

RECEIVED
NOV 26 2004
DEPARTMENT OF
WATER RESOURCES

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

A. Subcase 45-02810A
(Insert water right number)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau
of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: United States of America acting through
USDI Bureau of Land Management
Idaho State Office
1387 S. Vinnell Way
Boise, ID 83709-1657

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☒ **Source**
Should be: see attached.
3. ☒ **Quantity**
Should be: see attached.
4. ☒ **Priority Date**
Should be: see attached.
5. ☒ **Point(s) of Diversion**
Should be: see attached.
6. ☒ **Instream Flow Description**
Should be: see attached.
7. ☒ **Purpose(s) of Use**
Should be: see attached.
8. ☒ **Period of Year**
Should be: see attached.
9. ☒ **Place of Use**
Should be: see attached.

11. I object because:

- ☐ This water right should not exist.
- ☒ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

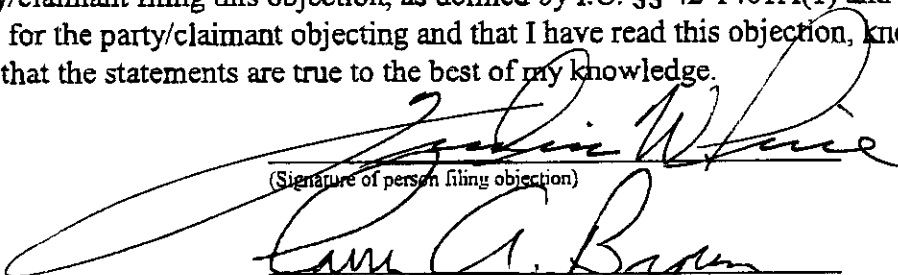
This license was disallowed in the Amended Director's Report. IDWR should have recommended this right.

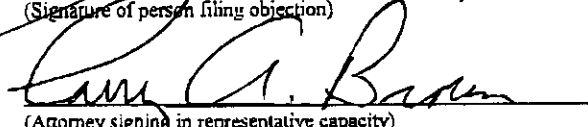
F.**VERIFICATION (Must be Completed)**

State of Idaho)
) ss.
County of Ada)

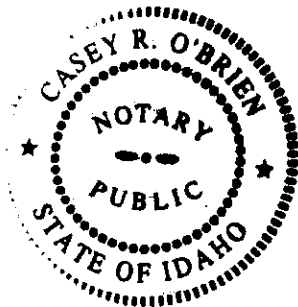
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

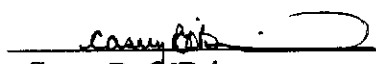
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)


(Attorney signing in representative capacity)

Subscribed and sworn to before me on: November 24, 2004




Casey R. O'Brien
Notary Public for State of Idaho
Residing at: Nampa, ID.
My Commission Expires: 10-31-2009

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.**
You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on Nov. 24, 2004, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

2. One copy to the claimant of the water right at the following address:

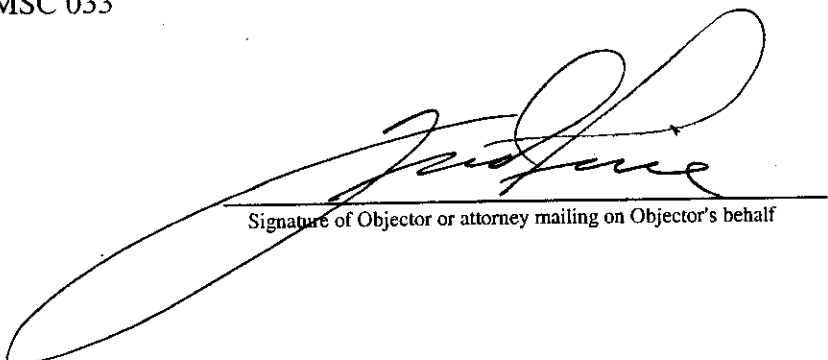
United States of America acting through
USDI Bureau of Land Management
Idaho State Office
1387 S. Vinnell Way
Boise, ID 83709-1657

3. Copies to:

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

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

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



Signature of Objector or attorney mailing on Objector's behalf

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

)
)
)
)
)

Subcase No. 45-2810, 45-2810A,
45-2810B

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY***

Does the change in "ownership" result in a splitting of the water right claimed? ☒ Yes ☐ No

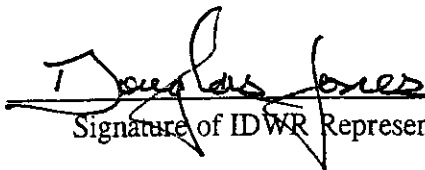
IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

*See attachment 1 for explanation.

Dated:

10/7/04



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 10/8, 2004, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

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. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Bureau of Land Management
Idaho State Office
1387 S Vinnell Way
Boise ID 83709
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
State of Idaho
Department of Lands
PO Box 83720
Boise ID 83720-0050
4. One Copy to:
Each party in the subcase or attorney of record:
Bruce Bedke
42 E Basin Rd
Oakley ID 83346
5. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

9/29/04

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

RIGHT NUMBER: 45-2810

SPLIT RIGHT: SEE RIGHT NOS. 45-2810A and 45-2810B.

09/29/2004

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
45-2810A	UNITED STATES OF AMERICA ACTING THROUGH USDI BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 1387 S VINNELL WAY BOISE ID 83709-1657	Disallowed	CLAIM INCOMPLETE

09/29/2004

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
45-2810B	STATE OF IDAHO DEPT OF LANDS 954 W JEFFERSON PO BOX 83720 BOISE ID 83720-0050	Disallowed	CLAIM INCOMPLETE

Attachment 1

This Notice of Completed Administrative Proceeding (NCAP) splits the ownership of former licensed water right number 45-2810 between the Bureau of Land Management and the State of Idaho Department of Lands pursuant to a Change of Ownership filed with IDWR on or about September 13, 1993. Although this Change of Ownership was filed prior to the time IDWR filed its Director's Report for Small Domestic and Stock Water Rights in Basin 45, on March 2, 1998, through clerical oversight the changes were not incorporated into IDWR's records, and water right number 45-2810 was recommended for disallowal without the changes made by the Change of Ownership. This NCAP makes the ownership change by splitting the right into water right number 45-2810A, owned by the BLM, and water right number 45-2810B, owned by the State of Idaho Department of Lands. Because questions remain regarding the accuracy of the claimed place of use description, both rights 45-2810A and 45-2810B are still being disallowed.

At the time the original recommendation for water right number 45-2810 was filed with the SRBA Court, it contained an additional clerical error: Mr. Bruce Bedke was incorrectly listed as a co-owner, along with the BLM, of the water right. The water right is a licensed water right with a 1963 priority date. It was licensed by IDWR in the name of the BLM alone. IDWR has no information in its records indicating that at any time the BLM conveyed any portion of the license to Mr. Bedke.

Rather, IDWR's records indicate that Mr. Bruce Bedke has filed with IDWR water right claim number 45-10491. While this claim is to the same water source as the BLM's licensed right number 45-2810, it is a claim for a beneficial use right with an 1872 priority date. It is a claim for a different water right than licensed water right number 45-2810. Mr. Bedke's name as a co-owner of water right number 45-2810 was added erroneously to IDWR's recommendation of that water right. Therefore, this NCAP corrects that clerical error by removing Mr. Bedke's name from the water right as split.

Mr. Bedke's claim for beneficial use water right number 45-10491 was recently recommended by IDWR in the Director's Report for Irrigation and Other Water Rights in Basin 45, which was filed with the SRBA Court on September 7, 2004.

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

In Re SRBA

Case No. 39576

AMENDED NOTICE of CLAIM for
Water Right number:

45-02810

NAME and
ADDRESS:

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

BLMIDENT:

4502488045

Stg:

StFed:

L

S

SOURCE:

Source	Tributary
WORTHINGTON SPRING	SINKS

QUANTITY:

0.01

CFS

or VOLUME:

0

Acre Feet

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

PRIORITY DATE:

8/16/1963

Diversion Means:

HEADBOX AND TROUGHS AND PIPE LINE

REMARKS:

PERMIT 1728

POINT of
DIVERSION:

Township	Range	Section	T1	T2	T3	LOT	B/E	within the	County of
16S	22E	33	NW	NE	NW			31	Cassia

PURPOSE
and
PERIOD
OF USE:

Purpose of Use	Period of Use (from - to):	Rate in CFS	or	Volume in AcFt
04	0101	1231	0.01	0

CONSUMPTIVE
USE:

de minimis

stockwater use

DATE:

08-Dec-97

2:09 PM

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

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

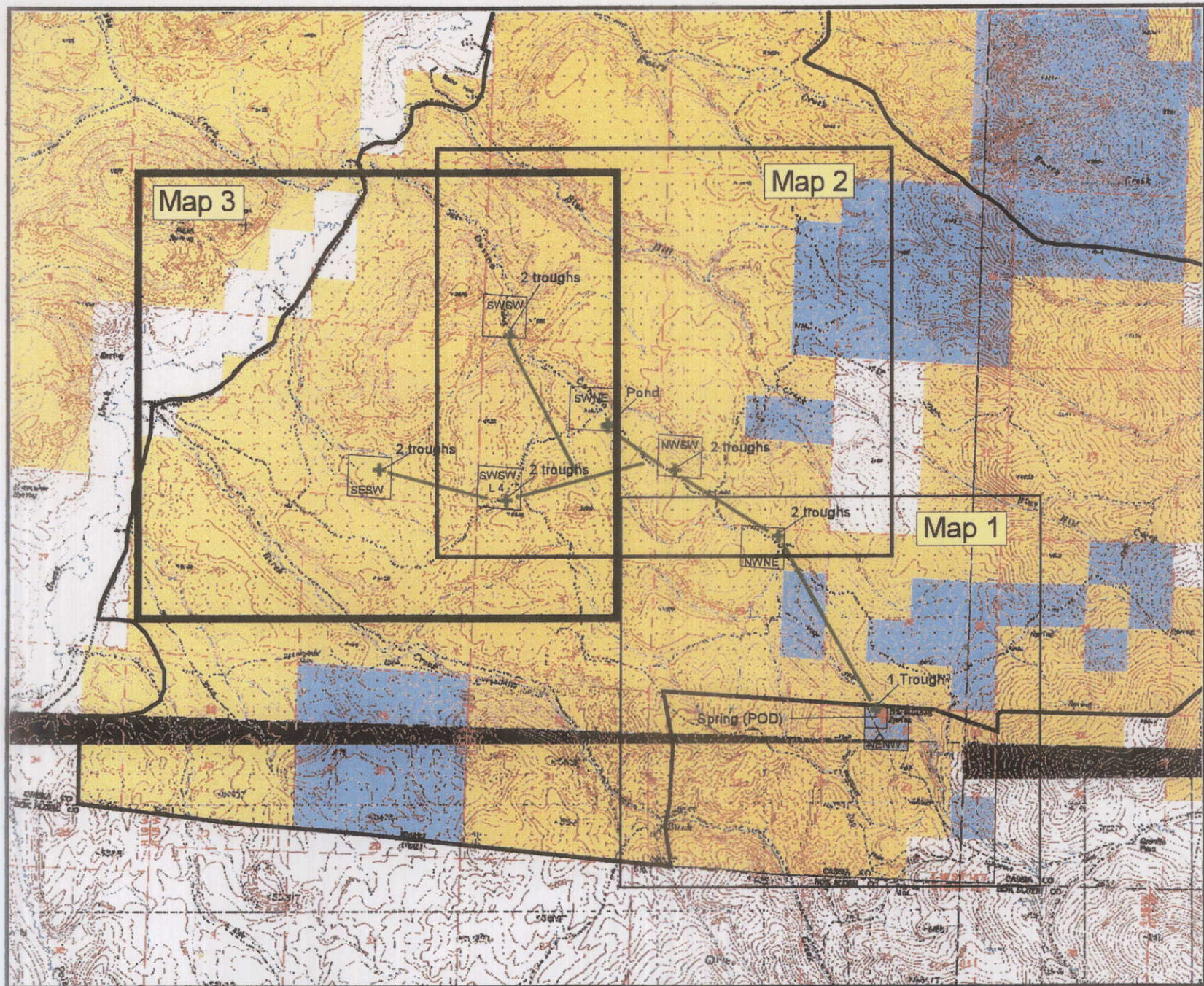
PLACE
of USE:

Water Use	Twn	Rge	Sec	T1	T2	LOT	within the	County of
04	16S	22E	33	NE	NW	0	31	Cassia
04	16S	22E	29	NW	NE	0	31	Cassia
04	16S	22E	20	NW	SW	0	31	Cassia
04	16S	22E	19	SW	NE	0	31	Cassia
04	16S	22E	19	SW	SW	4	31	Cassia
04	16S	22E	18	SW	SW	4	31	Cassia
04	16S	22E-21E	24	SE	SW	0	31	Cassia

COPY RECEIVED
DEC 09 1997
FOR YOUR FILES

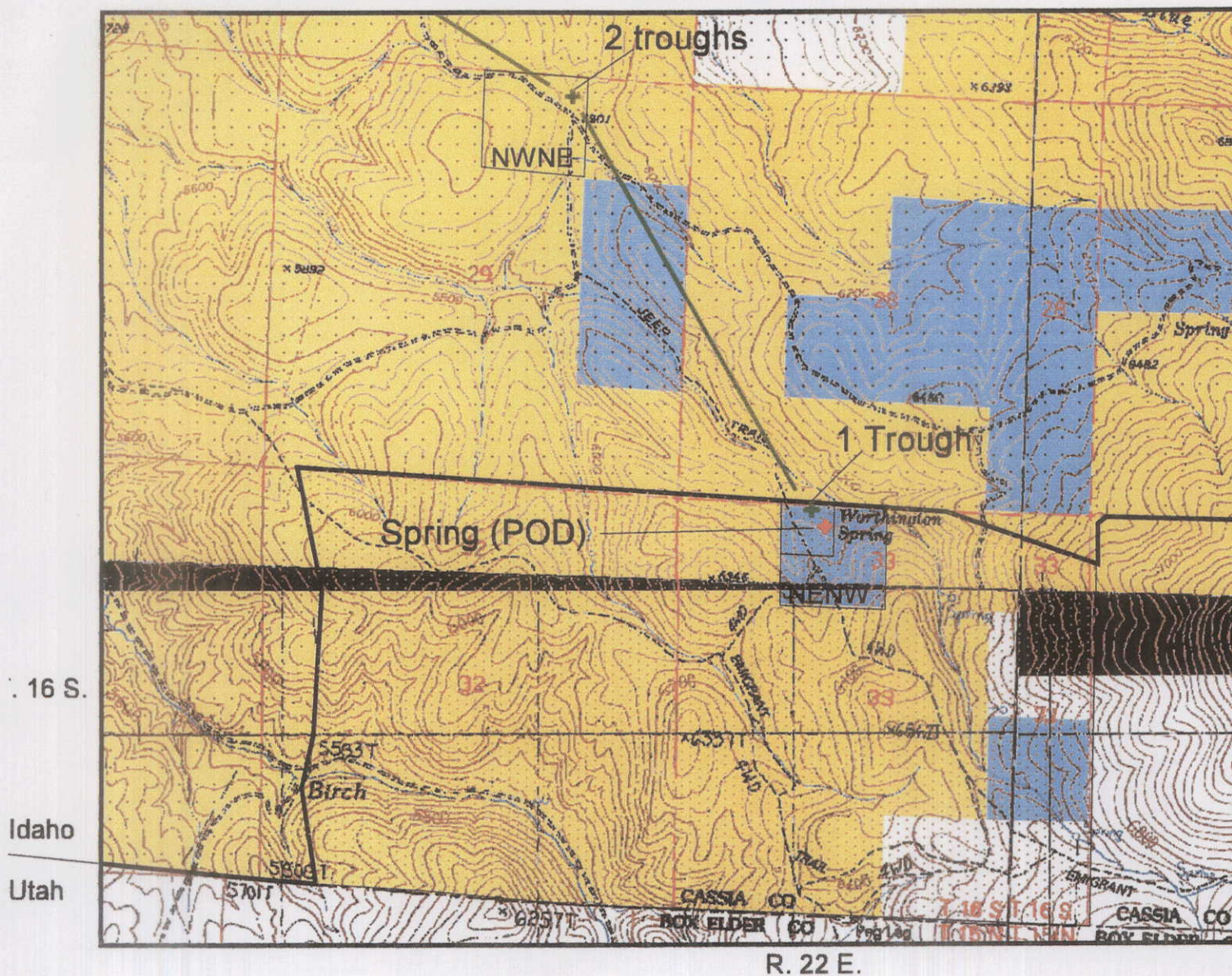
Department of Water Resources

Map Layout



45-2810 BLM

Map 1



- + POD Worthington Spring (GPS'd)
- + POU (GPS'd)
- Digitized Pipeline (not in actual location)
- Worthington spring allotment.shp
- Goose Creek Group Allotment
- Surface Ownership by Owner_type
- BLM
- BIA
- LU_DOI
- LU_USDA
- MIL
- NPS
- USFWS
- PRIVATE
- STATE
- US Forest Service



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

DRAFT



Quad Map Names: Blue Hill, Lyman Pass, Cotton Thomas Basin, Pole Creek

081403em



1:24000

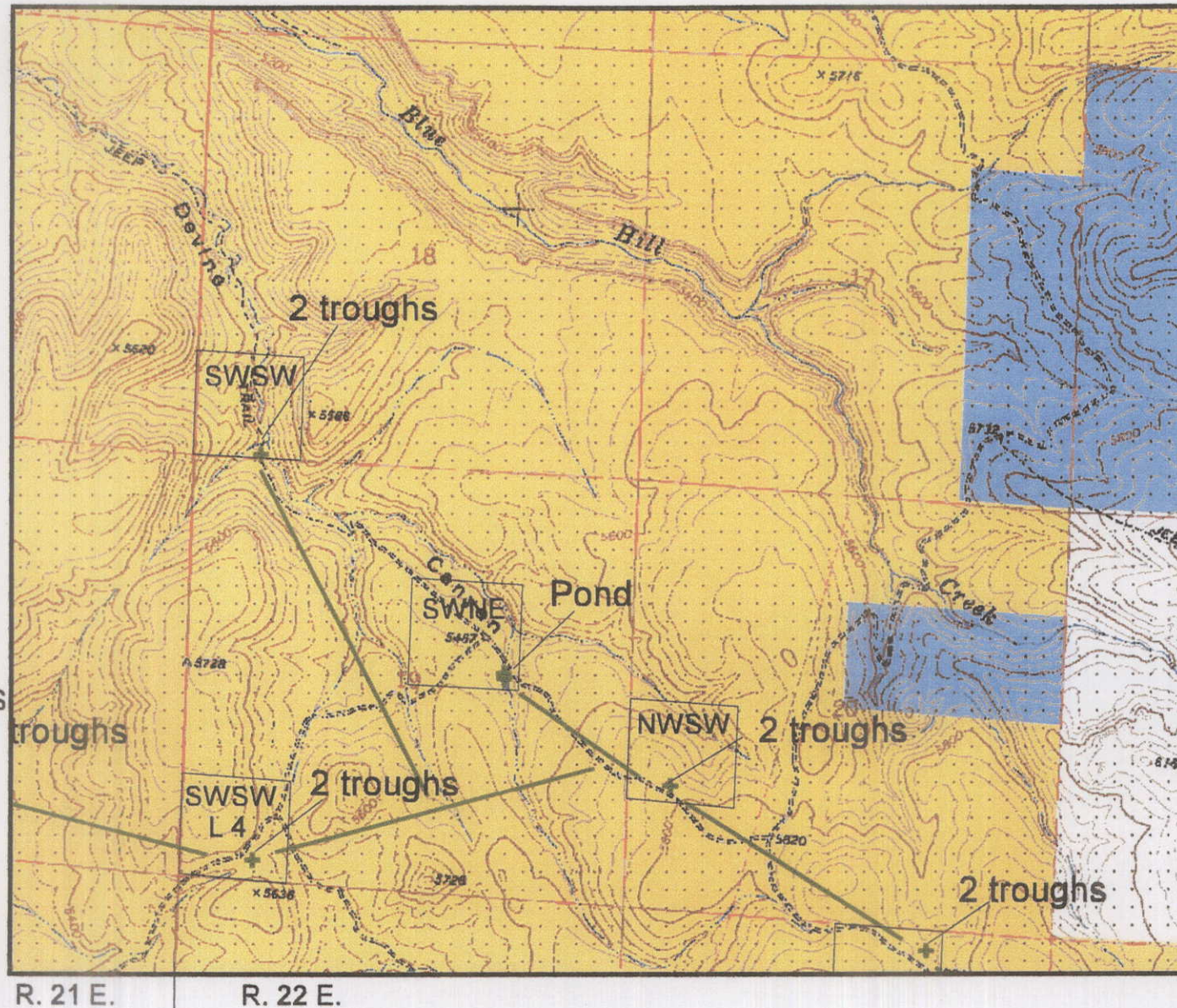


BLM administered land claimed by private claimant.

Note: Depicted 40 acre tracts are POUs and 10 acre tracts are PODs unless otherwise noted.

45-2810 BLM

Map 2



- + POD Worthington Spring (GPS'd)
- + POU (GPS'd)
- Digitized Pipeline (not in actual location)
- Goose Creek Group Allotment
- Surface Ownership by Owner_type
- BLM
- BIA
- LU_DOI
- LU_USDA
- MIL
- NPS
- USFWS
- PRIVATE
- STATE
- US Forest Service



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

DRAFT

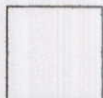


Quad Map Name: Blue Hill,
Lyman Pass, Cotton Thomas
Basin, Pole Creek

081403em



1:24000

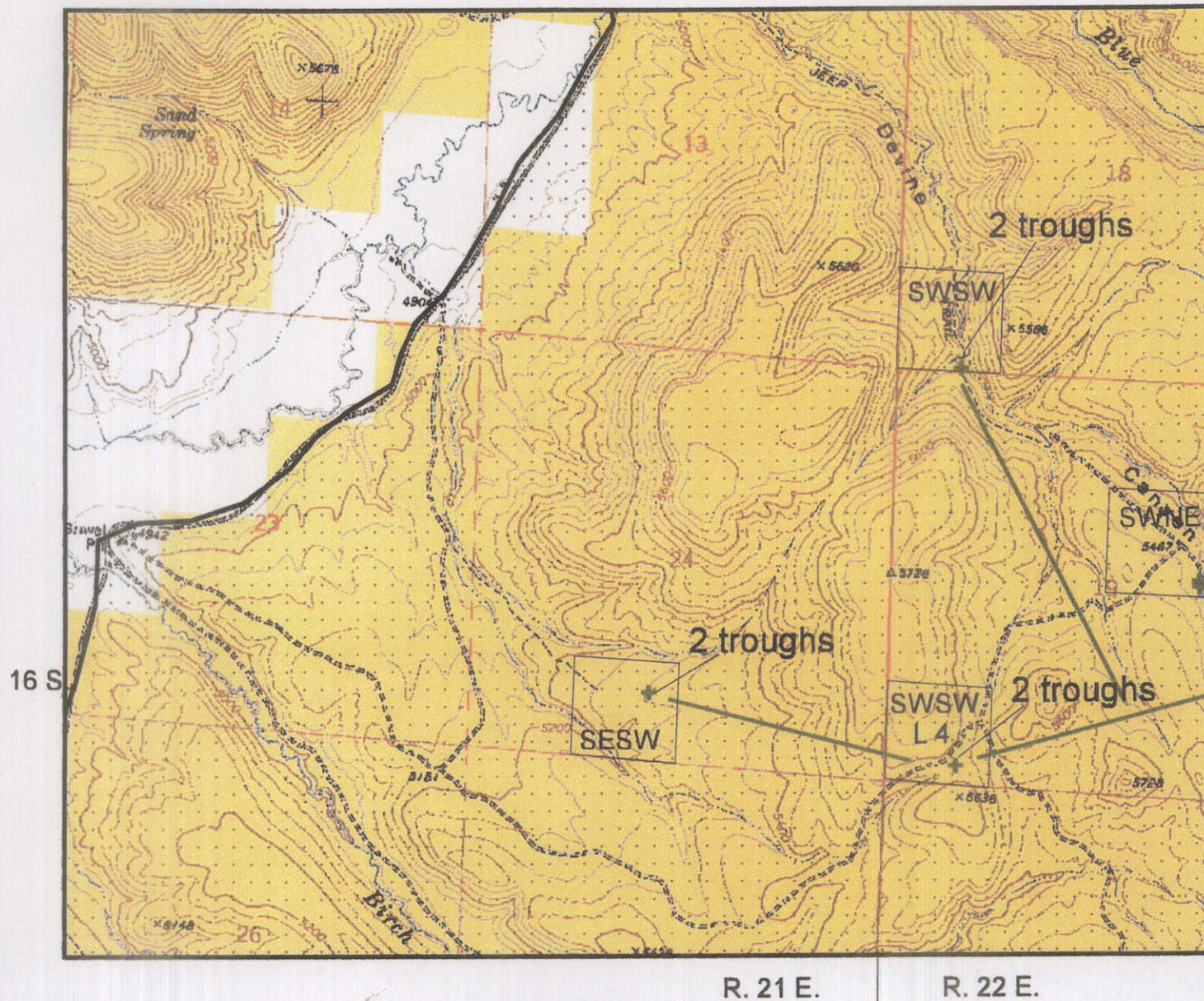


BLM administered land claimed by private claimant.

Note: Depicted 40 acre tracts are POUs and 10 acre tracts are PODs unless otherwise noted.

45-2810 BLM

Map 3



- + POD Worthington Spring (GPS'd)
- + POU (GPS'd)
- + Digitized Pipeline (not in actual location)
- Goose Creek Group Allotment
- Surface Ownership by Owner_type
- BLM
- BIA
- LU_DOI
- LU_USDA
- MIL
- NPS
- USFWS
- PRIVATE
- STATE
- US Forest Service



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

DRAFT

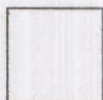


Quad Map Name: Blue Hill,
Lyman Pass, Cotton Thomas
Basin, Pole Creek

081403em



1:24000



BLM administered land claimed by private claimant.

Note: Depicted 40 acre tracts are POUs and 10 acre tracts are PODs unless otherwise noted.

P. O.

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO
FOR FARMSTEAD, DOMESTIC, OR STOCK WATERING PURPOSES
BY THE UNITED STATES DEPARTMENT OF THE INTERIOR

Application No. D. 1728

Permit No. D. 1728

District No. _____

1. Name of Applicant Bureau of Land Management
2. Post Office Address Box 460, Burley, Idaho
3. Quantity of water claimed .01 second foot
(Not to exceed 0.1 second foot or 15 acre feet)
4. Source of water supply Worthington Spring
(Spring, well, unnamed stream, small lake, snow, or runoff)
5. Location of point of diversion S. 64.50 W 660 feet distant from the 1/4 corner of Section 28 & 33
Twp. 16 S Rge. 22 E B.M., and is in the NE 1/4 of the NW 1/4 of Section 33, Twp. 16 S Rge. 22 E B.M.
in the County of Cassia
6. Location of point of use S. 64.50 W 660 feet distant from the 1/4 corner of Section 28 & 33
Twp. 16 S Rge. 22 E B.M., and in the NE 1/4 of the NW 1/4, Sec. 33, Twp. 16 S Rge. 22 E
7. Water to be used for livestock watering
8. Estimated cost of works \$3000
9. Kind of works spring development and pipe line
(Reservoir, dam, ditch, flume, pipe, etc.)
10. Size 1 1/2" plastic pipe and 6 troughs
(Headgate, ditch, flume, pipe, etc.)
11. Time required to apply water to proposed use 30 days
12. If reservoir is used, fill in the following in addition to the above questions:
- (a) Height of dam _____ feet: Length at top _____ feet.
- (b) Material from which dam is constructed _____
(earth, concrete, timber, rock)
- (c) The outlet of the proposed reservoir is located _____ feet from the _____ corner of
Section _____, Twp. _____, Rge. _____, B.M. _____

REMARKS:

Department of the Interior
Applicant Bureau of Land Management

Agent Acting District Manager

[illegible]

Approval of State Reclamation Engineer

The number of this permit is D-1728

Recorded in Book 4 Page D-1728 Approved August 28, 1963

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Work to begin on or before completed and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

Completion of Works and Beneficial Use of Water appropriated in accordance herewith, to be made on or before completed

Witness my hand this 28th day of August, 1963

Carl E. Tappan
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLLIE Governor of the State of Idaho,

and ARNOLD WILLIAMS Secretary of State of the State of Idaho, have caused this instrument

to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed,

this 28th day of August, 1963

Countersigned:

By Arnold Williams
Secretary of State.

STATE OF IDAHO

By Robert E. Smyllie
Governor.

No. D-1728	PERMIT	Date of first receipt at office of State Reclamation Engineer	8:00 A. M. August 16, 1963	Returned to applicant for correction	Corrected application received	Fees \$ 1.00	STATE OF IDAHO LICENSE AND CERTIFICATE OF WATER RIGHT	Water License No. D-1728	U. S. Department of the Interior TO Bureau of Land Management	Source of Supply <u>Worthington Spring</u>	Amount <u>.01</u>	Sec. Feet	Place of Use <u>NE 1/4 Sec. 33, Twp. 16S, Rge. 22 EBM</u>	Purpose <u>Livestock Watering</u>	Date of Priority <u>August 16, 1963</u>	Recorded <u>August 30, 1963</u>	In Book <u>4</u> of Licenses, Page D-1728
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LICENSE AND CERTIFICATE OF WATER RIGHT

Water License No. D-1728 Priority August 16, 1963 Amount .01

This is to certify that Bureau of Land Management of Burley, Idaho
made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of Worthington Spring under Use Permit No. D-1728 and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume D-4 of Licenses, at page D-1728, on the 30th day of August, 1963

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS THE SEAL and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 30th day of August, 1963

Carl E. Tappan
State Reclamation Engineer.