

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 33-02083
(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

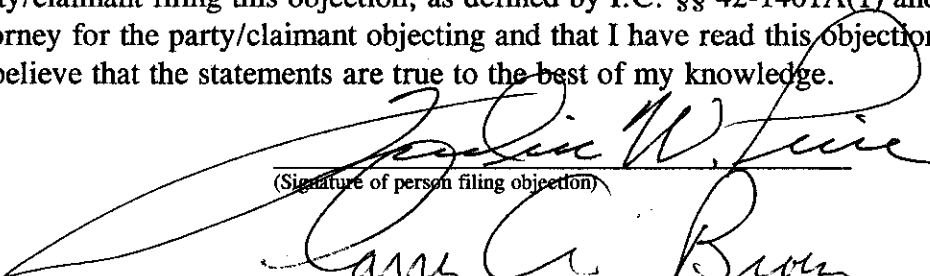
F.

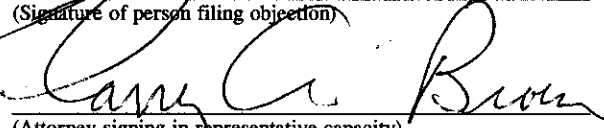
VERIFICATION (Must be Completed)

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)

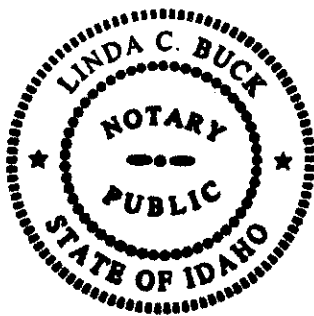
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(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

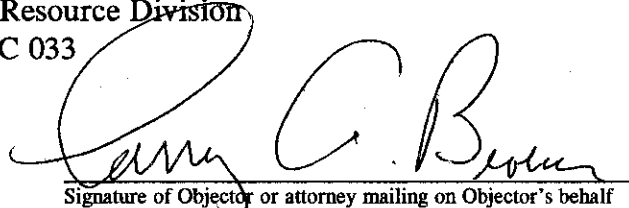
Kent W. Foster
Holden, Kidwell, Hahn & Crapo, PLLC
P.O. Box 50130
Idaho Falls, Idaho 83405
Of Attorneys for Claimant

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
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 33-2083

UNAUTHORIZED USE

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

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: 5.000 CFS
1,983.500 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

This right when combined with right 33-2057 shall provide no more than 3.5 afa per acre at the field headgate.

PRIORITY DATE: 08/23/1957

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	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	5.000 CFS 1,983.50 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

09/26/2003

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

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	
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	SENW✓	31.0	T07N R28E S18	NESW <u>BLM</u> 3.8	
T07N R28E S18	NESE✓	31.0	T07N R28E S18	NWSE✓	16.0
T07N R28E S18	SESE <u>BLM</u> 2.4		T08N R27E S34	SWNE✓	38.0
T08N R27E S34	SENW✓	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.