

RECEIVED

OCT 18 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: _45-13728 _

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.

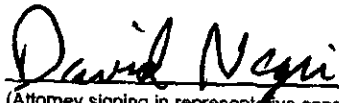
F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

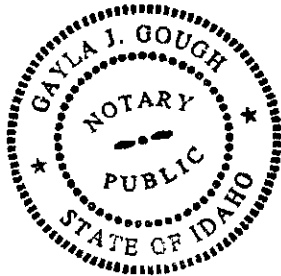
Michael Collette , duly sworn, upon oath, deposes and says:
(Name of person filing objection)

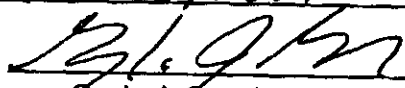
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(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:

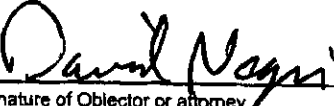
Name: Bruce Bedke
Address: 42 E Basin Rd.
Oakley, ID 83346

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

07/01/2004

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

RIGHT NUMBER: 45-13728
NAME AND ADDRESS: BRUCE BEDKE
42 E BASIN RD
OAKLEY ID 83346
SOURCE: CARLSON SPRING
SPRINGS
LEFT HAND FORK BEAVERDAM CREEK
TRIBUTARY: SINKS
TRIBUTARY: SINKS
TRIBUTARY: BEAVERDAM CREEK
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:

T16S R20E S4 NENWNW Within CASSIA County
T16S R20E S4 SENWNW Within CASSIA County
T16S R20E S4 SWNWSW Within CASSIA County
T16S R20E S4 SWNESE Within CASSIA County
T16S R20E S5 NWSENE Within CASSIA County
T16S R20E S5 NWSSENW Begin of Stream Flow Within CASSIA County
T16S R20E S8 SWSENE Within CASSIA County
T16S R20E S8 NWNESW Within CASSIA County
T16S R20E S8 SENESW Within CASSIA County
T16S R20E S9 SWSENE Within CASSIA County
T16S R20E S9 SENESE Within CASSIA County
T16S R20E S9 SESWSE Within CASSIA County
T16S R20E S15 SENWNW End of Stream Flow Within CASSIA County
T16S R20E S17 SWNENW 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 R20E S04	NWNW	T16S R20E S04	NWSW
T16S R20E S04	NESE	T16S R20E S05	SENE
T16S R20E S05	SENE	T16S R20E S05	NESW
T16S R20E S05	SESW	T16S R20E S08	SWNE
T16S R20E S08	SENE	T16S R20E S08	NENW
T16S R20E S08	NESW	T16S R20E S08	NESE
T16S R20E S09	SENE	T16S R20E S09	NWSW
T16S R20E S09	SESW	T16S R20E S09	NESE
T16S R20E S09	SWSE	T16S R20E S15	NWNW
T16S R20E S16	NENE	T16S R20E S16	NWNE
T16S R20E S17	NENW		

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

Water Right 45-13728

USFS

07/01/2004

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

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 45-10329.

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 45-13728 V1

WATER RIGHT NUMBER: 45-13728 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: Active

<u>Source</u>	<u>Tributary</u>
LEFT HAND FORK BEAVERDAM CREEK CARLSON SPRING SPRING	BEAVERDAM CREEK SINKS 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	

<u>Location of Point(s) of Diversion</u>			
SPRING	SE1/4SW1/4SE1/4	Sec. 9,	Twp 16S, Rge 20E, B.M.
CASSIA County			
SPRING	SW1/4NE1/4SE1/4	Sec. 4,	Twp 16S, Rge 20E, B.M.
CASSIA County			
SPRING	SW1/4SE1/4NE1/4	Sec. 8,	Twp 16S, Rge 20E, B.M.
CASSIA County			
CARLSON SPRING	SW1/4NE1/4NW1/4	Sec. 17,	Twp 16S, Rge 20E, B.M.
CASSIA County			
SPRING	SW1/4SE1/4NE1/4	Sec. 9,	Twp 16S, Rge 20E, B.M.
CASSIA County			
SPRING	SE1/4NE1/4SW1/4	Sec. 8,	Twp 16S, Rge 20E, B.M.
CASSIA County			
SPRING	NW1/4NE1/4SW1/4	Sec. 8,	Twp 16S, Rge 20E, B.M.
CASSIA County			
SPRING	NW1/4SE1/4NE1/4	Sec. 5,	Twp 16S, Rge 20E, B.M.
CASSIA County			
LEFT HAND FORK BEAVERDAM CREEK	NW1/4SE1/4NW1/4	Sec. 5,	Twp 16S, Rge 20E, B.M.
CASSIA County	(Beginning of Reach)		
SPRING	SE1/4NW1/4NW1/4	Sec. 4,	Twp 16S, Rge 20E, B.M.
CASSIA County			
SPRING	NE1/4NW1/4NW1/4	Sec. 4,	Twp 16S, Rge 20E, B.M.
CASSIA County			

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 45-13728 V1

SPRING
 CASSIA County SW1/4NW1/4SW1/4 Sec. 4, Twp 16S, Rge 20E, B.M.

SPRING
 CASSIA County SE1/4NE1/4SE1/4 Sec. 9, Twp 16S, Rge 20E, B.M.

LEFT HAND FORK BEAVERDAM CREEK
 CASSIA County SE1/4NW1/4NW1/4 (Ending of Reach) Sec. 15, Twp 16S, Rge 20E, B.M.

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	20E	4						X				X			X				
16S	20E	5				X			X	X				X					
16S	20E	8			X	X	X			X					X				
16S	20E	9				X					X		X	X	X		X		
16S	20E	15						X											
16S	20E	16	X	X															
16S	20E	17																	

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 45-10329.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 45-13728 V1

Comments:

1. vhancock 4/19/2004 SPLIT RIGHT

Comment: THIS RIGHT IS A PORTION OF 45-10329, SEE THAT CLAIM FOR ORIGINAL REMARKS. THIS RIGHT WAS ALSO REPORTED IN THE PRELIMINARY DIRECTORS REPORT AS 45-13694 BUT WAS SUBSEQUENTLY SPLIT BY OWNERSHIP, SEE THAT CLAIM FOR COMMENTS EXPLAINING RECOMMENDATION OF THIS RIGHT. ALSO SEE 45-13727.

PRIORITY DATE RECOMMENDED AS CLAIMED. CLAIMANT NOT A PARTY TO STIPULATED AGREEMENT BETWEEN PERMITEES AND FEDERAL LAND MANAGERS.

2. vhancock 7/1/2004 POU

Comment: ON USFS LAND

3. vhancock 7/1/2004 USE

Comment: UNDEVELOPED SPRINGS AND INSTREAM STOCKWATER

4. vhancock 7/1/2004 QUANT

Comment: RECOMMENDED STANDARD .02 CFS FOR NON DIVERTED STOCKWATER

5. vhancock 7/1/2004 SOURCES

Comment: SPRINGS ARE WITHIN DRAINAGE OF LEFT HAND FORK BEAVERDAM CREEK. SPRINGS LOCATED IN SECTIONS 4 AND 5 ARE LOCATED IN WHAT IS KNOWN AS JOES CANYON. SPRINGS LOCATED IN SECTIONS 8 AND 9 ARE LOCATED IN WHAT IS KNOWN AS JOHNNYS CANYON.

6. vhancock 7/1/2004 PODS

Comment: SPRINGS LOCATED IN 16S20E S9 SESWSE AND 16S20E S4 SWNESE WERE INCLUDED IN THE ATTACHMENT AS SOURCES AND PODS BUT LEFT OFF THE POD LISTING ON THE SIGNED CLAIM. BECAUSE THOSE LEGALS WERE INCLUDED IN THE POU LISTING OF THE SIGNED CLAIM, THE SPRINGS WERE INCLUDED AS SOURCES IN THE RECOMMENDATION.

04/19/2004

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

RIGHT NUMBER: 45-13728

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

SOURCE: CARLSON SPRING
SPRING
LEFT HAND FORK BEAVERDAM CREEK

TRIBUTARY: SINKS
TRIBUTARY: SINKS
TRIBUTARY: BEAVERDAM CREEK

QUANTITY: 0.020 CFS

The quantity of water under rights 45-13725, 45-13726, 45-13727, 45-13728, 45-13729, 45-13730 shall not exceed a combined total of 13,000 gallons per day.

PRIORITY DATE: 04/01/1872

POINT OF DIVERSION:

T16S R20E S4 NENWNW Within CASSIA County
T16S R20E S4 SENWNW Within CASSIA County
T16S R20E S4 SWNWSW Within CASSIA County
T16S R20E S4 SWNESE Within CASSIA County
T16S R20E S5 NWSENE Within CASSIA County
T16S R20E S5 NWSENW Begin of Stream Flow Within CASSIA County
T16S R20E S8 SWSENE Within CASSIA County
T16S R20E S8 NWNESW Within CASSIA County
T16S R20E S8 SENESW Within CASSIA County
T16S R20E S9 SWSENE Within CASSIA County
T16S R20E S9 SENESE Within CASSIA County
T16S R20E S9 SESWSE Within CASSIA County
T16S R20E S15 SENWNW End of Stream Flow Within CASSIA County
T16S R20E S17 SWNENW 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 R20E S04	NWNW	T16S R20E S04	NWSW
T16S R20E S04	NESE	T16S R20E S05	SENE
T16S R20E S05	SENW	T16S R20E S05	NESW
T16S R20E S05	SESW	T16S R20E S08	SWNE
T16S R20E S08	SENE	T16S R20E S08	NENW
T16S R20E S08	NESW	T16S R20E S08	NESE
T16S R20E S09	SENE	T16S R20E S09	NWSW
T16S R20E S09	SESW	T16S R20E S09	NESE
T16S R20E S09	SWSE	T16S R20E S15	NWNW
T16S R20E S16	NENE	T16S R20E S16	NWNE
T16S R20E S17	NENW		

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:
Water Right 45-13728

IDAHO DEPARTMENT OF WATER RESOURCES

04/19/2004

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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 45-10329.

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 45-13728
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)

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

2. Date of Priority: 06/11/1905

3. Source: SPRING , SPRING , SPRING , CARLSON SPRING , SPRING , SPRING , SPRING ,
SPRING , BEAVERDAM CREEK LEFT HAND FORK, SPRING , SPRING , SPRING , SPRING ,
BEAVERDAM CREEK LEFT HAND FORK Trib. to: SINKS , SINKS , SINKS , SINKS , SINKS ,
SINKS , SINKS , SINKS , BEAVERDAM CREEK , SINKS , SINKS , SINKS , SINKS , BEAVERDAM
CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
16S	20E	9	SE SW SE	CASSIA	
16S	20E	4	SW NE SE	CASSIA	
16S	20E	8	SW SE NE	CASSIA	
16S	20E	17	SW NE NW	CASSIA	
16S	20E	9	SW SE NE	CASSIA	
16S	20E	8	SE NE SW	CASSIA	
16S	20E	8	NW NE SW	CASSIA	
16S	20E	5	NW SE NE	CASSIA	
16S	20E	5	NW SE NW	CASSIA	
16S	20E	4	SE NW NW	CASSIA	Beginning Point
16S	20E	4	NE NW NW	CASSIA	
16S	20E	4	SW NW SW	CASSIA	
16S	20E	9	SE NE SE	CASSIA	

16S 20E 15 SE NW NW 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	0.02	

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	20E	4	NW NW NW SW NE SE		STOCKWATER STOCKWATER STOCKWATER	
16S	20E	5	SE NE SE NW NE SW SE SW		STOCKWATER STOCKWATER STOCKWATER STOCKWATER	
16S	20E	8	SW NE SE NE NE NW NE SW NE SE		STOCKWATER STOCKWATER STOCKWATER STOCKWATER STOCKWATER	
16S	20E	9	SE NE NW SW SE SW NE SE SW SE		STOCKWATER STOCKWATER STOCKWATER STOCKWATER STOCKWATER	
16S	20E	15	NW NW		STOCKWATER	
16S	20E	16	NE NE NW NE		STOCKWATER STOCKWATER	
16S	20E	17	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:

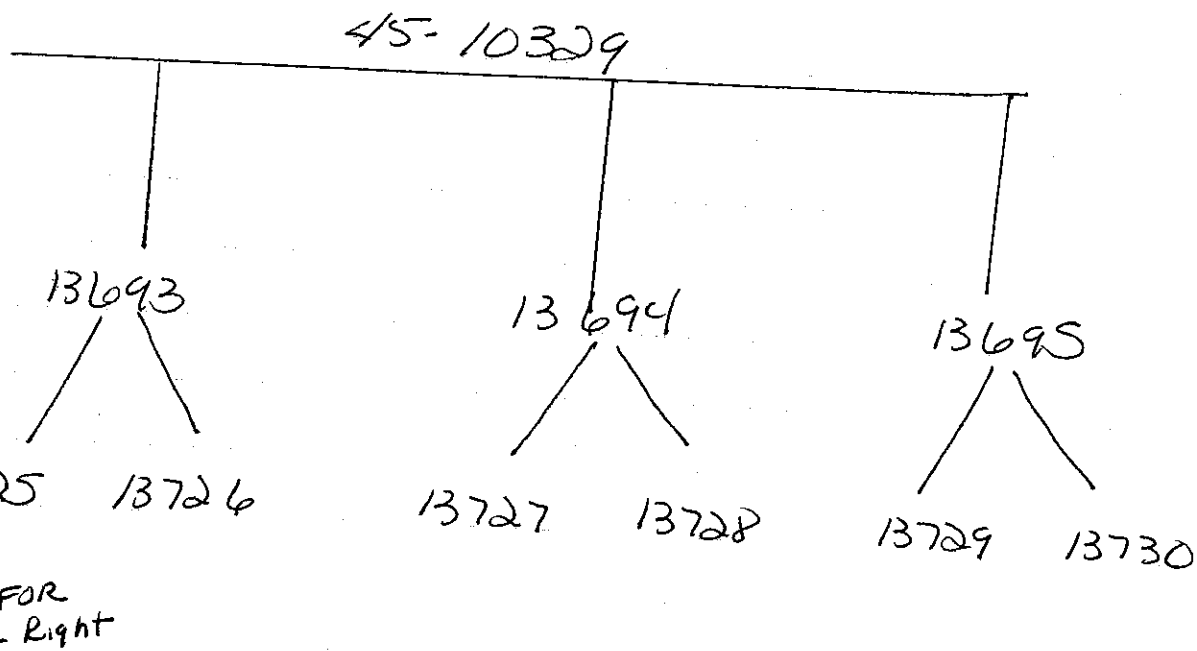
14. Remarks:

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP SUBMITTED 4-15-2004
LOCATED IN FILE 45-13714

ALL ELEMENTS OF THIS CLAIM, WHICH IS A PORTION OF THE ORIGINAL SPLIT BY
OWNERSHIP, MAY NOT CONFORM TO THE ORIGINAL. SEE CLAIM RECORD
45-10329 FOR THE SIGNED NOTICE OF CLAIM AS FILED.

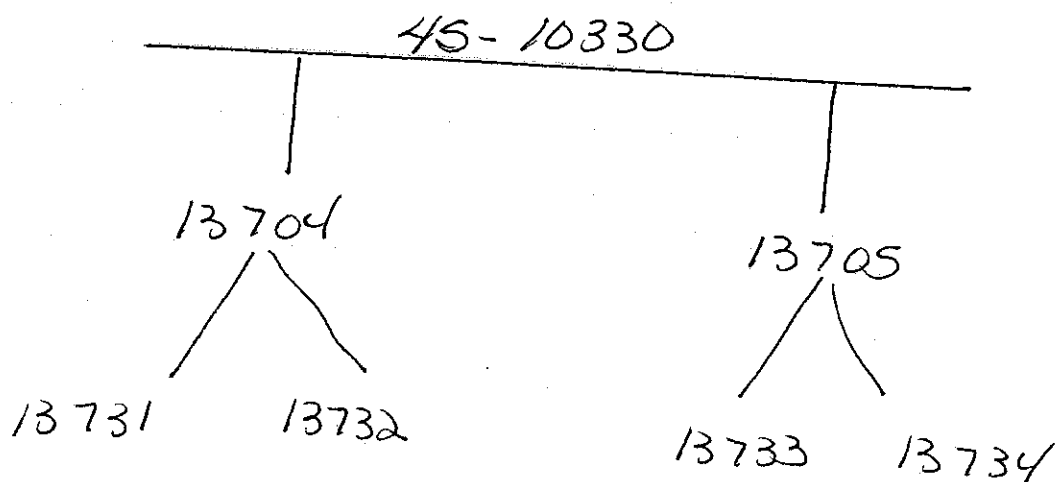
15. Basis of Claim: Beneficial Use

Split by
Source or
Land mgt



Split by
Source or
Land mgt

Split by
ownership



Split by ownership →

