

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: **A33-10849**  
Date Received: 9/24/1999  
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: GARFIELD 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 |     |    |    |    |       |
| 12N                              | 26E | 35 | SE | NE | BOISE |

|                               |     |    |    |    |       |
|-------------------------------|-----|----|----|----|-------|
| Ending Point of Instream Flow |     |    |    |    |       |
| 12N                           | 26E | 34 | SE | SE | 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:

A3310849



10. Place of Use:

| Township | Range | Section | 1/4 | of | 1/4 | Lot | Use   | Acres |
|----------|-------|---------|-----|----|-----|-----|-------|-------|
| 12N      | 26E   | 34      | SE  |    | SE  |     | STOCK |       |
|          |       | 35      | SW  |    | NE  |     | STOCK |       |
|          |       |         | SE  |    | NE  |     | STOCK |       |
|          |       |         | SE  |    | NW  |     | STOCK |       |
|          |       |         | NE  |    | SW  |     | STOCK |       |
|          |       |         | NW  |    | SW  |     | STOCK |       |
|          |       |         | SW  |    | 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 0406 17040217 01 9910

15. Basis of Claim: BENEFICIAL USE

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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS  
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THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576  
Ident. Number: 33-10849

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: GARFIELD CREEK

Tributary: LITTLE LOST RIVER

4. Location Meridian BOISE

Description of Diversion Works: None

From: Stream

Location of Point of Diversion

T: 12 N R: 26 E S: 34 SESE *Lenhi* E

T: 12 N R: 26 E S: 35 SENE *Lenhi* B

Location of Point of Use

T: 12 N R: 26 E S: 34 SESE *Lenhi*

T: 12 N R: 26 E S: 35 NESW *Lenhi*

T: 12 N R: 26 E S: 35 NWSW *Lenhi*

T: 12 N R: 26 E S: 35 SENE *Lenhi*

T: 12 N R: 26 E S: 35 SENW *Lenhi*

T: 12 N R: 26 E S: 35 SWNE *Lenhi*

T: 12 N R: 26 E S: 35 SWSW *Lenhi*

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 9910

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: 33-10849 ~~10848~~ 10849 OKay

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:

Please print your name:

Jamie Govea

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.

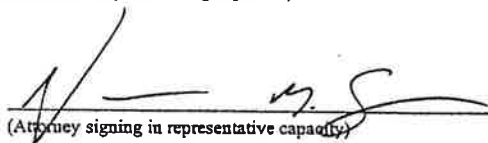
## VERIFICATION

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

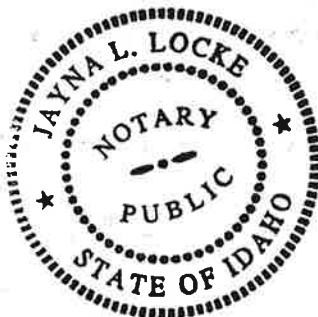
**NORMAN M. SEMANKO**, duly sworn, upon oath, deposes and says:

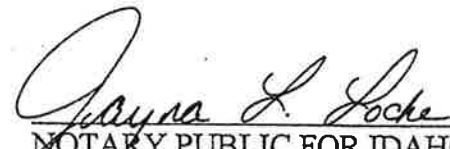
That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

\_\_\_\_\_  
(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:

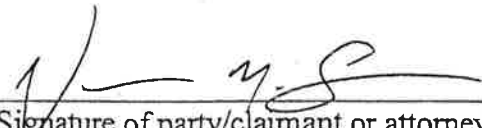
Name: **United States of America**  
**USDA Forest Service**  
Address: **550 W. Fort Street, MSC 033**  
**Boise, ID 83724**

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/objectL33

**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**  
**(USDA FOREST SERVICE)**  
**(Pickett)**

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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

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USDA Forest Service  
Address: 550 W. Fort St., MSC 033  
Boise, ID 83724

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                                          )ss.  
County of Twin Falls        )

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

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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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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"**  
**(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 |
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| 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