

**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 29-07838
(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: United States of America

Address: 1387 South Vinnell Way; Boise, ID 83709-1657

Name: Bureau of Land Management

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: See attached.
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 quantity reported in the Director's Report is inaccurate. This claim is based on a license issued by the State of Idaho. The quantity should be decreed consistent with the license.

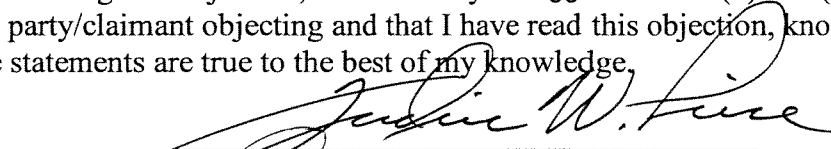
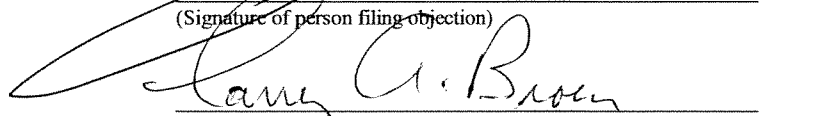
F.

VERIFICATION (Must be Completed)

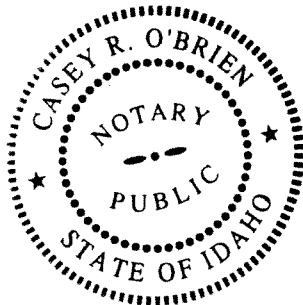
State of Idaho)
) ss.
County of Ada)

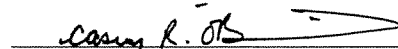
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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:

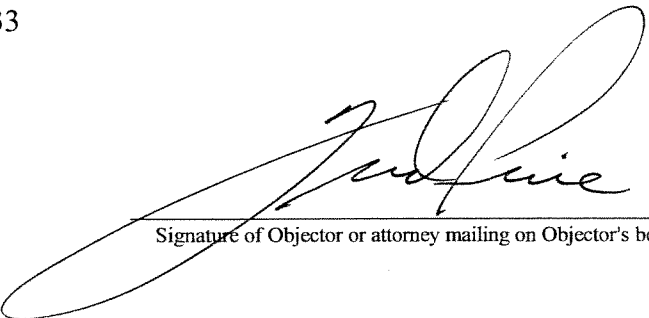
Name: United States of America
Address: 1387 South Vinnell Way; Boise, ID 83709-1657
Name: Bureau of Land Management
Address: ;
Name: ;
Address: ;
Name: ;
Address: ;

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: 29-7838

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WY
BOISE ID 83709-1657

**-ISSUE
QUANTITY**

SOURCE: HORNET SPRING

TRIBUTARY: KING CREEK

QUANTITY: 0.090 CFS
2.30 AFY

This right, when considered with all other rights common to the same grazing allotment, is limited to the quantity of water beneficially used by the number of stock within the allotment.

PRIORITY DATE: 11/06/1987

**QUANTITY ISSUE:
AFY WAS NOT A LIMITATION EXPRESSED ON THE LICENSE ISSUED
ON FEBURARY 1, 1988.**

POINT OF
DIVERSION: T07S R38E S6 NESESW Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	05/21 10/20	0.090 CFS 2.30 AFY
WILDLIFE	01/01 12/31	0.010 CFS 2.30 AFY

PLACE OF USE: STOCKWATER Within CARIBOU County

T07S R38E S06 SESW

WILDLIFE Within CARIBOU County

T07S R38E S06 SESW

07/10/2003

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

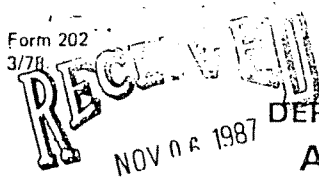
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 - License

BLM RECORD ID = 2903788089

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



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

BLM ID 2903788089

To appropriate the public waters of the State of Idaho

1. Name of applicant USDI, Bureau of Land Management Phone 529-1020

Post office address 940 Lincoln Road Idaho Falls, ID 83401

2. Source of water supply Hornet Spring which is a tributary of King Creek

3. Location of point of diversion is NE of SE 1/4 of SW 1/4 of Section 6 Township 7S

Range 38E B.M. Caribou County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.09 cfs for livestock purposes from 5/21 to 10/20 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.01 cfs for wildlife purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated: * Change as per tele-con with Tim Bozarth 12-2-87 and copy sent to same. HWJ

a. -0.1 0.09 * cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Perforated pipe, headbox, pipe to
trough

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: NE 1/4 of SE 1/4 of SW 1/4 of Section 6 Township 7S

Range 38E B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered 400 range cows with calves

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

(5) If water is to be used for other purposes describe: Deer, moose, grouse and other
wildlife as found in area

[illegible]

Total number of acres to be irrigated _____

c. Describe any other water rights used for the same purposes as described above. _____

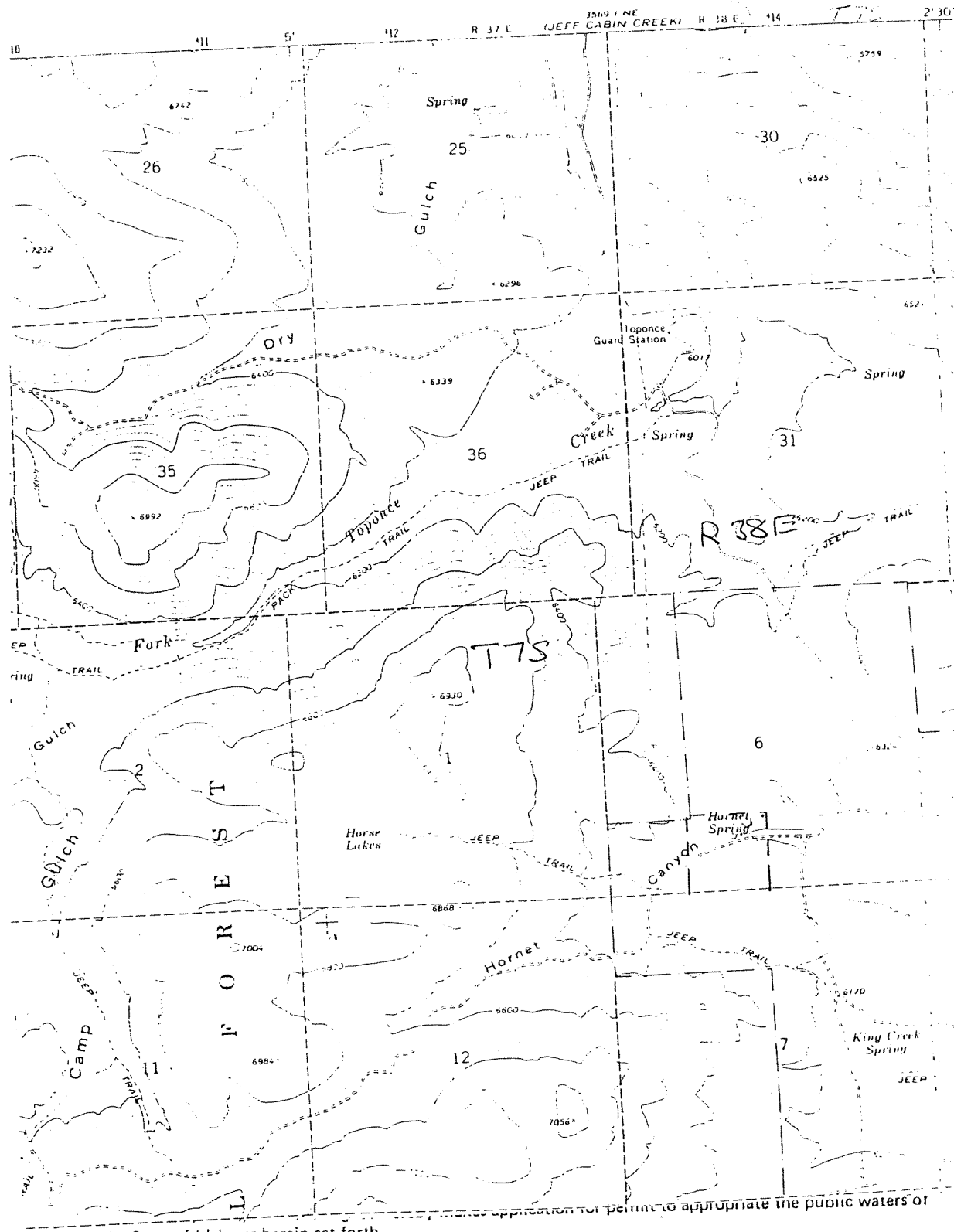
9. a. Who owns the property at the point of diversion US Government

b. Who owns the land to be irrigated or place of use US Government

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks Development known as Hornet Spring was a development of an old
beaver pond or reservoir that was silted. Development was done in summer
of 1987 by permittee. JUR #3012. Supplies water to the Toponce Allotment
#3342.

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number.



the State of Idaho as herein set forth.

District Manager

L. H. Ferguson
(Applicant)

Proposed Priority 11/6/87

Received by CW

Date

11-24-87

11:55 A

11/6/87

Time 10:00

ID-910-ERR-0010

Preliminary check by HWJ

Fee \$ 32.00

Receipted by HWJ

Date

12-15-87 #45767

Publication prepared by dg

Date

12-9-87

Published in Caribou County Sun

Publication dates 12-17 + 12-24-87

Publication approved CW

Date

1-14-88

Protests filed by: none

Copies of protests forwarded by _____

Hearing held by _____

Date _____

Recommended for approval

denial

by EMC kw

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 29-7838, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 19 89.

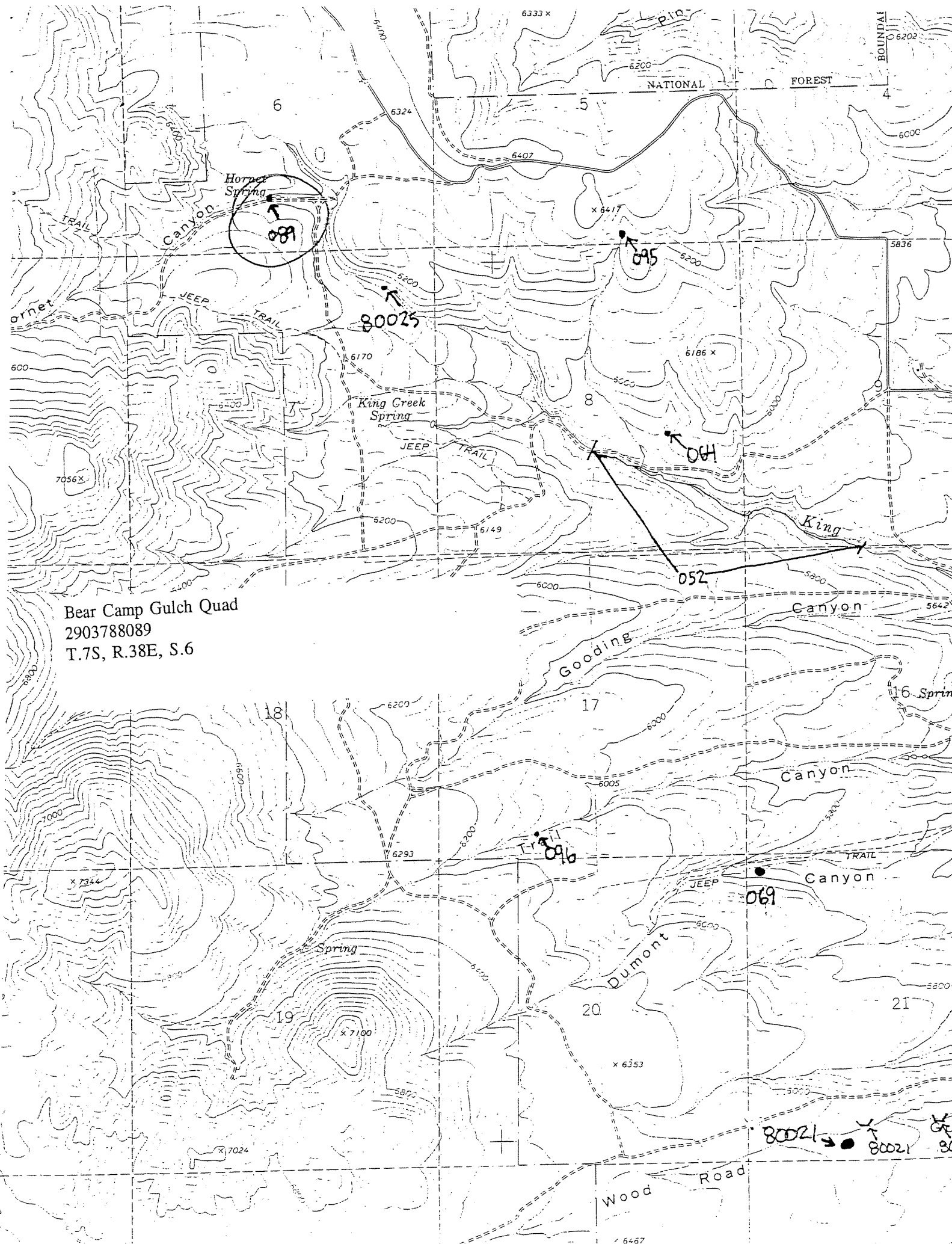
c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. Other: Use of water under this permit is subject to control by the watermaster of State Water District No. 29, Portneuf River.

Witness my hand this 1st day of February, 1988.

Director

☐ In Re SRBA Case No. 39576 NAME and ADDRESS SOURCE: QUANTITY: PRIORITY DATE: REMARKS: POINT of DIVERSION: PURPOSE and PERIOD OF USE: CONSUMPTIVE USE: OTHER PROVISIONS NECESSARY FOR DEFINITION or ADMINISTRATION OF THIS WATER RIGHT: PLACE of USE:	☐ ☐ ☐ IN THE DISTRICT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS PPD?: ☐ PD?: ☐ Adm?: ☐ Prob?: ☐ <u>NEXT</u> AMENDED NOTICE of CLAIM for Water Right number: 2907838 (IDWR number) United States of America acting through Bureau of Land Management Idaho State Office 1387 South Vinnell Way Boise, ID 83709 - 1657 BLMIDENT: 2903788089 Stg: P StFed: S OtherRight and date: <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Source</td> <td style="width: 50%;">Tributary</td> </tr> <tr> <td>HORNET SPRING</td> <td>KING CREEK</td> </tr> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">0.1</td> <td style="width: 20%;">CFS</td> <td style="width: 20%;">or VOLUME:</td> <td style="width: 20%;">0</td> <td style="width: 10%;">Acre Feet</td> </tr> </table> Diversion Means: PERFORATED PIPE, HEADBOX, PIPE TO TROUGH. ASSOCIATED WITH 2903780346. <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>Twntship</th> <th>Range</th> <th>Section</th> <th>T1</th> <th>T2</th> <th>T3</th> <th>LOT</th> <th>B/E</th> <th>within the</th> <th>County of</th> </tr> <tr> <td>07S</td> <td>38E</td> <td>6</td> <td>NE</td> <td>SE</td> <td>SW</td> <td></td> <td></td> <td>29</td> <td>CARIBOU</td> </tr> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>Purpose of Use</th> <th>Period of Use (from - to):</th> <th>Rate in CFS</th> <th>Volume in AcFt</th> </tr> <tr> <td>16</td> <td>0101</td> <td>1231</td> <td>0.01</td> </tr> <tr> <td>04</td> <td>0521</td> <td>1020</td> <td>0.09</td> </tr> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">stockwater</td> <td style="width: 50%;">DATE: 08-May-02</td> </tr> </table> The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use. <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>Water Use</th> <th>Twnt</th> <th>Rge</th> <th>Sec</th> <th>T1</th> <th>T2</th> <th>LOT</th> <th>within the</th> <th>County of</th> </tr> <tr> <td>04</td> <td>07S</td> <td>38E</td> <td>6</td> <td>SE</td> <td>SW</td> <td>0</td> <td>29</td> <td>CARIBOU</td> </tr> <tr> <td>16</td> <td>07S</td> <td>38E</td> <td>6</td> <td>SE</td> <td>SW</td> <td>0</td> <td>29</td> <td>CARIBOU</td> </tr> </table>	Source	Tributary	HORNET SPRING	KING CREEK	0.1	CFS	or VOLUME:	0	Acre Feet	Twntship	Range	Section	T1	T2	T3	LOT	B/E	within the	County of	07S	38E	6	NE	SE	SW			29	CARIBOU	Purpose of Use	Period of Use (from - to):	Rate in CFS	Volume in AcFt	16	0101	1231	0.01	04	0521	1020	0.09	stockwater	DATE: 08-May-02	Water Use	Twnt	Rge	Sec	T1	T2	LOT	within the	County of	04	07S	38E	6	SE	SW	0	29	CARIBOU	16	07S	38E	6	SE	SW	0	29	CARIBOU
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Bear Camp Gulch Quad
2903788089
T.7S, R.38E, S.6

WATER RIGHT CLAIM VERIFICATION

STATE OF IDAHO)
) ss:
COUNTY OF ADA)

CLAIMANT VERIFICATION: Signature:

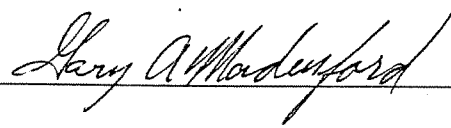
Water Right Claim Number: 29-07838

(a.) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I do ___ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

I do solemnly swear or affirm that I am Gary A. Madenford, Water Rights Team Leader
Name & Title
of United States of America, acting through U.S.D.I., BLM, that I have signed the attached documents in the space below as Water Rights Team Leader of United States of
Title
America, acting through U.S.D.I., BLM and that the statements contained in the attached documents are true and correct.

Signature of Authorized Agent

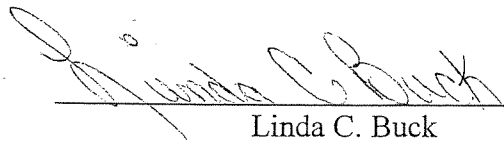
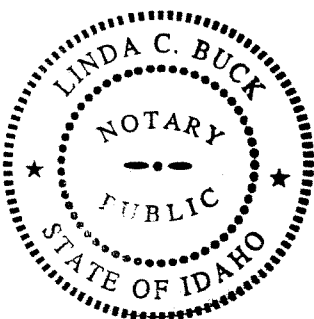


for the United States of America, acting through U.S.D.I., BLM

NOTARY:

Subscribed and sworn to before me on this 22 day of May, 2002

Seal


Linda C. Buck

Notary Public in and for the State of: Idaho

Residing at: Mountain Home, Idaho

My Commission Expires: December 21, 2005