

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: **A33-10841**
Date Received: 9/23/1999
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
Address: USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE ID 83724

2. Date of Priority: MAY 1, 1884

3. Source: WARM CREEK Trib. to: LITTLE LOST RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
Beginning Point of Instream Flow							
11N	27E	6	SE	NE			BOISE
Ending Point of Instream Flow							
11N	26E	12	NW	NW			BOISE

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	05/01	11/30	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:



10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
11N	26E	1	SW		SW		STOCK	
			SE		SW		STOCK	
			NE		SE		STOCK	
			NW		SE		STOCK	
			SW		SE		STOCK	
		12	NW		NW		STOCK	
	27E	6	SW		NE		STOCK	
			SE		NE		STOCK	
			SE		NW		STOCK	
			NE		SW		STOCK	
			NW		SW		STOCK	

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:

14. Remarks:

FOREST SERVICE RECORD ID: 040617040217019992

15. Basis of Claim: BENEFICIAL USE

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CIVIL CASE NUMBER: 39576

Ident. Number: 33-10841

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: WARM CREEK

Tributary: LITTLE LOST RIVER

4. Location Meridian BOISE

Description of Diversion Works: None

From: Stream

Location of Point of Diversion

T: 11 N R: 26 E S: 12 NWNW *Lemhi* E

T: 11 N R: 27 E S: 6 SENE *Custer* B

Location of Point of Use

T: 11 N R: 26 E S: 1 NESE *Lemhi*

T: 11 N R: 26 E S: 1 NWSE *Lemhi*

T: 11 N R: 26 E S: 1 SESW *Lemhi*

T: 11 N R: 26 E S: 1 SWSE *Lemhi*

T: 11 N R: 26 E S: 1 SWSW *Lemhi*

T: 11 N R: 26 E S: 12 NWNW *Lemhi*

T: 11 N R: 27 E S: 6 NESW *Custer*

T: 11 N R: 27 E S: 6 NWSW *Custer*

T: 11 N R: 27 E S: 6 SENE *Custer*

T: 11 N R: 27 E S: 6 SENW *Custer*

T: 11 N R: 27 E S: 6 SWNE *Custer*

5. Quantity claimed:

Period

Quantity

For

5/ 01 -- 11/ 30

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 01 9992

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

Bruce Bernard

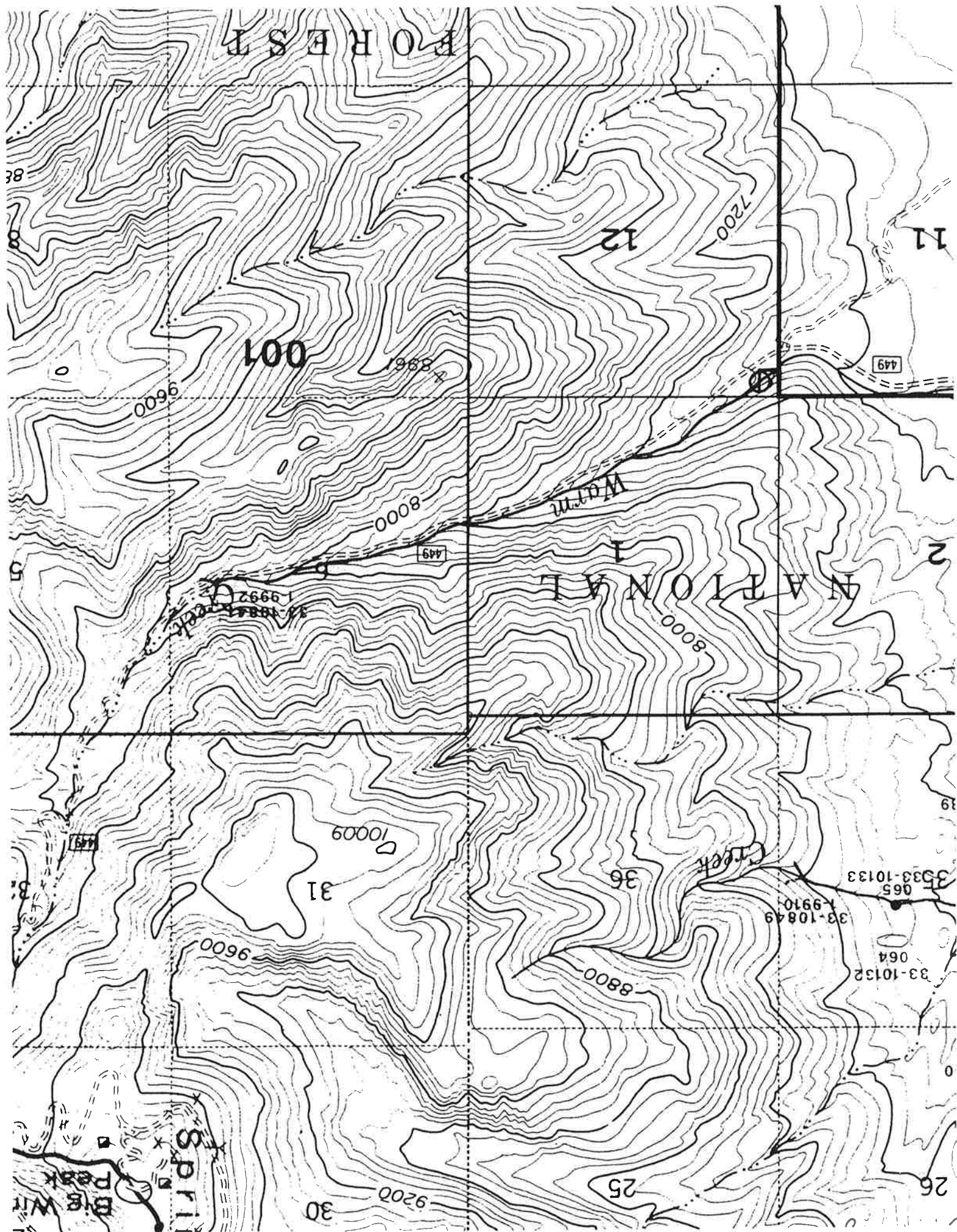
U.S. Department of Justice

Environment and Natural Resources Division

550 W. Fort Street, Box 33

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.



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: 33-10841

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 Gough

Please print your name: JAMIE GOUGH

Clear

AJ5809NP
No. R33-10841

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/05/99
PAGE: 7

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	05-01 11-30	0.020 CFS	
TOTAL DIVERSION:					0.020 CFS	

Water Source: WARM CREEK

Tributary to: LITTLE LOST RIVER

Stage: BENEFICIAL USE

Point(s) of Beginning Stream Reach: T11N R27E S06
Point(s) of Ending Stream Reach: T11N R26E S12

SENE
NWNW

CUSTER County
LEMHI 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
11N	26E 1	:				:				:				:	S	S	S
11N	26E 12	:				:	S			:				:	S	S	S
11N	27E 6	:		S	S	:			S	:	S	S		:			

POU County: LEMHI, CUSTER

Conditions of Approval:

- 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: EXP FOREST SERVICE RECORD ID: 040617040217019992

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

OK

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: PICKETT RANCH & SHEEP CO.

Address: 1650 SOUTH 568 WEST

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.

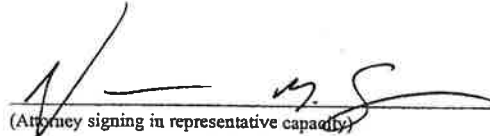
VERIFICATION

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

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

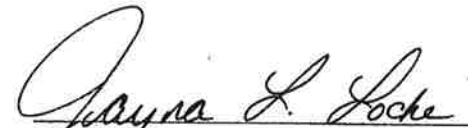
That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)


(Attorney signing in representative capacity)

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




NOTARY PUBLIC FOR IDAHO
Residing at: Wendell, ID
My commission expires: 9-25-03

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:

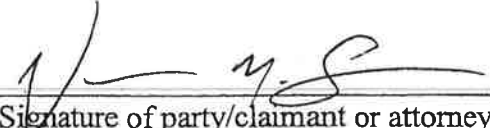
Name: **United States of America**
USDA Forest Service
Address: **550 W. Fort Street, MSC 033**
Boise, ID 83724

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/object.33

EXHIBIT "A"
(USDA FOREST SERVICE)
(Pickett)

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

EXHIBIT A (Basin 33) - 1
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(Pickett)

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In Re SRBA

RECEIVED)

APR 4 - 2000)

Case No. 39576)

Department of Water Resources)

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OBJECTION

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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

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(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*

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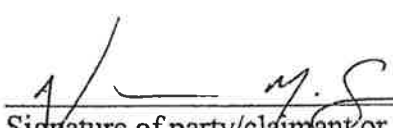
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Boise, ID 83724

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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

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(USDA FOREST SERVICE)

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33-07149	33-10944
33-07157	33-10945
33-07166	33-10946
33-07168	33-10948
33-10841	33-10949
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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