

**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 29-00226
(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: Val J. Davids
Address: 1178 Chesterfield Road; Bancroft, Idaho 83217
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: See attached.
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 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 POD. Claimant's water right should not include this POD. The POD element appears to contain a typographical error in range for two PODs (should be R39E).

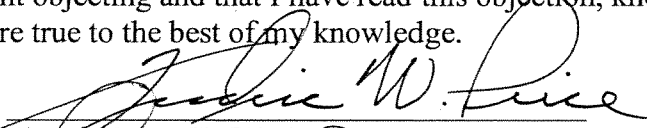
F.

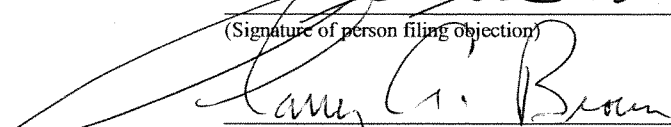
VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

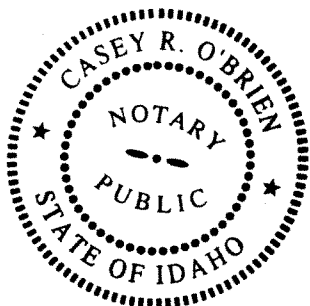
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

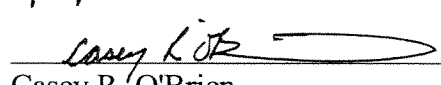
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(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
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:

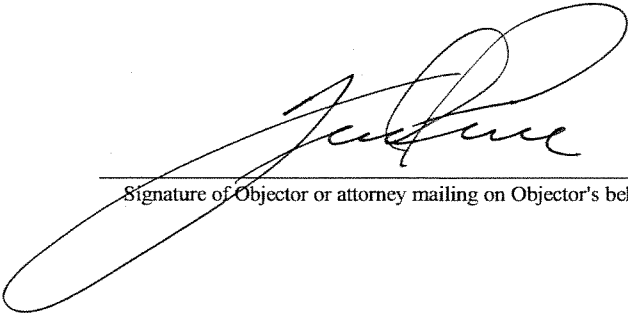
Name: Val J. Davids
Address: 1178 Chesterfield Road; Bancroft, Idaho 83217
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

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: 29-226

NAME AND ADDRESS: VAL J DAVIDS
1178 CHESTERFIELD RD
BANCROFT ID 83217

POD ON BLM

**-NO POD EXISTS ON BLM AT THIS LOCATION
-PERHAPS THIS IS A TYPOGRAPHICAL ERROR.**

SOURCE: JOE WILLEY CREEK

TRIBUTARY: TWENTYFOURMILE CREEK

QUANTITY: 0.190 CFS

PRIORITY DATE: 05/01/1883

POINT OF

DIVERSION: **BLM** T06S R38E S28 SESWSE Injection Within CARIBOU County
BLM T06S R38E S28 SWSESE Within CARIBOU County **SHOULD BE R39E.**
T06S R39E S33 SWNWNE Rediversion Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 09/15	0.190 CFS
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: IRRIGATION Within CARIBOU County

T06S R39E S33	NENE	39.0	T06S R39E S33	NWNE	31.0
T06S R39E S33	SWNE	33.0	T06S R39E S33	SENE	39.0
T06S R39E S33	NENW	1.7	T06S R39E S33	SENW	12.0

155.7 ACRES TOTAL

07/10/2003

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

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 9.4 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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: BASIS OF CLAIM - Decreed

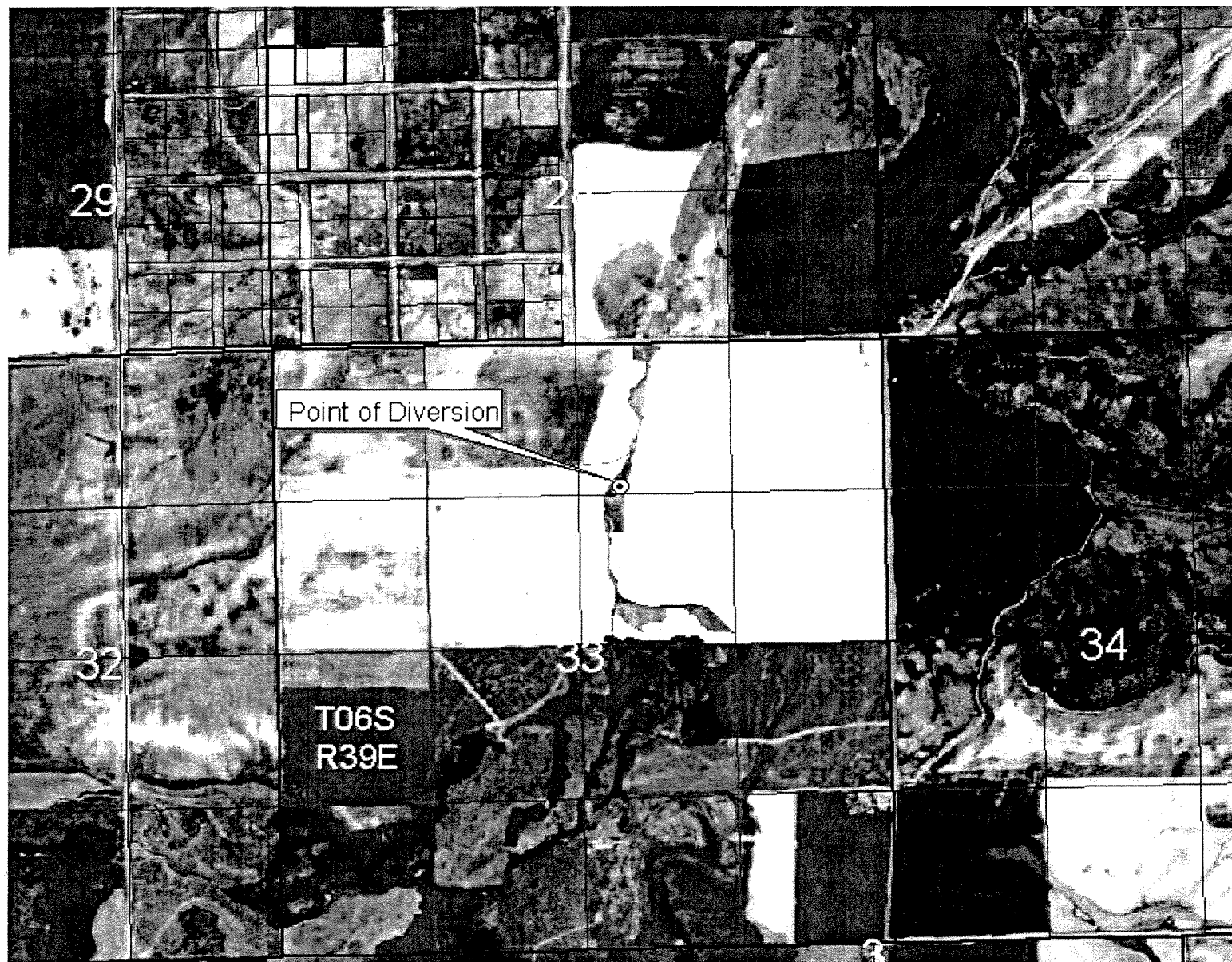
USE OF WATER UNDER THIS RIGHT IS COMBINED WITH WATER FROM
CHESTERFIELD CANAL & IRRIGATION COMPANY.

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.



State of Idaho
Department of Water Resources
Eastern Region
Water Right 29-72A, 29-226



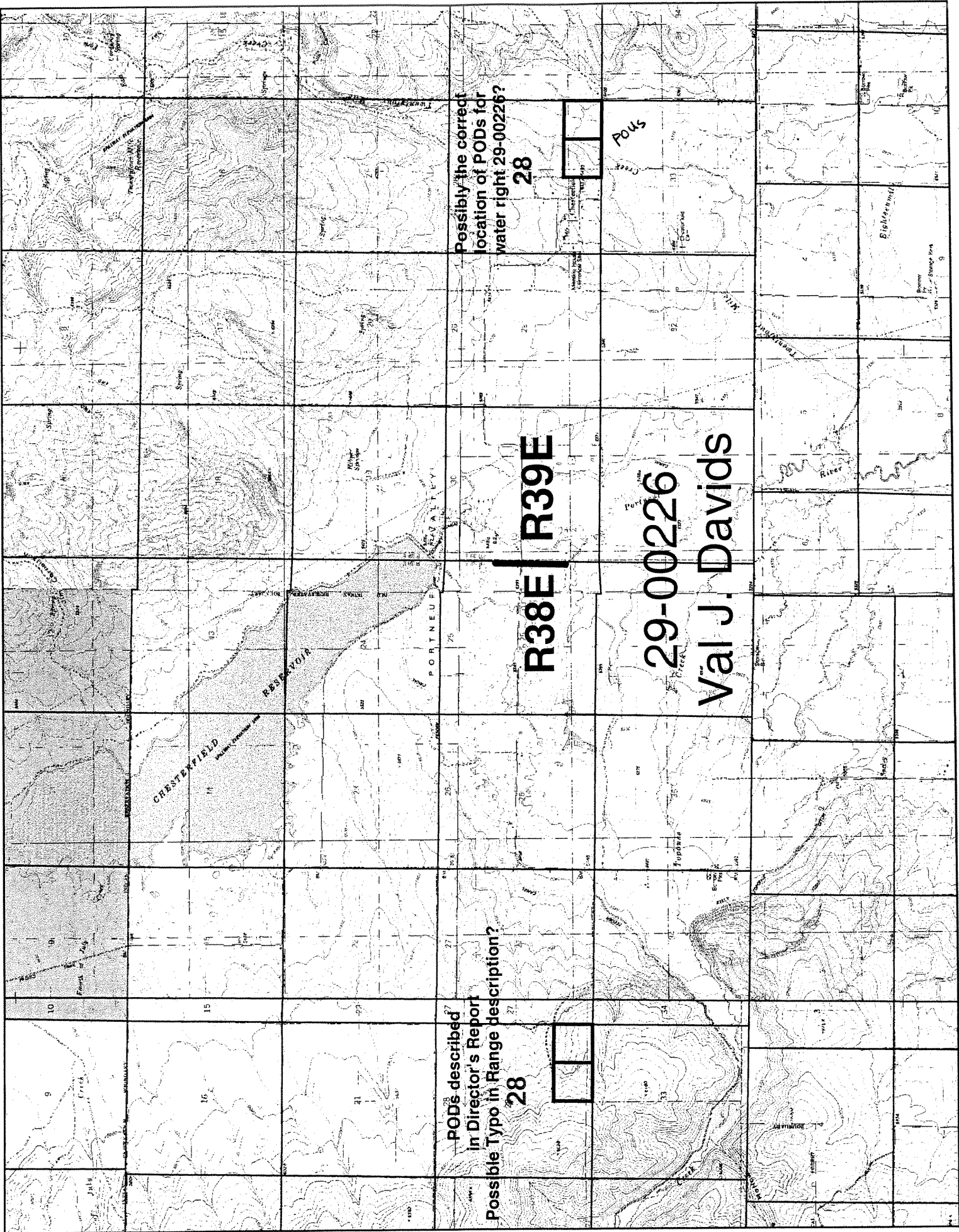
0.5 0 0.5 1 Miles

1:16000



- ⊙ Point(s) of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: P. Meyer
Date: February 2003



PODS described
in Director's Report
Possible Typo in Range description?

28

R38E | R39E

29-00226

Val J. Davids

Possibly the correct
location of PODs for
water right 29-00226?

28

29-00226
T06S R39E S28
CHANGE TO THIS

Meeting House
(Historical Site)

Chesterfield

SWSE

SESE

BM 5453

Chesterfield
Cem

Creek

Pools

Miles

Twentyfour

Twentyfour

5419

4

3

MT PLAT

[illegible]

DOE 78-58 4/15/1935 Trf Juris of Hq Lands from
Dept of Agr to Dept of Int, EIA
All trans lying within Fort Hall Ind Res
1 012104 Del FL 167 (Act of Cong 7/23/1935)
completed 6/28/1961. All Hq Sur Acc 6/21/1965

L 20419 KPLA Chesterfield Range
Sec 1: 6013 2591311211

FOR ORDERS EFFECTING GENERAL RELEASE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
SIMULTANEOUS DOCUMENTS

4-37(M) 15

USE PLATE:

50 410/187
6.51.22 15.11
10.11.22

T 6 S

R 38 E

Boise Meridian

20

21

X

X

958927
D/S

785244
D/S

29

28

X

X

CARIBOU COUNTY 029
DAMO FALLS DISTRICT SEC 15
POCATELLO RAH

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

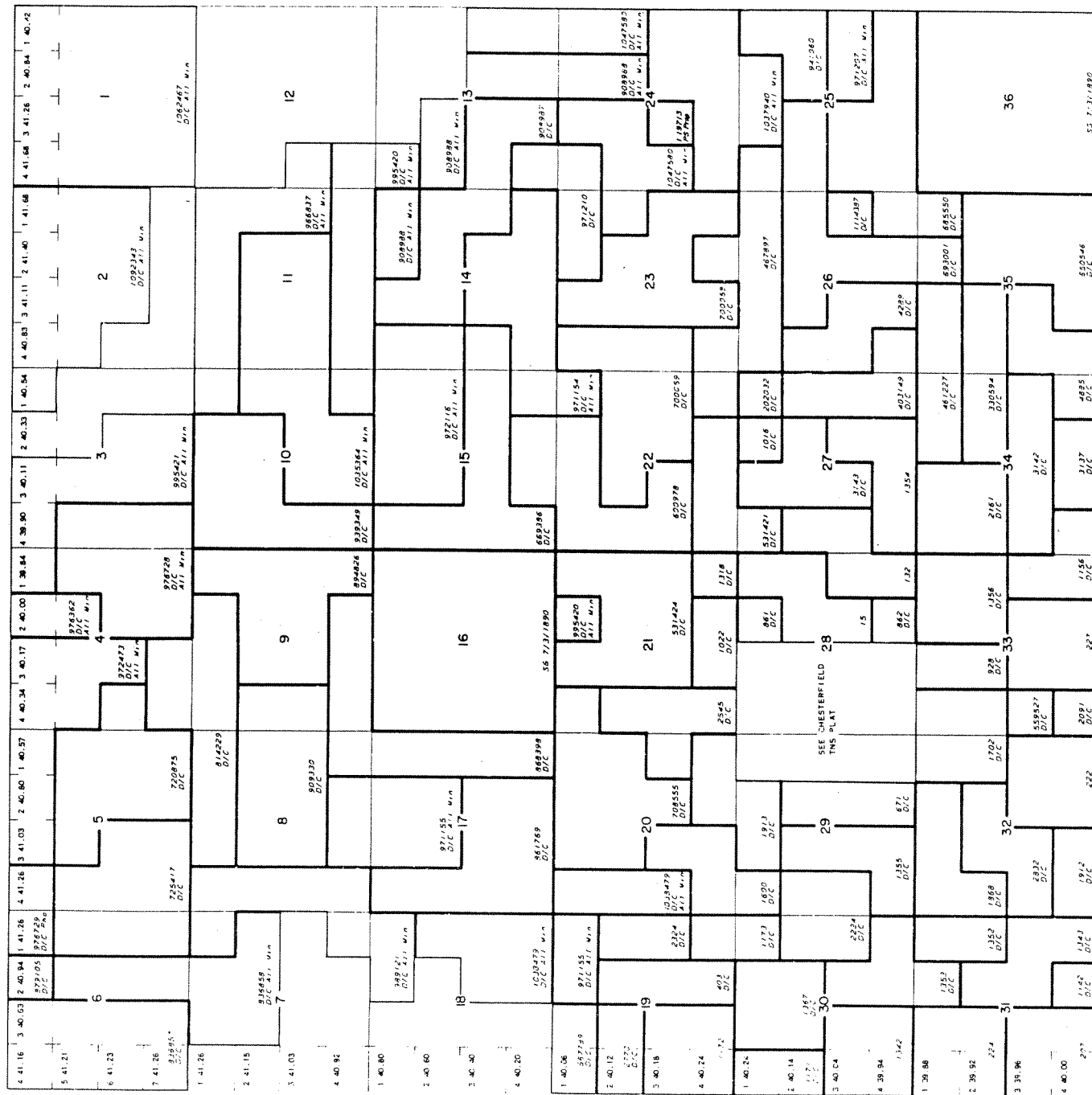
[illegible]

20419 MPLA Chesterfield Road
 Sec 1: SW/1/ANW/1/ASW/1/4 SE/1/4
 Sec 2: L14 2 1/4 S1/2NE/1/4 SE/1/4NW/1/4
 N/2SE/1/4
 Sec 6: L18 2 1/4 S1/2SW/1/4 SE/1/4NW/1/4
 E/2SW/1/4W/2SE/1/4
 Sec 7: L10 1/2 SW/1/4NE/1/4NE/1/4NW/1/4 SE/1/4
 Sec 12: NE/1/4NE/1/4NW/1/4
 Sec 17: SW/1/4NW/1/4NW/1/4SW/1/4
 Sec 18: E/2NE/1/4
 Sec 24: S1/2SW/1/4
 Sec 25: SW/1/4NE/1/4 E/2NW/1/4NW/1/4 SE/1/4

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

CURRENT TO	CURRENT TO

USE PLATS:



WARNING STATEMENT

ON WITHDRAWALS REPRESENT THE LAST