

**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 45-12438
(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)

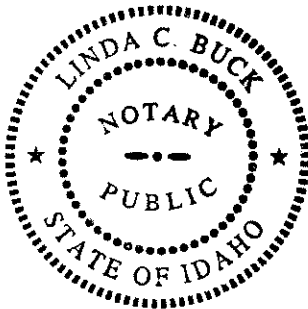
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

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: ;

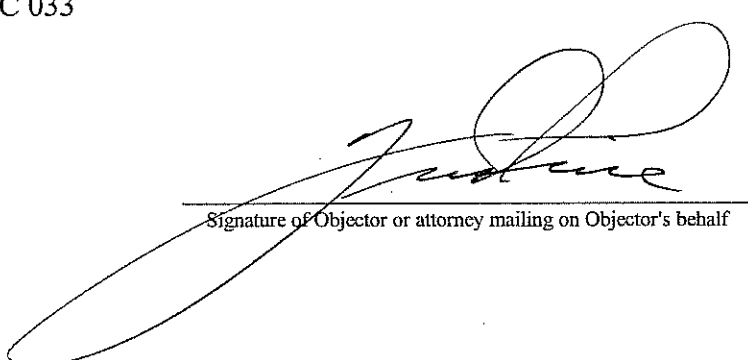
Name:
Address: ;

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: 45-12438

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: 64.800 CFS

PRIORITY DATE: 05/01/1882

POINT OF
DIVERSION:

T14S R22E S17 SWNWSW Rediversion Within CASSIA County
T14S R22E S19 NWNENE Rediversion Within CASSIA County
T14S R22E S19 SWNENE 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	64.800 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 3,240 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

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 45-129 FOR 12 CFS & 600 AC, 45-130 FOR 12.8 CFS & 640 AC, AND 45-131 FOR 40 CFS & 2,000 AC.

45-12438

POUs ON BLM

-IRRIGATED AGRICULTURAL USE OF PUBLIC LAND IS NOT
AUTHORIZED.

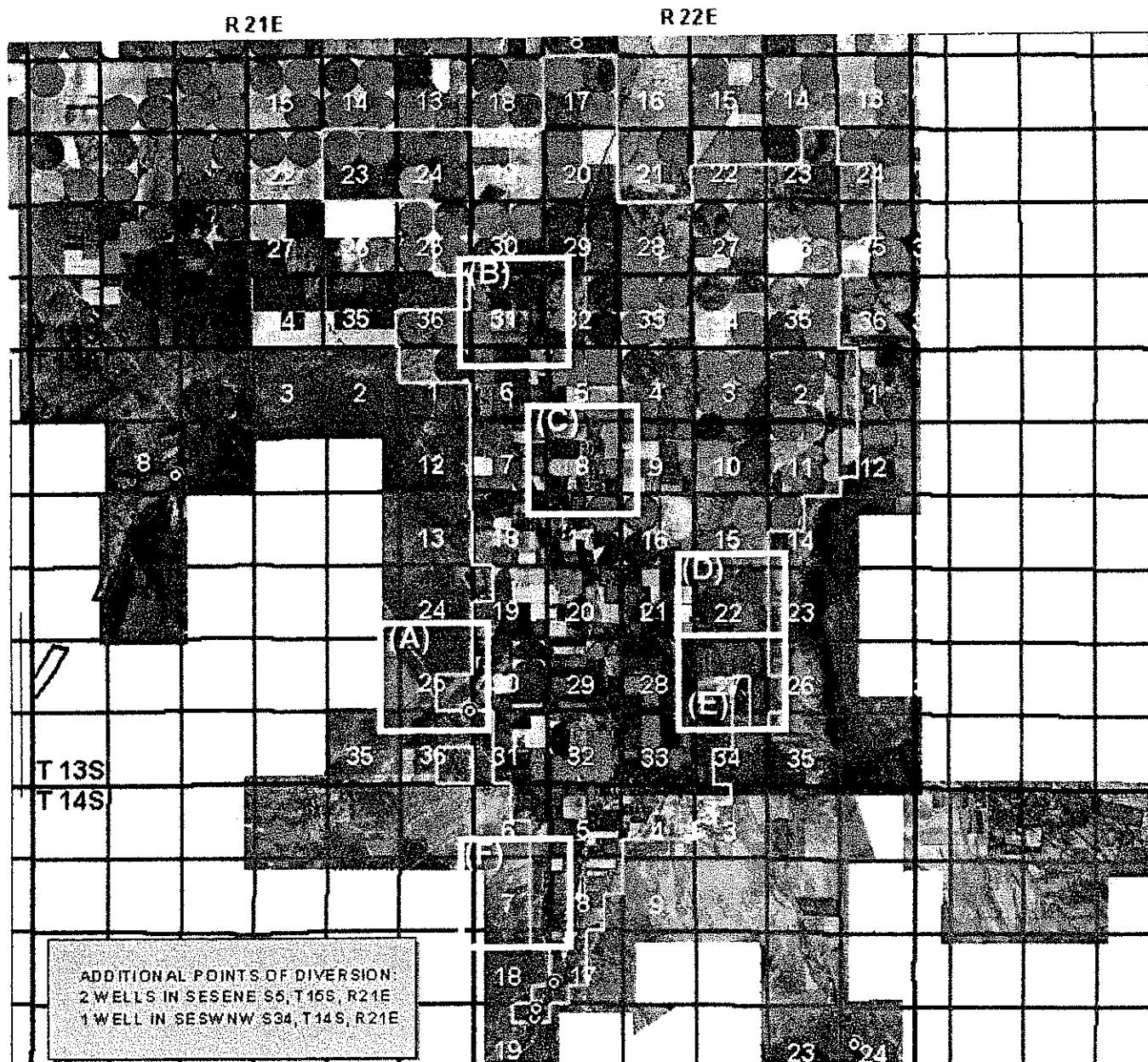
UNAUTHORIZED POU_s ON BLM:

<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



0 5280 10560 15840 21120 26400 31680 Feet

- ⊙ RECOMMENDED POINT OF DIVERSION
- RECOMMENDED PLACE OF USE
- SECTION LINES
- QUARTER SECTION LINES

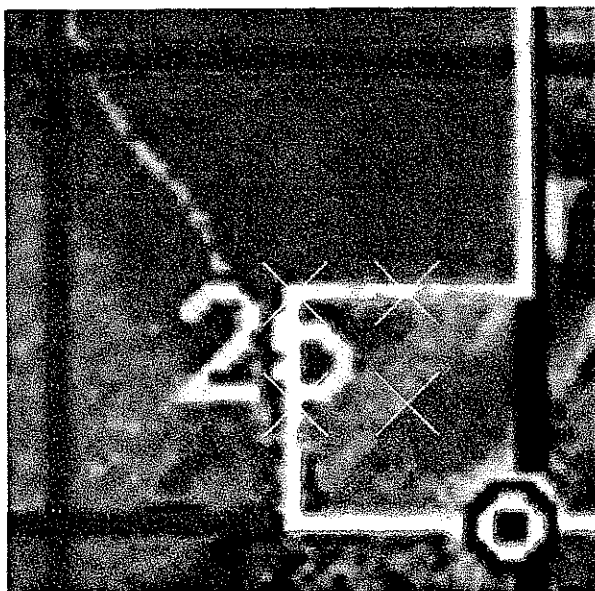


GIS PLACE OF USE PRESENTATION
1987 NAPP AERIAL PHOTOGRAPHY

PREPARED BY VIKIE HANCOCK
JULY 22, 2004

Unauthorized POUs Inside Digital Boundary

(A) T13S R21E S25 NWSE



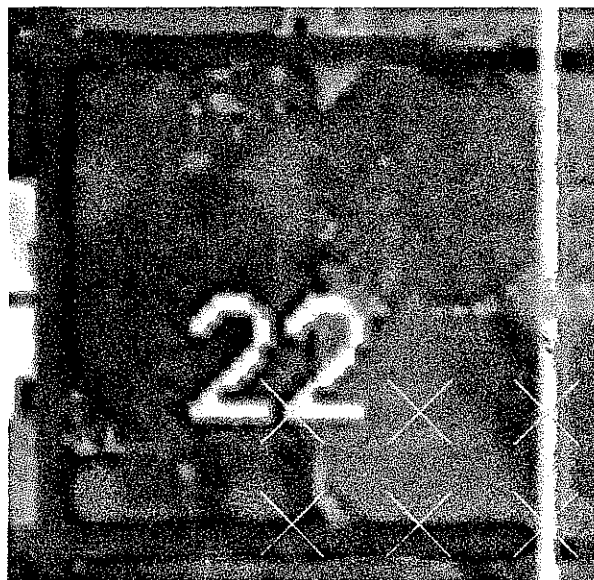
(B) T12S R22E S31 NWNW
SWNW



(C) T13S R22E S08 NWNE



(D) T13S R22E S22 SESE
SWSE



Unauthorized POUs Outside Digital Boundary

(E) T13S R22E S27 SWSE

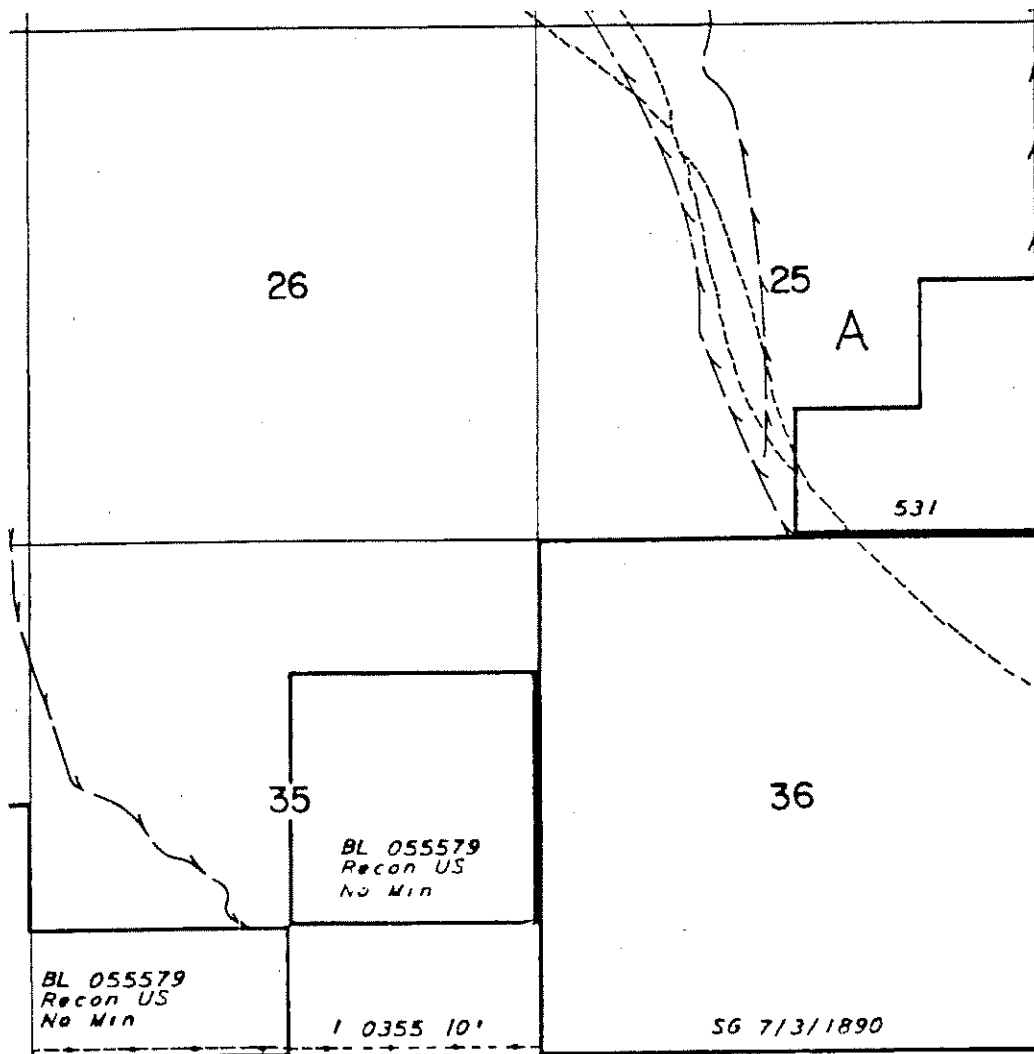


(F) T14S R22E S07 NWNE
SWNE
NWSE



A

T13S R21E S25

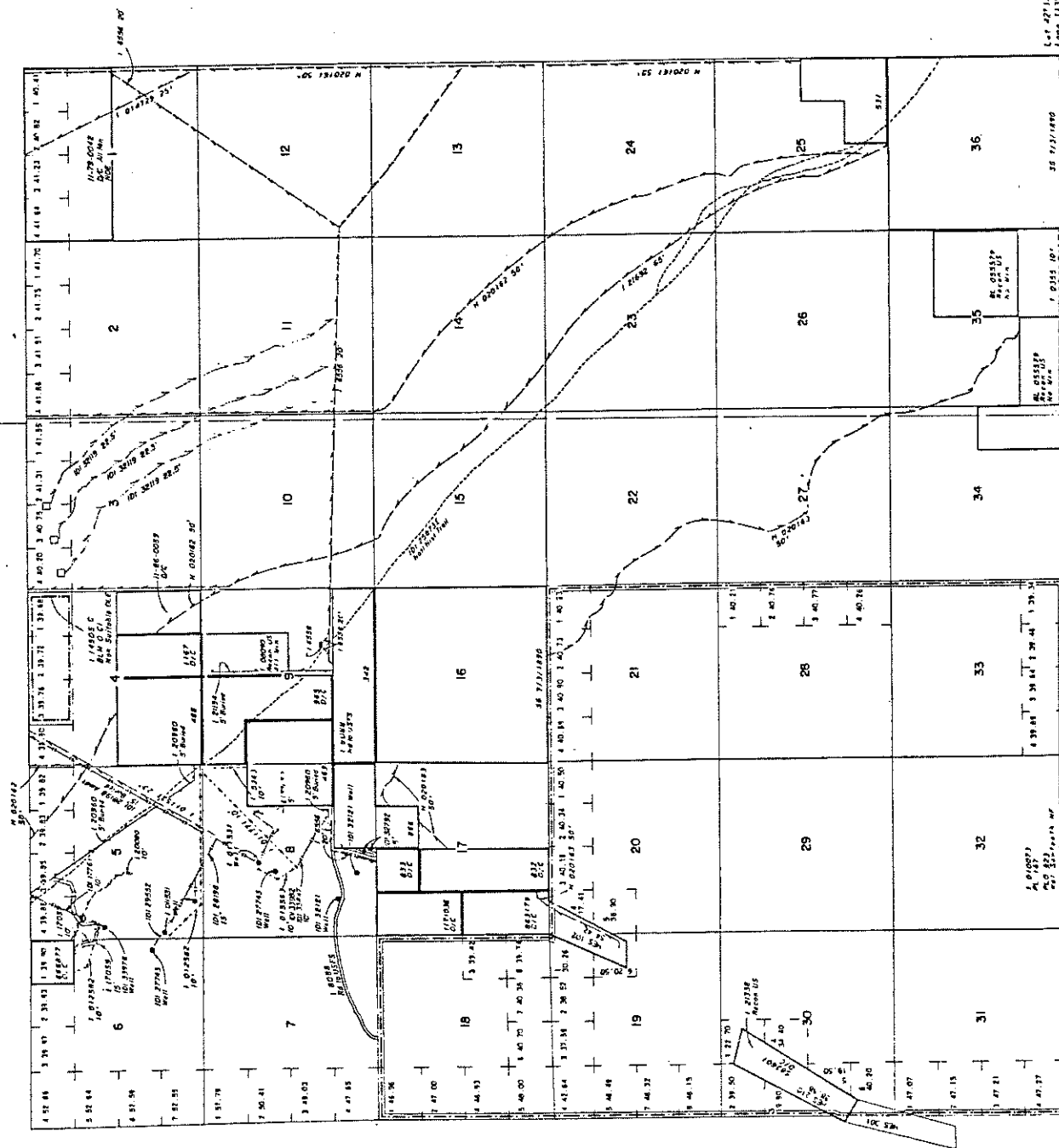


STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES

CASSIA COUNTY DBI
BUREAU DISTRICT SFC J

[illegible]

101007J Det Pl 167 1st of Cong 7/23/1955)
completed 7/12/1962. All MF surface Mgmt by USFS



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. There may, however, be not reflect title changes which may have been effected by lateral encroachment of existing structures or building of water rights to the cadastral surveys for official survey information.

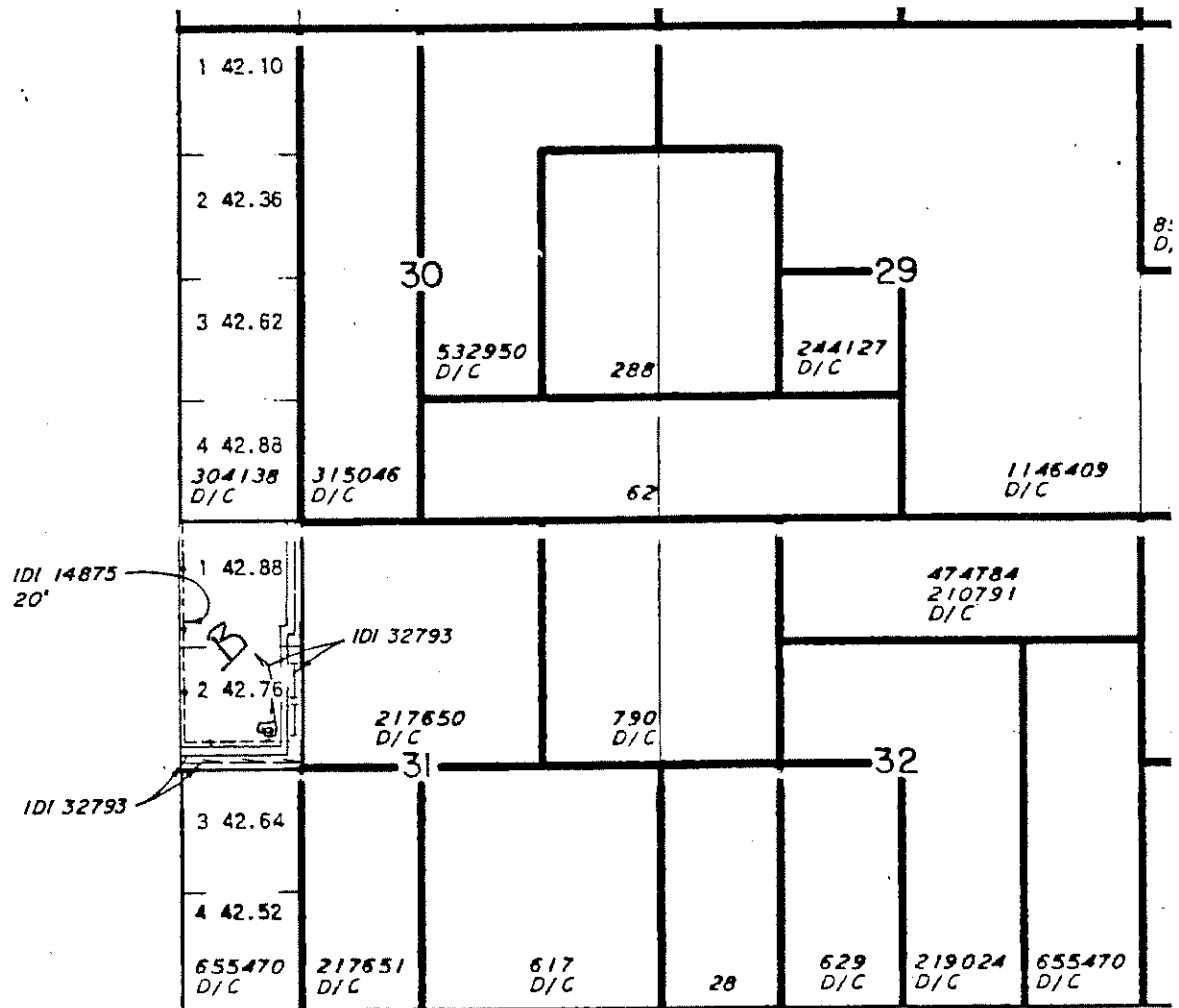
THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITHDRAWAL ORDER

Mois Mer
T. 135
R. 216

SCALE in Chains	
0 1 2	10 20 30

B

T12S R22E S31



STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

CASSIA COUNTY OREGON
NUMBER DISTRICT SEC 3

MT PLAT

[illegible]

11/18/76 Sikes Act 2/11/76
Sac 6: L914 6, 7, E1 SW 1
Sac 31: L914 1, 2

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

[illegible]

T. 12\$
A. 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-

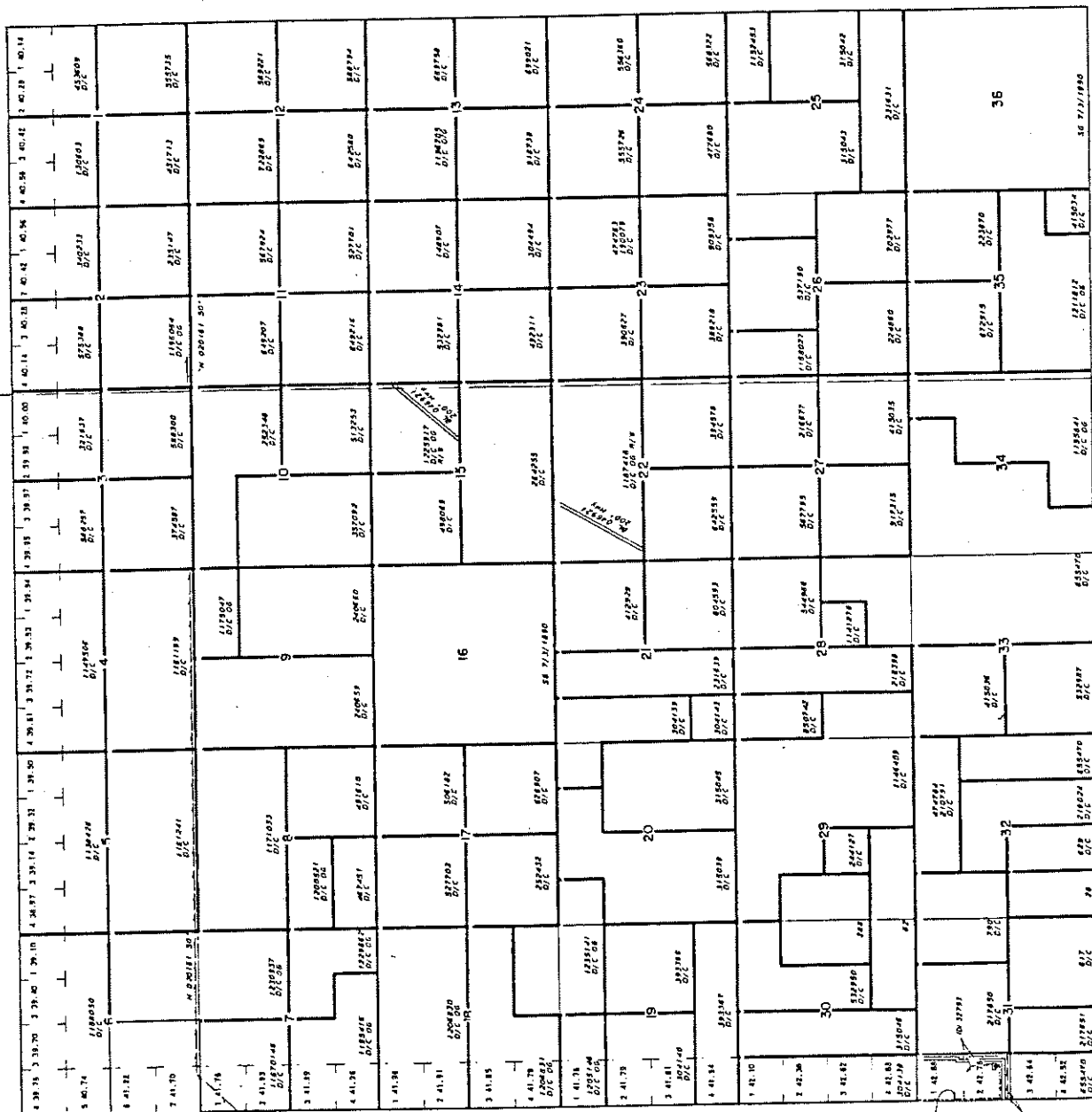
2000

WARNING STATEMENT

This plot is the Bureau's Record of Title, and should be used primarily as a graphic display of the township survey data. Records herein do not reflect title character, which may have been affected by lateral movements of slivers or other bodies of water. Refer to the cadastre(s) always for official survey information.

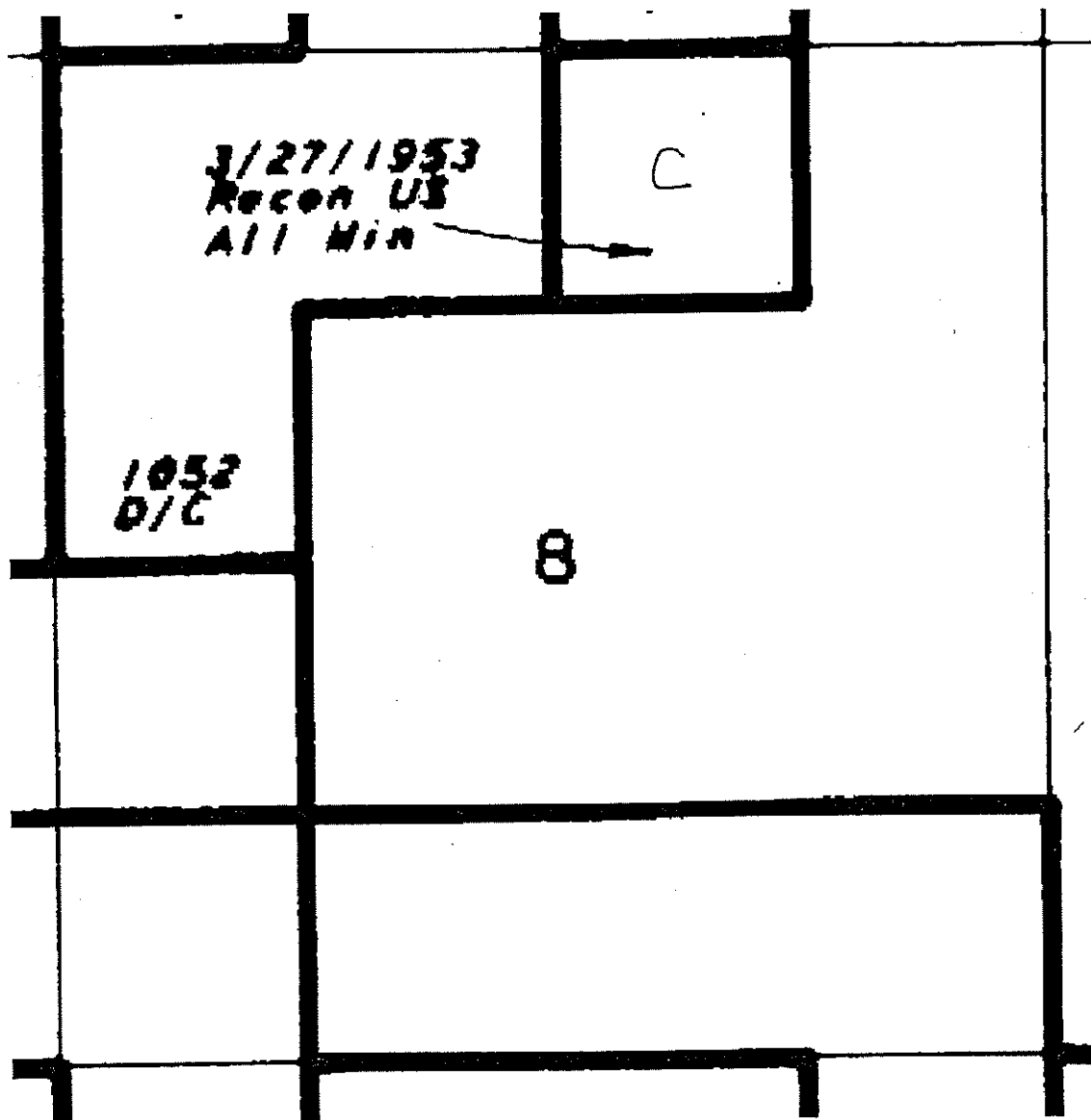
TECHNICAL CHOICE

SCALE in Chains



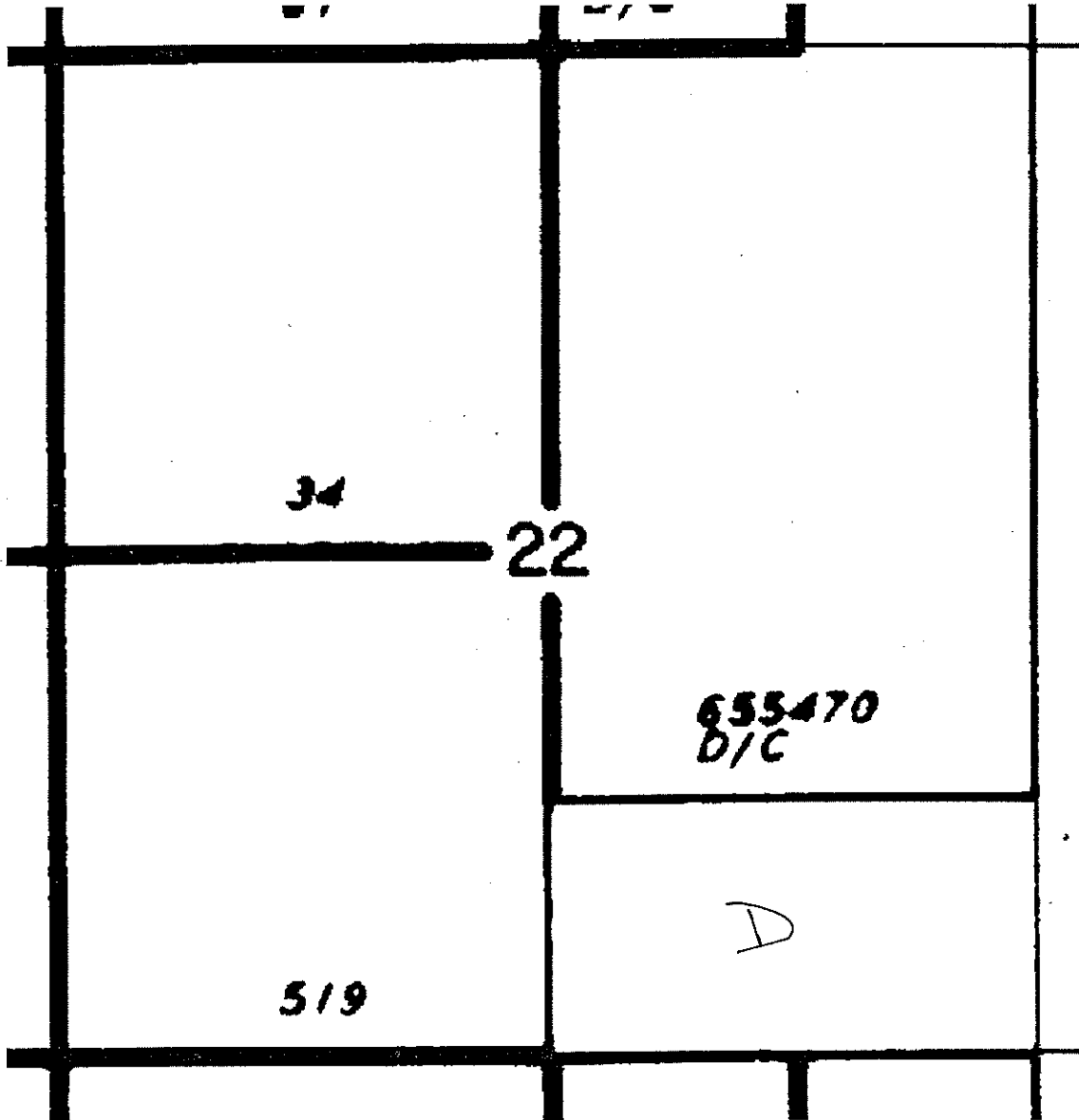
C

T13S R22E S08



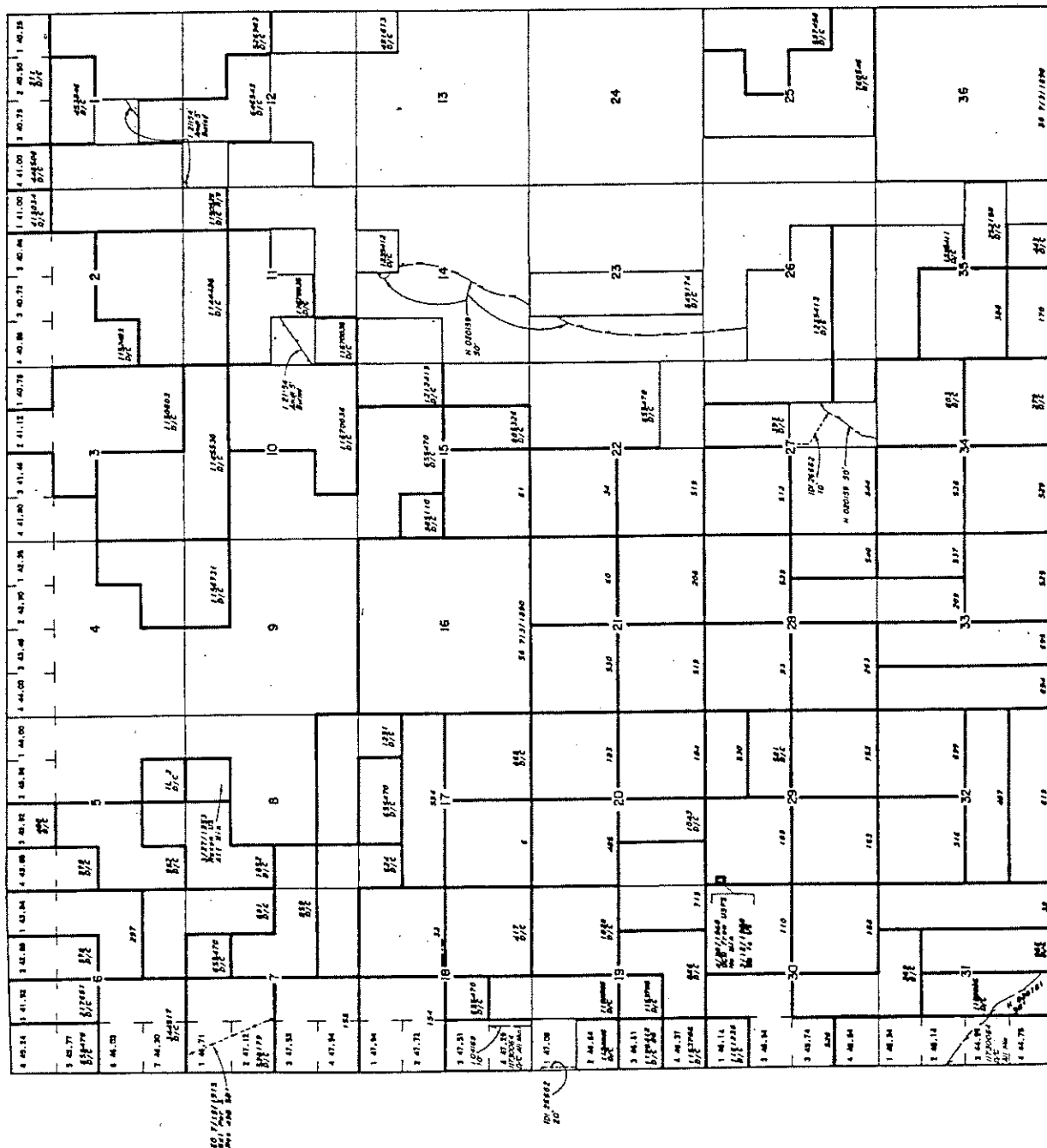
D

T13S R22E S22



CASSIA COUNTY 031
MUNLEY DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES AND ACQUIRED LANDS

[illegible]

SCALE IN CM=INS

WARNING STATEMENT

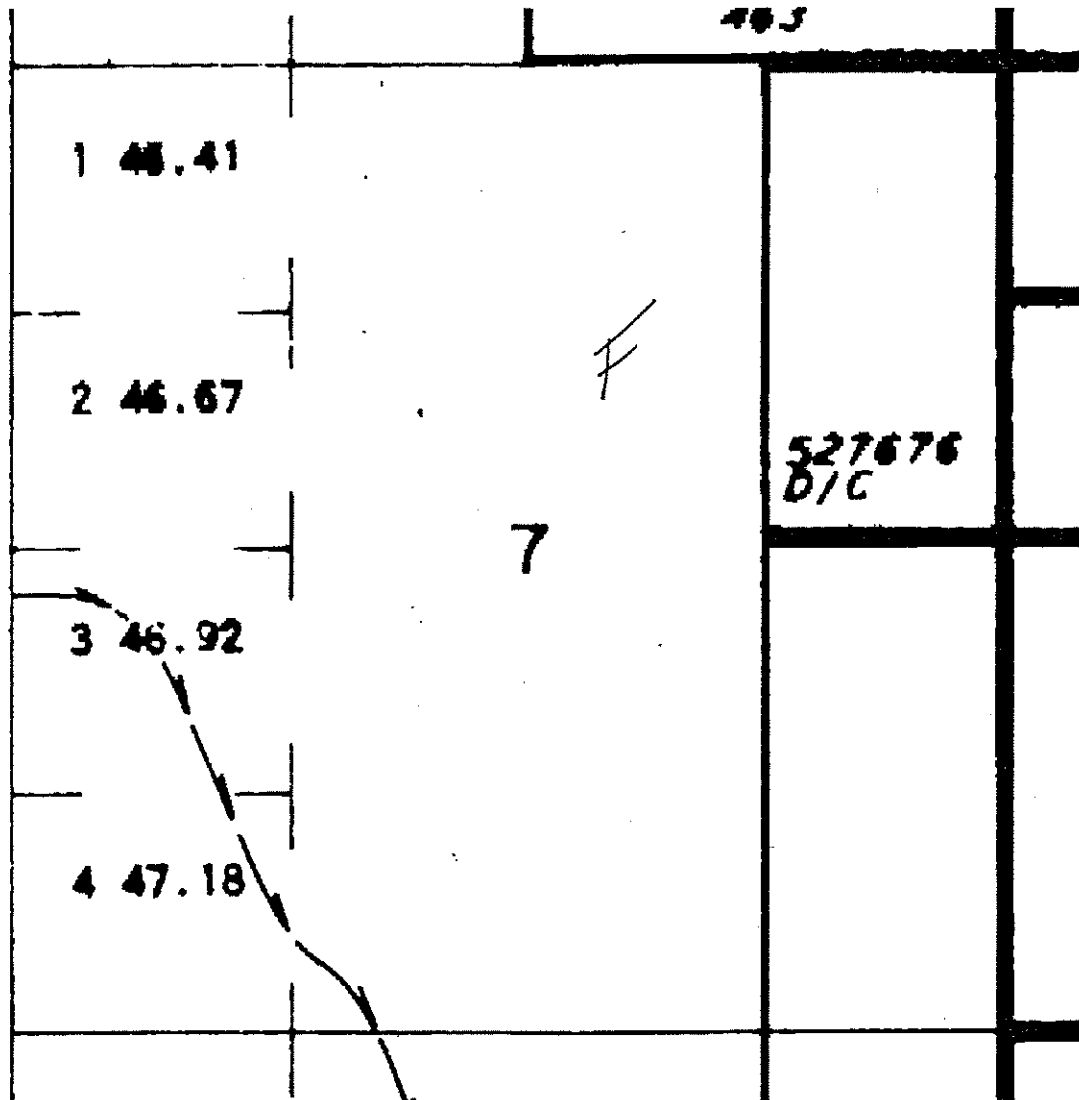
This plot is the Museum's Record at Tilt, and should be used only as a graphic display of the knowledge survey data. Each item herein does not reflect title changes which may have been effected by lateral movements of items at other facilities at water plotted by lateral movements for official survey information.

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

Books New
 T. 153.
 R. 22E.

F

T14S R22E S07



CASSIA COUNTY Q33
MURLEY DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES AND ACQUIRED LANDS

[illegible]

X Data from USFS 4/11/1985
 Sec 4: Lot 2 B 3, Blk 9 Village of Oakley
 Acq 1/6/1936 WD to US
 Lot 3, Blk 9 Village of Oakley
 ID# 25473E North Hill Trail
 Historical information only, does not denote
 public access
 ID# 014061 69 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 - 8 2004	

USE PLATIN:

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 plan is the Bureau's Record of Title, and should be used only as a guide to display of the township survey data. Records herein do not reflect title changes which may have been affected by lateral movements of rivers or other bodies of water. Refer to the individual surveys for official survey information.

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	0	5	10	20	30	40
SCALE IN LINES						

Boice May
T. 143
M. 228