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DEC 17 2007

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

A. Subcase 73-12082

Case No. 39576

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Richard Bergeman
Address: 2255 Pahsimeroi Rd.
May, ID 83253

Daytime Phone: (208) 876-4283

Name & Address of Attorney, if any:

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

Name: Richard Bergeman
Address: 2255 Pahsimeroi Rd.
May, ID 83253

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

1. ☐ Name and Address
Should be: _____
2. ☐ Source
Should be: _____
3. ☒ Quantity
Should be: sufficient to include conveyance losses in ditch
4. ☐ Priority Date
Should be: _____
5. ☒ Point(s) of Diversion
Should be: as shown on attached map
6. ☐ Instream Flow Description
Should be: _____
7. ☐ Purpose(s) of Use
Should be: _____
8. ☐ Period of Year
Should be: _____
9. ☒ Place of Use
Should be: as shown on attached map
10. 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): See attachment

F. VERIFICATION (Must be completed)

State of Idaho)
County of CUSTER)ss.

_____, duly sworn, upon oath, deposes and says:

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

Richard Bergman

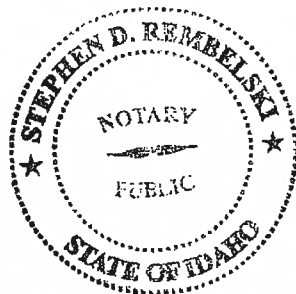
Subscribed and sworn to before me on: THIS 10TH DAY of DECEMBER 2007

SDR

Notary Public for STATE OF IDAHO

Residing at: CHALLIS IDAHO

My Commission Expires: 01/26/10



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 10/13, 2007, 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:

Name: Richard and/or Victoria Bergeman
Address: 2255 Pahsimeroi Rd.
May, ID 83253

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 person mailing form

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

RIGHT NUMBER: 73-12082

NAME AND ADDRESS: RICHARD BERGEMAN
2255 PAHSIMEROI RD
MAY ID 83253

VICTORIA BERGEMAN
2255 PAHSIMEROI RD
MAY ID 83253

SOURCE: PATTERSON CREEK

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 0.800 CFS

PRIORITY DATE: 02/22/1888

POINT OF
DIVERSION: T14N R23E S26 NWNWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.800 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T14N R23E S22 SWNW 31.00	T14N R23E S22 NESW	21.00
	T14N R23E S22 NWSW 38.00	T14N R23E S22 NWSE	8.30

98.3 ACRES TOTAL

This right is limited to the irrigation of 40 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 97.3 acres in a single irrigation season. Combined Right Nos.: 73-215B, 73-12082.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

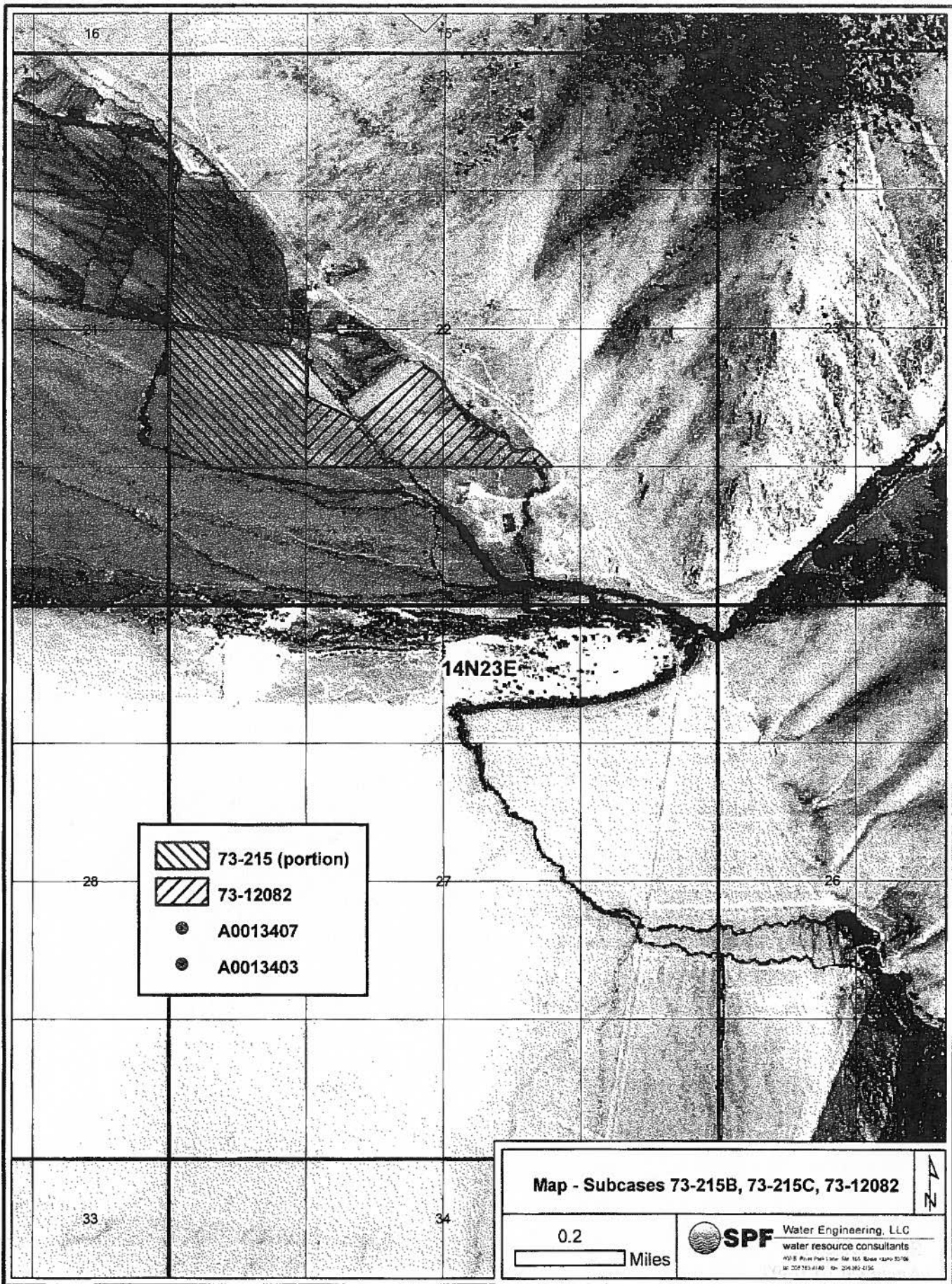
This claim is for a combination of decreed rights 73-213C and 73-213D.

2011

11/7/2006

BasinNumber	SequenceNum	SplitSuffix	Status	Basis
73	12044	✓	Active	Beneficial Use
73	12080	✓	Active	Beneficial Use
73	12081	✓	Active	Beneficial Use
73	12082	✓	Active	Decreed

1rr, 2.4
2/3 A → 10086 2rr, Indust, 1rr, Mining
2/2 2/3 C. to 12082
1rr 3.2 2/3 D. to 1rr. 80
Industry Mining



STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 855.

THIS IS TO CERTIFY That BRADLEY MINING COMPANY, a corporation, of Patterson, Idaho, is the owner of and using Four-fifths ($\frac{4}{5}$) of a second foot (or 40 inches) of the waters of Patterson Creek with priority of February 22, 1888, said water being decreed to Lynn D. Finch, by Judge J. M. Stevens of the 6th Judicial District of the State of Idaho, in and for the County of Latah, in the case of

WILLIAM F. HAMMOND, ET AL.,

Plaintiffs,

vs.

LAURA MILLER, ET AL.,

Defendants,

said decree bearing date of April 7, 1910, and being appurtenant to the following described lands, to-wit:

SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 34, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 35
Township 14 North, Range 23 East, B.M.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 4 of Decrees, beginning at Page 274.

That said Bradley Mining Company, a corporation, of Patterson, Idaho, has become the owner of said water right through purchase.

That by Transfer Certificate No. 802, approved by the State Reclamation Engineer February 17, 1953, 10 inches of said water was transferred for milling and mining at the Inn Mine in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23, Township 14 North, Range 23 East, B.M.; and 30 inches for irrigation and domestic use on the S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 22, Township 14 North, Range 23 East, B.M.

And that now, upon the application of Bradley Mining Company, a corporation, of Patterson, Idaho, for the transfer of twenty (20) inches of said water, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of twenty (20) inches of the waters of Patterson Creek upon the S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 22, Township 14 North, Range 23 East, B.M. is hereby abandoned and the place of use of said water under such right hereby confirmed shall by this Certificate become appurtenant is described as follows, to-wit:

20 inches for milling and mining at the Inn Mine in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23, Township 14 North, Range 23 East, B.M.

That said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

0.4 of a second foot (or 20 inches) of the waters of Patterson Creek, with priority of February 22, 1888.

That the water right hereby transferred has heretofore been conducted to the first above described lands from Patterson Creek with point of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 26, Township 14 North, Range 23 East, B.M.

That the water right hereby transferred will hereafter be conducted to the last above described land with point of diversion in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23, Township 14 North, Range 23 East, B.M.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 17th day of June, 1935.

Mark R Kulp
MARK R. KULP
State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 8082

THIS IS TO CERTIFY That BRADLEY MINING COMPANY, a corporation, of Patterson, Idaho, is the owner of and using Four-fifths ($\frac{4}{5}$) of a second foot (or 40 inches) of the waters of Patterson Creek with priority of February 22, 1888, said water being decreed to Lynn D. Finch, by Judge J. M. Stevens of the 6th Judicial District of the State of Idaho, in and for the County of Lemhi, in the case of

WILLIAM F. HAMMOND, ET AL.,

Plaintiffs,

vs.

LAURA MILLER, ET AL.,

Defendants.

said decree bearing date of April 7, 1910, and being appurtenant to the following described lands, to-wit:

SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 34, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 36,
Township 14 North, Range 23 East, R.M.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 4 of Decrees, beginning at Page 374.

That said Bradley Mining Company, a corporation, of Patterson, Idaho, has become the owner of said water right through purchase.

And that now, upon the application of Bradley Mining Company, a corporation, of Patterson, Idaho, for the transfer of Four-fifths ($\frac{4}{5}$) of a second foot (or 40 inches) of said water, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of Four-fifths ($\frac{4}{5}$) of a second foot (or 40 inches) of the waters of Patterson Creek upon the above described lands is hereby abandoned and the place of use of said water under such right hereby confirmed shall by this Certificate become appurtenant to described as follows, to-wit:

10 inches for milling and mining at the Lee Mine in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23, Township 14 North, Range 23 East, R.M.

30 inches for irrigation and domestic use on the S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 22, Township 14 North, Range 23 East, R.M.

That said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount to-wit:

$\frac{4}{5}$ of a second foot of the waters of Patterson
Creek, with priority of February 22, 1888.

That the water right hereby transferred has heretofore been conducted to the first above described lands from Patterson Creek through the Rien-Miller-Finch Ditch, with point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27, Township 14 North, Range 23 East, R.M.

That the water right hereby transferred will hereafter be conducted to the last above described lands with points of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 26, and SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23, Township 14 North, Range 23 East, R.M.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 17th day of February, 1955.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

June 3, 1959

Re: Transfer Nos. 802 & 855

Mr. C. Walker Lyon
Attorney at Law
Viel Building
Salmon, Idaho

Dear Mr. Lyon:

The Bradley Mining Co. has made two transfers of a decreed water right of 0.8 c.f.s. from Patterson Creek decreed to Lynn D. Finch with priority of Feb. 22, 1888 which is probably the right in question. All land is in T. 14 N., R. 23 E.

Transfer No. 802 - transferred 0.8 c.f.s. from SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 34, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, with point of diversion in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 27, through the Bien-Miller-Finch Ditch to 0.2 c.f.s. for milling and mining at Irma Mine in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23, and 0.6 c.f.s. for irrigation and domestic in S $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22.

Transfer No. 855 - transferred 0.4 c.f.s. of the above 0.6 c.f.s. used in S $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22 to milling and mining at Irma Mine.

The water was decreed by Judge J. M. Stevens in the 6th Judicial District in the case of

William F. Hammond, et al
Plaintiffs

vs.

Laura Miller, et al

decrees bearing date of April 7, 1910 and entered in the records of the Department of Reclamation of the State of Idaho in Volume 4 of decrees, beginning at Page 274.

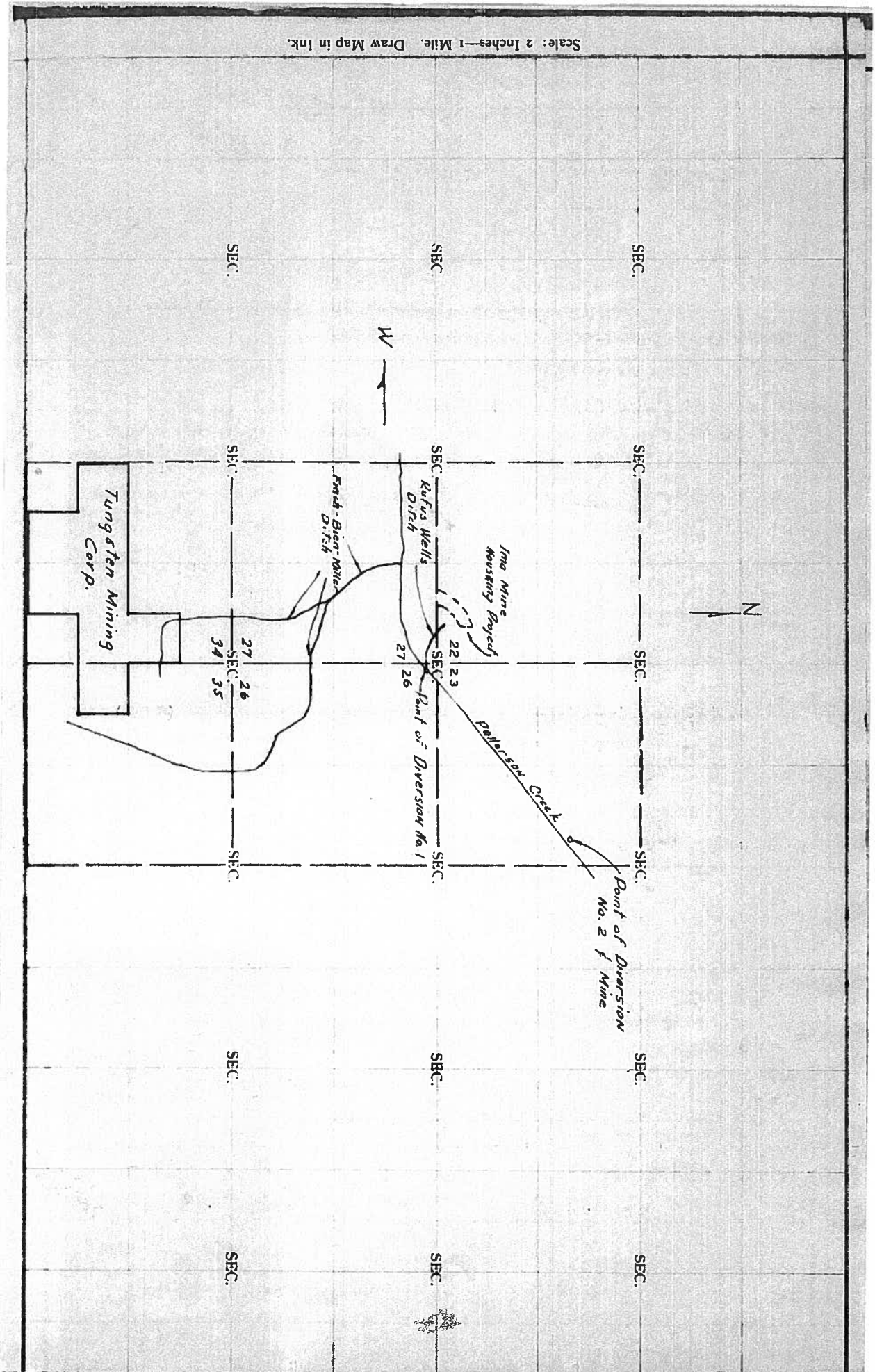
Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

GNC:RT:ew

enc: transfer
application

*See Sec. 42-222
Idaho Code for
transfer procedure
G. N. B.*



TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Finch, Lynn D.	3.2		73-0213
613	General Electric Co.	0 (3+2)	0	73-0213A
638	General Electric Co.	2.4 (3+2)		73-0213AA
802	Bradley Mining Co.	0.4 (0+8)		73-0213AAA
855	Bradley Mining Co.	0.4		73-0213AAAA

3.2 { C.E. A 2.4
 B.M. B 0.8 { B.m C .4
 B.m D .4

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