

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

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

In Re SRBA

Case No. 39576

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

Water Right 33-07125

JUL 19 2002

By _____ Clerk
_____, Clerk

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

SOURCE: DEEP CREEK SPRING TRIBUTARY: DEEP CREEK

QUANTITY: 0.03 CFS
2.00 AFY

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

PRIORITY DATE: 05/27/1981

POINT OF DIVERSION: T10N R27E S14 NESWNW Within Butte County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Wildlife	05-01 TO 01-31	0.01 CFS
			2.00 AFY
	Stockwater	05-01 TO 01-31	0.03 CFS
			2.00 AFY

PLACE OF USE:	Stockwater		Within Butte County
	T10N R27E S15	SESW	
	S21	SWSE	
	S22	NWSW	
Wildlife			Within Butte County
	T10N R27E S15	SESW	
	S21	SWSE	
	S22	NWSW	

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 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
Presiding Judge of the
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: 1981-05-27
IDWR NUMBER: 3307125
BLM NUMBER: 3303488030
BASIS OF CLAIM: LICENSE
BASIN NUMBER: 33

A3307125



SOURCE

TRIBUTARY TO

DEEP CREEK SPRING

DEEP CREEK

DESCRIPTION OF DIVERSION WORKS

SPRINGBOX, PIPELINE TO TROUGHS

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD FROM	OF USE TO
WILDLIFE	0.010	0.00	0101	1231
STOCKWATER	0.070	0.00	0501	0131
TOTAL:	0.080 CFS	0.00 AF		

NON-IRRIGATION USES

250 RANGE CATTLE, 100 ANTELOPE, 150 DEER, 100 ELK, SAGE GROUSE

TWP	RNG	SEC	TRACT1	POINT OF DIVERSION			COUNTY
				TRACT2	TRACT3	LOT	
10N	27E	14	NE	SW	NW	00	BUTTE

PLACE OF USE

TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY
10N	27E	15	SW	SE	00	BUTTE
10N	27E	21	NE	NE	00	BUTTE

IRRIGATED
OWNED ACRES

MICROFILMED 0.0
0.0

APR 15 1994

BLM NUMBER: 3303488030

PAGE: 2

10N	27E	22	NW	NW	00	BUTTE	0.0
10N	27E	15	SW	SE	00	BUTTE	0.0
10N	27E	21	NE	NE	00	BUTTE	0.0
10N	27E	22	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:

33-07125

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

BLMIDENT:

3303488030

Stg: StFed:

L S

NAME and
ADDRESS:

SOURCE:

Source	Tributary
DEEP CREEK SPRING	DEEP CREEK

QUANTITY:

0.03

CFS

or VOLUME:

2

Acre Feet

PRIORITY DATE:

5/27/1981

Diversion Means: SPRINGBOX, PIPELINE TO TROUGHS

REMARKS:

ASSOCIATED WITH 3303480364

POINT of
DIVERSION:

Twntship	Range	Section	T1	T2	T3	LOT	B/E	within the	County of
10N	27E	14	NE	SW	NW			23	BUTTE

PURPOSE
and
PERIOD
OF USE:

Purpose of Use	Period of Use (from - to):	Rate in CFS	or	Volume in AcFt
16	0501	0131	0.01	2
04	0501	0131	0.03	2

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
16	10N	27E	15	SE	SW	0	23 BUTTE
16	10N	27E	21	SW	SE	0	23 BUTTE
16	10N	27E	22	NW	SW	0	23 BUTTE
04	10N	27E	15	SE	SW	0	23 BUTTE
04	10N	27E	21	SW	SE	0	23 BUTTE
04	10N	27E	22	NW	SW	0	23 BUTTE

RECEIVED

NOV 19 1997

Department of Water Resources

RECEIVED

JUL 19 2002

Department of Water Resources

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUL 19 2002

By _____ Clerk

County 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

Case No. 39576

)
) ORDER OF PARTIAL DECREE
)
) For Water Right 33-07125
)

On May 3, 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 33-07125 is hereby **decreed** as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED July 18, 2002

Roger Burdick

ROGER S. BURDICK

Presiding Judge

Snake River Basin Adjudication

ORDER OF PARTIAL DECREE

2002 JUL 18 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): 33-07125

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 33-07125 was mailed
on July 18, 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
07/18/02

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)

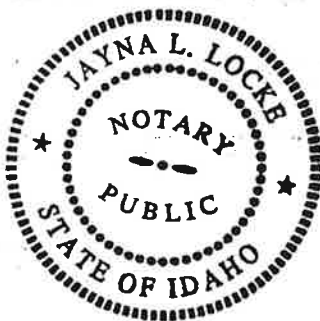
NORMAN M. SEMANKO, duly sworn, upon oath, deposes and says:

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:

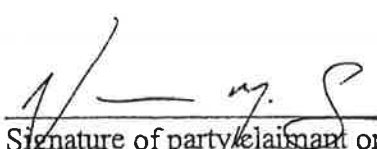
Name: **United States of America**
USDI BLM
Address: **550 W. Fort Street, MSC 033**
Boise, ID 83724

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

