

RECEIVED
JAN 31 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)

A. Subcase 63-00148D

(Insert water right number)

Case No. 39576)

**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: South Boise Water Co.

Address: P.O. Box 6005; Boise, Idaho 83707

Name: c/o Barbara Garrett, Secretary

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: 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 legal description for element five and nine (POD & POU) above may include Federal land. The description should be specific enough to exclude Federal land.

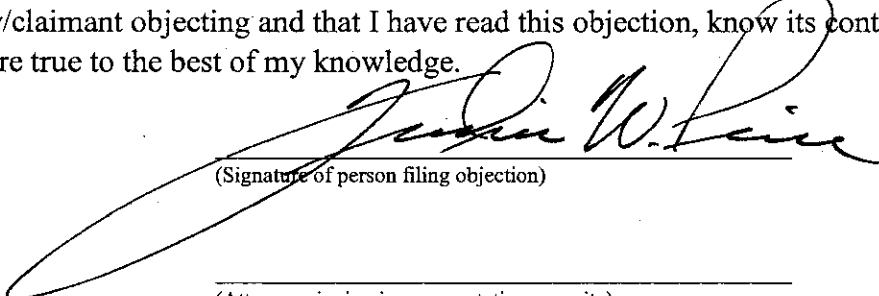


VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

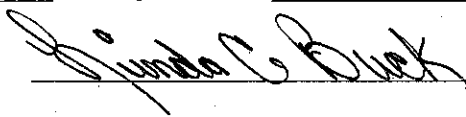
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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: January 30, 2003

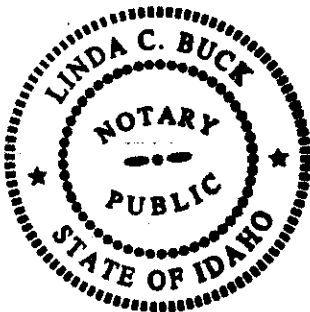


Linda C. Buck

Notary Public for Idaho

Residing at: Mountain Home

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.



CERTIFICATE OF MAILING

I certify that on January 30, 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:

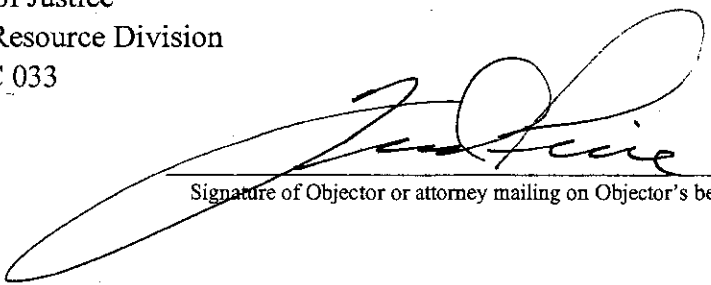
Name: South Boise Water Co.
Address: P.O. Box 6005; Boise, Idaho 83707
Name: c/o Barbara Garrett, Secretary
Address:
Name:
Address:
Name:
Address:

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

02/21/2002

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

RIGHT NUMBER: 63-148D
NAME AND ADDRESS: SOUTH BOISE WATER CO
BARBARA GARRETT SECRETARY
PO BOX 6005
BOISE ID 83707

MIXED OWNERSHIP

-THE POD AND POU IDENTIFIED BELOW
CONTAIN BOTH PRIVATE AND PUBLIC LANDS.

-CLARIFY THE POD AND POU SUCH THAT IT IS CLEAR
THAT ONLY PRIVATE LAND IS INTENDED.

TRIBUTARY: MORES CREEK

SOURCE: ELK CREEK

QUANTITY: 0.05 CFS
9.5 AFY

PRIORITY DATE: 06/01/1865

PURSUANT TO A CALL IN TIMES OF SCARCITY, THIS RIGHT IS JUNIOR TO ALL
OTHER RIGHTS DIVERTED FROM ELK CREEK WITH A PRIORITY DATE BEFORE
05-06-1997.

POINT OF DIVERSION:

T06N R05E S23 SWSE Within ADA County BLM/PVT

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

IRRIGATION

PERIOD OF USE

04/15 10/15

QUANTITY

0.050 CFS
9.50 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 OCTOBER 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 BOISE County

T06N R05E S23

SWSE

2.7

BLM/PVT

2.7 ACRES TOTAL

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

DIVERSION OF WATER UNDER THIS RIGHT IS LIMITED TO THOSE TIMES
WHEN WATER IS AVAILABLE FOR DIVERSION UNDER THE PRIORITY DATE
OF THIS RIGHT AT THE ORIGINAL POINT OF DIVERSION FOR THE SOUTH
BOISE WATER COMPANY ON LOGGERS CREEK.
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: Decreed

PLACE OF USE ALSO KNOWN LOCALLY AS IDAHO CITY HIGH SCHOOL
FOOTBALL FIELD.

THE POD REPRESENTS MIXED OWNERSHIP. THE FOLLOWING LIMITING LANGUAGE INSERTED UNDER POINT
OF DIVERSION WOULD RESOLVE BLM'S OBJECTION TO POD;

THE POINT OF DIVERSION RESIDES WITHIN TRACT A (SWSE), S23, T06N, R05E.

THE POU REPRESENTS MIXED OWNERSHIP. THE FOLLOWING LIMITING LANGUAGE INSERTED UNDER PLACE
OF USE WOULD RESOLVE BLM'S OBJECTION TO POU;

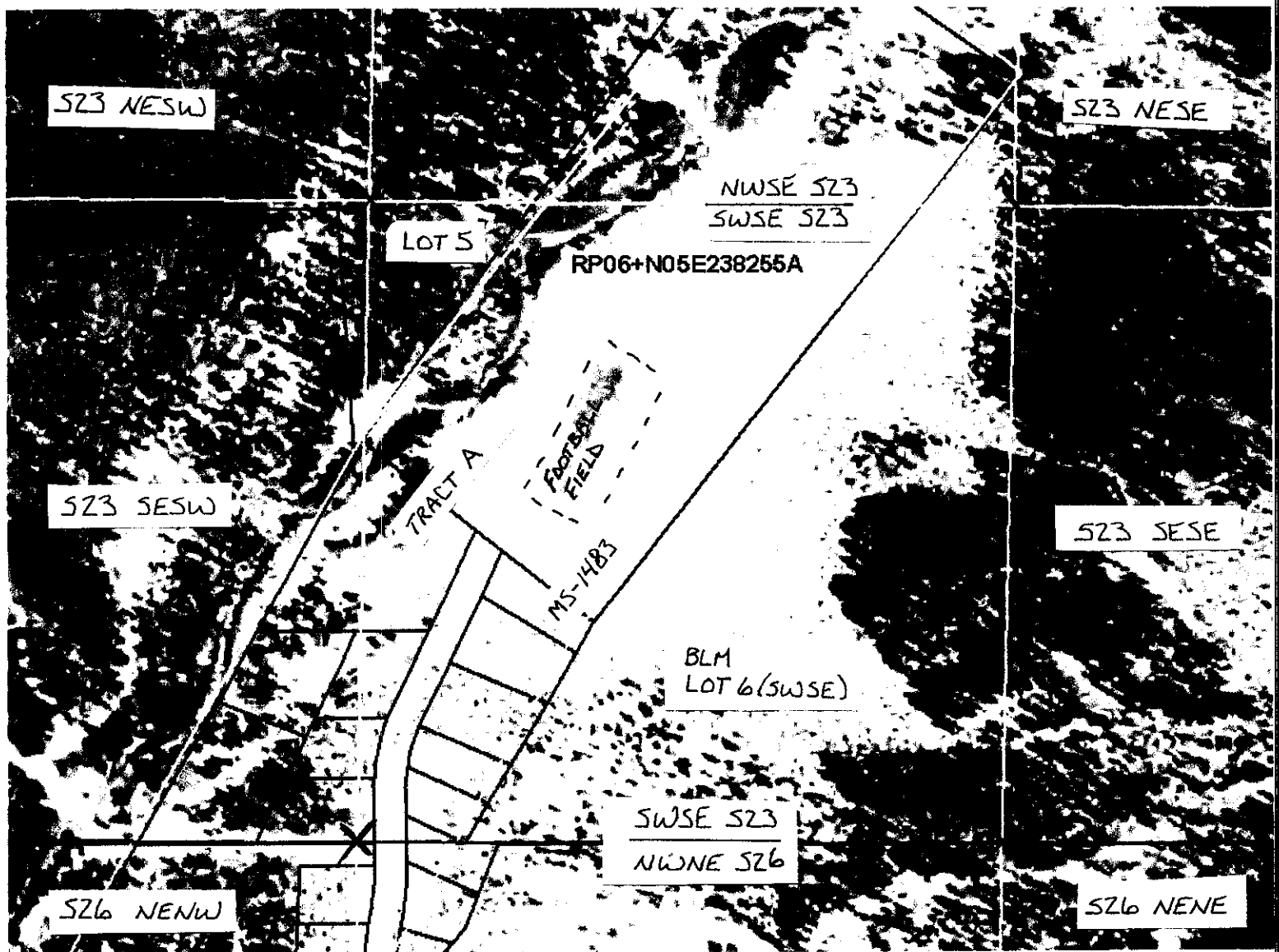
THE USE OF WATER UNDER THIS RIGHT IS LIMITED TO TRACT A(SWSE), S23, T06N, R05E.

ATTACHMENT #1
63-00148D

IDWR
SHAPE FILE

(AS ANNOTATED
BY FRED PRICE)

63-00148D SOUTH BOLSE WATER CO.
T06N R05E



THE ACTUAL LEGAL LAND DESCRIPTION THAT DESCRIBES THE FOOTBALL FIELD WOULD BE T06N, R05E, SZ3, TRACT A, B.M.

THE WAY TO DESCRIBE THE LOCATION WITHIN THE LIMITS OF IDWR'S SYSTEM WOULD BE TO INCLUDE CLARIFYING REMARKS UNDER THE POD & POU ELEMENTS AS FOLLOWS:

POD: "THE POINT OF DIVERSION RESIDES WITHIN TRACT A (SWSE), SZ3, T06N, R05E."

POU: "THE USE OF WATER UNDER THIS RIGHT IS LIMITED TO WITHIN TRACT A, SZ3, T06N, R05E."

ATTACHMENT #2
63-00148D

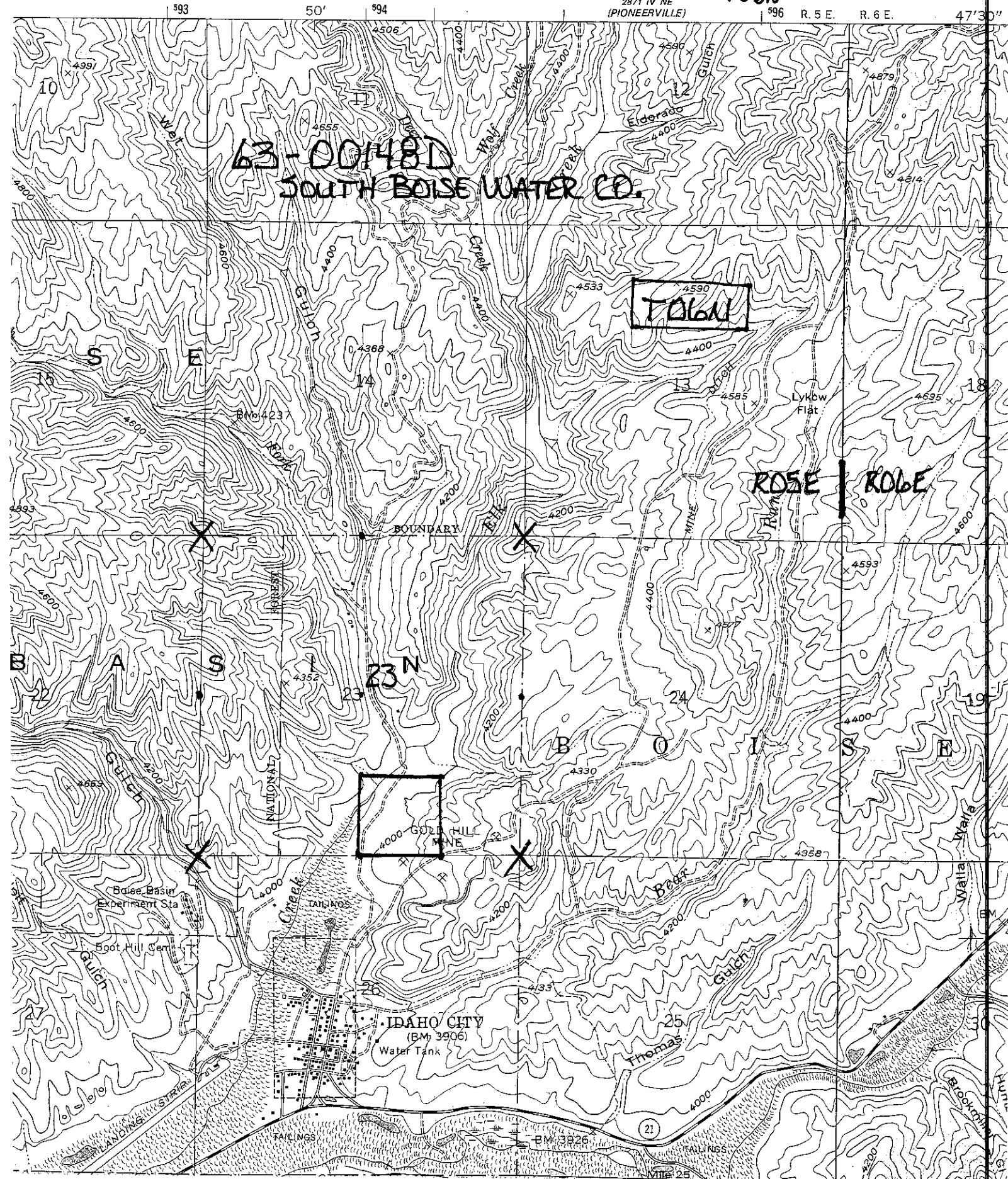
USGS
7.5 QUAD MAP

T06N R05E



2871 IV NE
(PIONEERVILLE)

T06N



ATTACHMENT #3
63-00148D

BLM
MASTER TITLE PLAT (MTP)

T06N R05E

BOISE COUNTY 015
BOISE DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
AND ACQUIRED LANDS

MT PLAT

[illegible]

Acq 6/11/1937 WD to USFS
Sec 26: Elk C. M86 in Elk A, Idaho City Ins
Rsd Min

Acq 8/22/1938 WD to USFS
Sec 26: Lot 1, Bika, Idaho City Inc

REF ID: A63811

Sec 26: MBE in Bids C.W. Idaho City Ins
Astro Win

Acq. 5/18/1941 Deed to US
Sec 26: NAB in Blks C.W., Idaho City Tns

ccq 7/7/94l Deed to US

Resid Min

[illegible]

09/30/1951 Act of Cong 7/23/1951

100

08303 Del PL 167 (Act of Cong 7/23/1955)
depleted 11/24/1965. All HF surface Mgmt :
FFC

24372 LSP

14 31230 Acq WD10 USFS All Min

SEP 27 09AM 00 LZENE 2 38 0078

31230 QCD from USFS

SEC 26: M&B	2.42 acres
SEC 27: M&B	

21963 RAPP Longfill Use Term 10/7/1987
Sec 27 N25WSE

[illegible][illegible]

R ORDERS EFFECTING DISPOSAL OR USE OF

SCOLLANECHS DOCUMENTS

DATE	CURRENT TO	CURRENT TO
1944	100	100
1945	100	100
1946	100	100
1947	100	100
1948	100	100
1949	100	100
1950	100	100
1951	100	100
1952	100	100
1953	100	100
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2058	100	100
2059	100	1

01-1-0

