

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

CIVIL CASE NUMBER: 39576

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

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

U.S. DEPT. OF INTERIOR
BUREAU OF LAND MGMT.
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706
TELEPHONE: 208-334-1401

PRIORITY DATE: 1962-10-09
IDWR NUMBER: 3302145
BLM NUMBER: 3303488003
BASIS OF CLAIM: LICENSE
BASIN NUMBER: 33

A3302145



SOURCE	TRIBUTARY TO
-----	-----
SPRING	SINKS

DESCRIPTION OF DIVERSION WORKS

SPRING HEADBOX, PIPELINE TO TROUGHS

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM TO
-----	-----	-----	-----
STOCKWATER	0.090	0.00	0519 0930
WILDLIFE	0.010	0.00	0101 1231
TOTAL:	0.100 CFS	0.00 AF	

NON-IRRIGATION USES

350 RANGE CATTLE, 200 ANTELOPE 50 DEER, 30 ELK, SAGE GROUSE

				POINT OF DIVERSION				
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY	
---	---	---	---	---	---	---	---	
11N	25E	34	SW	SE	SE	00	CUSTER	

PLACE OF USE

							IRRIGATED	
TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	OWNED	ACRES
---	---	---	---	---	---	---	---	---
10N	26E	01	SW	SE	00	CUSTER		0.0
10N	26E	06	NW	SE	00	CUSTER		0.0

MICROFILMED

APR 15 1994

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

In Re SRBA

Case No. 39576

AMENDED NOTICE of CLAIM for
Water Right number:

33-02145

United States of America acting through
Bureau of Land Management
Idaho State Office
1387 South Vinnell Way
Boise, ID 83709 - 1657

BLMIDENT:

3304688003

Stg: StFed:

L S

NAME and
ADDRESS:

SOURCE:

Source

Tributary

SPRING

MOFFET

QUANTITY:

0.1

CFS

or VOLUME:

0

Acre Feet

PRIORITY DATE:

10/9/1962

Diversion Means: SPRING

REMARKS:

POINT of
DIVERSION:

Twntship	Range	Section	T1	T2	T3	LOT	B/E	within the	County of
11N	25E	34	NE	SE	SE			37	CUSTER

PURPOSE
and
PERIOD
OF USE:

Purpose of Use	Period of Use (from - to):	Rate in CFS	or	Volume in AcFt
04	0101	1231		0.1
16	0101	1231		0.1

CONSUMPTIVE
USE:

stockwater use

DATE:

19-Nov-97 9:31 AM

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

The quantity of water decreed for this water right for stockwater use is not a
determination of historical beneficial use.

PLACE
of USE:

Water Use	Twnt	Rge	Sec	T1	T2	LOT	within the County of
04	11N	25E	35	NE	SE	0	37 CUSTER
16	11N	25E	35	NE	SE	0	37 CUSTER

RECEIVED

NOV 19 1997

Department of Water Resources

November 19, 1999

RECEIVED

NOV 30 1999

Department of Water Resources
Eastern Region

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 10, 1999

Water right number: 33-02145

UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT % Deena Teel
IDAHO STATE OFFICE
BOISE ID 83709-1657

Daytime Telephone Number: (208) 524-7533

Evening Telephone Number:

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Place of use → Several places of use listed on the attached "Amended Notice of Claim" and "Application of Transfer of Water Right" have been omitted from the proposed recommendation.

2. Describe the changes you wish to make in the proposed recommendation:

Add the following places of use:

T. 10N, R. 25E, S. 01 SWSE
S. 02 SWNW

T. 10N, R. 26E, S. 7 NWNE

T. 10N, R. 26E, S. 05 NESW
S. 06 SWSE

3. Give a brief explanation as to why you disagree with these portions:

As stated on the transfer application (date 11/5/99), no additional water has been used, but additional troughs have been added over the years.

 I AGREE with this proposed recommendation; no changes need to be made.

DATE: 11/29/99

SIGNATURE:

Please print your name:

Deena Teel
Deena Teel



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709-1657

In Reply Refer To:

7250 (SRWR) (931)

February 23, 2000

RECEIVED

FEB 23 2000

Mr. Karl Dreher, Director
Idaho Department of Water Resources
1301 N. Orchard
Boise, Idaho 83705

Department of Water Resources

Dear Mr. Dreher:

The following new or revised claims have been, or are being, submitted to your office for processing into the next Irrigation and Other Directors Report for Basin 33. They include maps and/or other claim documentation to verify the claim. Most of these were uncovered while investigating BLM claims, or from changes that have occurred since the original claims. Only the claims received by IDWR from the Idaho Falls Field Office are included here. The claims that came from our Salmon Field Office are not included and will be addressed in another manner.

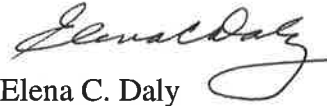
BLM identification no.	IDWR Number
3303480003	3302145
3303488021	3307070

Additionally, we are listing below claims which we previously submitted but which were not recommended in the last Domestic and Stock, Directors Report. This could be because the quantity was greater than *de minimis*, and should be more appropriately reported in the upcoming Irrigation Directors Reports. It could also be because, for some reason, it was neither reported as a "Recommended" nor as a "Disallowed" claim. Regardless of the reason, BLM wants to assure that attention is drawn to these claims, so printouts of these claims are also being provided.

BLM identification no.	IDWR Number
3303480099	3310987 ✓
3303488028	3307095 ✓
3303488030	3307125 ✓
3303488032	3307150 ✓

Questions or comments may be addressed to Gary Madenford at 373-3828 or Don Dutcher at 373-3829.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Elena C. Daly', with a stylized, flowing script.

Elena C. Daly
Associate State Director

cc:

Fritz Holleman, DOJ (w/o enclosures)

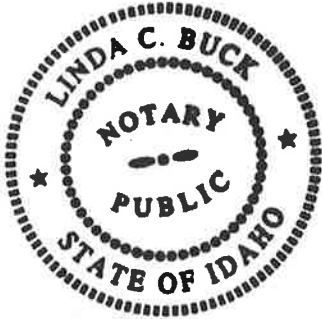
William M. Ferry, Office of the Field Solicitor (w/o enclosures)

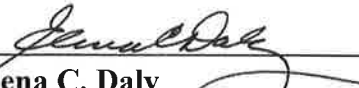
CACI, Boise Document Center (w/o enclosures)

VERIFICATION OF USDOJ - BUREAU OF LAND MANAGEMENT CLAIMS

As the Associate State Director for the Bureau of Land Management of Idaho, I verify under penalty of perjury under the laws of the United States of America that the claims and amendments to claims filed herewith in Basin 33 on behalf of the USDOJ - BLM are true and correct.

Executed on 2-23-2000




Elena C. Daly
Associate State Director
Bureau of Land Management
Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709-1657

SUBSCRIBED and SWORN to before me this 23rd Day of February, 2000.

STATE OF IDAHO)
) ss:
COUNTY OF ADA)

On this TWENTY-THIRD day of FEBRUARY, 2000, personally came before me, a notary public in and for said County and State, the within-named ELENA C. DALY, to me personally known to be the identical person(s) described in and who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Seal


Linda C. Buck
Notary public in and for the
State of Idaho
Residing at Mountain Home
My commission expires: 12-21-2005

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

RECEIVED)

APR 4 2000)

Case No. 39576

Department of Water Resources)

A. Subcase: See Exhibit "A"

STANDARD FORM 1

OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: See Exhibit "B"

Address: See Exhibit "B"

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

Name: United States of America
USDI BLM

Address: 550 W. Fort St., MSC 033
Boise, ID 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:
2. ☐ **Source:**
Should be:
3. ☐ **Quantity:**
Should be:
4. ☐ **Priority Date:**
Should be:
5. ☐ **Point(s) of Diversion:**
Should be:
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:
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 has not beneficially used the stockwater. The stock that graze on the federal land are owned by private parties and the stockwater has been put to beneficial use by private parties and their predecessors, not the United States.

VERIFICATION

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

NORMAN M. SEMANKO, duly sworn, upon oath, deposes and says:

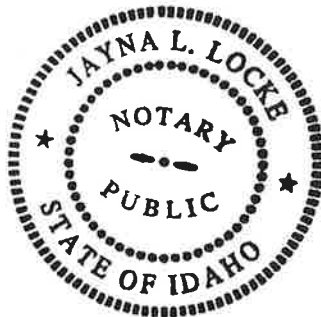
That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

N. M. Semanko

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: April 3, 2000.



Jayna L. Locke

NOTARY PUBLIC FOR IDAHO
Residing at: Windell, Id
My commission expires: 9-25-00

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all of the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I hereby certify that on April 3, 2000, 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, Idaho 83303-2707

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

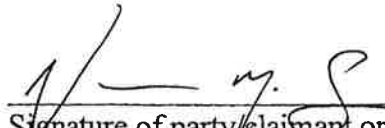
Name: **United States of America**
USDI BLM
Address: **550 W. Fort Street, MSC 033**
Boise, ID 83724

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
P.O. Box 44449
Boise, Idaho 83711-4449

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



Signature of party/claimant or attorney
mailing on Objector's behalf

bedke/object.33

EXHIBIT "A"
(USDI BLM)

33-02145

33-02146

33-07070

33-07095

33-07125

33-07150

33-07222

33-07223

33-07224

33-07225

33-10660

33-10666

33-10670

33-10811

33-10924

33-10925

33-10926

33-10927

33-10928

33-10987

EXHIBIT "B"

List of Objectors 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

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

RECEIVED

APR 17 2000

Department of Water Resources
Eastern Region

RECEIVED

APR 10 2000

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 33-02145

(Insert water right number)

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 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:

Larry A. Brown 208 387-0835; 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: United States of America

Address: 1387 South Vinnell Way; Boise, ID 83709-1657

Name: Bureau of Land Management

Address: ;

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: _____

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 legal description reported in the Director's Report for this claim is inaccurate. See attached for revised POU legal description. BLM initiated an administrative transfer with IDWR on 11/05/1999.

F.

VERIFICATION (Must be Completed)

State of Idaho)

) ss.

County of Ada)

Gary A. Madenford, Water Rights Team Leader, 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.

Judith W. Fure
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: April 7, 2000



Jacqueline L. Simmons

Jacqueline L. Simmons

Notary Public for Idaho

Residing at: Boise

My Commission Expires: 04-07-2005

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 April 7, 2000, 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 at the following address:

Name: United States of America
Address: 1387 South Vinnell Way; Boise, ID 83709-1657

Name: Bureau of Land Management
Address: ;

Name:
Address: ;

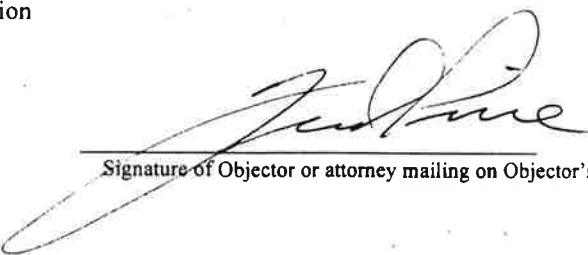
Name:
Address: ;

3. Copies to:

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

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

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



Signature of Objector or attorney mailing on Objector's behalf



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 28, 2001

UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
1387 S VINNELL WAY
BOISE ID 83709-1657

RE: Transfer #5593 for water right(s) 33-2145 and Notice of
Completed Administrative Proceeding (NCAP)

Dear Sir:

On July 10, 2000, the Idaho Department of Water Resources (IDWR) approved Transfer #5593, modifying the above referenced water right. Based on this transfer, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Cheri Vandermeulen
Records Clerk

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

)

Water Rights: 33-2145

Case No. 39576

)

)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

☐ Address change

☐ Substitution of Party

☒ I.C. § 42-222 transfer 5593

☐ point of diversion ☒ place of use

☐ period of use ☐ nature of use

☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 4/3/01

Ernest Carlson
Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on April 6, 2001, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
1387 S VINNELL WAY
BOISE ID 83709-1657

UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
1405 HOLLIPARK DR
IDAHO FALLS ID 83401

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:

4. One copy to:

Each party in the subcase, or attorney of record
JOHN ROSHOLT
PO BOX 1906
TWIN FALLS ID 83303-1906

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form