

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. 19576

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

Water Right 33-07095

2002 AUG -1 PM 12: 58

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: USDI BLM
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

SOURCE: FOWLER SPRING TRIBUTARY: BIG SPRING CREEK

QUANTITY: 0.01 CFS
0.90 AFY

PRIORITY DATE: 03/31/1981

POINT OF DIVERSION: T09N R28E S12 NESESE Within Butte County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Wildlife	05-01 TO 11-15	0.01 CFS
			0.90 AFY
	Stockwater	05-01 TO 11-15	0.02 CFS
			0.90 AFY

PLACE OF USE:	Stockwater		Within Butte County
	T08N R27E S01	SWNE	SENE
	R28E S06	SWNE	SWSE
	S18	NWNW	
	Wildlife		Within Butte County
	T08N R27E S01	SWNE	SENE
	R28E S06	SWNE	SWSE
	S18	NWNW	

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

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

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
WATER DISTRICT 33.

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

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2002 AUG 01 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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) : 33-07095

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 33-07095 was mailed
on August 01, 2002, with sufficient first-class postage prepaid
to the following:

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

USDI BLM

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

ROBBIN GLATZ
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
08/01/02

RECEIVED
2002 AUG 1 12:55
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

2002 AUG -1 PM 12: 55

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

**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

)
) **ORDER OF PARTIAL DECREE**
)
) **For Water Right 33-07095**
)

On June 20, 2002, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 33-07095 is hereby decreed as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED August 1, 2002



ROGER S. BURDICK
Presiding Judge
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

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: 1981-03-31
IDWR NUMBER: 3307095
BLM NUMBER: 3303488028
BASIS OF CLAIM: LICENSE
BASIN NUMBER: 33

A3307095



SOURCE	TRIBUTARY TO
FOWLER SPRING	BIG SPRING CREEK

DESCRIPTION OF DIVERSION WORKS

SPRING HEADBOX, PIPELINE TO TROUGHS

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
WILDLIFE	0.090	0.00	0101	1211
STOCKWATER	0.090	0.00	0501	1115
TOTAL:	0.100 CFS	0.00 AF		

NON-IRRIGATION USES

322 RANGE CATTLE, 200 ANTELOPE, 40 DEER, SAGE GROUSE

POINT OF DIVERSION							
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
09N	28E	32	NE	SE	SE	00	BUTTE

PLACE OF USE

TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	IRRIGATED OWNED	ACRES
08N	27E	01	SW	NW	00	BUTTE		0.0
08N	28E	06	SW	SE	00	BUTTE		0.0

MICROFILMED

APR 15 1994

BLM NUMBER: 3303488028

PAGE: 2

08N	28E	18	NW	NW	00	BUTTE	0.0
08N	27E	01	SW	NW	00	BUTTE	0.0
08N	28E	06	SW	SE	00	BUTTE	0.0
08N	28E	18	NW	NW	00	BUTTE	0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

REMARKS

PREVIOUSLY FILED WITH THE DEPARTMENT OF WATER RESOURCES

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:

33-07095

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

BLMIDENT:

3303488028

Stg: StFed:

L S

NAME and
ADDRESS:

SOURCE:

Source	Tributary
FOWLER SPRING	BIG SPRING CREEK

QUANTITY:

0.03 CFS or VOLUME: 0.9 Acre Feet

PRIORITY DATE:

3/31/1981

Diversion Means: SPRING HEADBOX, PIPELINE TO TROUGHS

REMARKS:

POINT of
DIVERSION:

Twship	Range	Section	T1	T2	T3	LOT	B/E	within the	County of
09N	28E	32	NE	SE	SE			23	BUTTE

PURPOSE
and
PERIOD
OF USE:

Purpose of Use	Period of Use (from - to):	Rate in CFS	or	Volume in AcFt
16	0501	1115	0.01	0.9
04	0501	1115	0.02	0.9

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	Tw	Rge	Sec	T1	T2	LOT	within the County of
04	08N	27E	1	SE	NE	0	23 BUTTE
04	08N	28E	6	NW	SE	0	23 BUTTE
16	08N	27E	1	SW	NE	0	23 BUTTE
16	08N	28E	6	SW	SE	0	23 BUTTE
16	08N	28E	18	NW	NW	0	23 BUTTE
16	08N	27E	1	SE	NE	0	23 BUTTE
16	08N	28E	6	NW	SE	0	23 BUTTE
04	08N	27E	1	SW	NE	0	23 BUTTE
04	08N	28E	6	SW	SE	0	23 BUTTE
04	08N	28E	18	NW	NW	0	23 BUTTE

RECEIVED

NOV 19 1997

Department of Water Resources



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 #5628 for water right(s) 33-7095 and Notice of
Completed Administrative Proceeding (NCAP)

Dear Sir:

On March 17, 2000, the Idaho Department of Water Resources (IDWR) approved Transfer #5628, 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: 33-7095

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 5628

- | | |
|---|--|
| ☐ 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: April 3, 2021

Ernest Carlson

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on April 10, 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
ROSHOLT, ROBERTSON & TUCKER
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

Cheri Undermeiden

Signature of person or attorney mailing the form

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 33-07095

(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 on 01/05/2000.

F.

VERIFICATION (Must be Completed)

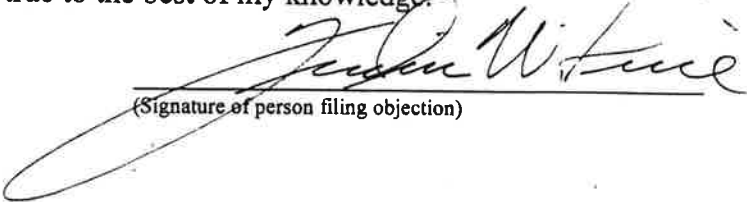
State of Idaho)

) ss.

County of Ada)

Gary A. Madenford, Water Rights Team Leader, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

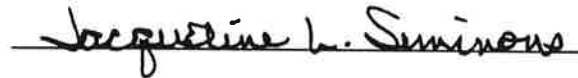
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)

(Attorney signing in representative capacity)

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





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: ;

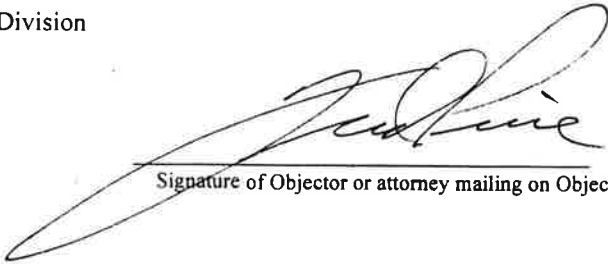
Name:
Address: ;

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

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:

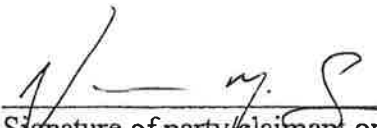
Name: **United States of America**
USDI BLM
Address: **550 W. Fort Street, MSC 033**
Boise, ID 83724

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/objectL33

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

MICHAEL POULTON
BOX 279
OAKLEY ID 83346

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

JERRY HOAGLAND
HC 79 BOX 44
MELBA ID 83641

BRUCE BEDKE
42 E BASIN ROAD
OAKLEY ID 83346

JOYCE LIVESTOCK CO
C/O PAUL NETTLETON
MURPHY ID 83650

JOE TUGAW
3277 WOODRIDGE DR
TWIN FALLS ID 83301

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

JARED BEDKE
42 E BASIN ROAD
OAKLEY ID 83346

EUGENE MATHEWS
1249 S HIGHWAY 27
OAKLEY, ID 83346

GARY POULTON
BOX 112
OAKLEY ID 83346

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

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

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

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

LUTHER GARDNER
ROUTE 1 BOX 110 D
OAKLEY, ID 83346

November 19, 1999

NOTICE OF ERROR
REPLY

RECEIVED
NOV 30 1999
Department of Water Resources
Eastern Region

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: 33-07095

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

c/o Deena Teel

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" have been omitted from the proposed recommendation. In addition, one of the places of use on the proposed recommendation (T.8N, R.27E, S.01 SWNW) is in error.

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

Include all the places of use listed on the "Amended Notice of Claim".

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

Some of the places of use were omitted even though the BLM project file indicates that all the troughs were installed during the initial Spring development.

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

DATE: *11/29/99*

SIGNATURE: *Deena Teel*

Please print your name: *Deena Teel*

