

**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 45-00132
(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: Oakley Canal Co.
Address: P.O. Box 207; Oakley, ID. 83346

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:
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 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 POU. Claimant's water right should not include these POUs.

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)

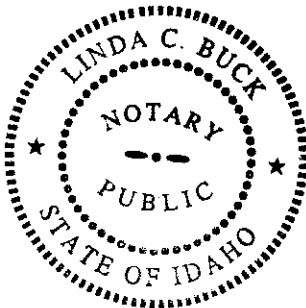
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

Lang A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 12/30/04

Linda C. Buck
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.

G. CERTIFICATE OF MAILING

I certify that on Jan. 5, 2005, 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:

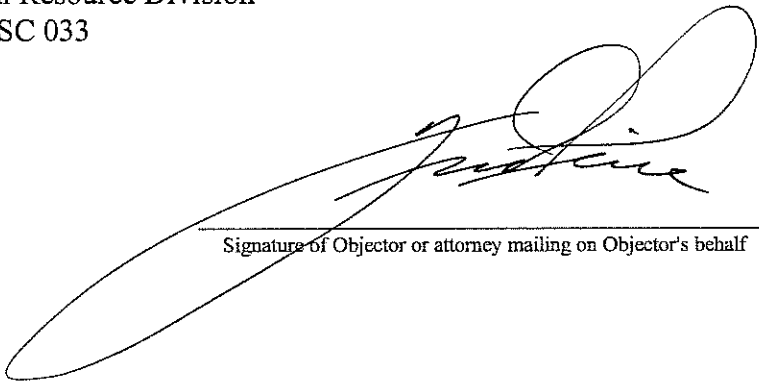
Name: Oakley Canal Co.
Address: P.O. Box 207; Oakley, ID. 83346
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

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

08/24/2004

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

RIGHT NUMBER:	45-132	POUs ON BLM							
NAME AND ADDRESS:	OAKLEY CANAL CO PO BOX 207 OAKLEY ID 83346	-CLAIMANT IS NOT AUTHORIZED TO IRRIGATE PUBLIC LAND (See Attached)							
SOURCE:	GOOSE CREEK	TRIBUTARY: SNAKE RIVER							
QUANTITY:	0.800 CFS								
PRIORITY DATE:	08/01/1883								
POINT OF DIVERSION:	T14S R22E S17 SWNWSW Rediversion Within CASSIA County T14S R22E S19 NWNENE Rediversion Within CASSIA County T14S R22E S19 SWNE NE Within CASSIA County								
PURPOSE AND PERIOD OF USE:	<table border="0"><thead><tr><th><u>PURPOSE OF USE</u></th><th><u>PERIOD OF USE</u></th><th><u>QUANTITY</u></th></tr></thead><tbody><tr><td>IRRIGATION</td><td>03/15 11/15</td><td>0.800 CFS</td></tr></tbody></table>	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>	IRRIGATION	03/15 11/15	0.800 CFS		
<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>							
IRRIGATION	03/15 11/15	0.800 CFS							
PLACE OF USE:									

27550 ACRES TOTAL

Place of use is within the area served by Oakley Canal Company.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Use of the rights listed below is limited to the irrigation of a combined total of 27,550 acres in a single irrigation season. Combined right nos.: 45-93, 45-94, 45-132, 45-133, 45-2040, 45-2059, 45-2060, 45-2062, 45-2063, 45-12438, 45-12443, 45-12448, 45-12449, 45-12455, 45-12457, 45-12749, & 45-12750.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 40 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

45-00132

POUs ON BLM

-IRRIGATED AGRICULTURAL USE OF PUBLIC LAND IS NOT
AUTHORIZED.

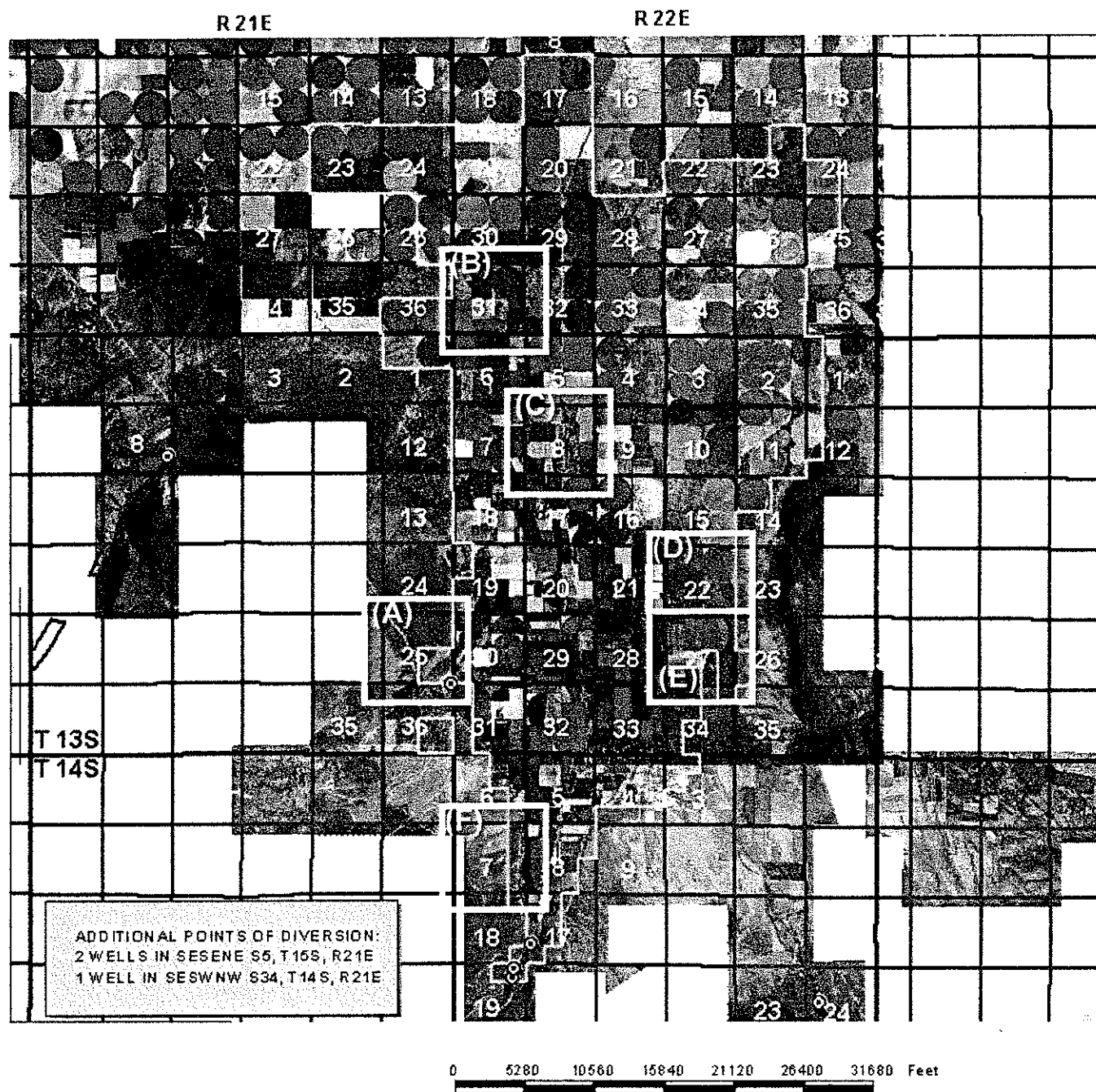
UNAUTHORIZED POU's ON BLM:

<u>Legal Description</u>	<u>Use</u>	<u>Inside Digital Boundary</u>
T12S R22E S31 NWNW	No Water Use	Yes
T12S R22E S31 SWNW	No Water Use	Yes
T13S R21E S25 NWSE	Trespass	Yes
T13S R22E S08 NWNE	Trespass	Yes
T13S R22E S22 SESE	Trespass	Yes
T13S R22E S22 SWSE	Trespass	Yes
T13S R22E S27 SWSE	No Water Use	No
T14S R22E S07 NWNE	No Water Use	No
T14S R22E S07 SWNE	No Water Use	No
T14S R22E S07 NWSE	No Water Use	No

Idaho Department of Water Resources

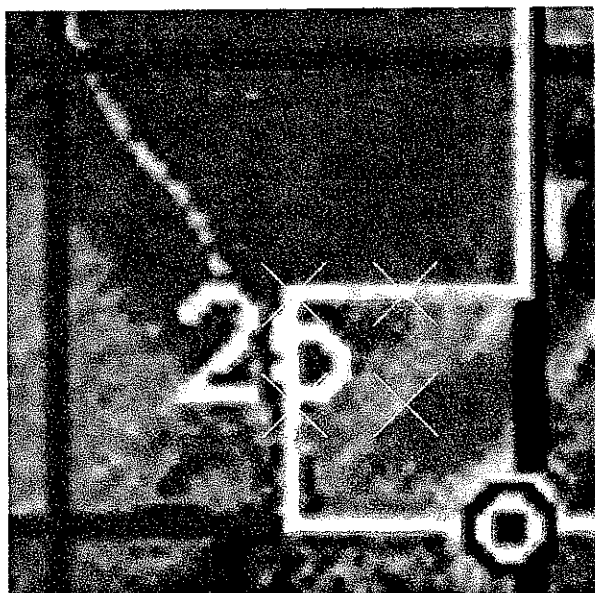
OAKLEY CANAL COMPANY
SERVICE AREA BOUNDARY

RECOMMENDED PLACE OF USE



Unauthorized POUs Inside Digital Boundary

(A) T13S R21E S25 NWSE



(B) T12S R22E S31 NWNW
SWNW



(C) T13S R22E S08 NWNE



(D) T13S R22E S22 SESE
SWSE



Unauthorized POU's Outside Digital Boundary

(E) T13S R22E S27 SWSE



(F) T14S R22E S07 NWNE
SWNE
NWSE



TOWNSHIP 13 SOUTH RANGE 21 EAST OF THE POISE MERIDIAN, IDAHO

CASSIA COUNTY 031
BUREAU DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

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1.010011 Del PL 167 (Act of Cong 7/23/1955)
Enlarged 7/12/1962. All MT surface Spt by USFS

1.11873 Vol. C. Act 6. 509
Sec 1: 54
Sec 2: 1 thru 3 Incl
Sec 3: 3705.2, 3705.2, 3705.2
Sec 4: 3705.2
Sec 5: 3705.2
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Sec 99: 3705.2
Sec 100: 3705.2

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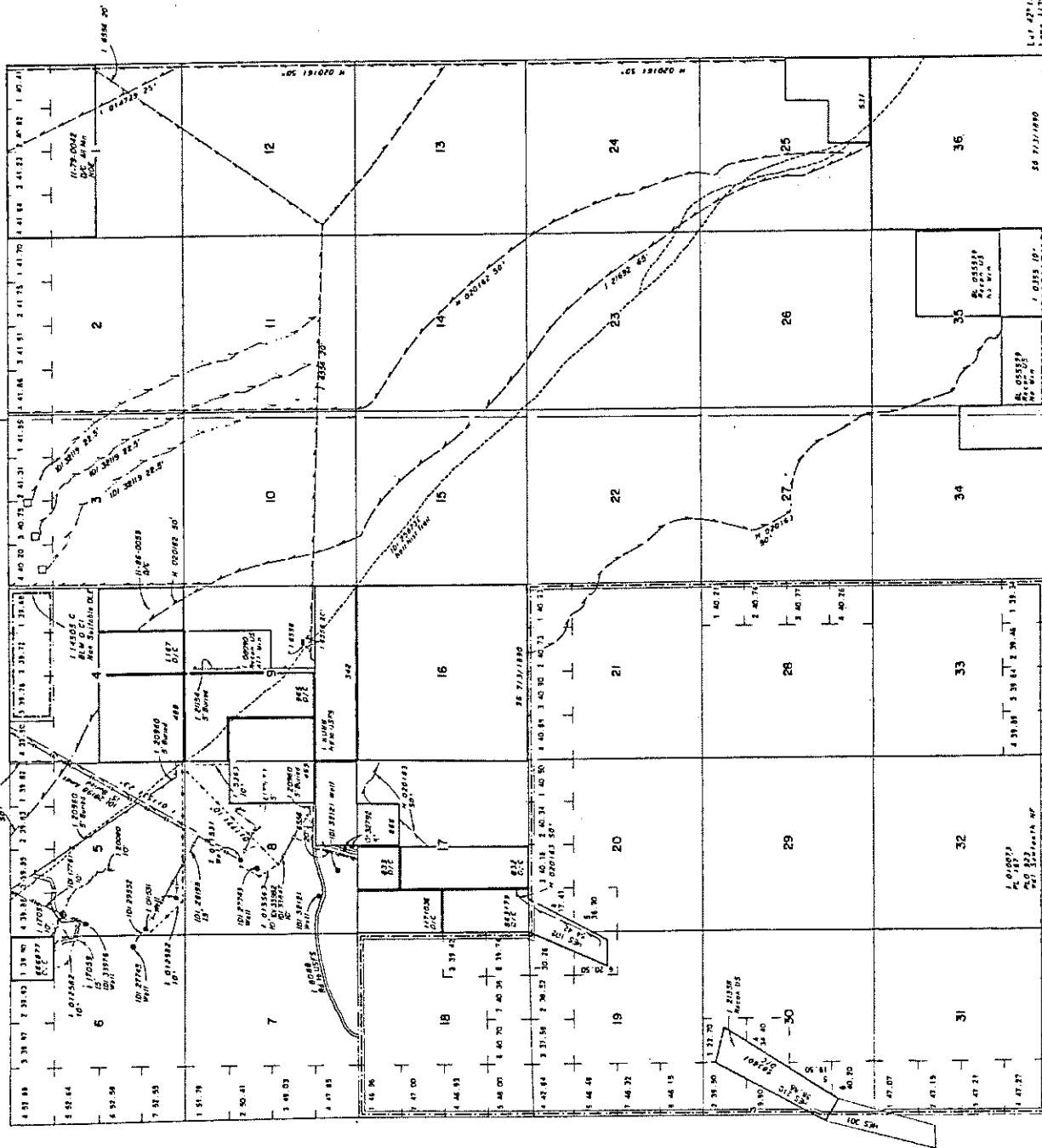
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Scale Bar
0 10 20 30 40
Chains

THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST
ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE
THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITH-
DRAWAL ORDER

WARNING TESTAMENT
This plat is the Bureau Record of Title, and should be used
only as a guide to the actual location of the land. The Bureau
does not warrant the accuracy of the plat, and the user
should refer to the original survey for actual survey information.

Scale in Chains
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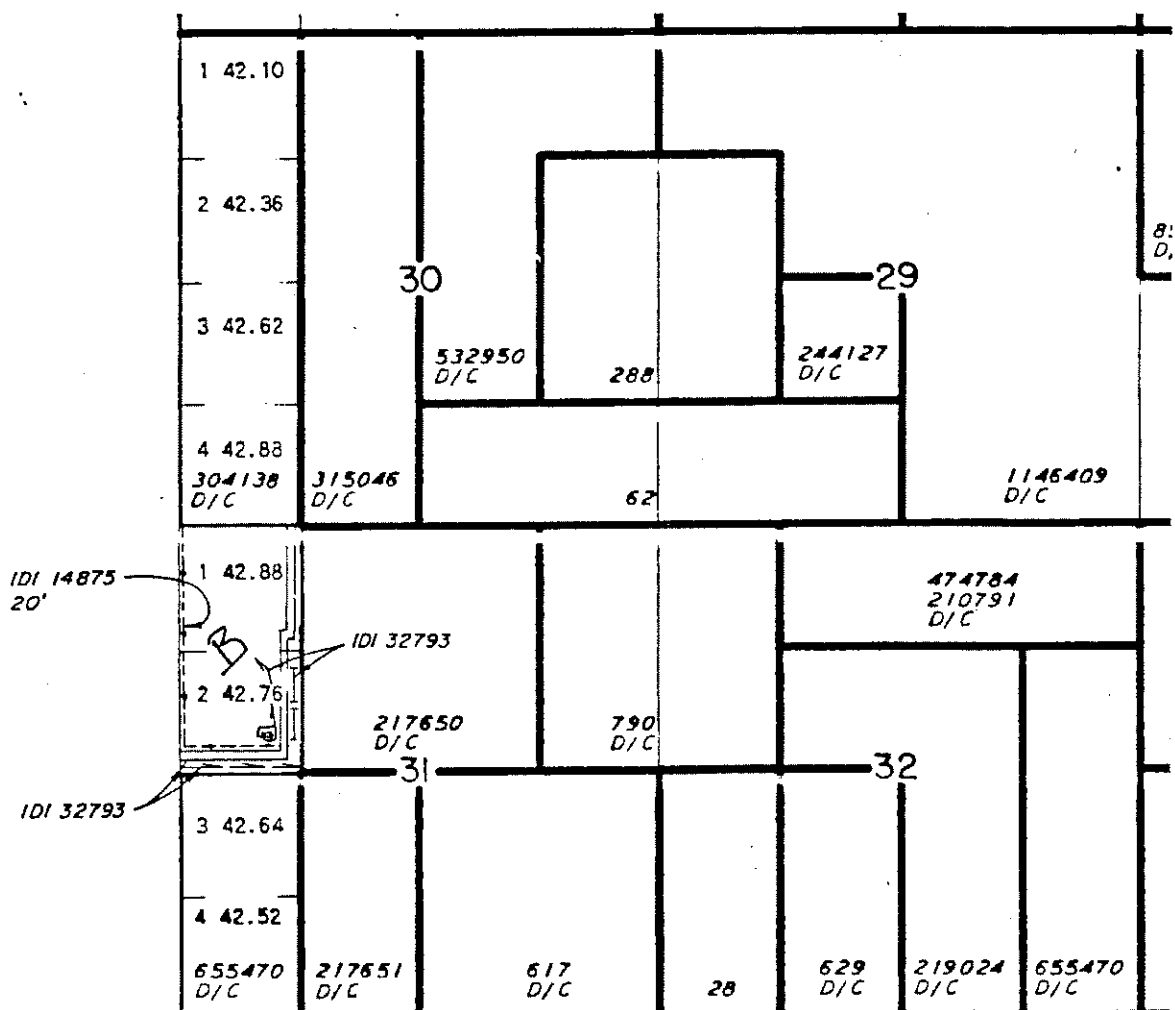
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Scale in Chains
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Scale in Chains
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B

T12S R22E S31



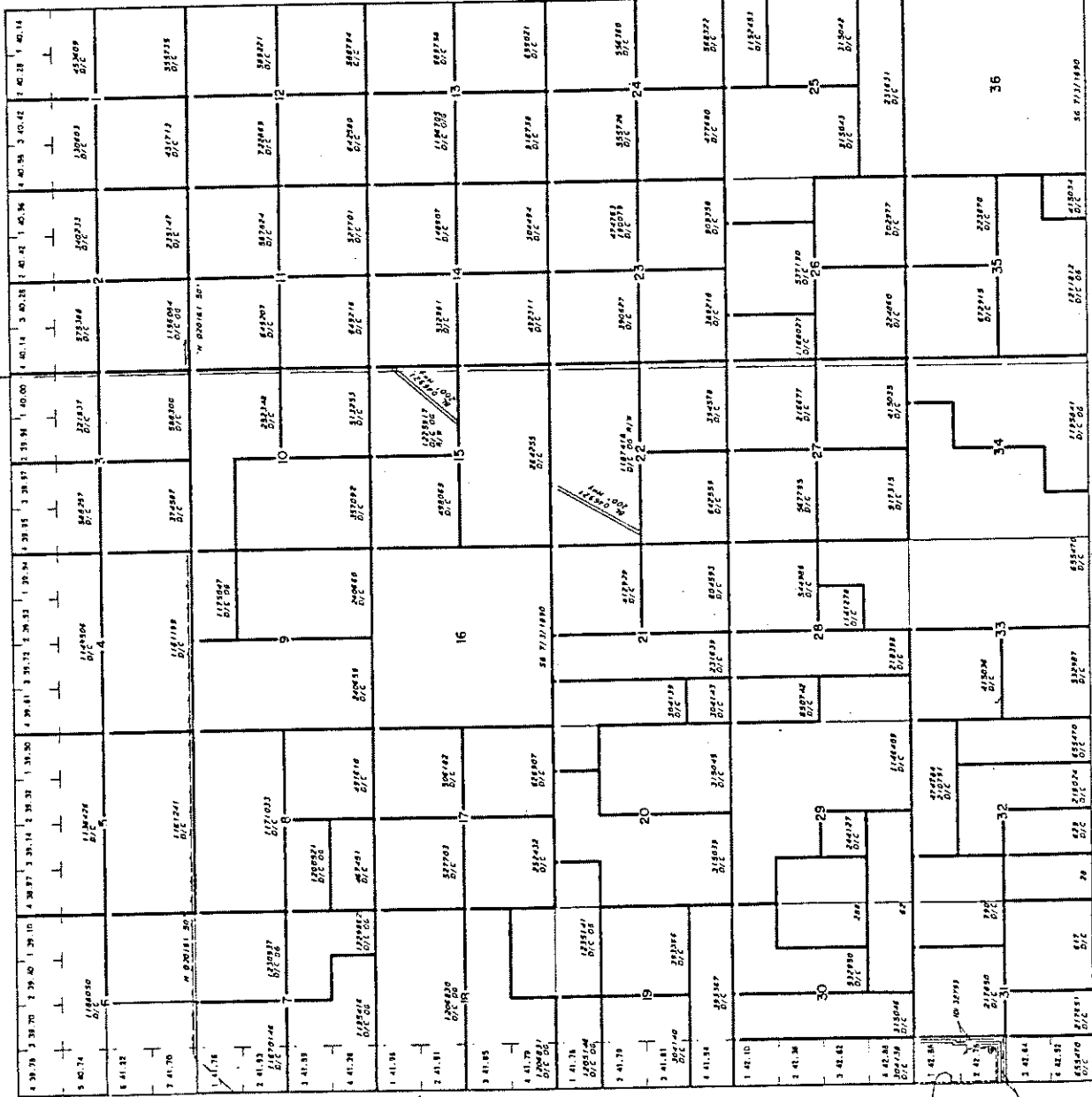
TOWNSHIP 12 SOUTH RANGE 22 EAST OF THE POISE MERIDIAN, IDAHO

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

CASSIA COUNTY 031
BUNKER DISTRICT SEC 3

MT PLAT

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36	12	22	3



Long 113° 30' W
Lat 42° 30' N

Scale Bar
T. 12 S.
R. 22 E.

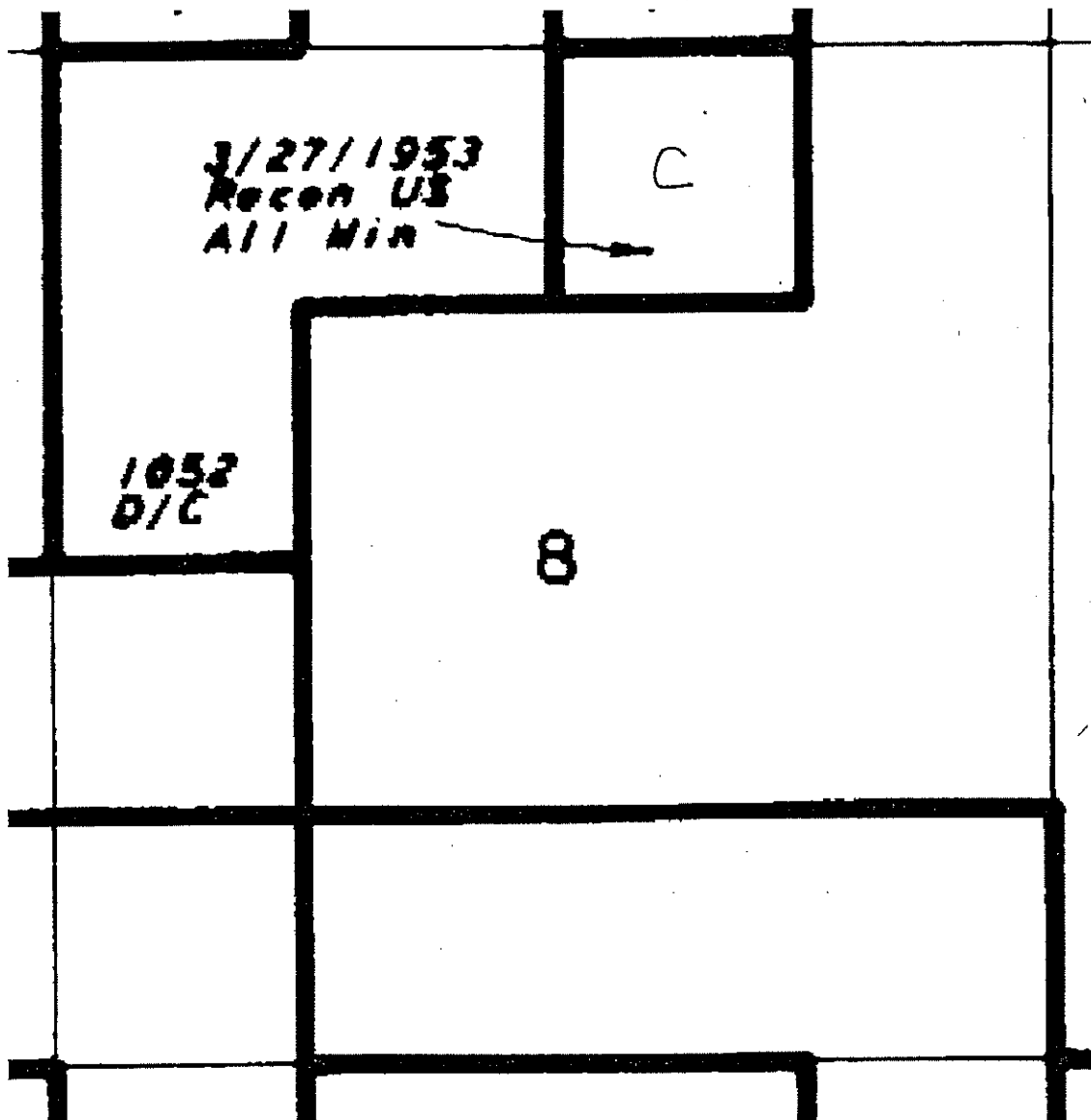
FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

THE NOTATION SHOWN ON WITHDRAWALS REPRESENTS THE LAST
ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE
THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITH-
DRAWAL ORDER

SCALE IN CHAINS
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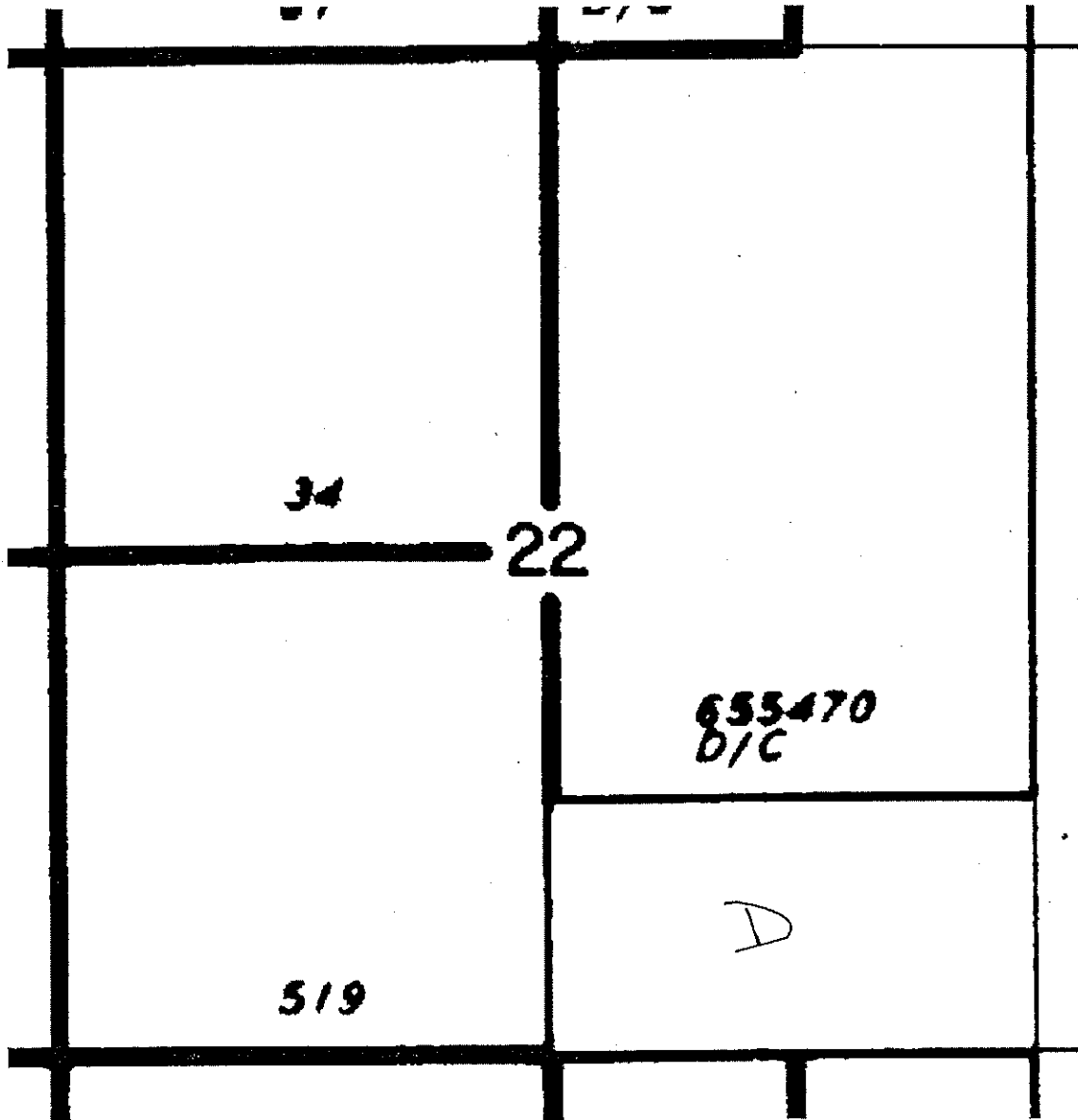
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T13S R22E S08



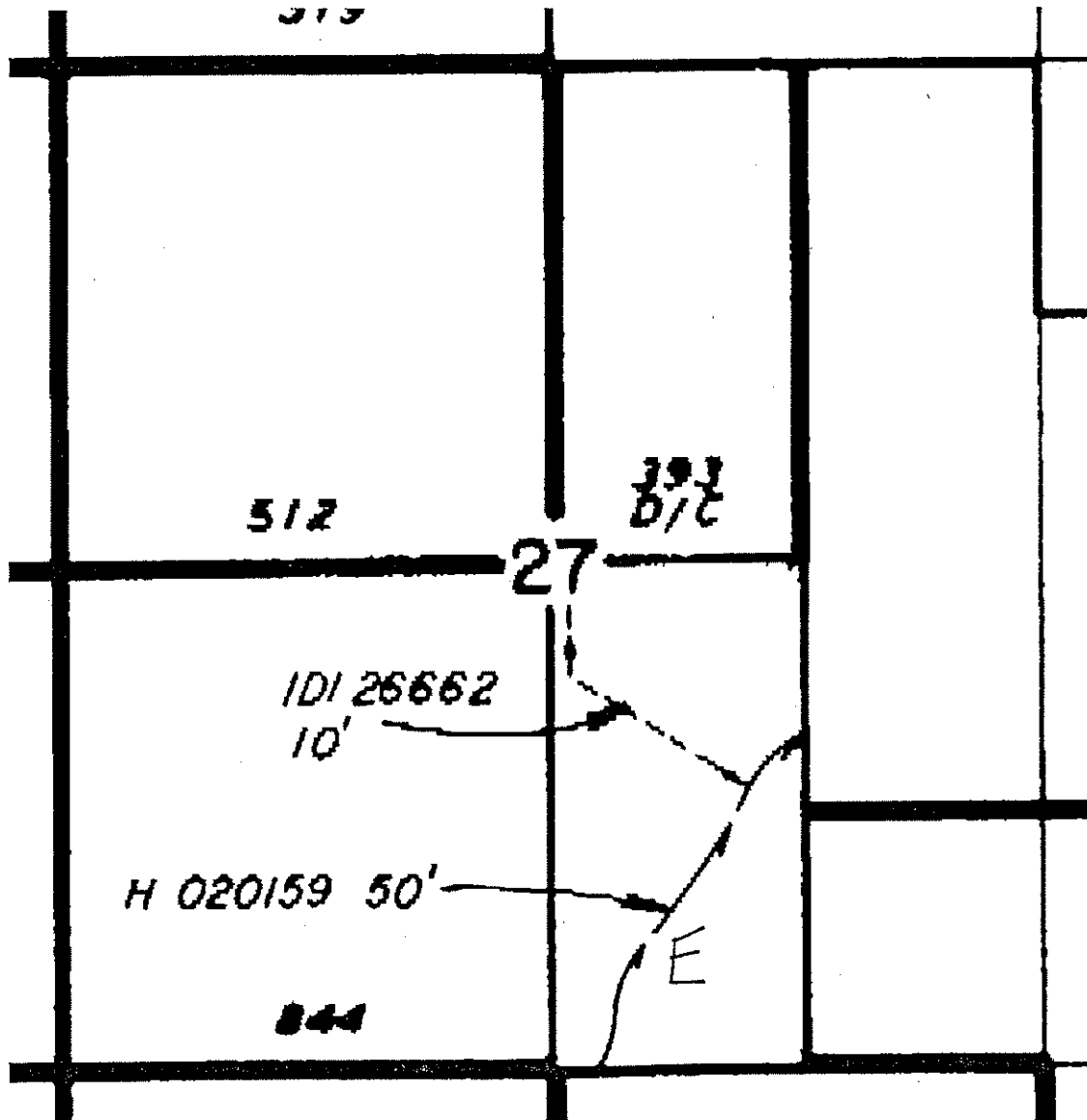
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T13S R22E S22



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T13S R22E S27

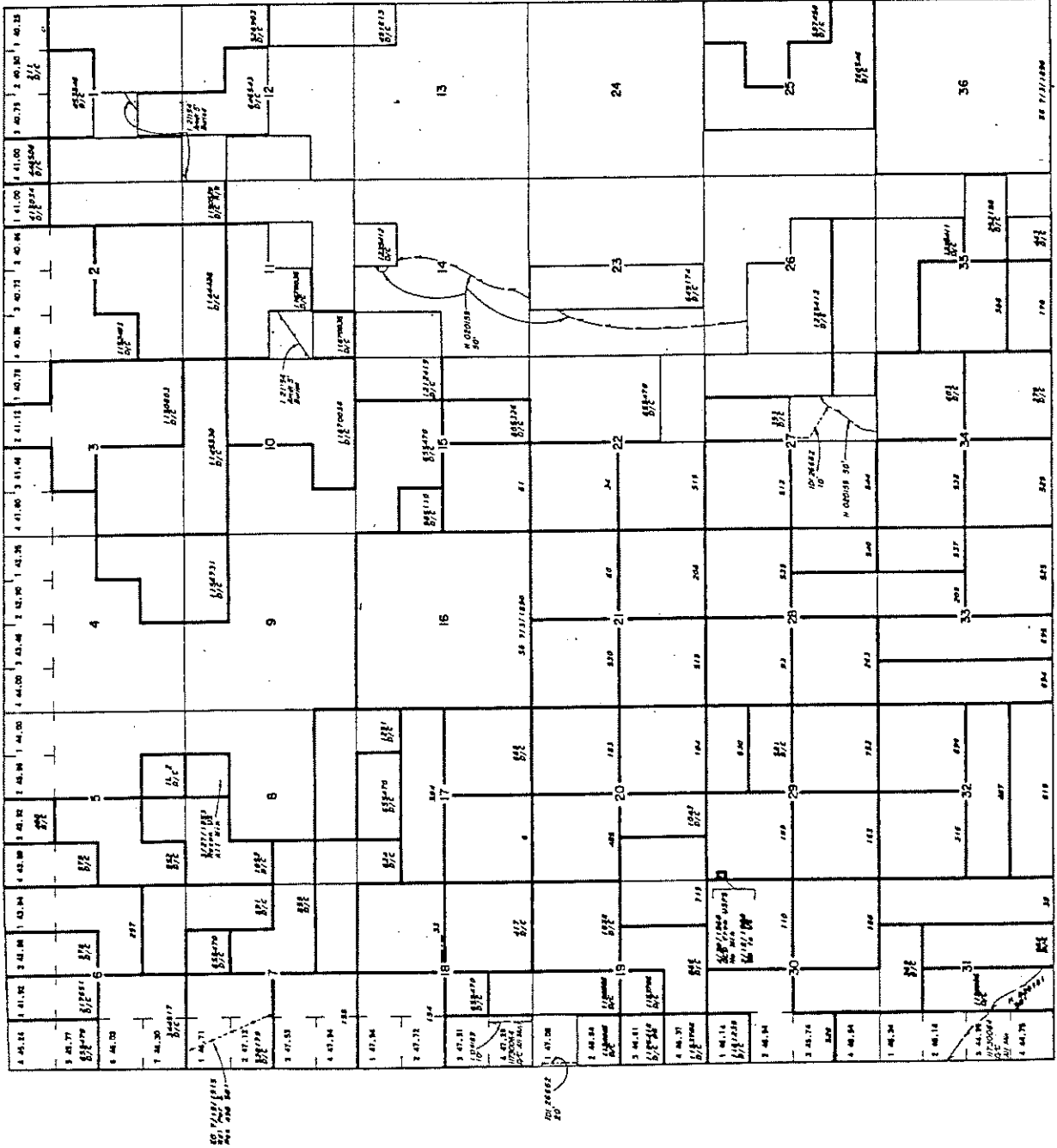


TOWNSHIP 13 SOUTH RANGE 22 EAST OF THE BOISE MERIDIAN, IDAHO

CASSIA COUNTY 031
MINUTE DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
AND ACQUIRED LANDS

MT PLAT



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35. 0.00.00 3.41.75
36. 0.00.00 3.41.75

FOR ORDERS EFFECTING DISPOSAL OR USE OF
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FILED IN	DATE
13-22-3	FEB 23 1936
INDEX TO	

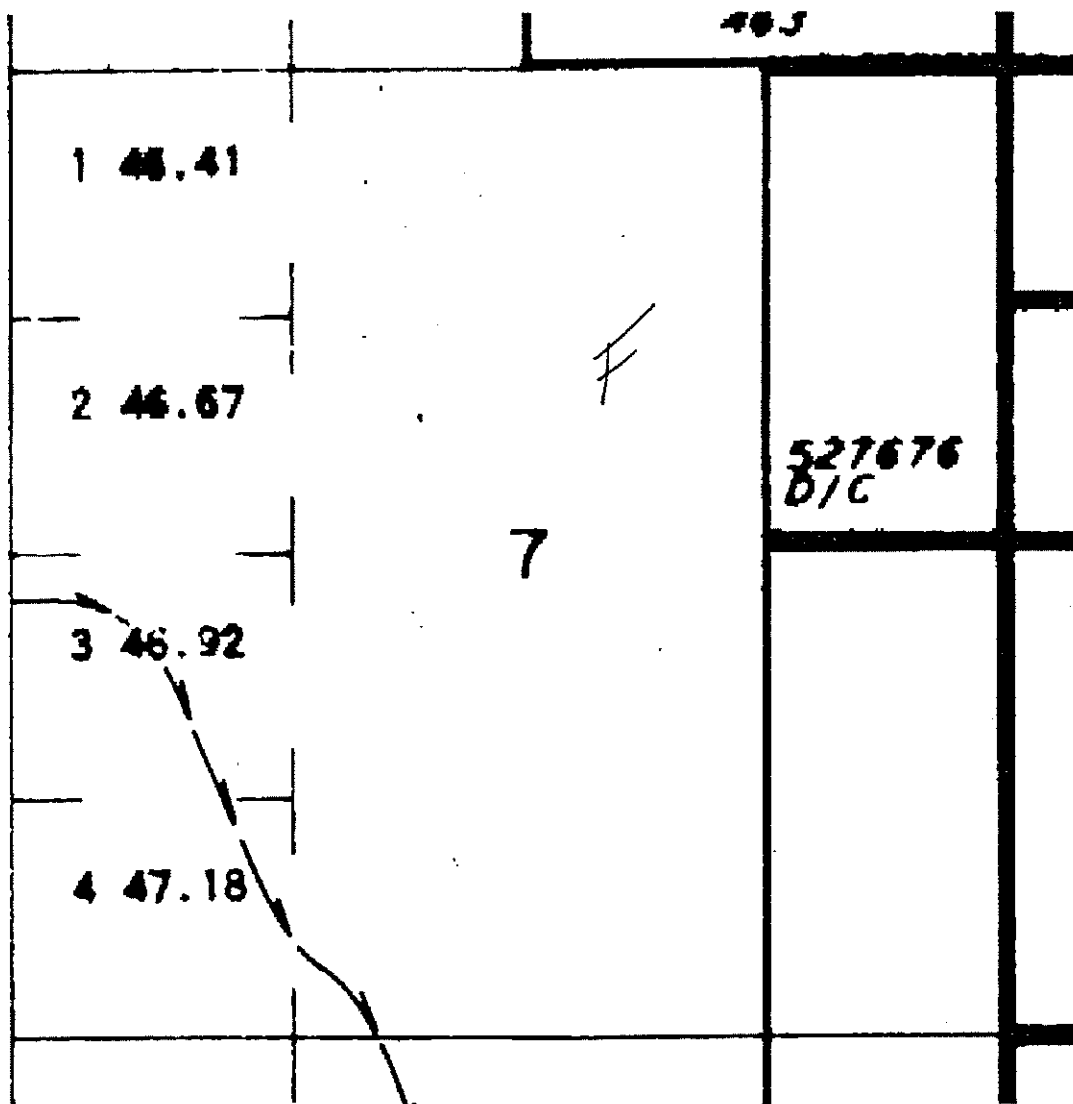
THIS PLAT
T. 133
R. 22E

THE NOTATION SHOWN ON WITHDRAWALS REPRESENTS THE LAST
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SCALE IN CHAINS
0 5 10 15 20 25 30

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T14S R22E S07

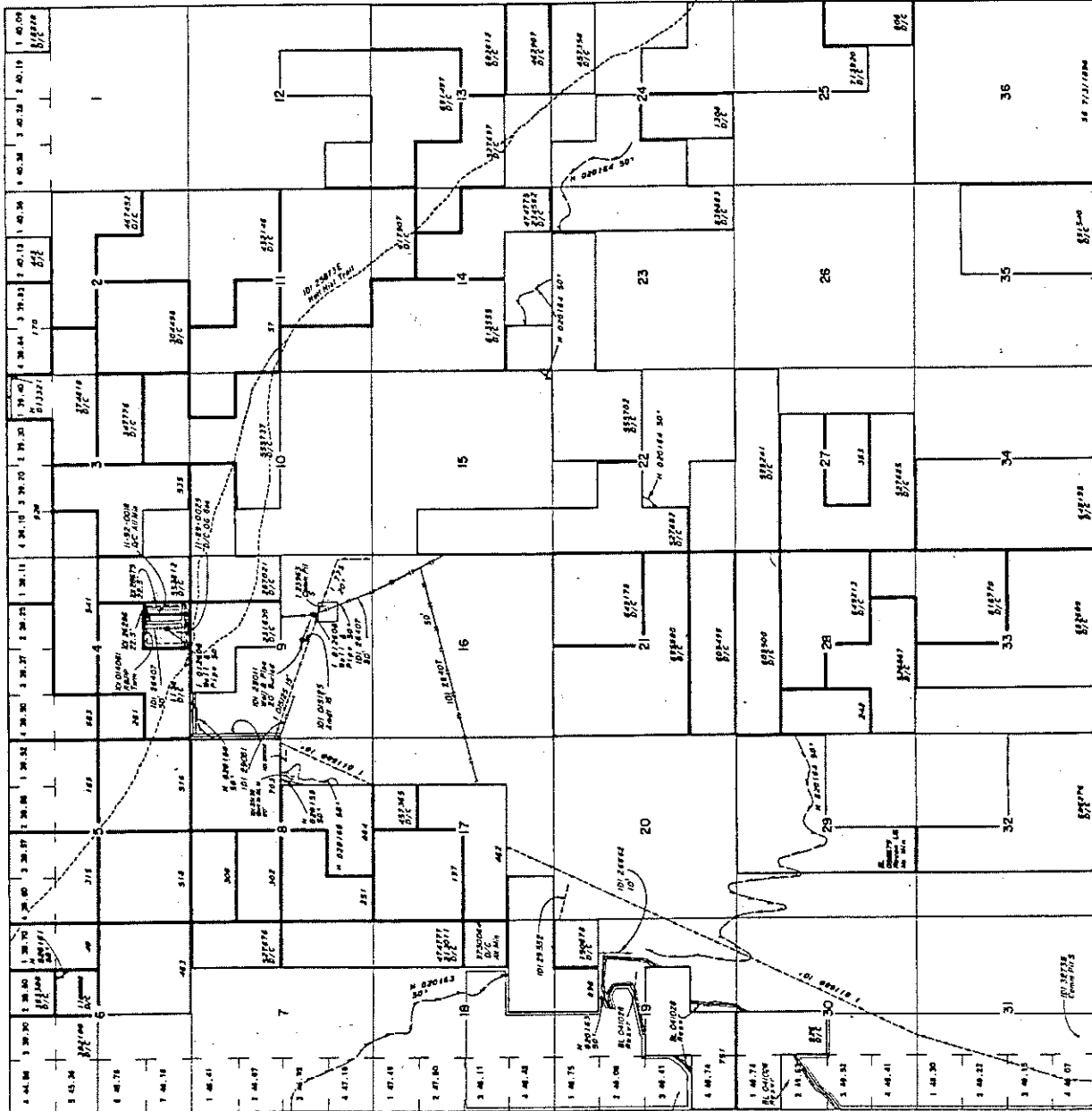


TOWNSHIP 14 SOUTH RANGE 22 EAST OF THE BOISE MERIDIAN, IDAHO

CASSIA COUNTY OR
BUREAU DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN
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28	14	22	28
29	14	22	29
30	14	22	30
31	14	22	31
32	14	22	32
33	14	22	33
34	14	22	34
35	14	22	35
36	14	22	36

X Bred from USFS 4/11/1985
Sec 4, Lot 28.3, Bldg 9 Village of Oakley
Acq 1/2/1986 WO to US
Lot 3, Bldg 9 Village of Oakley
101 23073E Not Not Trail
Historical information only, does not include
public access
101 01461 Rg PP Landfill Ltr Term 12/16/1971
Sec 4 SWSE

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

CURRENT TO	CURRENT TO
MAY - 5 2011	

USE PLATS:

WARNING STATEMENT
This plat is the Bureau's record of the land and should be used
ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE
THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITH-
DRAWAL ORDER.

SCALE IN CHAINS
0 10 20 30

Scale Map
T. 14 S.
R. 22 E.