

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: **33-07157**

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: 05/01/1884

3. Source of water: SPRING

From: Spring

4. Location

Description of Diversion Works:

Combo

Location of Point of Use

Meridian BOISE

T: 06 N R: 27 E S: 15 SENE

T: 06 N R: 27 E S: 15 SWSE

Location of Point of Diversion

T: 06 N R: 27 E S: 15 SENW

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

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: 33

National Forest: Challis

Forest Service Record ID: 04 06 17040217 08 0 0044

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.

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: A33-07157
Date Received: 3/25/1993
Receipt No: X111111
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: UNITED STATES OF AMERICA ACTING THROUGH 801-625-5360
Address: USDA FOREST SERVICE
324 25TH STREET
OGDEN UT 84401-2394

2. Date of Priority: MAY 1, 1866

3. Source: TAYLOR SPRING Trib. to: TAYLOR CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	27E	15	SE	NE			BUTTE
			SW	SE			BUTTE

5. Description of diverting works:
Combo

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	06/01	10/31	0.020		0.60

7. Total Quantity Appropriated is:
0.020 C.F.S. (and/or) 0.60 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
50 Cattle

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	27E	15	SE	NE		STOCK	
			SW	SE		STOCK	

11. Place of use in counties: BUTTE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

FOREST SERVICE RECORD ID = 040617040217 80044 01

15. Basis of Claim: LICENSE

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: **33-07157**

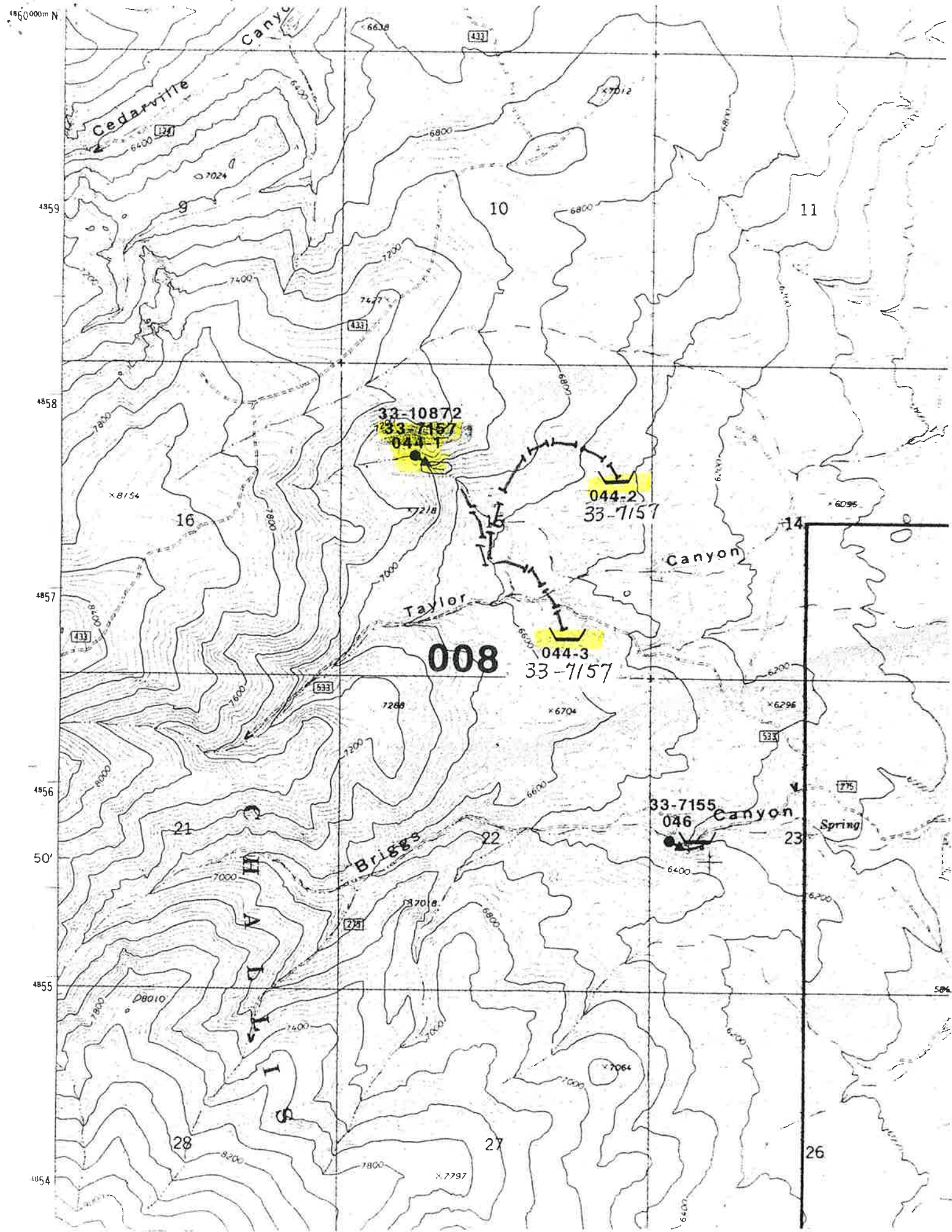
FILED UNDER STATE LAW

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: 05/01/1884
3. Source of water: SPRING Tributary: SINKS
4. Location Meridian BOISE
Description of Diversion Works: Combo From: Spring
Location of Point of Diversion
T: 06 N R: 27 E S: 15 SENW
Location of Point of Use
T: 06 N R: 27 E S: 15 NENW T: 06 N R: 27 E S: 15 SENW
5. Quantity claimed: Period Quantity For
6/ 01 -- 10/ 31 0.02 CFS Stockwater
6. Total Consumptive Use Claimed for Present and Future Use is:
0.02 CFS
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: 33
National Forest: Challis
Forest Service Record ID: 04 06 17040217 08 0 0044
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

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Bruce Bernard
U.S. Department of Justice
Environment and Natural Resources Division
550 W. Fort Street, Box 33
Boise, ID 83724

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AJ5809NP
No. R33-07157

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/05/99
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
---------------	----------------	------------------	-----------	-----------------------	-------------------	---------------------

C	UNITED STATES OF AMERICA ACTING THROUGH	05/01/1884	STOCKWATER	06-01 10-31	0.020 CFS	
---	---	------------	------------	-------------	-----------	--

TOTAL DIVERSION: 0.020 CFS

0.60
0.60

Water Source: SPRING

Tributary to: SINKS

Stage: LICENSE

Point(s) of Diversion:

T06N R27E S15

SENW

BUTTE County

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE											
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac	
06N	27E	15	:					:					:					:					:

POU County: BUTTE

Conditions of Approval:

- L12 - THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.
- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: GEN THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT NO. 33.
FOREST SERVICE RECORD ID = 040617040217 80044 01
STOCKWATER, 50 CATTLE

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

change to license

33-10872

R33-10978

change to license

WR5809NP
No. 33-07157

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/05/99
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	US DEPT OF AGRICULTURE	07/20/1983	STOCKWATER	06/01 10/30	0.020 CFS	0.60 AFA
TOTAL DIVERSION:					0.020 CFS	0.60 AFA

Water Source: SPRING

Tributary to: TAYLOR CREEK

Stage: LICENSE

Point(s) of Diversion Capacity: 0.020 CFS

Point(s) of Diversion: T06N R27E S15 SENW

BUTTE County

Place of use Legal Description for: STOCKWATER

	NE				NW				SW				SE			
T R S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
06N 27E 15																

Pou County: BUTTE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
33-04012

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 33.
- R37 - This right, when considered with all other rights common to the same grazing allotment, is limited to the quantity of water beneficially used by the number of stock within the allotment.

Dates:	App. Received:	Priority Date:	07/20/1983
	Proof Due Date: 08/01/1985	Proof Made Date:	04/22/1985
	Exam Made Date: 07/23/1986	Exam Sent to S.O.:	
	Licensed Date: 12/02/1986		

Misc: Water District Number: 33 Field Exam Fee: N (Not Required)

Audit: 09/21/87 05/22/88 CONVERT 04/03/89 NAMECHNG 01/26/92 POST-STD

State of Idaho
DEPARTMENT OF WATER RESOURCES
WATER RIGHT BENEFICIAL USE FIELD REPORT

33-7157

Permit No.

CONTACT WITH PERMIT HOLDER

DATE

INITIALS

RECEIVED

REMARKS

☐ Appointment letter mailed:☐ Telephone call made
(List Telephone No. used)☐ Appointment scheduled for:
(Date, time, location)

OCT 21 1986

Department of Water Resources

EXAMINATION

Date 7-23-86 Accompanied by B Roland Lybe THEORETICAL- 0.02 cfsSource SPRUN Tributary to TAYLOR CREEK Total Q measuredSupp. annubar measurement sheet used? 1/6

If source is surface water, estimate total flow of source

Methods of measurement THEORETICAL Meets permit requirements?

Measurement calculations:

SEE MEMORANDUM DATED February 26, 1986, U.S.F.S. FIELD EXAMINATIONS

$$V = \text{head} \times 12 \text{ gal/day/head} \times 51 \text{ days} = 0.0 \text{ afa}$$
$$325,850 \text{ gal/af}$$

WELL/OPP. NO.	DP	DRIVER MAKE	DRIVER SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEVICE	REMARKS

System Description HEADBOX PIPED TO TROUGH(S) # CCA-014/MS

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

USE

Irrigation requirement =

Q (cfs)

V (afa)

AF/Acre

FROM

TO

STOCKWATER

0.02 cfs

0.6 afa

6/1

10/30

Total

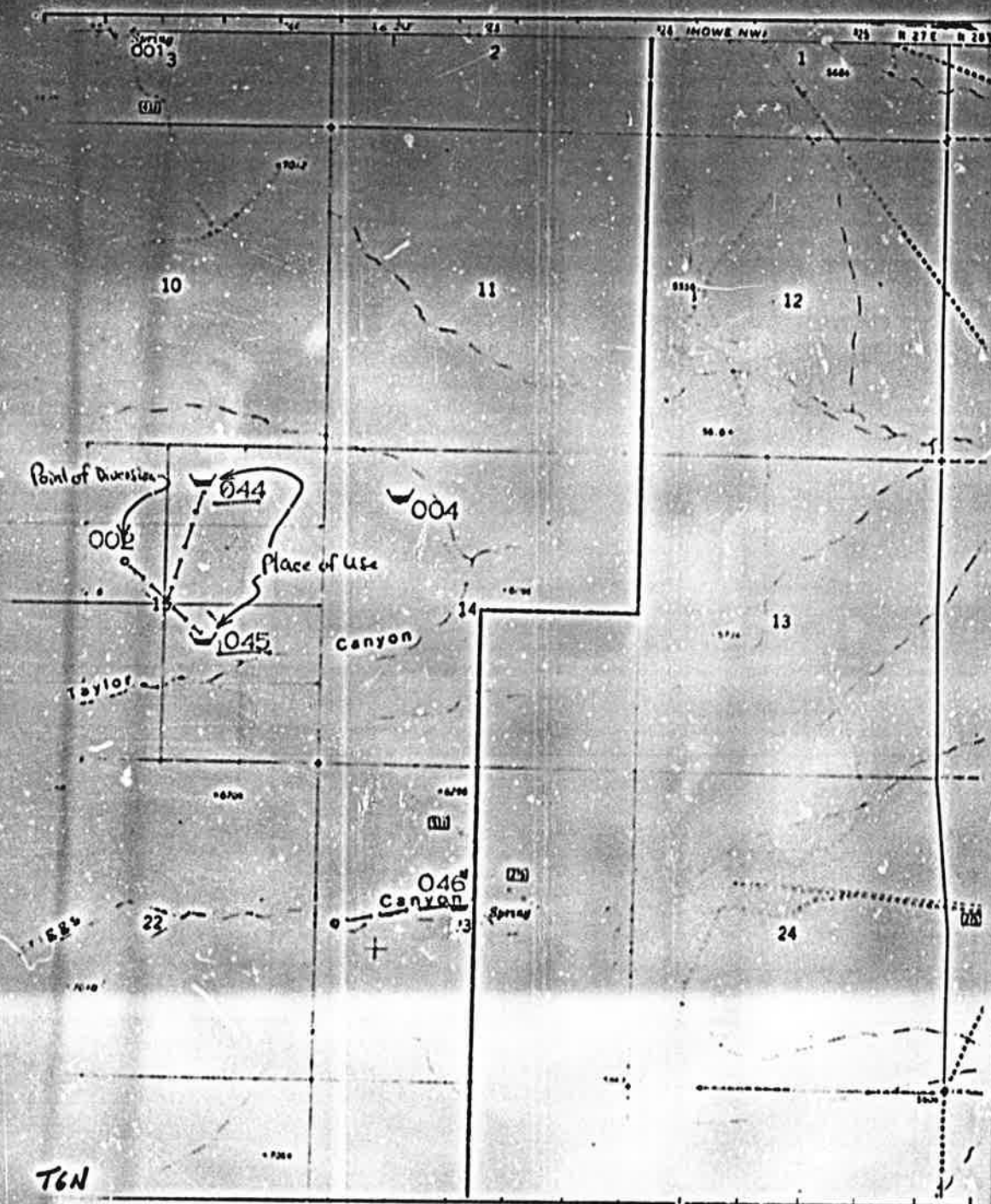
0.02 cfs

0.6 afa

Remarks

STOCKWATER FOR 100 RANGE CATTLE

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Richard T. Jander
(for) T. A. ROEDERER (Applicant) DRP, Resources

A hand-drawn map on a grid background. The map shows a route indicated by a dashed line. Key locations and features include:

- Point of Diversion**: Labeled at the top left, with an arrow pointing to a junction.
- Place of Use**: Labeled in the center, with an arrow pointing to a location.
- Canyon**: Labeled in the center right, with an arrow pointing to a location.
- Taylor**: Labeled in the bottom left, with an arrow pointing to a location.
- 002**: A number near the Point of Diversion.
- 044**: A number near the Point of Diversion, enclosed in a box.
- 045**: A number near the Place of Use, enclosed in a box.
- 004**: A number near the Canyon.
- 046**: A number near the bottom right, enclosed in a box.
- Spring**: Labeled near the bottom right, with an arrow pointing to a location.
- TCN**: Labeled on the left side of the map.
- R27**: A label at the bottom center, enclosed in a box.

The map also includes a grid with dashed lines and solid lines, and various numbers (10, 11, 14, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100) scattered throughout.

(Include distance from pump to measuring device, if applicable.)

Point(s) of diversion: SE & NW 1/4 SEC. 15 TWR. 6 N. R. 27 E.

[illegible]☐ Change P.D. as reflected above
☐ Change P.U. as reflected above

☐ Add P.D. as reflected above
☐ Add P.U. as reflected above

☐ None
☐ Other

Approved by _____

Date 11-16-86

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

RECEIVED)
APR 4 - 2000)
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
USDA Forest Service
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.

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:

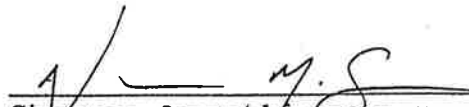
Name: **United States of America**
USDA Forest Service
Address: **550 W. Fort Street, MSC 033**
Boise, ID 83724

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/object33

VERIFICATION

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

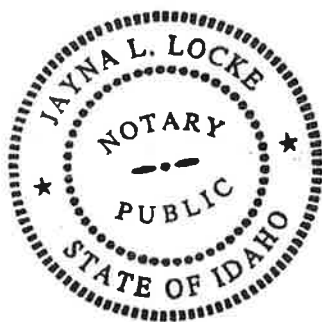
NORMAN M. SEMANKO, duly sworn, upon oath, deposes and says:

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: *Wendell, Id*
My commission expires: *9-25-03*

EXHIBIT "A"
(USDA FOREST SERVICE)

33-07085	33-10943
33-07149	33-10944
33-07157	33-10945
33-07166	33-10946
33-07168	33-10948
33-10841	33-10949
33-10842	33-10950
33-10843	33-10951
33-10844	33-10952
33-10845	33-10953
33-10846	33-10954
33-10847	33-10955
33-10848	33-10956
33-10849	33-10957
33-10850	33-10958
33-10851	33-10959
33-10852	33-10960
33-10853	33-10961
33-10854	33-10962
33-10856	33-10963
33-10857	33-10964
33-10858	33-10965
33-10859	33-10966
33-10860	33-10967
33-10861	33-10968
33-10862	33-10969
33-10863	33-10970
33-10864	33-10971
33-10865	33-10972
33-10866	33-10973
33-10867	33-10974
33-10868	33-10975
33-10869	33-10976
33-10870	33-10977
33-10871	33-10978
33-10873	33-10979
33-10930	
33-10931	
33-10932	
33-10942	

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**

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: 33-07157

UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE ID 83724

Daytime Telephone Number:

Evening Telephone Number:

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

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

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

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

DATE: 12-8-99

SIGNATURE: Jamie Goulet

Please print your name: JAMIE GOULET