

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: 1982-05-28
IDWR NUMBER: 3307150
BLM NUMBER: 3303488032
BASIS OF CLAIM: LICENSE
BASIN NUMBER: 33



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

DESCRIPTION OF DIVERSION WORKS

SPRING HEADBOX, PIPELINE TO TROUGH

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
-----	-----	-----	-----	-----
WILDLIFE	0.010	0.00	0101	1231
STOCKWATER	0.090	0.00	0501	0115
TOTAL:	0.100 CFS	0.00 AF		

NON-IRRIGATION USES

322 RANGE CATTLE, 100 ANTELOPE, 75 DEER, SAGE GROUSE

POINT OF DIVERSION							
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
---	---	---	---	---	---	---	---
07N	29E	05	NW	SW	SW	00	BUTTE

PLACE OF USE

PLACE OF USE							IRRIGATED	
TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	OWNED	ACRES
---	---	---	---	---	---	---	---	---
07N	29E	05	SW	SW	00	BUTTE	NO	0.0
07N	29E	05	SW	SW	00	BUTTE	NO	0.0

TOTAL ACRES IRRIGATED 0.0

APR 15 1994

BLM NUMBER: 3303488032

PAGE: 2

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:

33-07150

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

BLMIDENT:

3303488032

Stg:

L

StFed:

S

NAME and
ADDRESS:

SOURCE:

Source	Tributary
SPRING	SINKS

QUANTITY:

0.02

CFS

or VOLUME:

0.8

Acre Feet

The quantity of water under this right for stockwater shall not exceed 13,000 gallons per day.

PRIORITY DATE:

5/28/1982

Diversion Means: SPRING HEADBOX, PIPELINE TO TROUGH

REMARKS:

ASSOCIATED WITH 3303480365

POINT of
DIVERSION:

Twntship	Range	Section	T1	T2	T3	LOT	B/E	within the	County of
07N	29E	5	NW	SW	SW			23	BUTTE

PURPOSE
and
PERIOD
OF USE:

Purpose of Use		Period of Use (from - to):			Rate in CFS		or		Volume in AcFt
16		0101		1231	0.02				0.1
04		0501		0115	0.02				0.7

CONSUMPTIVE
USE:

de minimis

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	07N	29E	5	SW	SW	0	23	BUTTE
16	07N	29E	5	SW	SW	0	23	BUTTE

RECEIVED

NOV 19 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 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)

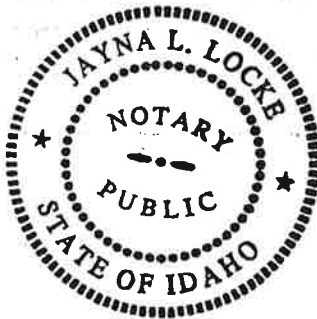
NORMAN M. SEMANKO, duly sworn, upon oath, deposes and says:

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:

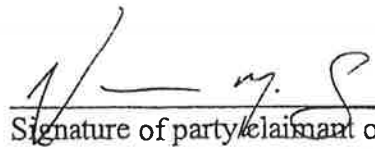
Name: United States of America
USDI BLM
Address: 550 W. Fort Street, MSC 033
Boise, ID 83724

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

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

SO. IKE SP. T.7N., R.29E. SEC.5

OLD MILL & TAILINGS POND(S)

NORTH CREEK

Stockwater Tank

MONUMENT 1984

18 MAY 95 AM

NORTH CREEK

APPROX. LOCATION POISON FENCE

CAMP CU

TANK CAMP CU

SO. IKE SP.
Stockwater Tank

18 MAY 95 AM

TAILINGS POND
Waste Sludge?

APPROX. LOCATION OF
POISON FENCE

OLD MILL

NORTH CREEK DRAINAGE

SO. IKE SP.

18 MAY 95 AM

US BLM/USFS A33-0715D

Photo Set shows SO. IKE SP
AND Stockwater TANK. THIS TANK
IS ABOUT 1/2 MILE DISTANT
FROM THE NORTH CREEK DRAINAGE
NOTE ANOTATIONS SHOWING THE
FEATURES OF THE POISON FENCE
PROJECT.

Photos taken 18 MAY 95
ABRberry

PROJECT AUTHORIZATION

In accordance with the Memorandum of Understanding between the Forest Service, acting through the Forest Supervisor; Challis National Forest, Challis, Idaho and the Bureau of Land Management, acting through the District Manager, Idaho Falls, Idaho, and signed on behalf of the Forest Service on January 31, 1980, by Jack E. Bills and signed on behalf of the Bureau of Land Management on January 15, 1980, by O'dell A. Frandsen permission is requested to install the following described facilities: on the Mackay (Ranger District) (Resource Area) at the following location:

SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 5, Township 7 N., Range 29 E., B.M.
(Legal Subdivision)

South Ike Spring Development (Headbox and pipeline to a single trough)
(Landmark Description)

comprising _____ acres and/or 100 yards ~~miles~~ for the purpose of:
pipeline to one trough.

The following special considerations are necessary for the operation of this equipment or development:

Date 3-31-82 By Brent D Jensen
Title Big Butte Area Manager
Office BLM Idaho Falls

Permission as applied for is granted, subject to the referenced Memorandum of Understanding and the following supplementary conditions, listed below or attached hereto, necessary to protect the site:

Date 4-20-82 By Thomas E. Christensen
Title Forest Supervisor
Office Idaho Falls

PROJECT AUTHORIZATION

In accordance with the Memorandum of Understanding between the Forest Service, acting through the Forest Supervisor, Challis National Forest, Challis, Idaho and the Bureau of Land Management, acting through the District Manager, Idaho Falls, Idaho, and signed on behalf of the Forest Service on January 31, 1980, by Jack E. Bills and signed on behalf of the Bureau of Land Management on January 15, 1980, by O'dell A. Frandsen permission is requested to install the following described facilities: on the LOST RIVER (Ranger District) (~~Resource Area~~) at the following location:

T. 7N., R. 29E. SECTION 5 SW 1/4, SW 1/4.

(Legal Subdivision)

SOUTH IKE SPRING DEVELOPMENT

(Landmark Description)

comprising < 1 acres and/or _____ miles for the purpose of:

LIVESTOCK WATERING

The following special considerations are necessary for the operation of this equipment or development:

C. Mgr.					
D.M.					
State Mgmt.					
Operations					
Administration					
RECEIVED - Idaho Falls D.O.					
USDI	APR 30 1982				BLM
Planning					
Public Affairs					
Big Butte RA					
Mid-Tule RA					
Lost Springs RA					

Date 3/22/82

By Brent D. Jensen

Title AREA MANAGER

Office BIG BUTTE RESOURCE AREA

Permission as applied for is granted, subject to the referenced Memorandum of Understanding and the following supplementary conditions, listed below or attached hereto, necessary to protect the site:

Date April 27, 1982

By Ray Mitchell

Title Acting Range Staff Specialist

Office Challis National Forest

