued to issue 168 partial decrees to BLM for instream stockwater. *See, e.g., Notice of Court’s Intent to Issue Partial Decree for Federal Uncontested Right Based on State Law and Notice of Hearing Thereon*, Subcase 74-15468, February 28, 2007. A true and accurate copy of this ruling is attached as **Exhibit 4**.

25. In 2015, IDWR started asking BLM and USFS to show compliance with the *Joyce* decision when filing applications for permit or in response to filing proof of beneficial use, which are uses of developed water. However, I understand the *Joyce* decision to have been limited to instream stockwater consumed by livestock drinking directly from the natural water

source without the benefit of a physical diversion structure and not to have addressed an application for water permit by BLM under the statutory method of appropriation, which involves a physical diversion structure.

26. IDWR sent a similar *Joyce*-compliance letter to the State of Idaho, Dept. of Lands. The State Attorney General's Office responded asserting that *Joyce* does not apply to either the statutory method of appropriation or to diverted stockwater but only to instream stockwater. *See* Deputy Attorney General Memorandum dated August 27, 2015, "RE Permits 61-07692 through 61-07698", a true and accurate copy of which is attached as **Exhibit 5**. The Attorney General's Office response further asserted that under the statutory method, an agency relationship was unnecessary for a landowner to establish a stockwater right that is used by the landowner's customers. *See id.*

27. The requirements of several new Idaho state statutes addressing stockwater rights, as described in the United States' accompanying memorandum in support of its motion for summary judgment, are having negative impacts on BLM in Idaho, as discussed below. During the course of enactment of these legislative changes, the following occurred:

- a. On March 27, 2018, Governor Brad Little signed into law House Bill 718 ("HB-718") which sought forfeiture of United States stockwater rights. On March 16, 2018, a letter was sent to the Secretaries of the Interior (The Honorable Ryan Zinke) and Agriculture (The Honorable Sonny Perdue). The letter was signed by the Idaho Governor (C.L. "Butch" Otter), the Speaker of the Idaho House of Representatives (Scott Bedke), and the President Pro Tem of the Idaho Senate (Brent Hill). The letter stated among other things that "we strongly urge you to instruct your departments to abandon all their Idaho stockwater rights acquired based on a claim of beneficial

- use." I have attached a true and accurate copy of the March 16, 2018 Letter as **Exhibit 10**. The United States did not "abandon" any of its valuable water rights pursuant to this request.
- b. On July 9, 2018, Governor Otter sent letters to the Secretaries of the Interior and Agriculture informing them that "[t]he Director of the Idaho Department of Water Resources has begun compiling a list of stockwater rights held by" the agencies, as required by H.B. 718. I have attached a true and correct copy of the July 9, 2018 letter as **Exhibit 11**.
- c. On August 27, 2018, the BLM received a spreadsheet from the Director of IDWR on a compact disk ("CD") and a cover letter dated August 24, 2018 that listed 17,995 purportedly federally owned water rights allegedly subject to the forfeiture process established by H.B. 718. I have attached a true and correct copy of the August 24, 2018 letter as **Exhibit 12**. The spreadsheet identified each water right only by an alphanumeric identifier consisting of a "Basin," a "Sequence," and a "Suffix," a priority date, and a "Source." The spreadsheet did not identify which federal agency manages each water right, whether each water right is instream or developed, or provide any other information.

28. In response to state statutes enacted in 2017, 2018 and 2020, as described in the United States' accompanying memorandum in support of its motion for summary judgment, BLM has entered into Limited Agency Agreements with individual grazing permittees, which establish a principal-agent relationship related to the permittees' use of federal stockwatering rights. As of September 16, 2020, BLM has 554 authorized grazing permittees who have signed

Limited Agency Agreements out of 1,585 permittees that are authorized to graze on BLM land in Idaho. This is roughly 35% of BLM's authorized permittees.

To determine the above statistics, on April 16, 2020, I accessed BLM's Rangeland Administrative System ("RAS") (<https://reports.blm.gov/reports.cfm?application=RAS>) to download data on grazing operators and allotments. From this data, I was able to link the datasets (i.e., make them relational) to identify what grazing allotments each permittee was authorized to graze and to produce the exhibits to attach to the Limited Agency Agreements.

29. If BLM loses title to the water rights associated with a range improvement, as Idaho seeks to do through its recent forfeiture legislation described in the United States' accompanying memorandum in support of its motion for summary judgment, BLM will no longer be able to provide access to the water associated with that range improvement. BLM would also lose its ability to change the locations where water is accessed by livestock on federal lands (i.e., move troughs or add troughs), notwithstanding that BLM often needs to move water around within and across grazing allotments in order to disperse livestock and to mitigate resource impacts.

30. Private ownership of stockwatering rights on federal lands, where such rights exist, does not solve these problems. One difficulty is disorderly succession of water right title that could result in the loss of water rights, and eventually the inability to acquire new replacement water supplies. Not every transition from permittee to permittee goes smoothly, and it is incumbent on the BLM to be the stabilizing force and provide continuity between permittees since a prior permittee could refuse to convey water rights to the next permittee. A loss of existing water rights would de-water a permit area and facility unless the next permittee is able to obtain a replacement water supply. This is because it is unlawful for the new permittee to divert water without a water right (I.C. 42-351), and, in Idaho, much of the water supply is fully

appropriated. Therefore, as time goes by, less and less water would be available for new appropriation, such that replacement water could no longer be acquired because the water resource is fully appropriated and closed to new appropriations due to moratoriums.

There are many moratoriums in-place across Idaho as noted at an official website (<https://idwr.idaho.gov/legal-actions/orders/moratorium-orders/>) with examples noted below:

Banbury Hot Springs;
Bancroft-Lund;
Boise Front Low Temperature Geothermal Resource Groundwater Management Area;
Malad Valley Groundwater Management Area;
Salmon-Clearwater Basin Moratorium and Wilderness Moratorium;
Snake River Moratoriums; and
Twin Falls Groundwater Management Area Moratorium.

31. There could also be a loss of priority if existing rights are forfeited. Over time the grazing permittees would have to establish new water rights. In a prior appropriation state such as Idaho, a new water right is junior in priority and may only divert and use water to the extent prior senior rights are first satisfied in full. At some point, there may be no water available for a grazing allotment due to disorderly succession in permittees, loss of water rights, and the inability of the new permittee or BLM to acquire new water rights. For instance, across much of southern Idaho, in an area called the Eastern Snake Plain Area (“ESPA”), there is a moratorium “on the processing and approval of presently pending and new applications for permits to appropriate water from all surface and ground water sources within the Eastern Snake River Plain Area and all tributaries thereto and within the Boise River Drainage Area.”

<https://idwr.idaho.gov/wp-content/uploads/sites/2/legal/orders/1993/19930430-Moratorium-ESA.pdf>).

On May 12, 2022, IDWR issued a *Final Order Curtailing Ground Water Rights Junior to December 25, 1979* (Docket No. CM-DC-2010-001) (“*Curtailment Order*”). Several United States water rights are included in the Order, see below:

BLM:

- 21-07517 (1992), stockwater/wildlife
- 21-13032 (2006), stockwater/wildlife
- 34-14459 (2014), stockwater/wildlife
- 35-14179 (1981), irrigation
- 36-08726 (1994), stockwater/wildlife
- 36-17049 (2015), stockwater/wildlife

USDA, Agricultural Research Service:

- 34-07546 (1983), stockwater/domestic/irrigation,

A true and correct copy of this *Curtailment Order* received by me at my office is attached as **Exhibit 9**.

32. In 2011, I attempted to acquire a new water right (02-10454) in support of a small land use authorization, but it was summarily rejected by IDWR due to the moratorium. In IDWR’s Preliminary Order Denying Application for Permit (02-10454), IDWR noted that IDAPA 37.03.08.45.03.k states as follows:

Applications or permits to be processed proposing a direct diversion of water for irrigation purposes from the Snake River between Milner Dam and Swan Falls Dam or from tributary springs in this reach are presumed not to be in the public interest as defined by Section 42-203C, Idaho Code. Such proposals are presumed to prevent the full economic and multiple use of water in the Snake River Basin and to adversely affect hydropower availability and electrical energy rates in the state of Idaho.

See IDWR’s Preliminary Order Denying Application for Permit (02-10454), a true and accurate copy of which is attached as **Exhibit 6**. If this trend continues, then it appears likely that water availability could eventually adversely affect establishment of new stockwater uses in the future as water availability gets even tighter.

33. Private holders of water rights on federal land could also require new permittees in the federal allotment to purchase stockwater from them, whereas title being held by BLM allows water to be provided for any and all authorized permittees.

34. Grazing permittees with water rights, could also attempt to supply water to other people on private land, and thereby de-water federal land (although they would need a right-of-way authorization to install a pipeline to get water off BLM land or into a different allotment). Alternatively, a former permittee could turn off the water to the facility or seek to move the water elsewhere and thereby de-water the facility.

35. Grazing permittees with water rights could attempt to deprive other permittees of water. I am involved with an on-going issue where a grazing permittee (Brackett), who obtained a private stockwater right through settlement and has sent a cease and desist letter to a second permittee (Gould) because a stockwater trough used by the second permittee is not listed on the first permittee's water right. I have attached a true and accurate copy of the letter as **Exhibit 7**. IDWR was copied on the letter, and it triggered IDWR staff to make informal inquiries with BLM personnel. Fortunately, the trough in question is supported by one of several additional BLM water rights that serve the interconnected pipeline system, provided these are not lost in a future forfeiture proceeding. Installation of the troughs was important, as without them, the AUMs around those troughs would not be available to cattle because the forage is too far away from the other water sources.

36. Another complication may arise in the event of a wildland fire. BLM may have to rest a grazing allotment after a devastating fire event to allow the allotment to recover for a few years before livestock are allowed back into the allotment. BLM will often temporarily allow the affected permittee(s) to graze another area during the interim. If BLM controls the stockwater

rights, then the permittee in the new area can be temporarily authorized to use BLM's existing stockwater rights. However, without BLM control, the permittee would have no water rights at the new location. If another permittee is also in the area and controls the local stockwater rights, then that permittee might seek to oppose any use by the new permittee.

37. BLM has many pipeline projects that cross multiple allotments and serve the needs of many different grazing permittees. Water rights held by the U.S., as owner of the rangeland who is in the business of livestock grazing providing forage and water for a fee, should be able to provide water across different allotments. Under current state statutes, a grazing permittee could only provide water to his own cattle within his allotment; therefore, a multi-allotment pipeline could not be developed under these circumstances, and existing pipelines may have to be broken apart.

38. BLM holds sole title to range improvements that are water developments, 43 CFR § 4120.3-2(b) (2005), and is directed by regulation to obtain title to the necessary stockwater rights. 43 CFR § 4120.3-9 (2005). Recent state statutes frustrate these regulations. Complications arise if the U.S. cannot obtain stockwater rights. For instance, a grazing permittee cannot normally convey water rights held under private title through a federally-owned facility, unless the U.S. authorizes the transportation of that non-federal property interest; however that would be contrary to the above regulation. The Cooperative Range Improvement Agreement authorizes the construction of the water facility, but does not authorize the transportation of non-federal property interests. BLM is also precluded from expending funds to enhance private property interests. BLM Handbook H-2100-1 Acquisition, Ch. IV, p. 13, https://www.blm.gov/sites/blm.gov/files/uploads/Media_Library_BLM_Policy_h2100-1.pdf.

39. On April 25, 2022, IDWR issued three orders entitled Order Partially Granting Petition; Order to Show Cause (“Show Cause Orders”). Those Show Cause Orders were received by BLM on April 28, 2022. The allotments affected by the forfeiture petitions are in Washington, Payette, and Idaho Counties in west-central Idaho:

a. P-OSC-2021-001 (Crane Creek Allotment), Order Partially Granting Petition; Order to Show Cause (Crane Creek Allotment) involves land in Washington County and can be found at <https://idwr.idaho.gov/wp-content/uploads/sites/2/legal/P-OSC-2021-001/P-OSC-2021-001-20220425-Order-to-Show-Cause-Crane-Creek.pdf>;

b. P-OSC-2021-002 (Paddock Valley Allotment), Order Partially Granting Petition; Order to Show Cause (Paddock Valley Allotment) involves land in Washington and Payette Counties and can be found at <https://idwr.idaho.gov/wp-content/uploads/sites/2/legal/P-OSC-2021-002/P-OSC-2021-002-20220425-Order-to-Show-Cause-Paddock-Valley.pdf>; and

c. P-OSC-2021-004 (Butcher Bar and China Creek Allotments), Order Partially Granting Petition; Order to Show Cause (Butcher Bar and China Creek Allotments) involves land in Idaho County and can be found at <https://idwr.idaho.gov/wp-content/uploads/sites/2/legal/P-OSC-2021-004/P-OSC-2021-004-20220425-Order-to-Show-Cause-Butcher-Bar-and-China-Creek.pdf>.

40. The April 25, 2022 Show Cause Orders state that the “Bureau of Land Management must show cause before the Director of the Idaho Department of Water Resources why the following stockwater rights have not been lost through forfeiture pursuant to Idaho Code §42-111(2).” The list of water rights included in this determination under each Show Cause Order contains partial decrees issued by the SRBA court pursuant to federal law based on Public Water Reserve 107 (“PWR107”).

Another concern with the April 25, 2022 Show Cause Order (P-OSC-2021-002) for the Paddock Valley Allotment is that it includes water right decrees for developed stockwater (see below).

- a.** 67-12841 is for a stockwater pond partially on BLM land. If this right is forfeited, then there will be no water right covering the portion of pond on federal land, so I may have to recommend to the BLM Field Office that this portion be filled in so that it does not violate state law;
- b.** 67-13085 is for a part of a reservoir on BLM land; and
- c.** 67-13086 is for a part of a reservoir on BLM land.

41. On May 13, 2022, IDWR issued Amended Orders to Show Cause to remove the rights decreed pursuant to federal law from their prior recommendation of forfeiture. BLM received the Amended Orders on May 16, 2022.

a. P-OSC-2021-001 (Crane Creek Allotment), Amended Order to Show Cause can be found at <https://idwr.idaho.gov/wp-content/uploads/sites/2/legal/P-OSC-2021-001/P-OSC-2021-001-20220513-Amended-Order-Partially-Granting-Petition-Amended-Order-to-Show-Cause-Crane-Creek-Allotment.pdf>.

b. P-OSC-2021-002 (Paddock Valley Allotment), Amended Order to Show Cause can be found at <https://idwr.idaho.gov/wp-content/uploads/sites/2/legal/P-OSC-2021-002/P-OSC-2021-002-20220513-Amended-Order-Partially-Granting-Petition-Amended-Order-to-Show-Cause-Paddock-Valley-Allotment.pdf>.

c. P-OSC-2021-004 (Burcher Bar and China Creek Allotments), Amended Order to Show Cause can be found at <https://idwr.idaho.gov/wp-content/uploads/sites/2/legal/P-OSC->

2021-004/P-OSC-2021-004-20220513-Amended-Order-Partially-Granting-Petition-Amended-Order-to-Show-Cause-Butcher-Bar-and-China-Creek.pdf.

42. The four grazing allotments impacted by the Amended Show Cause Orders are located in Washington, Payette and Idaho Counties in west-central Idaho. Attached as **Exhibit 8** are a series of maps I made to show the location and sizes of the allotments at issue.

a. Acreages:

- Crane Creek Allotment:
30,182 acres (11,813 acres of BLM land),
Washington County,
BLM Four Rivers Field Office;
- Paddock Valley Allotment:
57,126 acres (25,014 acres of BLM land),
Washington and Payette Counties,
BLM Four Rivers Field Office;
- China Creek Allotment:
263 acres (263 acres of BLM land),
Idaho County,
BLM Cottonwood Field Office;
- Butcher Bar Allotment:
357 acres (357 acres of BLM land),
Idaho County,
BLM Cottonwood Field Office.

b. Authorized Livestock Operators:

Crane Creek Allotment (ID00361):

- Soulen Grazing Association, LLC
 - Howard, Robert
 - Howard, Jessica
 - Kerner Cattle Company
 - Kerner, Bruce
 - Laan, Dillon
 - Soulen Livestock Co.
 - Soulen, Harry C. (Pres)
 - Stevenson, Helen (Vice-Pres)
- David Maddox

- Jerome & Jill Grandi
- Sutton Ranches, Inc.
 - Sutton, Howard P. (Pres)
 - Sutton, John (Sec)

Paddock Valley (ID00370):

- Soulen Grazing Association, LLC

Butcher Bar Allotment (ID36138):

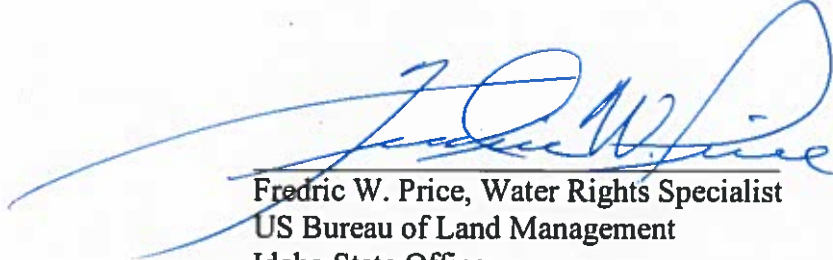
- Gill Family Ranches, LLC

China Creek Allotment (ID36191):

- Gill Family Ranches, LLC

Pursuant to the provisions of 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated: December 15, 2022



Fredric W. Price, Water Rights Specialist
US Bureau of Land Management
Idaho State Office

EXHIBIT 1

Exhibit 1

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I.R.E. 706 REPORT

In Re SRBA

Twin Falls County Civil Case No. 39576

Sub-case Nos.: 57-10587

57-10598

57-10770

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources

Karl J. Dreher, Director

David R. Tuthill, Jr., Adjudication Bureau Chief

June 9, 1997

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IDWR Report Pursuant to I.R.E. 706

REPORT REGARDING IDWR RECOMMENDATIONS WITH
COMPETING CLAIMS TO OWNERSHIP

The Idaho Department of Water Resources (IDWR) submits this report regarding claims to water rights no. 57-10587, 57-10598 and 57-10770 in response to the request of Special Master Haemmerle, pursuant to Idaho Code §42-1412(4) and the court's Order Requesting Information Pursuant to I.R.E. §706 dated May 22, 1997. This report was prepared under the supervision of David R. Tuthill, Jr., Adjudication Bureau Chief of IDWR. This report addresses the following question: Why did IDWR recommend certain water rights in Basin 57 to the United States and recommend disallowal of competing claims to these rights by private claimants when both the private claimants and the United States claimed ownership of these rights to water on federal public land?

This report is presented in two sections. Section One relates the factual background and context of this report. Section Two states the law and policies relevant to the Special Master's question that IDWR considered prior to making these recommendations.¹

I. Factual background and context of this report.

Joyce Livestock Co. (Joyce) filed claims 57-10587, 57-10598 and 57-10770 for instream stock water rights from the respective sources on federal public lands in Owyhee County.² The United States also filed instream stock water claims on some of the same stream reaches.³ Where there was no federal claim overlapping the place of use, IDWR recommended these rights to Joyce.⁴

¹ Legal analysis is provided by Deputy Attorney General J. Andrew Helmlinger to assist IDWR in the completion of this report. To the extent possible, all legal statements contained herein are facts IDWR relied on while making ownership recommendations for the Joyce instream stock water rights. These statements should not be construed as legal argument. The Special Master hearing subcases 57-10587, 57-10598 and 57-10770 has the exclusive province to determine conclusions of law relevant to the outcome in these subcases.

² See, Claims A57-10587, A57-10598 and A57-10770.

³ See, Claims A57-2350, A57-02423, A57-11041, A57-11044, A57-11045, A57-11016, A57-11017, A57-11121, A57-11124, A57-11125, A57-11126, A57-11127, A57-11128, A57-11129, A57-11131, A57-11132, A57-11133, A57-11230, A57-11231, A57-11341, A57-11342, A57-11343, A57-11344, A57-11345, A57-11346, and A57-11348.

⁴ See, IDWR Director's Report pages for rights 57-10587, 57-10598 and 57-10770 IDWR's sole investigation of these water rights regarding ownership, prior to issuing its recommendations, was comparison of the water right claims with 1:100,000 scale federal ownership maps.

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IDWR Report Pursuant to I.R.E. 706

The recommendations to Joyce did not include the places of use where any federal claim overlapped

Under a general policy to recommend water rights to the title holder of the place of use, when the title holder of the place of use and a non-title holder of the place of use filed competing claims to the same water right on that property, IDWR recommended the contested portions of the instant water rights to the United States. The United States objected to the recommendations of the remaining portions of Joyce's claims 57-10587, 57-10598 and 57-10770 because they exist on the federal public lands.⁵ Joyce objected to the recommendations because the recommendations omitted the places of use where the United States had a competing claim.⁶ These objections initiated the present litigation regarding the validity of water rights 57-10587, 57-10598 and 57-10770.

In the course of this litigation, Special Master Haemmerle granted partial summary judgment in favor of Joyce for these claims, dismissing the United States' objections.⁷ The Special Master held that the United States had senior instream rights as between the United States and Joyce. Therefore, the Special Master allowed the Joyce claim for these stream reaches to the extent that the particular sources supported more than 13,000 gallons per day. The Special Master also left another issue relevant to these rights for determination at trial - the dates Joyce or a predecessor entity first appropriated these rights and established a priority date.

II. Principles of law and policy that IDWR considered prior to making the recommendations at issue.

IDWR has long held the position that the owner of a water right, for the purposes of permits, licenses or adjudication recommendations, should be the title holder when a non-title holder also claims ownership of the water right. IDWR has followed this policy since prior to the inception of the SRBA. Under this position, if only a non-fee holder claims the water right, IDWR will consider the non-fee holder to own the water right.

IDWR is not aware of any controversy or issues resulting from this position occurring prior to or outside of the SRBA. Although IDWR understands that the United States Bureau of Land Management may potentially grant multiple grazing permits for a single grazing allotment, IDWR has never granted permits or licenses for multiple stock water rights from identical sources on federal public lands. Nonetheless, IDWR has never prohibited anyone's use of water for livestock on federal public lands. In the SRBA, although some grazing permit holders filed claims to stock water rights

⁵ See, United States objections to 57-10587, 57-10598 and 57-10770.

⁶ See, Joyce objections to 57-10587, 57-10598 and 57-10770.

⁷ See Order on Motion to Alter or Amend; Order on Summary Judgment; and Order on Motion to Withdraw Admissions, March 24, 1997, at 21 - 24.

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IDWR Report Pursuant to I.R.E. 706

on federal public lands, not all grazing permit holders filed such claims.

The lack of historical conflict regarding the appropriate claimant to these water rights indicated to IDWR that IDWR did not need to expend its resources to reconsider its position in this regard. The absence of conflict appeared to confirm the position's efficiency. In a cost/benefit analysis, the expense of investigating the foundational facts supporting a private appropriation on federal public lands appeared much greater than the benefit of making what may have, in some cases, been a more accurate ownership determination. The benefit was low because there was little conflict.

Nonetheless, prior to issuing Director's Reports in the first three SRBA reporting areas, IDWR gave some additional consideration to this position, specifically regarding the ownership of stock water rights. On May 24, 1988, then IDWR Director R. Keith Higginson requested a formal Attorney General's Opinion addressing the application of Idaho law to the ownership of stock water rights to facilitate IDWR's processing of applications to appropriate water for livestock.⁸ Primarily, IDWR was concerned with potential conflicts between two Idaho statutes that appeared to address the issue. The first, Idaho Code §42-501, first codified in 1939, states that the United States Bureau of Land Management may acquire permits for stock water rights on the public domain. The second statute, Idaho Code §42-114, enacted in 1986, states:

Any permit issued for the watering of domestic livestock shall be issued to the person or association of persons making application therefor and the watering of domestic livestock by the person or association of persons to whom the permit was issued shall be deemed a beneficial use of the water.

Aware of the potential conflict between these statutes, IDWR requested then Idaho Attorney General Jim Jones provide an opinion whether the new statute, I.C. §42-114, prohibited IDWR from issuing a stock water permit to a landowner if the land is or is intended to be leased to another person who actually owns the cattle.⁹ The Attorney General responded with Attorney General Opinion No. 88-6, which concludes that I.C. §42-114 does not prohibit IDWR from issuing a water right permit to a landowner for stock watering purposes even though the landowner leases his land to another person for the grazing of stock.¹⁰

In the opinion, the Attorney General pointed out that I.C. §42-114 does not restrict the class

⁸ Letter from Keith Higginson to Jim Jones, May 24, 1988.

⁹ Letter from Keith Higginson to Jim Jones, May 24, 1988. IDWR also requested clarification as to whether a water right owned by someone other than the landowner transfers with a conveyance of the land.

¹⁰ See AGO 88-6.

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IDWR Report Pursuant to I.R.E. 706

of people eligible to apply for a permit, only that IDWR must issue the permit to "the person or association of persons making application therefor."¹¹ The Attorney General concluded that the statute did not imply that a landowner/lessor must personally own the livestock to be the proper party to apply for and receive a permit/license to appropriate water for instream livestock use.¹² He found that such an implication required an underlying premise that the title holder must apply the water to beneficial use to maintain a water right. Based on First Security Bank of Blackfoot v. State,¹³ he surmised, Idaho bifurcated potential ownership of the land and the water rights and, therefore, that underlying premise does not exist in Idaho.¹⁴ Finally, the Attorney General recognized that the Idaho legislature had not specifically repealed I.C. §42-501, and noted that repeals by implication are not favored.¹⁵ The effect of I.C. §42-114, he concluded, is to affirm that stock watering is a beneficial use of water for which any person or association may seek a permit/license.¹⁶

The Attorney General considered and rejected one Nevada district court case, State v. Morros, which held that unless the landowner owned the cattle, the landowner could not make beneficial use of the stock water, and therefore could not own the stock water right. After the Attorney General published AGO 88-6, the Nevada Supreme Court reversed the district court.¹⁷ IDWR obtained advance sheets of the Nevada Supreme Court opinion, however, no records indicate the extent to which IDWR may have relied on this case as a basis for its recommendations regarding ownership in these subcases. The opinion is logically relevant, however, and is included as general support for IDWR's recommendation.

The Morros court held that the United States benefits from the development of the water right

¹¹ AGO 88-6, 2.

¹² AGO 88-6, 3.

¹³ 49 Idaho 740, 291 P. 1064 (1930).

¹⁴ AGO 88-6, 4.

¹⁵ AGO 88-6, 5, citing Doe v. Durntschi, 110 Idaho 466, 478, 716 P.2d 1238, 1250 (1986).

¹⁶ AGO 88-6, 5. Regarding the second question raised by IDWR, the Attorney General concluded that I.C. §42-220, which states that licensed water rights transfer with a conveyance of the land, has no effect on a water right after a conveyance of the land when the water right was owned by someone other than the landowner.

¹⁷ State v. Morros, 104 Nev. 709, 766 P.2d 263 (1988).

IDWR Report Pursuant to I.R.E. 706

by a permittee because it aides the proprietary management of the public land.¹⁸ Accordingly, the Nevada Supreme Court upheld the state water resource agency's issuance of stock water permits to the United States.¹⁹ This holding supports IDWR's recommendations because it affirms that the United States' management interest in the federal public lands is a sufficient beneficial use to support an appropriation. The Nevada court apparently did not need to find a formal agency relationship between the cattle owners and the United States.

Idaho Code sec.42-501 appears to be legislative acknowledgment of managerial interests comprising beneficial use. A similar example of managerial interests under Idaho law are municipal providers and irrigation companies.²⁰ Also, federal grazing permits do not impair the United States' ultimate managerial authority or interest, because the permits do not grant any property interests.²¹

The leading case in Idaho regarding non-fee owner appropriations is First Security Bank of Blackfoot v. State, as discussed in AGO 88-6. That case involved a lessee, First Security Bank, which sought to change the place of use of water from Big Creek. The State of Idaho and Wood Live Stock Company protested the transfer application and asserted ownership of the water right because they owned fee interests in the underlying land. The water right at issue was originally appropriated while the property was unsurveyed public land. In time, the land, in two different township sections, then became state school lands and private property owned by Wood Live Stock. First Security obtained title to all the water rights and some of the land by mesne conveyance from an uncontroverted owner. The Idaho Supreme Court held that because a water right is "not necessarily appurtenant to the land on which it is used and may be separated from it," First Security, through the mesne conveyance, obtained valid title to the water rights, even on land the bank did not

¹⁸ State v. Morris, 104 Nev. at 717. "The new water sources covered by the applications at issue will permit better use of areas of the public range where grazing is limited by the lack of water places, a problem recognized by this court."

¹⁹ State v. Morris, 104 Nev. at 718.

²⁰ IDWR relies upon the following in support of this statement: I.C. §42-202B (defining municipal provider); Farmer's Co-Op. Ditch Co. v. Riverside Irr. Dist., Ltd. et al., 14 Idaho 450, 458, 94 P. 761 (1908). "A company or individual may appropriate and take out the water of a stream for sale, rental or distribution or for any beneficial purpose...[I]t takes the water user, applying water to a beneficial purpose, to enable a ditch company that has appropriated waters for sale, rental, or distribution, to continue the diversion of the water...The appropriation of waters carried in the ditch operated for sale, rental and distribution of waters does not belong to the water users, but rather to the ditch company."

²¹ 43 U.S.C. 315b.

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own. Therefore, the court allowed First Security to complete the change in the place of use.²²

While reaching its conclusion, the First Security court made two statements of great impact, although unnecessary to the conclusion. First, the court said that water may be appropriated for beneficial use on land not owned by the appropriator and this water right becomes the property of the appropriator.²³ Second, the court said that where a lessee initiates a water right, the right is the lessee's property unless the lessee was acting as agent of the owner.²⁴ Although the water right on state land was initiated prior to becoming state land, the court pointed out that "[t]here is no reason why a lessee of state land should be excepted from this privilege."²⁵

The present conflict arose in the SRBA concurrent with other conflicts between grazing permit holders and the United States. The primary issue in these other conflicts is management of the federal grazing lands. In the SRBA, the United States asserts that private water rights are another tool the grazing permittees could use to attempt to wrest control over federal grazing allotments from the managing agencies.²⁶ Without judging the validity of such an argument, many grazing permit holders throughout the west claim that their water rights prevent the United States from detrimentally affecting their grazing permits. This uncertainty of water right ownership could result in prolonged litigation that will impair IDWR's administration of such rights until that litigation is concluded.

There are several administrative concerns regarding private ownership of water rights on the federal public lands. Because few, if any, conveyances of water rights on public lands exist between grazing permit holders, IDWR has difficulty tracking the ownership of such rights. The lack of specific, documented conveyances between the grazing permit holders makes it difficult for IDWR to ascertain accurate priority dates for these claims. If IDWR recommends these private claims with very early priority dates, potentially there are many claimants receiving windfalls with respect to their priority.

Because water rights are an interest in property, parties owning water rights but not owning

²² First Security, 49 Idaho at 746.

²³ First Security, 49 Idaho at 746.

²⁴ First Security, 49 Idaho at 746.

²⁵ First Security, 49 Idaho at 746. The court pointed out that in Wyoming, by statute, all water rights of a lessee appurtenant to state lands become the property of the state at the termination of the lease. The court noted that Idaho has no such statute. Id. at 746-47.

²⁶ See United States Motion for Summary Judgment on Subcases Involving Joyce Livestock and Memorandum in Support of Motion, 21-22.

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IDWR Report Pursuant to I.R.E. 706

the underlying land must transfer them by specific, written conveyance.²⁷ IDWR is not aware of any documented conveyances of stock water rights on federal public lands between private parties. Without such conveyances, subsequent water uses create subsequent appropriations with later priority dates. Because Joyce did not provide IDWR with any documentation of conveyances of these water rights, IDWR could not have recommended these rights with the claimed priority dates. The United States, on the other hand, generally investigates the earliest use of its claimed water rights, and as a perpetual entity, the United States need not overcome conveyance problems. Therefore, IDWR's recommendations of the controverted water right to the United States considers a more justified priority date. IDWR would have to expend more resources investigating priority dates if IDWR recommended the water right only to the private claimant.

IDWR is aware that a person cannot appropriate a water right in trespass.²⁸ IDWR's position relieves IDWR from determining when a claimant's rights originated in trespass and leaves such legal conclusions for the court. In the IDWR Claims Investigation Manual,²⁹ adjudication staff are advised not to make ownership determinations unless claims appear to be duplicative. The Manual directs agents to recommend water rights to the United States unless contrary evidence of ownership exists.³⁰

Although aware that Idaho law allowed non-landowners to acquire water rights, and that these non-landowners could assert water rights in the SRBA, IDWR maintained its position that it should recommend a water right to the United States as the landowner when the United States and a private individual or corporation filed competing claims to the same water right. Consistent with this position, the recommendations for Joyce water rights 57-10587, 57-10598 and 57-10770 do not include places of use on federal public lands for instream stock water rights to which the United States also filed a claim.

Conclusion

IDWR's policy for recommending water rights with competing claims to ownership has a long history as a practical and efficient position, particularly respecting stock water rights on federal public lands. It avoids lengthy and expensive investigations by IDWR, but does not preclude either competing claimants from proving definite or exclusive ownership in the SRBA. Idaho law supports

²⁷ I.C. §9-503. See, Olson v. Idaho Dep't of Water Resources, 105 Idaho 98, 666 P.2d 188 (1983) (Oral transfer of water rights unenforceable.)

²⁸ IDWR relies upon the following to support this statement: Lemon v. Hardy, 95 Idaho 778, 519 P.2d 1168 (1974).

²⁹ IDWR Claims Investigation Manual, 13-14.

³⁰ Claims Investigation Manual, 140-41.

Exhibit 1

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ownership by either federal and private claimants, however, administrative efficiency supports federal ownership.

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Exhibit 1

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IDWR Report Pursuant to I.R.E. 706

Certificate of Service

I certify that on the 11th day of June, 1997, I mailed copies of the foregoing document, including all attachments, in the ~~U.S. Mail~~ with the correct postage affixed thereto, to the following:
Hand Delivered

P. Fritz Holleman
Dept. of Justice Attorney
General Litigation Section
Environmental and Natural Resources Division
P.O. Box 663
Washington, D.C. 20044-0663

Richard Harris
Harris Law Office
P.O. Box 1438
Caldwell, ID 83606

Special Master Fritz Haemmerle
SRBA District Court
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

Daniel M. Smith
Person mailing document(s)

EXHIBIT 2

APR-28-2006 FRI 02:55 PM BLM IDAHO FALLS/DO

FAX NO. 208 524 7505

P. 21

Bauscher Ranch, Inc.

Winter Address
1874 Leadville Avenue
Boise, Idaho 83706

Summer Address
P.O. Box 333
Fairfield, Idaho 83327

Mr. Norman M. Semanko
Barker, Rosholt & Simpson, LLP
P.O. Box 2139
Boise, Idaho 83701-2139

Re: Withdrawal of objections to federal stockwater claims in my BLM grazing allotments.

Dear Mr. Semanko:

After discussing the matter with both BLM and Forest Service Employees, it is my understanding that you filed objections to all federal stockwater claims in Water Basin 37. Your objections were filed for your clients with ranches and federal grazing permits located entirely south of the Snake River. I have been informed that none of your clients have any BLM grazing rights in my Black Canyon and Deer Creek allotments. I see no reason for you to file objections here because none of your people are affected by any of the water right claims here in this basin regardless of who made the claims.

The stockmen here were made aware of BLM's plans very early in the Adjudication. The Shoshone BLM employee who filed the stockwater claims on BLM land came to our District Grazing Advisory Board, in regular session, and explained that BLM planned to file stockwater claims on the BLM land in behalf of the stockmen to save them time and money and avoid confusion. It made a lot of sense for the BLM to file water claims on their land ~~Exhibit 2~~ at one time. We were told that we should file adjudication water claims on any deeded ground we held in any of our allotments because BLM would not file for a water right on private land unless they held a signed easement and had a water permit or license from the State of Idaho. We were advised to talk to the State Lands people about any waters on our State leases. That approach seemed reasonable to all of us, and the Board approved that approach. No one had any quarrel with the water rights being in the name of the land owner, including the federal government. Now after all these years, I find out that you do not like our arrangement.

I want you to immediately withdraw all your objections to the BLM water claims on BLM land in my Black Canyon and Deer Creek units. I asked the Shoshone BLM Office to send me a list of their claims and have included that list with this letter. I also want you to send me some evidence that you followed through on this. I don't want to find out later that you did not take this letter seriously.

Sincerely, Al Bauscher

1-23-02

cc: Adjudication Court, State Attorney General, U.S. Dept. Justice, Water Resources, BLM

APR-28-2006 FRI 02:56 PM BLM IDAHO FALLS/DO

FAX NO. 208 524 7505

P. 22

**Bauscher Ranch Inc. Grazing Allotments With Public Land Water
Right Claims For Stockwater Made By
The United States, Department of Interior,
Bureau of Land Management**

BLACK CANYON ALLOTMENT, No. 90418

37-02807	37-18148	37- 8207	37-18270	37-19195
37-02808	37-18153	37- 8208	37-18279	37-19199
37-02838	37-18159	37- 8209	37-18282	37-19200
37-02841	37-18161	37- 8210	37-18283	37-19201
37-02904	37-18163	37- 8211	37-18286	37-19202
37-02913	37-18165	37- 8212	37-18292	37-19203
37-02939	37-18166	37- 8213	37-18293	37-19204
37-02941	37-18169	37- 8215	37-18296	37-19507
37-02948	37-18175	37- 8216	37-18298	37-19508
37-02953	37-18176	37- 8218	37-18299	37-19509
37-02962	37-18177	37- 8219	37-18300	37-19548
37-02963	37-18178	37- 8221	37-18304	37-19549
37-02965	37-18179	37- 8232	37-18306	37-19630
37-02985	37-18180	37- 8234	37-18308	37-20208
37-02993	37-18181	37- 8235	37-18312	37-20210
37-03017	37-18182	37- 8237	37-18315	37-20211
37-03018	37-18184	37- 8238	37-18318	37-20222
37-03075	37-18185	37- 8239	37-18319	37-20223
37-03081	37-18186	37- 8240	37-18320	37-20224
37-04197	37-18190	37- 8249	37-18322	37-20225
37-04198	37-18197	37-18250	37-18331	37-20239
37-04261	37-18198	37-18253	37-18336	37-20240
37-04355	37-18199	37-18254	37-18341	37-20241
37-08042	37-18200	37-18255	37-18344	37-20254
37-08162	37-18202	37-18264	37-18347	37-20255
37-08163	37-18203	37-18265	37-18363	37-20256
37-18146	37-18204	37-18266	37-18369	37-20260
37-18147	37-18205	37-18267	37-18386	

Exhibit 2

APR-28-2006 FRI 02:56 PM BLM IDAHO FALLS/DO

FAX NO. 208 524 7505

P. 23

**Bauscher Ranch Inc. Grazing Allotments With Public Land Water
Right Claims For Stockwater Made By
The United States, Department of Interior,
Bureau of Land Management**

DEER CREEK ALLTOMENT, No. 0114

37-03139	37-18400	37-18415
37-03141	37-18401	37-18416
37-03142	37-18402	37-18418
37-03144	37-18403	37-18428
37-03145	37-18404	37-19211
37-03146	37-18405	37-19212
37-18393	37-18406	37-19213
37-18394	37-18407	37-19214
37-18395	37-18408	37-19429
37-18396	37-18409	37-20151
37-18397	37-18410	37-20175
37-18398	37-18413	37-20242
37-18399	37-18414	37-20243

Exhibit 2

Exhibit 2

APR-28-2006 FRI 02:54 PM BLM IDAHO FALLS/DO

FAX NO. 208 524 7505

P. 15

DATE	TIME	FILE	NO.

FEB 07 2002

LEO AMY & SONS
 VA RANCH
 1398 HWY 22-33
 HOWE, IDAHO 83244

Mr. Norman M. Semanko
 Barker, Rosholt & Simpson, LLP
 P.O. Box 2139
 Boise, Idaho 83701-2139

February 1, 2002

Dear Sirs:

We understand that you have filed objections to all stockwater claims in Deep Creek Pipeline: Water Right #33-07125 (3303488030) and Sheep Spring Pipeline: Water Right #33-02145 (3303488003). Since your objections were filed for your clients with ranches and federal grazing permits located entirely south of the Snake River and you do not run cattle or sheep in these allotments we are requesting that you withdraw all your objections to all BLM water claims on public land within out grazing allotments. The BLM were within their rights to make these stockwater right filings on water appurtenant to the public land. The BLM stockwater claims were made in behalf of, and for the benefit of, those of us who are permitted to graze livestock on BLM ground. By making those water claims the BLM has saved us much money, time and effort and made it possible for us to make a living in the livestock industry. We consider this as part of Idaho's economy.

It is hard enough for small operations such as ours without having to fight other ranchers. We are all in this business together and should try to co-operate with one another.

Exhibit 2

Sincerely,

Leo D. Amy
Kelly Amy
Don L. Amy

cc: IDMR, BLM, U.S. Department of Interior, U.S. Dept. of Justice, Snake River Adjudication Court

Exhibit 2

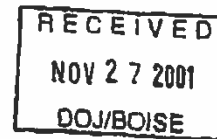
NOV-27-01 10:23 FROM: CACI INC

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PICABO LIVESTOCK CO.

Box 688
 Picabo, Idaho 83348
 ph 208-788-3530
 fax 208-788-0214



November 25, 2001

Mr. Norman M. Semanko
 Barker, Rosholt & Simpson, LLP
 P.O. Box 2139
 Boise, Idaho 83701-2139

Re: Withdrawal of objections to federal stockwater claims in my BLM grazing allotments.

Dear Mr. Semanko

I understand that you filed objections to all BLM stockwater claims in Water Basin 37. Those objections were filed on behalf of your clients whose livestock operations are headquartered and located entirely south of the Snake River. I don't think any of them run cattle or sheep on land managed by the Shoshone BLM Office.

I understand that you also filed responses to BLM's objections to private-party claims on BLM land in Water Basin 37. You filed a response to BLM's objection to my water right claim number 37-12014. I worked with the BLM and other officials to correct some errors in that water right filing and I am satisfied with the result. You withdrew that response after the BLM and I agreed on the changes. I appreciate your withdrawal.

By this letter I am requesting that you also immediately withdraw all your objections to all BLM water claims on public land within my grazing allotments. The BLM rightly made those stockwater right filings on waters appurtenant to the public land. The BLM stockwater claims were made in behalf of, and for the benefit of, those of us who are permitted to graze livestock on BLM ground. By making those water claims the BLM also saved me money, time, and effort.

I do not wish to be involved in legal maneuvering in my grazing areas. The Shoshone BLM people have worked well with our ranch for many years and I appreciate that. I have no dispute with them about water rights or any other issues concerning our grazing lands. I asked them for a list of all the BLM water right claims for stockwater in the grazing allotments where I plan to continue to run livestock and I have included that list as part of this letter. Again, I ask that you immediately withdraw your objections for each of the water right numbers shown on that lists and that you provide me documented written proof that you have complied with this Request.

Sincerely,

L. N. (Bud) Purdy

cc: IDWR, BLM, U.S. Depart of Interior, U.S. Depart of Justice, Snake River Adjudication Court

NOV-27-01 10:24 FROM: CACI INC

ID: 208 387 0842

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**Picabo Livestock Company Grazing Allotments
With Public Land Water Right Claims For Stockwater
Made By The United States, Department of Interior,
Bureau Of Land Management**

TIMBER GULCH ALLOTMENT, No. 80209

37-14482
37-17321

KENT CANYON ALLOTMENT, No. 80214

37-14584	37-14596	37-14645
37-14585	37-14598	37-14652
37-14587	37-14633	37-14653
37-14588	37-14634	37-14654
37-14589	37-14635	37-16621
37-14590	37-14637	37-16623
37-14591	37-14640	37-16635
37-14592	37-14641	37-16637
37-14594	37-14643	37-16891

POISON CREEK ALLOTMENT, No. 80215

37-02927	37-14706	37-16647
37-07961	37-14709	37-17304
37-14683	37-14713	37-17305
37-14687	37-14718	37-17362
37-14691	37-14720	37-17363
37-14692	37-14721	37-17364
37-14694	37-14731	37-17366
37-14695	37-14734	37-20146
37-14704	37-16645	

SCATTERED TRACTS ALLOTMENT, No. 80239

37-14630	37-14665
37-14632	37-16926
37-14633	37-16931
37-14647	

Exhibit 2

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ID: 208 387 0842

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PICABO ALLOTMENT, No. 80601

37-02873	37-15826	37-20121
37-02990	37-15840	37-20126
37-03019	37-15841	37-20128
37-03043	37-15846	37-20136
37-03107	37-15847	37-20139
37-03117	37-16531	37-20214
37-03137	37-20080	37-20264

TIMMERMAN HILLS ALLOTMENT, No. 80605

37-03020	37-14344	37-15105	37-16517
37-03067	37-14345	37-15113	37-16707
37-07968	37-15067	37-15126	37-16721
37-08026	37-15068	37-15127	37-17203
37-08027	37-15069	37-15131	37-17290
37-08028	37-15093	37-15160	37-20084
37-08029	37-15098	37-15172	37-20167
37-08030	37-15102	37-15549	

LEDUC CANYON ALLOTMENT, No. 80612

37-03117
37-20128

Exhibit 2

P.2

[illegible]

Dear Mr. Semanko:

It has come to our attention that you have filed objections to four federal stock water claims in Water Basin 33. We are asking that you withdraw all of your objections to the BLM water claims on BLM land in our Squaw Creek, Bell Mountain, Uncle Ike and Warm Springs allotments.

We have had a good working relationship with the Bureau of Land Management with regards to stock water claims for many years, and we see no reason to change our current arrangement. The current federal stock water claims arrangement is efficient and saves us the time and effort that would be required to handle our own claims.

The following page contains a detailed list of water rights that we are requesting to be withdrawn from your objection.

Sincerely,

Rocky Ross
Rocky Ross

Keith Waymire
Keith Waymire

cc: Idaho Department of Water Resources, Bureau of Land Management, U. S. Department of Interior, U. S. Department of Justice, Snake River Adjudication Court

Exhibit 2

FEB 20 '02 01:01PM BLM IDAHO FALLS

P.3

- 2 -

February 6, 2002

**Little Lost River Permittees Grazing Allotments
With Public Land Water Right Claims For Stock Water
Made By The Bureau Of Land Management**

Squaw Creek Allotment, No. 02011

33-07070
(3303488021)

Bell Mountain Allotment, No. 02015

33-07125
(3303488030)

Uncle Ike Allotment, No. 02006

33-07095
(3303488028)

Warm Springs, No. 02012

33-02145
(3303488003)

Exhibit 2

Exhibit 2

BERT L. & DORIS F. HATCH
 HC 62 BOX 2180
 MAY, IDAHO 83253-9603
 (208) 876-4422

Feb. 8 2002

Mr. Norman M. Semanko
 Barker, Rosholt & Simpson, LLP
 P.O. Box 2139
 Boise, Idaho 83701-2139

Re: Withdrawal of objections to Federal stockwater claims in my BLM grazing allotments.

Dear Mr. Semanko,

~~*****~~ We understand that you filed objections to all BLM stockwater claims in Water Basin 33. By this letter we request that you immediately withdraw all your objections to all water on Federal lands within our grazing allotments. We do not wish to be involved in legal maneuvering in these areas. We ask that you immediately withdraw your objections for each of the water right numbers listed below and you provide us with documented written proof that you have complied with this request.

SUMMIT CREEK ALLOTMENT
 33-02146
 33-10660
 33-10646
 33-10670
 33-10811
 33-10924
 33-10927
 33-10928

DONKEY HILLS ALLOTMENT
 33-10924
 33-10925
 33-10926

Exhibit 2

Sincerely,

Bert L Hatch

Bert L. Hatch

Exhibit 2

APR-28-2006 FRI 02:56 PM BLM IDAHO FALLS/DO

FAX NO. 208 524 7505

P. 24

Kirk Webb & Tom Webb
1742 E. 2900 S.
Wendell, Id 83355

January 8, 2002

Mr. Norman M. Semanko
Barker, Rosholt & Simpson, LLP
P.O. Box 2139
Boise, Idaho 83701-2139

Re: Withdrawal of objections to federal stockwater claims in our Forest Service grazing allotments.

Dear Mr. Semanko

We understand that you filed objections to all Forest Service stockwater claims in Water Basin 37. Those objections were filed on behalf of your clients whose livestock operations are headquartered and located entirely south of the Snake River. By this letter we are requesting that you immediately withdraw all your objections to all Forest Service water claims on public land within our grazing allotments. We do not wish to be involved in legal maneuvering in our grazing areas. We ask that you immediately withdraw your objections for each of the water right numbers shown on the list and that you provide us documented written proof that you have complied with this request.

Sincerely,

Kirk Webb

Exhibit 2

Tom Webb

Forest Service water rights claim #s.

37-13643	37-13651
37-13652	37-13675
37-13676	37-13682
37-13693	37-13696
37-13697	37-13698
37-13709	37-13700
37-13701	37-13702
37-13705	37-13719
37-19855	37-19856
37-19873	37-19876
37-19905	37-19933
37-19934	

to: IDWR, U.S. Dept. of Interior, U.S. Dept. of Justice,
Snake River Adjudication Court

Exhibit 2

APR-28-2006 FRI 02:53 PM BLM IDAHO FALLS/DO

FAX NO. 208 524 7505

P. 06

Pass Creek Cattle Association
C/O Harry Crawford
3384 W 3800 N
Moore, Idaho 83255

February 27, 2002

Mr. Norman M. Semanko
Barker, Rosholt & Simpson, LLP
P.O. Box 2139
Boise, Idaho 83701-2139

Mr. Tolson			
Mr. Ladd			
Mr. Nichols			
Mr. Belmont			
Mr. Mohr			
Mr. DeLoach			
Mr. Casper			
Mr. Callahan			
Mr. Conrad			
Mr. Felt			
Mr. Gale			
Mr. Rosen			
Mr. Sullivan			
Mr. Tavel			
Mr. Trotter			
Tele. Room			
Mr. Holloman			
Miss Gandy			

RECEIVED - IDAHO FALLS OFFICE

MAR 12 2002 BLM

Re: Withdrawal of objection to federal stockwater claim in our BLM grazing allotment.

Dear Mr. Semanko:

We understand that you filed objections to various stockwater claims in Water Basins 37 and 34. One of these claims is on our BLM grazing allotment. Since this objection was filed for your clients whose operations are located south of the Snake River and who have no dealings on our allotment, we are requesting that you immediately withdraw all your objections to our BLM stockwater right #33-07070 (3303488021). This water right was legally filed and approved without objection with the Idaho Department of Water Resources, by the BLM. Please immediately send us at the above address written documented proof that you have withdrawn your objection to this stockwater right.

Sincerely,

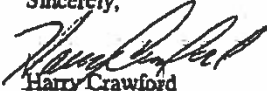

Harry Crawford
Secretary

Exhibit 2

Cc: IDWR, BLM, U.S. Department of Interior, U.S. Department of Justice, Snake River Adjudication Court

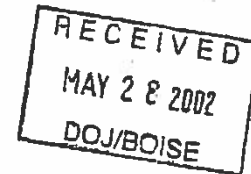
Exhibit 2

MAY-01-06 05:57 FROM: CACI INC

ID: 208 387 0842

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Lava Lake Land & Livestock, L.L.
 3485 Sacramento Street
 San Francisco, California 94118
 (415) 292-1764
 FAX: (415) 292-1766



May 16, 2002

Mr. Norman M. Semanko
 Barker, Rosholt & Simpson, LLP
 P.O. Box 2139
 Boise, Idaho 83701-2139

37 - 02816

Re: Withdrawal of objections to federal stockwater claims in Lava Lake's BLM grazing allotments

Dear Mr. Semanko:

I understand that you have filed objections to all BLM stockwater claims in Water Basin 37. These objections were filed on behalf of your clients whose livestock operations are headquartered and located entirely south of the Snake River. I am not aware that any of your clients run livestock on land managed by the Shoshone BLM Office and I am confident that none of them have grazing privileges in any of the allotments in which we operate.

I request that you withdraw all your objections to all BLM water claims on public land within my grazing allotments. The BLM rightly made those stockwater right filings on waters appurtenant to public land. The BLM stockwater claims were on behalf of, and for the benefit of, those of us who are permitted to graze livestock on BLM ground. By making those water claims the BLM also saves me money, time and effort.

Exhibit 2

I do not wish to be involved in legal maneuvering in my allotments. The Shoshone BLM professionals are working constructively with Lava Lake. They have worked vigorously to transfer AUMs relating to numerous recent transactions and their responsiveness in other matters has been commendable. I have no dispute with them about water rights nor am I aware of any other points of disagreement between Lava Lake and BLM concerning our grazing lands. I have asked them for a list of the BLM water right claims for stockwater in the allotments where we currently have grazing privileges and to which you object and I have included that list with this letter. Again, I ask that you withdraw your objections for each of the water rights identified numerically on that list.

Sincerely,

Brian S. Bean

cc: IDWR, BLM, U.S. Department of Justice, Snake River Basin Adjudication Court
 Office of Idaho Attorney General (2)

enclosure

MAY-01-06 06:57 FROM: CACI INC

ID: 208 397 0842

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**Lava Lake Land & Livestock Grazing Allotments
With Public Land Water Right Claims For Stockwater
Made By The United States, Department of Interior,
Bureau of Land Management**

KENT CANYON ALLOTMENT, No. 80214

37-16633

UPPER ROCK CREEK ALLOTMENT, No. 80219

37-03101	37-14946	37-14952	37-14962	37-16508
37-07975	37-14947	37-14954	37-14965	37-16665
37-14931	37-14949	37-14955	37-14966	37-16667
37-14943	37-14950	37-14959	37-14984	37-17212
37-14945	37-14951	37-14961	37-14987	37-17215

SOUTH EAST FORK ALLOTMENT, No. 80227

37-15250	37-15253	37-17053
37-15252	37-15254	37-17054

INDIAN CREEK ALLOTMENT, No. 80228
Exhibit 2

37-14819	37-15258	37-16655	37-19165
37-14832	37-16653	37-17082	37-20140

QUIGLEY ALLOTMENT, No. 80229

37-14842	37-15285	37-16737	37-20036	37-20039
37-14852	37-15286	37-17103	37-20037	37-20040
37-15275	37-15289	37-20035	37-20038	37-20041

UPPER SLAUGHTERHOUSE ALLOTMENT, No. 80232

37-15299
37-15300
37-15301
37-20043

Exhibit 2

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WEST FORK FISH CREEK ALLOTMENT, No. 80321

37-16086
 37-16087
 37-16108
 37-20064

UPPER FISH CREEK ALLOTMENT, No. 80332

37-16252
 37-16253
 37-16254
 37-16885

IRON MINE ALLOTMENT, No. 80333

37-16255	37-16291	37-16837	37-17061
37-16256	37-16296	37-16839	37-17169
37-16257	37-16315	37-16843	37-17170
37-16258	37-16317	37-16845	37-20053
37-16265	37-16547	37-16847	37-20160
37-16266	37-16835	37-16849	37-20161
37-16267			
37-16269			
37-16273			
37-16274			
37-16275			
37-16286			

Exhibit 2

LAVA LAKE ALLOTMENT, No. 80334

37-16323	37-16332	37-16345	37-16375	37-17065
37-16325	37-16333	37-16347	37-16423	37-17070
37-16326	37-16335	37-16349	37-17063	37-20059
37-16327				

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COTTONWOOD ALLOTMENT, No. 80335

37-16300	37-16331	37-16438	37-16447	37-17062
37-16305	37-16367	37-16440	37-16449	37-17067
37-16306	37-16431	37-16442	37-16460	37-17068
37-16308	37-16433	37-16444	37-16461	37-17069
37-16328	37-16434	37-16445	37-16466	37-20055
37-16330	37-16436	37-16446	37-17002	37-20058

RICHFIELD ALLOTMENT, No. 80603

37-03068
37-03070
37-04205
37-15173
37-20166

TIMMERMAN HILLS ALLOTMENT, No. 80605

37-15107

LADLAW PARK ALLOTMENT, No. 80706

37-02835
37-03088
37-03096
37-07966
37-07972

Exhibit 2

WILDHORSE ALLOTMENT, No. 80711

37-02816	37-02861	37-03097	37-15865	37-20154
37-02819	37-02862	37-03115	37-15866	37-20155
37-02822	37-02863	37-03116	37-15867	37-20159
37-02828	37-02883	37-04214	37-17309	37-20162
37-02857	37-02905	37-04216	37-17310	37-20168
37-02858	37-02972	37-07970	37-17311	37-20169
37-02859	37-03093	37-07974	37-17312	
37-02860	37-03094	37-15864	37-20153	

KIMAMA ALLOTMENT, No. 80713

37-02902

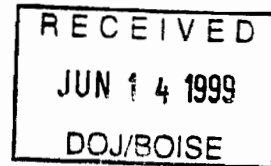
EXHIBIT 3

Exhibit 3

					Objectors																		
					Objector	Federal Stockwater Group							Objectors				Settlements						
						Pickett Ranch & Sheep Co	Western Stockgrowers Assoc	Joe Tugaw	Michael Poulton	Gary Poulton	Karl Bedke	Scott Bedke	Bruce Bedke	Jared Bedke	Jerry Hoagland	Joyce Livestock Co	State of ID	State of ID	State of ID	FSG	Bedke (B&J), Hoagland, Joyce	Decree Issued	Amended Decree Issued
					State																		
					AG	Semanko	Semanko	Semanko	Semanko	Semanko	Semanko	Semanko	Semanko	Semanko	Semanko	Semanko	Stip	Stip	Stip	Stip	Withdraw		
1		1	Crane Creek	67-12395	6/2/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	3/11/2003			8/29/2002	8/29/2002	5/6/2004	
2		2	Crane Creek	67-12396	6/2/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	3/11/2003			8/29/2002	8/29/2002	5/6/2004	
3		3	Crane Creek	67-12399	6/2/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	3/11/2003			8/29/2002	8/29/2002	5/6/2004	
4		4	Crane Creek	67-12400	6/2/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	3/11/2003			8/29/2002	8/29/2002	5/6/2004	
5		5	Crane Creek	67-12401	6/2/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	3/11/2003			8/29/2002	8/29/2002	5/6/2004	
6		6	Crane Creek	67-12740	6/2/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	3/11/2003			8/29/2002	8/29/2002	5/6/2004	
7		7	Crane Creek	67-12741	6/2/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	3/11/2003			8/29/2002	8/29/2002	5/6/2004	
8		8	Crane Creek	67-12743	6/2/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	3/11/2003			8/29/2002	8/29/2002	5/6/2004	
9		9	Crane Creek	67-12744	6/2/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	3/11/2003			8/29/2002	8/29/2002	5/6/2004	
10		10	Crane Creek	67-12745	6/2/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	3/11/2003			8/29/2002	8/29/2002	5/6/2004	
11		11	Crane Creek	67-12746	6/2/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	3/11/2003			8/29/2002	8/29/2002	5/6/2004	
12		12	Crane Creek	67-12747	6/2/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	3/11/2003			8/29/2002	8/29/2002	5/6/2004	
13		13	Crane Creek	67-12748	6/2/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	3/11/2003			8/29/2002	8/29/2002	5/6/2004	
14		14	Crane Creek	67-12749	6/2/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	3/11/2003			8/29/2002	8/29/2002	5/6/2004	
15		15	Crane Creek	67-12750	6/2/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	3/11/2003			8/29/2002	8/29/2002	5/6/2004	
16		16	Crane Creek	67-12753	6/2/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	3/11/2003			8/29/2002	8/29/2002	5/6/2004	
17		17	Crane Creek	67-12754	6/2/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	3/11/2003			8/29/2002	8/29/2002	5/6/2004	
18		18	Crane Creek	67-13008	6/2/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	3/11/2003			8/29/2002	8/29/2002	5/6/2004	
19		19	Crane Creek	67-13009	6/2/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	3/11/2003			8/29/2002	8/29/2002	5/6/2004	
20		20	Crane Creek	67-13010	6/2/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	3/11/2003			8/29/2002	8/29/2002	5/6/2004	
21		21	Crane Creek	67-13013	6/2/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	3/11/2003			8/29/2002	8/29/2002	5/6/2004	
22		22	Crane Creek	67-13140	6/2/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	3/11/2003			8/29/2002	8/29/2002	5/6/2004	
23		1	Paddock Valley	65-19685	8/5/1998													6/11/1999	7/1/1999			1/3/2000	
24		2	Paddock Valley	65-20003	8/5/1998														7/1/1999			1/3/2000	
25		3	Paddock Valley	65-20010	8/5/1998														7/1/1999			1/3/2000	
26		4	Paddock Valley	65-20011	8/5/1998														7/1/1999			1/3/2000	
27		5	Paddock Valley	65-20012	8/5/1998														7/1/1999			1/3/2000	
28		6	Paddock Valley	65-20015	8/5/1998														7/1/1999			1/3/2000	
29		7	Paddock Valley	65-20390	8/5/1998														7/1/1999			1/3/2000	
30		8	Paddock Valley	65-20464	8/5/1998														7/1/1999			1/3/2000	
31		9	Paddock Valley	65-20468	8/5/1998														7/1/1999			1/3/2000	
32		10	Paddock Valley	65-20475	8/5/1998														7/1/1999			1/3/2000	
33		11	Paddock Valley	65-20476	8/5/1998														7/1/1999			1/3/2000	
34		12	Paddock Valley	65-20477	8/5/1998														7/1/1999			1/3/2000	
35		13	Paddock Valley	65-20479	8/5/1998														7/1/1999			1/3/2000	
36		14	Paddock Valley	65-20480	8/5/1998														7/1/1999			1/3/2000	
37		15	Paddock Valley	65-20487	8/5/1998														7/1/1999			1/3/2000	
38		16	Paddock Valley	65-20488	8/5/1998														7/1/1999			1/3/2000	
39		17	Paddock Valley	65-20489	8/5/1998														7/1/1999			1/3/2000	
40		18	Paddock Valley	65-20597	8/5/1998														7/1/1999			1/3/2000	
41	1	19	Paddock Valley	67-12751	6/2/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	3/11/2003			8/29/2002	8/29/2002	5/6/2004	
42	2	20	Paddock Valley	67-12752	6/2/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	3/11/2003			8/29/2002	8/29/2002	5/6/2004	
43	3	21	Paddock Valley	67-12775																			

Exhibit 3

				Objectors																			
				Objector	Federal Stockwater Group						Objectors				Settlements								
					Pickett Ranch & Sheep Co	Western Stockgrow ers Assoc	Joe Tugaw	Michael Poulton	Gary Poulton	Karl Bedke	Scott Bedke	Bruce Bedke	Jared Bedke	Jerry Hoagland	Joyce Livestock Co	State of ID	State of ID	State of ID	FSG	Bedke (B&J), Hoagland, Joyce	Decree Issued	Amended Decree Issued	
				State																			
				AG	Semanko	Semanko	Semanko	Semanko	Semanko	Semanko	Semanko	Semanko	Semanko	Semanko	Semanko	Semanko	Stip	Stip	Stip	Stip	Withdraw		
44	4	22	Paddock Valley	67-12809	6/2/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	3/11/2003			8/29/2002	8/29/2002	5/6/2004		
45	5	23	Paddock Valley	67-12810	6/2/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	3/11/2003			8/29/2002	8/29/2002	5/6/2004		
46	6	24	Paddock Valley	67-12841	no	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	n/a			8/29/2002	8/29/2002	3/20/2003		
47	7	25	Paddock Valley	67-13085	6/2/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	3/11/2003			8/29/2002	8/29/2002	11/16/2004		
48	8	26	Paddock Valley	67-13086	6/2/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	3/11/2003			8/29/2002	8/29/2002	5/6/2004	3/10/2010	
49	9	27	Paddock Valley	67-13141	6/2/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	3/11/2003			8/29/2002	8/29/2002	5/6/2004		
50	10	28	Paddock Valley	67-13142	6/2/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	3/11/2003			8/29/2002	8/29/2002	5/6/2004		
51	11	29	Paddock Valley	67-13147	6/2/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	3/11/2003			8/29/2002	8/29/2002	5/6/2004		
52	12	30	Paddock Valley	67-13148	6/2/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	3/11/2003			8/29/2002	8/29/2002	5/6/2004		
53	1		China Creek	79-11372	6/8/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	3/11/2003			8/29/2002	8/29/2002	6/3/2004		
54	2		Butcher Bar	79-11373	6/8/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	3/11/2003			8/29/2002	8/29/2002	6/3/2004		
55	3		China Creek	79-11374	6/8/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	3/11/2003			8/29/2002	8/29/2002	6/3/2004		
56	4		China Creek	79-11376	6/8/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	3/11/2003			8/29/2002	8/29/2002	6/3/2004		
57	5		Butcher Bar	79-11756	6/8/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	9/17/1999	3/11/2003			8/29/2002	8/29/2002	6/3/2004		
					6/11/1999	Stipulation to Resolve Objection w/State of Idaho																	
					7/1/1999	Stipulation to Resolve Subcases w/State of Idaho																	
					8/29/2002	Stipulation resolving FSG objections																	
					8/29/2002	Notice of Withdrawal of Objections f/b Semanko on behalf of FSG																	
					8/29/2002	Notice of Withdrawal of Objections f/b Semanko on behalf of Bedke (Bruce & Jared), Hoagland, Joyce Livestock																	
					3/11/2003	Stipulation resolving State of Idaho objections (acting in its Sovereign and proprietary capacities)																	
					6/30/2001	65-20003: Motion to Set-Aside Partial Decree and to File Late Objection fb A.L. Cattle																	
					1/31/2001	65-20003: Order on Motion (f/b A.L. Cattle) to Set Aside [BLM] Partial Decrees and Late Objections (denied)																	
					7/27/2001	65-20003: Order Denying [A.L. Cattle] Motion for Reconsideration																	

Exhibit 3**Names of Parties Filing Document:**

UNITED STATES OF AMERICA

STATE OF IDAHO

Attorneys' Names and Addresses:

LOIS J. SCHIFFER
Assistant Attorney General
Environment and Natural
Resources Division

ALAN G. LANCE
Attorney General

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Ph: (208) 334-2400
FAX: (208) 334-2690

**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

) Consolidated Subcase Numbers 23-10859,
) 24-10221, 25-13659, 27-11604, and 65-
) 19685
)

Case No. 39576

) **STIPULATION TO RESOLVE**
) **OBJECTIONS**
)

Descriptive Summary

This is the United States' and the State of Idaho's global stipulation to resolve
objections filed to the above referenced subcases, and similar objections in 34 other sub-basins.

Exhibit 3**Stipulation**

WHEREAS, the United States of America has filed claims in the Snake River Basin Adjudication ("SRBA") on behalf of the United States Bureau of Land Management (BLM) for water rights whose purpose of use is livestock watering (these claims are referred to as "BLM stock watering claims" in this agreement);

WHEREAS, the United States of America has asserted BLM stock watering claims in the SRBA based upon the state law of prior appropriation and, for certain springs and water holes, alternatively based on the federal reserved water rights doctrine, asserting that the right is needed to fulfill the purposes of the Executive Order of April 17, 1926, commonly known as Public Water Reserve No. 107 ("PWR 107");

WHEREAS, Claimant, the United States of America, and Objector, the State of Idaho, acting in its sovereign and proprietary capacities, collectively "the Parties," enter into this stipulation to resolve all objections brought by the State of Idaho to the claims made by the United States, on behalf of the BLM, based upon the state law of prior appropriation;

WHEREAS, the Parties agree that the United States, acting on behalf of the BLM or other such agency, may appropriate a stock water right in its own name, pursuant to State law;

WHEREAS, the Parties acknowledge that final resolution of the State's objections to claims to springs and water holes made by the United States, on behalf of the BLM, based upon the state law of prior appropriation and alternatively upon PWR 107, must await ultimate determination of pending issues regarding the application of PWR 107. The Parties may execute a similar agreement in the future regarding those claims that are based, alternatively, upon PWR 107;

Exhibit 3

WHEREAS, the Parties, through their authorized representatives, have reached a settlement which they consider to be a just, fair, adequate, and equitable resolution of the disputes set forth in the objections;

WHEREAS, the Parties desire to avoid the costs, delay, and uncertainties of litigation and to resolve the controversies between them;

WHEREAS, The Parties agree that settlement of these objections in this manner is in the public interest and is an appropriate way to resolve the dispute between them;

**THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE AS
FOLLOWS:**

1. The priority dates for the United States' BLM stock watering claims referenced in the above caption, made on behalf of the USBLM pursuant to state law and objected to by the State of Idaho, shall be June 28, 1934, subject to the exceptions in paragraphs 3 and 4, below.
2. The priority dates for the BLM stock watering claims made pursuant to state law in SRBA sub-basins 1, 2, 3, 21, 22, 23, 24, 25, 27, 29, 31, 32, 33, 37, 41, 43, 45, 47, 63, 65, 67, 69, 73, 74, 75, 77, 78, 79, 81, 82, 83, 84, 85, and 86, shall be June 28, 1934, subject to the exceptions in paragraphs 3 and 4, below, and further subject to resolution of any objections that have been, or may be filed by any other parties in the SRBA..
3. For any claim referenced in paragraphs 1 and 2 above, the State of Idaho agrees that the United States may be decreed a water right pursuant to the state law of prior appropriation with a priority date earlier than June 28, 1934, if the United States provides evidence that the claimed water right was acquired from a third party, with a priority date

Exhibit 3

earlier than June 28, 1934, through purchase, exchange, gift or other means and that the water right was acquired and maintained in accordance with all applicable state laws. The District Court of the SRBA, or other successor court with jurisdiction over the claims made within the SRBA shall, at trial if necessary, ultimately determine whether the United States has provided sufficient proof that the claimed water right was so acquired and is a valid water right.

4. The Parties recognize that certain BLM stock watering claims referenced in paragraph 2 above are claimed under the state law of prior appropriation and have previously been licensed or permitted by the State, pursuant to I.C. § 42-202 and/or I.C. § 42-501. The Parties agree that the priority date for these licensed or permitted claims shall not change.
5. The stipulated change to priority date described in paragraphs 1 and 2 above resolves all pending objections by the State of Idaho to the state law basis for these water right claims.
6. The Parties recognize that certain BLM stock watering claims referenced in paragraphs 1 and 2 above are claimed under the state law of prior appropriation and alternatively under the federal reserved water rights doctrine, with the United States asserting that the rights are needed to fulfill the purposes of the Executive Order of April 17, 1926, commonly known as Public Water Reserve No. 107. The Parties agree that all claims and pending objections to water rights based on federal law are unaffected by this agreement.

Accordingly, this agreement is not intended to alter the claimed priority of April 17, 1926 for BLM stock watering claims asserted under the federal reserved rights doctrine, or the United States' ability to pursue BLM claims to water rights based on federal reserved rights doctrine.

Exhibit 3

7. The Parties recognize that certain water right claims referenced in paragraphs 1 and 2 are based solely on state law. These claims are further identified as "in-stream" claims with beginning and ending points of diversion. The Parties agree to begin immediately drafting and executing [a] Standard Form(s) No. 5 resolving objections to all such rights, consistent with this agreement. The Parties further agree that such rights, where the United States and the State of Idaho are the only Parties, may and should be recommended for partial decree.
8. The Parties agree to act in good faith to effect the terms of this stipulation and in the timely submission of all Standard Forms No. 5, motions or stipulations.
9. The State of Idaho, acting in its sovereign and/or proprietary capacity, covenants not to pursue or prosecute either its own or other parties' objections to claims to stock water based upon state law filed by the United States by and through the Bureau of Land Management in the SRBA, except in the limited circumstances where there exists a specific dispute of a specific fact(s) regarding an element(s), as set forth in I.C. § 42-1411 (2)(a-k), of a particular claim. Such limited circumstances include, but are not limited to, situations where the State of Idaho, acting in its sovereign and/or proprietary capacity, obtains knowledge that a specific element, such as place of use, point of diversion or quantity does not accurately reflect how the water is actually used. A second example would be where the State of Idaho, acting in its sovereign and/or proprietary capacity, obtains knowledge of facts that show that cattle did not use or have not used a claimed water source during the period of time claimed. Under such limited circumstances, the State of Idaho may object and assert that a priority date may be later than June 28, 1934,

Exhibit 3

notwithstanding paragraphs 1 and 2. The State of Idaho's agreement to forego future objections, except under such limited circumstances, is restricted solely to state law based stockwater claims made by the United States by and through the Bureau of Land Management. The United States does not hereby waive any defenses to these or any other future objections.

10. The Parties agree to jointly support and defend this agreement against any and all objections or other challenges that may arise in any phase of the SRBA, including any appeals. If the Court fails to allow this agreement to be fully implemented, then this agreement is voidable by either party.
11. This stipulation was reached through good faith negotiations for the purpose of resolving legal disputes, including pending litigation, and the Parties agree that no offers and/or compromises made in the course thereof shall be construed as admissions against interest. This agreement does not create a precedent for settlement of any other disputes or objections in the Snake River Basin Adjudication or any other case or controversy. This agreement shall not be construed as representing a position of the United States or the State of Idaho, factual or legal, for any case or controversy other than those subcases and controversies addressed in this agreement. This agreement shall not be used in any manner, by, for or against the United States, State of Idaho, or any other person or entity in the Snake River Basin Adjudication or any other case or controversy other than those subcases and controversies addressed in this agreement.
12. The Parties agree to bear their own costs and attorneys' fees in connection with this matter.

Exhibit 3

CLAIMANT:

United States of America, acting on behalf
of the United States Bureau of Land
Management.

Signed: 

Attorney of Record

Dated: 6/10/99

OBJECTOR:

State of Idaho, acting in its sovereign
and proprietary capacities.

Signed: 

Attorney of Record

Dated: 6/11/99

**The United States Bureau of Land
Management.**

Signed: 

Dated: June 11, 1999

Exhibit 3

CERTIFICATE OF SERVICE

I certify that on June 11, 1999, I served a true and correct copy of fore-going **Stipulation to Resolve Objections** upon the following individuals by placing the document in the United States Mail, postage paid, and addressed as follows:

U.S. Department of Justice
General Litigation Section
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

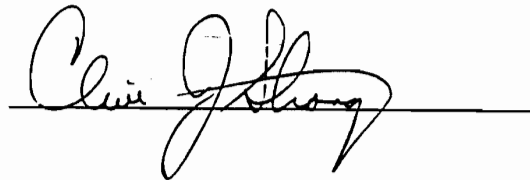
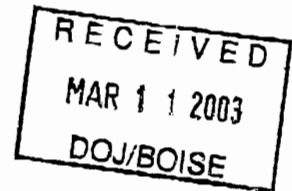
A handwritten signature in cursive script, appearing to read "Claire Johnson", is written over a horizontal line.

Exhibit 3

FILE



Names of Parties Filing Document:

STATE OF IDAHO

UNITED STATES OF AMERICA

Attorney's Names and Address:

LAWRENCE G. WASDEN
Attorney General

THOMAS L. SANSONETTI
Assistant Attorney General
Environment and Natural
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CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

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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

Subcase Nos. See Exhibits A and B

37-00809

STIPULATION TO RESOLVE OBJECTIONS

Case No. 39576

STIPULATION

WHEREAS, the United States of America has filed claims in the Snake River Basin
Adjudication ("SRBA") on behalf of the United States Bureau of Land Management ("BLM")

Stipulation to Resolve Objections

COPY

Page - 1 of 4

PAGE 12/39 ID: 208 387 0842

OCT-25-05 11:15 FROM: CACT INC

Exhibit 3

For water rights whose purpose of use is livestock watering (these claims are referred to as "BLM stock watering claims" in this stipulation);

WHEREAS, the United States of America has asserted BLM stock watering claims in the SRBA based upon the state law of prior appropriation and for certain springs and water holes, alternatively based on the federal reserved water rights doctrine, asserting that the right is needed to fulfill purposes of the Executive Order of April 17, 1926, commonly known as Public Water Reserve No. 107 ("PWR 107");

WHEREAS, the United States of America and certain other claimants entered into a STIPULATION AND JOINT MOTION FOR ORDER APPROVING STIPULATION on or about August 28, 2002 (this stipulation is referred to as the "PRIVATE WATER USERS' STIPULATION");

WHEREAS, the State of Idaho does not desire to impede the settlement reached in the PRIVATE WATER USERS' STIPULATION reached above; and

WHEREAS, the Parties agree that settlement of these objections in this manner is an appropriate way to resolve the dispute between them.

THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE AS FOLLOWS:

1. The State of Idaho withdraws its objections to those water rights designated in Exhibits A and B.
 2. This stipulation was reached through good faith negotiations for the purpose of resolving legal disputes, including pending litigation, and the Parties agree that no offers and/or compromises made in the course thereof shall be construed as admissions against interest.
- This stipulation does not create a precedent for settlement of any other disputes or

Exhibit 3

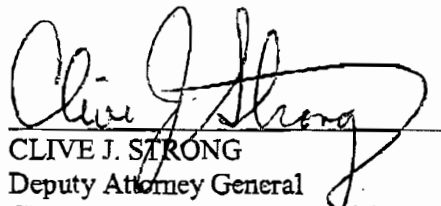
objections in the Snake River Basin Adjudication or any other case or controversy. This stipulation shall not be construed as representing a position of the United States or the State of Idaho, factual or legal, for any case or controversy other than those subcases and controversies addressed in this stipulation. This stipulation shall not be used in any manner by, for or against the United States, State of Idaho, or any other person or entity in the Snake River Basin Adjudication or any other case or controversy other than those subcases and controversies addressed in this stipulation.

3. The Parties agree to bear their own costs and attorney's fees in connection with this matter.

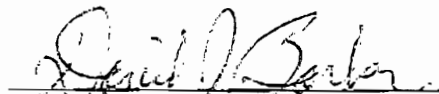
OBJECTOR:

State of Idaho, acting in its
Sovereign and proprietary
capacities

LAWRENCE G. WASDEN
ATTORNEY GENERAL


CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

3/7/2003
Date

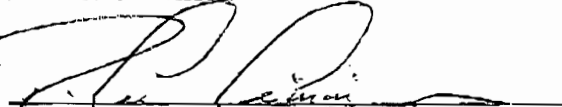

DAVID J. BARBER
Deputy Attorney General
Natural Resources Division

3/7/2003
Date

CLAIMANT:

United States of America, acting on behalf
Of the United States Bureau of Land
Management.

THOMAS L. SANSONETTI
Assistant Attorney General
Environment and Natural
Resources Division


R. LEE LEININGER
Attorney of Record
U.S. Department of Justice

3/5/03
Date

~~United States Bureau of Land Management~~

~~Date~~
~~Deleted by LJB~~
~~with permission from RLK~~
Page - 3 of 4 3/6/03

Stipulation to Resolve Objections

PAGE 14/39 ID:208 387 0842

Exhibit 3

CERTIFICATE OF SERVICE

I certify that on this 10th day of March, 2003, I mailed the original and copies of the STIPULATION TO RESOLVE OBJECTIONS, including all attachments, to the following persons by mailing the original and/or copies postage prepaid and addressed as follows by the methods indicated below:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

STATEHOUSE MAIL

Chief of Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

(not applicable)

United States Department of Justice
Environment and Natural Resource Division
550 W. Fort Street, MSC 033
Boise, ID 83724

U.S. MAIL

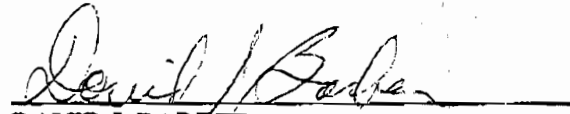

DAVID J. BARBER
Deputy Attorney General

Exhibit 3

EXHIBIT A

U.S. Claims on Permittees' Allotments

<u>BASIN 37</u>	37-02955 BLM	37-03058 BLM	37-04211 BLM
	37-02937 BLM	37-03059 BLM	37-04212 BLM
37-02809 BLM	37-02942 BLM	37-03065 BLM	37-04213 BLM
37-02811 BLM	37-02945 BLM	37-03084 BLM	37-04215 BLM
37-02813 BLM	37-02949 BLM	37-03085 BLM	37-04219 BLM
37-02817 BLM	37-02950 BLM	37-03086 BLM	37-04220 BLM
37-02821 BLM	37-02951 BLM	37-03111 BLM	37-04221 BLM
37-02830 BLM	37-02954 BLM	37-03113 BLM	37-04223 BLM
37-02836 BLM	37-02956 BLM	37-03118 BLM	37-04224 BLM
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37-02848 BLM	37-02966 BLM	37-03123 BLM	37-07129 BLM
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37-02867 BLM	37-02977 BLM	37-03127 BLM	37-07969 BLM
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37-02885 BLM	37-02981 BLM	37-03129 BLM	37-08018 BLM
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37-02887 BLM	37-03000 BLM	37-03134 BLM	37-08020 BLM
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37-02914 BLM	37-03003 BLM	37-03147 BLM	37-08023 BLM
37-02915 BLM	37-03004 BLM	37-03159 BLM	37-08024 BLM
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37-02922 BLM	37-03010 BLM	37-04182 BLM	37-08243 BLM
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37-02928 BLM	37-03023 BLM	37-04200 BLM	37-14397 BLM
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37-02930 BLM	37-03037 BLM	37-04206 BLM	37-14418 BLM
37-02934 BLM	37-03038 BLM	37-04207 BLM	37-14419 BLM
37-02935 BLM	37-03044 BLM	37-04209 BLM	37-14422 BLM
37-02936 BLM	37-03055 BLM	37-04210 BLM	37-14423 BLM

Stipulation and Joint Motion for Order Approving Stipulation - Exhibit A

Page 1

Exhibit 3

EXHIBIT A
U.S. Claims on Permittees' Allotments

37-14425 BLM	37-17332 BLM	37-17760 BLM	37-18225 BLM
37-14426 BLM	37-17396 BLM	37-17979 BLM	37-18226 BLM
37-14427 BLM	37-17616 BLM	37-17984 BLM	37-18228 BLM
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37-17222 BLM	37-17702 BLM	37-18102 BLM	37-18492 BLM
37-17223 BLM	37-17703 BLM	37-18103 BLM	37-18512 BLM
37-17225 BLM	37-17704 BLM	37-18117 BLM	37-18513 BLM
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37-17330 BLM	37-17740 BLM	37-18192 BLM	37-18527 BLM
37-17331 BLM	37-17742 BLM	37-18193 BLM	37-18529 BLM

Stipulation and Joint Motion for Order Approving Stipulation - Exhibit A

Page 2

Exhibit 3

EXHIBIT A
U.S. Claims on Permittees' Allotments

37-18532 BLM	37-18711 BLM	37-18835 BLM	37-19165 BLM
37-18533 BLM	37-18712 BLM	37-18840 BLM	37-19167 BLM
37-18534 BLM	37-18713 BLM	37-18845 BLM	37-19185 BLM
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37-18545 BLM	37-18734 BLM	37-18859 BLM	37-19215 BLM
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37-18609 BLM	37-18791 BLM	37-18912 BLM	37-19515 BLM
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37-18629 BLM	37-18814 BLM	37-18962 BLM	37-19520 BLM
37-18630 BLM	37-18818 BLM	37-18967 BLM	37-19521 BLM
37-18631 BLM	37-18822 BLM	37-18968 BLM	37-19524 BLM
37-18635 BLM	37-18824 BLM	37-18969 BLM	37-19525 BLM
37-18645 BLM	37-18826 BLM	37-18969 BLM	37-19530 BLM
37-18656 BLM	37-18826 BLM	37-18974 BLM	37-19531 BLM
37-18658 BLM	37-18827 BLM	37-19090 BLM	37-19532 BLM
37-18698 BLM	37-18827 BLM	37-19107 BLM	37-19533 BLM
37-18702 BLM	37-18833 BLM	37-19164 BLM	37-19534 BLM

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37-19535 BLM	37-20230 BLM	45-12083 USFS	45-12545 BLM
37-19536 BLM	37-20231 BLM	45-12084 USFS	45-12549 BLM
37-19538 BLM	37-20233 BLM	45-12085 USFS	45-12550 BLM
37-19539 BLM	37-20234 BLM	45-12086 USFS	45-12551 BLM
37-19540 BLM	37-20235 BLM	45-12087 USFS	45-12557 BLM
37-19547 BLM	37-20236 BLM	45-12088 USFS	45-12560 BLM
37-19590 BLM	37-20237 BLM	45-12089 USFS	45-12613 BLM
37-19597 BLM	37-20252 BLM	45-12090 USFS	45-12654 BLM
37-19600 BLM	37-20259 BLM	45-12091 USFS	45-12656 BLM
37-19616 BLM	37-20261 BLM	45-12092 USFS	45-12658 BLM
37-19629 BLM		45-12093 USFS	45-12672 BLM
37-19637 BLM	<u>BASIN 45</u>	45-12094 USFS	45-12675 BLM
37-19638 BLM		45-12096 USFS	45-12676 BLM
37-19639 BLM	45-02769 BLM	45-12097 USFS	45-12677 BLM
37-19640 BLM	45-02778 BLM	45-12098 USFS	45-12678 BLM
37-19642 BLM	45-02789 BLM	45-12099 USFS	45-12682 BLM
37-19644 BLM	45-02817 BLM	45-12101 USFS	45-12690 BLM
37-19645 BLM	45-02819 BLM	45-12105 USFS	45-12728 BLM
37-19646 BLM	45-02823 BLM	45-12106 USFS	45-12730 BLM
37-19649 BLM	45-07343 BLM	45-12107 USFS	45-12779 BLM
37-19650 BLM	45-07488 BLM	45-12108 USFS	45-12795 BLM
37-19651 BLM	45-07505 BLM	45-12109 USFS	45-12813 BLM
37-19652 BLM	45-07601 BLM	45-12111 USFS	45-12816 BLM
37-19670 BLM	45-07611 BLM	45-12112 USFS	45-12827 BLM
37-20046 BLM	45-11978 USFS	45-12113 USFS	45-12838 USFS
37-20047 BLM	45-12050 USFS	45-12114 USFS	45-12842 USFS
37-20050 BLM	45-12053 USFS	45-12116 USFS	45-12855 USFS
37-20051 BLM	45-12055 USFS	45-12127 USFS	45-12866 USFS
37-20097 BLM	45-12056 USFS	45-12162 USFS	45-12869 USFS
37-20148 BLM	45-12058 USFS	45-12218 USFS	45-12871 USFS
37-20188 BLM	45-12060 USFS	45-12243 USFS	
37-20189 BLM	45-12061 USFS	45-12280 USFS	<u>BASIN 47</u>
37-20191 BLM	45-12073 USFS	45-12468 BLM	
37-20192 BLM	45-12074 USFS	45-12511 BLM	47-08043 BLM
37-20207 BLM	45-12075 USFS	45-12521 BLM	47-14994 USFS
37-20209 BLM	45-12076 USFS	45-12524 BLM	47-14995 USFS
37-20212 BLM	45-12079 USFS	45-12525 BLM	47-14997 USFS
37-20220 BLM	45-12080 USFS	45-12526 BLM	47-14999 USFS
37-20221 BLM	45-12081 USFS	45-12541 BLM	47-15001 USFS
37-20224 BLM	45-12082 USFS	45-12543 BLM	47-15002 USFS

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47-15004 USFS	47-15132 USFS	47-16438 USFS	47-16692 USFS
47-15005 USFS	47-15135 USFS	47-16440 USFS	47-16693 USFS
47-15010 USFS	47-15136 USFS	47-16441 USFS	47-16694 USFS
47-15028 USFS	47-15137 USFS	47-16442 USFS	47-16702 USFS
47-15031 USFS	47-15138 USFS	47-16443 USFS	47-16704 USFS
47-15033 USFS	47-15139 USFS	47-16444 USFS	47-16710 USFS
47-15035 USFS	47-15140 USFS	47-16445 USFS	47-16721 USFS
47-15037 USFS	47-15142 USFS	47-16446 USFS	47-16722 USFS
47-15038 USFS	47-15143 USFS	47-16447 USFS	47-16923 BLM
47-15045 USFS	47-15144 USFS	47-16448 USFS	
47-15048 USFS	47-15146 USFS	47-16449 USFS	<u>BASIN 67</u>
47-15051 USFS	47-15147 USFS	47-16458 USFS	
47-15052 USFS	47-15148 USFS	47-16459 USFS	67-07076 BLM
47-15054 USFS	47-15149 USFS	47-16460 USFS	67-07080 BLM
47-15055 USFS	47-15151 USFS	47-16461 USFS	67-07086 BLM
47-15056 USFS	47-15152 USFS	47-16463 USFS	67-07091 BLM
47-15058 USFS	47-15153 USFS	47-16464 USFS	67-07095 BLM
47-15060 USFS	47-15155 USFS	47-16465 USFS	67-07097 BLM
47-15061 USFS	47-15164 USFS	47-16466 USFS	67-07100 BLM
47-15062 USFS	47-15177 USFS	47-16470 USFS	67-07179 BLM
47-15063 USFS	47-15178 USFS	47-16471 USFS	67-07643 BLM
47-15075 USFS	47-15179 USFS	47-16474 USFS	67-07644 BLM
47-15077 USFS	47-15195 USFS	47-16648 USFS	67-07645 BLM
47-15082 USFS	47-15196 USFS	47-16649 USFS	67-07646 BLM
47-15083 USFS	47-15197 USFS	47-16651 USFS	67-07647 BLM
47-15086 USFS	47-15199 USFS	47-16652 USFS	67-07649 BLM
47-15090 USFS	47-15200 USFS	47-16655 USFS	67-07660 BLM
47-15091 USFS	47-15204 USFS	47-16663 USFS	67-07672 BLM
47-15092 USFS	47-15205 USFS	47-16664 USFS	67-12378 BLM
47-15093 USFS	47-16132 BLM	47-16665 USFS	67-12579 BLM
47-15095 USFS	47-16292 BLM	47-16666 USFS	67-12646 BLM
47-15106 USFS	47-16293 BLM	47-16677 USFS	67-12648 BLM
47-15107 USFS	47-16300 BLM	47-16678 USFS	67-12649 BLM
47-15108 USFS	47-16321 BLM	47-16679 USFS	67-12651 BLM
47-15109 USFS	47-16322 BLM	47-16680 USFS	67-12660 BLM
47-15110 USFS	47-16429 USFS	47-16683 USFS	67-12661 BLM
47-15117 USFS	47-16433 USFS	47-16684 USFS	67-12698 BLM
47-15119 USFS	47-16434 USFS	47-16686 USFS	67-12699 BLM
47-15128 USFS	47-16435 USFS	47-16687 USFS	67-12700 BLM
47-15131 USFS	47-16437 USFS	47-16688 USFS	67-12701 BLM

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U.S. Claims on Permittees' Allotments

67-12702 BLM	67-13061 BLM	78-04247 USFS
67-12708 BLM	67-13062 BLM	78-04249 USFS
67-12717 BLM	67-13064 BLM	78-10491 USFS
67-12718 BLM	67-13067 BLM	78-10624 USFS
67-12719 BLM	67-13068 BLM	78-10626 USFS
67-12721 BLM	67-13079 BLM	78-10627 USFS
67-12724 BLM	67-13092 BLM	78-10628 USFS
67-12781 BLM	67-13187 BLM	78-10629 USFS
67-12798 BLM	67-13188 BLM	78-10630 USFS
67-12801 BLM	67-13192 BLM	78-10631 USFS
67-12802 BLM	67-13193 BLM	78-10632 USFS
67-12807 BLM	67-13194 BLM	78-10636 USFS
67-12844 BLM	67-13196 BLM	78-10637 USFS
67-12846 BLM	67-13336 BLM	78-10638 USFS
67-12848 BLM	67-14224 BLM	78-10648 USFS
67-12849 BLM		78-10650 USFS
67-12895 BLM	<u>BASIN 69</u>	78-10651 USFS
67-12896 BLM		78-10652 USFS
67-12908 BLM	69-10473 BLM	78-10653 USFS
67-12936 BLM		78-10654 USFS
67-12937 BLM	<u>BASIN 78</u>	78-10655 USFS
67-12938 BLM		78-10656 USFS
67-12980 BLM	78-04197 USFS	78-12003 USFS
67-12985 BLM	78-04203 USFS	78-12007 USFS
67-12986 BLM	78-04205 USFS	78-12008 USFS
67-12987 BLM	78-04206 USFS	78-12009 USFS
67-12988 BLM	78-04208 USFS	78-12010 USFS
67-12989 BLM	78-04209 USFS	78-12018 USFS
67-13028 BLM	78-04210 USFS	
67-13030 BLM	78-04211 USFS	
67-13031 BLM	78-04212 USFS	
67-13032 BLM	78-04214 USFS	
67-13033 BLM	78-04216 USFS	
67-13035 BLM	78-04218 USFS	
67-13036 BLM	78-04219 USFS	
67-13037 BLM	78-04224 USFS	
67-13038 BLM	78-04225 USFS	
67-13040 BLM	78-04234 USFS	
67-13041 BLM	78-04238 USFS	
67-13054 BLM	78-04239 USFS	

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EXHIBIT B
Non-Permittee Objections

<u>B32</u>	33-10864	33-10971	37-02961	37-03072	37-07703
32-04005	33-10865	33-10972	37-02964	37-03073	37-07704
32-04015	33-10866	33-10973	37-02967	37-03074	37-07705
32-04028	33-10867	33-10974	37-02969	37-03077	37-07706
32-04029	33-10868	33-10975	37-02970	37-03078	37-07831
32-11250	33-10869	33-10976	37-02971	37-03079	37-07886
	33-10870	33-10977	37-02973	37-03080	37-07887
<u>B33</u>	33-10871	33-10978	37-02982	37-03083	37-07888
33-07085	33-10873	33-10979	37-02984	37-03087	37-07930
33-07149	33-10930		37-02986	37-03092	37-07960
33-07150	33-10931	<u>B37</u>	37-02988	37-03098	37-07962
33-07157	33-10932	37-02818	37-02989	37-03099	37-07964
33-07166	33-10942	37-02831	37-02995	37-03102	37-07965
33-07168	33-10943	37-02832	37-02996	37-03103	37-07967
33-07222	33-10944	37-02845	37-02997	37-03104	37-07973
33-07223	33-10945	37-02868	37-02999	37-03105	37-07976
33-07224	33-10946	37-02871	37-03001	37-03106	37-07977
33-07225	33-10948	37-02874	37-03012	37-03108	37-07978
33-10841	33-10949	37-02888	37-03014	37-03110	37-07979
33-10842	33-10950	37-02892	37-03016	37-03112	37-07980
33-10843	33-10951	37-02893	37-03021	37-03114	37-07981
33-10844	33-10952	37-02894	37-03029	37-03120	37-07983
33-10845	33-10953	37-02900	37-03030	37-03135	37-08016
33-10846	33-10954	37-02901	37-03033	37-03136	37-08025
33-10847	33-10955	37-02903	37-03034	37-03138	37-08040
33-10848	33-10956	37-02907	37-03035	37-03149	37-08041
33-10849	33-10957	37-02909	37-03036	37-03150	37-08043
33-10850	33-10958	37-02910	37-03040	37-03153	37-08044
33-10851	33-10959	37-02911	37-03041	37-03154	37-08045
33-10852	33-10960	37-02912	37-03042	37-04259	37-08047
33-10853	33-10961	37-02936	37-03046	37-04260	37-08048
33-10854	33-10962	37-02940	37-03047	37-04388	37-08050
33-10856	33-10963	37-02943	37-03048	37-07133	37-08051
33-10857	33-10964	37-02944	37-03049	37-07134	37-08053
33-10858	33-10965	37-02946	37-03050	37-07135	37-08155
33-10859	33-10966	37-02947	37-03052	37-07144	37-08156
33-10860	33-10967	37-02952	37-03060	37-07145	37-08161
33-10861	33-10968	37-02957	37-03061	37-07186	37-08167
33-10862	33-10969	37-02958	37-03062	37-07187	37-08185
33-10863	33-10970	37-02960	37-03066	37-07188	37-08186

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37-08190	37-13456	37-13554	37-13600	37-13654	37-13722
37-08229	37-13462	37-13555	37-13601	37-13656	37-13723
37-08231	37-13463	37-13560	37-13602	37-13658	37-13724
37-08232	37-13470	37-13561	37-13603	37-13659	37-13726
37-08233	37-13471	37-13562	37-13604	37-13661	37-13727
37-08234	37-13475	37-13563	37-13605	37-13662	37-13728
37-08236	37-13480	37-13564	37-13606	37-13663	37-13729
37-08237	37-13481	37-13565	37-13607	37-13666	37-13730
37-08239	37-13484	37-13566	37-13608	37-13667	37-13731
37-08240	37-13485	37-13567	37-13609	37-13668	37-13732
37-08244	37-13486	37-13568	37-13610	37-13669	37-13733
37-08245	37-13487	37-13569	37-13611	37-13670	37-13734
37-08247	37-13488	37-13571	37-13612	37-13671	37-13735
37-08290	37-13489	37-13572	37-13613	37-13672	37-13737
37-08300	37-13490	37-13573	37-13614	37-13673	37-13738
37-08312	37-13491	37-13574	37-13615	37-13674	37-13739
37-08313	37-13492	37-13575	37-13616	37-13677	37-13767
37-08314	37-13493	37-13576	37-13618	37-13678	37-13768
37-08315	37-13494	37-13577	37-13620	37-13679	37-14288
37-08316	37-13495	37-13578	37-13621	37-13680	37-14303
37-08317	37-13496	37-13579	37-13622	37-13681	37-14304
37-08318	37-13498	37-13580	37-13623	37-13683	37-14305
37-08320	37-13499	37-13581	37-13629	37-13684	37-14306
37-08321	37-13500	37-13582	37-13630	37-13685	37-14307
37-08524	37-13501	37-13583	37-13631	37-13687	37-14308
37-12192	37-13503	37-13584	37-13632	37-13688	37-14309
37-13450	37-13513	37-13586	37-13633	37-13689	37-14310
37-13431	37-13514	37-13587	37-13634	37-13690	37-14311
37-13432	37-13520	37-13588	37-13635	37-13691	37-14312
37-13433	37-13521	37-13589	37-13636	37-13692	37-14313
37-13434	37-13524	37-13590	37-13637	37-13694	37-14314
37-13441	37-13532	37-13591	37-13638	37-13695	37-14315
37-13443	37-13543	37-13592	37-13639	37-13703	37-14346
37-13445	37-13544	37-13593	37-13641	37-13704	37-14348
37-13448	37-13546	37-13594	37-13642	37-13706	37-14349
37-13449	37-13547	37-13595	37-13644	37-13707	37-14351
37-13451	37-13549	37-13596	37-13645	37-13708	37-14352
37-13453	37-13550	37-13597	37-13646	37-13713	37-14353
37-13454	37-13551	37-13598	37-13647	37-13714	37-14355
37-13455	37-13552	37-13599	37-13653	37-13721	37-14357

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37-14358	37-14404	37-14522	37-14618	37-14886	37-15010
37-14359	37-14405	37-14524	37-14620	37-14888	37-15011
37-14360	37-14406	37-14526	37-14623	37-14889	37-15013
37-14362	37-14407	37-14530	37-14624	37-14890	37-15014
37-14363	37-14408	37-14531	37-14625	37-14895	37-15015
37-14364	37-14409	37-14532	37-14626	37-14896	37-15020
37-14365	37-14411	37-14534	37-14631	37-14898	37-15023
37-14366	37-14412	37-14535	37-14656	37-14900	37-15025
37-14367	37-14413	37-14539	37-14657	37-14902	37-15026
37-14368	37-14414	37-14540	37-14658	37-14903	37-15029
37-14369	37-14415	37-14541	37-14661	37-14904	37-15031
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37-14393	37-14503	37-14610	37-14766	37-14973	37-15210
37-14395	37-14505	37-14611	37-14779	37-14974	37-15211
37-14396	37-14507	37-14612	37-14781	37-14976	37-15212
37-14399	37-14508	37-14613	37-14864	37-14985	37-15217
37-14400	37-14510	37-14614	37-14874	37-14993	37-15220
37-14401	37-14511	37-14615	37-14876	37-14999	37-15226
37-14402	37-14512	37-14616	37-14880	37-15008	37-15229
37-14403	37-14520	37-14617	37-14885	37-15009	37-15239

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37-15240	37-15473	37-15638	37-15723	37-15861	37-15953
37-15243	37-15474	37-15640	37-15724	37-15862	37-15954
37-15244	37-15477	37-15641	37-15725	37-15863	37-15955
37-15279	37-15478	37-15643	37-15727	37-15868	37-15956
37-15281	37-15479	37-15644	37-15728	37-15869	37-15960
37-15282	37-15494	37-15645	37-15730	37-15870	37-15961
37-15283	37-15498	37-15646	37-15731	37-15872	37-15964
37-15284	37-15505	37-15647	37-15734	37-15873	37-15965
37-15303	37-15523	37-15649	37-15735	37-15876	37-15967
37-15304	37-15524	37-15652	37-15736	37-15877	37-15968
37-15305	37-15588	37-15654	37-15737	37-15878	37-15969
37-15306	37-15589	37-15655	37-15738	37-15879	37-15970
37-15307	37-15590	37-15661	37-15739	37-15880	37-15975
37-15326	37-15591	37-15662	37-15740	37-15881	37-15983
37-15327	37-15592	37-15663	37-15745	37-15883	37-15984
37-15328	37-15593	37-15673	37-15748	37-15884	37-15987
37-15329	37-15594	37-15674	37-15750	37-15886	37-15994
37-15330	37-15599	37-15675	37-15752	37-15887	37-15996
37-15331	37-15600	37-15677	37-15753	37-15888	37-16000
37-15333	37-15602	37-15679	37-15761	37-15889	37-16002
37-15337	37-15605	37-15680	37-15762	37-15891	37-16004
37-15341	37-15606	37-15681	37-15763	37-15892	37-16006
37-15363	37-15607	37-15684	37-15764	37-15893	37-16009
37-15366	37-15608	37-15685	37-15765	37-15895	37-16010
37-15367	37-15610	37-15687	37-15769	37-15896	37-16012
37-15368	37-15612	37-15688	37-15771	37-15897	37-16034
37-15386	37-15613	37-15690	37-15772	37-15898	37-16035
37-15430	37-15614	37-15691	37-15773	37-15899	37-16036
37-15433	37-15616	37-15692	37-15777	37-15905	37-16037
37-15436	37-15619	37-15694	37-15778	37-15910	37-16038
37-15438	37-15622	37-15696	37-15780	37-15911	37-16039
37-15442	37-15623	37-15701	37-15781	37-15914	37-16040
37-15443	37-15624	37-15711	37-15782	37-15916	37-16041
37-15460	37-15625	37-15712	37-15783	37-15918	37-16042
37-15461	37-15627	37-15713	37-15792	37-15928	37-16043
37-15463	37-15630	37-15714	37-15795	37-15934	37-16044
37-15465	37-15631	37-15716	37-15803	37-15939	37-16045
37-15466	37-15633	37-15718	37-15858	37-15946	37-16046
37-15467	37-15635	37-15721	37-15859	37-15950	37-16047
37-15470	37-15636	37-15722	37-15860	37-15952	37-16048

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37-16049	37-16099	37-16462	37-16629	37-16833	37-16961
37-16050	37-16106	37-16478	37-16631	37-16859	37-16975
37-16051	37-16110	37-16479	37-16639	37-16863	37-16982
37-16052	37-16113	37-16482	37-16641	37-16864	37-16992
37-16053	37-16118	37-16485	37-16651	37-16873	37-16996
37-16054	37-16124	37-16487	37-16657	37-16874	37-16998
37-16055	37-16128	37-16488	37-16659	37-16875	37-17000
37-16056	37-16130	37-16489	37-16669	37-16879	37-17038
37-16057	37-16131	37-16490	37-16671	37-16884	37-17039
37-16058	37-16132	37-16494	37-16673	37-16887	37-17048
37-16059	37-16136	37-16495	37-16675	37-16890	37-17049
37-16060	37-16137	37-16498	37-16677	37-16892	37-17050
37-16061	37-16140	37-16506	37-16679	37-16893	37-17051
37-16062	37-16142	37-16512	37-16681	37-16898	37-17073
37-16063	37-16143	37-16520	37-16685	37-16899	37-17074
37-16064	37-16144	37-16521	37-16697	37-16900	37-17075
37-16065	37-16159	37-16522	37-16701	37-16905	37-17077
37-16066	37-16162	37-16526	37-16703	37-16906	37-17089
37-16067	37-16167	37-16540	37-16705	37-16907	37-17095
37-16068	37-16169	37-16541	37-16735	37-16908	37-17096
37-16070	37-16174	37-16542	37-16739	37-16909	37-17098
37-16071	37-16175	37-16543	37-16741	37-16911	37-17104
37-16072	37-16176	37-16544	37-16753	37-16914	37-17106
37-16073	37-16193	37-16545	37-16755	37-16915	37-17110
37-16074	37-16228	37-16546	37-16757	37-16916	37-17115
37-16075	37-16235	37-16559	37-16759	37-16921	37-17117
37-16076	37-16240	37-16565	37-16763	37-16922	37-17120
37-16077	37-16241	37-16567	37-16765	37-16923	37-17121
37-16078	37-16242	37-16569	37-16769	37-16924	37-17128
37-16080	37-16243	37-16571	37-16781	37-16925	37-17129
37-16081	37-16246	37-16577	37-16791	37-16945	37-17132
37-16083	37-16250	37-16579	37-16799	37-16946	37-17133
37-16084	37-16297	37-16593	37-16805	37-16947	37-17136
37-16088	37-16340	37-16599	37-16807	37-16949	37-17137
37-16089	37-16388	37-16603	37-16809	37-16950	37-17138
37-16090	37-16389	37-16605	37-16811	37-16951	37-17139
37-16091	37-16392	37-16607	37-16813	37-16952	37-17140
37-16092	37-16427	37-16611	37-16825	37-16953	37-17142
37-16093	37-16451	37-16615	37-16827	37-16958	37-17143
37-16097	37-16452	37-16627	37-16829	37-16959	37-17145

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37-17146	37-17247	37-17406	37-17453	37-17539	37-17630
37-17147	37-17258	37-17407	37-17454	37-17542	37-17632
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37-17150	37-17289	37-17410	37-17456	37-17544	37-17646
37-17151	37-17291	37-17411	37-17457	37-17545	37-17648
37-17152	37-17292	37-17412	37-17458	37-17549	37-17649
37-17153	37-17293	37-17413	37-17459	37-17551	37-17661
37-17154	37-17295	37-17414	37-17460	37-17566	37-17663
37-17155	37-17299	37-17415	37-17461	37-17568	37-17665
37-17157	37-17301	37-17416	37-17463	37-17570	37-17666
37-17161	37-17302	37-17417	37-17464	37-17571	37-17668
37-17162	37-17313	37-17418	37-17465	37-17573	37-17669
37-17163	37-17314	37-17419	37-17466	37-17574	37-17670
37-17164	37-17315	37-17420	37-17467	37-17575	37-17675
37-17165	37-17316	37-17421	37-17469	37-17576	37-17707
37-17166	37-17322	37-17422	37-17473	37-17577	37-17708
37-17167	37-17325	37-17423	37-17476	37-17578	37-17710
37-17168	37-17333	37-17424	37-17477	37-17579	37-17711
37-17173	37-17335	37-17427	37-17478	37-17580	37-17726
37-17174	37-17336	37-17428	37-17481	37-17582	37-17748
37-17178	37-17338	37-17429	37-17485	37-17583	37-17752
37-17179	37-17339	37-17430	37-17486	37-17584	37-17754
37-17180	37-17341	37-17431	37-17488	37-17587	37-17755
37-17181	37-17343	37-17432	37-17494	37-17588	37-17756
37-17183	37-17346	37-17433	37-17501	37-17591	37-17757
37-17184	37-17349	37-17434	37-17506	37-17594	37-17765
37-17192	37-17350	37-17436	37-17507	37-17597	37-17766
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37-17196	37-17352	37-17439	37-17511	37-17601	37-17768
37-17197	37-17354	37-17440	37-17514	37-17602	37-17770
37-17198	37-17355	37-17441	37-17516	37-17603	37-17771
37-17208	37-17356	37-17442	37-17518	37-17604	37-17774
37-17209	37-17357	37-17443	37-17521	37-17609	37-17776
37-17210	37-17358	37-17444	37-17522	37-17610	37-17778
37-17217	37-17359	37-17445	37-17524	37-17615	37-17779
37-17218	37-17373	37-17446	37-17525	37-17624	37-17780
37-17220	37-17391	37-17447	37-17530	37-17626	37-17795
37-17221	37-17397	37-17448	37-17533	37-17627	37-17796
37-17244	37-17402	37-17450	37-17534	37-17628	37-17805
37-17245	37-17405	37-17451	37-17538	37-17629	37-17807

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37-17808	37-17866	37-17942	37-18447	37-19172	37-19302
37-17809	37-17867	37-17943	37-18449	37-19175	37-19303
37-17810	37-17868	37-17944	37-18458	37-19176	37-19304
37-17811	37-17870	37-17945	37-18459	37-19177	37-19307
37-17813	37-17873	37-17946	37-18466	37-19178	37-19308
37-17818	37-17874	37-17947	37-18476	37-19182	37-19309
37-17819	37-17875	37-17948	37-18477	37-19183	37-19310
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37-17825	37-17877	37-17950	37-18481	37-19193	37-19312
37-17826	37-17878	37-17954	37-18496	37-19194	37-19313
37-17827	37-17881	37-17955	37-18498	37-19242	37-19314
37-17829	37-17882	37-17956	37-18501	37-19246	37-19318
37-17836	37-17884	37-17958	37-18502	37-19252	37-19319
37-17837	37-17885	37-17960	37-18505	37-19256	37-19320
37-17838	37-17891	37-17961	37-18592	37-19259	37-19321
37-17839	37-17893	37-17962	37-18593	37-19275	37-19322
37-17840	37-17895	37-17963	37-18605	37-19276	37-19323
37-17841	37-17897	37-17965	37-18608	37-19277	37-19324
37-17843	37-17904	37-17967	37-18619	37-19278	37-19355
37-17844	37-17908	37-17968	37-18621	37-19279	37-19359
37-17845	37-17909	37-17969	37-18622	37-19280	37-19360
37-17846	37-17911	37-17970	37-18637	37-19281	37-19364
37-17847	37-17912	37-17973	37-18639	37-19282	37-19365
37-17848	37-17921	37-17980	37-18640	37-19283	37-19366
37-17849	37-17922	37-17990	37-18642	37-19284	37-19367
37-17850	37-17923	37-17993	37-18643	37-19285	37-19368
37-17851	37-17924	37-17999	37-18644	37-19286	37-19380
37-17852	37-17925	37-18096	37-18646	37-19287	37-19382
37-17853	37-17926	37-18141	37-18647	37-19288	37-19386
37-17854	37-17927	37-18142	37-18648	37-19290	37-19392
37-17855	37-17928	37-18143	37-18650	37-19291	37-19394
37-17856	37-17929	37-18144	37-18652	37-19292	37-19395
37-17857	37-17931	37-18155	37-18653	37-19293	37-19396
37-17858	37-17932	37-18284	37-18654	37-19294	37-19397
37-17860	37-17933	37-18387	37-18655	37-19296	37-19400
37-17861	37-17934	37-18388	37-19114	37-19297	37-19406
37-17862	37-17937	37-18420	37-19161	37-19298	37-19407
37-17863	37-17938	37-18432	37-19162	37-19299	37-19412
37-17864	37-17939	37-18435	37-19170	37-19300	37-19413
37-17865	37-17941	37-18446	37-19171	37-19301	37-19414

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37-19415	37-19580	37-19871	37-19925	37-19971	37-20011
37-19418	37-19582	37-19872	37-19929	37-19972	37-20012
37-19419	37-19584	37-19874	37-19930	37-19973	37-20013
37-19420	37-19595	37-19875	37-19931	37-19974	37-20014
37-19422	37-19602	37-19877	37-19932	37-19975	37-20015
37-19423	37-19605	37-19889	37-19936	37-19976	37-20016
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37-19430	37-19643	37-19894	37-19941	37-19981	37-20021
37-19431	37-19677	37-19895	37-19942	37-19982	37-20022
37-19432	37-19678	37-19896	37-19943	37-19983	37-20023
37-19434	37-19679	37-19897	37-19944	37-19984	37-20024
37-19437	37-19680	37-19898	37-19945	37-19985	37-20025
37-19463	37-19681	37-19899	37-19946	37-19986	37-20026
37-19464	37-19683	37-19900	37-19947	37-19987	37-20027
37-19465	37-19685	37-19901	37-19948	37-19988	37-20028
37-19466	37-19687	37-19902	37-19949	37-19989	37-20030
37-19471	37-19689	37-19903	37-19950	37-19990	37-20031
37-19472	37-19690	37-19904	37-19951	37-19991	37-20032
37-19473	37-19849	37-19906	37-19952	37-19992	37-20033
37-19474	37-19850	37-19907	37-19953	37-19993	37-20034
37-19475	37-19852	37-19908	37-19954	37-19994	37-20042
37-19477	37-19853	37-19909	37-19955	37-19995	37-20044
37-19502	37-19854	37-19910	37-19956	37-19996	37-20045
37-19503	37-19857	37-19911	37-19957	37-19997	37-20048
37-19504	37-19858	37-19912	37-19958	37-19998	37-20049
37-19526	37-19859	37-19913	37-19959	37-19999	37-20052
37-19527	37-19860	37-19914	37-19960	37-20000	37-20061
37-19528	37-19861	37-19915	37-19961	37-20001	37-20063
37-19550	37-19862	37-19916	37-19962	37-20002	37-20066
37-19551	37-19863	37-19917	37-19963	37-20003	37-20072
37-19552	37-19864	37-19918	37-19964	37-20004	37-20073
37-19553	37-19865	37-19919	37-19965	37-20005	37-20074
37-19573	37-19866	37-19920	37-19966	37-20006	37-20076
37-19574	37-19867	37-19921	37-19967	37-20007	37-20078
37-19575	37-19868	37-19922	37-19968	37-20008	37-20079
37-19576	37-19869	37-19923	37-19969	37-20009	37-20081
37-19578	37-19870	37-19924	37-19970	37-20010	37-20085

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37-20086	37-20176	67-02418	67-04403	67-07092	67-11782
37-20087	37-20177	67-02419	67-04404	67-07093	67-11783
37-20088	37-20178	67-02420	67-04406	67-07094	67-11785
37-20090	37-20179	67-02423	67-04407	67-07096	67-11786
37-20098	37-20182	67-02424	67-04408	67-07098	67-11787
37-20100	37-20183	67-02426	67-04427	67-07099	67-11788
37-20101	37-20186	67-04350	67-04428	67-07121	67-11790
37-20104	37-20193	67-04351	67-04429	67-07176	67-11791
37-20105	37-20195	67-04356	67-04431	67-07218	67-11792
37-20110	37-20196	67-04357	67-04432	67-07246	67-11793
37-20111	37-20197	67-04358	67-04439	67-07262	67-11794
37-20112	37-20198	67-04359	67-04440	67-07267	67-11795
37-20113	37-20199	67-04363	67-04441	67-07268	67-11797
37-20115	37-20203	67-04365	67-04442	67-07269	67-11799
37-20116	37-20204	67-04366	67-04443A	67-07270	67-11800
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37-20123	37-20227	67-04374	67-04477	67-07640	67-11804
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37-20133	37-20247	67-04377	67-04482	67-07642	67-11806
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37-20142	37-20253	67-04381	67-04507	67-07659	67-11812
37-20143	37-20257	67-04383	67-04521	67-07661	67-11815
37-20144	37-20258	67-04385	67-04526	67-07662	67-11816
37-20145	37-20262	67-04386	67-04528	67-07663	67-11817
37-20147	37-20263	67-04388	67-04582	67-07664	67-11818
37-20149		67-04389	67-04583	67-07665	67-11819
37-20150	<u>B41</u>	67-04390	67-07077	67-07670	67-11820
37-20152	41-10228	67-04391	67-07078	67-07675	67-11821
37-20156		67-04393	67-07079	67-07682	67-11822
37-20157	<u>B67</u>	67-04394	67-07081	67-07683	67-11823
37-20158	67-02387	67-04395	67-07082	67-07719	67-11824
37-20163	67-02388	67-04396	67-07083	67-07743	67-11825
37-20164	67-02414	67-04398	67-07084	67-07745	67-11826
37-20165	67-02415	67-04399	67-07085	67-07832	67-11827
37-20173	67-02416	67-04400	67-07087	67-11780	67-11829
37-20174	67-02417	67-04401	67-07090	67-11781	67-11830

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67-11831	67-11883	67-11937	67-11980	67-12024	67-12073
67-11832	67-11884	67-11938	67-11982	67-12025	67-12074
67-11833	67-11885	67-11939	67-11983	67-12026	67-12075
67-11834	67-11886	67-11940	67-11984	67-12027	67-12076
67-11835	67-11887	67-11941	67-11985	67-12028	67-12077
67-11836	67-11888	67-11942	67-11986	67-12029	67-12078
67-11837	67-11890	67-11943	67-11987	67-12034	67-12079
67-11838	67-11891	67-11944	67-11988	67-12035	67-12080
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67-11842	67-11894	67-11947	67-11991	67-12039	67-12083
67-11843	67-11895	67-11948	67-11992	67-12040	67-12084
67-11844	67-11897	67-11950	67-11993	67-12041	67-12086
67-11845	67-11898	67-11951	67-11994	67-12042	67-12088
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67-11848	67-11905	67-11954	67-11997	67-12045	67-12092
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67-11853	67-11908	67-11957	67-12003	67-12048	67-12095
67-11854	67-11909	67-11958	67-12004	67-12050	67-12096
67-11855	67-11910	67-11959	67-12005	67-12051	67-12097
67-11856	67-11911	67-11960	67-12006	67-12054	67-12098
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67-11858	67-11913	67-11962	67-12008	67-12056	67-12100
67-11860	67-11914	67-11963	67-12009	67-12058	67-12101
67-11861	67-11915	67-11965	67-12010	67-12059	67-12102
67-11862	67-11916	67-11966	67-12011	67-12060	67-12103
67-11863	67-11917	67-11967	67-12012	67-12061	67-12104
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67-11865	67-11926	67-11969	67-12014	67-12063	67-12106
67-11866	67-11927	67-11970	67-12015	67-12064	67-12107
67-11867	67-11928	67-11971	67-12016	67-12065	67-12112
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67-11879	67-11935	67-11978	67-12022	67-12071	67-12121
67-11881	67-11936	67-11979	67-12023	67-12072	67-12122

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67-12123	67-12396	67-12462	67-12518	67-12580	67-12640
67-12124	67-12397	67-12463	67-12519	67-12581	67-12641
67-12125	67-12398	67-12464	67-12523	67-12582	67-12642
67-12126	67-12399	67-12465	67-12527	67-12583	67-12647
67-12127	67-12400	67-12466	67-12529	67-12584	67-12653
67-12128	67-12401	67-12469	67-12531	67-12585	67-12654
67-12130	67-12403	67-12470	67-12532	67-12586	67-12655
67-12131	67-12404	67-12474	67-12533	67-12587	67-12656
67-12132	67-12405	67-12475	67-12534	67-12588	67-12657
67-12343	67-12406	67-12476	67-12535	67-12589	67-12658
67-12344	67-12407	67-12478	67-12537	67-12590	67-12659
67-12346	67-12408	67-12479	67-12540	67-12591	67-12662
67-12348	67-12409	67-12480	67-12541	67-12592	67-12664
67-12352	67-12411	67-12481	67-12544	67-12593	67-12666
67-12356	67-12412	67-12483	67-12545	67-12595	67-12668
67-12359	67-12413	67-12484	67-12546	67-12596	67-12669
67-12361	67-12414	67-12485	67-12547	67-12599	67-12671
67-12362	67-12415	67-12486	67-12548	67-12601	67-12673
67-12364	67-12416	67-12487	67-12552	67-12602	67-12675
67-12365	67-12418	67-12492	67-12553	67-12605	67-12677
67-12367	67-12419	67-12495	67-12554	67-12608	67-12678
67-12368	67-12420	67-12496	67-12555	67-12609	67-12683
67-12369	67-12421	67-12497	67-12556	67-12610	67-12685
67-12370	67-12427	67-12498	67-12557	67-12611	67-12686
67-12371	67-12429	67-12499	67-12558	67-12613	67-12687
67-12372	67-12431	67-12500	67-12559	67-12614	67-12688
67-12373	67-12433	67-12501	67-12560	67-12616	67-12689
67-12374	67-12435	67-12502	67-12561	67-12618	67-12691
67-12375	67-12437	67-12503	67-12562	67-12620	67-12693
67-12376	67-12443	67-12504	67-12563	67-12623	67-12695
67-12377	67-12445	67-12505	67-12564	67-12624	67-12697
67-12379	67-12447	67-12506	67-12565	67-12631	67-12703
67-12380	67-12450	67-12507	67-12566	67-12632	67-12704
67-12381	67-12455	67-12508	67-12568	67-12633	67-12705
67-12382	67-12456	67-12509	67-12572	67-12634	67-12706
67-12386	67-12457	67-12510	67-12574	67-12635	67-12707
67-12388	67-12458	67-12511	67-12575	67-12636	67-12709
67-12392	67-12459	67-12512	67-12576	67-12637	67-12710
67-12393	67-12460	67-12516	67-12577	67-12638	67-12713
67-12395	67-12461	67-12517	67-12578	67-12639	67-12714

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67-12715	67-12785	67-12905	67-13014	67-13115	67-13264
67-12716	67-12786	67-12913	67-13015	67-13119	67-13269
67-12720	67-12790	67-12917	67-13016	67-13120	67-13270
67-12727	67-12792	67-12920	67-13017	67-13121	67-13273
67-12729	67-12794	67-12924	67-13019	67-13123	67-13275
67-12734	67-12796	67-12928	67-13020	67-13124	67-13277
67-12736	67-12799	67-12929	67-13024	67-13125	67-13278
67-12738	67-12809	67-12930	67-13026	67-13126	67-13281
67-12740	67-12810	67-12939	67-13027	67-13128	67-13282
67-12741	67-12811	67-12940	67-13029	67-13136	67-13284
67-12742	67-12815	67-12942	67-13042	67-13137	67-13285
67-12743	67-12817	67-12949	67-13044	67-13140	67-13286
67-12744	67-12819	67-12952	67-13045	67-13141	67-13287
67-12745	67-12826	67-12954	67-13046	67-13142	67-13288
67-12746	67-12828	67-12955	67-13047	67-13147	67-13289
67-12747	67-12830	67-12956	67-13050	67-13148	67-13292
67-12748	67-12840	67-12957	67-13055	67-13150	67-13293
67-12749	67-12841	67-12958	67-13056	67-13153	67-13295
67-12750	67-12850	67-12959	67-13058	67-13154	67-13296
67-12751	67-12851	67-12960	67-13069	67-13159	67-13298
67-12752	67-12852	67-12968	67-13070	67-13168	67-13299
67-12753	67-12853	67-12969	67-13071	67-13174	67-13300
67-12754	67-12855	67-12973	67-13072	67-13180	67-13301
67-12759	67-12864	67-12974	67-13077	67-13181	67-13302
67-12761	67-12865	67-12977	67-13078	67-13183	67-13303
67-12763	67-12869	67-12978	67-13080	67-13184	67-13304
67-12765	67-12870	67-12979	67-13082	67-13185	67-13306
67-12766	67-12872	67-12981	67-13084	67-13226	67-13307
67-12768	67-12873	67-12982	67-13085	67-13231	67-13310
67-12769	67-12874	67-12984	67-13086	67-13232	67-13311
67-12771	67-12876	67-12990	67-13089	67-13233	67-13316
67-12772	67-12885	67-12991	67-13094	67-13234	67-13323
67-12775	67-12886	67-12998	67-13095	67-13235	67-13324
67-12776	67-12888	67-12999	67-13096	67-13239	67-13327
67-12777	67-12889	67-13001	67-13097	67-13245	67-13328
67-12779	67-12890	67-13006	67-13098	67-13247	67-13330
67-12780	67-12892	67-13008	67-13100	67-13257	67-13334
67-12782	67-12893	67-13009	67-13101	67-13258	67-13339
67-12783	67-12899	67-13010	67-13107	67-13261	67-13505
67-12784	67-12900	67-13013	67-13114	67-13263	67-13506

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67-13508	67-14200	69-04041	69-04093	69-10128	69-10175
67-14130	67-14201	69-04042	69-04094	69-10131	69-10176
67-14138	67-14202	69-04043	69-04097	69-10132	69-10177
67-14139	67-14203	69-04044	69-04098	69-10133	69-10178
67-14141	67-14204	69-04045	69-04101	69-10134	69-10179
67-14163	67-14205	69-04046	69-07014	69-10135	69-10180
67-14164	67-14206	69-04047	69-07015	69-10136	69-10181
67-14165	67-14207	69-04048	69-07051	69-10137	69-10182
67-14166	67-14208	69-04049	69-07061	69-10138	69-10183
67-14167	67-14209	69-04050	69-07067	69-10139	69-10184
67-14168	67-14210	69-04052	69-07068	69-10140	69-10185
67-14169	67-14211	69-04053	69-07069	69-10141	69-10186
67-14170	67-14212	69-04054	69-07076	69-10143	69-10187
67-14171	67-14213	69-04055	69-10099	69-10144	69-10188
67-14172	67-14214	69-04056	69-10100	69-10145	69-10189
67-14173	67-14215	69-04057	69-10101	69-10146	69-10190
67-14174	67-14216	69-04059	69-10102	69-10147	69-10191
67-14175	67-14217	69-04060	69-10104	69-10148	69-10192
67-14176	67-14218	69-04061	69-10105	69-10149	69-10193
67-14177	67-14219	69-04062	69-10106	69-10150	69-10194
67-14178	67-14220	69-04063	69-10107	69-10151	69-10195
67-14179	67-14223	69-04064	69-10108	69-10152	69-10196
67-14180	67-14225	69-04065	69-10109	69-10153	69-10197
67-14181	67-14231	69-04067	69-10110	69-10154	69-10198
67-14182	67-14232	69-04068	69-10111	69-10156	69-10199
67-14183		69-04069	69-10112	69-10157	69-10200
67-14184		69-04071	69-10113	69-10159	69-10201
67-14185	<u>B69</u>	69-04073	69-10114	69-10160	69-10202
67-14186	69-04028	69-04074	69-10115	69-10162	69-10203
67-14187	69-04029	69-04075	69-10116	69-10163	69-10204
67-14188	69-04030	69-04076	69-10117	69-10164	69-10205
67-14189	69-04031	69-04077	69-10118	69-10165	69-10207
67-14190	69-04032	69-04078	69-10120	69-10166	69-10208
67-14191	69-04034	69-04082	69-10121	69-10167	69-10209
67-14192	69-04035	69-04083	69-10122	69-10168	69-10210
67-14193	69-04036	69-04084	69-10123	69-10169	69-10211
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67-14195	69-04038	69-04088	69-10125	69-10171	69-10213
67-14196	69-04039	69-04089	69-10126	69-10172	69-10214
67-14197	69-04040	69-04090	69-10127	69-10173	69-10215

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69-10217	69-10259	69-10454	69-10511	69-10617	69-10721
69-10218	69-10261	69-10455	69-10512	69-10618	69-10722
69-10219	69-10262	69-10456	69-10513	69-10620	69-10724
69-10220	69-10263	69-10457	69-10514	69-10629	69-10725
69-10221	69-10264	69-10458	69-10515	69-10630	69-10726
69-10223	69-10266	69-10459	69-10516	69-10631	69-10727
69-10224	69-10267	69-10460	69-10517	69-10633	69-10728
69-10225	69-10268	69-10461	69-10518	69-10634	69-10730
69-10226	69-10269	69-10462	69-10519	69-10636	69-10733
69-10228	69-10270	69-10463	69-10520	69-10637	69-10736
69-10229	69-10271	69-10464	69-10521	69-10638	69-10737
69-10230	69-10272	69-10465	69-10522	69-10639	69-10738
69-10231	69-10273	69-10466	69-10523	69-10647	69-10742
69-10232	69-10274	69-10474	69-10524	69-10648	69-10743
69-10233	69-10275	69-10476	69-10525	69-10649	69-10746
69-10234	69-10276	69-10477	69-10526	69-10650	69-10747
69-10235	69-10412	69-10484	69-10527	69-10657	69-10749
69-10236	69-10414	69-10485	69-10528	69-10658	69-10750
69-10237	69-10429	69-10486	69-10529	69-10659	69-10751
69-10238	69-10430	69-10487	69-10531	69-10660	69-11404
69-10239	69-10431	69-10488	69-10533	69-10663	69-11411
69-10240	69-10432	69-10489	69-10537	69-10678	69-11413
69-10241	69-10433	69-10490	69-10539	69-10684	69-11414
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69-10243	69-10435	69-10492	69-10546	69-10687	69-11418
69-10244	69-10436	69-10493	69-10547	69-10688	69-11420
69-10245	69-10437	69-10494	69-10548	69-10689	69-11421
69-10246	69-10438	69-10495	69-10549	69-10691	69-11422
69-10247	69-10439	69-10496	69-10554	69-10692	69-11424
69-10248	69-10441	69-10497	69-10556	69-10694	69-11425
69-10249	69-10443	69-10498	69-10566	69-10695	69-11426
69-10250	69-10444	69-10501	69-10570	69-10696	69-11427
69-10251	69-10445	69-10502	69-10572	69-10697	69-11428
69-10252	69-10446	69-10503	69-10574	69-10698	69-11429
69-10253	69-10447	69-10504	69-10576	69-10701	69-11430
69-10254	69-10448	69-10505	69-10578	69-10713	69-11433
69-10255	69-10450	69-10506	69-10581	69-10715	69-11434
69-10256	69-10451	69-10508	69-10608	69-10716	69-11435
69-10257	69-10452	69-10509	69-10610	69-10717	69-11436
69-10258	69-10453	69-10510	69-10616	69-10719	69-11437

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69-11438	77-07290	77-10178	77-10302	77-10626	77-10934
69-11439	77-10138	77-10179	77-10304	77-10627	77-10997
69-11440	77-10139	77-10180	77-10305	77-10628	77-11001
69-11441	77-10140	77-10181	77-10309	77-10629	77-11002
69-11442	77-10141	77-10182	77-10313	77-10633	77-11003
69-11443	77-10142	77-10185	77-10314	77-10635	77-11004
69-11444	77-10143	77-10186	77-10315	77-10636	77-11005
69-11445	77-10145	77-10187	77-10317	77-10637	77-11006
69-11446	77-10146	77-10189	77-10319	77-10638	77-11007
69-11447	77-10147	77-10190	77-10320	77-10639	77-11008
69-11448	77-10148	77-10191	77-10321	77-10640	77-11009
69-11449	77-10149	77-10193	77-10322	77-10641	77-11010
69-11450	77-10150	77-10195	77-10323	77-10868	77-11012
69-11451	77-10151	77-10196	77-10324	77-10869	77-11013
69-11452	77-10152	77-10197	77-10325	77-10870	77-11014
69-11453	77-10153	77-10198	77-10326	77-10888	77-11015
69-11454	77-10154	77-10199	77-10327	77-10890	77-11016
69-11455	77-10155	77-10200	77-10328	77-10891	77-11017
69-11456	77-10156	77-10201	77-10329	77-10892	77-11018
69-11457	77-10157	77-10202	77-10330	77-10893	77-11020
69-11458	77-10158	77-10203	77-10331	77-10894	77-11021
69-11459	77-10159	77-10204	77-10333	77-10895	77-11022
69-11460	77-10160	77-10205	77-10334	77-10898	77-11023
69-11461	77-10161	77-10206	77-10338	77-10901	77-11027
69-11462	77-10162	77-10207	77-10340	77-10907	77-11028
69-11463	77-10163	77-10208	77-10341	77-10915	77-11029
69-11464	77-10164	77-10262	77-10342	77-10916	77-11030
	77-10165	77-10279	77-10350	77-10917	77-11031
B77	77-10166	77-10283	77-10351	77-10919	77-11032
77-04094	77-10167	77-10285	77-10352	77-10920	77-11033
77-04096	77-10168	77-10286	77-10353	77-10921	77-11034
77-04098	77-10169	77-10287	77-10356	77-10922	77-11038
77-04099	77-10170	77-10289	77-10357	77-10925	77-11041
77-04106	77-10171	77-10290	77-10616	77-10926	77-11046
77-04109	77-10172	77-10291	77-10617	77-10928	77-11047
77-04112	77-10173	77-10292	77-10618	77-10929	77-11048
77-04113	77-10174	77-10293	77-10619	77-10930	77-11049
77-04192	77-10175	77-10295	77-10620	77-10931	77-11050
77-07139	77-10176	77-10296	77-10621	77-10932	77-11059
77-07196	77-10177	77-10297	77-10625	77-10933	77-11061

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77-11062	77-11130	77-11212	77-11292	77-11372	77-11454
77-11063	77-11132	77-11214	77-11294	77-11374	77-11456
77-11065	77-11134	77-11216	77-11296	77-11376	77-11457
77-11069	77-11136	77-11218	77-11298	77-11378	77-11458
77-11070	77-11138	77-11220	77-11300	77-11380	77-11459
77-11071	77-11140	77-11222	77-11302	77-11382	77-11462
77-11072	77-11142	77-11224	77-11304	77-11384	77-11464
77-11073	77-11144	77-11226	77-11306	77-11386	77-11465
77-11075	77-11146	77-11228	77-11308	77-11388	77-11466
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77-11077	77-11150	77-11232	77-11312	77-11392	77-11474
77-11078	77-11152	77-11234	77-11314	77-11394	77-11476
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77-11080	77-11156	77-11238	77-11318	77-11398	77-11480
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77-11082	77-11160	77-11242	77-11322	77-11402	77-11484
77-11083	77-11162	77-11244	77-11324	77-11404	77-11486
77-11084	77-11164	77-11246	77-11326	77-11406	77-11488
77-11086	77-11166	77-11248	77-11328	77-11408	77-11490
77-11088	77-11168	77-11250	77-11330	77-11410	77-11492
77-11090	77-11170	77-11252	77-11332	77-11412	77-11494
77-11092	77-11172	77-11254	77-11334	77-11414	77-11496
77-11094	77-11174	77-11256	77-11336	77-11416	77-11498
77-11096	77-11176	77-11258	77-11338	77-11418	77-11500
77-11098	77-11178	77-11260	77-11340	77-11420	77-11501
77-11100	77-11180	77-11262	77-11342	77-11422	77-11502
77-11102	77-11182	77-11264	77-11344	77-11424	77-11503
77-11104	77-11186	77-11266	77-11346	77-11426	77-11504
77-11106	77-11188	77-11268	77-11348	77-11428	77-11505
77-11108	77-11190	77-11270	77-11350	77-11430	77-11506
77-11110	77-11192	77-11272	77-11352	77-11432	77-11507
77-11112	77-11194	77-11274	77-11354	77-11434	77-11508
77-11114	77-11196	77-11276	77-11356	77-11436	77-11510
77-11116	77-11198	77-11278	77-11358	77-11438	77-13863
77-11118	77-11200	77-11280	77-11360	77-11440	77-13864
77-11120	77-11202	77-11282	77-11362	77-11442	77-13865
77-11122	77-11204	77-11284	77-11364	77-11444	77-13866
77-11124	77-11206	77-11286	77-11366	77-11446	77-13867
77-11126	77-11208	77-11288	77-11368	77-11448	77-13868
77-11128	77-11210	77-11290	77-11370	77-11450	77-13870

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77-13872	77-13934	78-10389	78-10437	78-10492	78-10539
77-13873	77-13935	78-10390	78-10438	78-10494	78-10540
77-13874	77-13936	78-10391	78-10439	78-10495	78-10541
77-13876	77-14136	78-10392	78-10440	78-10496	78-10542
77-13877		78-10393	78-10441	78-10497	78-10543
77-13879	<u>B7E</u>	78-10394	78-10442	78-10499	78-10569
77-13880	78-04145	78-10395	78-10443	78-10500	78-10576
77-13882	78-04146	78-10396	78-10444	78-10501	78-10619
77-13883	78-04147	78-10397	78-10446	78-10502	78-10620
77-13884	78-04150	78-10398	78-10447	78-10503	78-10621
77-13885	78-04153	78-10399	78-10448	78-10504	78-10622
77-13886	78-04155	78-10400	78-10449	78-10505	78-10661
77-13887	78-04156	78-10401	78-10452	78-10506	78-10779
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Stipulation and Joint Motion for Order Approving Stipulation - Exhibit B

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EXHIBIT B
Non-Permittee Objections

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Stipulation and Joint Motion for Order Approving Stipulation - Exhibit B

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Exhibit 3



U.S. Department of Justice

Environment and Natural Resources Division

General Litigation Section
P.O. Box 663
Washington, DC 20044-0663

Telephone (202) 305-0504
Facsimile (202) 305-0506

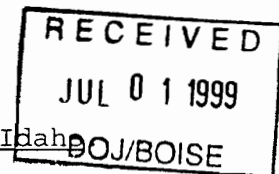
June 10, 1999

ID BLM SD's OFFICE
SD/ASD ____ 930 ____

Elena Daly
Associate State Director
U.S. Department of the Interior
Bureau of Land Management
Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709-1657
208/373-4001

JUN 15 1999

950 ____ OTHERS ____

Re: SRBA Settlement Stipulation with State of Idaho

Dear Elena:

Attached is the stipulation resolving the thousands of state law based stock water claims objected to by the State of Idaho in the SRBA. It is essentially the same document that you and/or Dave Brunner approved two weeks ago. A few minor changes were made to ¶ 9. This document was approved by Interior Solicitor Leshy and Assistant Attorney General Schiffer at the Justice Department.

The Court has established today, Friday, June 11, as the absolute due date for the stipulation. Please sign in the space provided for the BLM in the signature block. The signed stipulation must then be hand-delivered to the State of Idaho's Attorney General's Office to the attention of Clive Strong. Clive will file and serve the document.

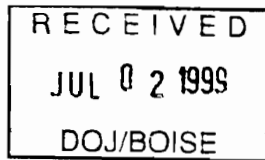
Thank you. Please call should you have any questions.

Sincerely,

R. Lee Leininger, Attorney
Department of Justice
General Litigation Section
(202) 305-0242

CONFIDENTIAL - ATTORNEY CLIENT PRIVILEGE

Exhibit 3



1999 JUL -1 AM 11:45

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

For ObjectorALAN G. LANCE
Attorney GeneralCLIVE J. STRONG
Deputy Attorney General,
Chief, Natural Resources DivisionPETER J. AMPE
Deputy Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
Telephone: (208) 334-2400
FAX: (208) 334-2690
ISB# 5209**For Claimant**LOIS J. SCHIFFER
Assistant Attorney General
Environment & Natural Resources DivisionLARRY A. BROWN
Special Attorney, Department of Justice
R. LEE LEININGER
Attorney, Department of Justice
General Litigation Section
Environment & Natural Resources Division
550 W. Fort Street, MSC 033
Boise, Idaho 83724
Telephone: (202) 305-0242

**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	)	Subcase Nos. See Attached Exhibit 1
)	
Case No. 39576	)	STIPULATION TO RESOLVE SUBCASES
)	
_____)	

Pursuant to the *Stipulation to Resolve Subcases*, Consolidated Subcase Nos. 23-10859, 24-10221, 25-13659, 27-11604 and 65-19685 (June 11, 1999), the State of Idaho and the United States, acting through the Bureau of Land Management, hereby stipulate that those subcases listed in Exhibit 1 be resolved as follows:

1. Each subcase listed in Exhibit 1 is a subcase where the State of Idaho is the only objector in the subcase. No response has been filed in any subcase. Each claim is made solely

STIPULATION TO RESOLVE SUBCASES - Page 1

Exhibit 3

pursuant to state law.

2. In order to resolve the State of Idaho's objection, the State of Idaho and the United States, acting through the Bureau of Land Management, agree that each listed subcase should be decreed as recommended by the Idaho Department of Water Resources, except that the priority date for each water right shall be June 28, 1934.

3. This Stipulation shall be in the nature of a Standard Form 5, pursuant to Administrative Order 1 (Amended October 16, 1997).

4. The parties do not request hearing.

WHEREFORE, the parties respectfully request the court to issue partial decrees for each of the subcases listed in Exhibit 1 as recommended, except that the priority date for each water right be June 28, 1934.

Objector:

State of Idaho

Dated: 7/1/99

ALAN G. LANCE
Attorney General



PETER J. AMPE
Deputy Attorney General
Natural Resources Division

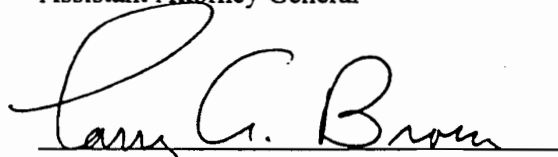
Exhibit 3

Claimant:

United States of America, acting through the
Department of Interior, Bureau of Land
Management

Dated: 7/1/99

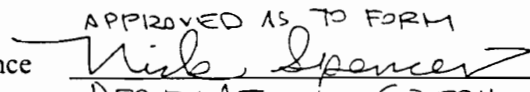
LOIS J. SCHIFFER
Assistant Attorney General


LARRY A. BROWN
Special Attorney
General Litigation Section
Environment & Natural Resources Division
U.S. Department of Justice

IDWR Concurrence


7/1/99
date

IDWR Concurrence

APPROVED AS TO FORM

7-1-99
DEPUTY ATTORNEY GENERAL
IDWR
date

STIPULATION TO RESOLVE SUBCASES - Page 3

Exhibit 3

CERTIFICATE OF SERVICE


I HEREBY CERTIFY that on this 1 day of July, 1999, I caused to be served a true and correct copy of the foregoing STIPULATION TO RESOLVE SUBCASES to the following addressees by the method indicated:

Larry Brown
General Litigation Section
Environment & Natural Resources Division
550 W. Fort St., MSC 033
Boise, ID 83724

- ☐ U.S. Mail, postage prepaid
- ☒ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile:
- ☐ Statehouse Mail

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

- ☐ U.S. Mail, postage prepaid
- ☒ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☐ Statehouse Mail



Peter J. Ampe
Deputy Attorney General
P9182naa.doc

Exhibit 3

01-10249	01-10292	01-10335	02-10066
01-10250	01-10293	01-10337	02-10067
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EXHIBIT 1 TO STIPULATION TO RESOLVE SUBCASES, Page 1

Exhibit 3

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EXHIBIT 1 TO STIPULATION TO RESOLVE SUBCASES, Page 2

Exhibit 3

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EXHIBIT 1 TO STIPULATION TO RESOLVE SUBCASES, Page 3

Exhibit 3

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EXHIBIT 1 TO STIPULATION TO RESOLVE SUBCASES, Page 4

Exhibit 3

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55-12783	55-12987	55-13364	61-11132
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Exhibit 3

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Exhibit 3

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Exhibit 3

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Exhibit 3

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Exhibit 3

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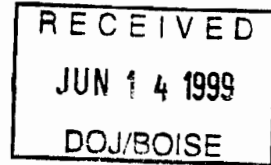
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Exhibit 3

**Names of Parties Filing Document:**

UNITED STATES OF AMERICA

STATE OF IDAHO

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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	)	Consolidated Subcase Numbers 23-10859,
	)	24-10221, 25-13659, 27-11604, and 65-
	)	19685
)	
Case No. 39576	)	STIPULATION TO RESOLVE
	)	OBJECTIONS
)	

Descriptive Summary

This is the United States' and the State of Idaho's global stipulation to resolve objections filed to the above referenced subcases, and similar objections in 34 other sub-basins.

Exhibit 3**Stipulation**

WHEREAS, the United States of America has filed claims in the Snake River Basin Adjudication ("SRBA") on behalf of the United States Bureau of Land Management (BLM) for water rights whose purpose of use is livestock watering (these claims are referred to as "BLM stock watering claims" in this agreement);

WHEREAS, the United States of America has asserted BLM stock watering claims in the SRBA based upon the state law of prior appropriation and, for certain springs and water holes, alternatively based on the federal reserved water rights doctrine, asserting that the right is needed to fulfill the purposes of the Executive Order of April 17, 1926, commonly known as Public Water Reserve No. 107 ("PWR 107");

WHEREAS, Claimant, the United States of America, and Objector, the State of Idaho, acting in its sovereign and proprietary capacities, collectively "the Parties," enter into this stipulation to resolve all objections brought by the State of Idaho to the claims made by the United States, on behalf of the BLM, based upon the state law of prior appropriation;

WHEREAS, the Parties agree that the United States, acting on behalf of the BLM or other such agency, may appropriate a stock water right in its own name, pursuant to State law;

WHEREAS, the Parties acknowledge that final resolution of the State's objections to claims to springs and water holes made by the United States, on behalf of the BLM, based upon the state law of prior appropriation and alternatively upon PWR 107, must await ultimate determination of pending issues regarding the application of PWR 107. The Parties may execute a similar agreement in the future regarding those claims that are based, alternatively, upon PWR 107;

Exhibit 3

WHEREAS, the Parties, through their authorized representatives, have reached a settlement which they consider to be a just, fair, adequate, and equitable resolution of the disputes set forth in the objections;

WHEREAS, the Parties desire to avoid the costs, delay, and uncertainties of litigation and to resolve the controversies between them;

WHEREAS, The Parties agree that settlement of these objections in this manner is in the public interest and is an appropriate way to resolve the dispute between them;

**THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE AS
FOLLOWS:**

1. The priority dates for the United States' BLM stock watering claims referenced in the above caption, made on behalf of the USBLM pursuant to state law and objected to by the State of Idaho, shall be June 28, 1934, subject to the exceptions in paragraphs 3 and 4, below.
2. The priority dates for the BLM stock watering claims made pursuant to state law in SRBA sub-basins 1, 2, 3, 21, 22, 23, 24, 25, 27, 29, 31, 32, 33, 37, 41, 43, 45, 47, 63, 65, 67, 69, 73, 74, 75, 77, 78, 79, 81, 82, 83, 84, 85, and 86, shall be June 28, 1934, subject to the exceptions in paragraphs 3 and 4, below, and further subject to resolution of any objections that have been, or may be filed by any other parties in the SRBA..
3. For any claim referenced in paragraphs 1 and 2 above, the State of Idaho agrees that the United States may be decreed a water right pursuant to the state law of prior appropriation with a priority date earlier than June 28, 1934, if the United States provides evidence that the claimed water right was acquired from a third party, with a priority date

Exhibit 3

earlier than June 28, 1934, through purchase, exchange, gift or other means and that the water right was acquired and maintained in accordance with all applicable state laws. The District Court of the SRBA, or other successor court with jurisdiction over the claims made within the SRBA shall, at trial if necessary, ultimately determine whether the United States has provided sufficient proof that the claimed water right was so acquired and is a valid water right.

4. The Parties recognize that certain BLM stock watering claims referenced in paragraph 2 above are claimed under the state law of prior appropriation and have previously been licensed or permitted by the State, pursuant to I.C. § 42-202 and/or I.C. § 42-501. The Parties agree that the priority date for these licensed or permitted claims shall not change.
5. The stipulated change to priority date described in paragraphs 1 and 2 above resolves all pending objections by the State of Idaho to the state law basis for these water right claims.
6. The Parties recognize that certain BLM stock watering claims referenced in paragraphs 1 and 2 above are claimed under the state law of prior appropriation and alternatively under the federal reserved water rights doctrine, with the United States asserting that the rights are needed to fulfill the purposes of the Executive Order of April 17, 1926, commonly known as Public Water Reserve No. 107. The Parties agree that all claims and pending objections to water rights based on federal law are unaffected by this agreement.

Accordingly, this agreement is not intended to alter the claimed priority of April 17, 1926 for BLM stock watering claims asserted under the federal reserved rights doctrine, or the United States' ability to pursue BLM claims to water rights based on federal reserved rights doctrine.

Exhibit 3

7. The Parties recognize that certain water right claims referenced in paragraphs 1 and 2 are based solely on state law. These claims are further identified as "in-stream" claims with beginning and ending points of diversion. The Parties agree to begin immediately drafting and executing [a] Standard Form(s) No. 5 resolving objections to all such rights, consistent with this agreement. The Parties further agree that such rights, where the United States and the State of Idaho are the only Parties, may and should be recommended for partial decree.
8. The Parties agree to act in good faith to effect the terms of this stipulation and in the timely submission of all Standard Forms No. 5, motions or stipulations.
9. The State of Idaho, acting in its sovereign and/or proprietary capacity, covenants not to pursue or prosecute either its own or other parties' objections to claims to stock water based upon state law filed by the United States by and through the Bureau of Land Management in the SRBA, except in the limited circumstances where there exists a specific dispute of a specific fact(s) regarding an element(s), as set forth in I.C. § 42-1411 (2)(a-k), of a particular claim. Such limited circumstances include, but are not limited to, situations where the State of Idaho, acting in its sovereign and/or proprietary capacity, obtains knowledge that a specific element, such as place of use, point of diversion or quantity does not accurately reflect how the water is actually used. A second example would be where the State of Idaho, acting in its sovereign and/or proprietary capacity, obtains knowledge of facts that show that cattle did not use or have not used a claimed water source during the period of time claimed. Under such limited circumstances, the State of Idaho may object and assert that a priority date may be later than June 28, 1934,

Exhibit 3

notwithstanding paragraphs 1 and 2. The State of Idaho's agreement to forego future objections, except under such limited circumstances, is restricted solely to state law based stockwater claims made by the United States by and through the Bureau of Land Management. The United States does not hereby waive any defenses to these or any other future objections.

10. The Parties agree to jointly support and defend this agreement against any and all objections or other challenges that may arise in any phase of the SRBA, including any appeals. If the Court fails to allow this agreement to be fully implemented, then this agreement is voidable by either party.
11. This stipulation was reached through good faith negotiations for the purpose of resolving legal disputes, including pending litigation, and the Parties agree that no offers and/or compromises made in the course thereof shall be construed as admissions against interest. This agreement does not create a precedent for settlement of any other disputes or objections in the Snake River Basin Adjudication or any other case or controversy. This agreement shall not be construed as representing a position of the United States or the State of Idaho, factual or legal, for any case or controversy other than those subcases and controversies addressed in this agreement. This agreement shall not be used in any manner, by, for or against the United States, State of Idaho, or any other person or entity in the Snake River Basin Adjudication or any other case or controversy other than those subcases and controversies addressed in this agreement.
12. The Parties agree to bear their own costs and attorneys' fees in connection with this matter.

Exhibit 3

CLAIMANT:

United States of America, acting on behalf
of the United States Bureau of Land
Management.

Signed: 

Attorney of Record

Dated: 6/10/99

OBJECTOR:

State of Idaho, acting in its sovereign
and proprietary capacities.

Signed: 

Attorney of Record

Dated: 6/11/99

The United States Bureau of Land
Management.

Signed: 

Dated: June 11, 1999

Stipulation to Resolve Objections

Page 7 of 8

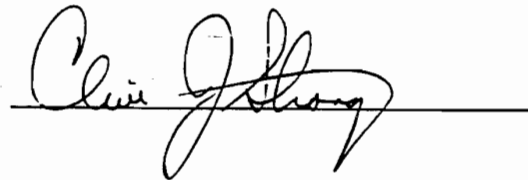
Exhibit 3

CERTIFICATE OF SERVICE

I certify that on June 11, 1999, I served a true and correct copy of fore-going **Stipulation to Resolve Objections** upon the following individuals by placing the document in the United States Mail, postage paid, and addressed as follows:

U.S. Department of Justice
General Litigation Section
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

A handwritten signature in cursive script, appearing to read "Claire Johnson", is written over a horizontal line.

Stipulation to Resolve Objections

Page 8 of 8

EXHIBIT 4

Exhibit 4

RECEIVED

MAR 01 2007

DEPARTMENT OF
WATER RESOURCES

2007 FEB 28

FEB 28 40

**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

)
) **NOTICE OF COURT'S INTENT TO**
) **ISSUE PARTIAL DECREE FOR**
) **FEDERAL UNCONTESTED RIGHT**
) **BASED ON STATE LAW AND NOTICE**
) **OF HEARING THEREON**

) **For water right claim: 74-15468**
)

The above-captioned stockwater right was claimed by the United States Department of Interior, Bureau of Land Management (United States) pursuant to both state and federal law. The claim was reported in the *Basin 74, Part I, Reporting Area 23, Director's Report* filed on January 23, 2006. No objections were filed and the time for filing objections expired June 30, 2006.

In conjunction with the I.C. § 42-1411A hearing held for the federal basis of the claim on February 20, 2007, the United States informed the Court that the claim did not meet the factual criteria for a federal reserved water right based on Public Water Reserve 107 and that it intended to withdraw the federal basis for the claim. The United States also requested that the Court reset the matter for status conference so it could determine how to proceed on the state-law basis for the claim. The issue was raised because of the recent Idaho Supreme Court ruling in *Joyce Livestock Co. v. United States of America*, (Feb. 9, 2007), whereby the Idaho Supreme Court upheld the SRBA District Court ruling that the United States could not appropriate a beneficial use water right solely through its management of grazing allotments. See *Memorandum Decision and Order on Challenge*, Subcases 55-10135 (Joyce), 55-11061, 55-11385, 55-12452 (BLM) (Aug. 3, 2005).

**NOTICE OF COURT'S INTENT TO ISSUE PARTIAL DECREE FOR FEDERAL
UNCONTESTED RIGHT BASED ON STATE LAW AND NOTICE OF HEARING THEREON**

Page 1 of 2

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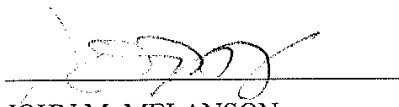
The Court does not find the *Joyce* ruling applicable to the circumstances of this particular subcase. The claim is uncontested and the time for filing objections expired June 30, 2006. More than sixty days has also elapsed since the objection period expired. I.C. § 42-1412(7). The only reason partial decrees for all of the uncontested rights in Basin 74 have yet to be issued is because of the delay in identifying overlapping contested rights. A case management report for Basin 74 was recently filed and the hearing on the uncontested rights is now set for June 19, 2007. Accordingly, the Court is free to issue partial decrees for all uncontested rights in Basin 74.

Next, because the claim is uncontested the Court need not inquire into the factual basis for the director's recommendation. Under the ruling in *Joyce*, there are still factual scenarios by which it would be legally possible for the United States to acquire a beneficial use water right such as through an agency relationship or agreement with the appropriator of the water right. Again, because the claim is uncontested the Court need not inquire into the factual basis for the recommendation in the director's report.

Accordingly, the Court intends to treat the claim the same as any other uncontested claim based on state law and issue a partial decree for the claim in conjunction with the hearing on the uncontested rights for Basin 74.

Therefore, THE FOLLOWING IS HEREBY ORDERED, a hearing will be held on this matter on **June 19, 2007, at 1:30 p.m.** at the Snake River Basin Adjudication Courthouse, 253 3rd Avenue North, Twin Falls, Idaho. Any party wishing to object or comment on the Court's proposed action shall do so at that time. Attendance at this hearing by the claimant is not required, as the Court will take the proposed action in the absence of any objection to the contrary. Telephone participation will be available by calling 1-918-583-3445 and entering 406128 when prompted.

Dated: February 28, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

**NOTICE OF COURT'S INTENT TO ISSUE PARTIAL DECREE FOR FEDERAL
UNCONTESTED RIGHT BASED ON STATE LAW AND NOTICE OF HEARING THEREON**

Page 2 of 2

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Exhibit 4

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 74-15468

NAME AND ADDRESS: UNITED STATES OF AMERICA
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

SOURCE: HAYDEN CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 06/28/1934

POINT OF DIVERSION:	T17N R23E S22	NENESE (Instream Ending Point)	Within Lemhi County
		SESWSSE (Instream Beginning Point)	
	S23	SWSWNW (Instream Beginning Point)	
		NWSWNW (Instream Ending Point)	

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Stockwater		Within Lemhi County
	T17N R23E S22	NESE	SWSE
		SESE	
	S23	SNNW	

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.

DRAFT

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

Exhibit 4

CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE OF COURT'S INTENT TO ISSUE PARTIAL DECREE FOR FEDERAL UNCONTESTED RIGHT AND NOTICE OF HEARING THEREON was mailed on February 28, 2007, with sufficient first-class postage to the following:

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

UNITED STATES OF AMERICA
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657
Phone: 208-373-4000

NOTICE
Page 1 2/28/07

FILE COPY FOR 00523 Deputy Clerk



Handwritten signature of Julie Murphy over a horizontal line.

EXHIBIT 5

Exhibit 5

MEMORANDUM

TO: Shelley Keen
Water Rights Permit Section Manager
Idaho Department of Water Resources

CC: Meghan Carter
Deputy Attorney General

FROM: Mark F. Cecchini-Beaver *MCB*
Deputy Attorney General
On Behalf of the Idaho Department of Lands

DATE: August 27, 2015

SUBJECT: Water rights on State grazing leases after *Joyce Livestock*

This memorandum is in response to a question that arose from your office in connection with water right permit nos. 61-7692 through 61-7698.

QUESTION PRESENTED

Does the Idaho Supreme Court's decision in *Joyce Livestock* prevent the Idaho Department of Water Resources (IDWR) from issuing the Idaho Department of Lands (IDL) licenses for stockwatering on IDL grazing allotments when IDL's lessee actually applies the water to beneficial use?

SHORT ANSWER

No, because *Joyce Livestock* addresses only the constitutional method of water right appropriation and thus does not prevent a lessor from obtaining a water right via the statutory method based on its lessee's beneficial use.

BACKGROUND

Your question arises from seven stockwatering permits—nos. 61-7692 through 61-7698—issued by IDWR to IDL on August 10, 1994. The permits pertain to land owned and

MEMORANDUM - 1

leased for cattle grazing by IDL. Initially, IDL's lessee, Chester Tindall, filed applications for the permits in May of 1994.

The lease in effect during the relevant time period is not available in IDL's files, but IDL provided a copy of the lease in effect from 1997 through 2006. The 1997 lease covers the place of use for each of the seven permit applications. However, the lease is very brief, containing only three substantive terms: (1) the lease duration, (2) the date on which rent is due, and (3) a description of leased lands. The lease does not mention water rights, nor does it include conditions regarding the use of water on the leased land. Because IDL had begun using different grazing lease language by the time the 1997 lease was executed, it is likely that the 1997 lease is a renewal of and identical to the lease in effect at the time of Tindall's applications in 1994.¹

In a June 24, 1994 letter to IDWR, IDL protested all seven of Tindall's applications. The letter states:

The Idaho Department of Lands is protesting inclusion of Mr. Tindall as a co-water right holder as the Applications are on State Endowment Lands. As landowner, the State expressly reserves all water rights. Any water rights on these applications should be to the Idaho Department of Lands only.

To resolve the protest, Tindall assigned all his "right, title, and interest in and to the Application for Permit" to the Department of Lands via an "Assignment of Application for Permit" form, dated and notarized June 28, 1994. IDWR issued the permits to IDL in August 1994, and IDL timely submitted proof of beneficial use for each permit on July 26, 1995. The back file for each

¹ Based on the 10-year term of the 1997 lease, it is likely that the prior lease was in effect from 1987 to 1996. After 1987, IDL began using lease language that prohibited lessees from obtaining water rights appurtenant to State land. See Memo. From Steven Schuster to Don Hobbs, Re: Water Rights on State Grazing Leases (Feb. 13, 1989) (on file with the author) (discussing provision #17 of the state grazing lease). In effect, IDL's protest of the permit applications and Tindall's later assignment of the applications to IDL accomplished the same end as the later lease language.

MEMORANDUM - 2

permit contain beneficial use analysis forms dated August 1, 1995, each of which includes the notation “proof acceptable.”

ANALYSIS

Idaho law provides two general methods for establishing a water right for stock watering purposes: the constitutional and the statutory methods. Under the constitutional method an individual or entity may obtain a stock water right simply by watering livestock at a public water source. *State v. United States*, 134 Idaho 106, 111, 996 P.2d 806, 811 (2000). After 1971, however, new appropriations for stock watering must be made according to the statutory method, which requires compliance with the permit and licensing provisions of Idaho Code Title 42, Chapter 2. Idaho Code §42-201.

Nothing in the statutes governing appropriation of water rights forecloses the possibility of a lessor appropriating water that is actually put to beneficial use by the lessee. The relevant statute allows “any person, association or corporation intending to acquire the right to the beneficial use of . . . public waters of the state of Idaho” to apply for a permit. Idaho Code § 42-202(1). It is then up to the “permit holder” to submit proof of beneficial use in accordance with Idaho Code § 42-217. If, after an examination, IDWR is satisfied with the permit holder’s proof of beneficial use, it “shall issue to such user or users a license confirming such use.” *Id.* § 42-219(1). In other words, the primary limitation is that the applicant must timely and satisfactorily prove beneficial use. However, the permitting and licensing statutes do not specify that the permit holder must actually use the water, so long as the water is used in the manner and place designated in the permit application.

MEMORANDUM - 3

By contrast, the Idaho Supreme Court's decision in *Joyce Livestock* makes clear that the identity of the water user is relevant to stock water appropriations under the constitutional method. There, the United States claimed stock water rights even though it did not use the claimed water to water its livestock. Instead, the United States sought water rights for stockwater actually used by grazing allotment lessees. The court held the "constitutional method of appropriation requires the *appropriator* to actually apply the water to a beneficial use," and, "[i]f that use is stock watering, then the appropriator must actually water stock." *Joyce Livestock Co. v. United States*, 144 Idaho 1, 19, 156 P.3d 502, 520 (2007) (emphasis added). But nothing in *Joyce Livestock* suggests the same rule applies to stock water appropriations under the statutory method. Indeed, the court recognized the constitutional and statutory methods are "two separate means for acquiring water rights." *Id.*

That distinction is key, as your question is essentially whether *Joyce Livestock* applies to statutory-method stock water appropriations. The permit applications at issue here were filed in 1994—more than two decades after the Idaho legislature foreclosed appropriations via the constitutional method. Thus, the statutory requirements for the permitting and licensing process—not the rules for constitutional-method appropriations—are relevant to the permits in this case. As discussed above, the primary statutory requirement is timely and acceptable proof of beneficial use. Here, IDWR's has already found IDL's proof of beneficial use "acceptable" with respect to each permit application. Further, nothing in the statutory scheme prevents the issuance of a license to IDL just because IDL's lessee is the party actually applying the water to beneficial use.

Bifurcated use and ownership of water rights is commonplace. For example, the United States holds legal title to the storage water rights in federal reservoirs even though the United

MEMORANDUM - 4

Exhibit 5

States does not actually use the stored water for a recognized beneficial purpose. *See United States v. Pioneer Irrigation Dist.*, 144 Idaho 106, 157 P.3d 600 (2007). Similarly, ditch companies or irrigation districts hold water rights when it is their shareholders who actually put the water to use. *See Rayl v. Salmon River Canal Co.*, 66 Idaho 199, 157 P.2d 76 (1945). And, with regard to leased premises, the Idaho Supreme Court has long recognized that a lessee may obtain a water right even though he does not own the land where the water is used. *First Security Bank of Blackfoot v. State*, 49 Idaho 740, 291 P. 1064, 1066 (1930). Moreover, it is settled that a lessor may obtain a water right through the actions of its lessee when the lessee is acting as the lessor's agent. *Id.*, cited with approval in *Joyce Livestock*, 144 Idaho at 18, 156 P.3d at 519.

Given Idaho's recognition of bifurcated ownership in such cases, it would be anomalous for a court to prohibit bifurcated ownership in the situation presented here. In fact, before *Joyce Livestock*, the Idaho Attorney General considered a very similar question and concluded: "Idaho Code § 42-114 does not prohibit [IDWR] from issuing a water right permit to a landowner for stock watering purposes even though the landowner leases his land to another person for the grazing of stock." Idaho Op. Att'y Gen. No. 88-6, 1988 WL 385554, at *3 (October 21, 1988). This 1988 opinion relied on the examples of bifurcated ownership noted above to conclude that Idaho courts would recognize water rights in the situation presented here. *Id.* As a case concerning constitutional-method appropriations, *Joyce Livestock* does not call this analysis into question.

Regardless of whether IDL established an agency relationship with Tindall, it is clear that both parties intended IDL to own the water rights appurtenant to the lands covered by the grazing lease. When Tindall sought to obtain water rights appurtenant to State land, IDL protested, and Tindall assigned all of his rights in the permit applications to IDL. Tindall's express assignment

MEMORANDUM - 5

Exhibit 5

to IDL of all his interests in the permits shows his intent to make IDL the owner of the water rights. It is likewise clear that IDL and Tindall contemplated that Tindall's stock watering on the grazing allotment would constitute the required beneficial use. Consistent with this understanding, IDL provided timely proof of beneficial use, which IDWR deemed "acceptable." That is sufficient to satisfy the requirements for IDL's statutory-method appropriation, notwithstanding *Joyce Livestock*'s more stringent rule for constitutional-method stockwater appropriations.

CONCLUSION

Joyce Livestock does not prevent IDWR from issuing IDL licenses for stockwatering on IDL grazing allotments when IDL's lessee is the party actually applying the water to beneficial use.

MCB

/s/ Mark F. Cecchini-Beaver 8/27/15
Deputy Attorney General
On Behalf of the Idaho Department of Lands

MEMORANDUM - 6

EXHIBIT 6

Exhibit 6

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION FOR PERMIT NO. 2-10454 IN THE NAME OF US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT))))))	PRELIMINARY ORDER DENYING APPLICATION FOR PERMIT
---	----------------------------	---

FINDINGS OF FACT

1. On March 4, 2011, US Dept of Interior Bureau of Land Management (USDI BLM) filed an application for permit with the Idaho Department of Water Resources (IDWR).
2. Application for Permit No. 2-10454 proposes diversion from the Snake River within the trust water area (between Swan Falls Dam and Milner Dam) for irrigation purposes. Trust water can be appropriated under IDAPA 37.03.08 - Water Appropriation Rules ratified by the Idaho Legislature.
3. IDAPA 37.03.08.45.03.k states:
Applications or permits to be reprocessed proposing a direct diversion of water for irrigation purposes from the Snake River between Milner Dam and Swan Falls Dam or from tributary springs in this reach are presumed not to be in the public interest as defined by Section 42-203C, Idaho Code. Such proposals are presumed to prevent the full economic and multiple use of water in the Snake River Basin and to adversely affect hydropower availability and electrical energy rates in the state of Idaho. (7-1-93)
4. IDAPA 37.03.08.45.01.e.iv states:
An application which the Director determines will conflict with the local public interest will be denied unless the Director determines that an over-riding state or national need exists for the project or that the project can be approved with conditions to resolve the conflict with the local public interest. (7-1-93)
5. On November 23, 2011, IDWR sent a letter to the applicant indicating the application is not approvable and requesting the applicant submit a request to withdrawal the application within thirty (30) days.
6. To date, IDWR has received no response from USDI BLM regarding the request to withdrawal the application.

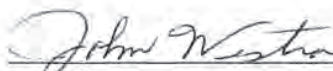
CONCLUSIONS OF LAW

1. Idaho Code (IC)§ 42-203C and IDAPA 37.03.08 – Water Appropriation Rules establish that diversion of water from the Snake River in the trust water area for irrigation purposes is not in the public interest. Applications presumed to be not in the local public interest may be denied.
2. USDI BLM failed to submit a request to withdraw the application. The application should be denied.

ORDER

IT IS HEREBY ORDERED that Application for Permit No. 2-10454 in the name of USDI BLM be DENIED.

Dated this 29th day of December, 2011



John Westra
Manager, Western Regional Office

ORDER DENYING APPLICATION

Exhibit 6

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of December, 2011, I mailed a true and correct copy, of the foregoing **PRELIMINARY ORDER** to the person(s) listed below:

USDI BLM IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657

A handwritten signature in cursive script, reading "Sherry Borgeman", is written over a horizontal line.

Sherry Borgeman
Administrative Assistant

EXHIBIT 7

Schroeder Law
Tulip S Building, Suite 110
1449 South David Lane
Boise, Idaho 83705-3185

W, ALAN SCHROEDER * ^
W. ALAN SCHROEDER, P.C.

* Admitted in the State of Idaho
^ Admitted in the State of Washington

ELAINE E. ANDERSON
Certified Lawyer's Assistant

TELEPHONE: (208) 914-6699
DIRECT LINE: (208) 384-0825
TELECOPY: (208) 813-6478
EMAIL: alan@schroederlaw.net
WWW.SCHROEDERLAW.NET

May 24, 2021

Kipten D. Gould Kipten D. Gould, Registered Agent <i>Elk Mountain Grazing Association, LLC</i> 4460 North 1400 East Buhl, Idaho 83316-5235	Kipten D. Gould Kipten D. Gould, Manager <i>Elk Mountain Grazing Association, LLC</i> 1850 East 4300 North Buhl, Idaho 83316
--	--

Re: CEASE AND DESIST violating Water Right 51-12897A held by *Brackett Livestock, Inc.* and issued by the *Idaho Department of Water Resources*. See Attachment #1 (Water Right 51-12897A).

Dear Mr. Gould,

We write on behalf of *Brackett Livestock, Inc.*, which holds Water Right 51-12897A, issued by the *Idaho Department of Water Resources* ("IDWR"). This Water Right has its point of division ("POD") at Pence Springs within SWNE of Section 26, T15S R10E, B.M., Owyhee County, State of Idaho (upon private land), and its place of use ("POU") within, among other locations, SENW of Section 25, T14S R9E, B.M., Owyhee County, State of Idaho (upon the public lands within the Inside Desert Allotment). Neither Kipten D. Gould nor *Elk Mountain Grazing Association, LLC* hold an interest in Water Right 51-12897A.

We have information that Kipten D. Gould and/or *Elk Mountain Grazing Association, LLC*¹ are using the water associated with Water Right 51-12897A for livestock use upon the public lands within the Crawfish Allotment without any authorization from *Brackett Livestock,*

¹ We are informed that Elk Mountain Grazing Association, LLC holds a Grazing Permit (Authorization Number 1100793) within the Crawfish Allotment, Jarbidge Field Office, Twin Falls District, Idaho, Bureau of Land Management. The Permitted Use is 650 AUMs of which 650 AUMs are Active Use and 0 AUMs is Suspended Use.

Inc. The specific place of use of such water is within the area of SENE of Section 21, T14S R910E, B.M., Owyhee County, State of Idaho, which is not an authorized place of use for Water Right 51-12897A.

Based upon the foregoing, *Brckett Livestock, Inc.* demands that you immediately cease and desist using any of the water associated with Water Right 51-12897A, particularly within the area of SENE of Section 21, T14S R10E, B.M., Owyhee County, State of Idaho, or within any area of the Crawfish Allotment. This demand is also being reported IDWR to seek independent enforcement action as per Idaho Code § 42-1701B. *See also* IDWR, Administrator's Memorandum dated October 9, 2015, entitled *Enforcement Policy and Procedures for Use, Storage, or Division of Water without a valid Water Right or Requested Authorization*.

We are informed that you are likely not without water independent of illegally using the water associated with Water Right 51-12897A. The *United States of America* holds four (4) different Water Rights within the area of SENE of Section 21, T14S R10E, B.M., Owyhee County, State of Idaho, as follows:

- Water Right 51-11897 is a stockwater right with a POD and POU within SWSW of Section 22, T14S R10E, B.M., Owyhee County, State of Idaho. This within the Crawfish Allotment.
- Water Right 51-11898 is a stockwater right with a POD and POU within SWSW of Section 22, T14S R10E, B.M., Owyhee County, State of Idaho. This is within the Crawfish Allotment.
- Water Right 51-12436 is a stockwater right with several PODs along an unnamed stream in Sections 9, 21, 34, T14S R10E, B.M., Owyhee County, State of Idaho (identified in said Water Right), and with several POUs in Sections 9, 21, 22, 27, 34, T14S R10E, B.M., Owyhee County, State of Idaho (identified in said Water Right). Some of these POUs are within the Crawfish Allotment.
- Water Right 51-7171 is a stockwater right with a POD along an unnamed stream in SWNE of Section 14, T15S R10E, B.M., Owyhee County, State of Idaho, and with several POUs in Section 34, T13S R10E, B.M., in Sections 2, 11, 13, 14, 21, 23, 35, T14S R10E, B.M., and in Section 3, T15S R10E, B.M., Owyhee County, State of Idaho (identified in said Water Right). Some of these POUs are within the Crawfish Allotment.

You are urged to seek your livestock water from such PODs and POUs, assuming you have an authorization with the *United States of America*.

If you have any questions whatsoever, please call or write. Otherwise, you are directed to cease and desist using any of the water associated with Water Right 51-12897A immediately upon receipt of this letter. Your failure to cease and desist using such water may result in a civil action being filed against you by *Brckett Livestock, Inc.*, should the IDWR not immediately implement its enforcement authority to stop your unauthorized use of water. *Brckett Livestock, Inc.* reserves authority to seek any and all damages allowed by law, as well as any and all attorney fees and costs for having to write this letter and for pursuing this action.

Exhibit 7

Very truly yours,

SCHROEDER LAW

By


W. Alan Schroeder

Attachment

cc: w/ Attachment:

Brackett Livestock, Inc.
48332 Three Creek Highway
Rogerson, Idaho 83302-5103

Idaho Department of Water Resources
Southern Regional Office
650 Addison Avenue West, Suite 500
Twin Falls, Idaho 83301
Telephone: (208) 736-3033
Telecopy: (208) 736-3037
Email: southerninfo@idwr.idaho.gov

Elliot Traher, Field Manager
Jarbidge Field Office
USDI-BLM
2878 Addison Avenue East
Twin Falls, Idaho 83301
Telephone: 208-735-2060
Telecopy: 208-735-2076
Email: etraher@blm.gov

Exhibit 7

ATTACHMENT #1

Water Right 51-12897A

(5 pages)



IDWR offices are open to the public and following the CDC guidelines for wearing masks and observing social distancing. For in-person visits, we encourage you to [call ahead for an appointment](#). ×

WATER RIGHT REPORT

5/21/2021

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 51-12897A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BRACKETT LIVESTOCK INC PO BOX 403 TWIN FALLS, ID 83303 2083084962
Attorney	MC QUAID BEDFORD & VAN ZANDT LLP C/O CRAIG A PRIDGEN 2800 5TH ST STE 130 DAVIS, CA 95618 5307560200

Priority Date: 09/14/1966

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
PENCE SPRING	LITTLE SPRING CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01	12/31	0.23 CFS	
Total Diversion			0.23 CFS	

Location of Point(s) of Diversion:

PENCE SPRING | SWNENE | Sec. 26 | Township 15S | Range 10E | OWYHEE County

Exhibit 7

Place(s) of use:

Place of Use Legal Description: STOCKWATER OWYHEE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
11S	08E	25		NWNE										
		26		NWNE										
				SWSW										
		28		NESE										
		34		SESW										
12S	09E	31		NENW										
	08E	1	2	NWNE										
		10		NWNE										
		11		SENW										
		12		NENE										
13			SENW											
26			NENE											
35			SESE											
09E		6		SENE										
30			SENW											
32			NESE											
13S		2	4	NWNW										
	8		NESW											
	9		SENE											
			NWSW											
			NESE											
	17		NWNE											
	20		SENE											
	23		SENW											
	28		NESW											
	30		SESE											
	32		NENE											
	33		SWNE											
	34		NWSE											
	35		SWSW											
14S		9		NWNW										
	11		SENW											
	17		NENE											
	20		NESE											
	22		SENE											
	24		SESW											
	25		SENW											
	10E	31	3	NWSW										

Exhibit 7

15S	09E	25		SENE															
	10E	27		NENW															
		28		SENE															
				SWNW															
		30		SENE															
		31	2	SWNW															
		34		SWNW															
16S		9		SWNW															
				SESW															
		10		NWNE															
		14		NWSW															

Conditions of Approval:

1. F02 TWO PLACES OF USE ARE LOCATED IN T12S, R08E, S11, SENW.
2. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
3. CONVEYANCE FACILITIES NECESSARY FOR THE DELIVERY OF THIS RIGHT ARE LOCATED AS FOLLOWS: T12S R08E S02 SWSW (reservoir) S03 SESE (reservoir) S13 SENW (tank) T12S R09E S06 Lot 5 SWNW (tank) S09 SENE (tank) S33 SENE (tank) T14S R09E S17 NESE (tank) S25 SWNW (reservoir) S26 SENE (reservoir) T15S R10E S28 SENE (tank) T16S R10E S03 SWSE (reservoir) S09 SESW (tank)
4. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
5. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
6. STOCKWATER, 1000 RANGE CATTLE.

Dates:

Licensed Date:

Decreed Date: 03/04/2003

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Exhibit 7

Owner Name Connector:

Water District Number: TBD

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Exhibit 7

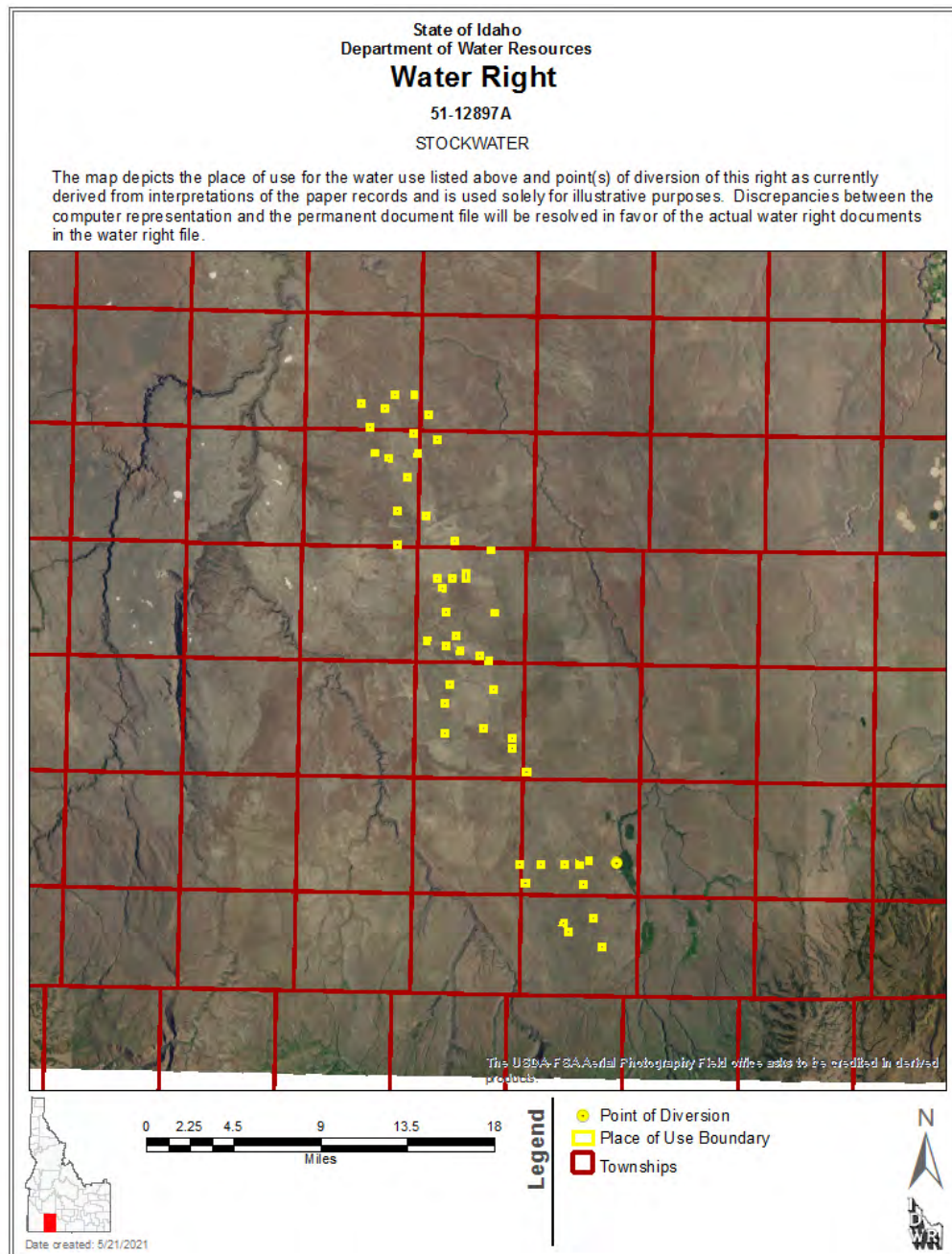


EXHIBIT 8

Exhibit 8

Federal Grazing Allotments Under IDWR Orders
Relative To State Boundary /Counties /Cities

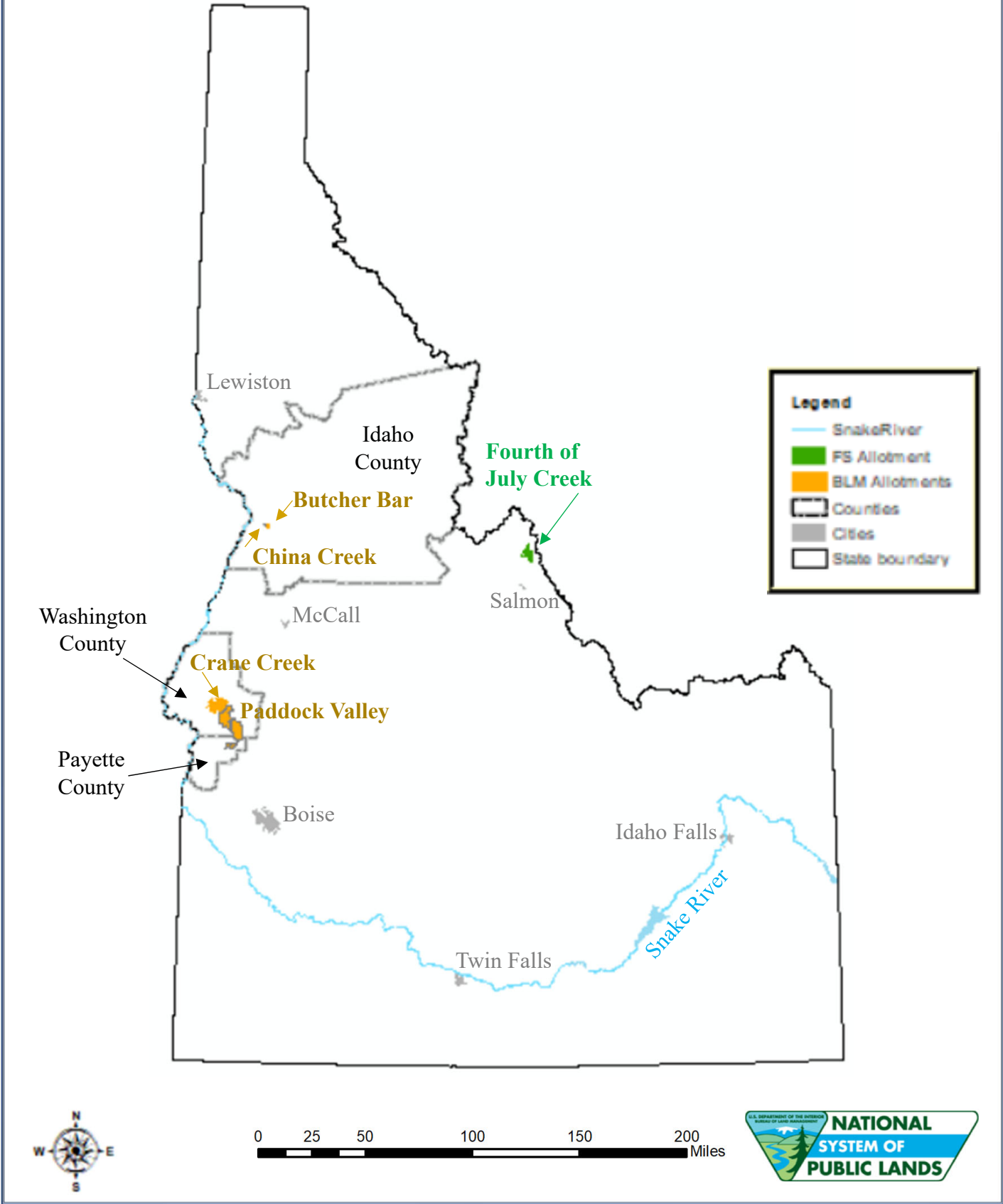


Exhibit 8

Federal Grazing Allotments Under IDWR Orders
Relative To BLM Field Office Boundaries

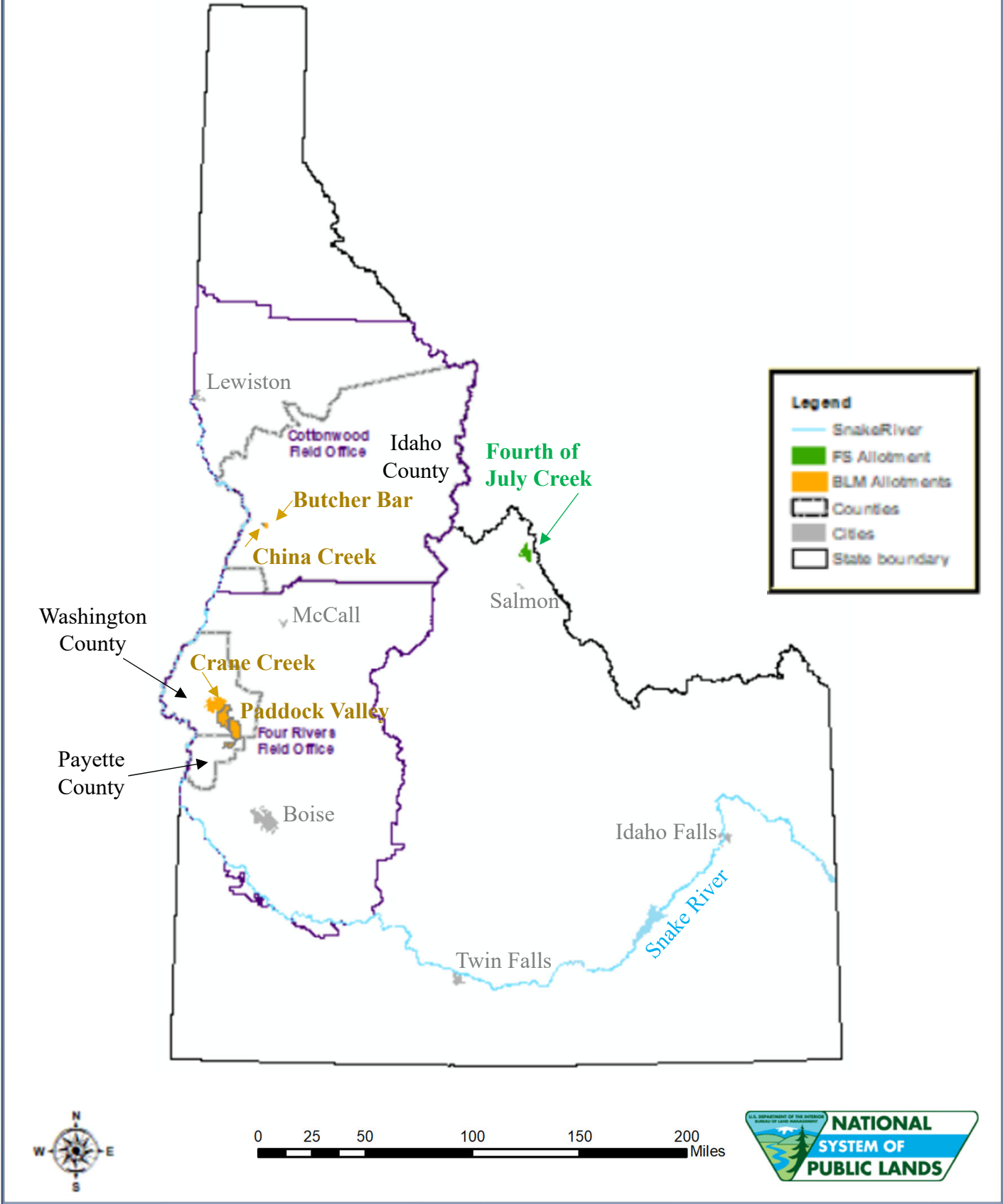


Exhibit 8

Crane Creek Allotment #00361:
30,182 acres total, 11,813 acres of BLM

GIS_ACRES
30181.877231

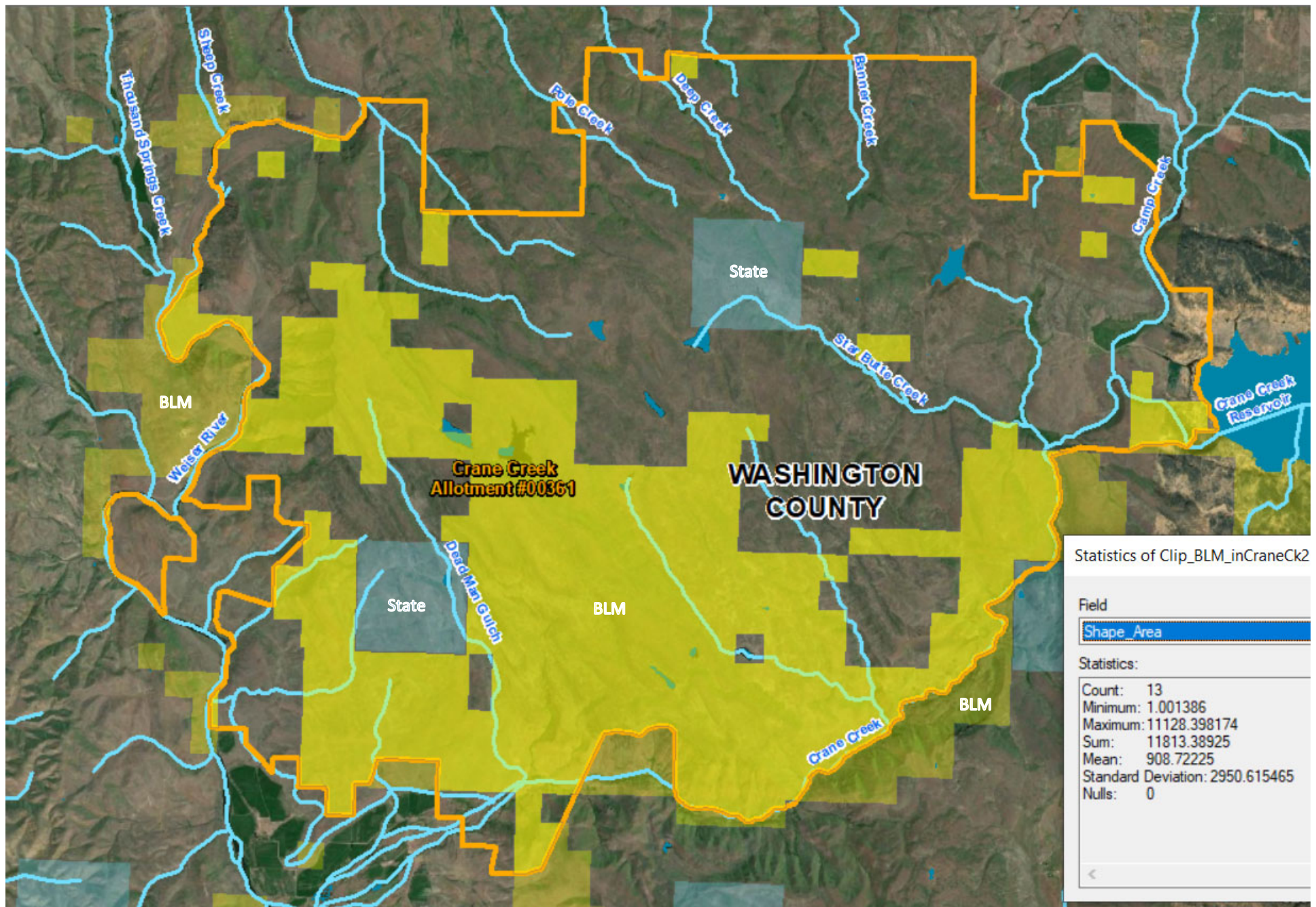
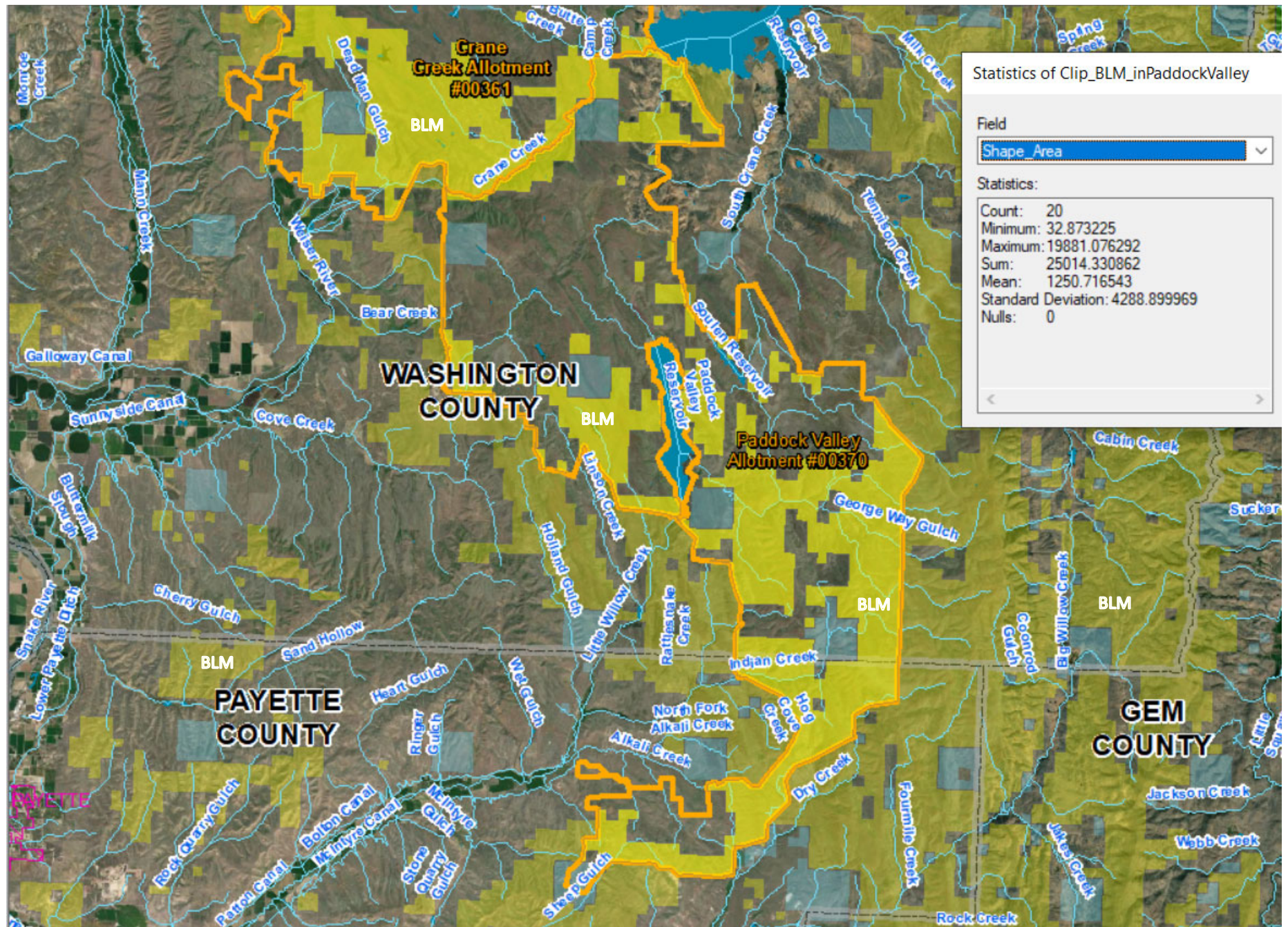


Exhibit 8

Paddock Valley Allotment #00370:

57,126 acres total, 25,014 acres of BLM



GIS_ACRES
57125.817505

Exhibit 8

China Creek Allotment #36191:
263 acres total, 263 acres of BLM

GIS Acres
262.550099

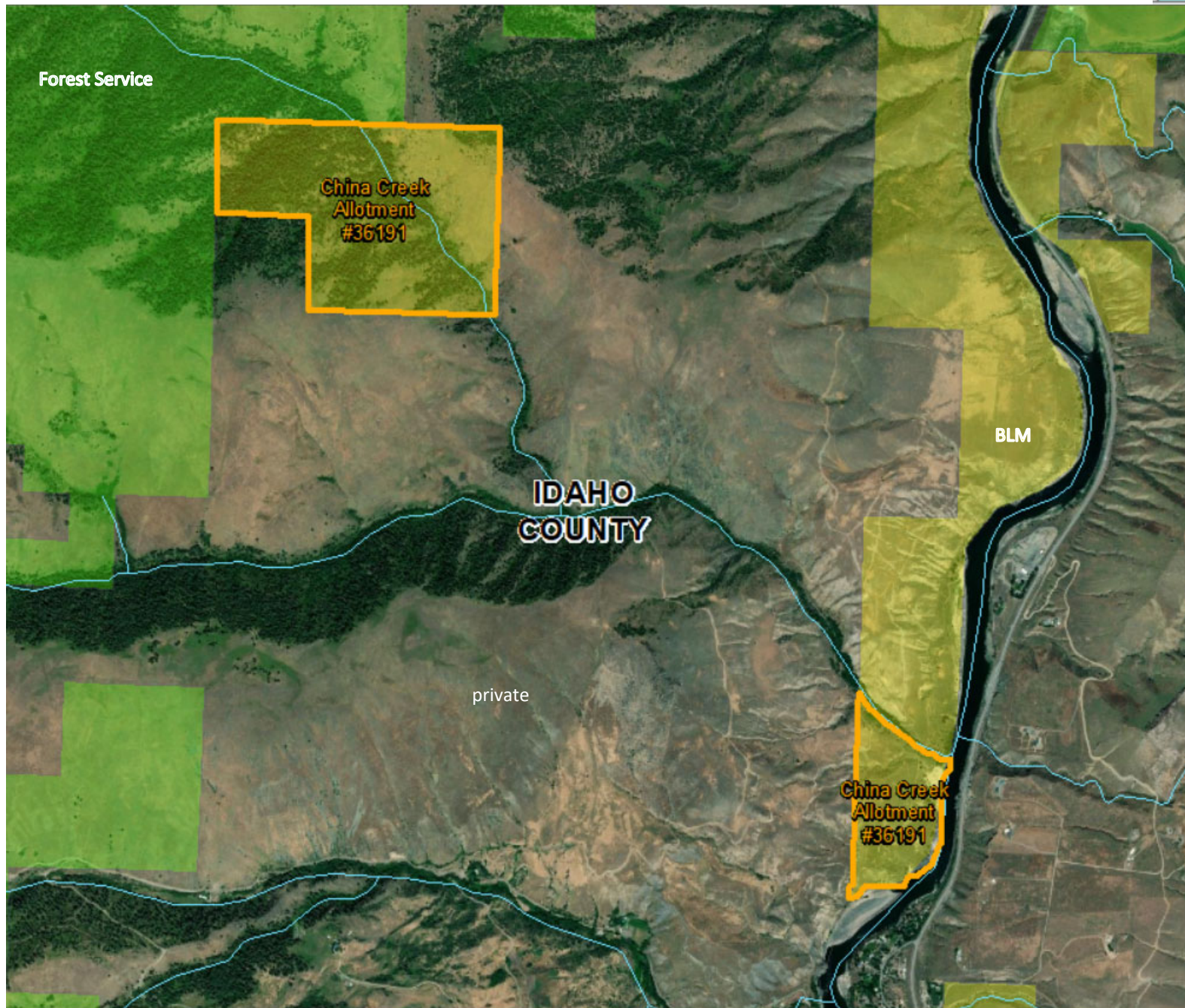


Exhibit 8

Butcher Bar Allotment #36138:
357 acres total, 357 acres of BLM

GIS_ACRES
357.048852

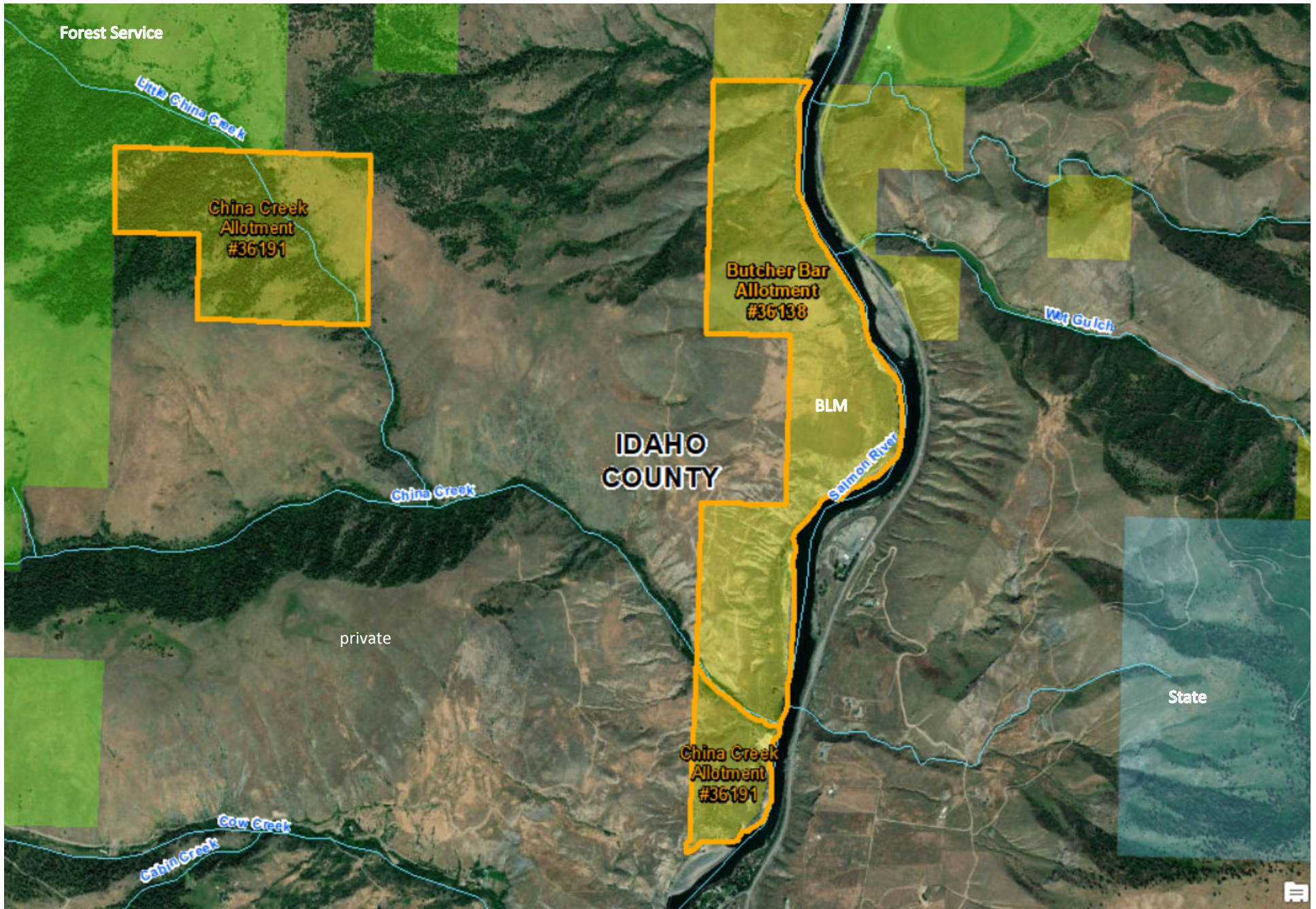


EXHIBIT 9

Exhibit 9

IDAHO DEPARTMENT OF
WATER RESOURCESRECEIVED
NRD SOUTH

MAY 09 2022

8:00 A.M.

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

May 5, 2022

RE: Notice of Pending Curtailment of Ground Water Rights with Priority Dates Junior to December 25, 1979 — Surface Water Coalition Delivery Call

Dear Water Right Holder,

You are receiving this letter because, according to the records of the Idaho Department of Water Resources ("Department"), you are the holder of one or more ground water rights subject to curtailment pursuant to the attached May 5, 2022 curtailment order issued by the Director of the Department in response to the water delivery call by members of the Surface Water Coalition ("SWC"). The SWC includes A&B Irrigation District, American Falls Reservoir District #2, Burley Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal Company, and Twin Falls Canal Company. The SWC called for delivery of their water rights under the Department's Rules for Conjunctive Management of Surface and Ground Water Resources (IDAPA 37.03.11) ("CM Rules").

The SWC delivery call applies to ground water rights for irrigation, commercial, industrial, municipal, non-exempt domestic uses, and other consumptive uses. Non-consumptive uses and culinary in-house uses of water are not subject to curtailment under the order.

The curtailment order requires that, at 12:01 a.m. on or before May 20, 2022, ground water users holding water rights bearing priority dates junior to December 25, 1979, within the Eastern Snake Plain Aquifer area of common ground water supply ("ESPA ACGWS"), and listed in Attachment A to the order, must curtail/refrain from diversion and use of ground water pursuant to those water rights, unless notified by the Department that the order of curtailment has been modified or rescinded as to their water rights. The curtailment order also requires that watermasters who regulate ground water for water districts within the ESPA ACGWS, are directed to review the water rights listed in Attachment A to the order and begin contacting the water right holders in their respective districts to evaluate and determine how the water rights will be curtailed.

Because you are the holder of one or more ground water rights listed in Attachment A to the curtailment order, you must curtail/refrain from any diversion under the above referenced water right(s) in compliance with the order, unless and until you receive further direction from the Department or watermaster after the watermaster has consulted with the Department.

RE: Notice of Pending Curtailment of Ground Water Rights with Priority Dates Junior to December 25, 1979
May 5, 2022
Page 2

The curtailment order explains that holders of ground water rights affected by the order may participate in an approved mitigation plan, such as the plan filed by the Idaho Ground Water Appropriator's Inc. and SWC in Docket No. CM-MP-2016-001. Holders of ground water rights shall have fifteen days to join, solely for mitigation purposes, the ground water district situated nearest the lands to which the water rights are appurtenant. See H.B. No. 737 (*Act Relating to the Administration of Ground Water Rights Within the Eastern Snake River Plain*, ch. 356, 2006, *Idaho Sess. Laws* 1089) and Idaho Code § 42-5259. Holders of ground water rights affected by the curtailment order may also submit a proposed mitigation plan to the Director in accordance with CM Rule 43. See IDAPA 37.03.11.043. Upon receipt of a proposed mitigation plan, the Director will publish notice for two successive weeks, after which ten days will be allowed for the filing of protests. The Director will then hold a hearing as necessary to determine whether a proposed mitigation plan will mitigate injury to the SWC caused by the ground water rights at issue. If holders of ground water rights affected by this order do not participate in an approved mitigation plan by May 20, 2022, the Director will curtail the junior priority ground water use.

Information regarding the ongoing status of this curtailment may be found at: <https://idwr.idaho.gov/legal-actions/delivery-call-actions/SWC/>. If you have questions concerning this notice, please contact the Department's State Office in Boise at 208-287-4800, or the watermasters for the water districts within the ESPA ACGWS who regulate ground water.

Respectfully,



Gary Spackman, Director

- c. Blake Jordan, Watermaster, Water Districts 100, 110 and 120
- Brian Ragan, Watermaster, Water District 130
- Adam McCoy, Watermaster, Water District 140
- Greg Shenton, Watermaster, Water District 31
- Lucas Yockey, Watermaster, Water District 34

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF DISTRIBUTION OF
WATER TO VARIOUS WATER RIGHTS
HELD BY OR FOR THE BENEFIT OF
A&B IRRIGATION DISTRICT,
AMERICAN FALLS RESERVOIR
DISTRICT #2, BURLEY IRRIGATION
DISTRICT, MILNER IRRIGATION
DISTRICT, MINIDOKA IRRIGATION
DISTRICT, NORTH SIDE CANAL
COMPANY, AND TWIN FALLS CANAL
COMPANY

Docket No. CM-DC-2010-001

**FINAL ORDER CURTAILING GROUND
WATER RIGHTS JUNIOR TO
DECEMBER 25, 1979**

The Director of the Idaho Department of Water Resources (“Department”) finds, concludes, and orders as follows:

FINDINGS OF FACT

1. On April 19, 2016, the Director issued his *Fourth Amended Final Order Regarding Methodology for Determining Material Injury to Reasonable In-Season Demand and Reasonable Carryover* (“Methodology Order”). The Methodology Order established nine steps for determining material injury to members of the Surface Water Coalition (“SWC”).¹

2. On April 20, 2022, the Director issued the *Final Order Regarding April 2022 Forecast Supply (Methodology Steps 1-3)* (“As-Applied Order”), which applied steps 1, 2, and 3 of the Methodology Order. The Director predicted an in-season demand shortfall (“DS”) of 162,600 acre-feet. *As-Applied Order* at 3. The Director ordered that, by May 1, 2022, ground water users with consumptive water rights “bearing priority dates junior to December 25, 1979, within the Eastern Snake Plain Aquifer area of common ground water supply shall establish, to the satisfaction of the Director, that they can mitigate for their proportionate share of the predicted DS of 162,600 acre-feet in accordance with an approved mitigation plan.” *Id.* at 6. The Director also ordered that, if such a junior ground water user cannot establish they can mitigate for their proportionate share of the predicted DS “in accordance with an approved mitigation plan, the Director will issue an order curtailing the junior-priority ground water user.” *Id.*

3. There are currently seven approved mitigation plans in place responding to the SWC delivery call:

- (1) Docket No. CM-MP-2009-007 for the benefit of the Idaho Ground Water Appropriators, Inc. (“IGWA”) (delivery of stored water);

¹ The SWC is comprised of A&B Irrigation District, American Falls Reservoir District #2, Burley Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal Company, and Twin Falls Canal Company.

- (2) Docket No. CM-MP-2009-006 for the benefit of IGWA (conversions, dry ups and recharge);
- (3) Docket No. CM-MP-2016-001 for the benefit of IGWA (the IGWA and SWC stipulated mitigation plan);
- (4) Docket No. CM-MP-2010-001 for the benefit of the Southwest Irrigation District and Goose Creek Irrigation District (collectively, "SWID");
- (5) Docket No. CM-MP-2019-001 for the benefit of certain cities commonly referred to as the "Coalition of Cities";
- (6) Docket No. CM-MP-2015-003 for the benefit of the A&B Irrigation District ("A&B"); and
- (7) Docket No. CM-MP-2007-001 for the benefit of certain entities commonly referred to as the "Water Mitigation Coalition."

4. In the 2022 As-Applied Order, the Director found that due to the nature of the approved mitigation plans for IGWA, SWID, the Coalition of Cities and the Water Mitigation Coalition, these entities do not need to establish they can mitigate for their proportionate share of the predicted DS. *See As-Applied Order* at 5 n.4. However, the Director found that A&B must mitigate for its proportionate share of the predicted DS of 162,600 acre-feet and determined that A&B's proportionate share is 2,542 acre-feet. *Id.*

5. In response to the 2022 As-Applied Order's requirement for junior ground water right holders to establish how they will mitigate for their proportionate share of the predicted demand shortfall, A&B sent a letter to the Director stating "it is the District's intent to continue to curtail the enlargement water rights (2,063) acres for the 2022 irrigation season." Letter from Travis Thompson to Gary Spackman (April 28, 2022).

CONCLUSIONS OF LAW

1. Idaho Code § 42-602 authorizes the Director to supervise water distribution within water districts:

The director of the department of water resources shall have direction and control of the distribution of water from all natural water sources within a water district to the canals, ditches, pumps and other facilities diverting therefrom. Distribution of water within water districts created pursuant to section 42-604, Idaho Code, shall be accomplished by watermasters as provided in this chapter and supervised by the director. The director of the department of water resources shall distribute water in water districts in accordance with the prior appropriation doctrine. The provisions of chapter 6, title 42, Idaho Code, shall apply only to distribution of water within a water district.

2. As explained above, by May 1, 2022, ground water users with consumptive water rights "junior to December 25, 1979, within the Eastern Snake Plain Aquifer area of common ground water supply" had to "establish, to the satisfaction of the Director, that they can mitigate for their

proportionate share of the predicted DS of 162,600 acre-feet in accordance with an approved mitigation plan.” *As-Applied Order* at 6. If a junior ground water user does not establish that they can mitigate for their proportionate share of the predicted DS “in accordance with an approved mitigation plan” the ground water user will be subject to this “order curtailing the junior-priority ground water user.” *Id.*

3. Due to the nature of the approved mitigation plans for IGWA, SWID, the Coalition of Cities and the Water Mitigation Coalition, these entities do not need to establish that they can mitigate for their proportionate share of the predicted DS. Junior ground water users entitled to the protection of IGWA, SWID, the Coalition of Cities and the Water Mitigation Coalition mitigation plans will not be subject to curtailment during the 2022 irrigation season.²

4. To ensure A&B’s enlargement water rights are curtailed for 2022, the Director should keep the enlargement water rights on the curtailment list. The Director will instruct the Watermaster to confirm A&B is not diverting ground water pursuant to its enlargement water rights.

5. Consistent with the *As-Applied Order* and Idaho Code § 42-602, the Director should order curtailment of junior-priority ground water users that have not established they can mitigate for their proportionate share of the predicted DS in accordance with an approved mitigation plan. Junior-priority ground water users subject to curtailment are listed in Attachment A to this order.

ORDER

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED that, at 12:01 a.m. on or before May 20, 2022, ground water users holding water rights bearing priority dates junior to December 25, 1979, within the ESPA ACGWS listed in Attachment A to this order shall curtail/refrain from diversion and use of ground water pursuant to those water rights unless notified by the Department that the order of curtailment has been modified or rescinded as to their water rights. This order shall apply to consumptive ground water rights, including but not limited to, agricultural, commercial, industrial, and municipal uses. This order excludes ground water rights used for *de minimis* domestic purposes where such domestic use is within the limits of the definition set forth in Idaho Code § 42-111 and ground water rights used for *de minimis* stock watering where such stock watering use is within the limits of the definitions set forth in Idaho Code § 42-1401A(11), pursuant to IDAPA 37.03.11.020.11.

IT IS FURTHER ORDERED that watermasters for the water districts within the ESPA ACGWS who regulate ground water are directed to review the water rights listed in Attachment A to this order and subject to curtailment and begin contacting the water right holders in their respective districts to evaluate and determine how the water rights will be curtailed.

IT IS FURTHER ORDERED that holders of ground water rights affected by this order may participate in an approved mitigation plan through a ground water district and shall have

² On April 28, 2022, the Director received a letter from the Coalition of Cities with a list of the specific cities that are entitled to protected under the Coalition of Cities’ mitigation plan.

Exhibit 9

fifteen days from the date of this Order to join, solely for mitigation purposes, the ground water district situated nearest the lands to which the water rights are appurtenant. *See* H.B. No. 737 (*Act Relating to the Administration of Ground Water Rights Within the Eastern Snake River Plain*, ch. 356, 2006, *Idaho Sess. Laws* 1089) and Idaho Code § 42-5259. Holders of ground water rights affected by this order may also submit a proposed mitigation plan to the Director in accordance with CM Rule 43. *See* IDAPA 37.03.11.043. However, the submission of a proposed mitigation plan is not justification for delaying or staying curtailment. Upon receipt of a proposed mitigation plan, the Director will publish notice of the proposed mitigation plan for two successive weeks, after which ten days will be allowed for the filing of protests. The Director will then hold a hearing as necessary to determine whether a proposed mitigation plan will mitigate injury to the SWC caused by the ground water rights at issue.

Dated this 5th day of May 2022.


GARY SPACKMAN
Director

Exhibit 9

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of May 2022, the above and foregoing, was served by the method indicated below, and addressed to the following:

John K. Simpson Travis L. Thompson BARKER RSHOLT & SIMPSON, LLP P. O. Box 63 Twin Falls, ID 83303-0063 jks@idahowaters.com tlr@idahowaters.com nls@idahowaters.com jf@idahowaters.com	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email
W. Kent Fletcher FLETCHER LAW OFFICE P.O. Box 248 Burley, ID 83318 wkf@pmt.org	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email
Randall C. Budge Thomas J. Budge RACINE OLSON P.O. Box 1391 Pocatello, ID 83204-1391 randy@racineolson.com tj@racineolson.com	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email
Kathleen Marion Carr US Dept. Interior 960 Broadway Ste 400 Boise, ID 83706 kathleenmarion.carr@sol.doi.gov	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email
David W. Gehlert Natural Resources Section Environment and Natural Resources Division U.S. Department of Justice 999 18 th St., South Terrace, Suite 370 Denver, CO 80202 david.gehlert@usdoj.gov	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email
Matt Howard US Bureau of Reclamation 1150 N Curtis Road Boise, ID 83706-1234 mhoward@usbr.gov	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email
Sarah A Klahn Somach Simmons & Dunn 2033 11th Street, Ste 5 Boulder, Co 80302 sklahn@somachlaw.com dthompson@somachlaw.com	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email

Exhibit 9

Rich Diehl City of Pocatello P.O. Box 4169 Pocatello, ID 83205 rdiehl@pocatello.us	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email
Candice McHugh Chris Bromley MCHUGH BROMLEY, PLLC 380 South 4 th Street, Suite 103 Boise, ID 83702 cbromley@mchughbromley.com cmchugh@mchughbromley.com	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email
Robert E. Williams WILLIAMS, MESERVY, & LOTHSPREICH, LLP P.O. Box 168 Jerome, ID 83338 rewilliams@wmlattys.com	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email
Robert L. Harris HOLDEN, KIDWELL, HAHN & CRAPO, PLLC P.O. Box 50130 Idaho Falls, ID 83405 rharris@holdenlegal.com	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email
Randall D. Fife City Attorney, City of Idaho Falls P.O. Box 50220 Idaho Falls, ID 83405 rfife@idahofallsidaho.gov	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input checked="" type="checkbox"/> Email
Tony Olenichak IDWR—Eastern Region 900 N. Skyline Drive, Ste. A Idaho Falls, ID 83402 Tony.Olenichak@idwr.idaho.gov	<input checked="" type="checkbox"/> Email
Corey Skinner Nathan Erickson IDWR—Southern Region 1341 Fillmore St., Ste. 200 Twin Falls, ID 83301-3033 corey.skinner@idwr.idaho.gov nathan.erickson@idwr.idaho.gov	<input checked="" type="checkbox"/> Email
COURTESY COPY TO: William A. Parsons PARSONS SMITH & STONE P.O. Box 910 Burley, ID 83318 wparsons@pmt.org	<input checked="" type="checkbox"/> Email


Sarah Tschohl
Legal Assistant

FINAL ORDER CURTAILING GROUND WATER RIGHTS JUNIOR TO DECEMBER 25, 1979—Page 6

Exhibit 9

Attachment A
List of Ground Water Rights Subject to Curtailment
Sorted by Owner

Owner	Water Right No.	Base	Priority Date	Diversion Rate (cfs)	Water Use List	Total Acres	Enlargement
ZK FARMS	35-8766	License	6/1/1989	0.020	COMMERCIAL, DOMESTIC		
A & B IRRIGATION DISTRICT / US BUREAU OF REC.	36-15193B	Decreed	4/1/1965	0.310	IRRIGATION		Y
A & B IRRIGATION DISTRICT / US BUREAU OF REC.	36-15194B	Decreed	4/1/1968	2.510	IRRIGATION		Y
A & B IRRIGATION DISTRICT / US BUREAU OF REC.	36-15195B	Decreed	4/1/1978	2.240	IRRIGATION		Y
A & B IRRIGATION DISTRICT / US BUREAU OF REC.	36-15196B	Decreed	4/1/1981	0.080	IRRIGATION		Y
A & B IRRIGATION DISTRICT / US BUREAU OF REC.	36-15127B	Decreed	4/1/1984	28.890	IRRIGATION		Y
AEI CORP	29-8037	License	11/13/1990	0.060	DOMESTIC, INDUSTRIAL		
AGRICULTURAL SERVICES INC	35-8857	License	9/6/1989	0.040	COMMERCIAL		
ALLEN, CECIL; ALLEN, FLORENCE I	31-7398	Decreed	6/16/1983	0.060	COMMERCIAL, DOMESTIC		
ANDERSON, CHAD ALLEN; ANDERSON, JASHELLE HEATHER	45-7650	License	6/21/1989	0.060	DOMESTIC, IRRIGATION	1.0	
ANDERSON, SAM; ANDERSON, STACIE	25-7490	License	3/15/1989	0.040	COMMERCIAL		
ARD, CHARLES BRUCE	22-7555	License	8/24/1988	0.040	COMMERCIAL, DOMESTIC		
ARLENCO INC	22-7423	Decreed	2/24/1983	0.010	COMMERCIAL		
ARMSTRONG, JEREMY L	22-7633	License	3/2/1989	0.040	COMMERCIAL		
ARTCO INC	22-7473	License	12/23/1983	0.840	INDUSTRIAL, IRRIGATION	17.0	
ATKINSON, ANDREW; ATKINSON, MARY	29-13736	License	2/11/2006	0.080	DOMESTIC		
B & F DISTRIBUTING CO	25-7555	License	10/12/1989	0.040	COMMERCIAL		
BARTLETT, ERWIN; BARTLETT, JANICE	45-7653	License	8/6/1989	0.040	COMMERCIAL		
BATES, ROBERT W; BATES, SHARON H; WILKINS, ELMA; WILKINS, LLOYD	25-7357	Decreed	6/16/1983	0.060	DOMESTIC		
BEAR ISLAND WATER ASSN INC	35-8672	License	9/6/1988	0.200	DOMESTIC		
BENSON, CLIFFORD; BENSON, LADAWN C	35-8124		3/25/1983	6.400	IRRIGATION	320.0	
BEYER, PATRICK	25-7313	Decreed	4/11/1983	0.050	DOMESTIC, IRRIGATION	0.7	
BIG FIVE WATER ASSN	25-7199	Decreed	7/24/1980	0.110	DOMESTIC		
BINGHAM, BOYD A; BINGHAM, SHERRY R	36-8425	License	6/23/1989	0.880	IRRIGATION	105.0	
BINGHAM, JERRY D; BINGHAM, VALERIE H	35-12226	Decreed	4/1/1987	0.590	IRRIGATION	285.0	Y
BIRD, WARREN A; FARNES, LYLE; RICKS, RICHARD; TOMCHAK, TYE	25-7375	Decreed	6/29/1983	0.100	DOMESTIC		
BLEDSE, HELEN M; HACKMAN, ERNEST A	35-7916	License	9/16/1980	0.080	DOMESTIC		
BOLINDER, CATHERINE L	27-7322	License	6/8/1982	0.060	DOMESTIC		
BORAN, MICHAEL J	35-8635B	Decreed	12/17/1986	0.720	FISHPROPAGATION		
BORAN, MICHAEL J	35-8782	License	5/23/1989	4.640	FISHPROPAGATION		
BOWEN PETROLEUM	22-7464	License	6/29/1983	0.040	COMMERCIAL		
BRADY, LANCE; BRADY, SHANNON; HAGAN, DANNY D; HAGAN, MARYLYNN J; HOLMES, BILL; HOLMES, LINDA	25-7330	Decreed	6/14/1983	0.080	DOMESTIC, IRRIGATION	0.4	
BRAY VALLEY RANCH LLC	37-7942	Decreed	9/22/1981	1.110	DOMESTIC, IRRIGATION, STOCKWATER	141.0	
BRIGGS, JOYCE; BRIGGS, VAN W	22-7656	License	11/21/1989	0.040	COMMERCIAL		
BRIGGS, DAVID L; BRIGGS, JEANIE K	25-7466	License	11/27/1988	0.040	COMMERCIAL		
BRINKMANN, GEORGE	35-8893	License	3/29/1990	0.010	COMMERCIAL		
BROADHEAD, LYNN	35-8765	License	5/23/1989	0.050	COMMERCIAL		
BROWN, HAROLD	31-7513	License	11/23/1988	0.070	COMMERCIAL, DOMESTIC		
BROWN, JAN A; BROWN, SID E; MOMBERGER, JESSE C	31-7510	License	11/24/1988	0.110	DOMESTIC, IRRIGATION, STOCKWATER	2.0	
BRP INC	25-14504		10/12/2021	0.260	DOMESTIC		
BRP INC	25-7622	License	9/23/1998	0.230	DOMESTIC		
BRUNFIELD, DALE	35-13320	License	8/7/2001	0.100	DOMESTIC		
BURDETTE INC	25-7532	License	9/20/1989	0.040	COMMERCIAL		
BURGESS SUBDIVISION WATER ASSN INC	25-7457	License	10/27/1988	0.110	DOMESTIC		
BURNS CONCRETE INC	25-13982	License	12/18/2002	3.530	COMMERCIAL		
BURNS, KIRK L; SZIMHARDT, LINDA J	25-7426	License	6/6/1988	0.080	IRRIGATION	5.6	
BURRELL, GEORGE W; BURRELL, LURANA J; RODRIGUEZ, FABIAN	29-13900	License	4/3/2009	0.080	DOMESTIC		
CANNERS SEED CORP	25-7449	License	10/13/1988	0.040	COMMERCIAL, DOMESTIC		

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Owner	Water Right No.	Seale	Priority Date	Diversion Rate (cfs)	Water Use List	Total Acres	Enlargement
CARPENTER, BARBARA; CARPENTER, MAURICE	25-71938	Decreed	4/30/1980	0.020	DOMESTIC, IRRIGATION, STOCKWATER	2.5	
CARRELL, F DUANE	36-8342	License	1/5/1988	0.020	COMMERCIAL		
CARSTENS, JULIUS M J	25-7481	License	12/22/1988	0.040	IRRIGATION	1.4	
CASSIDY, FRANCIS J; HOFFMAN, RICHARD P; MEYER, DAVID DANIEL; MEYER, JENNY CLUFF; TANNER, TOMMY C	25-7638	License	4/25/1995	0.100	DOMESTIC		
CEYNAR, MARCENE; FANN, LAVEDA A; FANN, RE, FARNSWORTH, BETH; FARNSWORTH, JAY; PICKERING, CRAIG; PICKERING, VICKY	25-7272	Decreed	2/4/1982	0.100	DOMESTIC		
CHALLENGER PALLET & SUPPLY	25-7451	License	12/1/1988	0.040	COMMERCIAL		
CHAMBERS, RALEIGH R	25-7343	License	6/27/1983	0.060	DOMESTIC		
CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS	22-13745	License	7/23/2007	0.110	DOMESTIC		
CLAYSON, CASEY; CLAYSON, SHANE	45-7496	Decreed	1/27/1982	0.060	DOMESTIC, IRRIGATION	0.7	
COOK, DANNY; COOK, DARRELL	35-7979	License	5/5/1981	0.060	DOMESTIC		
CORDES, RONALD A	25-7488	License	2/14/1989	0.100	DOMESTIC, IRRIGATION	3.0	
COUNTRY CLUB ESTATES WATER ASSN INC	36-8607	License	11/18/1991	0.500	DOMESTIC, FIRE PROTECTION, STOCKWATER		
COUNTRY CLUB WATER	25-14448	Decreed	10/31/1986	0.010	IRRIGATION	18.7	Y
COUNTY OF JEFFERSON	25-13985	License	5/13/2003		RECREATION STORAGE		
CRANDALL, JEFF; CRANDALL, SUSAN	35-8658	License	11/2/1985	0.060	DOMESTIC		
CRANER, DAVID A; CRANER, HELEN B	45-7442	Decreed	4/4/1980	0.120	IRRIGATION	4.0	
CRESPO TRUCKING INC	37-8355	License	8/9/1988	0.040	COMMERCIAL, DOMESTIC		
CRMCO	25-7554	License	9/8/1989	0.040	COMMERCIAL		
CROMWELL, VERNAL D	25-7446	License	10/21/1988	0.060	DOMESTIC		
CROP PRODUCTION SERVICES	27-7371	Decreed	6/29/1983	0.040	COMMERCIAL		
CROP PRODUCTION SERVICES	35-8627	Decreed	4/4/1989	0.160	COMMERCIAL		
CROWN OF LIFE LUTHERAN CHURCH	25-7434	License	8/30/1988	0.040	COMMERCIAL		
CRYSTAL POND ANGLERS ASSN INC	22-7577	License	8/24/1988		RECREATION STORAGE		
DALTON, DOUG	29-7858	License	2/22/1989	0.080	COMMERCIAL		
DANCE, DAVID P; DANCE, KARAN D	35-8822	License	7/3/1989	0.010	COMMERCIAL		
DANCELAND HOLDINGS LLC	35-14775	Decreed	3/17/1981	1.000	IRRIGATION	50.0	
DANIEL, BRENDA	25-7447	License	10/25/1988	0.020	IRRIGATION	1.0	
DANIEL, BRENDA; DANIEL, DAVIDS	25-7261	Decreed	10/8/1981	0.040	DOMESTIC, IRRIGATION, STOCKWATER	2.0	
DANIEL, MELVIN R JR	25-7538	License	9/19/1989	0.070	COMMERCIAL		
DASCANIO, ELIZABETH; DASCANIO, JUSTIN	35-14589	Decreed	9/28/1981	0.010	IRRIGATION	15.0	
DAVIS, ERNIE; DAVIS, RHONDA	35-8814	License	9/5/1989	0.040	COMMERCIAL		
DEES, ELDON G; DEES, KATHALIN E; DEES, RONALD R; DEES, SHIRLEY	25-7351	Decreed	6/24/1983	0.060	DOMESTIC, STOCKWATER		
DEMOTT, WILLIAM J; GROVER, LAVAR; RIGBY, WILLIAM F	25-7537	License	9/20/1989	0.080	COMMERCIAL		
DERBYHAWK LLC	25-7553	License	9/27/1989	0.110	DOMESTIC		
DREW, STAN	29-8237	License	4/17/2000	0.110	DOMESTIC		
DUFFY & CONNIE ENTERPRISES LLC	22-7605	License	10/19/1988	0.020	COMMERCIAL		
EAMES, LINDA J	25-7643	License	12/4/1995	0.180	DOMESTIC		
EGANS GREENHOUSE	25-7433	License	7/25/1988	0.040	COMMERCIAL		
EVANS GRAIN & ELEVATOR CO	35-8848	License	11/6/1989	0.040	COMMERCIAL		
FALL RIVER TRADING POST	21-7412	License	3/1/1989	0.040	COMMERCIAL, DOMESTIC		
FARFAN-CEJA, CASTULO; JUAREZ, ARTEMIO; JUAREZ, GUADALUPE	36-15565	License	2/5/2001	0.080	DOMESTIC		
FERGUSON, ROGER N	21-7385	License	9/30/1988	0.040	COMMERCIAL		
FERGUSON, DANNY G; FERGUSON, MARCENE M	25-7599	License	9/25/1991	2.280	IRRIGATION	118.0	
FOSTER FAMILY FARMS INC	35-8773	License	6/7/1989	0.040	COMMERCIAL, DOMESTIC		
FOSTER FAMILY FARMS INC	35-8774	License	6/20/1989	0.040	COMMERCIAL		
FOUR SEASONS WATER CO	27-7351	License	4/20/1983	0.290	DOMESTIC		
FOUR SQUARE WATER WELL CORP	25-7327	Decreed	2/4/1985	0.160	DOMESTIC, IRRIGATION	3.0	

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FOX WAREHOUSE LLC	25-7424	License	4/1/1988	0.090	IRRIGATION	3.0	
FUNK, LANCE; FUNK, LISA	29-13959	Decreed	3/24/1982	0.020	INDUSTRIAL		
GARNER, KAY R; GARNER, LESUE	35-14288	License	11/13/2012	0.040	COOLING, HEATING		
GILLEN, NORMAN	27-7585	License	4/20/1999	0.140	DOMESTIC		
GLEN CAPPS INC	36-8176	Decreed	3/31/1983	0.040	COMMERCIAL, DOMESTIC		
GOLDEN VALLEY DEVELOPMENTS	22-7805	License	2/16/1999	0.390	DOMESTIC		
GOLDEN VALLEY LLC	36-8231	Decreed	7/9/1983	0.020	COMMERCIAL		
GOLDEN VALLEY MEAT LLC	35-8710	License	3/8/1989	0.940	COMMERCIAL		
GONZALES, FERNANDO B; GONZALES, IRENE H	29-7984	Decreed	4/23/1990	0.030	IRRIGATION	8.0	
GOUGH, SHAUN	37-23373	License	8/22/1988	0.030	IRRIGATION	1.5	
GROVER, ALICE MAE; GROVER, MELVIN G	25-7480	License	1/9/1989	0.070	DOMESTIC, IRRIGATION, STOCKWATER	3.0	
GUNDERSON, ADEN	35-14178	Decreed	9/28/1981	0.010	IRRIGATION	20.0	
GUNDERSON, BONNIE; GUNDERSON, GARTH	35-14585	Decreed	9/28/1981	0.010	IRRIGATION	3.2	
GUNDERSON, BRENT G	35-86578	Decreed	9/28/1981	0.020	IRRIGATION	5.7	
M & T PROPERTIES LLC	36-8312	License	8/15/1986	0.050	STOCKWATER		
HAMMOND, LORNA O; THE SHELTERED TRUST	35-8016	License	1/18/1982	0.060	DOMESTIC, STOCKWATER		
MANEY SEED CO	36-8416	License	3/30/1989	0.040	COMMERCIAL		
MANEY SEED CO	45-7639	License	3/30/1989	0.040	COMMERCIAL		
NANSEN, WILLIAM KORB	25-7458	License	11/8/1988	0.090	DOMESTIC, IRRIGATION	1.7	
HAROLDSEN, GERIC, HAROLDSEN, GRANT O	25-7300	Decreed	1/5/1983	0.060	DOMESTIC, STOCKWATER		
HARPER, DAVID; HARPER, HEATHER	35-14728	Decreed	9/28/1981	0.010	IRRIGATION	17.2	
HART, BOB; HART, MELANIE	25-7520	License	10/16/1989	0.040	COMMERCIAL		
HASLAM, LAVORE	35-8629	License	4/8/1986	0.080	DOMESTIC, STOCKWATER		
HAYES, AMY; HAYES, DESTRY	35-14639	Decreed	9/28/1981	0.020	IRRIGATION	3.3	
HEATH, AFTON M; HEATH, CLEM J	35-8617	Decreed	8/18/1985	0.040	COMMERCIAL		
HELENA CHEMICAL CO	22-7520	Decreed	11/7/1985	0.020	COMMERCIAL		
HENDRICKS, TERRY	22-13913	License	1/20/2009	0.170	DOMESTIC		
HENRIE, JAREM	25-7302	Decreed	1/25/1983	0.050	DOMESTIC, IRRIGATION, STOCKWATER	2.0	
HERITAGE DEVELOPMENT	29-8173	License	7/19/1996	0.270	DOMESTIC		
HINCKLEY, LAPREAL	25-14005	License	10/12/2003	0.060	IRRIGATION	3.0	
HOBBS, LAURALEE	25-7540	License	8/18/1989	0.100	DOMESTIC		
HOOPER, LLOYD C	25-7531	License	10/22/1989	0.040	COMMERCIAL		
HOPI, DENNIS K	22-7764	License	11/3/1993	0.150	DOMESTIC		
HOPI, DENNIS K	22-7784	License	5/24/1995	0.130	DOMESTIC		
HUNSTMANS PROPERTIES	27-7511	License	4/20/1990	0.330	COMMERCIAL		
HUNTING, AUDREY	25-7453	License	10/28/1988	0.030	IRRIGATION	1.0	
IDAHO PACIFIC CORP	25-7475	Decreed	12/6/1988	0.930	INDUSTRIAL		
IDAHO POTATO PACKERS CORP	35-8909	License	8/3/1990	0.010	COMMERCIAL		
IDAHO POWER CO	37-8484	License	1/17/1989	0.020	COMMERCIAL		
IDAHO POWER CO	45-7669	License	1/9/1990	0.060	DOMESTIC		
IDAHO POWER CO	36-12184	License	4/9/2011	0.120	DOMESTIC, FIRE PROTECTION		
IDAHOAN FOODS INC	25-7471	License	11/7/1988	0.120	IRRIGATION	4.0	
INTERSTATE MFG	36-8454	License	9/14/1989	0.040	COMMERCIAL		
IRELAND ACRES #2	25-7273	Decreed	2/3/1982	0.050	DOMESTIC		
IRELAND ACRES MOBILE HOME PARK	25-7195	Decreed	6/4/1980	0.540	DOMESTIC		
J & D PROPERTIES LLC	31-7511	License	11/10/1988	0.030	COMMERCIAL		
JT LAND LLC	36-11081	Decreed	10/3/1984	0.040	DOMESTIC, STOCKWATER		
JACOBS, GEORGE J	25-7321	License	5/9/1983	0.080	DOMESTIC, STOCKWATER		
JANSSEN, KARLEENA	25-12143	Decreed	2/8/1985	0.040	COMMERCIAL		

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JEFFERSON COUNTY	25-14281	License	9/9/2010	0.650	COMMERCIAL		
JEFFERSON SCHOOL DISTRICT #251	35-8683	License	12/2/1988	0.020	INDUSTRIAL		
JEFFERSON SCHOOL DISTRICT #251	25-7472	License	1/23/1989	0.070	DOMESTIC		
JEFFERSON SCHOOL DISTRICT #251	25-7473	License	1/23/1989	0.070	DOMESTIC		
JENCO ACRES WATER BOARD ASSN	25-7454	License	11/14/1988	0.500	DOMESTIC, IRRIGATION	33.0	
JENKINS, FRANK L	22-11197	Decreed	6/6/1980	0.040	COMMERCIAL, DOMESTIC		
JEROME COUNTY ROD & GUN CLUB	36-8620	License	11/14/1991	0.020	COMMERCIAL, IRRIGATION	0.5	
JK MERRILL & SONS INC	29-7754	License	6/17/1983	0.810	COMMERCIAL		
JOHN, GLORIA; JOHN, KIT M	37-8346	License	6/21/1988	0.030	COMMERCIAL		
JOHNSON, DONA; JOHNSON, LAURIE	25-7493	License	3/8/1989	0.060	DOMESTIC		
JOHNSON, MELISSA	25-7455	License	10/21/1988	0.070	DOMESTIC, IRRIGATION	1.0	
JOSEPHSON, JEANETTE; JOSEPHSON, JOHN	35-8719	License	4/14/1989	0.040	INDUSTRIAL		
JOURNEYS END HOMEOWNERS ASSN	35-13612	License	11/24/2003	0.400	DOMESTIC		
JOURNEYS END HOMEOWNERS ASSN	35-13611	License	1/11/2007	0.110	COMMERCIAL, DOMESTIC		
JUNIPER & CEDAR ESTATES WATER ASSN	25-7432	License	7/19/1988	0.240	DOMESTIC, IRRIGATION	5.0	
KAREY LANE WELL ASSN	35-8943	License	5/3/1991	0.090	DOMESTIC		
KAREY LANE WELL ASSN	35-7698	Decreed	8/11/1983	0.140	DOMESTIC		
KERBS OIL CO INC	45-7643	License	5/19/1989	0.040	COMMERCIAL		
KERBS OIL CO INC	45-7644	License	5/22/1989	0.040	COMMERCIAL		
KEY BANK NATIONAL ASSOC	25-7517	License	8/24/1989	0.500	COMMERCIAL		
KING, FERRIL; KING, RENE	36-8440	License	9/7/1989	0.020	COMMERCIAL		
KITS FOUNDRY & MACHINE SHOP INC	27-7460	License	5/16/1989	0.050	DOMESTIC, INDUSTRIAL		
KLASSEN, HAROLD J	35-8724	License	4/10/1989	0.020	COMMERCIAL		
KNIFE RIVER CORPORATION MOUNTAIN WEST	25-14498	License	1/14/1983	0.070	INDUSTRIAL		
KODON, JACK E	22-7751	License	9/18/1992	0.060	DOMESTIC		
KRUCKEBERG, ALESHA; KRUCKEBERG, MATTHEW	35-14730	Decreed	9/28/1981	0.010	IRRIGATION	2.4	
KUGLER, DIANE K; KUGLER, JOHN B	35-8359	License	11/28/1984	6.000	IRRIGATION	313.0	
LACEYS VISTA ACRES WATER CORP	29-7607	License	7/15/1981	0.670	DOMESTIC		
LAMBERT, LYLE; LAMBERT, NADINE	29-7640	Decreed	5/17/1982	0.040	DOMESTIC, IRRIGATION, STOCKWATER	1.0	
LAMBERT, RJ	35-8670	License	9/14/1988	0.040	COMMERCIAL		
LARSEN, HELEN	35-8127	License	4/28/1983	0.080	DOMESTIC, STOCKWATER		
LAZY EIGHT ESTATES DIVISION 2 HOMEOWNERS ASSN INC	25-14189	License	10/26/2006	0.500	DOMESTIC		
LEE, MARTIN R	36-8410	License	2/10/1989	0.030	COMMERCIAL		
LEISHMAN ELECTRIC	22-7558	License	8/30/1988	0.020	COMMERCIAL		
LORDS, DARRELL M	35-8778	License	5/31/1989	0.100	IRRIGATION	4.5	
LOVELL, HOPE; LOVELL, JAMES R	25-7598	License	9/25/1991	0.030	IRRIGATION	1.9	
LOWDER, JUSTIN; LOWDER, LUCILE	29-7539	Decreed	4/4/1980	0.070	DOMESTIC, IRRIGATION	2.0	
M&B INVESTMENTS LLC	25-14163	License	12/9/2004	0.300	DOMESTIC		
M&B INVESTMENTS LLC	25-14379	License	8/13/2012	0.390	DOMESTIC		
MARSHALL, DON W	25-7462	License	11/10/1988	0.070	DOMESTIC, IRRIGATION	1.0	
MASONS	35-8828	License	7/28/1989	0.040	COMMERCIAL		
MCCOWIN, BRENDA	25-7544	License	8/16/1989	0.070	DOMESTIC		
MERRILL, KENT	25-14364	License	2/28/1992	0.190	IRRIGATION	12.2	
MIDNIGHT SUN INC	35-8722	License	4/21/1989	0.010	INDUSTRIAL		
MIKKOLA, ARTHUR; MIKKOLA, MARK	25-7389	Decreed	11/2/1983	0.060	DOMESTIC, STOCKWATER		
MILLER, CHARLES; MILLER, RACHEL	25-7442	License	9/8/1988	0.050	DOMESTIC, IRRIGATION	1.0	
MITCHELL, DELL N; MITCHELL, SUSAN L	45-14546	Decreed	10/20/1980	0.240	IRRIGATION	18.8	
MITCHELL, DELL N; MITCHELL, SUSAN L	45-14547	License	2/14/1991	0.100	IRRIGATION	6.2	
MITCHELL, RALPH M	45-7640	License	5/23/1989	0.070	DOMESTIC, IRRIGATION	1.5	

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MODEL WATER USERS ASSN INC	35-7986	Decreed	6/1/1981	0.100	DOMESTIC		
MORELAND WATER & SEWER DISTRICT	35-14479	License	5/26/1989	0.170	COMMERCIAL		
MORGAN, CODY; MORGAN, KATHY	36-17090	License	3/10/1992	0.020	COMMERCIAL, STOCKWATER		
MORRIS, JUDITH L; MORRIS, VIRGIL R	25-7483	License	12/22/1988	0.040	DOMESTIC, IRRIGATION, STOCKWATER	3.0	
MOUNTAIN RIVER SPORTSMANS RV PARK & CAMP	25-14229	License	9/2/2008	0.200	COMMERCIAL		
MOUNTAIN VIEW COURT LLC	21-7428	License	3/23/1989	0.090	COMMERCIAL		
MOUNTAIN WEST BARK PRODUCTS INC	22-7573	License	8/8/1988	0.080	COMMERCIAL		
MUD LAKE WATER USERS INC	31-12447	License	11/2/2018	0.040	COMMERCIAL		
NEIBAUR, RYAN	25-7561	License	3/2/1990	4.000	IRRIGATION	360.5	
NELSEN DAIRY	36-8745	License	11/7/1995	0.110	COMMERCIAL, STOCKWATER		
NEW PHASE INVESTMENTS LLC	25-14186	License	9/18/2006	0.050	COMMERCIAL		
NICKELSON, DALENE C	25-1193A	Decreed	4/30/1980	0.020	DOMESTIC, IRRIGATION, STOCKWATER	2.9	
NOEL, DE ANN B; NOEL, WRIGHT R	22-7372	License	7/14/1981	0.070	DOMESTIC, STOCKWATER		
NORTH HIGHLANDER FARMS INC	25-7438	License	8/8/1988	0.040	COMMERCIAL		
NULPH BROTHERS INC	27-7466	License	5/3/1989	0.040	COMMERCIAL		
NUTTALL, ALIESHA DAWN; NUTTALL, JEFFREY DOUGLAS	25-7275	Decreed	2/8/1982	0.030	DOMESTIC, IRRIGATION, STOCKWATER	1.0	
PACIFI CORP AN OREGON CORP	25-7403	License	6/14/1985	0.450	WATERQUALITYIMPROVEMENT		
PACIFIC CONTAINER INC	25-7420	License	11/8/1987	0.040	COMMERCIAL		
PACIFICORP	25-14431	License	2/19/2016	0.470	WATERQUALITYIMPROVEMENT		
PARKINSON FARMS	34-10393	Decreed	5/1/1976	0.360	IRRIGATION	306.0	Y
PINGREE LAND CO LLC	29-7806	Decreed	12/10/1985	0.010	COMMERCIAL		
PINSON, JANICE	25-14182	License	3/24/2006	0.300	COMMERCIAL		
PONY ACRES WATER ASSN	29-7625	Decreed	12/15/1981	0.160	DOMESTIC, IRRIGATION	2.0	
POULSON, DUANEL	35-8767	License	6/9/1989	0.010	COMMERCIAL		
QUALITY INSULATION & CONSTRUCTION INC	25-7539	License	8/18/1989	0.040	COMMERCIAL		
QUINTON, BERNADENE L; QUINTON, RAYE	25-7536	License	9/18/1989	0.020	COMMERCIAL		
RANDALL, GLADYS	22-7594	License	8/25/1988	0.040	COMMERCIAL		
RC WILLEY HOME FURNISHINGS	35-14596		5/25/2018	0.780	COMMERCIAL		
RHODEHOUSE, KEVIN	35-8659	License	10/15/1987	0.150	COMMERCIAL, STOCKWATER		
RICHAN, CLYDE L; RICHAN, ELVERA L	36-8486	License	9/19/1989	0.030	COMMERCIAL, DOMESTIC		
RICHARDS, DENICE	27-7343	Decreed	3/2/1983	0.080	DOMESTIC, IRRIGATION	5.0	
RICHARDSON, BRIAN	35-8769	License	5/31/1989	0.070	COMMERCIAL, DOMESTIC		
RICKS, CONNIE	25-7183	Decreed	1/14/1980	0.060	DOMESTIC, STOCKWATER		
RIM ROCK LEASING LLC	36-8512	License	2/27/1990	0.020	COMMERCIAL		
RINDFLEISCH, JAMES A	34-7511		6/12/1989	1.850	IRRIGATION	92.4	
RINGEL, LORI; RINGEL, MERLYN R	35-14630	Decreed	9/28/1981	0.010	IRRIGATION	4.7	
RIVERBEND ESTATES	29-8015	License	6/22/1990	0.250	DOMESTIC		
RIVERVIEW TWO LLC	35-8632	Decreed	1/19/1981	0.040	COMMERCIAL, INDUSTRIAL		
ROSEBOROUGH, ZITA I	21-7416	License	3/9/1989	0.060	DOMESTIC		
ROSS, PAULINE	37-8112	Decreed	6/2/1983	0.020	COMMERCIAL, COOLING		
RURAL ELECTRIC CO	36-8435	License	8/11/1989	0.040	COMMERCIAL		
SCHREINER FARMS IDAHO LLC	35-8951	License	7/29/1991	0.880	IRRIGATION	44.0	
SCHWANS SALES ENTERPRISES INC	27-7439	License	8/14/1987	0.040	COMMERCIAL		
SCOTT, STANLEY K	31-7512	License	11/30/1988	0.190	DOMESTIC, STOCKWATER		
SELENSKY, CATHY; SELENSKY, CLARENCE J	25-7392B	License	12/16/1983	0.150	IRRIGATION	5.0	
SHELLEY, ELTONC; SHELLEY, WANDA B	29-7725	License	6/6/1983	0.280	IRRIGATION	14.0	
SHURTLIFF, MERLENE; SHURTLIFF, RODNEY	35-8855	License	9/7/1989	0.080	DOMESTIC, STOCKWATER		
SILVER CREEK DISTILLERS INC	25-7194	License	12/1/1988	0.110	INDUSTRIAL		
SUMAN, MICHAEL E	37-8060	Decreed	12/9/1982	0.010	COMMERCIAL		

Exhibit 9

Attachment A
List of Ground Water Rights Subject to Curtailment
Sorted by Owner

Owner	Water Right No.	Base	Priority Date	Diversion Rate (cfs)	Water Use List	Total Acres	Enlargement
SLUDER, GILBERT T; SLUDER, GONDA O; SLUDER, RONALD E	37-8108	Decreed	6/1/1983	0.080	DOMESTIC		
SMITH, BLAINE; SMITH, GARRY	22-7554	License	8/8/1988	0.020	COMMERCIAL		
SMITH, JOAN; SMITH, SCOTT	34-14313	License	7/8/1992	0.010	IRRIGATION	1.0	
SNELL, MARK	29-7696	License	3/16/1983	0.080	DOMESTIC, IRRIGATION	2.0	
SOHN, EDNA G; SOHN, HERBERT F; SOHNS INC	35-8333	Decreed	12/12/1983	0.080	COMMERCIAL, DOMESTIC		
SOUTH PARK ESTATES WATER & SEWER	27-7581	License	10/21/1997	0.690	DOMESTIC, FIREPROTECTION		
SOUTH, BARRY; SOUTH, ELINOR	35-14618	Decreed	9/28/1981	0.010	IRRIGATION	3.3	
SPENCER, GLEN D	36-8536	License	4/12/1990	0.030	DOMESTIC, IRRIGATION	1.0	
STANGER, KARA; STANGER, SPENCER	35-14729	Decreed	9/28/1981	0.010	IRRIGATION	5.2	
STANGER, MARILYN	25-7541	License	7/12/1989	0.020	COMMERCIAL		
STATE OF IDAHO / DEPT OF LANDS	37-7372	License	6/30/1999	6.400	IRRIGATION, STOCKWATER	287.0	
STATE OF IDAHO / DEPT OF TRANS.	27-7317	Decreed	1/31/1980	0.040	COMMERCIAL, DOMESTIC		
STATE OF IDAHO / DEPT OF TRANS.	25-7186	Decreed	1/31/1980	0.060	COMMERCIAL, DOMESTIC		
STATE OF IDAHO / DEPT OF TRANS.	31-7372	Decreed	1/28/1982	0.050	INDUSTRIAL		
STATE OF IDAHO / DEPT OF TRANS.	35-8625	License	1/13/1986	0.060	DOMESTIC		
STEEL, KEVIN J	35-8756	License	5/11/1989	0.020	COMMERCIAL, DOMESTIC		
STEWART, DORIS; STEWART, K CLYDE	22-7540	License	8/10/1988	0.040	IRRIGATION	2.0	
STORER, BETTY; STORER, GALE	25-7530	License	8/28/1989	0.040	COMMERCIAL		
STROMBERG REPAIR INC	25-7445	License	10/18/1988	0.040	COMMERCIAL		
STUBBS, AVIS B; STUBBS, ROSS A	35-8210	License	6/16/1983	0.060	DOMESTIC		
SULLIVAN HOLDINGS LLC	35-8775	License	5/26/1989	0.010	COMMERCIAL		
SUMMERS, RICHARD K; SUMMERS, STELLA F	25-7518	License	8/24/1989	0.080	COMMERCIAL, DOMESTIC		
SUNROC PARK WATER ASSN INC	25-14170	License	6/20/2005	0.050	DOMESTIC		
SWENDSEN, BRENT; SWENDSEN, NANCY	25-7464	License	11/30/1988	0.040	COMMERCIAL		
T VILLE AG	29-7613	Decreed	8/19/1981	1.300	IRRIGATION	79.0	
TARPLEY, JIM W	32-7120	Decreed	9/25/1981	1.060	IRRIGATION	256.0	
TAYLORS QUIKSTOP INC	25-7450	License	10/25/1988	0.040	COMMERCIAL		
TELFORD, MICHAEL S; TELFORD, ROBERT	37-8212	Decreed	5/11/1983	0.010	COMMERCIAL, STOCKWATER		
TERRETON PUMP NO 2	31-7515	License	1/7/1989	0.100	COMMERCIAL, DOMESTIC		
TERRETON TRACTOR INC	31-7346	Decreed	12/2/1980	0.040	COMMERCIAL, DOMESTIC		
TETON WATER WORKS LLC	27-7359C	License	6/3/1983	0.026	COMMERCIAL, DOMESTIC		
TFT LLC	21-7419	License	3/9/1989	0.020	COMMERCIAL, DOMESTIC		
THATCHER SUMMIT INC	22-7626	License	4/8/1989	0.040	COMMERCIAL		
THE MARY AND MICHAEL GENE DECROIX REVOCABLE LIVING TRUST	29-7600A	Decreed	5/28/1981	0.120	IRRIGATION	4.3	
THOMPSON, HOWARD M	25-7508	License	6/19/1989	0.110	DOMESTIC, STOCKWATER		
TLC DEVELOPMENT LLC	25-14494		6/4/2021	0.230	DOMESTIC		
TOMLIN, STEPHEN	29-13730	License	6/7/1983	0.010	IRRIGATION	0.5	
TRAINOR, USA; TRAINOR, MARK	25-7382A	License	12/16/1983	0.140	IRRIGATION	7.0	
TYLER, ALDON	25-7542	License	7/14/1989	0.060	DOMESTIC		
UNITED ALLIANCE & FIDELITY CORP	25-7387	Decreed	12/4/1983	0.100	IRRIGATION	5.0	
US DEPT OF INTERIOR BLM	35-14179	Decreed	9/28/1981	0.030	IRRIGATION	44.0	
US DEPT OF INTERIOR BLM	34-7546	Decreed	6/29/1983	0.250	DOMESTIC, IRRIGATION, STOCKWATER	2.8	
US DEPT OF INTERIOR BLM	21-7517	License	2/27/1992	0.070	STOCKWATER, WILDLIFE		
US DEPT OF INTERIOR BLM	36-8726		4/28/1994	0.120	STOCKWATER, WILDLIFE		
US DEPT OF INTERIOR BLM	21-13032	License	2/24/2006	0.020	STOCKWATER, WILDLIFE		
US DEPT OF INTERIOR BLM	34-14459		8/26/2014	0.150	STOCKWATER, WILDLIFE		
US DEPT OF INTERIOR BLM	36-17049		5/22/2015	0.020	STOCKWATER, WILDLIFE		
USA FERTILIZER INC	35-14042	Decreed	3/24/1982	0.100	INDUSTRIAL		
VALLEY SCHOOL DISTRICT #262	36-16299	License	9/22/2004	1.520	DOMESTIC, FIRE PROTECTION		

Exhibit 9

Attachment A
List of Ground Water Rights Subject to Curtailment
Sorted by Owner

Owner	Water Right No.	Beas	Priority Date	Diversion Rate (cfs)	Water Use List	Total Acres	Enlargement
VALLEY VIEW HEIGHTS SUBDIVISION WATER CO	25-13986	License	6/16/2003	0.080	DOMESTIC		
VALLEY WIDE COOP INC	22-7622	License	12/30/1988	0.030	COMMERCIAL, DOMESTIC		
VANDORDEN, JAY; VANORDEN, SHELLI	35-8713	License	4/1/1989	0.020	COMMERCIAL		
VERBREE LAND HOLDINGS LLC	36-8609	License	10/21/1991	0.020	DOMESTIC, IRRIGATION, STOCKWATER	2.5	
WADE, NANCY; WADE, RONALD	25-7425	License	6/6/1988	0.050	DOMESTIC, IRRIGATION	1.0	
WAGNER JR, EDWARD P; WAGNER, KRISTIE L	35-8856	Decreed	8/11/1989	0.100	DOMESTIC, STOCKWATER		
WALKER, YOUNG HARVEY	34-10473	Decreed	8/10/1977	0.360	IRRIGATION	190.0	Y
WALL, DIANA R; WALL, LARRY G	36-8451	License	9/28/1989	0.020	COMMERCIAL		
WALTERS, BRUCE A; WALTERS, MARCEY L	25-7596	License	6/26/1991	0.150	DOMESTIC, IRRIGATION	10.0	
WARD, OPALM; WARD, OWEN K	35-8892	License	3/28/1990	0.180	DOMESTIC		
WAYNE PROPERTIES LLC	35-14750	License	6/28/1980	0.120	IRRIGATION	7.0	
WAYNE PROPERTIES LLC	35-14751	License	6/28/1980	0.100	IRRIGATION	7.0	
WAYNE PROPERTIES LLC	35-14748	License	4/14/1983	1.410	IRRIGATION	70.3	
WELLS, DELOSH	35-8220	License	8/4/1983	0.110	DOMESTIC, IRRIGATION	9.5	
WESTERN SLOPE LLC	35-14617	Decreed	9/28/1981	0.050	IRRIGATION	83.0	
WESTOVER RANCH CORP	22-7543	License	12/14/1988	0.100	DOMESTIC		
WHEELER, DEE RAY; WHEELER, LINDA	36-8488	License	10/10/1989	0.030	COMMERCIAL		
WHITWORTH, BOYD	45-7638	License	3/10/1989	0.060	INDUSTRIAL		
WILLMORE, JUDY	31-7551	License	8/26/1991	0.040	COMMERCIAL		
WILSON, JOHNCHARLES	28-7916	License	3/20/1990	0.090	IRRIGATION	4.5	
WOODVILLE WATER & SEWER DISTRICT	35-14562		12/11/2017	0.370	DOMESTIC		
WRIEDE FARMS	35-8949		8/26/1991	3.000	IRRIGATION	150.0	
WRIGHT, DEE, WRIGHT, RUBY	25-7256	Decreed	5/12/1981	0.100	IRRIGATION	1.4	
WRIGHT, LISA; WRIGHT, SCOTT	25-7461	License	1/21/1989	0.090	IRRIGATION	3.0	
YANCEY, CLEMIR	35-7955	License	3/10/1981	0.060	DOMESTIC, STOCKWATER		
YOUNG, DE VONA; YOUNG, WILLIAM N	25-7437	License	8/26/1988	0.070	DOMESTIC, STOCKWATER		
YOUNG, JUDY D; YOUNG, KENNETH A	25-7436	License	9/14/1988	0.030	IRRIGATION	1.5	
ZUNDEL, JACOB; ZUNDEL, SHALIECE	25-14457	License	2/28/1992	0.020	IRRIGATION	1.1	

Exhibit 9

EXPLANATORY INFORMATION TO ACCOMPANY A FINAL ORDER

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 740.02)

The accompanying order is a "Final Order" issued by the department pursuant to section 67-5246, Idaho Code.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order within fourteen (14) days of the service date of this order as shown on the certificate of service. **Note: The petition must be received by the Department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5246(4), Idaho Code.

REQUEST FOR HEARING

Unless the right to a hearing before the director or the water resource board is otherwise provided by statute, any person who is aggrieved by the action of the director, and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the director to contest the action. The person shall file with the director, within fifteen (15) days after receipt of written notice of the action issued by the director, or receipt of actual notice, a written petition stating the grounds for contesting the action by the director and requesting a hearing. See section 42-1701A(3), Idaho Code. **Note: The request must be received by the Department within this fifteen (15) day period.**

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of: a) the service date of the final order, b) the service date of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

Revised July 1, 2010

EXHIBIT 10

Exhibit 10



March 16, 2018

The Honorable Ryan Zinke
U.S. Secretary of the Interior
1849 C St., N.W.
Washington, DC 20240

The Honorable Sonny Perdue
U.S. Secretary of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

Re: Stockwater rights in Idaho

Dear Secretary Zinke and Secretary Perdue,

We write to request your assistance in correcting an injustice to Idaho ranchers caused by legal claims filed and positions taken by the United States in the Snake River Basin Adjudication (SRBA).

In 1987, the State of Idaho initiated a general adjudication of all water rights within the Snake River Basin. The United States was made a party to this 27-year-long proceeding pursuant to the McCarran Amendment, 43 U.S.C. § 666. From the outset of the SRBA, the United States aggressively opposed stockwater claims filed by Idaho ranchers for watering cattle on federal grazing allotments. The Department of the Interior (Interior) and the Forest Service filed more than 17,000 competing State law-based claims in the SRBA. The agencies asserted that any stockwater rights on federal grazing allotments had to be decreed in the name of the United States, even though the ranchers actually developed the water rights. Many ranchers gave in to the demand because they were simply unable to bear the financial burden of litigating against the federal government.

Two family ranches, Joyce Livestock Company and LU Ranching Company, chose to fight the federal demand. The ranchers contended that they owned the stockwater rights developed through the so-called constitutional method, which provides that one who puts Idaho water to a beneficial use is entitled to a water right regardless of the ownership of the land. The ranchers prevailed in this litigation with the Idaho Supreme Court's (Court) opinion in *Joyce Livestock Company v. United States*, 144 Idaho 1, 156 P.3d 502 (2007). Simply put, the Bureau of Land Management and Forest Service do not put the stockwater rights to the beneficial use of watering livestock.

In *Joyce Livestock Company*, the Court soundly rejected the federal government's constitutional method claims. It found that the federal government's claims for instream water rights for stockwatering were invalid because they were "based upon its ownership and control of the public lands coupled with the Bureau of Land Management's comprehensive management of public lands under the Taylor Grazing Act," not beneficial use of the water.

Unfortunately, the *Joyce Livestock Company* decision was issued 20 years after the SRBA began. Consequently many of the federal government's constitutional method claims had already been decreed. This has created a situation wherein a few ranchers were decreed the stockwater rights they created but many other similar claims were decreed in the name of the United States. In light of *Joyce Livestock Company*, the ranchers whose water

The Honorable Ryan Zinke
March 16, 2018
Page 2

rights were decreed in the name of the United States are deprived of a valuable property right. And because of the finality of the SRBA decree, these ranchers have no legal recourse to remedy this injustice.

As a matter of law and fundamental fairness, we strongly urge you to instruct your departments to abandon all their Idaho stockwater rights acquired based on a claim of beneficial use. We further urge you not to seek stockwater rights in any pending or future stream adjudications in Idaho. Doing so would directly contravene the Court's decision in *Joyce Livestock Company*. For its part, the State of Idaho enacted State law codifying the *Joyce Livestock Company* decision (Idaho Code § 42-501 et seq.). Additional legislation is pending to clarify that federal stockwater rights not put to beneficial use will be forfeited under State law (House Bill 603).

Your actions consistent with this letter would create a level playing field for all ranchers in Idaho. Your timely abandonment of the stockwater rights would render moot the effect of House Bill 603 when it becomes law because you will have no beneficial-use stockwater rights to forfeit. A copy of the form used to abandon your water rights is attached.

It is important to note that federal control of the grazing allotment would not be affected by abandoning the decreed rights because, as the Idaho Supreme Court opinion makes clear, the ranchers' ownership of a water right does not give the rancher the right to trespass on federal land. Your abandonment of these water rights also would be consistent with President Trump's E.O. No. 13790, dated April 25, 2017, directing the Task Force on Agriculture and Rural Prosperity to "ensure that water users' private property rights are not encumbered when they attempt to secure permits to operate on public lands."

We appreciate your thoughtful consideration of this request, and stand ready to supply any additional information you may need. We await your timely and affirmative response.

Sincerely,



C.L. "Butch" Otter
Governor of Idaho



Scott Bedke
Speaker of the Idaho House of Representatives



Brent Hill
President Pro Tem of the Idaho Senate

Attachment
cc: Idaho Congressional Delegation (w/attachment)

Exhibit 10

Rev. 02/11

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Abandonment of Water Right

Print Name of Water Right Owner(s): _____

Mailing Address: _____

Phone: _____

Note: If you are not listed as the current owner of the water right in the Idaho Department of Water Resources' records, you must include evidence of ownership of the water right (or portion of the water right) with this form. Evidence may include a warranty deed, quitclaim deed, court decree, contract of sale, etc.

I am the current owner of _____ all, or _____ part of, the water right described in the Idaho Department of Water Resources' records as Water Right No. _____.

I hereby abandon _____ all, or _____ part of the water right designated above. This abandonment is intentional and voluntary. I recognize that this abandonment permanently eliminates the right to divert and use water under the water right designated above.

If this abandonment applies to a portion of the water right, please indicate which part is abandoned by describing the diversion rate, annual diversion volume or storage volume, and place of use (include acres if the use is irrigation) and by attaching a detailed map identifying the specific locations.

Signature of Water Right Owner(s) or Authorized Representative

Date

Print Name and Title of Authorized Representative

(Complete if applicable and include your authority to act on behalf of the water right owner)

State of _____)

) ss

County of _____)

On this _____ day of _____, 20____, the signer(s) of the above instrument appeared before me and duly acknowledged to me that he/she executed the same.

SEAL

Notary Public

My commission expires: _____

EXHIBIT 11

Exhibit 11



022773

RECEIVED

2018 JUL 17 AM 11:34

OFFICE OF THE
EXECUTIVE SECRETARIATC.L. "BUTCH" OTTER
GOVERNOR

July 9, 2018

The Honorable Ryan Zinke
U.S. Secretary of the Interior
Office of the Secretary
U.S. Department of the Interior
1849 C Street NW
Mail Stop 7329
Washington, DC 20240

Ryan
Dear Secretary Zinke,

As always, it was great to visit with you last month in South Dakota. I appreciate your commitment and coordination with the states, especially in the West where our public lands are such a vital part of our economy and way of life.

I wanted to follow up with you on some of the matters that we previously discussed. Specifically, the issues surrounding stockwater rights.

The Director of the Idaho Department of Water Resources has begun compiling a list of stockwater rights held by the U.S. Department of Agriculture and the U.S. Department of the Interior, which will be completed later this month. Idaho law requires that water be put to a beneficial use, and the Idaho Supreme Court clarified that federal agencies cannot hold stockwater rights unless they prove beneficial use. I am confident we can address this issue and I assure you my staff and I will assist in any possible way to develop a solution.

I only have a short time remaining in office and it is important to me and the people of Idaho to ensure that these problems are dealt with expeditiously.

CLO/sh

As Always - Idaho, "Esto Perpetua"

*Great speech!
You handled the
heckler very well
like a pro!*
B.

Butch Otter
C.L. "Butch" Otter
Governor of Idaho

EXHIBIT 12

Exhibit 12



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 24, 2018

RECEIVED
NRC SOUTH

AUG 27 2018

9:00 A.M.

See Attached Mailing List

RE: Federal Agency Stockwater Rights in Idaho

Idaho Code § 42-503 states that within ninety days following the enactment of the section, the Director of the Idaho Department of Water Resources ("Department") must compile a list of all stockwater rights decreed to the United States that were based on a claim of beneficial use and submit the list to the United States. In accordance with Idaho Code § 42-503, enclosed is the list of all stockwater rights decreed to the United States that were based on a claim of beneficial use, according to the records of the Department. Also enclosed is a compact disk with the same information but in electronic format.

Sincerely,

A handwritten signature in blue ink that reads "Gary Spackman". The signature is fluid and cursive, with the first and last names being clearly legible.

Gary Spackman

Director

Idaho Department of Water Resources

Exhibit 12

Federal Agency Stockwater Rights in Idaho
Page Two
August 24, 2018

Mailing List for IDWR Notice to United States Pursuant to Idaho Code § 42-503

UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
SALMON DISTRICT
1206 S CHALLIS ST
SALMON, ID 83467

UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF INDIAN AFFAIRS
911 NE 11TH AVE
PORTLAND, OR 97232

UNITED STATES OF AMERICA ACTING THROUGH
BUREAU OF RECLAMATION
REGIONAL DIRECTOR PN CODE-3100
1150 N CURTIS RD STE 100
BOISE, ID 83706-1234

UNITED STATES OF AMERICA ACTING THROUGH
USDI NATIONAL PARK SERVICE
WATER RESOURCES DIVISION
1201 OAK RIDGE DR STE 250
FORT COLLINS, CO 80525

UNITED STATES OF AMERICA ACTING THROUGH
USDI FISH & WILDLIFE SERVICE
DIVISION OF ENGINEERING
911 N E 11TH AVE
PORTLAND, OR 97232-4181

UNITED STATES OF AMERICA ACTING THROUGH
DOE-BONNEVILLE POWER ADMIN
LAND MGT SEC MMLC
PO BOX 3621
PORTLAND, OR 97208-3621

UNITED STATES OF AMERICA ACTING THROUGH
USDA FARM SERVICE AGENCY
9173 W BARNES STE B
BOISE, ID 83709-1555

US DEPT OF AGRICULTURE
FARM SERVICES AGENCY
1638 N WASHINGTON AVE
EMMETT, ID 83617

UNITED STATES OF AMERICA ACTING THROUGH
USDA ARS US SHEEP EXPERIMENT STATION
19 OFFICE LOOP
DUBOIS, ID 83423

UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE, ID 83724

US DEPT OF AGRICULTURE
FOREST SERVICE
ID PANHANDLE NATIONAL FOREST
3815 SCHREIBER WAY
COEUR D ALENE, ID 83815

US DEPT OF AGRICULTURE
FOREST SERVICE
324 25TH ST
OGDEN, UT 84401

US DEPT OF AGRICULTURE
FOREST SERVICE
1249 VINNELL WAY STE 200
BOISE, ID 83709

UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
SAWTOOTH NATIONAL FOREST
370 AMERICAN AVE
JEROME, ID 83338-6162

US DEPT OF AGRICULTURE
FOREST SERVICE
PAYETTE NATIONAL FOREST
500 N MISSION ST BLDG 2
MC CALL, ID 83638-3805