

**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 29-00053

(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

Name: Portneuf Marsh Valley Canal Co., Ltd.; c/o Deryl Parris

Address: 18746 S. Washington Ave.; Downey, Idaho 83234

Name:

Address: ;

Name:

Address: ;

Name:

Address: ;

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. See attached POU. Claimant's water right should not include these POUs.

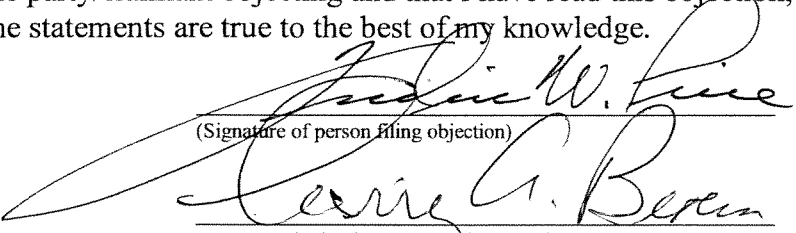
F.

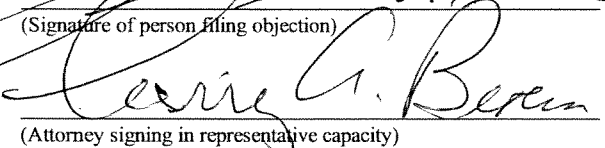
VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

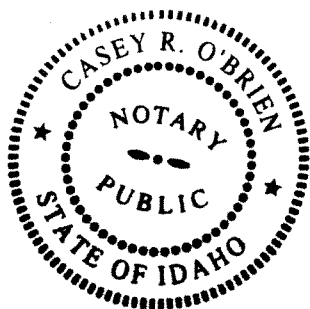
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

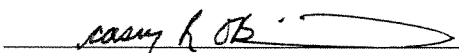
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)


(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 11/05/03




Casey R. O'Brien
Notary Public in and for the State of Idaho
Residing at: Nampa, ID.
My Commission Expires: 10-31-2009

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 Nov. 13, 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 - *hand delivered*
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

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

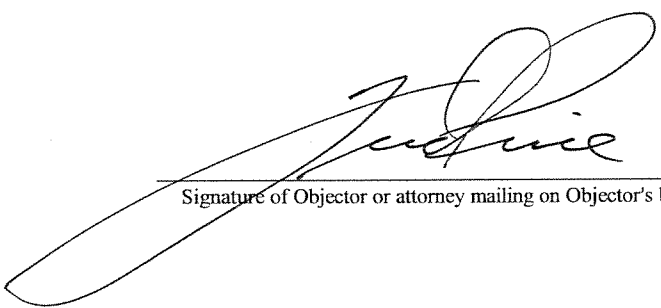
Name: Portneuf Marsh Valley Canal Co., Ltd.; c/o Deryl Parris
Address: 18746 S. Washington Ave.; Downey, Idaho 83234
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

3. Copies to:

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

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

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



Signature of Objector or attorney mailing on Objector's behalf

07/10/2003

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-53
NAME AND ADDRESS: PORTNEUF MARSH VALLEY CANAL CO LTD
C/O DERYL PARRIS
18746 S WASHINGTON AVE
DOWNEY ID 83234

UNAUTHORIZED USE

**-FARMING IS NOT AUTHORIZED
ON PUBLIC LANDS**

SOURCE: TOPONCE CREEK TRIBUTARY: PORTNEUF RIVER
POINT OF INJECTION INTO PORTNEUF RIVER. POINT OF REDIVERSION FROM
PORTNEUF RIVER.

QUANTITY: 164.430 CFS
16,410.00 AFY
THIS RIGHT WHEN COMBINED WITH 29-589 IS LIMITED TO A COMBINED
TOTAL OF 16410 AFA.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 23695 AF. COMBINED RIGHT NOS.:
29-53, 29-589, 29-4060, 29-13319.

PRIORITY DATE: 07/06/1912

POINT OF
DIVERSION: T06S R38E S33 SWSESE Within CARIBOU County
T06S R39E S19 SWSWSW Injection Within CARIBOU County
T09S R37E S22 NWNESW Rediversion Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DIVERSION TO STORAGE	09/16 04/14	164.430 CFS
IRRIGATION STORAGE	01/01 12/31	16,410.00 AFY
IRRIGATION FROM STORAGE	04/15 09/15	16,410.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE
USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER
THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO
SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY
DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR
THIS RIGHT.

PLACE OF USE:

Place of use is within the area served by the Portneuf Marsh Valley Canal
Co. LTD.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 5103.2 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-52, 29-53, 29-589,
29-4060, 29-13318, 29-13319.

POU ON BLM

**-WHILE THE DIRECTOR'S REPORT DOES NOT SHOW THE PLACES OF USE FOR THIS CLAIM,
THE DATA THAT THIS CLAIM WAS BASED ON HAS 4 PLACES OF USE, T10S R37E S20 SWSW,
T10S R37E S32 NWNW, NWSW, AND SWSW THAT ARE FEDERAL LAND. THESE 4 PLACES OF USE
ARE TO BE DELETED FROM THE DATA AND THE SHAPEFILE CHANGED ACCORDINGLY.**

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

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

SUITABLE MEASURING DEVICES SHALL BE INSTALLED ON THE PORTNEUF RIVER ABOVE THE FLOW LINE OF THE PORTNEUF-MARSH VALLEY IRRIGATING COMPANY RESERVOIR AT WHICH POINT THE WATER COMES INTO THE RESERVOIR AT T6S R38E S11 NWSESW AND IMMEDIATELY BELOW THE DAM OF SAID RESERVOIR AT T6S R39E S19 SWSWSW SO THAT THE WATER RELEASED MAY BE MORE ACCURATELY DETERMINED. THE NORMAL FLOW OF THE PORTNEUF RIVER MAY NOT BE OBSTRUCTED BY THE RESERVOIR WITH REFERENCE TO THE AMOUNT OF WATER DELIVERED THROUGH THE RESERVOIR DURING THE IRRIGATING SEASON. NO CHARGE SHALL BE MADE AGAINST THE NORMAL STREAM FLOW FROM THE POINT ABOVE THE RESERVOIR LOCATED AT T 6S R38E S11NWSESW AND THE POINT BELOW THE RESERVOIR LOCATED AT T6S R39E S19 SWSWSW.

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT #29.

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: BASIS OF CLAIM - Decreed

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.

WATER IS DELIVERED THROUGH PORTNEUF MARSH VALLEY CANAL.

29-00053

20

T10S
R37E

BLM

29

BLM

32

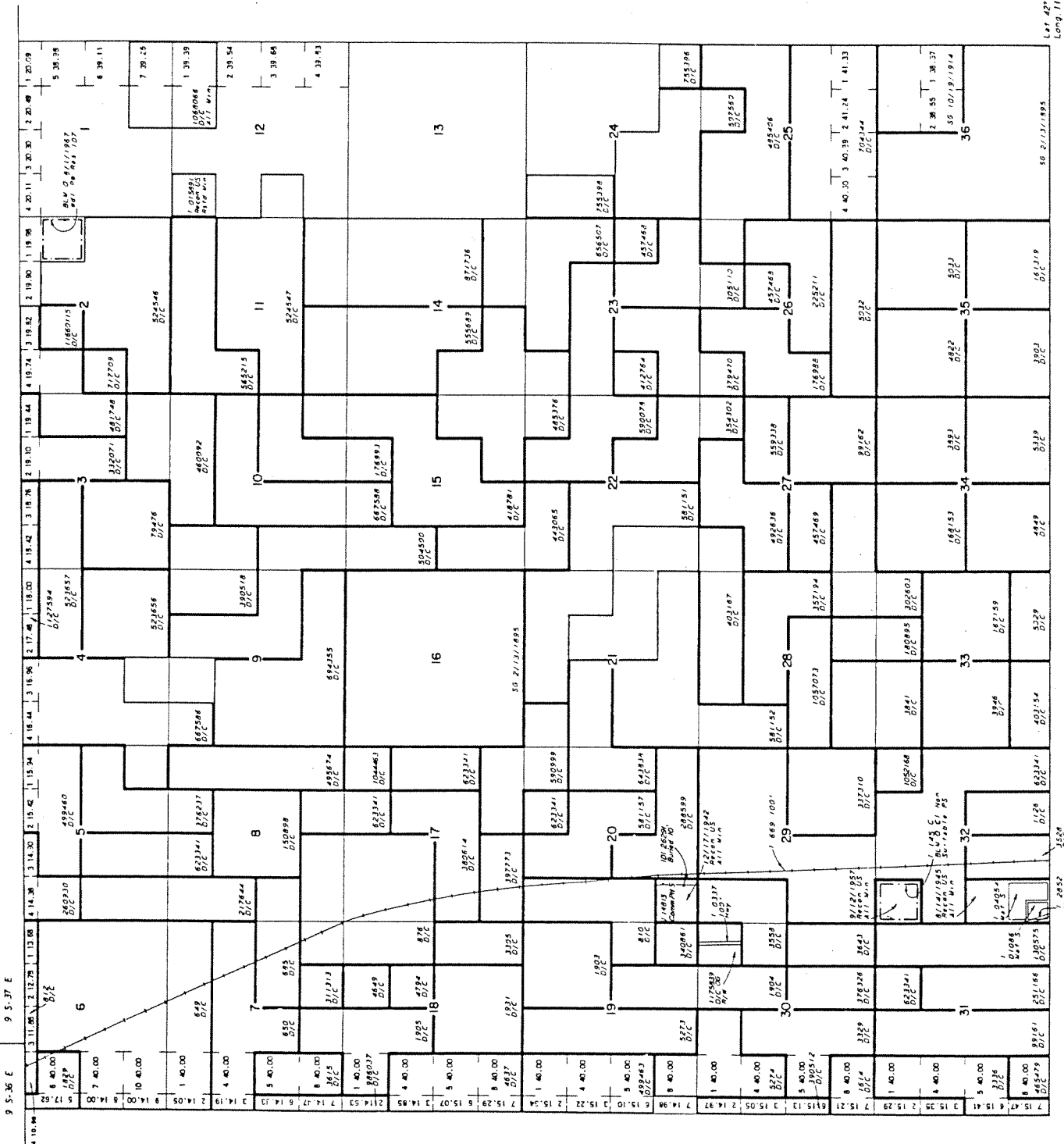
BLM

TOWNSHIP 10 SOUTH RANGE 37 EAST OF THE BOISE MERIDIAN, IDAHO

BANNOCK COUNTY 005
 BAHAM FALLS DISTRICT SEC 15
 POCAHELLO RAH

STATUS OF PUBLIC DOMAIN
 LAND AND MINERAL TITLES

MT PLAT



INDEX TO SEGREGATED TRACTS			
TRACT NO.	T	R	SEC.
1	10	37	15
2	10	37	15
3	10	37	15
4	10	37	15
5	10	37	15
6	10	37	15
7	10	37	15
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32	10	37	15
33	10	37	15
34	10	37	15
35	10	37	15
36	10	37	15

Not Open to Entry until order is received.

Sec 12: NW 1/4

1 19479 S Area Act 1/7/1962

Sec 4: SE 1/4 NW 1/4

Sec 9: NE 1/4 NW 1/4

Sec 19: Lot 7

Sec 20: SW 1/4 NW 1/4

Sec 21: SW 1/4 NE 1/4, NW 25E 1/4

Sec 22: NW 1/4 NW 1/4, NW 25E 1/4

Sec 32: NW 1/4 NW 1/4, NW 25E 1/4

Survey Pending Group No. 1162

Partial Tr.

FOR ORDERS EFFECTING DISPOSAL OR USE OF UNIDENTIFIED LANDS REFER TO INDEX OF MISCELLANEOUS DOCUMENTS

CURRENT TO	
1	1
USE PLATS	
1	1

Lat 42° 30' 32" N
 Long 112° 31' 31" W

WARNING STATEMENT

SCALE in Chains

THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST

