

RECEIVED  
OCT 28 2003  
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

Case No. 39576

A. Subcase 33-02057  
(Insert water right number)

STANDARD FORM 1  
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,  
Bureau of Land Management, Idaho State Office

Address: 1387 South Vinnell Way  
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown, (202) 305-0435 phone, (202) 305-0274 FAX

United States Department of Justice  
Environment and Natural Resource Division  
General Litigation Section  
550 West Fort Street, MSC 033  
Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Sagewillow, Inc.  
545 Shoup Ave.  
Idaho Falls, Idaho 83402

**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: See attached
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 of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant's use of federal land is unauthorized. Claimant's water claim should not include Places of Use (POUs) on federal land.

T07N R28E S18 NESW 3.8 acres  
T07N R28E S18 SESE 2.4 acres  
6.2 acres

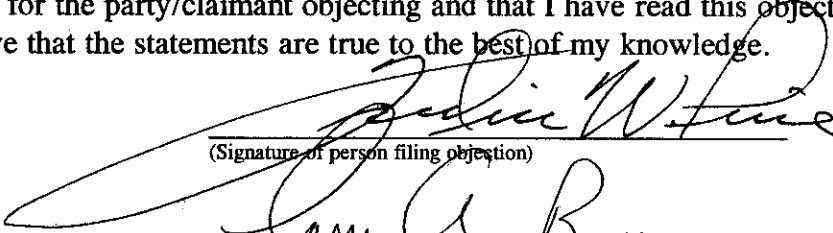
F.

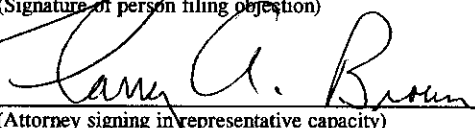
**VERIFICATION (Must be Completed)**

State of Idaho     )  
                              ) ss.  
County of Ada     )

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

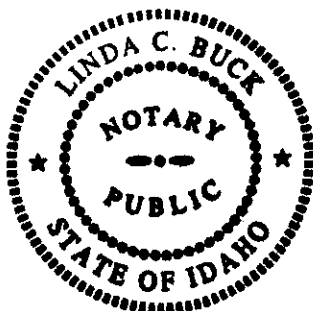
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

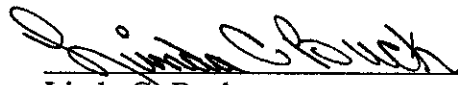
  
(Signature of person filing objection)

  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

October 22, 2003



  
Linda C. Buck

Notary Public for:

State of Idaho

Residing at:

Mountain Home, ID.

My Commission Expires: 12/21/2005

## INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

**G.**

### CERTIFICATE OF MAILING

I certify that on Oct. 23, 2003, 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  
PO Box 2707  
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Sagewillow, Inc.  
545 Shoup Ave.  
Idaho Falls, Idaho 83402

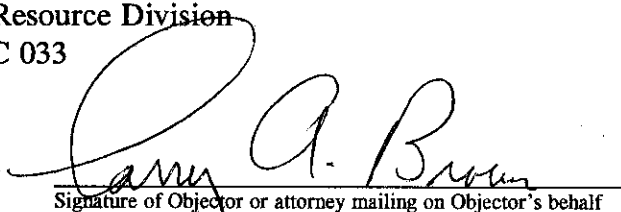
Kent W. Foster  
Holden, Kidwell, Hahn & Crapo, PLLC  
P.O. Box 50130  
Idaho Falls, Idaho 83405  
Of Attorneys for Claimant

3. Copies to:

IDWR Document Depository  
P. O. Box 83720  
Boise, Idaho 83720-0098

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P. O. Box 44449  
Boise, Idaho 83711-4449

United States Department of Justice  
Environment and Natural Resource Division  
550 West Fort Street, MSC 033  
Boise, Idaho 83724

  
Signature of Objector or attorney mailing on Objector's behalf

09/26/2003

IDAHO DEPARTMENT OF WATER RESOURCES  
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 33-2057

NAME AND ADDRESS: SAGEWILLOW INC  
545 SHOUP AVE  
IDAHO FALLS ID 83402

UNAUTHORIZED USE

CLAIMANT IS NOT AUTHORIZED  
TO FARM PUBLIC LANDS

SOURCE: GROUND WATER

TRIBUTARY:

POINT OF INJECTION INTO LITTLE LOST RIVER. POINT OF REDIVERSION FROM  
LITTLE LOST RIVER AND BIG SPRING CREEK.

QUANTITY: 24.000 CFS  
4,136.700 AFY

The rights listed below are limited to a maximum diversion rate of 0.02 cfs  
per acre at the field headgate. 33-69, 33-70, 33-71, 33-72, 33-73, 33-74, 33-  
76, 33-78, 33-79, 33-80, 33-81, 33-82, 33-2057 and 33-2083

PRIORITY DATE: 02/01/1950

POINT OF DIVERSION:

T07N R27E S2 SWSENE Rediversion Within BUTTE County *Blm OK*  
T07N R27E S2 SESENE Within BUTTE County *Blm OK*  
T07N R27E S12 NENENE Within BUTTE County ✓  
T07N R27E S12 NWNENE Within BUTTE County ✓  
T07N R27E S12 NENWNE Within BUTTE County ✓  
T07N R27E S12 NENENW Within BUTTE County ✓  
T07N R27E S12 NWNENW Within BUTTE County ✓  
T07N R27E S12 SENWNW Injection Within BUTTE County ✓  
T07N R27E S12 NESWNW Rediversion Within BUTTE County ✓  
T07N R28E S5 NENWSW Rediversion Within BUTTE County ✓  
T08N R27E S15 NENWSE Rediversion Within BUTTE County *Blm OK*

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE  
IRRIGATION

PERIOD OF USE  
04/01 10/31

QUANTITY  
24.000 CFS  
4,136.70 AFY

PLACE OF USE: IRRIGATION Within BUTTE County

|                     |        |      |                     |        |      |
|---------------------|--------|------|---------------------|--------|------|
| T07N R27E S01       | SWSW ✓ | 26.0 | T07N R27E S01       | SESW ✓ | 40.0 |
| T07N R27E S12       | NENE ✓ | 31.0 | T07N R27E S12       | NWNE ✓ | 39.0 |
| T07N R27E S12       | SENE ✓ | 12.0 | T07N R27E S12       | NENW ✓ | 25.0 |
| T07N R27E S12       | NWNW ✓ | 19.0 | T07N R27E S12       | SWNW ✓ | 7.6  |
| T07N R27E S12       | SESW ✓ | 0.9  | T07N R27E S12       | NESE ✓ | 2.5  |
| T07N R27E S12       | NWSE ✓ | 7.6  | T07N R27E S12       | SWSE ✓ | 5.0  |
| T07N R27E S12       | SESE ✓ | 29.0 | T07N R27E S13       | NENE ✓ | 32.0 |
| T07N R27E S13       | NWNE ✓ | 32.0 | T07N R27E S13       | NENW ✓ | 2.0  |
| T07N R28E S07       | NENE ✓ | 40.0 | T07N R28E S07       | NWNE ✓ | 40.0 |
| T07N R28E S07       | SWNE ✓ | 40.0 | T07N R28E S07       | SENE ✓ | 36.0 |
| T07N R28E S07       | NENW ✓ | 40.0 | T07N R28E S07 Lot 1 | NWNW ✓ | 39.0 |
| T07N R28E S07 Lot 2 | SWNW ✓ | 37.0 | T07N R28E S07       | SENW ✓ | 40.0 |
| T07N R28E S07 Lot 4 | SWSW ✓ | 0.1  | T07N R28E S08       | NWNE ✓ | 2.8  |

IDAHO DEPARTMENT OF WATER RESOURCES  
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

|                      |                     |      |                      |                 |      |
|----------------------|---------------------|------|----------------------|-----------------|------|
| T07N R28E S08        | SWNE ✓              | 19.0 | T07N R28E S08        | NWNW ✓          | 22.0 |
| T07N R28E S08        | SWNW ✓              | 6.2  | T07N R28E S08        | NWSE ✓          | 27.0 |
| T07N R28E S08        | SWSE ✓              | 16.0 | T07N R28E S18        | SWNE ✓          | 25.0 |
| T07N R28E S18        | SENE ✓              | 0.2  | T07N R28E S18        | NENW ✓          | 1.8  |
| T07N R28E S18 Lot 1  | NWNW ✓              | 34.0 | T07N R28E S18 Lot 2  | SWNW ✓          | 25.0 |
| T07N R28E S18        | SENE ✓              | 31.0 | <u>T07N R28E S18</u> | <u>NESW 3.8</u> | 3.8  |
| T07N R28E S18        | NESE ✓              | 31.0 | T07N R28E S18        | NWSE ✓          | 16.0 |
| <u>T07N R28E S18</u> | <u>SESE BLM 2.4</u> | 2.4  | T08N R27E S34        | SWNE ✓          | 38.0 |
| T08N R27E S34        | SENE ✓              | 39.0 | T08N R27E S34        | NESW ✓          | 40.0 |
| T08N R27E S34        | NWSW ✓              | 33.0 | T08N R27E S34        | SWSW ✓          | 28.0 |
| T08N R27E S34        | SESW ✓              | 38.0 | T08N R27E S34        | NWSE ✓          | 40.0 |
| T08N R27E S34        | SWSE ✓              | 40.0 |                      |                 |      |

1181.9 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A  
COMBINED TOTAL OF 1181.9 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS.: 33-69, 33-70, 33-71, 33-72, 33-73, 33-74, 33-76,  
33-78, 33-79, 33-80, 33-81, 33-82, 33-2057 AND 33-2083

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. Section 42-1412(6), Idaho  
Code.

EXPLANATORY MATERIAL: License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION  
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT  
TO SECTION 42-1425, IDAHO CODE.

POU ON BLM

T07N R28E S18 NESW 3.8 ACRE AND  
T07N R28E S18 SESE 2.4 ACRE IS PUBLIC  
LAND. REMOVE THESE PLACES OF USE  
AND ACRES FROM THE WATER RIGHT.