

**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 29-13638
(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: City of Pocatello

Address: P.O. Box 4169; Pocatello, Idaho 83205

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: See attached.
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: See attached.
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 some of the recommended use is claimed. The places of use describing Federal land are either incorrect, do not actually exist, or are not authorized.

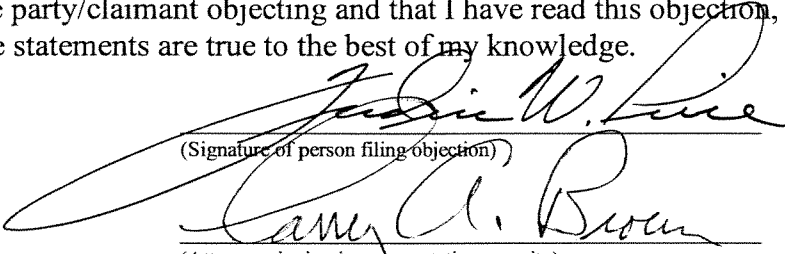
F.

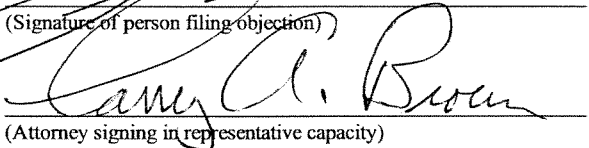
VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

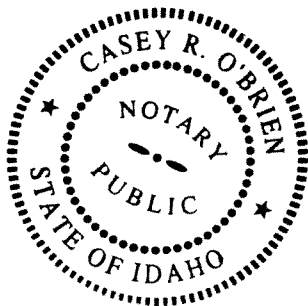
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

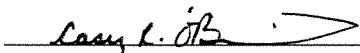
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(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: City of Pocatello
Address: P.O. Box 4169; Pocatello, Idaho 83205

Name:
Address: ;

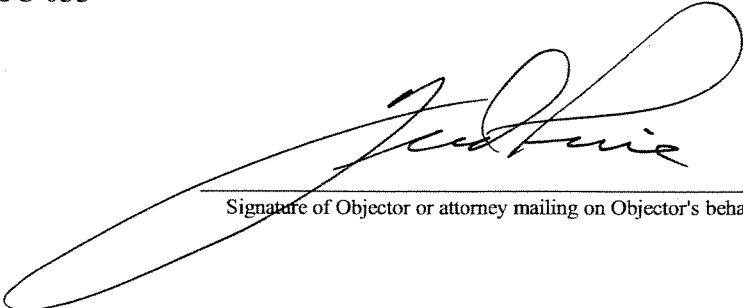
Name:
Address: Beeman, Josepine Pickford
Name: Beeman & Hofstetter, PC
Address: PO Box 1427
Boise, ID 83701-1427

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: 29-13638

NAME AND ADDRESS: CITY OF POCATELLO
PO BOX 4169
POCATELLO ID 83205

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.200 CFS

PRIORITY DATE: 12/31/1940

POINT OF
DIVERSION: T06S R33E S10 NESE Within POWER County
T06S R33E S10 NESE Within POWER County
T06S R33E S15 SWNE Within POWER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	01/01 12/31	2.200 CFS

PLACE OF USE:

Place of use is within the service area of the City of Pocatello municipal water supply system as provided for under Idaho Law.

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

To the extent necessary for administration, water was first appropriated or used from:

Pocatello Well No. 35 located in T06S, R33E, S10, NESE,
on 6/13/1978 in the amount of 3.34 cfs
Pocatello Well No. 39 located in T06S, R33E, S15, SWNE,
on 12/31/1940 in the amount of 2.20 cfs
Pocatello Well No. 40 located in T06S, R33E, S10, NESE,
on 12/31/1942 in the amount of 1.92 cfs

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 - Beneficial Use

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

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-11343.

POUs entirely on BLM

Object to 15

<u>RNG</u>	<u>TWN</u>	<u>Sec</u>	<u>QQ</u>	<u>Q</u>	<u>Lot</u>	
34E	06S	33	SE	NE		OBJECT -Change Purpose of Use to Municipal Storage.
34E	07S	2	NE	NE	1	OBJECT -No use or facility exists. -Delete POU.
34E	07S	2	SW	NE		OBJECT -No use or facility exists. -Delete POU.
34E	07S	2	SE	NE		OBJECT -No use or facility exists. -Delete POU.
34E	07S	2	NE	SE		OBJECT -No use or facility exists. -Delete POU.
34E	07S	2	NW	SE		OBJECT -No use or facility exists. -Delete POU.
34E	07S	2	SW	SE		OBJECT -No use or facility exists. -Delete POU.
34E	07S	2	SE	SE		OBJECT -No use or facility exists. -Delete POU.

34E	07S	12	SW	NW		OBJECT -POU officially abandoned. -Delete POU.
34E	07S	12	NE	SW		OBJECT -POU officially abandoned. -Delete POU.
34E	07S	12	NW	SW		OBJECT -POU officially abandoned. -Delete POU.
34E	07S	12	SE	SW		OBJECT -POU officially abandoned. -Delete POU.

34E	07S	13	NE	NW		OBJECT -Unauthorized Municipal Storage Tank. -Delete POU.
35E	06S	30	NE	NE		OBJECT -No use or facility exists. -Delete POU.
35E	06S	30	SE	NE		OBJECT -No use or facility exists. -Delete POU.

Mixed POU outside the Pocatello Townsite

Object to 1

<u>RNG</u>	<u>TWN</u>	<u>Sec</u>	<u>QQ</u>	<u>Q</u>	<u>Lot</u>	
35E	06S	30	SW	NE		OBJECT -Mixed ownership, limit to private land in N1/2.