

**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** 45-02063  
(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)

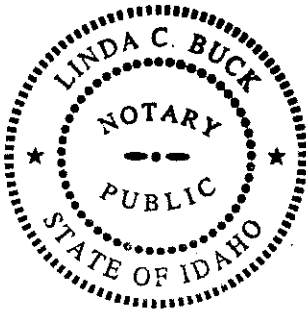
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

*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, 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: ;

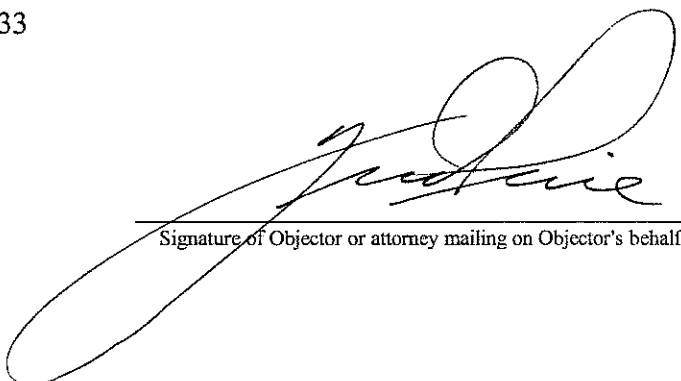
Name:  
Address: ;

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: 45-2063

NAME AND ADDRESS: OAKLEY CANAL CO  
PO BOX 207  
OAKLEY ID 83346

POUs ON BLM

**-CLAIMANT IS NOT AUTHORIZED  
TO IRRIGATE PUBLIC LAND  
(See Attached)**

SOURCE: BIRCH CREEK

TRIBUTARY: GOOSE CREEK

QUANTITY: 100.000 CFS  
74,350.00 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED  
ANNUAL STORAGE VOLUME OF 74,350 AF. COMBINED RIGHT NOS.:  
45-2040, 45-2059, 45-2063

PRIORITY DATE: 03/10/1909

POINT OF  
DIVERSION: T14S R22E S24 SESWNW Within CASSIA County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u>   | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-------------------------|----------------------|-----------------|
| IRRIGATION STORAGE      | 01/01 12/31          | 74,350.00 AFY   |
| IRRIGATION FROM STORAGE | 03/15 11/15          | 74,350.00 AFY   |
| DIVERSION TO STORAGE    | 03/15 11/15          | 100.000 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.

## 45-02063

POUs ON BLM

-IRRIGATED AGRICULTURAL USE OF PUBLIC LAND IS NOT  
AUTHORIZED.

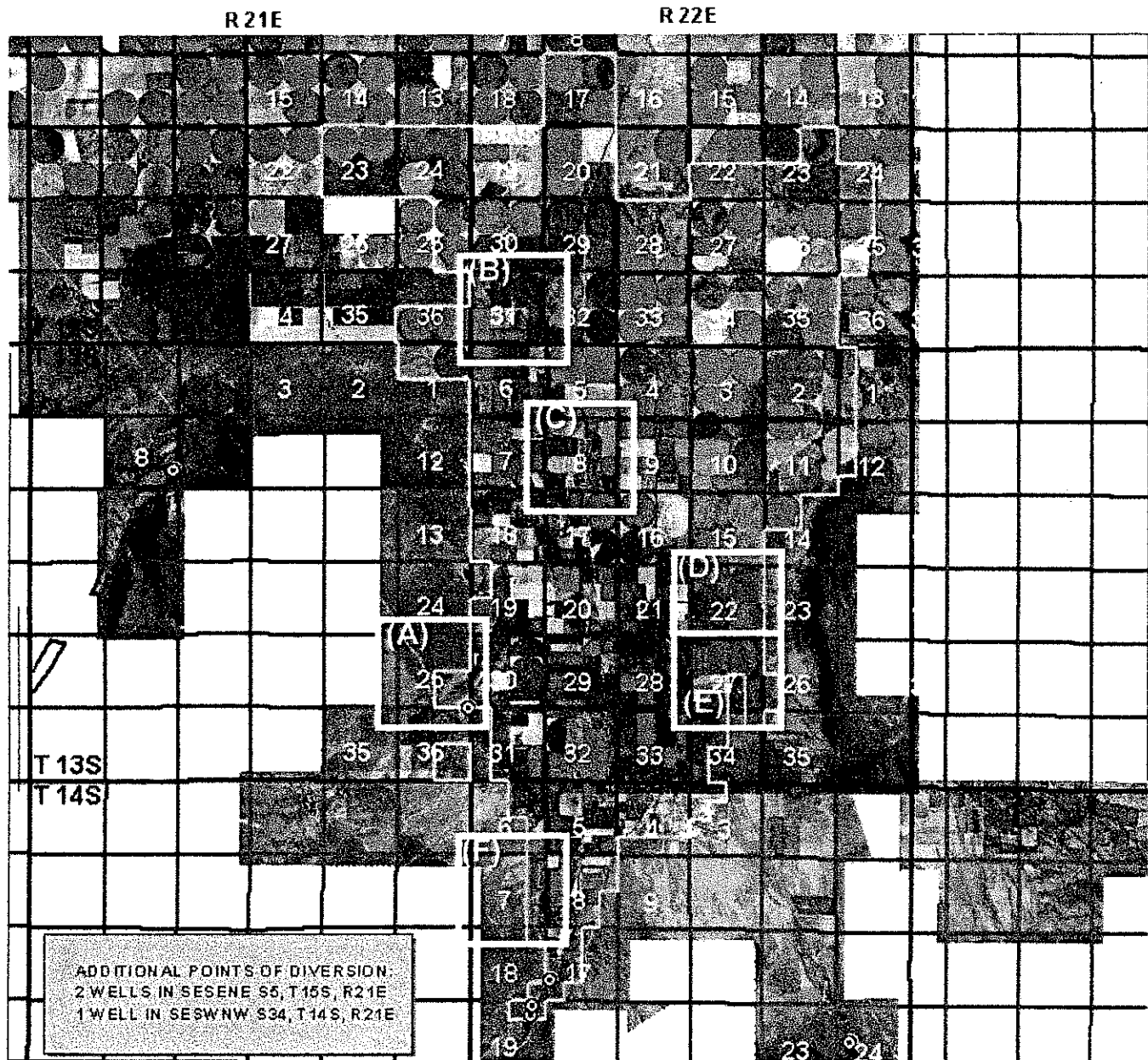
### UNAUTHORIZED POUs ON BLM:

| <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



0 5280 10560 15840 21120 26400 31680 Feet

⊙ RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE



SECTION LINES



QUARTER SECTION LINES

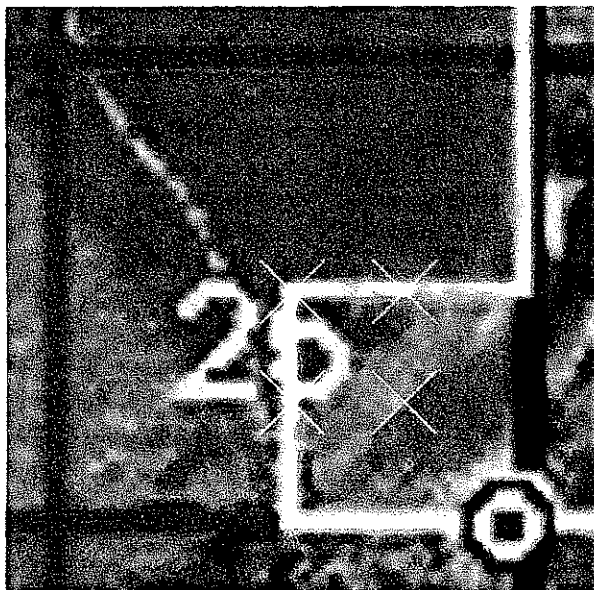


GIS PLACE OF USE PRESENTATION  
1987 NAPP AERIAL PHOTOGRAPHY

PREPARED BY VIKIE HANCOCK  
JULY 22, 2004

## Unauthorized POUs Inside Digital Boundary

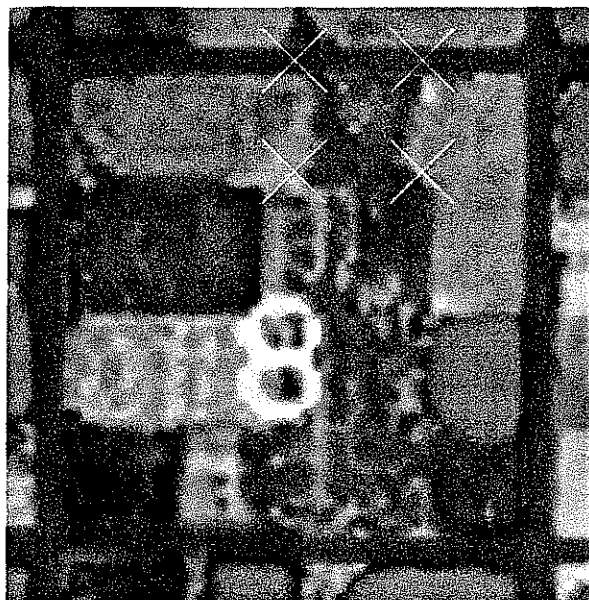
(A) T13S R21E S25 NWSE



(B) T12S R22E S31 NWNW  
SWNW



(C) T13S R22E S08 NWNE

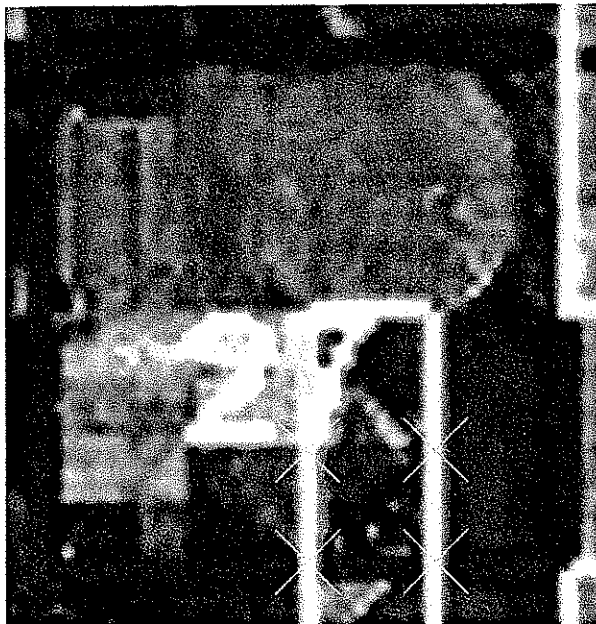


(D) T13S R22E S22 SESE  
SWSE



## Unauthorized POUs Outside Digital Boundary

(E) T13S R22E S27 SWSE

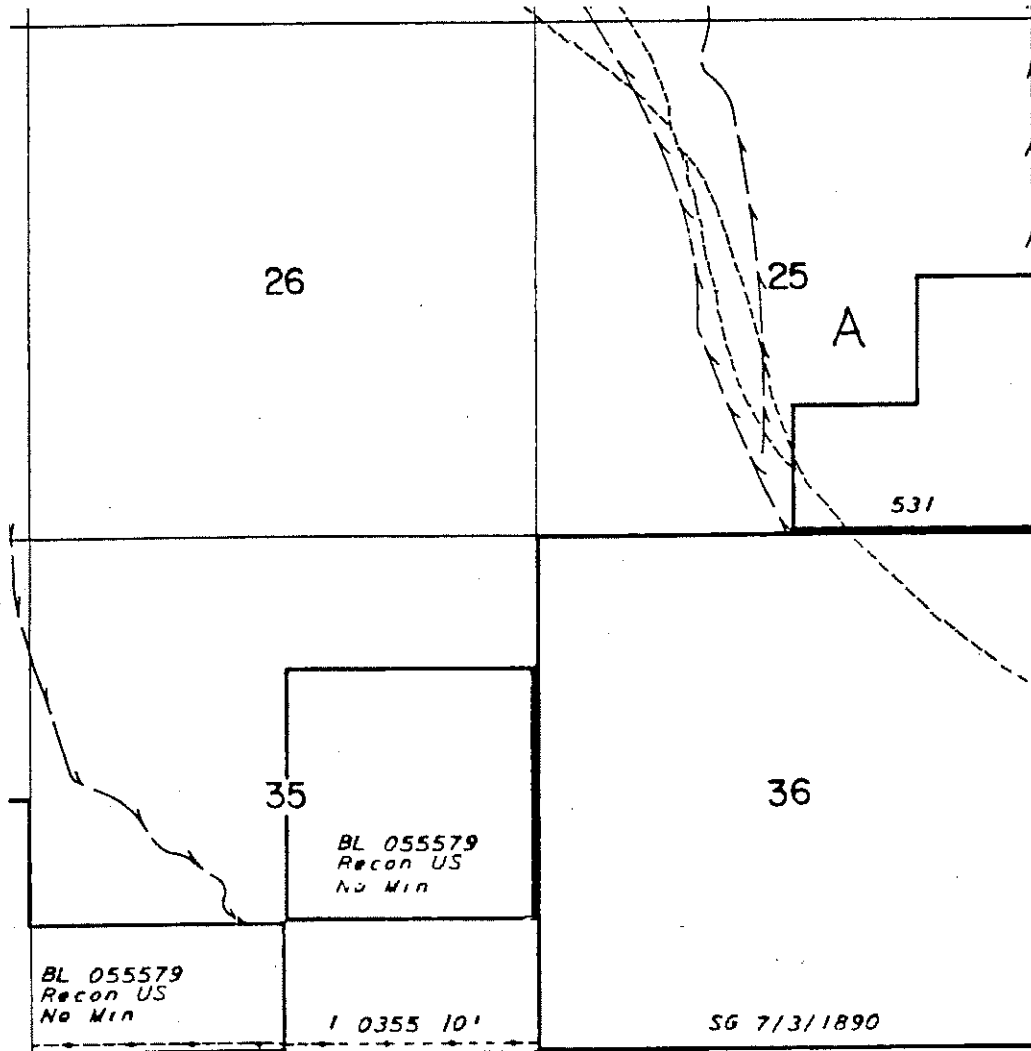


(F) T14S R22E S07 NWNE  
SWNE  
NWSE



A

T13S R21E S25

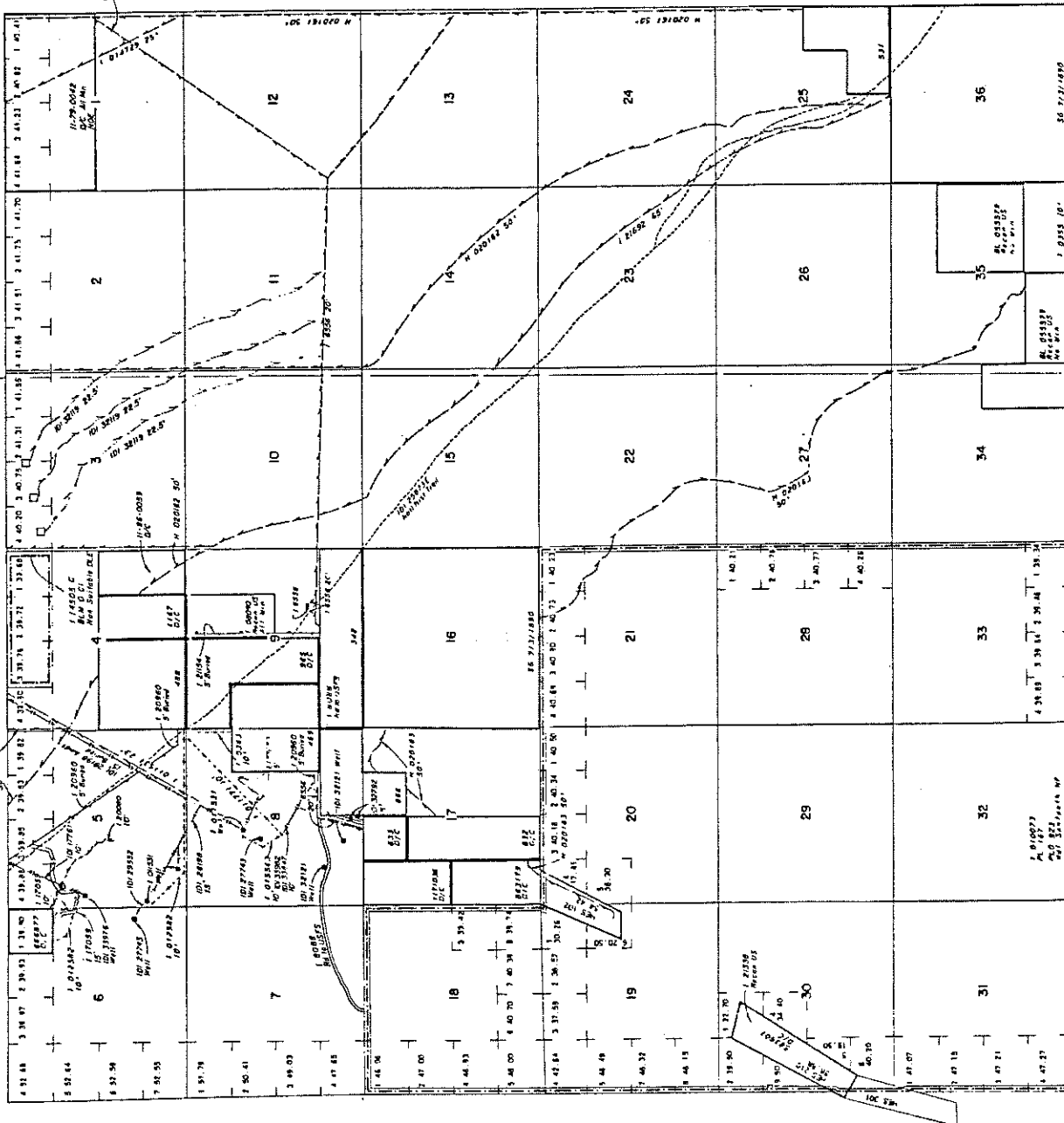


# TOWNSHIP 13 SOUTH RANGE 21 EAST OF THE POISE MERIDIAN, IDAHO

CASSIA COUNTY DISTRICT 3

STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES

## MT PLAT



| INDEX TO SEGREGATED TRACTS |    |    |      |
|----------------------------|----|----|------|
| TRACT NO.                  | T. | R. | SEC. |
| 1                          | 13 | 21 | 1    |
| 2                          | 13 | 21 | 2    |
| 3                          | 13 | 21 | 3    |
| 4                          | 13 | 21 | 4    |
| 5                          | 13 | 21 | 5    |
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| 34                         | 13 | 21 | 34   |
| 35                         | 13 | 21 | 35   |
| 36                         | 13 | 21 | 36   |

1.010013 Dkt. PL 162, Act of Cong. 7/23/1953, completed 7/12/1962. All NE surface right by USFS.

1.11837 NE 1/4 Sec. 1, P. 100.

Sec. 1, P. 100.

Sec. 2, P. 100.

Sec. 3, P. 100.

Sec. 4, P. 100.

Sec. 5, P. 100.

Sec. 6, P. 100.

Sec. 7, P. 100.

Sec. 8, P. 100.

Sec. 9, P. 100.

Sec. 10, P. 100.

Sec. 11, P. 100.

Sec. 12, P. 100.

Sec. 13, P. 100.

Sec. 14, P. 100.

Sec. 15, P. 100.

Sec. 16, P. 100.

Sec. 17, P. 100.

Sec. 18, P. 100.

Sec. 19, P. 100.

Sec. 20, P. 100.

Sec. 21, P. 100.

Sec. 22, P. 100.

Sec. 23, P. 100.

Sec. 24, P. 100.

Sec. 25, P. 100.

Sec. 26, P. 100.

Sec. 27, P. 100.

Sec. 28, P. 100.

Sec. 29, P. 100.

Sec. 30, P. 100.

Sec. 31, P. 100.

Sec. 32, P. 100.

Sec. 33, P. 100.

Sec. 34, P. 100.

Sec. 35, P. 100.

Sec. 36, P. 100.

FOR OTHERS EFFECTIVE DISPOSAL OR USE OF UNDEVELOPED LANDS REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

CURRENT TO: 1.010013  
COMMENT TO: 1.010013

1.010013 Dkt. PL 162, Act of Cong. 7/23/1953, completed 7/12/1962. All NE surface right by USFS.

THE NOTATION SHOWN ON WITHDRAWALS REFERENCE THE LAST ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITHDRAWAL ORDER.

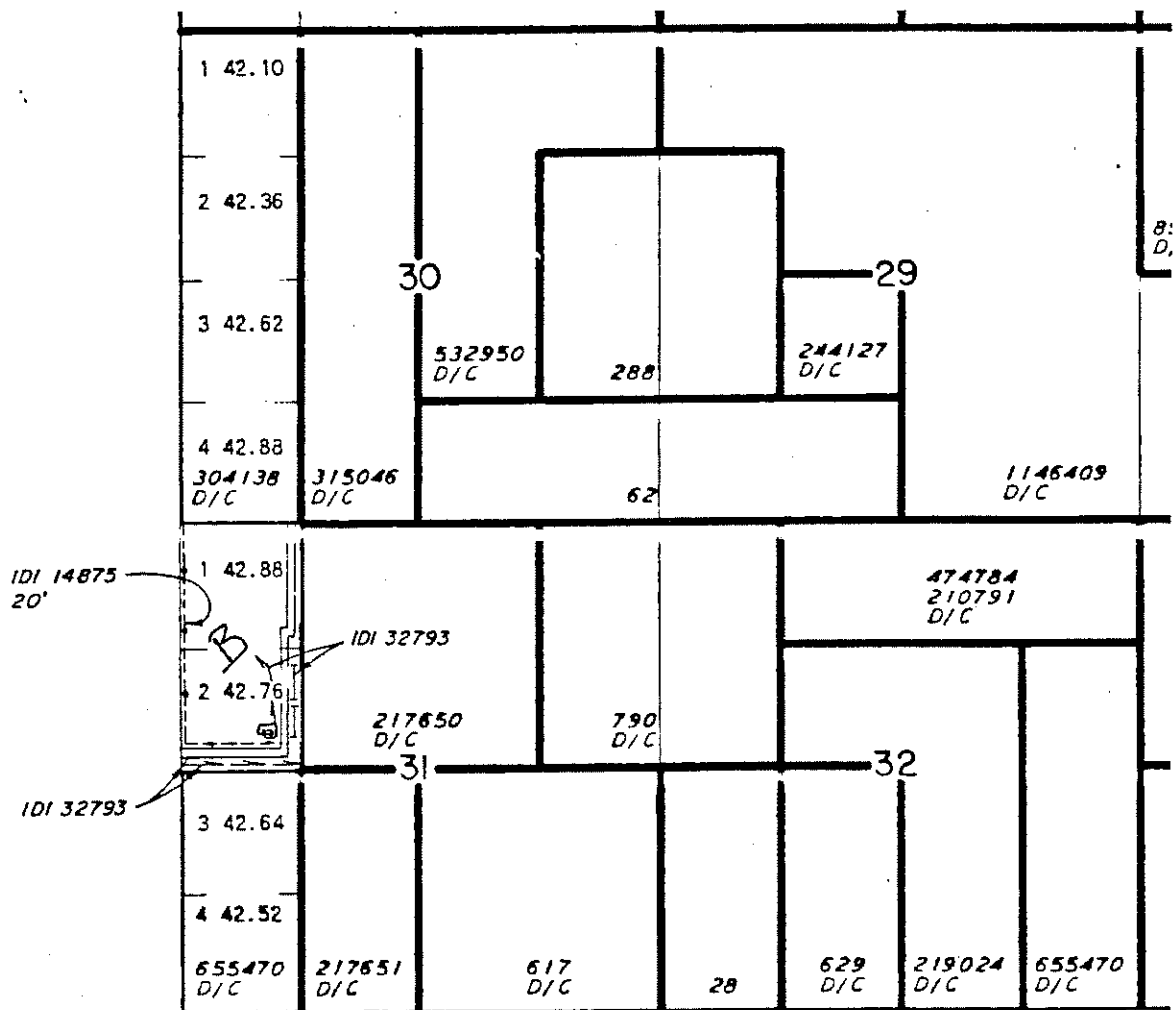
THIS PLAT IS THE PROPERTY OF THE BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR, WASHINGTON, D.C. AND IS LOANED TO YOU BY THE BUREAU OF LAND MANAGEMENT, WASHINGTON, D.C. IT IS TO BE RETURNED TO THE BUREAU OF LAND MANAGEMENT, WASHINGTON, D.C. WHEN YOU HAVE COMPLETED YOUR WORK THEREON.

SCALE in Chains  
0 10 20 30 40

Base Map  
T. 13S  
R. 21E

B

T12S R22E S31



STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES

CASSIA COUNTY 031  
BURLEY DISTRICT SEC 3

MT PLAT

[illegible][illegible]

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

| CURRENT TO | CURRENT TO |
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**FOR NITROGEN**

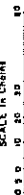
Y. 125  
A. 22E

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 WITH-

**WARNING STATEMENT**

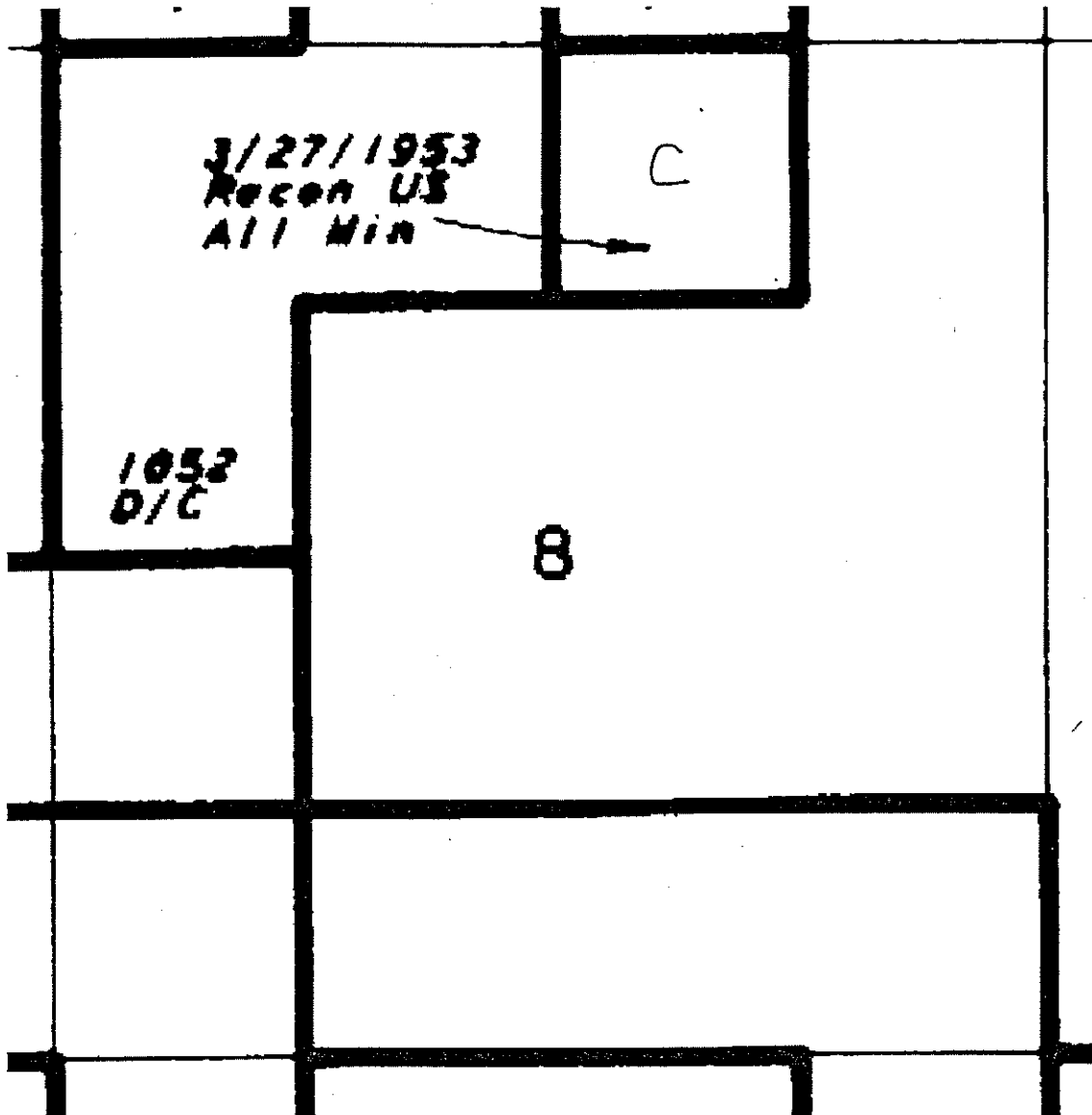
This plot is the Bureau's Record of Title, and should be used only as a graphic display of the township survey data. Records herein do not affect title changes which may have been affected by lateral movements of other bodies of water. Please see the indicated movement of official survey information.

SCALE IN CHOICES



C

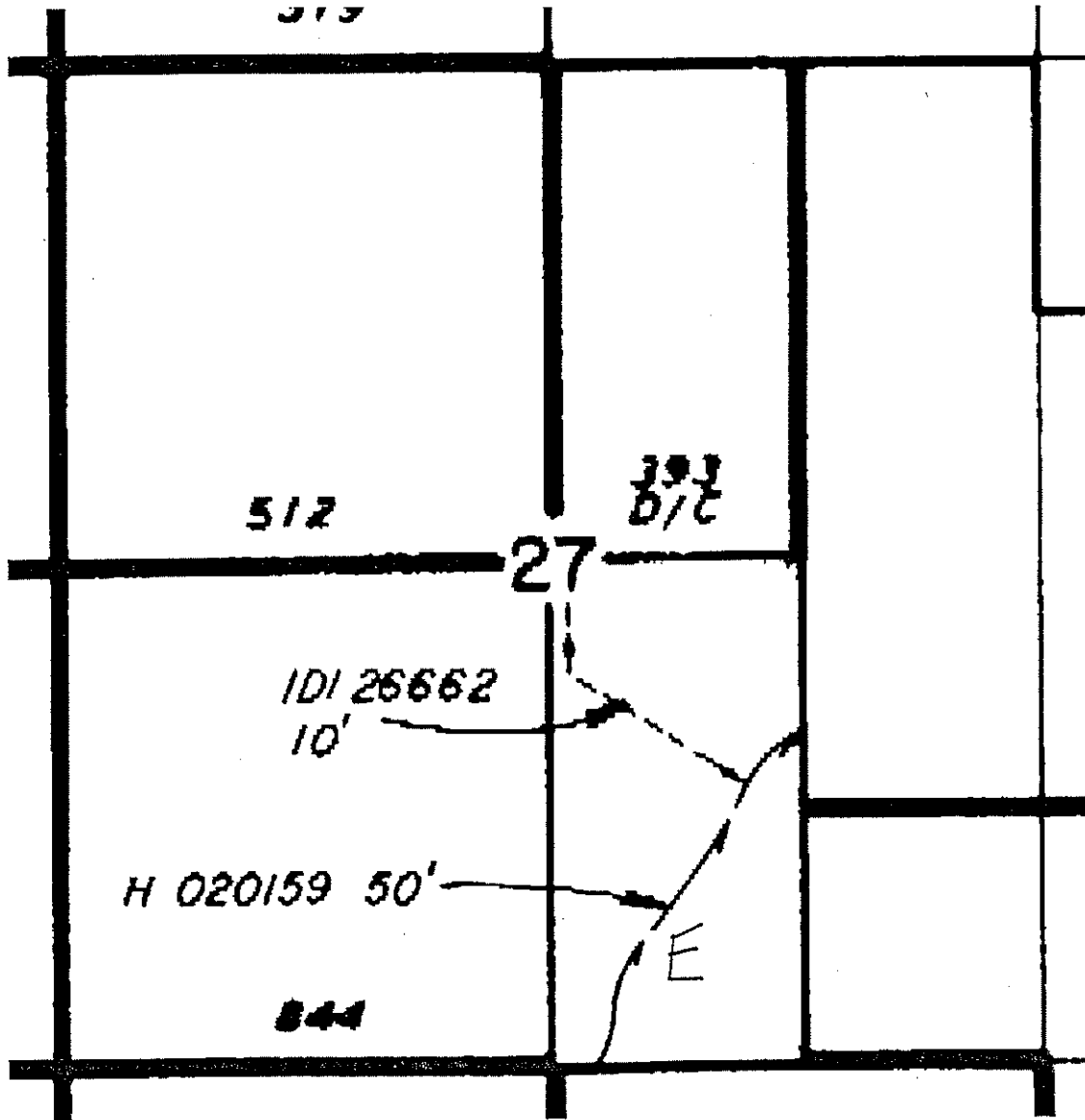
T13S R22E S08





E

T13S R22E S27



CASSIA COUNTY 031  
NUMBER DISTRICT SEC J

STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES  
AND ACQUIRED LANDS

MT PLAT

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

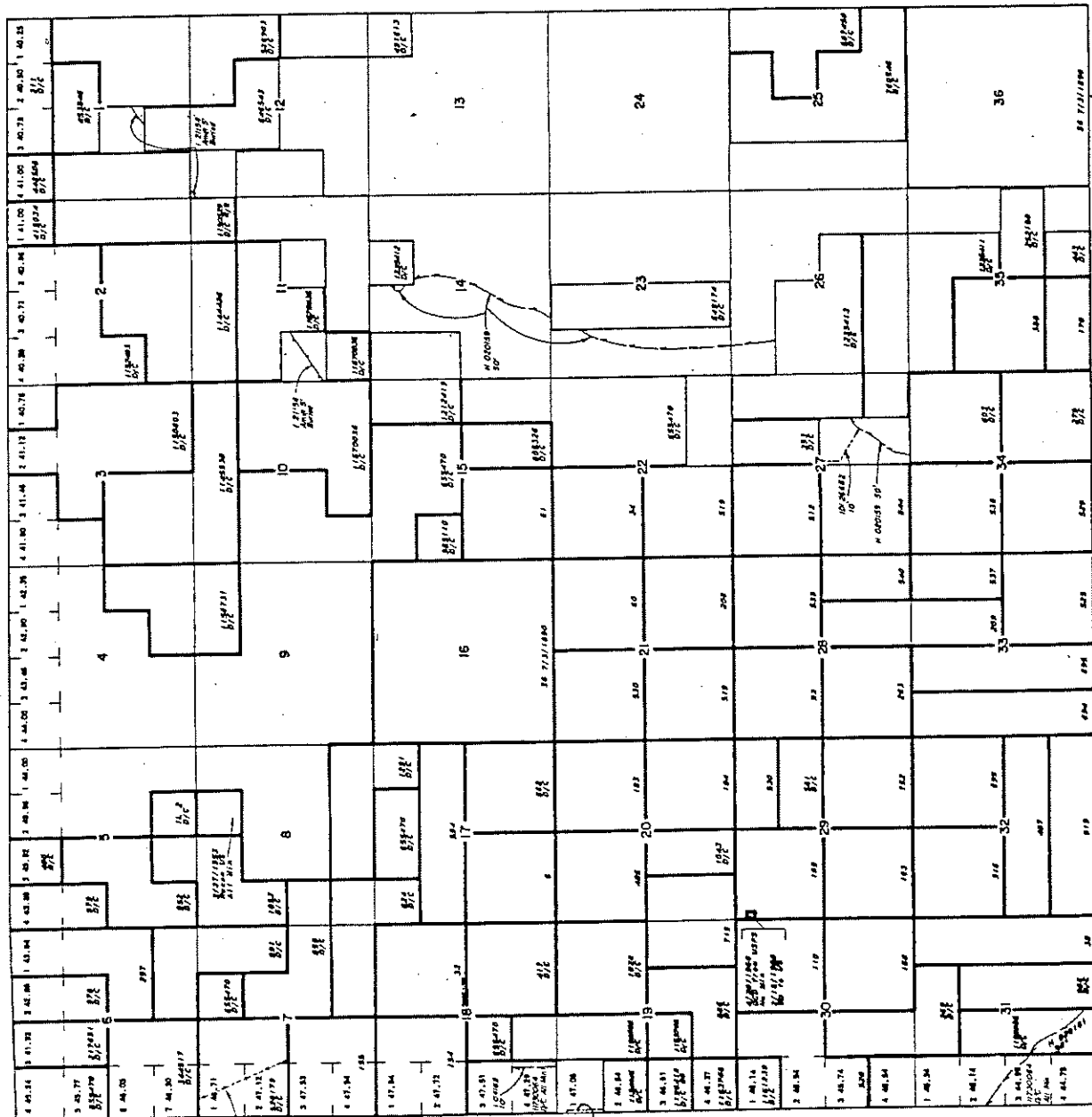
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| USE PLATE: | CURRENT TO  |
|            | FEB 23 1980 |

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

**WARNING: STATISTICS**

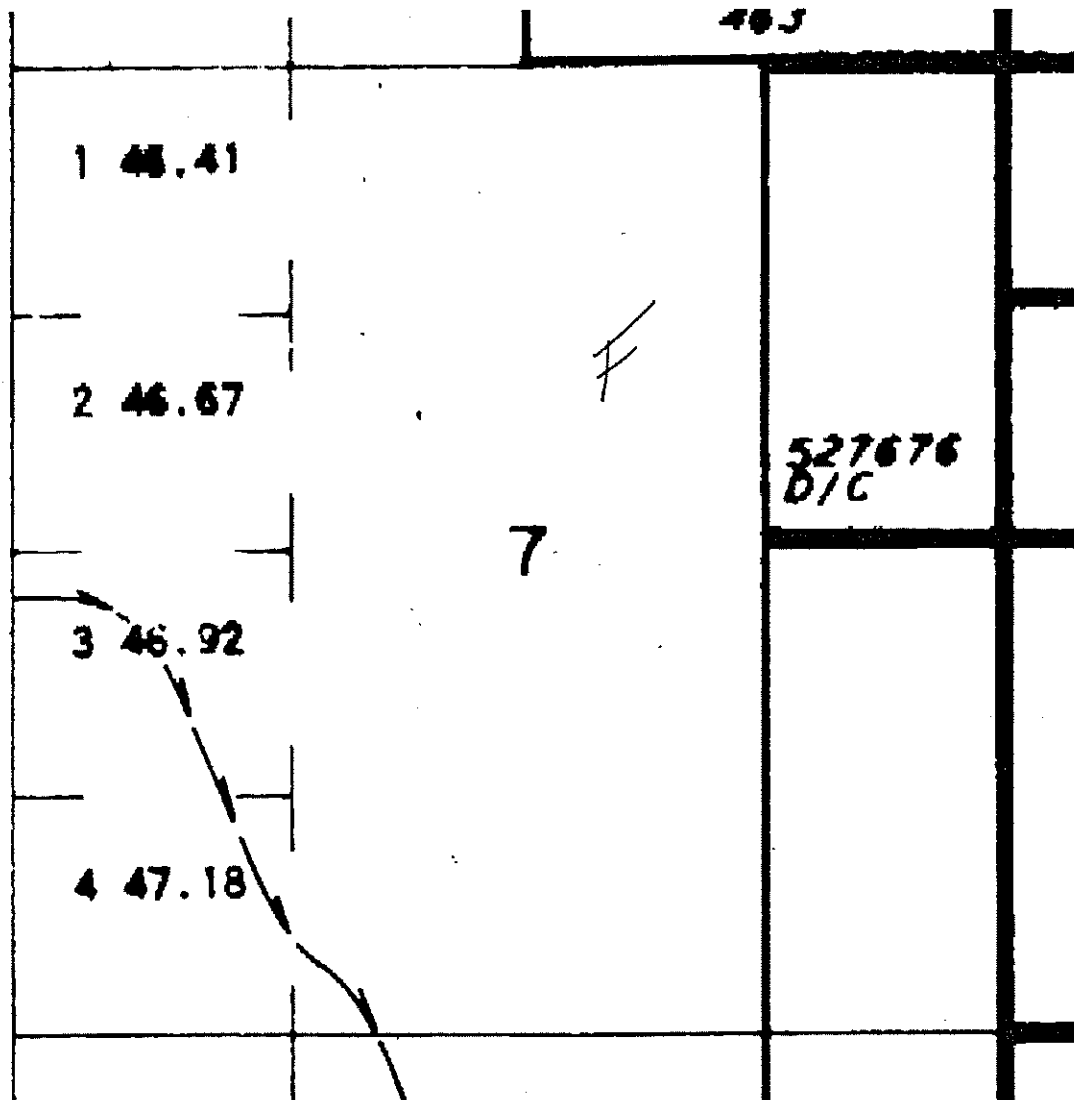
This plot is the Bureau's Record of Title, and should be used only as a guide to the study of the township survey data. Numerous errors of omission and commission may have been introduced by clerical misstatements at various other bodies of water. The Bureau is not responsible for any errors in the official survey information.

SCALE IN CHAINS



F

T14S R22E S07

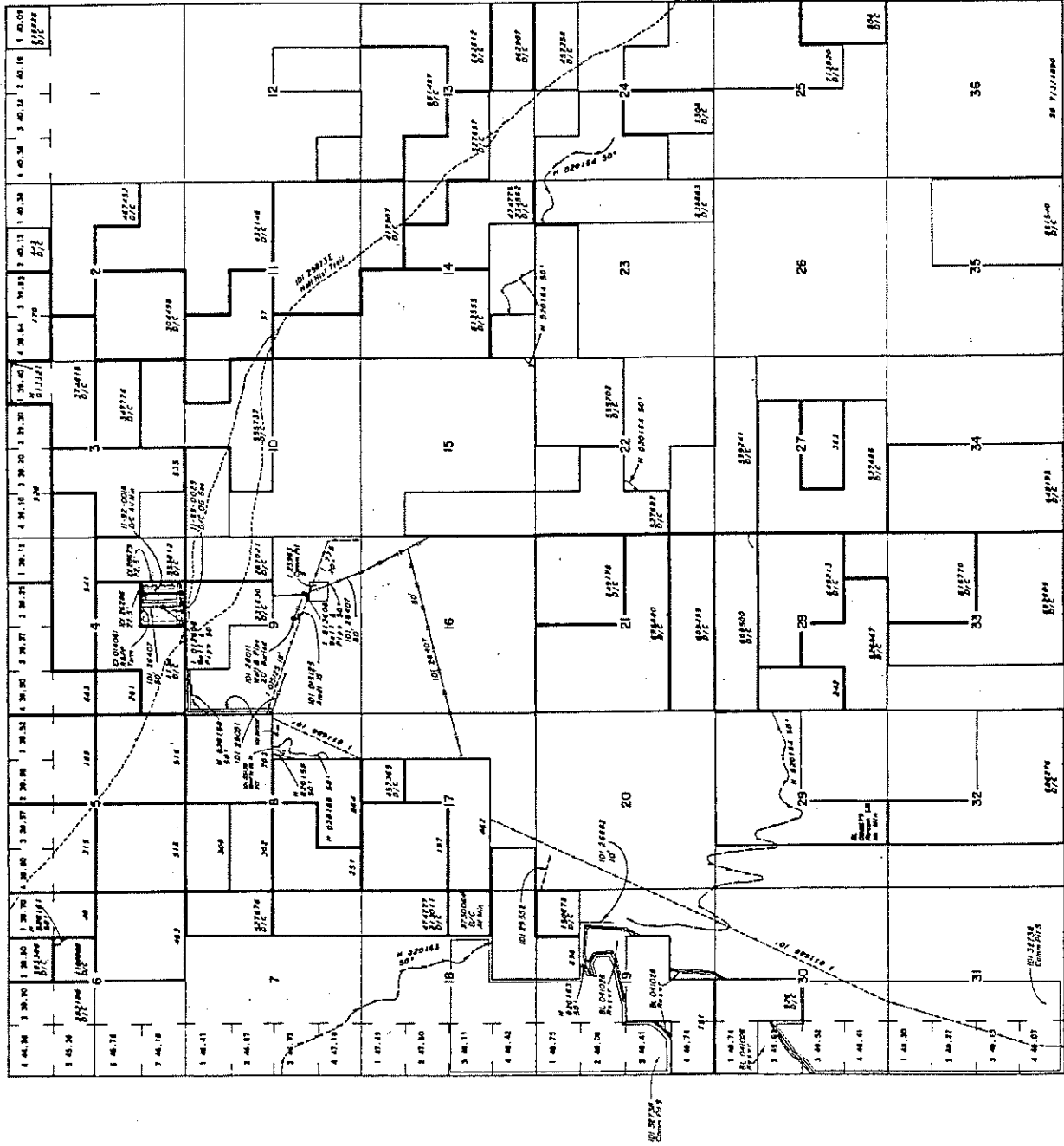


# TOWNSHIP 14 SOUTH RANGE 22 EAST OF THE BOISE MERIDIAN, IDAHO

CASSIA COUNTY 03  
RANGE DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES  
AND ACQUIRED LANDS

## MT PLAT



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| 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 Dred from USFS 4/1/1983  
Sec 4: Lots 2 & 3, Blk 9 Village of Oakley  
Lot 3, Blk 9 Village of Oakley  
Acq 1/6/1936 WD to US  
101 738735 Not Nat Trail  
Historical information only, does not include  
PUBLIC RECORDS  
101 044561 RR PP Land in Lx Term 12/16/1971  
See 4: 2PSE

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

|                            |            |
|----------------------------|------------|
| CURRENT TO<br>MAY - 3 2001 | COMMENT TO |
| USE PLATE:                 |            |

THE NOTATION SHOWN ON WITHDRAWS 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: THIS MAP IS A SUMMARY OF THE RECORDS OF THE LAND OFFICE AND SHOULD BE USED AS A GUIDE ONLY. IT IS NOT A SURVEY MAP AND SHOULD NOT BE USED FOR SURVEY PURPOSES. FOR MORE INFORMATION, CONTACT THE LAND OFFICE.

SCALE in Chains  
0 10 20 30 40

DATE MAY  
T. 14 S.  
R. 22 E.