

**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 45-02060
(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)

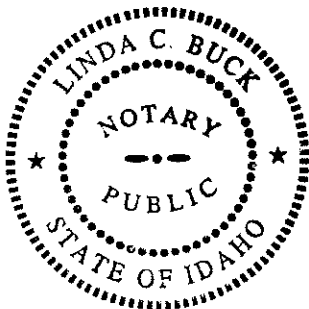
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

Larry 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, 200~~4~~⁵, 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: ;

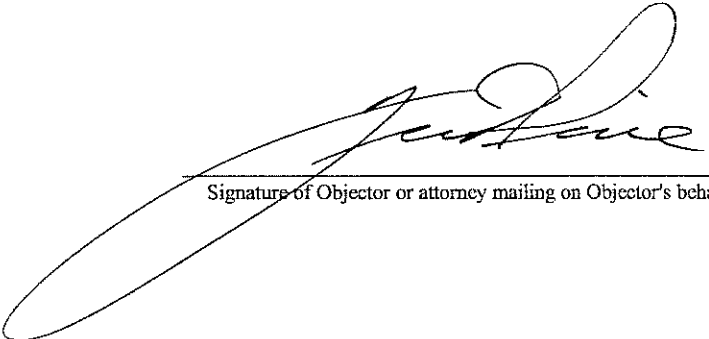
Name:
Address: ;

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: 45-2060

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: LITTLE COTTONWOOD CREEK

TRIBUTARY: SINKS

QUANTITY: 70.000 CFS

PRIORITY DATE: 03/10/1909

POINT OF
DIVERSION: T13S R21E S36 NENENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	70.000 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 24,974 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 - License

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

45-02060

POUs ON BLM

-IRRIGATED AGRICULTURAL USE OF PUBLIC LAND IS NOT
AUTHORIZED.

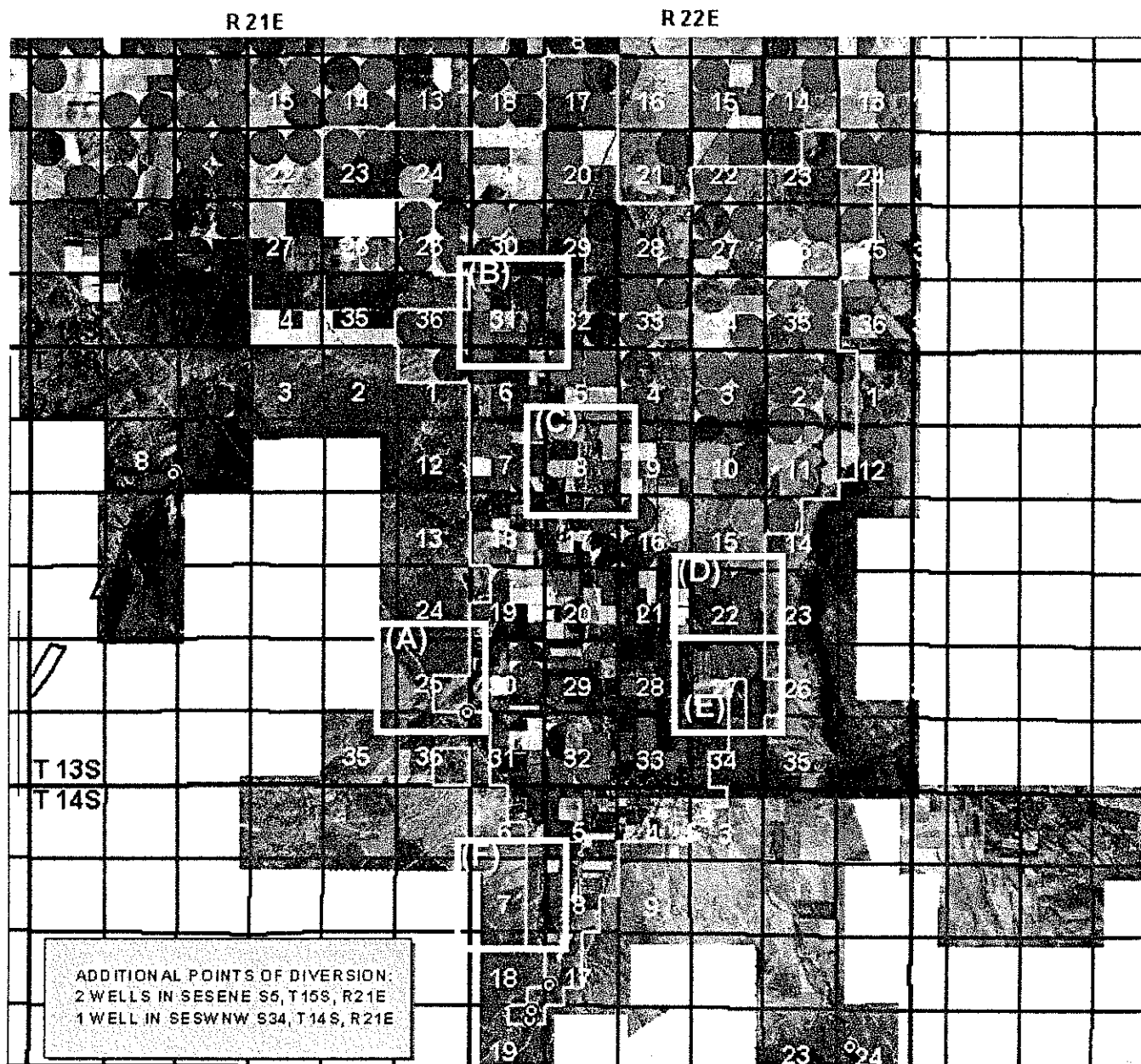
UNAUTHORIZED POU's ON BLM:

<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



⊙ RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE



SECTION LINES



QUARTER SECTION LINES

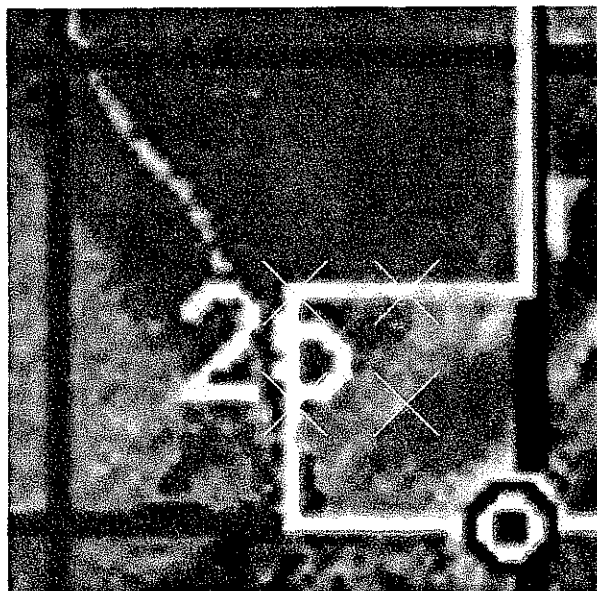


GIS PLACE OF USE PRESENTATION
1987 NAPP AERIAL PHOTOGRAPHY

PREPARED BY VIKIE HANCOCK
JULY 22, 2004

Unauthorized POUs Inside Digital Boundary

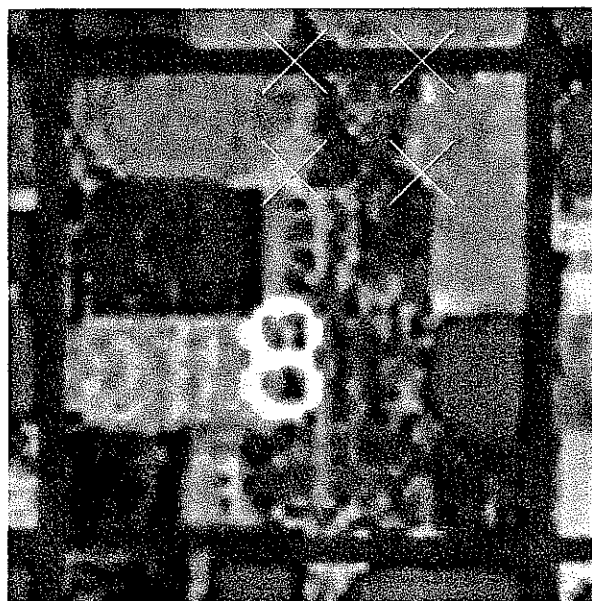
(A) T13S R21E S25 NWSE



(B) T12S R22E S31 NWNW
SWNW



(C) T13S R22E S08 NWNE



(D) T13S R22E S22 SESE
SWSE

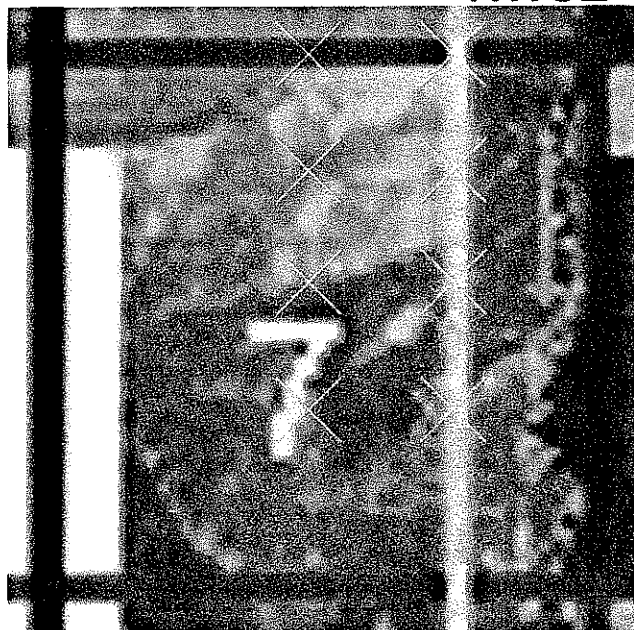


Unauthorized POUs Outside Digital Boundary

(E) T13S R22E S27 SWSE

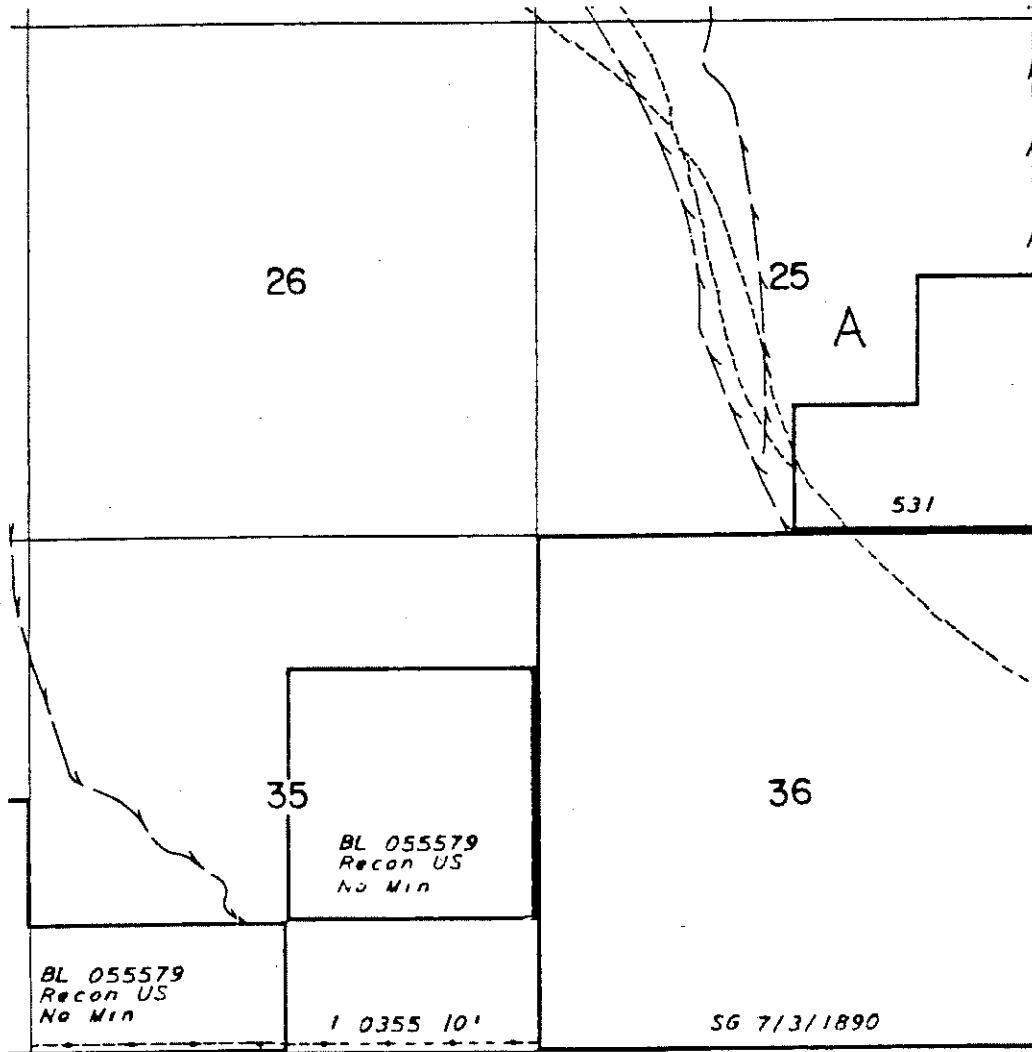


(F) T14S R22E S07 NWNE
SWNE
NWSE



A

T13S R21E S25



STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

CASSIA COUNTY 031
RURAL DISTRICT SEC 3

INDEX TO SEGREGATED TRACTS

[illegible]

1 G10073 Det PL 167 (Act of Cong 7/23/1955)
completed 7/12/1952. All AF surface wgt by USFS

11827	601	Garay	441	P-00
Sec 5	1	SE		
Sec 7	1	thru J	incl	
Sec 8	1	thru E		
Sec 9	1	thru 15	incl	
Sec 10	1	thru 15	incl	
Sec 11	1	thru 274	incl	
Sec 12	1	thru 274	incl	
Sec 13	1	thru 274	incl	
Sec 14	1	thru 274	incl	
Sec 15	1	thru 274	incl	
Sec 16	1	thru 274	incl	
Sec 17	1	thru 274	incl	
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Sec 98	1	thru 274	incl	
Sec 99	1	thru 274	incl	
Sec 100	1	thru 274	incl	

FBI 25873E Most Hqs. need
 for 100% of info. on only, does not send to
 public domain

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

CURRENT TO	CURRENT TO

109 2201230 N

Brise Mer
T. 135
R. 215

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 WITHDRAWAL ORDER.

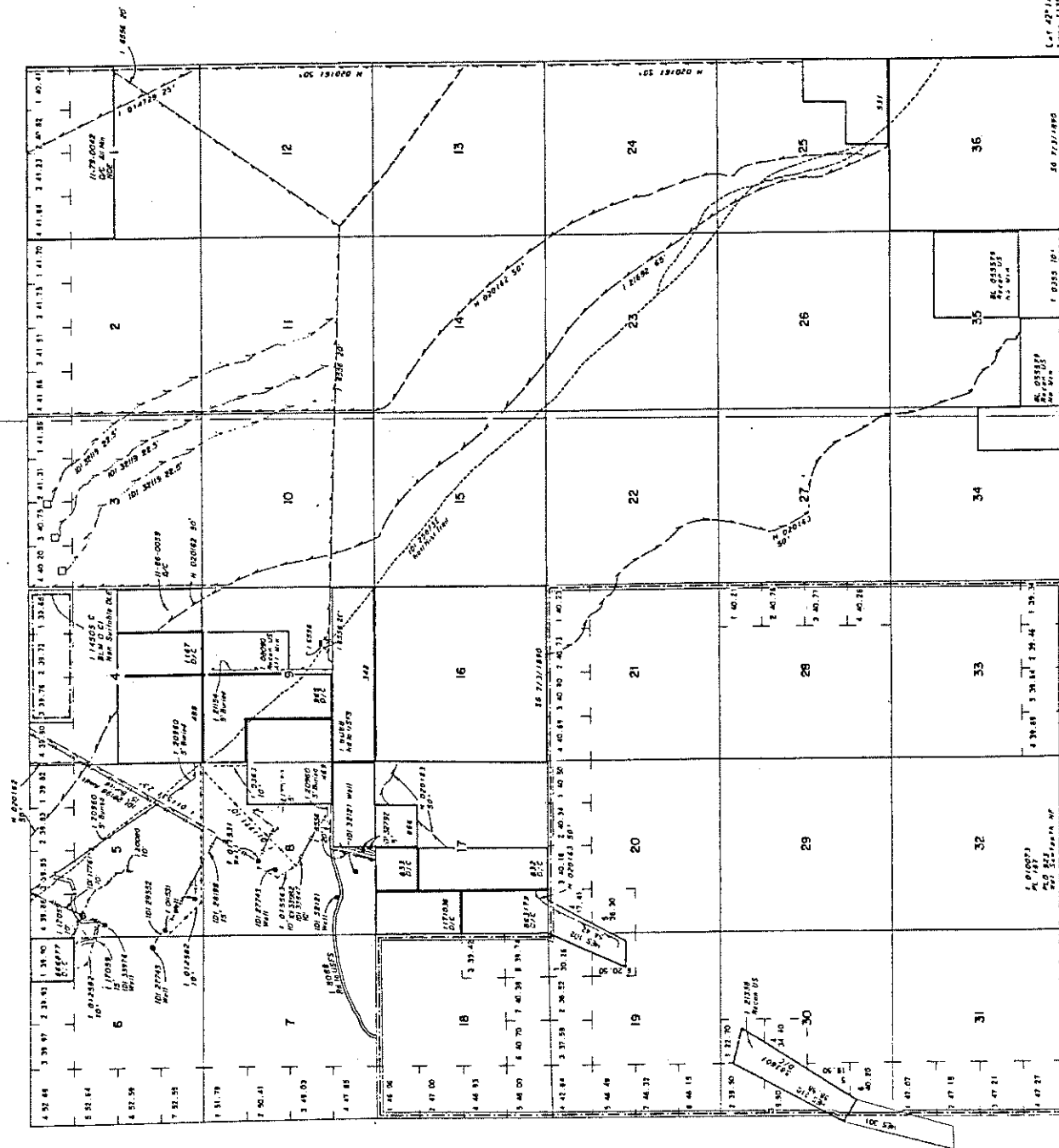
WARNING STATEMENT

This plot is the Bureau's Record of Title, and should be used only as a graphic display of the township survey data recorded on a separate plat of title changes which may have been filed between our last plat's title changes and the date of water assessed by lateral measurements of survey or other leveling of water.

Refer to the adjacent surveys for official survey information.

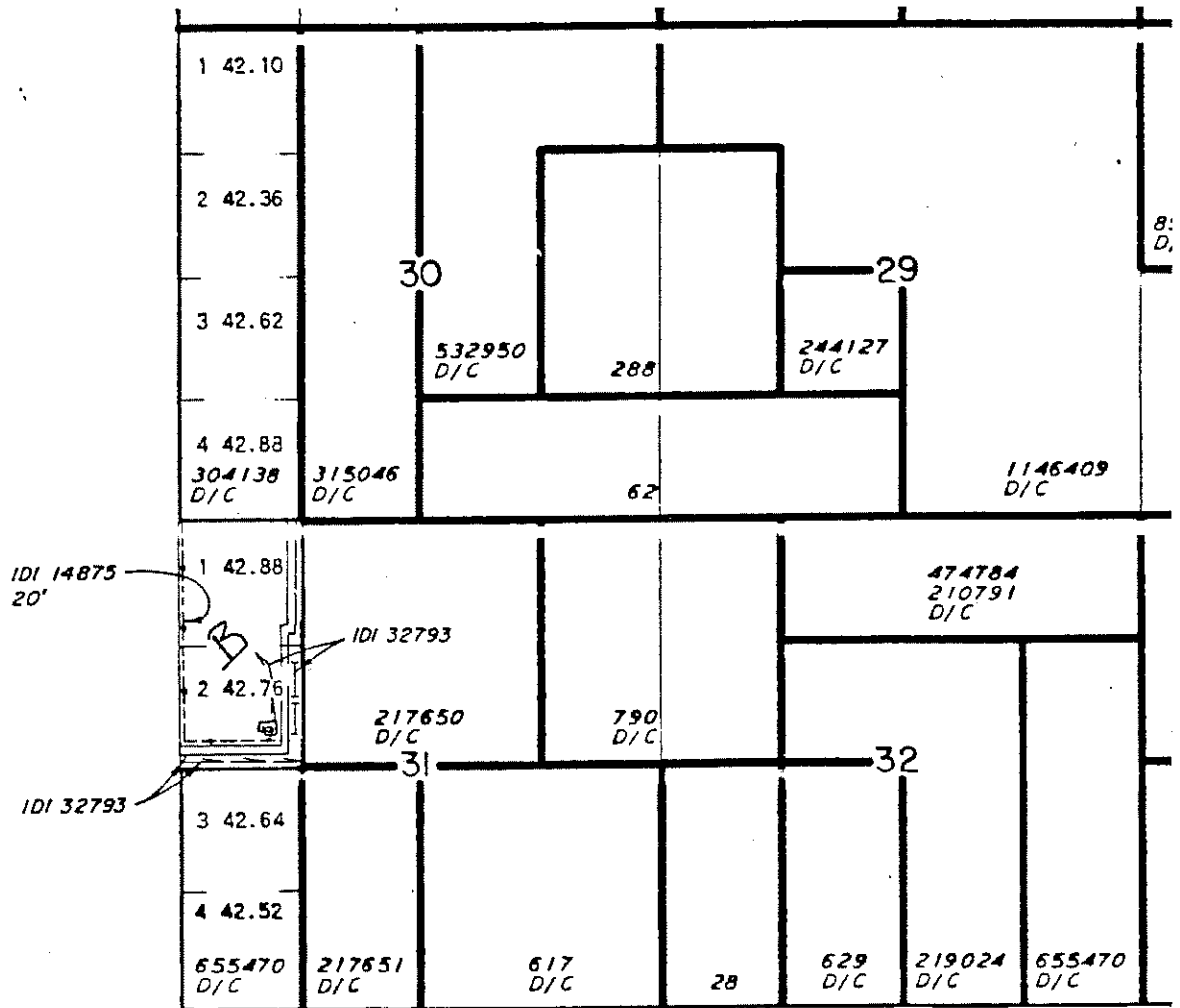
SCALE in CHAINS

0 10 20 30 40



B

T12S R22E S31



STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES

CASSIA COUNTY 031
RIMLEY DISTRICT SEC 3

MT PLAT

[illegible]

FROM ORDERS EFFECTING DISPOSAL OR USE OF UNIDENTIFIED LANDS REFER TO INDEX OF MISCELLANEOUS DOCUMENTS	
CURRENT TO	CURRENT TO
USE PLATS:	

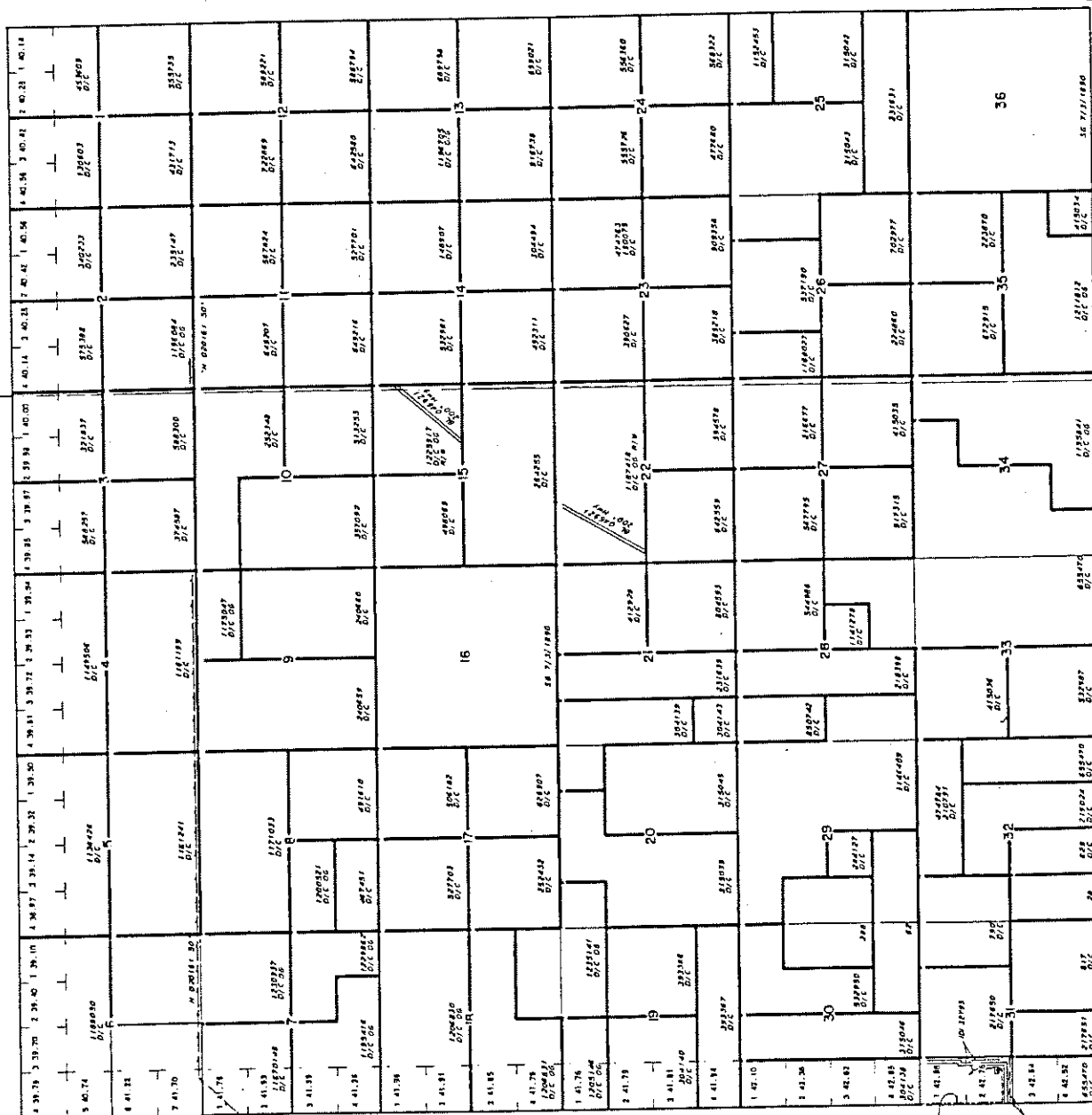
Boys' Mer
T. 125 -
R. 22E -

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-

WARNING STATEMENT

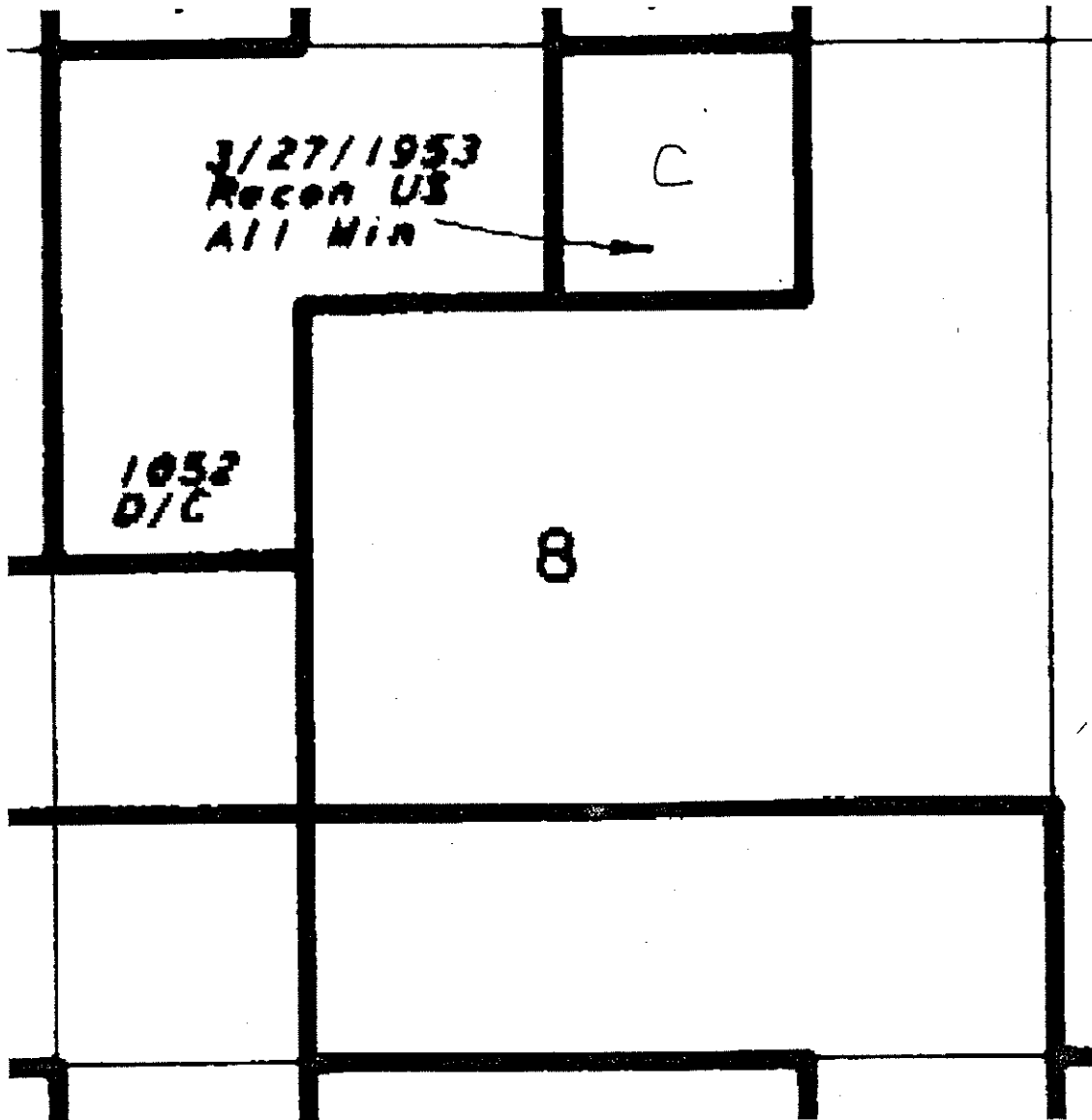
This plot is the Bureau's Record of Title, and should be used only as a graphic display of the following survey data. These data have not been checked, and their reliability may have been impaired by a latent weakness of title or other defect of water.

SCALE in Choices



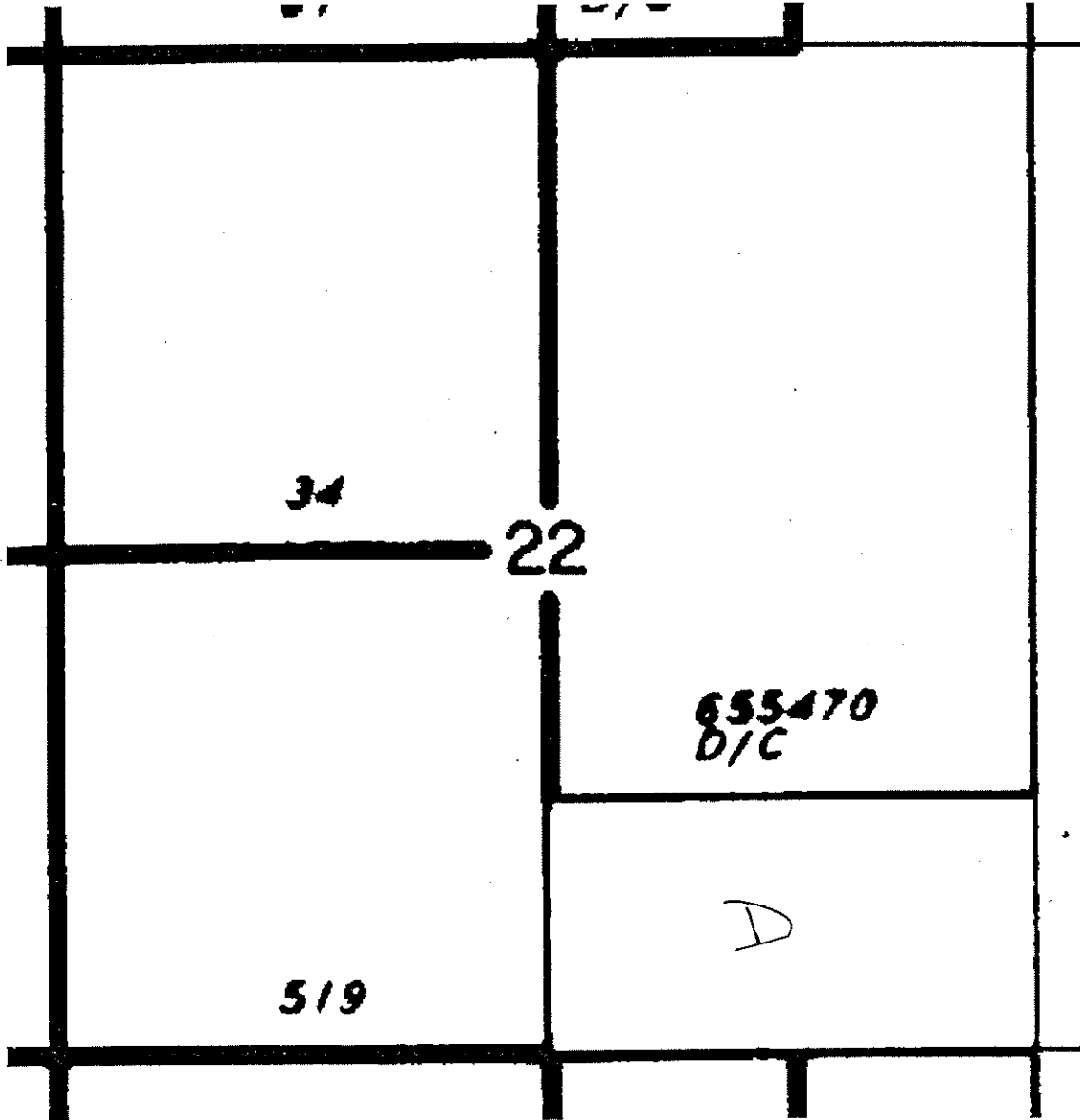
C

T13S R22E S08



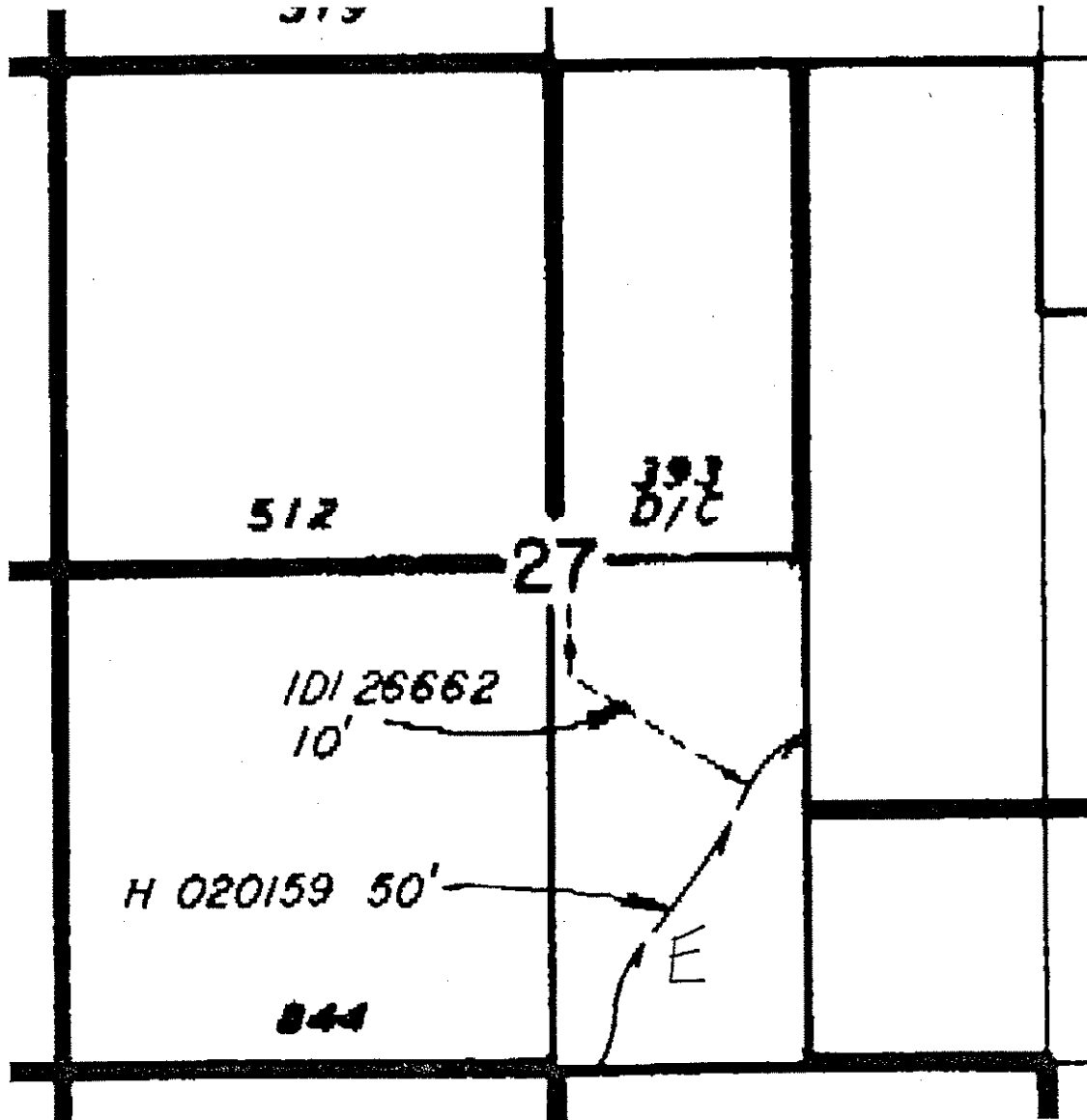
D

T13S R22E S22



E

T13S R22E S27



**STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
AND ACQUIRED LANDS**

CASSIA COUNTY 031
MAY 01 DISTRICT SEC 3

MT PLAT

[illegible]

DB6 Strip Acl 3/11/79
Sec 26 NW 1/4
Sec 8 NW 1/4 NW 1/4
Sec 12 NW 1/4
Sec 27 NW 1/4

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

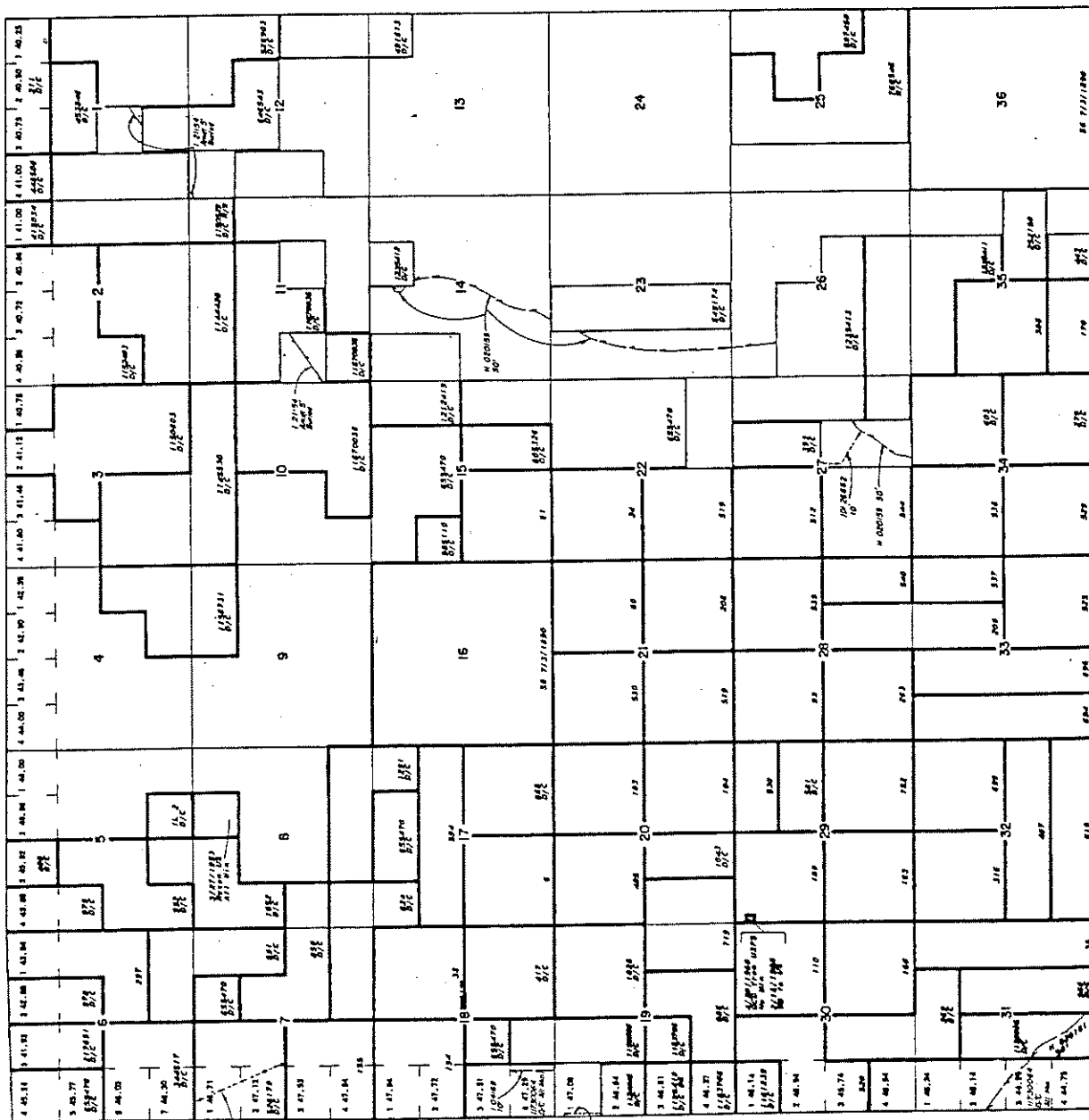
USE PLATE:	
DATE:	FEBRUARY 1958
CURRENT TO:	

135
 22E

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 WITHDRAWAL ORDER.

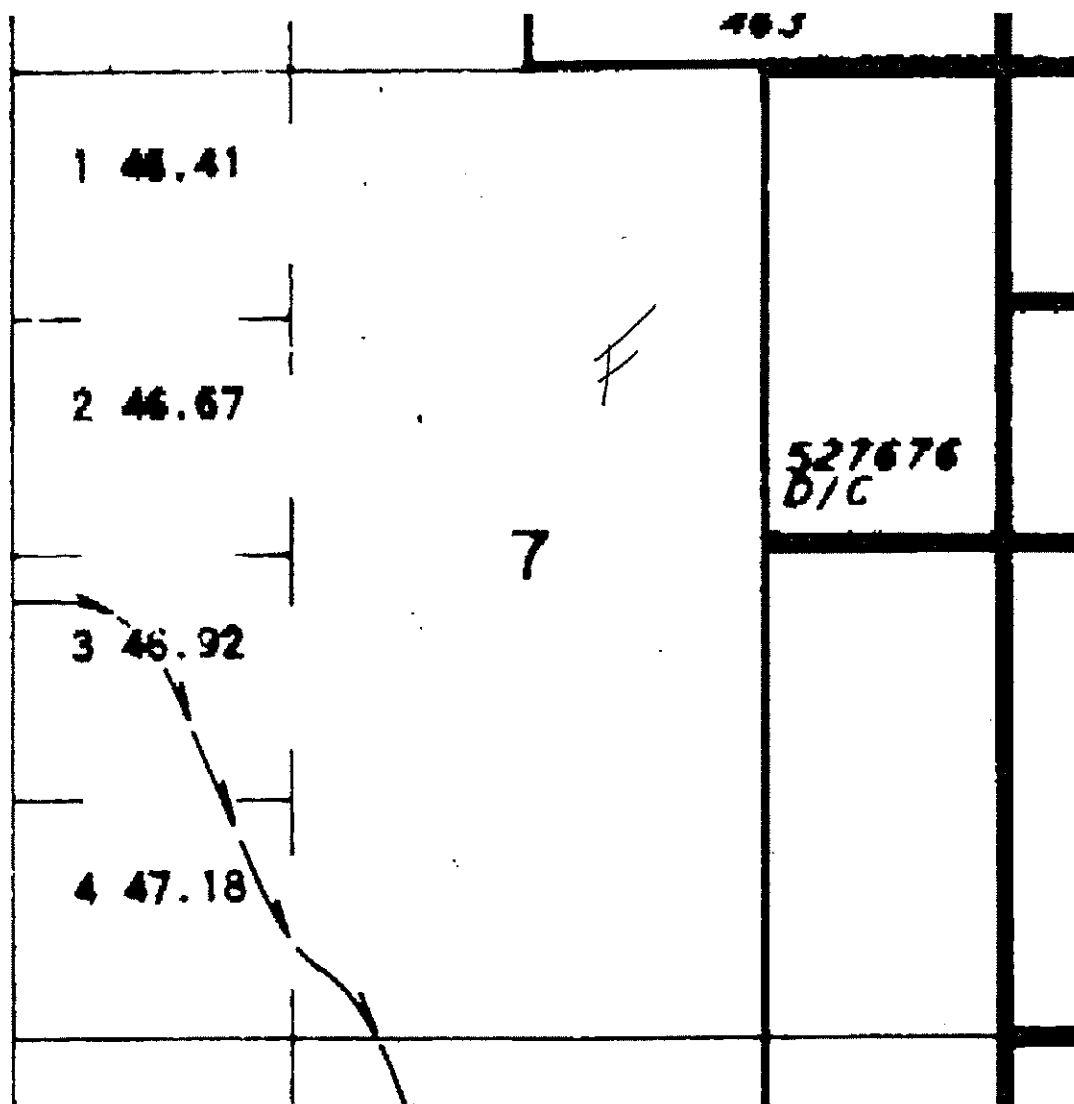
1000

SCALE IN CHAINS . . . 99



F

T14S R22E S07



STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
AND ACQUIRED LANDS

CASSIA COUNTY 031
HUNLEY DISTRICT SEC 3

[illegible]

X Read from USFS 4/11/1983
Site at Lots 283, Blk 9 Village of Oakley
Acq 7/6/1936 WA to US
Lot 3, Blk 9 Village of Oakley
ID# 234735 Nat Hist Trail
Historical information only, does not denote
public access
ID# 014061 5.8 PP Landfill Ltr Term 12/16/1971
Site at 5WS6

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

CURRENT TO	CURRENT TO
MAY - 8 2001	

PL 478

Boise Mer
T. 143
R. 22E

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 WITHDRAWAL ORDER.

WARNING: STATEMENT

This plot is the Bureau's Record of Title, and should be used only as a graphic display of the township survey data. Records between do not reflect title changes which may have been effected by lateral conveyance of interests in other bodies of water. Refer to the recorded surveys for official survey information.

SCALE in Chains

