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Department of Water Resources
Southern Region

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Department of Water Resources
Adjudication Bureau

**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)

A. Subcase **45-11291**

(Insert water right number)

Case No. 39576)

**DOMESTIC AND
STOCK WATER RIGHT
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:

R. Lee Leininger, 202 305-0242; Paul F. Holleman, 202 305-0494

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: Kenneth W. Sherfey

Address: P.O. Box 144; Oakley, ID 83346

Name: Renee Sherfey

Address: same as above

Name:

Address:

Name:

Address:

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: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: See attached
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: 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):

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant's use of Federal land is unauthorized. See attached POD and POU. Claimant's water right should not include this POD and POU. Perhaps there is a typographical error in the land descriptions.

F.

VERIFICATION (Must be Completed)

State of Idaho)

)ss.

County of Ada)

Tom Dyer, BLM Area Manager, 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: _____

Notary Public for _____
Residing at: _____
My Commission Expires: _____

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 _____, 199__, 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: Kenneth W. Sherfey

Address: P.O. Box 144; Oakley, ID 83346

Name: Renee Sherfey

Address: same as above

Name:

Address:

Name:

Address:

3. Copies to:

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

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO 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

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: FEB-27-1998
PAGE: A-1853

RIGHTS FROM: SOURCE: LAKE CREEK TRIBUTARY: BIRCH CREEK

RIGHT NUMBER: 45-11291

NAME & ADDRESS: KENNETH W SHERFEY
RENEE SHERFEY
PO BOX 144
OAKLEY ID 83346POD ON BLM
POU ON BLM

SOURCE: LAKE CREEK TRIBUTARY: BIRCH CREEK

QUANTITY: 0.02 CFS

USE NOT
AUTHORIZED.THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 12/31/1896

POINT OF DIVERSION: T15S R23E S04

SESENE BLM

Within CASSIA County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USE
STOCKWATERPERIOD OF USE
01-01 12-31QUANTITY
0.02 CFSPLACE OF USE: STOCKWATER
T15S R23E S04Within CASSIA County
SENE BLM

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
STOCKWATER, 80 HEAD BEEF
PARCEL NO. RPT15SR23E040600A

- MATTHEWS-GOOSE CREEK ALLOT.
- CLAIMANT'S USE IS NOT
AUTHORIZED.
- PERHAPS THERE IS A
TYPOGRAPHICAL ERROR
IN LOCATION OF CLAIM.

AJ5809NP
No. R45-11291

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 02/03/98
PAGE: 13

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KENNETH W SHERFEY	12/31/1896	STOCKWATER	01-01 12-31	0.03 CFS	.02
C	RENEE SHERFEY					
TOTAL DIVERSION:					0.03 CFS	.02

Water Source: LAKE CREEK

Tributary to: BIRCH CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion: T15S R23E S04 SESENE

CASSIA County

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE																			
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE	
T	R	S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
15S	23E	4	:																												
			:																												

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.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP STOCKWATER, 80 HEAD BEEF
PARCEL NO. RPT15SR23E040600A

OK
2/5/98

Dates: Exam Made Date: Verified Date: Objection Filed Date:

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

AJ0749NP
No. R45-11291

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 12/04/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KENNETH W SHERFEY	12/31/1896	STOCKWATER	01-01 12-31	0.03 CFS	
C	RENEE SHERFEY PO BOX 144 OAKLEY ID 83346					
TOTAL DIVERSION:					0.03 CFS	

Water Source: LAKE CREEK

Tributary to: BIRCH CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion:

T15S R23E S04

SESENE

CASSIA County

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
15S	23E	4	:																	:
			:																	:

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.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP STOCKWATER, 80 HEAD BEEF
PARCEL NO. RPT15SR23E040600A

Dates: Exam Made Date: Verified Date: Objection Filed Date:

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

Comments: Date: 12/04/1997 User-ID: SSHERMAN Subject: COPIED FROM REMARKS
CLAIMANT HAS GRAZING ALLOTMENT ON THIS BLM LAND. CATTLE DRINK
FROM LAKE CREEK IN SEC 4 & 5 UNTIL IT JOINS BIRCH CREEK CHANNEL.

Audit: 12/04/97 SSHERMAN

Rec'd Sub 7745
#25-

AJ5856NP

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

DATE: AUG-20-1997
PAGE: A-168

RIGHT NUMBER: 45-11291

NAME & ADDRESS: KENNETH W SHERPEY
RENEE SHERPEY
PO BOX 144
OAKLEY ID 83346

Matthews Brothers Inc.
Rt. 1
Oakley ID 83346

SOURCE: LAKE CREEK

TRIBUTARY: BIRCH CREEK

QUANTITY: 0.03 CFS

PRIORITY DATE: 12/31/1896

POINT OF DIVERSION: RP T15S R23E S04 0600 SESENE

Within CASSIA County

PURPOSE AND

PERIOD OF USE: PURPOSE OF USE
STOCKWATER S/80 BEEF STOCK

PERIOD OF USE
01-01 12-31

QUANTITY
0.03 CFS

PLACE OF USE: STOCKWATER Within CASSIA County
RP T15S R23E S04 0600 SENE

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

CLAIMANT HAS GRAZING ALLOTMENT ON THIS BLM LAND. CATTLE DRINK
FROM LAKE CREEK IN SEC 4 & 5 UNTIL IT JOINS BIRCH CREEK CHANNEL.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

Verified by AS Date: 09-09-97

Verification Source: C.R.

SD-1151-2

Idaho Department of Water Resources
Selection File Maintenance, Screen II

Date 10/06/97
Time 09:25:15

Go to Page

Page: 1

A45-11291 <u>25</u>	A45-11292 <u>25</u>	A45-11293 <u>25</u>	A45-11294 <u>25</u>	A45-11295 <u>25</u>
A45-11296 <u>25</u>	A45-11297 <u>25</u>	R45-11292 <u> </u>	R45-11293 <u> </u>	R45-11294 <u> </u>
R45-11295 <u> </u>	R45-11296 <u> </u>	R45-11297 <u> </u>	<u> </u>	<u> </u>



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

October 7, 1997

KARL J. DREHER
DIRECTOR

MATTHEWS BROTHERS INC
RT 1
OAKLEY ID 83346

12-04-97 response
. SS

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim to a Water Right #A45-11291, A45-11292,
A45-11293, A45-11294, A45-11295, A45-11296 & A45-11297

Dear Claimant:

We have been advised you may be the new owner of the property with the water rights referenced above.

Before we can modify our records to reflect your new ownership of the property and water rights referenced above, we need Form 42-248/42-1409(6) completed and returned. We have enclosed this form for your use. Please return the completed form with warranty deed copy and map to my attention.

Please call me toll-free at 1-800/451-4129 if you have any questions.

Sincerely,

S. Sherman

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region
Enclosure:
Form 42-248/42-1409(6)

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: A45-11291
Date Received: 6/20/1989
Receipt No: S007745
Received By: lu

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KENNETH W. SHERFEY
Address: P.O. BOX 144
OAKLEY, ID 83346

AND/OR

Name: RENEE SHERFEY
Address: P.O. BOX 144
OAKLEY, ID 83346

2. Date of Priority: DEC 31, 1896

3. Source: LAKE CREEK Trib. to: BIRCH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
15S	23E	4	SE	SE	NE		CASSIA

5. Description of diverting works:
INSTREAM STOCK USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.030		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/80 BEEF STOCK

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
15S	23E	4	SE NE		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:
CLAIMANT HAS GRAZING ALLOTMENT ON THIS BLM LAND. CATTLE DRINK
FROM LAKE CREEK IN SEC 4 & 5 UNTIL IT JOINS BIRCH CREEK CHANNEL.

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 Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. A45-11291Date Received 6-6-89Receipt Number 5007745RECEIVED NOTICE OF CLAIM
TO A
WATER RIGHT

JUN 6 1989

Department of Water Resources ACQUIRED UNDER STATE LAW
Southern Region Office For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Kenneth W Sherkey or Renee Phone () _____Mailing Address P.O. Bx. 144, Oakley, Idaho Zip 833462. Date of Priority (Only one per claim) 12/31 1896 Month/Day/Year3. Source of water supply (Check one) () Groundwater or Other ☒ (a) Lake Creek
Name or kind of sourcewhich is tributary to (b) Birch Creek4. Location of point of diversion is: Township 15S Range 93ESection 4 SE 1/4 of SE 1/4 of NE 1/4, Govt. Lot _____, BM.,County of Cassia

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Cattle drink from Lake Creek Channel in Sec 4 T15S, R33E + in Sec 5 until it joins Birch Creek Channel.

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For Stock purposes from 4/1 to 12/31 amount .03 (cfs)
(Both dates are inclusive)

For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed .03 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) 5/80 Beef Cattle

MICROFILMED

MAR 09 1993

10. Place of use is: Township: 15S Range 23E

Section 4 SE 1/4 of NE 1/4, Govt. Lot _____, B.M.,

County of Cassia for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any _____

11. In which county (ies) are lands listed above as place of use located? Cassia

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

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. None X

Property owned partly and partly by BLM

14. Remarks: Claimant has the grazing allotment on this BLM Land

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s) _____

Number of Attachments _____

By signing I/We acknowledge reading the notice on the back of this claim form. I/We wish to receive for a small annual fee monthly copies of the docket sheet. YES _____ NO X

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Kenneth Sheffey Date 6-2-89

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

of _____, that I have signed the foregoing

document in the space below as _____ of _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or _____)

County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 2nd day of June 1989

SEAL

Notary Public Robert D. Horstall

Residing at Twin Falls, Idaho

My Commission Expires 1/16/1995

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

MICROFILMED

MAR 09 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Aug. 23, 1989

KENNETH W SHERFEY
P O BOX 144
OAKLEY ID 83346

Re: A45-11291
A45-11292
A45-11293
A45-11294
A45-11295
A45-11296
A45-11297

Dear Claimant(s):

Please find enclosed your receipt and a copy of a computer generated claim based on the information from your original claim(s) which has been entered in our computer records.

Please review the computer generated claim for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of you claim(s), please contact this office.

Yours truly,

A handwritten signature in cursive script, appearing to read 'Judy'.

Judy Givens
Adjudication Secretary

/jg

Enclosures:

MICROFILMED

MAR 09 1993

WATER RIGHT NUMBER - A45-11292

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - - - - - CONDITIONS OF APPROVAL - - - - -
NO CONDITIONS OF APPROVAL FOUND.

+ - - - - DECREE PLAINTIFF - - - +

+ - - - - DECREE DEFENDANT - - - +

+ - DECREE DATE -
00/00/0000

+ - - AUDIT FIELDS - 06/20/89 WHITE

-----COMMENTS-----
NO COMMENTS FOUND

```
+ - - - - - - - - - - - - - - - ADJUDICATION RIGHTS DATES AND FLAGS AREA - - - - -
```

COURT REPORT FILING - 00/00/0000
OBJECTION FILED DATE - 00/00/0000
RESPONSE FILED DATE - 00/00/0000
CLAIM RECEIVED DATE - 06/09/1989
PROGF DUE DATE - 00/00/0000
LICENSED DATE - 00/00/0000
CLAIMS TAPE ERROR FLG -
FEE EXEMPT FLAG -

```
FIELD INSPECTION MADE - 00/00/0000
FIELD INSPECTION FLAG -
VERIFIED DATE - 00/00/0000
LAST AMENDED DATE - 00/00/0000
PROOF MADE DATE - 00/00/0000
RECEIPT NUMBER - S007745
PDU OWNERSHIP FLAG - Y
NAME CONNECTOR - AND/OR
```

CIVIL CASE NUMBER	-	39576
OLD CASE NUMBER	-	
OLD JUDICIAL DISTRICT	-	
TEMPORARY RIGHT	-	P
WATER DISTRICT	-	
FEDERAL/STATE INDICATOR	-	S
PRESUMPTION FLAG	-	
NOTICE OF ERROR FLAG	-	

15523E 057200

DATA ENTRY

ENTERED 1/7/93
CHECKED 2/6/95

"Verified By"
 Topo Map/Ortho-PQ
 ASCS Map
 Watermaster Records
 NAPP Photos
 Field Exam
 Other (See Remarks)
 County Records
 Witness Statement
 Project Records
 IDWR Records

VERIFIED
NOV 06 1991

CERTIFIED
DEC 23 1941
WATER EXAMINER

PROOF
SEP 16 1991