

RECEIVED

NOV 21 1997

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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER 39576

Ident. Number: **32-04028**

Date received _____

Receipt No: _____

FILED UNDER STATE LAW

1. Name of Claimant: UNITED STATES OF AMERICA on behalf of the U.S.D.A. Forest Service

Address: 550 W. Fort Street MSC033

Boise

ID 83724

2. Date of Priority: 05/01/1940

3. Source of water: COLE CANYON SPRING

From: Spring

4. Location

Description of Diversion Works:

Combo

Location of Point of Use

Meridian BOISE

T: 12 N R: 32 E S: 4 NENW
T: 12 N R: 32 E S: 5 NENW
T: 12 N R: 32 E S: 5 SWNE
T: 12 N R: 32 E S: 9 NWNE
T: 12 N R: 32 E S: 9 SESE

T: 12 N R: 32 E S: 4 SWNE
T: 12 N R: 32 E S: 5 SESE
T: 12 N R: 32 E S: 8 SWSE
T: 12 N R: 32 E S: 9 SENW

Location of Point of Diversion

T: 12 N R: 32 E S: 8 SWSE

5. Quantity claimed:

Period
6 / 01 -- 10 / 31

Quantity
0.02 CFS

For
Stockwater

6. Total Consumptive Use Claimed for Present and Future Use is:

0.02 CFS

S

AMENDED CLAIM

32-04028

Page: 1

7. Present and future uses to which the water is or will be used:

Stockwater

8. Attach the legal description of the reservation, and maps showing for each consumptive use the existing and proposed place of use and existing points of diversion.

Bound separately

9. Remarks:

State Basin: 32

National Forest: Targhee

Forest Service Record ID: 04 15 17040215 27 0052

10. Describe any other water rights used at the same place and for the same purposes as described above:

None

11. Counties within the reservation: Not available

Notice is hereby given that the United States Department of Justice will represent the Department of Agriculture, Forest Service, in all matters pertaining to the Snake River Basin Adjudication. All notices required by law to be mailed by the Director to the claimant should be mailed to the individuals at the address below:

Bruce Bernard
U.S. Department of Justice
Environment and Natural Resources Division
550 W. Fort Street MSC033
Boise, ID 83724

This form is an attachment to a letter forwarding the claims of the U.S. Department of Agriculture, Forest Service. The signature and affirmation on such letter constitutes the signature of the authorized agent representing the United States of America required for each such claim.

DEC 20 1999

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: See attached list

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) 387-0835

Name and Address of Attorney, if any:

Randall J. Bramer
550 West Fort Street
MSC 033
Boise, Idaho 83724

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

Name: United States of America, Acting through the USDA Forest Service

Address: 550 West Fort Street
MSC 033
Boise, Idaho 83724

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: United States of America, Acting through the USDA Forest Service
550 West Fort Street
MSC 033
Boise, Idaho 83724

2. ☒ **Source**

Should be: See Attached Claim Form

3. ☒ **Quantity**

Should be: See Attached Claim Form

4. ☒ **Priority Date**

Should be:

5. ☒ **Point(s) of Diversion**

Should be: See Attached Claim Form

6. ☒ **Instream Flow Description**

Should be: See Attached Claim Form

7. ☒ **Purpose(s) of Use**

Should be: See Attached Claim Form

8. ☒ **Period of Year**

Should be: See Attached Claim Form

9. ☒ **Places of Use**

Should be: See Attached Claim Form

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):**

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

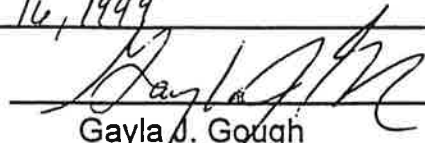
Michael Collette , duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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: Dec 16, 1999


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 12/16/99, 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:

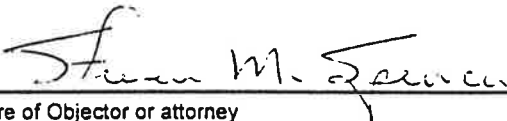
Name: United States of America, Acting through the USDA Forest Service
Address: 550 West Fort Street
MSC 033
Boise, Idaho 83724

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

Attached List

United States of America, Acting through the USDA Forest Service

_32-04005 _

_32-04015 _

_32-04028 _

_32-04029 _

RECEIVED

APR 24 2000

Department of Water Resources

RECEIVED

MAY 30 2000

Department of Water Resources
Eastern Region

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. 35976

A. Subcase No. 32-04028

STANDARD FORM 2
RESPONSE TO OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: See Exhibit "A"

Address: See Exhibit "A"

Daytime Phone: (208) 734-0700

Name & Address of Attorney, if any:

NORMAN M. SEMANKO
ROSHOLT, ROBERTSON & TUCKER
P.O. Box 1906
Twin Falls, ID 83303-1906

C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO WHICH YOU ARE RESPONDING

Name: United States of America acting through
USDA Forest Service

Address: 550 West Fort Street, MSC 033
Boise, ID 83724

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

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

11. Recommendation:

☐ This water right should not exist.

☒ This water right not being recommended, but should be recommended with the elements described above.

E. VERIFICATION (Must be Completed)

State of IDAHO)
)ss.
County of Twin Falls)

Norman M. Semanko, duly sworn, upon oath, deposes and says:

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

(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: April 21, 2000.



NOTARY PUBLIC FOR IDAHO

Residing at: Jerome

My commission expires: 12-06-00

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, 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.

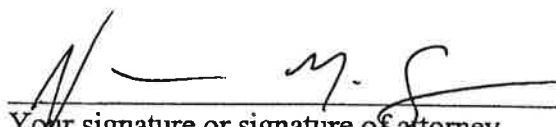
F. CERTIFICATE OF MAILING

I hereby certify that on the _____ day of April, 2000, I mailed the original and copies of this response, 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, Idaho 83303-2707
2. One copy to the claimant of the water right at the following address:
Name: United States of America acting through
USDA Forest Service
Address: 550 West Forest Service
Boise, ID 83724
3. One copy to the party who filed the objection at the following address:
Name: United States of America acting through
USDA Forest Service
Address: 550 West Fort Street, MSC 033
Boise, ID 83724
4. Copies to:
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

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



Your signature or signature of attorney
mailing on your behalf

EXHIBIT "A"

List of Respondents represented by Norman M. Semanko of Rosholt, Robertson & Tucker:

SCOTT BEDKE
630 N CENTER
OAKLEY ID 83346

KARL (BUD) BEDKE
1876 S 600 W
OAKLEY ID 83346

BRUCE BEDKE
42 E BASIN ROAD
OAKLEY ID 83346

JOE TUGAW
3277 WOODRIDGE DR
TWIN FALLS ID 83301

JARED BEDKE
42 E BASIN ROAD
OAKLEY ID 83346

GARY POULTON
BOX 112
OAKLEY ID 83346

FLYING TRIANGLE, INC.
P.O. BOX 180
HAGERMAN, ID 83332

WILLIS D. AND BETTY DeVENY
BOX 1160
RIGGINS, ID 83549

LUTHER GARDNER
ROUTE 1 BOX 110 D
OAKLEY, ID 83346

MICHAEL POULTON
BOX 279
OAKLEY ID 83346

PICKETT RANCH & SHEEP CO.
1650 S 568 W
OAKLEY ID 83346

JERRY HOAGLAND
HC 79 BOX 44
MELBA ID 83641

JOYCE LIVESTOCK CO
C/O PAUL NETTLETON
MURPHY ID 83650

WESTERN STOCK GROWERS ASSOCIATION
ET AL.
ATTN JEFF WILLIAMS
2391 ROCK CREEK RD
HANSEN ID 83334

EUGENE MATHEWS
1249 S HIGHWAY 27
OAKLEY, ID 83346

SHOULDERS 3 RANCHES, INC.
P O BOX 218
OAKLEY, ID 83346

A L CATTLE, INC.
P O BOX 608
EMMETT, ID 83617

FAULKNER LAND & LIVESTOCK
C/O JOHN FAULKNER
1989 S 1875 E
GOODING, ID 83330

CRATER BUTTE CATTLE ASSOCIATION
C/O JIM RITTER
STAR RT.
RICHFIELD, ID 83349

FILED *de* T-SABA
TWIN FALLS CO., IDAHO

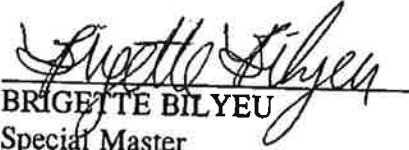
FOR WATER RIGHTS: 32-04028

II. CONCLUSIONS OF LAW

The United States claimed this right under state law. There is no assertion that this right is based on a federal reservation. The United States claimed the priority date as May 1, 1884. That priority claim was investigated by IDWR and recommended in the *Amended Director's Report*.

Based on the file and record herein, IT IS RECOMMENDED that this water right be decreed with the elements set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: October 11, 2002.


BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

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

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 32-04028

2002 OCT 11 PM 4:19

FILED
TWIN FALLS CO., IDAHO

NAME AND ADDRESS:

USDA FOREST SERVICE
550 W FORT ST, MSC 033
BOISE, ID 83724

SOURCE:

COLE CANYON SPRING

TRIBUTARY: COLE CANYON CREEK

QUANTITY:

0.02 CFS

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

PRIORITY DATE:

05/01/1984

POINT OF DIVERSION:

T12N R12E S08

SESWSE

Within Clark County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Stockwater

PERIOD OF USE
06-01 TO 10-31

QUANTITY
0.02 CFS

PLACE OF USE:

Stockwater
T12N R12E S08

SWSE

Within Clark County

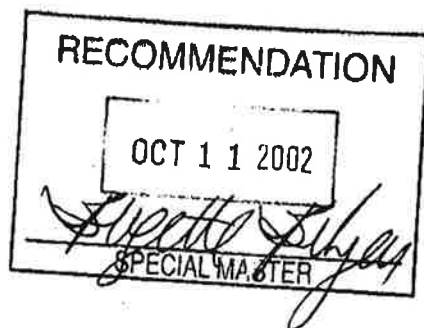
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

T-582A
 TWIN FALLS CO., IDAHO
 FILED
 DIS-PT-10-11-11

In Re SRBA
Case No. 39576

Water Right(s) : 32-04028

PAGE 1
10/11/02

2002 OCT 11 PM 4:19

FILED
TWIN FALLS CO., IDAHO

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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 32-04028

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on October 11, 2002, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

USDA FOREST SERVICE
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
10/11/02