

**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: 45-13656
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 USDA Forest Service
Address: 550 West Fort Street
MSC 033
Boise, Idaho 83724
Daytime Phone: (208) 331-5943

Name and Address of Attorney, if any:

David L. Negri
550 West Fort Street
MSC 033
Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN THE DIRECTOR'S REPORT

Name: Pickett Ranch & Sheep Co.
Address: 1650 S 570 W
Oakley, ID 83346

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 E Below

4. ☒ **Priority Date**

Should be: See E Below

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. ☐ **Places 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 objects to this water right recommendation in order to implement the terms and conditions of the Stockwater Stipulation and Joint Motion for Order Approving Stipulation signed by Pickett Ranch and Sheep Co., and filed on August 29, 2002.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Michael Collette , 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.

Michael Collette
(Signature of person filing objections)

David Noy
(Attorney signing in representative capacity)

Subscribed and sworn before me on: October 15, 2004



Gayla J. Gough
Gayla J. Gough

Notary Public for: Idaho
Residing at: Kuna, Idaho
Commission Expires: 11/17/2004

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 October 15, 2008 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
PO Box 2707
Twin Falls, ID 83303-2707

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

Name: Pickett Ranch & Sheep Co.

Objection served upon counsel
for Claimant(s)

Address: 1650 S 570 W
Oakley, ID 83346

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Travis L. Thompson
Barker Rosholt & Simpson LLP
113 Main Ave. W. Suite 303
Twin Falls, ID 83301

Chief, Natural Resource Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

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



Signature of Objector or attorney
mailing on Objector's behalf

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 45-13656
Date Received: 1/29/2004
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

PICKETT RANCH & SHEEP CO
1650 S 570 W
OAKLEY ID USA 83346

Phone: (208)862-3482

2. Date of Priority: 04/30/1879

3. Source: TROUT CREEK
SWANTY CREEK
WILLOW CREEK
LITTLE WILLOW CREEK

Trib. to: GOOSE CREEK
TROUT CREEK
TROUT CREEK
TROUT CREEK

*ON USFS
priority date
6-11-05 per
stipulation 2002
JH*

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
15S	19E	10	SE NW SE	CASSIA	Beginning Point
15S	19E	36	NE SW	CASSIA	Ending Point
15S	19E	34	SE NE NE	CASSIA	Beginning Point
16S	19E	1	NW SE	CASSIA	Ending Point
15S	19E	31	SW SW NE	CASSIA	Beginning Point
15S	20E	36	SE SW	CASSIA	Ending Point
15S	20E	32	NW SW SW	CASSIA	Beginning Point
16S	20E	7	NE NE	CASSIA	Ending Point

5. Description of diverting works:

INSTREAM USES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	06/01	11/15	0.02	

7. Total Quantity Appropriated is:
0.02 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
15S	19E	10	NE	SE		STOCKWATER	
			NW	SE		STOCKWATER	
			SE	SE		STOCKWATER	
15S	19E	11	SW	SW		STOCKWATER	
15S	19E	14	NW	NW		STOCKWATER	
			SW	NW		STOCKWATER	
			NW	SW		STOCKWATER	
			SW	SW		STOCKWATER	
15S	19E	23	NW	NW		STOCKWATER	
			SW	NW		STOCKWATER	
			NE	SW		STOCKWATER	
			NW	SW		STOCKWATER	
			SE	SW		STOCKWATER	
15S	19E	26	SW	NE		STOCKWATER	
			NE	NW		STOCKWATER	
			SE	NW		STOCKWATER	
			NW	SE		STOCKWATER	
			SW	SE		STOCKWATER	
			SE	SE		STOCKWATER	
15S	19E	34	NE	NE		STOCKWATER	
			SE	NE		STOCKWATER	
15S	19E	35	NE	NE		STOCKWATER	
			SE	NE		STOCKWATER	
			SW	NW		STOCKWATER	
			SE	NW		STOCKWATER	
			NE	SW		STOCKWATER	
			NW	SE		STOCKWATER	
			SW	SE		STOCKWATER	
15S	19E	36	SW	NE		STOCKWATER	
			SE	NE		STOCKWATER	
			NE	SW		STOCKWATER	
			SE	SW		STOCKWATER	
			NE	SE		STOCKWATER	
			NW	SE		STOCKWATER	
15S	20E	31	SW	NE		STOCKWATER	
			SE	NW		STOCKWATER	
			NE	SW		STOCKWATER	
			NW	SW		STOCKWATER	
15S	20E	32	SW	SW		STOCKWATER	
16S	19E	1	NW	NW		STOCKWATER	
			SW	NW		STOCKWATER	
			SE	NW		STOCKWATER	

			NE	SW	STOCKWATER
			NW	SE	STOCKWATER
16S	19E	2	NE	NE	STOCKWATER
			NW	NE	STOCKWATER
16S	20E	5	NW	NW	STOCKWATER
			SW	NW	STOCKWATER
16S	20E	6	SE	NE	STOCKWATER
			NE	SE	STOCKWATER
			SE	SE	STOCKWATER
16S	20E	7	NE	NE	STOCKWATER

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

1/28/2004: 45-13656 IS A PORTION OF 45-10832 SPLIT BY DRAINAGE BASINS. 45-13654, 45-13655 & 45-13656 COMBINED ARE LIMITED TO THE STOCKWATERING OF 140 HEAD RANGE CATTLE AND 1500 SHEEP. - VH

15. Basis of Claim: Beneficial Use

January 30, 2004

Pickett Ranch and Sheep Company
David Pickett
1650 S 570 W
Oakley, Idaho 83346

RE: Snake River Basin Adjudication (SRBA)
Claim No.: 45-10832

Dear David,

As we discussed by phone on Wednesday, I have enclosed five newly created claims for Stockwater that represent various instream reaches originally included within claim 45-10832.

45-13654 only lists West Fork Dry Creek, tributary to Dry Creek Drainage.

45-13655 lists the creeks in the Trapper Creek drainage. Note that I corrected the range listed for the points of diversion and places of use of Fall Creek from 19E to 20E per USGS quadrangle map.

In my recommendation I propose to change the tributaries of several of the creeks, as follows:

- Trapper Creek tributary to Goose Creek (not Oakley Reservoir)
- Water Canyon Creek tributary to Badger Creek
- Badger Gulch Spring tributary to Badger Creek
- Pickett Spring Creek tributary to Dry Fork

Although some of the creeks may, as you claimed, often sink before reaching their listed tributaries, the changes agree with USGS quadrangle maps and identify the drainages.

I also propose to change a fork of Fall Creek claimed as Fall Creek to Unnamed Stream tributary to Fall Creek (see beginning POD SESENW Section 27 and ending POD SWNW Section 21, T15S R20E).

45-13656 includes Trout Creek and the creeks that flow into Trout Creek.

Two new claims to include creeks more correctly identified in Basin 47 are also enclosed.

47-17108 was created for Little Creek, which is tributary to Third Fork Rock Creek, not to Goose Creek as originally claimed on 45-10832.

47-17109 lists an upper reach of Goose Creek and four creeks tributary to the upper reach of Goose Creek. This is considered by IDWR to be part of

03/12/2004

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

RIGHT NUMBER: 45-13656

NAME AND ADDRESS: PICKETT RANCH & SHEEP CO
1650 S 570 W
OAKLEY ID 83346SOURCE: LITTLE WILLOW CREEK
SWANTY CREEK
TROUT CREEK
WILLOW CREEKTRIBUTARY: TROUT CREEK
TRIBUTARY: TROUT CREEK
TRIBUTARY: GOOSE CREEK
TRIBUTARY: TROUT CREEK

QUANTITY: 0.020 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/11/1905

POINT OF DIVERSION:

T15S R19E S10 SENWSE Begin of Stream Flow Within CASSIA County
 T15S R19E S34 SENENE Begin of Stream Flow Within CASSIA County
 T15S R19E S36 SENESW End of Stream Flow Within CASSIA County
 T15S R19E S36 SWSSEW End of Stream Flow Within CASSIA County
 T15S R20E S31 SWSWNE Begin of Stream Flow Within CASSIA County
 T15S R20E S32 NWSWSW Begin of Stream Flow Within CASSIA County
 T16S R19E S1 SWNWSE End of Stream Flow Within CASSIA County
 T16S R20E S7 NWNENE End of Stream Flow Within CASSIA County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USE
STOCKWATERPERIOD OF USE
6/01 11/15QUANTITY
0.020 CFS

PLACE OF USE:

STOCKWATER Within CASSIA County

T15S R19E S10	NESE	T15S R19E S10	NWSE
T15S R19E S10	SESE	T15S R19E S11	SWSW
T15S R19E S14	NWNW	T15S R19E S14	SWNW
T15S R19E S14	NWSW	T15S R19E S14	SWSW
T15S R19E S23	NWNW	T15S R19E S23	SWNW
T15S R19E S23	NESW	T15S R19E S23	NWSW
T15S R19E S23	SESW	T15S R19E S26	SWNE
T15S R19E S26	NENW	T15S R19E S26	SENW
T15S R19E S26	NWSE	T15S R19E S26	SWSE
T15S R19E S26	SESE	T15S R19E S34	NENE
T15S R19E S34	SENE	T15S R19E S35	NENE
T15S R19E S35	SENE	T15S R19E S35	SWNW
T15S R19E S35	SENW	T15S R19E S35	NESW
T15S R19E S35	NWSE	T15S R19E S35	SWSE
T15S R19E S36	SWNE	T15S R19E S36	SENE
T15S R19E S36	NESW	T15S R19E S36	SESW
T15S R19E S36	NESE	T15S R19E S36	NWSE
T15S R20E S31	SWNE	T15S R20E S31	SENW
T15S R20E S31	NESW	T15S R20E S31 Lot 3	NWSW
T15S R20E S32	SWSW	T16S R19E S01	NWNW

03/12/2004

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

T16S R19E S01	SWNW	T16S R19E S01	SENW
T16S R19E S01	NESW	T16S R19E S01	NWSE
T16S R19E S02	NENE	T16S R19E S02	NWNE
T16S R20E S05	NWNW	T16S R20E S05	SWNW
T16S R20E S06	SENE	T16S R20E S06	NESE
T16S R20E S06	SESE	T16S R20E S07	NENE

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A COMBINED TOTAL OF 140 RANGE CATTLE AND 1500 SHEEP. COMBINED RIGHT NOS.: 45-13654, 45-13655, 45-13656, 47-17108, 47-17109.

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

STOCKWATER, 140 RANGE CATTLE, 1500 SHEEP.

The diversion and use of water described in 45-13656 may be subject to additional conditions and limitations agreed to under separate agreement to which the Department is not a party and which may be enforceable by a court of law.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-10832.

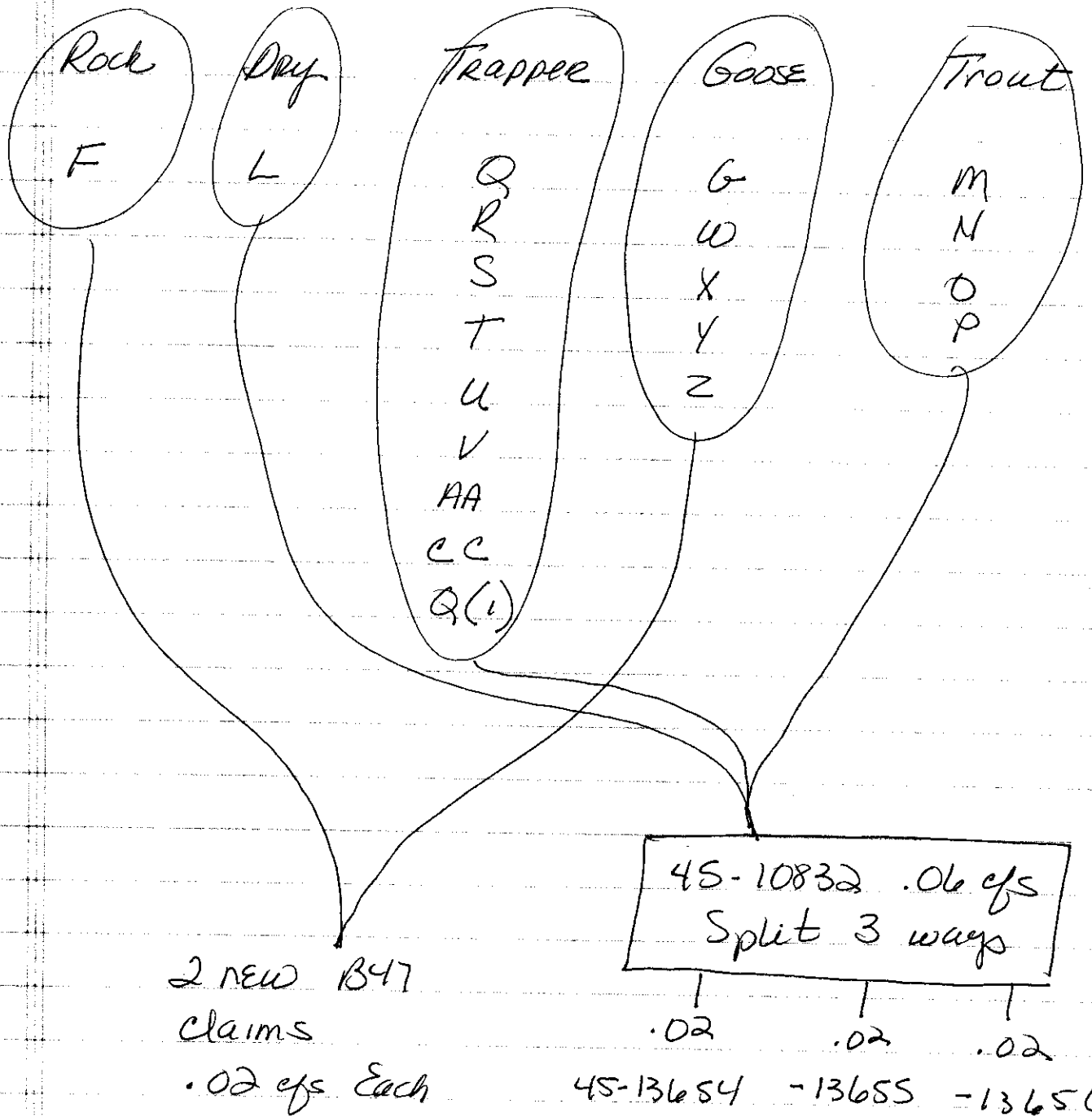
basin 47. Note that Goose Creek is tributary to Snake River as corrected on this claim, verified by USGS quadrangle map BB78. After reviewing maps, I also made some minor changes to the points of diversion of the various creeks on this claim.

For your convenience I have enclosed a copy of the original filing for 45-10832. Please compare the five claims with the original and bring any conflicts to my attention. Also let me know if you disagree with any of the changes I have made to the basin 47 claims, or proposed changes in my recommendations. There are no fees for the three split portions of the right remaining in basin 45, nor for the two new claims created in basin 47, although the new claims require a signature.

If you prefer to stop by the office, please let me know, however if it is more convenient, you may sign and return the new claims by mail.

Sincerely,

Vikie Hancock
Sr. Water Resource Agent
Southern Adjudication Unit, Twin Falls
email: vhancock@idwr.state.id.us



See 45-13655 for original claim.