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OCT 18 2004

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

DEPARTMENT OF
WATER RESOURCES

In Re SRBA

Case No. 39576

A. Subcase: _45-13716_
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 USDA Forest Service
Address: 550 West Fort Street
MSC 033
Boise, Idaho 83724
Daytime Phone: (208) 331-5943

Name and Address of Attorney, if any:

David L. Negri
550 West Fort Street
MSC 033
Boise, Idaho 83724

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

Name: Bruce Bedke
Address: 42 E Basin Rd.
Oakley, ID 83346

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: See E Below

2. ☒ **Source**
Should be: See E Below

3. ☒ **Quantity**
Should be: See E Below

4. ☒ **Priority Date**
Should be: See E Below

5. ☒ **Point(s) of Diversion**
Should be: See E Below

6. ☒ **Instream Flow Description**
Should be: See E Below

7. ☒ **Purpose(s) of Use**
Should be: See E Below

8. ☒ **Period of Year**
Should be: See E Below

9. ☒ **Places of Use**
Should be: See E Below

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 water use is on National Forest System land. The United States has filed claim(s) for water rights in the grazing allotment where this water use occurs.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

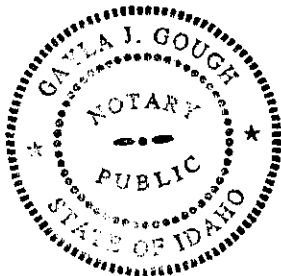
Michael Collette , duly sworn, upon oath, deposes and says:
(Name of person filing objection)

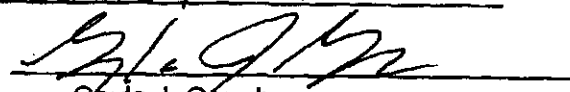
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objections)


(Attorney signing in representative capacity)

Subscribed and sworn before me on: October 15, 2004




Gayla J. Gough

Notary Public for: Idaho
Residing at: Kuna, Idaho
Commission Expires: 11/17/2004

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 10-15-04, 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
PO Box 2707
Twin Falls, ID 83303-2707

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

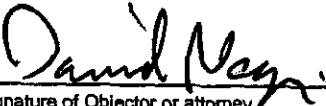
Name: Bruce Bedke
Address: 42 E Basin Rd.
Oakley, ID 83346

3. Copies to:

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

Chief, Natural Resource Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

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



Signature of Objector or attorney
mailing on Objector's behalf

06/29/2004

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

RIGHT NUMBER: 45-13716

NAME AND ADDRESS: BRUCE BEDKE
42 E BASIN RD
OAKLEY ID 83346

SOURCE: MAGPIE SPRING

TRIBUTARY: SINKS

QUANTITY: 0.020 CFS

THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING
ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY
USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.

PRIORITY DATE: 04/01/1872

POINT OF DIVERSION:

T15S R21E S29 NWNENW 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

T15S R21E S29 NENW

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 45-10325.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-13716 V1

WATER RIGHT NUMBER: 45-13716 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BRUCE BEDKE 42 E BASIN RD OAKLEY, ID 83346 (208)862-3697

Priority Date: 04/01/1872

Basis: Beneficial Use

Status: Disallowed

<u>Source</u>	<u>Tributary</u>
MAGPIE SPRING	SINKS

<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	
	<u>Total Diversion:</u>	0.020 CFS	

Location of Point(s) of Diversion

MAGPIE SPRING	NW1/4NE1/4NW1/4	Sec. 29, Twp 15S, Rge 21E, B.M.
CASSIA County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	21E	29					X												

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. L12 THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.
3. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.

Remarks:

1. Explanatory THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-10325.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-13716 V1

Comments:

1. vhancock 4/19/2004 SPLIT RIGHT

Comment: THIS RIGHT IS A PORTION OF 45-10325. THIS RIGHT WAS ALSO REPORTED IN THE PRELIMINARY DIRECTORS REPORT AS 45-13696 BUT WAS SUBSEQUENTLY SPLIT BY OWNERSHIP. ALSO SEE 45-13714 BRUCE BEDKE. SEE 45-10325 FOR ORIGINAL REMARKS AND 45-13696 FOR COMMENTS EXPLAINING RECOMMENDATION OF THIS RIGHT

2. vhancock 4/19/2004 PRIORITY DATE

Comment: CLAIMANT NOT A PARTY TO STIPULATED AGREEMENT BETWEEN PERMITEES AND FEDERAL LAND MANAGERS.

3. vhancock 6/29/2004 POU

Comment: RECOMMENDED ONLY POU AT SITE OF SPRING PER CLAIMED 1872 PRIORITY DATE. BALANCE OF CLAIMED POU REPRESENTED A PIPELINE DOCUMENTED TO HAVE BEEN INSTALLED 4/1/1986 UNDER LICENSE 45-7595 BY USFS.

04/19/2004

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

RIGHT NUMBER: 45-13716 DISALLOWED

NAME AND ADDRESS: BRUCE BEDKE
42 E BASIN RD
OAKLEY ID 83346

SOURCE: MAGPIE SPRING TRIBUTARY: SINKS

QUANTITY: 0.020 CFS

PRIORITY DATE: 04/01/1872

POINT OF DIVERSION:
T15S R21E S29 NWNENW 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

T15S R21E S21	NWSW	T15S R21E S29	NENW
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OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

NO LAWFUL APPROPRIATION SHOWN: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is PROPOSED to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is PROPOSED to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.

NO LAWFUL APPROPRIATION SHOWN.

EXPLANATORY MATERIAL: Beneficial Use

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-10325.

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 45-13716
Date Received: 4/19/2004
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BRUCE BEDKE Phone: (208)862-3697
42 E BASIN RD
OAKLEY ID 83346

2. Date of Priority: 04/01/1872

3. Source: MAGPIE SPRING Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
15S	21E	29	NW NE NW	CASSIA	

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
15S	21E	21	NW SW	STOCKWATER	
15S	21E	29	NE 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:

THIS RIGHT IS A PORTION OF 45-10325. THIS RIGHT WAS ALSO REPORTED IN THE PRELIMINARY DIRECTORS REPORT AS 45-13697 BUT WAS SUBSEQUENTLY SPLIT BY OWNERSHIP. ALSO SEE 45-13715. SEE 45-10325 FOR ORIGINAL REMARKS.

THIS CLAIM REPRESENTS USE FROM A PIPELINE

ALL ELEMENTS OF THIS CLAIM, WHICH IS A PORTION OF THE ORIGINAL SPLIT BY OWNERSHIP, MAY NOT CONFORM TO THE ORIGINAL. SEE CLAIM RECORD 45-10325 FOR THE SIGNED NOTICE OF CLAIM AS FILED.

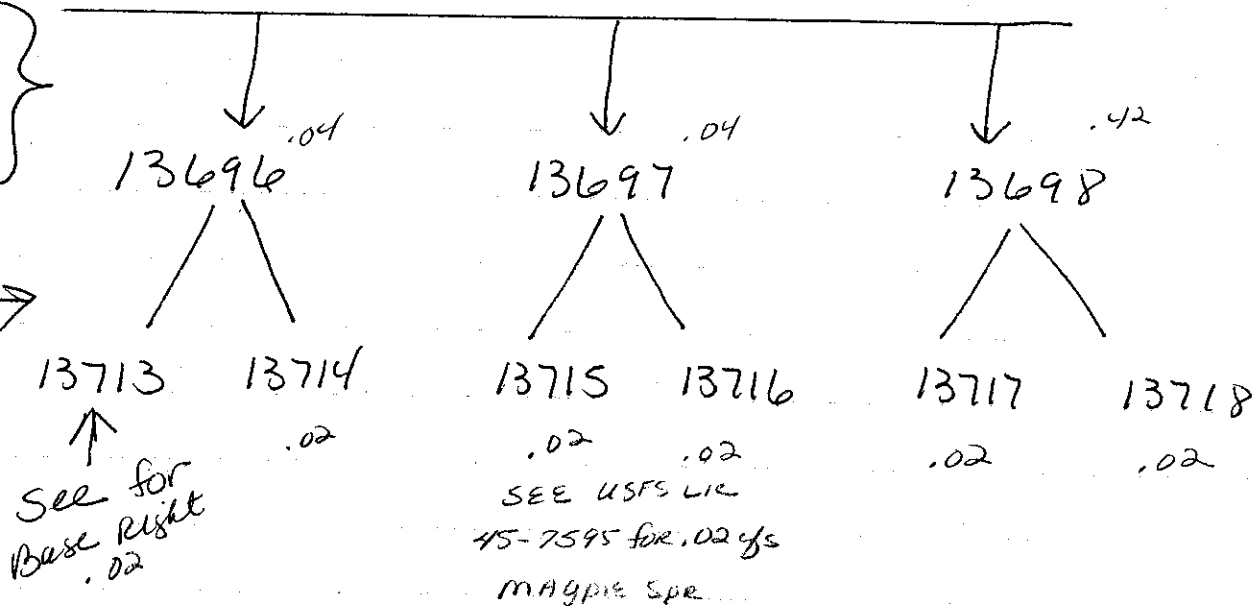
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP FOR THIS CLAIM IS LOCATED IN CLAIM FILE 45-13714.

15. Basis of Claim: Beneficial Use

45-10325 .5

Split By
Source or
Land mgt

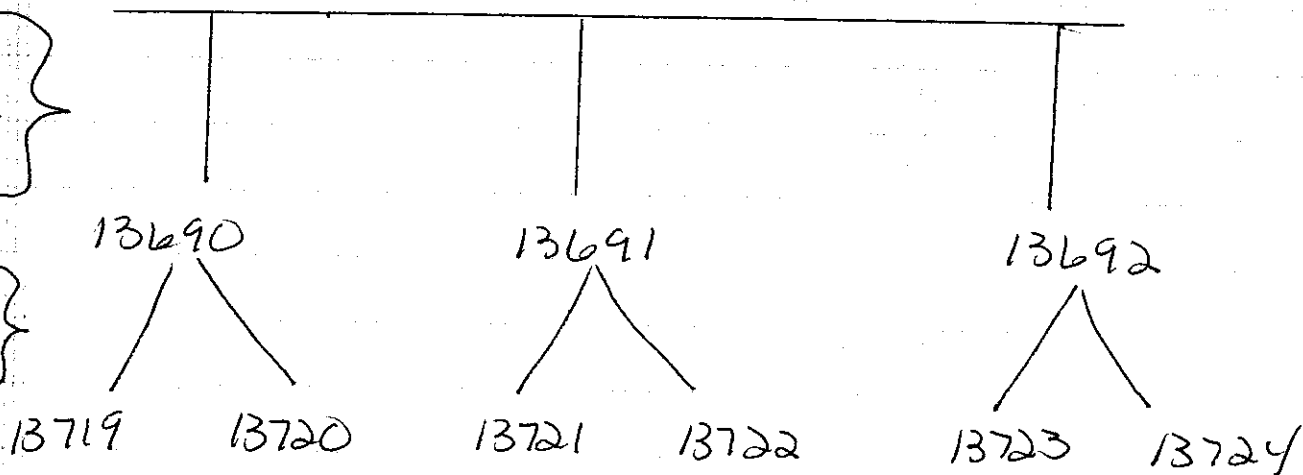
Split by →
ownership



45-10327

Split by
Source or
Land mgt

Split By
Ownership



DH