

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 45-13735
Date Received: 4/28/2004
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

KARL U BEDKE Phone: (208) 862-3641
1876 S 600 W
OAKLEY ID 83346

PATRICIA BEDKE Phone: (208)862-3641
1876 S 600 W
OAKLEY ID 83346

SCOTT BEDKE Phone: (208) 862-3619
450 N CENTER AVE
OAKLEY ID 83346

MICHAEL A POULTON Phone: (208)862-3340
605 W 2200 S
OAKLEY ID 83346

2. Date of Priority: 06/27/1934

3. Source: GOOSE CREEK , GOOSE CREEK Trib. to: SNAKE RIVER , SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
16S	21E	12	SE	SW	SW	CASSIA	Ending Point
16S	21E	13	NE	NW	NW	CASSIA	Beginning Point

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	05/01	11/30	0.02	

7. Total Quantity Appropriated is:
0.02 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
16S	21E	12	SW	SW	STOCKWATER	
16S	21E	13	NW	NW	STOCKWATER	

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP SUBMITTED 4-15-2004 IS LOCATED IN
FILE 45-13713.

ALL ELEMENTS OF THIS CLAIM, WHICH IS A PORTION OF THE ORIGINAL SPLIT BY
OWNERSHIP, MAY NOT CONFORM TO THE ORIGINAL. SEE CLAIM RECORD
45-10331 FOR THE SIGNED NOTICE OF CLAIM AS FILED.

15. Basis of Claim: Beneficial Use

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 45-13699
Date Received: 3/31/2004
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

GARY R POULTON Phone: (208)862-3340

605 W 2200 S
OAKLEY ID USA 83346

BRUCE BEDKE Phone: (208)862-3697

42 E BASIN RD
OAKLEY ID USA 83346

RAY C BEDKE Phone:

42 E 1975 S
OAKLEY ID USA 83346

WINSLOW B WHITELEY Phone: (208)862-3252

BASIN RD
42 E 1975 S
OAKLEY ID USA 83346

2. Date of Priority: 04/01/1872

3. Source: GOOSE CREEK Trib. to: GOOSE CREEK RESERVOIR

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
16S	21E	13	NE NW NW	CASSIA	Beginning Point
16S	21E	12	SE SW SW	CASSIA	Ending Point

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	05/01	11/30	0.04	

7. Total Quantity Appropriated is:
0.04 C.F.S.

O.C. Split

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
16S	21E	12	SW	SW	STOCKWATER	
16S	21E	13	NW	NW	STOCKWATER	

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

CLAIM 45-13699 IS A PORTION OF 45-10331 SPLIT BY SOURCE AND PRIVATE/BLM/USFS BOUNDARY. 45-13699 IS ON BLM WITH SOURCE OF GOOSE CREEK

15. Basis of Claim: Beneficial Use

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: XXXXXXXXXX
Date Received: 5/ 2/1989
Receipt No: S006989
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: WINSLOW B WHITELEY 208-862-3252
Address: PO BOX 283
OAKLEY ID 83346
OR
Name: RAY C BEDKE
Address: OAKLEY ID 83346
OR
Name: GARY RUSSEL POULTON
Address: OAKLEY ID 83346
OR
Name: BRUCE BEDKE
Address: 42 E 1975 SOUTH (BASIN RD)
OAKLEY ID 83346
2. Date of Priority: APR 1, 1872
3. Source: HORSESHOE SPRING Trib. to: SINKS
SPRING, SECTION 9 SINKS
EMERY SPRING SINKS
BEAVER DAM SPRING SINKS
GOOSE CREEK GOOSE CREEK RESERVOIR
BEAVER DAM CREEK GOOSE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
16S	21E	9	NE	SE	NW		CASSIA
		17	NW	SE	NE		CASSIA
			SW	NW	SW		CASSIA
		27	NW	NE	NW		CASSIA

Beginning Point of Instream Flow

16S	21E	13	NE	NW	NW	CASSIA
16S	21E	29	SW	NW	SE	CASSIA

4. Point of Diversion: Continued

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
Ending Point of Instream Flow							
16S	21E	12	SE	SW	SW		CASSIA
16S	21E	34	SW	SW	NW		CASSIA

5. Description of diverting works:

PONDS, COLLECTOR BOXES, PIPELINES, TROUGHS, & INSTREAM USES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	05/01	11/30	0.500		

7. Total Quantity Appropriated is:

0.500 C.F.S. (and/or) A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

S/2000 RANGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16S	21E	9	SE	NW		STOCK	
		12	SW	SW		STOCK	
		13	NW	NW		STOCK	
		17	SE	NE		STOCK	
			NW	SW		STOCK	
		27	NE	NW ✓		STOCK	
		28	SW	SW		STOCK	
		29	NW	SE		STOCK	
			SW	SE		STOCK	
			SE	SE		STOCK	
		33	NW	NE		STOCK	
			SE	NE ✓		STOCK	
			NE	NW		STOCK	
			NW	NW		STOCK	
		34	SW	NW ✓		STOCK	

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

NONE

14. Remarks:

USED UNDER GRAZING ALLOTMENT FROM B.L.M.
AKA GOOSE CREEK CATTLE & HORSE ASSOC.

***FILE E: SOUTH SPRING UNIT

SEE FILE FOR ABOVE DESCRIBED ATTACHMENT, THIS EXPLAINS SOURCES
MATCHED TO THEIR P/D'S.

ALL SPRINGS AND STREAMS ARE WITHIN ONE GRAZING UNIT AND CAN BE
ACCESSED BY CATTLE WITHOUT CROSSING FENCES.

NOTE ON P/D

--GOOSE CREEK--INSTREAM USE

BEG. NE,NW,NW, SEC. 13--END. SE,SW,SW, SEC. 12, T16S. R21E.

--BEAVER DAM CREEK--INSTREAM USE

BEG. SW,NW,SE, SEC. 29--END. SW,SW,NW, SEC. 34, T16S. R21E.

ADDED GRID ADDRESS.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and
understand the form entitled "How you will receive notice in the Snake River
Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay
a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Co-owner of
_____ Title

N/A, that I have signed the foregoing
Organization
document in the space below as _____ of
Title

_____ and that the statements contained in the
Organization
foregoing document are true and correct. x Ray C. Beebe

Signature of Authorized Agent

Title and Organization

March 12, 1998
Date

State of Idaho

County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 12th day
of March 19 98

Seal

Janice Robertson
Notary Public

Residing at Twin Falls, Id.

My Commission Expires 9-23-2000

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A45-10331
Date Received: 5/02/1989
Receipt No: S006989
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: WINSLOW B. WHITELEY 208-862-3252
Address: P.O. BOX 283
OAKLEY, ID 83346
OR
Name: RAY C. BEDKE
Address: OAKLEY, ID 83346
OR
Name: GARY RUSSEL POULTON
Address: OAKLEY, ID 83346
OR
Name: BRUCE BEDKE
Address: OAKLEY, ID 83346
2. Date of Priority: APR 01, 1879
3. Source: HORSESHOE SPRING Trib. to: SINKS
SPRING, SECTION 9 SINKS
EMERY SPRING SINKS
BEAVER DAM SPRING SINKS
GOOSE CREEK GOOSE CREEK RESERVOIR
BEAVER DAM CREEK GOOSE CREEK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
16S	21E	9	NE	SE	NW		CASSIA
		17	NW	SE	NE		CASSIA
			SW	NW	SW		CASSIA
		27	NW	NE	NW		CASSIA

Beginning Point of Minimum Instream Flow

16S	21E	13	NE	NW	NW	CASSIA
16S	21E	29	SW	NW	SE	CASSIA

Ending Point of Minimum Instream Flow

16S	21E	12	SE	SW	SW	CASSIA
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MICROFILMED

MAR 09 1993

5. Description of diverting works:
PONDS, COLLECTOR BOXES, PIPELINES, TROUGHS, & INSTREAM USES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	05/01	11/30	0.500		

7. Total Quantity Appropriated is:
0.500 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/2000 RANGE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
16S	21E	9	SE		NW		STOCK	
		12	SW		SW		STOCK	
		13	NW		NW		STOCK	
		17	SE		NE		STOCK	
			NW		SW		STOCK	
		27	NE		NW		STOCK	
		28	SW		SW		STOCK	
		29	NW		SE		STOCK	
			SW		SE		STOCK	
			SE		SE		STOCK	
		33	NW		NE		STOCK	
			SE		NE		STOCK	
			NE		NW		STOCK	
			NW		NW		STOCK	
		34	SW		NW		STOCK	

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
NONE

14. Remarks:

USED UNDER GRAZING ALLOTMENT FROM B.L.M.
AKA GOOSE CREEK CATTLE & HORSE ASSOC.

***FILE E: SOUTH SPRING UNIT

SEE FILE FOR ABOVE DESCRIBED ATTACHMENT, THIS EXPLAINS SOURCES
MATCHED TO THEIR P/D'S.

ALL SPRINGS AND STREAMS ARE WITHIN ONE GRAZING UNIT AND CAN BE
ACCESSED BY CATTLE WITHOUT CROSSING FENCES.

NOTE ON P/D

--GOOSE CREEK--INSTREAM USE

BEG. NE,NW,NW, SEC. 13--END. SE,SW,SW, SEC. 12, T16S. R21E.

14. Remarks: Continued

--BEAVER DAM CREEK--INSTREAM USE

BEG. SW,NW,SE, SEC. 29--END. SW,SW,NW, SEC. 34, T16S. R21E.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Ray C. Bedke Date: 6-6-89
_____ Date: _____

State of Idaho

County of Twin Falls } SS.

Subscribed and sworn (or affirmed) before me this 6 day
of June 19 89 Don A. Schulz
Notary Public

Seal

Residing at _____

My Commission Expires _____

RONALD A. SCHULZ, NOTARY PUBLIC
MY COMMISSION EXPIRES APRIL 11, 1991

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A45-10331
Date Received: 5/02/1989
Receipt No: S006989
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILD ROSE GRAZING ASSOCIATION 208-862-3252
Address: P.O. BOX 283
OAKLEY, ID 83346
2. Date of Priority: APR 01, 1879
3. Source: HORSESHOE SPRING Trib. to: SINKS
SPRING, SECTION 9 SINKS
EMERY SPRING SINKS
BEAVER DAM SPRING SINKS
GOOSE CREEK GOOSE CREEK RESERVOIR
BEAVER DAM CREEK GOOSE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
16S	21E	9	NE	SE	NW		CASSIA
		17	NW	SE	NE		CASSIA
			SW	NW	SW		CASSIA
		27	NW	NE	NW		CASSIA

Beginning Point of Minimum Instream Flow

16S	21E	13	NE	NW	NW	CASSIA
16S	21E	29	SW	NW	SE	CASSIA

Ending Point of Minimum Instream Flow

16S	21E	12	SE	SW	SW	CASSIA
16S	21E	34	SW	SW	NW	CASSIA

5. Description of diverting works:

PONDS, COLLECTOR BOXES, PIPELINES, TROUGHS, & INSTREAM USES.

A45-10331

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Date: 05/02/89

INDEXED
MAR 09 1993

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	05/01	11/30	0.500		

7. Total Quantity Appropriated is:
0.500 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
S/2000 RANGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16S	21E	9	SE	NW		STOCK	
		12	SW	SW		STOCK	
		13	NW	NW		STOCK	
		17	SE	NE		STOCK	
			NW	SW		STOCK	
		27	NE	NW		STOCK	
		28	SW	SW		STOCK	
		29	NW	SE		STOCK	
			SW	SE		STOCK	
			SE	SE		STOCK	
		33	NW	NE		STOCK	
			SE	NE		STOCK	
			NE	NW		STOCK	
			NW	NW		STOCK	
		34	SW	NW		STOCK	

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
NONE

14. Remarks:

USED UNDER GRAZING ALLOTMENT FROM B.L.M.

AKA GOOSE CREEK CATTLE & HORSE ASSOC.

***FILE E: SOUTH SPRING UNIT

SEE FILE FOR ABOVE DESCRIBED ATTACHMENT, THIS EXPLAINS SOURCES
MATCHED TO THEIR P/D'S.

ALL SPRINGS AND STREAMS ARE WITHIN ONE GRAZING UNIT AND CAN BE
ACCESSED BY CATTLE WITHOUT CROSSING FENCES.

NOTE ON P/D

--GOOSE CREEK--INSTREAM USE

14. Remarks: Continued

BEG. NE,NW,NW, SEC. 13--END. SE,SW,SW, SEC. 12, T16S. R21E.
--BEAVER DAM CREEK--INSTREAM USE
BEG. SW,NW,SE, SEC. 29--END. SW,SW,NW, SEC. 34, T16S. R21E.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am President of _____ Title

Wild Rose Cattle Assoc. Organization, that I have signed the foregoing document in the space below as President of _____ Title

Wild Rose Cattle Assoc. Organization and that the statements contained in the foregoing document are true and correct.

Ray C. Beck
Signature of Authorized Agent
President, Wild Rose Cattle Assoc.
Title and Organization

May 2, 1989
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 2ND day
of May 19 89

Steve C. [Signature]
Notary Public

Seal

Residing at Twin Falls

My Commission Expires Dec 7, 1994

FILE E SOUTH SPRING UNIT--BLM USE: STOCKWATER. PRIORITY DATE:
APRIL 1879.

Horseshoe Spring	NW NE NW SEC 27 T16S R21E
Section 9 Spring	NE SE NW SEC 9 T16S R21E
Emery Spring	NW SE NE SEC 17 T16S R21E
Beaver Dam Spring	SW NW SW SEC 17 T16S R21E

Goose Creek - a tributary of Goose Creek Reservoir	
Beginning	NE NW NW SEC 13 T16S R21E
Ending	SE SW SW SEC 12 T16S R21E

Beaver Dam Creek - a tributary of Goose Creek	
Beginning	SW NW SE SEC 29 T16S R21E
Running	SW SE SEC 29
	SE SE SEC 29
	SW SW SEC 28
	NW NW SEC 33
	NE NW SEC 33
	NW NE SEC 33
	SE NE SEC 33
Ending	SW SW NW SEC 34 T16S R21E

FILE F PINEY-TROUT CREEK RIM TO GOOSE CREEK. USE: STOCKWATER
PRIORITY DATE: APRIL 1879.

Permission Spring	NW NE SE SEC 3 T16S R19E
Thoroughbred Spring	SE NE NW SEC 10 T16S R19E
Humphrey Pond	SE NE SE SEC 5 T16S R19E
WPA Spring	NW NW SE SEC 26 T16S R19E

A45-10331

MAR 09 1993

04/19/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 45-13735
NAME AND ADDRESS: MICHAEL A POULTON
605 W 2200 S
OAKLEY ID 83346

KARL U BEDKE
1876 S 600 W
OAKLEY ID 83346

SCOTT BEDKE
450 N CENTER AVE
OAKLEY ID 83346

PATRICIA BEDKE
1876 S 600 W
OAKLEY ID 83346

SOURCE: GOOSE CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.020 CFS

The quantity of water under rights 45-13735, 45-13736, 45-13737, 45-13738, 45-13739, 45-13740, 45-13741, 45-13742 shall not exceed a combined total of 13,000 gallons per day.

PRIORITY DATE: 06/27/1934

POINT OF DIVERSION:

T16S R21E S12 SESWSW End of Stream Flow Within CASSIA County
T16S R21E S13 NENWNW Begin of Stream Flow Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	05/01 11/30	0.020 CFS

PLACE OF USE: STOCKWATER Within CASSIA County

T16S R21E S12	SWSW	T16S R21E S13	NWNW
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OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

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

EXPLANATORY MATERIAL: Beneficial Use

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-10331.

45-10331

Split by
Source of
Land Mgt

13699

13701

Split
By
Ownership

13735

13736

13739

13740

↑
see
for
Base
Rights

13700

13737

13738

13706

13741

13742

45-10334

Split By
Ownership

13745

13746

45-10335

13747

13748

45-10336

Split By
Ownership

13749

13750

04/01/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 45-13699

NAME AND ADDRESS: GARY R POULTON
605 W 2200 S
OAKLEY ID 83346

BRUCE BEDKE
42 E BASIN RD
OAKLEY ID 83346

RAY C BEDKE
42 E 1975 S
OAKLEY ID 83346

WINSLOW B WHITELEY
BASIN RD
42 E 1975 S
OAKLEY ID 83346

SOURCE: GOOSE CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.020 CFS

The quantity of water under rights 45-13699, 45-13700, 45-13701 & 45-13706 shall not exceed a combined total of 13,000 gallons per day.

PRIORITY DATE: 06/27/1934

POINT OF DIVERSION:

T16S R21E S12 SESWSW End of Stream Flow Within CASSIA County

T16S R21E S13 NENWNW Begin of Stream Flow Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
STOCKWATER

PERIOD OF USE
05/01 11/30

QUANTITY
0.020 CFS

PLACE OF USE: STOCKWATER Within CASSIA County

T16S R21E S12 SWSW

T16S R21E S13 NWNW

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

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.

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

EXPLANATORY MATERIAL: Beneficial Use

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-10331.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-13699 V1

WATER RIGHT NUMBER: 45-13699 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GARY R POULTON 605 W 2200 S OAKLEY, ID 83346 (208)862-3340
Current Owner	BRUCE BEDKE 42 E BASIN RD OAKLEY, ID 83346
Current Owner	RAY C BEDKE 42 E 1975 S OAKLEY, ID 83346
Current Owner	WINSLOW B WHITELEY BASIN RD 42 E 1975 S OAKLEY, ID 83346 (208)862-3252

Priority Date: 06/27/1934

Basis: **Beneficial Use**

Status: Active

<u>Source</u>	<u>Tributary</u>
GOOSE CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	05/01 to 11/30	0.020 CFS	
	Total Diversion:	0.020 CFS	

<u>Location of Point(s) of Diversion</u>		
GOOSE CREEK	SE1/4SW1/4SW1/4	Sec. 12, Twp 16S, Rge 21E, B.M.
CASSIA County	(Ending of Reach)	
GOOSE CREEK	NE1/4NW1/4NW1/4	Sec. 13, Twp 16S, Rge 21E, B.M.
CASSIA County	(Beginning of Reach)	

Place of Use
STOCKWATER

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 45-13699 V1

Conditions of Approval:

1. 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.
2. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
3. N13 The quantity of water under rights 45-13699, 45-13700, 45-13701 & 45-13706 shall not exceed a combined total of 13,000 gallons per day.

Remarks:

1. Explanatory THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-10331.

Comments:

1. vhancock 4/1/2004 SPLIT RIGHT

Comment: THIS CLAIM IS A PORTION OF 45-10331 SPLIT BY OWNERSHIP AND DRAINAGE BASIN. ORIGINAL CLAIM 45-10331 FILED IN 1989 WAS FOR .5 CFS AND 2000 HEAD OF RANGE CATTLE.

2. vhancock 4/1/2004 PRIORITY DATE

Comment: THIS CLAIM IS SUBJECT TO THE STIPULATION BETWEEN BLM, USFS AND GRAZING PERMITTEES ON PUBLIC LAND SIGNED 8/28/2002. USE IS ON BLM MANAGED LANDS. PRIORITY DATE IS ACCORDING TO STIPULATION - ONE DAY SENIOR TO BLM.

3. vhancock 4/1/2004 USE

Comment: THIS RECOMMENDATION IS FOR INSTREAM STOCKWATER USE.

4. vhancock 4/1/2004 DIV RATE

Comment: RECOMMENDED STANDARD .02 CFS FOR INSTREAM STOCKWATER USE

RECEIVED

SEP 17 2001

Ident No. _____

Department of Water Resources
Southern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF DIVERSION FOR INSTREAM STOCKWATER USE

(To provide notice of intent to divert surface water from a stream or riparian area to troughs or tanks for the watering of livestock)

1. Name of Right Holder Goose Creek Cattle & Horse Phone 862-3619
Mailing address: P.O. Box 89 Oakley, Idaho 83346
2. Source of water supply Goose Creek tributary to Oakley Reservoir
3. Point of diversion is in Gov't. Lot 1/4 NW 1/4 NW 1/4, Section 13,
Township 16S Range 21E, B.M., Cassia County.
4. Description of diversion and delivery system:
- a) Describe the type of diversion: gas pump (Honda 50 Hp)
- b) Describe the delivery system: 1 1/2" poly prop. (black pipe) pipeline
- c) Describe the number, type and total capacity of troughs or tanks 1 - 10,000 gallon
cement bottom, corrugated metal trough, pond for overflow
- d) Describe the automatic shutoff or flow control mechanism or means of
Returning unused water to the source: manually shut pump off when
troughs/pond is filled
- e) Describe how the system is designed to allow measurement of the rate of
diversion: Bucket and stopwatch
5. Describe the place of use by placing an X in the appropriate 40-acre tract(s) below:

TWP	RGE	SEC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
16S	21E	10			5													

6. Priority date claimed or established: 4-1-1872 see claim 45-10331
7. Rate of diversion: .03 cfs

8. Season of use: From 5-1 to 11-30
- 9 a) Who owns the property at the point of diversion? Karl U. Bedke
b) Who owns the property at the place of use? BLM
10. When will construction occur? existing
11. Comments: The instream stock right is for .500 cfs. The pump's capacity is approx. 12 gpm or .03 cfs. Note: there is a pending transfer (#69404) involving this right/claim.

I hereby assert the following:

- a) Diversion is from a surface water source to which the livestock would otherwise have access. The land where the watering tanks or troughs will be located is land from which the livestock had access to the source of water from which diversion is being made.
- b) The diversion of water out of the stream as described in this notice is for watering livestock and will not injure other water rights.
- c) I will not alter the bed and banks of the source as the term is defined in section 42-3802, Idaho Code. I understand that I may place an inlet conduit into the source in a manner that does not require excavation or obstruction of the stream channel, unless the director of the department of water resources approves a stream channel alteration permit for additional work.
- d) I understand that upon determination of interference with other water rights, the Director may order curtailment of diversion or use of water under this notice or may require the diversion and delivery system to be modified to prevent injury.
- e) I will not divert more than 13,000 gallons per day for livestock watering from this diversion, and I will not use more than one point of diversion under this notice.
- f) I am authorized to make the changes described in this notice and that if the notice involves a federal grazing allotment, the permittee consents to the changes described in this notice.
- g) I understand that any willful misrepresentation on this notice will void any right to divert water for livestock under this notice.

Dated this 17th day of September, 2001

Scott C. Bedke
Right Holder or Authorized Representative

FOR DEPARTMENT USE

Received by A. SKINNER Date 9/17/2001 Preliminary check by A. SKINNER
Fee: \$ 25.00 Received by A. SKINNER Receipt No. 5024307 Date 9/17/2001
Water District No. _____ Entered into data base _____ By _____

Be it noted that:

Goose Creek Cattle & Horse Association is not an association per se, but is a group of individual ranchers that share a group allotment.

Those individuals are:

- 1) Winecup, Inc. (Scott, Eric & Nedra Bedke)
- 2) Bruce Bedke (Jared Bedke, son)
- 3) Karl U. (Bud) & Patricia Bedke
- 4) Bedke Family Limited Partnership (Bud, Will, Brandon Bedke)
- 5) Michael A. Poulton (^{Son of} Gary Russell Poulton, deceased)

Scott Bedke

9-17-01

STATE OF IDAHO

Department of Water Resources

Notice of Diversion for Instream Stockwater Use
Section 42-113, Idaho Code

Name of Right Holder: GOOSE CREEK CATTLE & HORSE ASSOCIATION

Initial Review By: A. SKINNER Date: 12/28/2001

Based on prior recorded instream stockwater right? ☒ Yes ☐ No ☐

If yes, right number: 45-10331 Instream Stock Div. No. _____

Also, if right was claimed in SRBA, this notice will amend claim.

If no, enter as statutory claim.

CHECK:



Name & address

Date of Priority

Source

Period of use

Point of diversion (limited to 1 diversion) *

Location of use *

Signature

\$25.00 filing fee

Receipt No. 5024307

Water District 45-C (INACTIVE)

Amount of Water

Description of diversion/delivery system.

Publish? Yes ☐ No ☒ (Regional Determination*)



Review Complete

By: AD

Date: 12/28/01

*Generally not advertised unless determined to be necessary by Regional Manager.

Core, 12/27/01
Plan complete
of look over -
transfer file,
then we need to
send package to
SD.
AD

NOTE: GOOSE CREEK CATTLE & HORSE
ASSOCIATION IS NOT LISTED
ON SECRETARY OF STATE'S
BUSINESS ENTITY SEARCH
(ALSO SEE NOTE FROM SCOTT
BECKE IN TRANSFER # 69404 FILE)

* CLAIM 45-10331 (NOT RECOMMENDED)
LISTS SEVERAL OTHER SOURCES
BESIDES GOOSE CREEK

* BLM & FOREST SERVICE
EXPRESSED CONCERNS REGARDING
NOTICE OF DIVERSION FOR INSTREAM
STOCKWATER USE FILING.
(SEE T#69404 PROTESTS)

BLM ALSO FILED A
PETITION DATED 11/8/2001

* POD & POU ARE ON
BLM LAND!

Merritt, Allen

From: Keen, Shelley
Sent: Wednesday, November 01, 2000 2:18 PM
To: Jones, Harold (Skip); Merritt, Allen; Lester, Steve; Beardslee, Allen; Curtis, Sharla; Townsend, KariLynn
Cc: Peppersack, Jeff; Walker, Kay
Subject: Processing of Instream Stockwater Notices

Some of you have begun receiving Notices of Diversion for Instream Stockwater Use filed in accordance with Section 42-113(3), *Idaho Code*, which was enacted during the previous session of the legislature. Notices filed under this section fall into one of two types -- notices that substitute for transfers and notices that substitute for statutory claims. Suggested processing steps for each of the two types is summarized below. Please share these instructions with appropriate staff in your offices. Call me if you have questions or suggestions.

Notices that substitute for statutory claims

- Regional office staff should complete the attached checklist to determine if the notice is complete and acceptable.
- If the notice is not acceptable, the attached letter may be used as a template for drafting a letter explaining why the notice is not acceptable.
- Once the notice is acceptable, region staff should complete data entry. Be sure to add condition 107.
- When data entry is complete, region staff should send the claimant an acknowledgement letter and a printout of the claim from the database. An acknowledgment letter template is attached.
- The decision to advertise or not is up to the regional manager. Note, however, that due to the high cost of advertising compared to the filing fee for the notice, advertising should be undertaken only when truly necessary.
- When the file is forwarded to the state office, staff here will proofread the data entry, check to see that the file is complete, and microfilm the file.

Notices that substitute for transfers

- Regional office staff should complete the attached checklist to determine if the notice is complete and acceptable.
- If the notice is not acceptable, the attached letter may be used as a template for drafting a letter explaining why the notice is not acceptable.
- Once the notice is acceptable, the decision to advertise or not is up to the regional manager. Note, however, that due to the high cost of advertising compared to the filing fee for the notice, advertising should be undertaken only when truly necessary.
- When the notice is complete, it should be forwarded to the state office. Staff here will merge the notice into the water right file, complete data entry, send the owner an acknowledgement letter and a printout of the right from the database, and microfilm the file. (Be sure to add condition 108.)

Please note that the checklist and the acknowledgement letter both refer to an Instream Stock Diversion Number. This number will be useful for indicating which claims or rights originate from one of these notices or are modified by one of these notices. In the new database there will be an opportunity to assign the number. There is no such provision in our ADABAS tables, however. Therefore, I will assign and track the numbers until the new database is implemented. Please call or email me to get the next number. Numbers should not be assigned until the notice is complete and acceptable.

Shelley Keen
Water Right Permits Section
Idaho Dept. of Water Resources
208-327-7946
skeen@idwr.state.id.us



claim_acknowledge.doc



daim_incomplete.doc



NOD INSTREAM
TOCK CHECKLIST.x

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 45-10331

WATER RIGHT NUMBER: 45-10331

<u>Owner Type</u>	<u>Name and Address</u>
Also Known As	GOOSE CREEK CATTLE & HORSE ASSOCIATION — ?
	OAKLEY, ID 83346
Current Owner	WINSLOW B WHITELEY PO BOX 283 OAKLEY, ID 83346 (208)862-3252
Current Owner	BRUCE BEDKE 42 E 1975 SOUTH (BASIN RD) OAKLEY, ID 83346
Current Owner	RAY C BEDKE OAKLEY, ID 83346
Current Owner	GARY RUSSEL POULTON OAKLEY, ID 83346

Priority Date: 04/01/1872

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
BEAVER DAM CREEK	GOOSE CREEK
GOOSE CREEK	GOOSE CREEK RESERVOIR
HORSESHOE SPRING	SINKS
SECTION 9 SPRING	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	5/01 to 11/30	0.500 CFS	
	<u>Total Diversion:</u>	0.500 CFS	

Location of Point(s) of Diversion

GOOSE CREEK	SE1/4SW1/4SW1/4	Sec. 12, Twp 16S, Rge 21E, B.M.
CASSIA County	(Ending of Reach)	
SECTION 9 SPRING	NE1/4SE1/4NW1/4	Sec. 9, Twp 16S, Rge 21E, B.M.
CASSIA County		
HORSESHOE SPRING	NW1/4NE1/4NW1/4	Sec. 27, Twp 16S, Rge 21E, B.M.
CASSIA County		
BEAVER DAM CREEK	SW1/4NW1/4SE1/4	Sec. 29, Twp 16S, Rge 21E, B.M.
CASSIA County	(Beginning of Reach)	
GOOSE CREEK	NE1/4NW1/4NW1/4	Sec. 13, Twp 16S, Rge 21E, B.M.
CASSIA County	(Beginning of Reach)	
BEAVER DAM CREEK	SW1/4SW1/4NW1/4	Sec. 34, Twp 16S, Rge 21E, B.M.
CASSIA County	(Ending of Reach)	

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 45-10331

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16S	21E	9								X									
16S	21E	12											X						
16S	21E	13						X											
16S	21E	17				X						X							
16S	21E	27					X												
16S	21E	28											X						
16S	21E	29														X	X	X	
16S	21E	33		X		X	X	X											
16S	21E	34							X										

Conditions of Approval:Remarks:

1. General

USED UNDER GRAZING ALLOTMENT FROM B.L.M.

AKA GOOSE CREEK CATTLE & HORSE ASSOC.

***FILE E: SOUTH SPRING UNIT SEE FILE FOR ABOVE DESCRIBED ATTACHMENT, THIS EXPLAINS SOURCES MATCHED TO THEIR P/D'S.

ALL SPRINGS AND STREAMS ARE WITHIN ONE GRAZING UNIT AND CAN BE ACCESSED BY CATTLE WITHOUT CROSSING FENCES.

NOTE ON P/D --GOOSE CREEK--INSTREAM USE BEG. NE,NW,NW, SEC. 13--END.

SE,SW,SW, SEC. 12, T16S. R21E.

--BEAVER DAM CREEK--INSTREAM USE BEG. SW,NW,SE, SEC. 29--END. SW,SW,NW, SEC. 34, T16S. R21E.

ADDED GRID ADDRESS.

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 45-10331

Dates and Other Information:

Claim Received Date: 5/2/1989

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

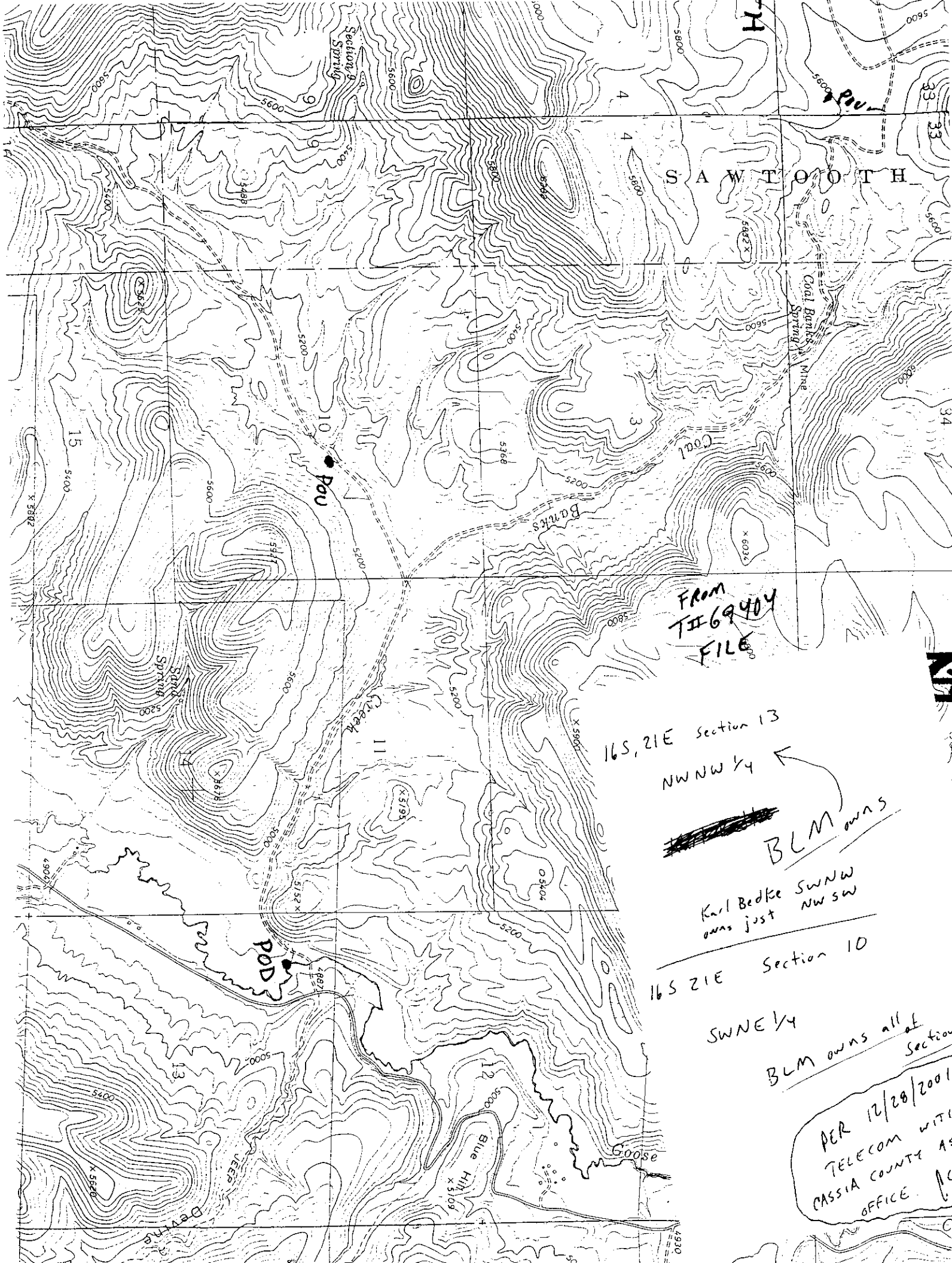
Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False



From
TII 69404
FILE

16S, 21E Section 13
NW NW 1/4

~~BLM~~ BLM owns
Karl Bedke SW NW
owns just NW SW

16S 21E Section 10
SW NE 1/4

BLM owns all of Section

PER 12/28/2001
TELECOM WITH
CASSIA COUNTY AS
OFFICE



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709-1657

RECEIVED
OCT 16 2001
Department of Water Resources
Southern Region

In Reply Refer To:
7250 (SRWR) (933b)

November 8, 2001

Alan Merritt
Idaho Department of Water Resources
Southern Regional Office
1341 Fillmore Street, STE 200
Twin Falls, ID. 83301-3380

**RE: Petition Against Application for Diversion of Instream Stockwater Use
Pursuant to I.C. 43 § 113 (3)**

Dear Mr. Merritt,

The Bureau of Land Management (BLM) is hereby petitioning the application for diversion of instream stockwater use pursuant to I.C. 43 § 113 (3), filed by Scott C. Bedke on behalf of the Goose Creek Cattle & Horse Association. The BLM objects to the establishment of this water use, based on the following points:

The transfer application is speculative:

Water Claim Number 45-10331 is only a claim filed in the SRBA and have not been recommended in a Director's Report. There is nothing to apply the statute to.

The proposed water development is not authorized by the BLM. The claimant has not been granted a Right-of-Way (ROW) for this water development. Without a ROW, it is speculative to even consider this application.

The claimant is not a recognized business entity in the State of Idaho.

This transfer injures the United States:

The claimant is seeking to convert certain segments of instream stockwater use on federal public land to an out of stream use. Basin-wide Issue #12 defined all instream stockwater uses to be de minimis. This transfer would eliminate instream stockwatering from the described portion of federal public land. BLM fully intends to continue watering livestock along the segment being offered up in the transfer. If the water is still going to be use "in situ", then it cannot be transferred (this is also speculative). BLM has claims for instream stockwatering in the SRBA that would be

Petition of Application of I.C. 43 § 113 (3)

REDISCOVER YOUR PUBLIC LANDS



dewatered due to this transfer.

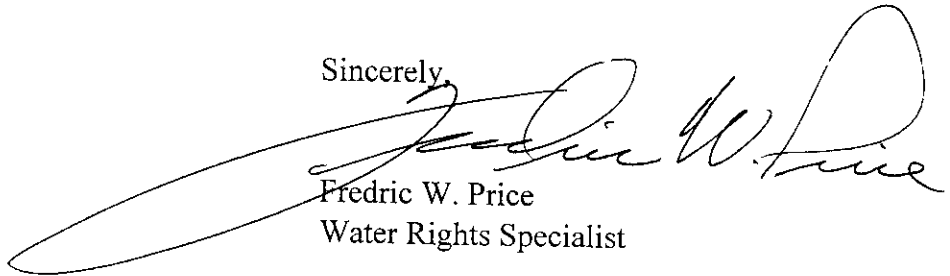
This transfer would violate due process:

The original water claim has not been recommended in the SRBA within a Director's Report. BLM has not had an opportunity to object, and if BLM prevails on an objection, then there would be nothing for this application to act upon.

The requested combination water right application and transfer pursuant to I.C. 43 § 113 (3) should be denied.

If there are questions regarding any statements above, please do not hesitate to contact me at 373-3831 or at the address provided above.

Sincerely,



Fredric W. Price
Water Rights Specialist

cc:

Bill Ferry, Office of the Field Solicitor-Boise
Goose Creek Cattle & Horse
Steve Davis, BLM-Burley



SUBSCRIBED and SWORN to before me this 8th day of November, 2001.

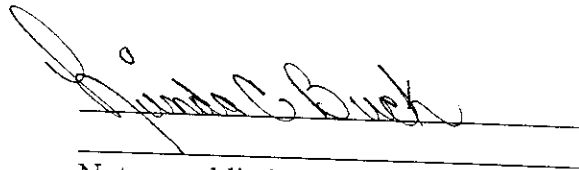
STATE OF IDAHO)

) ss:

COUNTY OF ADA)

On this 8th day of November, 2001, personally came before me, a notary public in and for said County and State, the within-named FREDRIC W. PRICE, to me personally known to be the identical person(s) described in and who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

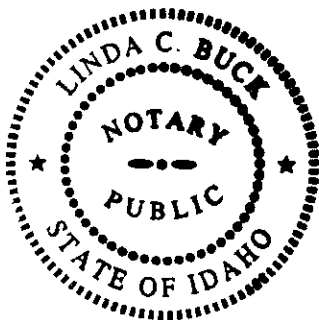
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Notary public in and for the
State of Idaho,
County of Ada

Residing at Mountain Home Id
My commission expires: 11-21-2005

Seal



Form 113
07/00

RECEIVED

SEP 17 2001

Department of Water Resources
Southern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident No. _____

NOTICE OF DIVERSION FOR INSTREAM STOCKWATER USE

(To provide notice of intent to divert surface water from a stream or riparian area to troughs or tanks for the watering of livestock)

1. Name of Right Holder Goose Creek Cattle & Horse Phone 862-3619
Mailing address P.O. Box 89 Oakley, Idaho 83346
2. Source of water supply Goose Creek tributary to Oakley Reservoir
3. Point of diversion is in Gov't. Lot _____, 1/4 NW 1/4 NW^{B.M.}, Section 13,
Township 16S Range 21E, B.M., Cassia County.
4. Description of diversion and delivery system:
 - a) Describe the type of diversion: gas pump (Honda 5.0 Hp)
 - b) Describe the delivery system: 1 1/2" poly prop. (black pipe) pipeline
 - c) Describe the number, type and total capacity of troughs or tanks 1 - 10,000 gallon cement bottom, corrugated metal trough, pond for overflow
 - d) Describe the automatic shutoff or flow control mechanism or means of returning unused water to the source: manually shut pump off when trough/pond is filled
 - e) Describe how the system is designed to allow measurement of the rate of diversion: Bucket and stopwatch
5. Describe the place of use by placing an X in the appropriate 40-acre tract(s) below:

TWP	RGE	SEC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
16S	21E	10			<u>SW</u>													

6. Priority date claimed or established: 4-1-1872 see claim 45-10331
7. Rate of diversion: .03 cfs

Form 113
07/00

8. Season of use: From 5-1 to 11-30
9. a) Who owns the property at the point of diversion? Karl V. Bedke
b) Who owns the property at the place of use? BLM
10. When will construction occur? existing
11. Comments: The instream stock right is for .500 cfs. The pump's capacity is approx. 12 gpm or .03 cfs. Note: there is a pending transfer (#69404) involving this right/claim.

I hereby assert the following:

- a) Diversion is from a surface water source to which the livestock would otherwise have access. The land where the watering tanks or troughs will be located is land from which the livestock had access to the source of water from which diversion is being made.
- b) The diversion of water out of the stream as described in this notice is for watering livestock and will not injure other water rights.
- c) I will not alter the bed and banks of the source as the term is defined in section 42-3802, Idaho Code. I understand that I may place an inlet conduit into the source in a manner that does not require excavation or obstruction of the stream channel, unless the director of the department of water resources approves a stream channel alteration permit for additional work.
- d) I understand that upon determination of interference with other water rights, the Director may order curtailment of diversion or use of water under this notice or may require the diversion and delivery system to be modified to prevent injury.
- e) I will not divert more than 13,000 gallons per day for livestock watering from this diversion, and I will not use more than one point of diversion under this notice.
- f) I am authorized to make the changes described in this notice and that if the notice involves a federal grazing allotment, the permittee consents to the changes described in this notice.
- g) I understand that any willful misrepresentation on this notice will void any right to divert water for livestock under this notice.

Dated this 17th day of September, 2001Scott C. Bedke
Right Holder or Authorized Representative

FOR DEPARTMENT USE

Received by A. SKINNER Date 9/17/2001 Preliminary check by _____
Fee: \$ 25.00 Received by A. SKINNER Receipt No. 5024307 Date 9/17/2001
Water District No. _____ Entered into data base _____ By _____

Be it noted that:

Goose Creek Cattle & Horse Association is not an association per se, but is a group of individual ranchers that share a group allotment.

Those individuals are:

- 1) Winecup, Inc. (Scott, Eric & Nedra Bedke)
- 2) Bruce Bedke (Jared Bedke, son)
- 3) Karl U. (Bud) & Patricia Bedke
- 4) Bedke Family Limited Partnership (Bud, Will, Brandon Bedke)
- 5) Michael A. Poulton (^{son of} Gary Russell Poulton, deceased)

Scott Bedke

9-17-01

November 26, 1999

RECEIVED
DEC 06 2001
Department of Water Resources
Southern Region

RECEIVED
NOV 13 2001
Department of Water Resources
Southern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Transfer No. 69404
2. Name of protestant USDA Forest Service
3. Protestant's Representative for service (If different than protestant)
c/o State Coordinator
4. Service mailing address 380 E. Parkcenter, Suite 330, Boise, ID 83706
5. Service telephone no. (208) 331-5944
6. Basis of protest (including statement of facts and law upon which the protest is based)
see attached pages

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? See attached pages

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 8 day of NOVEMBER, 20001.

Michael E. Collette
Protestant - Michael E. Collette

Protestant's Representative

Attachment to Forest Service protest of Transfer No. 69404

6. BASIS OF PROTEST.

INJURY: The USDA Forest Service has filed appropriate claims in the SRBA for uses on National Forest System land. This transfer will injure and prejudice United States claims in the SRBA. In addition, the United States has received partial decrees for water right numbers 45-07444 and 45-07594. The sources, points of diversion and places of use on these decrees are included as sources, points of diversion and places of use on claims 45-10334 and 45-10333 respectively, which are part of this transfer.

SPECULATION:

Temporary. The proposed delivery system was authorized as temporary for 1 year to ameliorate drought conditions. The pipeline is not authorized as a permanent structure. Because of the temporary nature of the pipeline this transfer is anticipating that the pipeline will be granted permanent occupancy status in the future. The decision to allow permanent occupancy must be made by the USDA Forest Service.

Claims. This transfer is based on claims in the SRBA that have been filed with IDWR but never reported to the court. As such, water rights upon which to base this transfer exist merely as claims in the SRBA.

Occupancy authorization: The transfer involves points of diversion and places of use on National Forest System land. The claimant/applicant, Goose Creek Cattle and Horse Association, is not authorized to occupy and use the National Forest System land for this purpose.

NOTICE OF DIVERSION FOR INSTREAM STOCKWATER USE: We are concerned about the Notice of Diversion for Instream Stockwater Use under 42-113 being used in association with this transfer.

Diversion and source locations. We understand this statute requires that the diversion is from a surface water source to which the livestock would otherwise have access and the land where the watering tanks or troughs will be located is land from which the livestock had access to the source of water from which the diversion is being made. This conflicts with the conditions and remarks information provided for the claimed water rights involved in this transfer. These remarks say, "All springs and streams are within one grazing unit and can be accessed by cattle without crossing fences." We understand that each of the four claims, 45-10331, 45-10332, 45-10333 and 45-10334, was prepared for and represents the water for separate and distinct grazing units. If the grazing units are fenced as referenced in the remarks, then fences must necessarily be crossed as one proceeds from one unit to the next. Then livestock grazing in the units represented by 45-10332, 45-10333 and 45-10334 would not have access to the proposed common source, Goose Creek, in 45-10331. They would be prevented

free and unrestricted passage to all places of use due to the management fences. We conclude that the cattle could not have been watering from the one common source because each of the grazing units is an individually fenced grazing unit.

Delivery system. The proposed delivery system does not appear to be equipped with an automatic shut off, flow control mechanism, return system or measurement devise.

7. WHAT WOULD RESOLVE THE PROTEST?

IDWR denying both the transfer application and the Notice of Diversion for Instream Stockwater Use pursuant to 42-113 based on the information outlined previously in this document that various requirements of 42- 113 are not receiving compliance. This Notice of Diversion for Instream Stockwater Use is basically the foundation of Transfer No. 69404.

Withdrawal of the application for transfer:

1. Pending decision by the Forest Service and completion of NEPA on the authorization and permanency of the pipeline required for this transfer. It is also be encouraged that the applicant coordinate these proposed actions with the federal land management agencies in charge in accordance with existing grazing permits.

AND-

2. Pending resolution of the stockwater ownership issue on federal lands in the SRBA.

CERTIFICATE OF MAILING

I certify that on 11-8, 2001, I mailed the original and copies of this Petition, including all attachments, postage prepaid and addressed as follows:

1. Original to:

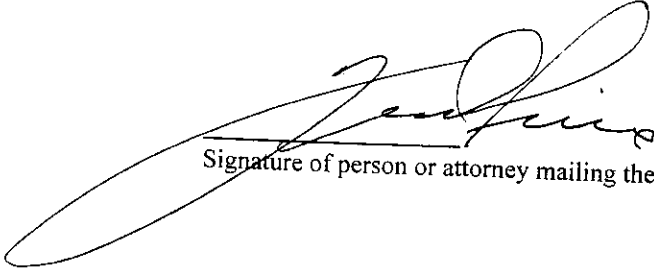
Alan Merritt
Idaho Department of Water Resources
Southern Regional Office
1341 Fillmore Street, STE 200
Twin Falls, Idaho 83301-3380

2. Copy to:

Goose Creek Cattle & Horse
c/o Scott C. Bedke
P.O. Box 89
Oakley, Idaho 83346

Bill Ferry
Office of the Field Solicitor
U.S. Department of the Interior
Federal Building
US Courthouse
550 West Fort Street, MSC 020
Boise, Idaho 83724-0020

Steve Davis
USDI, Bureau of Land Management
Burley Field Office
15 East 200 South
Burley, Idaho 83318



Signature of person or attorney mailing the form

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 02/03/98

PAGE: 18

OWNER
CODE NAME & ADDRESS PRIORITY DATE WATER USE USE PERIOD FROM TO DIVERSION RATE DIVERSION VOLUME

C WINSLOW B WHITELEY 04/01/1879 STOCKWATER 05-01 11-30 0.50 CFS

C RAY C BEDKE

C GARY RUSSEL POULTON

C BRUCE BEDKE

TOTAL DIVERSION: 0.50 CFS

Water Source: HORSESHOE SPRING
SPRING, SECTION 9 13701
EMERY SPRING 13700
BEAVER DAM SPRING 13700
GOOSE CREEK 13699
BEAVER DAM CREEK

Tributary to: SINKS
SINKS
SINKS
SINKS
GOOSE CREEK RESERVOIR
GOOSE CREEK

Stage: BENEFICIAL USE

10331 .5

13699 .04 13700 .38 13701 .04 13706 PRI .04

Point(s) of Diversion: T16S R21E S09 NESENW 13701 USFS
S17 NWSENE SWNWSW
S27 NWNENW
Point(s) of Beginning Stream Reach: T16S R21E S13 NENWNW 13699
S29 SWNWSE
Point(s) of Ending Stream Reach: T16S R21E S12 SESWSW 13699
S34 SWSWNW

CASSIA County
CASSIA County
CASSIA County
CASSIA County
CASSIA County
CASSIA County
CASSIA County

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE			
T	R	S		T	R	S		T	R	S		T	R	S	
16S	21E	9	:	:	:	:	:	:	:	:	:	:	:	:	:
16S	21E	12	:	:	:	:	:	:	:	:	:	:	:	:	:
16S	21E	13	:	:	:	:	:	:	:	:	:	:	:	:	:
16S	21E	17	:	:	:	:	:	:	:	:	:	:	:	:	:
16S	21E	27	:	:	:	:	:	:	:	:	:	:	:	:	:
16S	21E	28	:	:	:	:	:	:	:	:	:	:	:	:	:
16S	21E	29	:	:	:	:	:	:	:	:	:	:	:	:	:
16S	21E	33	:	:	:	:	:	:	:	:	:	:	:	:	:
16S	21E	34	:	:	:	:	:	:	:	:	:	:	:	:	:

POU County: CASSIA

Other Rights: NONE

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.

Remarks: EXP STOCKWATER, 2000 RANGE CATTLE.

Dates: Exam Made Date: Verified Date: 10/17/1997 Objection Filed Date:

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

Holel

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

AMENDED

.5

1. Name: WINSLOW B WHITELEY
Address: PO BOX 283
OAKLEY ID 83346
OR
Name: RAY C BEDKE
Address: OAKLEY ID 83346
OR
Name: GARY RUSSEL POULTON
Address: OAKLEY ID 83346
OR
Name: BRUCE BEDKE
Address: 42 E 1975 SOUTH (BASIN RD)
OAKLEY ID 83346

208-862-3252

45-10331

MIXED

13699 BLM
GOOSE .04
13700 BLM
BRANDON 138
13701 USFS
.04

2. Date of Priority: APR 1, 1872

3. Source: HORSESHOE SPRING PRI
SPRING, SECTION 9 USFS
EMERY SPRING BLM
BEAVER DAM SPRING BLM
GOOSE CREEK BLM
BEAVER DAM CREEK
BLM PRI

Trib. to: SINKS
SINKS
SINKS
SINKS
GOOSE CREEK RESERVOIR
GOOSE CREEK

13706
Private
.04

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
16S	21E	9	NE	SE	NW	SEC 9 SPR	CASSIA USFS
		17	NW	SE	NE	EMERY SPR	CASSIA BLM
			SW	NW	SW	BRANDON SPR	CASSIA BLM
		27	NW	NE	NW	HORSESHOE SPR	CASSIA PRI

Ending Point of Instream Flow
21E 13 NE NW NW GOOSE CASSIA BLM
21E 29 SW NW SE BRANDON CASSIA BLM

Ending Point of Instream Flow

16S	21E	12	SE	SW	SW	GOOSE	CASSIA BLM
16S	21E	34	SW	SW	NW	BRANDON	CASSIA PRI

5. Description of diverting works:

PONDS, COLLECTOR BOXES, PIPELINES, TROUGHS, & INSTREAM USES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	05/01	11/30	0.500		

7. Total Quantity Appropriated is:

0.500 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

S/2000 RANGE

10. Place of Use:

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Kelly K Christensen

CUSTOMER:

WILD ROSE GRAZING ASSOCIATION

DATE: March 13, 1998 7:31 am

SCOTT, RAY, BRUCE, AND JASON BEDKE, AND GARY POULTON

SUBJECT: AMENDMENT TO: A45-10325, A45-10327, A45-10329, A45-10330, A45-10331, A45-10332, A45-10333, A45-10334, A45-10335, & A45-10336.
AMENDMENT TO: A47-14924, & A47-14923.

phone () walk-in(X)

The grazing association amended the priority date on the above claims to 4-1-1872.

We discussed the issues concerning claiming stockwater uses as falling into three general categories. 1. In-stream use; 2. A developed spring at the source; and 3. A developed spring/stream with a significant delivery system, primarily a pipeline stocktank system. I indicated that many of their claims may have to be revisited, maybe even additional claims filed.

We reviewed the rights sent to the court and they took objection forms home to complete and send out.

We also discussed the federal filings for stockwater and I showed them the USFS maps that were provided for department review. They indicated that they may wish to object to many of those rights. I suggested that they contact the court to determine the procedure required to file multiple objections. I generated a selection file BEDKE-BLM-CHECK for claims in TNS 15S & 16S; RNG 21E; and parts of 14S. I then deleted F records and decreed rights that appeared to be irrigation rights. I used that selection file to generate a number list for his review. Jeanie Robertson assisted me in this process.

~~Bruce Bedke - Claims 3-98~~

Bruce Bedke

3 A45-04050 {95} .02 Stock/don

3 A45-02810 {63} .01 Stock

R 10328 {79} .5 Stock

R 10327 " " "

R 10329 " " "

R 10330 " " "

R 10331 " " "

R 10332 " See 45-7446 cattle head

R 10333 " " "

R 10334 " " "

R 10335 " " "

R 10336 " " "

10488 {95} .02 Stock

R 10491 {72} .23 "

R 10492 {72} (see also 45-02810) .23 Stock

R 10500 {72} .23 "

10505 " .02 St IS

10506 " .02 St IS

R 10507 " .23 St

R 10508 " .23 St

RAY

B 10407 {46} .14 Stock

B 10412 (1982) .04 don

X

X

X

X

X

X

X

X

X

X

00155

00156

00591

00708

Bruce Bedke

A45-00536

00537

00538

00539

00540

00541

00542

00543

00672

00136B

10784 can}

Bedke Family LTD PART

A45-00142

00136A

00154A

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: AUG-20-1997

PAGE: A-87

RIGHT NUMBER: 45-10331

NAME & ADDRESS:

RAY C BEDKE

GARY RUSSEL POULTON

BRUCE BEDKE

OAKLEY ID 83346

WINSLOW B WHITELEY

PO BOX 283

OAKLEY ID 83346

SOURCE:

HORSESHOE SPRING

SPRING, SECTION 9

EMERY SPRING

BEAVER DAM SPRING

GOOSE CREEK

BEAVER DAM CREEK

TRIBUTARY: SINKS

SINKS

SINKS

SINKS

GOOSE CREEK RESERVO

GOOSE CREEK

QUANTITY:

0.5 CFS

PRIORITY DATE:

04/01/1879

POINT OF DIVERSION:

T16S R21E S09 US

S17

S27

S13

S29

S12

\$340000

NESENW

NWSENE

SWNWSW

NWNENW

NENWNW

SWNWSW

SESWSW

SWSWNW

(INSTREAM BEGINNING POINT)

(INSTREAM BEGINNING POINT)

(INSTREAM ENDING POINT)

(INSTREAM ENDING POINT)

Within CASSIA County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

STOCKWATER S/2000 RANGE

PERIOD OF USE

05-01 11-30

QUANTITY

0.5 CFS

PLACE OF USE:

STOCKWATER

T16S R21E S09 US

S12

S13

S17

\$270000

S28 US

S29 US

S33 US

S34

Within CASSIA County

SENEW

SWSW

NWNW

SENE

NENW

SWSW

NWSE

NWNE

SWNW

NWSW

SWSE

SENE

SESE

NENW

NWNW

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

Rec'd 5056989
\$100.00

Done U.S.
Private
Owner's

Right ID = 555021
When Created Recombined
who Created 13410
45-10331 13400
5055171 45-13494

Marguerite Bedke
See attached.

Bedke Fam Ltd Partnership
P.O. Box 96 Oakley ID 83346

See Bedke above (Marguerite)

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: AUG-20-1997

PAGE: A-88

RIGHT NUMBER: 45-10331 (CONT)

OTHER PROVISIONS: (CONT)

USED UNDER GRAZING ALLOTMENT FROM B.L.M.

AKA GOOSE CREEK CATTLE & HORSE ASSOC.

***FILE E: SOUTH SPRING UNIT

SEE FILE FOR ABOVE DESCRIBED ATTACHMENT, THIS EXPLAINS SOURCES
MATCHED TO THEIR P/D'S.

ALL SPRINGS AND STREAMS ARE WITHIN ONE GRAZING UNIT AND CAN BE
ACCESSED BY CATTLE WITHOUT CROSSING FENCES.

NOTE ON P/D

--GOOSE CREEK--INSTREAM USE

BEG. NE,NW,NW, SEC. 13--END. SE,SW,SW, SEC. 12, T16S. R21E.

--BEAVER DAM CREEK--INSTREAM USE

BEG. SW,NW,SE, SEC. 29--END. SW,SW,NW, SEC. 34, T16S. R21E.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

9-24-97
C.R.

PARCEL NO.

RP 16S21E340600 A

CATEGORY DESCRIPTION	TAX CODE 34-00	LOTS/ACRES	1997
			MARKET VALUE
2 IRRIGD PASTURE		69.500 AC	23,630
5 DRY GRAZING		322.500 AC	10,320
19 WASTE		1.990 AC	
32 RURAL IMP ON AG			2,160
		393.990	36,110*

OWNER BEDKE MARGUERITE
1/2 BEDKE CLOYD, ETAL
1/2 BEDKE BRUCE
42 EAST 1975 SOUTH (BAISN RD)
OAKLEY ID 83346

LEGAL PT W1/2NE, PT E1/2NW, SWNW,
N1/2SW, NWSE, LOTS 2,3,4
S 34 T 16 R 21

PROPERTY ADDRESS

PARCEL NO. RP 16S21E340600 A TAX CODE 34-00

*per deputy
assessor,
bottom name
is most important
part*

A45-10331

SD-0410-2

MODIFY REMARK

Idaho Department of Water Resources
Adjudication Remarks Screen

Date: 10/16/97
Time: 09:50:08

Water Right Number: A45-10331

FIRST PAGE

13. Remarks Type : GEN

Remarks: USED UNDER GRAZING ALLOTMENT FROM B.L.M.

AKA GOOSE CREEK CATTLE & HORSE ASSOC.

***FILE E: SOUTH SPRING UNIT

SEE FILE FOR ABOVE DESCRIBED ATTACHMENT, THIS EXPLAINS SOURCES
MATCHED TO THEIR P/D'S.

ALL SPRINGS AND STREAMS ARE WITHIN ONE GRAZING UNIT AND CAN BE
ACCESSED BY CATTLE WITHOUT CROSSING FENCES.

NOTE ON P/D

--GOOSE CREEK--INSTREAM USE

BEG. NE,NW,NW, SEC. 13--END. SE,SW,SW, SEC. 12, T16S. R21E.

--BEAVER DAM CREEK--INSTREAM USE

BEG. SW,NW,SE, SEC. 29--END. SW,SW,NW, SEC. 34, T16S. R21E.

ADDED GRID ADDRESS.

(ENTER=Continue/Exit)

(GOLD2=Update)

(GOLD4=Prev Scrn)

(GOLD6=End of Data)

(GOLD8=Cancel)

(GOLD3=Delete)

(GOLD5=Next Scrn)

(GOLD7=Copy to Cmts)

(Gold9=Add Std Rmk)



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

45-10331

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 20, 2003

Goose Creek Cattle & Horse Association
PO Box 89
Oakley ID, 83346

RE: Potential illegal water use

Gentlemen:

Our office has received a complaint regarding current use of the pumping station on Goose Creek located in the NWNW S13, T16S, R21E in Cassia County established or improved during the drought in 2001. As you may recall the development in 2001 was authorized only as a temporary use under Amended TC-45-01 that expired November 15, 2001. You may also recall that you filed Application for Transfer No. 69404 to associate the pumping station with permanent water rights. That application was protested by various parties and then withdrawn by you for consideration. You also filed but later withdrew a Notice of Diversion for Instream Stockwater Use that was associated with this pumping plant.

Since no right appears to provide for continued diversion from the pumping plant this office requests your cooperation in:

- identifying the water right that covers your development if our records are not correct.
- cease diversion from Goose Creek.
- &/or obtain a valid water right for your development.

Please respond to our office as soon as practical, but not later than 7 days from the date of this letter as to the status of your project.

Please note that to divert water in Idaho without a valid water right is illegal pursuant to §42-351, Idaho Code and subject to civil penalties of up to \$100 per day.

If you have questions regarding this matter please feel free to contact our office.

Sincerely,

Allen Merritt, PE
Southern Region Manager

CC: Glen Saxton & Tim Luke - IDWR (State Office)

BLM

USFS

Oakley Canal Co

Norm Semanko



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

July 29, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Goose Creek Cattle and Horse Assoc.
c/o Scott Bedke
P.O. Box 89
Oakley, ID 83346

RECEIVED

JUL 30 2003

Department of Water Resources
Southern Region

RE: STOCKWATER USE - GOOSE CREEK

Dear Representative Bedke:

This letter follows up my July 3, 2003 letter to the association in connection with the diversion and use of stockwater from Goose Creek. Although I understand that the association is not now diverting water from Goose Creek and has removed the pump from the diversion site, I would like to document the association's response to the daily water volume and access matters described in my prior letter, since the same issues may again arise in subsequent years.

I understand that you have discussed this matter with Karl Dreher, the diversion of water from Goose Creek and that there is some sort of meter on your existing pump that would allow the amount of water pumped daily to be determined. Can the association provide a description of the meter or equipment and how it works, so I can file this in department records for future reference in case this same matter comes up next year.

With respect to cattle access to the source or the location of the watering troughs, the association needs to provide appropriate information to show that the cattle have the required access described in the statute. The department would like this information in order to review the access matter and to document the water right notice file for future reference.

Sincerely,

L. GLEN SAXTON, P.E.
Administrator
Water Management Division

*file w/ Bedke
claim
45-?*

c: Allen Merritt
✓ Corey Skinner
Jeff Peppersack



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 13, 2002

Goose Creek Cattle and Horse Assoc.
c/o Scott Bedke
P.O. Box 89
Oakley, ID 83346

RECEIVED

NOV 14 2002

Department of Water Resources
Southern Region

**RE: NOTICE OF DIVERSION FOR INSTREAM STOCKWATER USE FILED IN THE
NAME OF GOOSE CREEK CATTLE AND HORSE ASSOCIATION**

Dear Mr. Bedke:

Enclosed is a Notice of Proposed Default Order issued in connection with the
above referenced application.

Rule of Procedure 37.01.01701 (Procedure Rule 701) provides in pertinent part
as follows:

Within seven (7) days after the service of the notice of proposed default
order, the party against whom it was filed may file a written petition
requesting that a default order not be entered. The petition must state the
grounds why the petitioning party believes that default should not be
entered.

If you have questions, please feel free to contact me.

Sincerely,

Deborah J. Gibson

Deborah J. Gibson, Admin. Assistant
Water Allocation Bureau

Encl: 1

✓ IDWR - S. Region

*additional info in
transfer # 69404
(45-10331)
WR ↑ drawer*

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

IN THE MATTER OF NOTICE OF
DIVERSION FOR INSTREAM
STOCKWATER USE

**NOTICE OF
PROPOSED DEFAULT ORDER**

This matter having come before the Idaho Department of Water Resources ("Department") as a result of the filing of a Notice of Diversion for Instream Stockwater Use ("notice") in the name of Goose Creek Cattle and Horse Association ("association"), the Department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On September 17, 2001 the association filed the above captioned notice on Goose Creek and also filed Application for Transfer 69404 ("application"). The application, which was protested, was subsequently withdrawn by the association and is no longer pending before the Department.
2. On November 8, 2001, the Bureau of Land Management filed a petition as provided in Section 42-113(3), Idaho Code, objecting to the establishment of the stockwater use described in the notice.
3. On August 28, 2002, the BLM and claimants of instream stockwater on grazing allotments (including the principals of the association) signed a Stipulation and Joint Motion for Order Approving Stipulation ("stipulation") providing for "in situ" use of stockwater. Hence, the BLM does not intend to pursue their petition.
4. On October 25, 2002, the Department corresponded with the association and requested withdrawal of the notice. The association did not respond.

CONCLUSIONS OF LAW

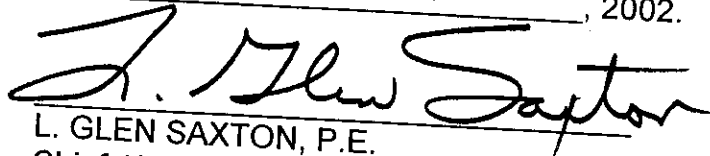
1. IDAPA Rule 37.01.01700 (Rule of Procedure 700) authorizes the Department to issue a Notice of Proposed Default Order for failure to respond to a written information inquiry.
2. The notice is not consistent with the stipulation and does not provide for the use of stockwater by the association as described in the notice.

3. The Department should enter a Notice of Proposed Default Order for failure of the association to respond.

ORDER

IT IS THEREFORE, HEREBY ORDERED that the Department plans to enter a Default Order rejecting the notice in the above captioned matter as provided in IDAPA Rule 37.01.01702 (Rule of Procedure 702).

Dated this 13th day of November, 2002.


L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

October 25, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

RECEIVED

OCT 29 2002

Department of Water Resources
Southern Region

Goose Creek Cattle and Horse Assoc.
c/o Scott Bedke
P.O. Box 89
Oakley, ID 83346

RE: NOTICE OF DIVERSION FOR INSTREAM STOCKWATER AND STIPULATION
AND JOINT MOTION FOR ORDER APPROVING STIPULATION

Gentlemen:

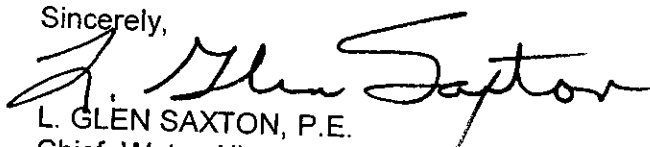
The department's Twin Falls office has forwarded for review a Notice of Diversion For Instream Stockwater Use ("notice") filed in the name of Goose Creek Cattle and Horse Association ("association"). I have reviewed the file, which shows that on September 17, 2001, the association filed the notice on Goose Creek and also filed Application for Transfer 69404 ("application"). This application, which was protested, was subsequently withdrawn by the association and is no longer pending before the Department. On November 8, 2001, the Bureau of Land Management filed a petition as provided in Section 42-113(3), Idaho Code, objecting to the establishment of the stockwater use described in the notice.

The Stipulation and Joint Motion for Order Approving Stipulation ("stipulation") signed on August 28, 2002, by the BLM and claimants of instream stockwater on grazing allotments (including the principals of the association) supercedes the notice filed by the association. BLM has advised that due to provisions of the stipulation, BLM does not intend to pursue their petition. Since the agreement provides for "in situ" use of stockwater and is not consistent with the later signed stipulation, the association should withdraw the notice. Please submit such a request to the department, sent to my attention, within fourteen (14) days in order to clear up department records.

The next step in connection with Adjudication Claim No. [REDACTED] filed by the association and included in the stipulation appears to be for the SRBA Court to approve the stipulation and issue partial decrees and final decrees on the rights included in the stipulation.

If you have questions, please feel free to contact me.

Sincerely,


L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

c: ✓ DWR - S. Region
45-10331
BLM - Fredric Price