

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 45-12448  
(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)**

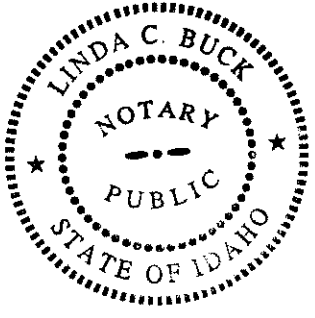
State of Idaho )  
 ) ss.  
County of ADA )

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~~<sup>5</sup>, 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: ;

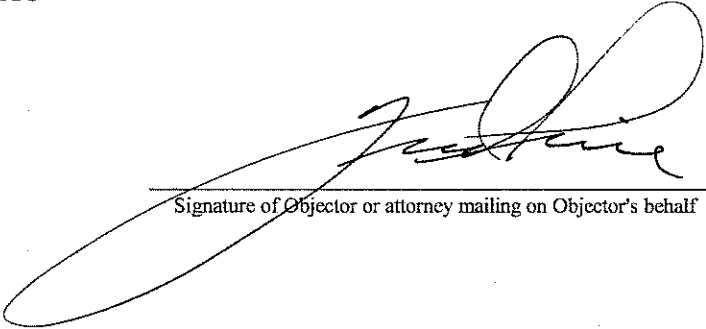
Name:  
Address: ;

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: 45-12448  
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: GROUND WATER

TRIBUTARY:

QUANTITY: 0.130 CFS  
94.10 AFY

PRIORITY DATE: 01/01/1921

POINT OF  
DIVERSION: T14S R21E S34 SWNE Within CASSIA County  
T14S R21E S34 SWNE Injection Within CASSIA County  
T14S R22E S19 SWNE Rediversion Within CASSIA County  
T15S R21E S5 SESENE Injection Within CASSIA County  
T15S R21E S5 SESENE Injection Within CASSIA County  
T15S R21E S5 SESENE Within CASSIA County  
T15S R21E S5 SESENE Within CASSIA County

PURPOSE AND  
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION FROM STORAGE	03/15 11/15	94.10 AFY
DIVERSION TO STORAGE	01/01 12/31	0.130 CFS
IRRIGATION STORAGE	01/01 12/31	94.10 AFY

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.

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 - Beneficial Use

# 45-12448

POUs ON BLM

-IRRIGATED AGRICULTURAL USE OF PUBLIC LAND IS NOT AUTHORIZED.

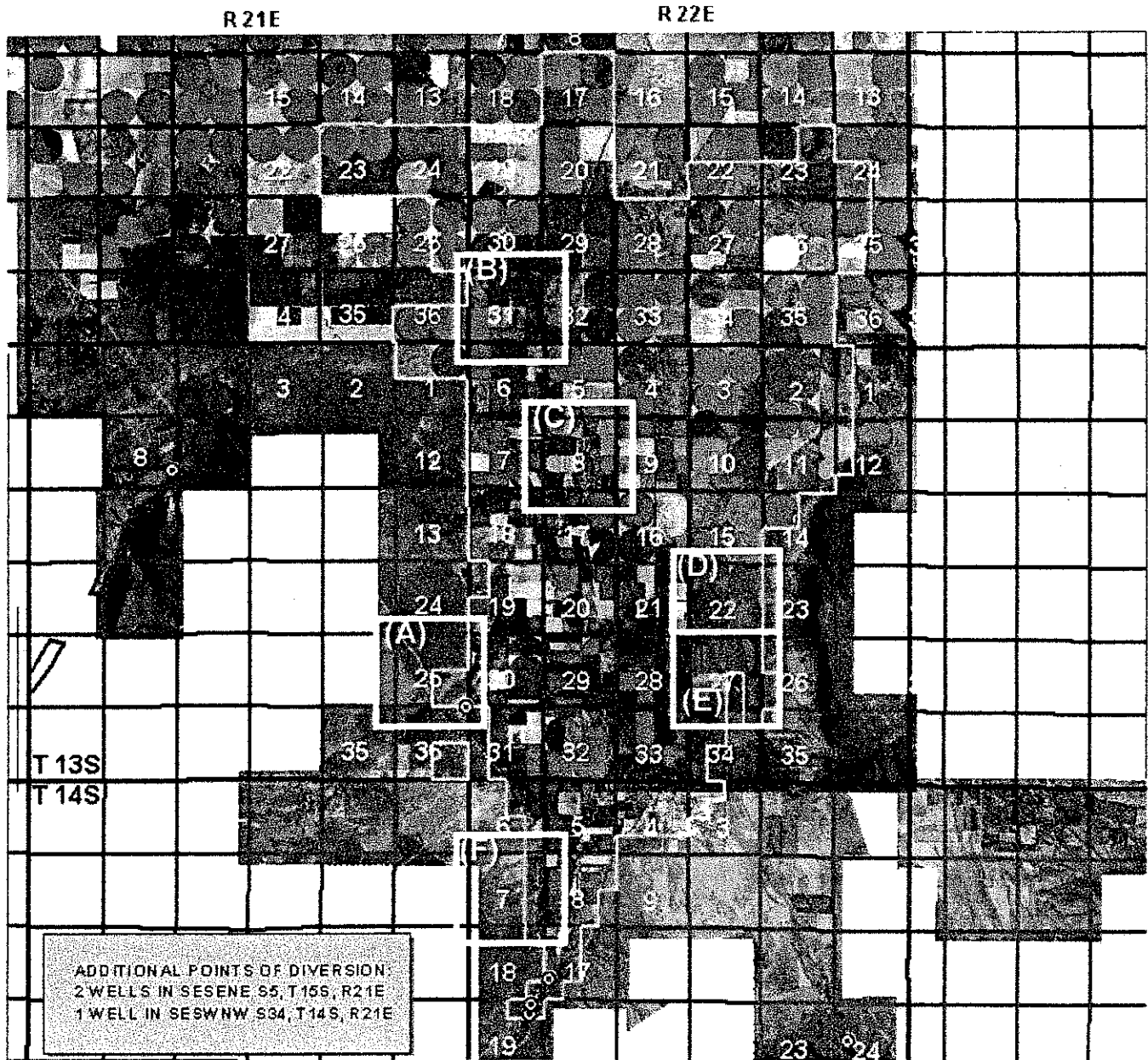
## UNAUTHORIZED POUs ON BLM:

<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



ADDITIONAL POINTS OF DIVERSION:  
2 WELLS IN SESENE S5, T 15S, R 21E  
1 WELL IN SESWNW S34, T 14S, R 21E

0 5280 10560 15840 21120 26400 31680 Feet

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

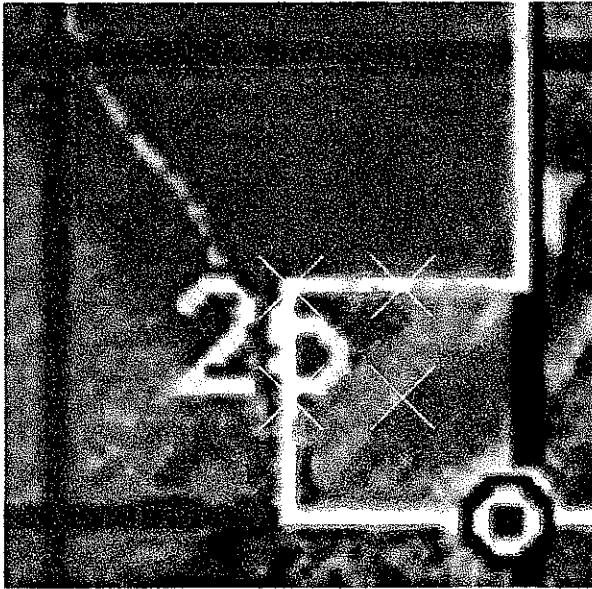


GIS PLACE OF USE PRESENTATION  
1987 NAPP AERIAL PHOTOGRAPHY

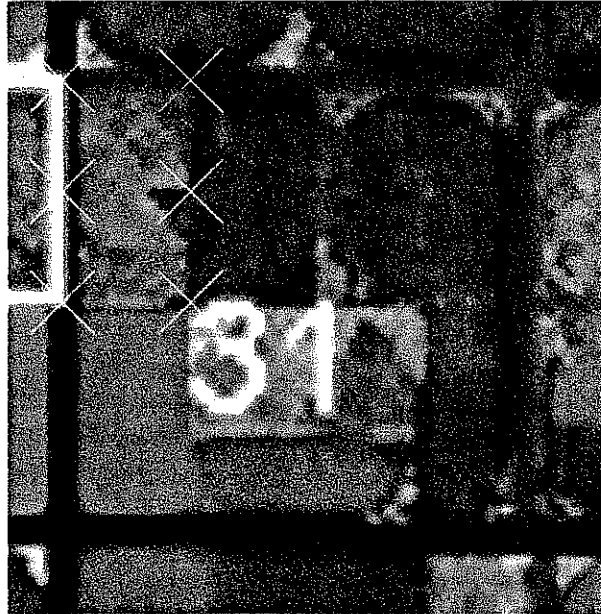
PREPARED BY VIKIE HANCOCK  
JULY 22, 2004

**Unauthorized POUs Inside Digital Boundary**

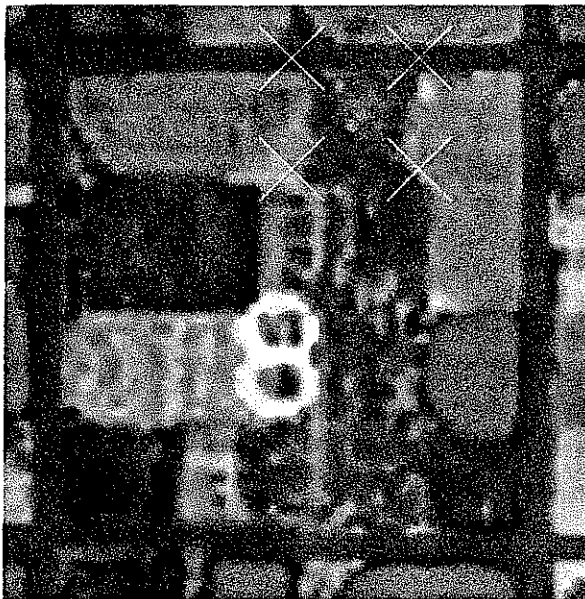
(A) T13S R21E S25 NWSE



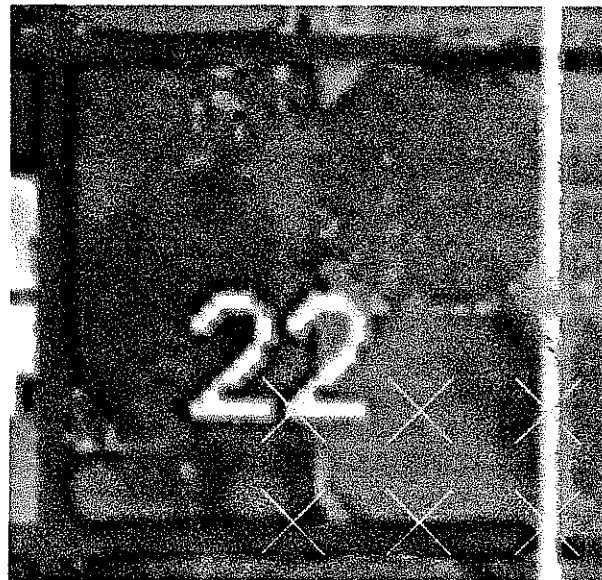
(B) T12S R22E S31 NWNW  
SWNW



(C) T13S R22E S08 NWNE



(D) T13S R22E S22 SESE  
SWSE



**Unauthorized POUs Outside Digital Boundary**

(E) T13S R22E S27 SWSE

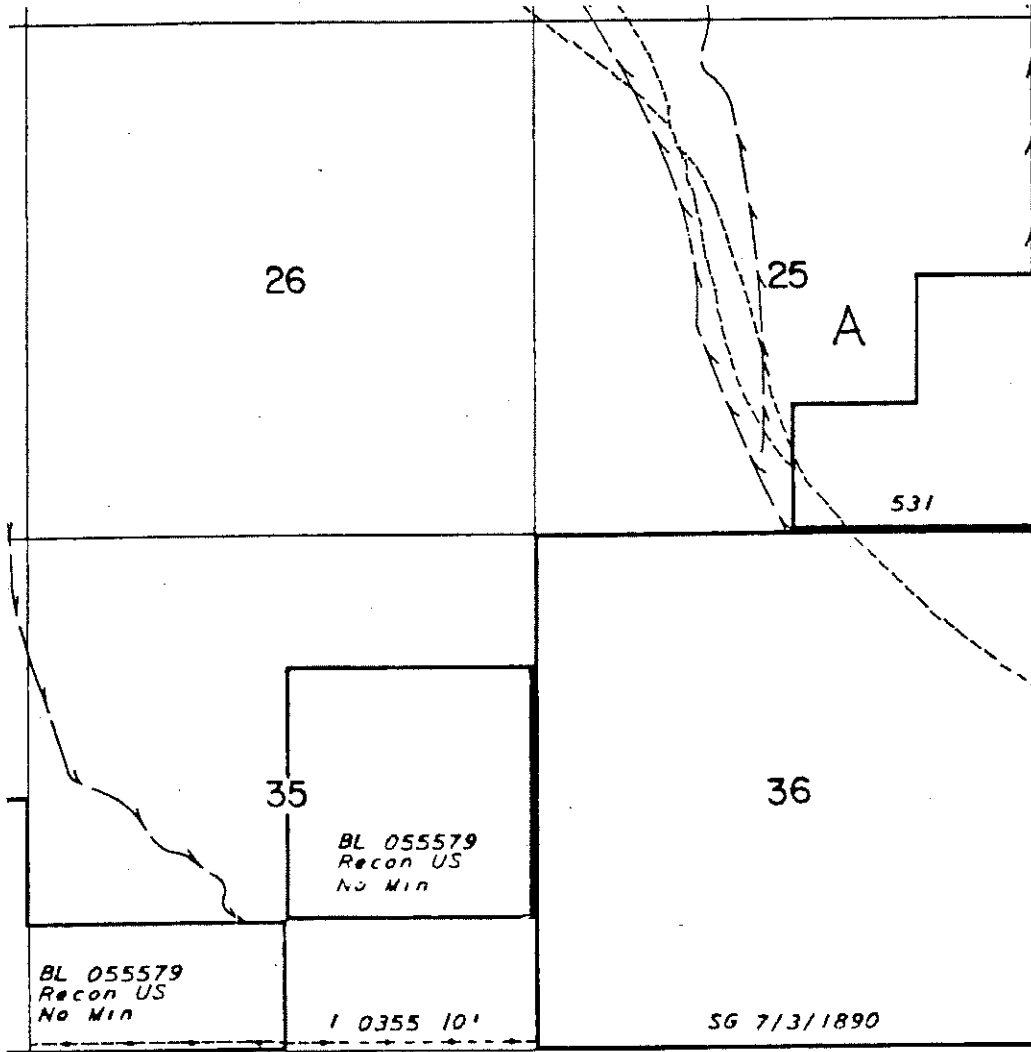


(F) T14S R22E S07 NWNE  
SWNE  
NWSE



A

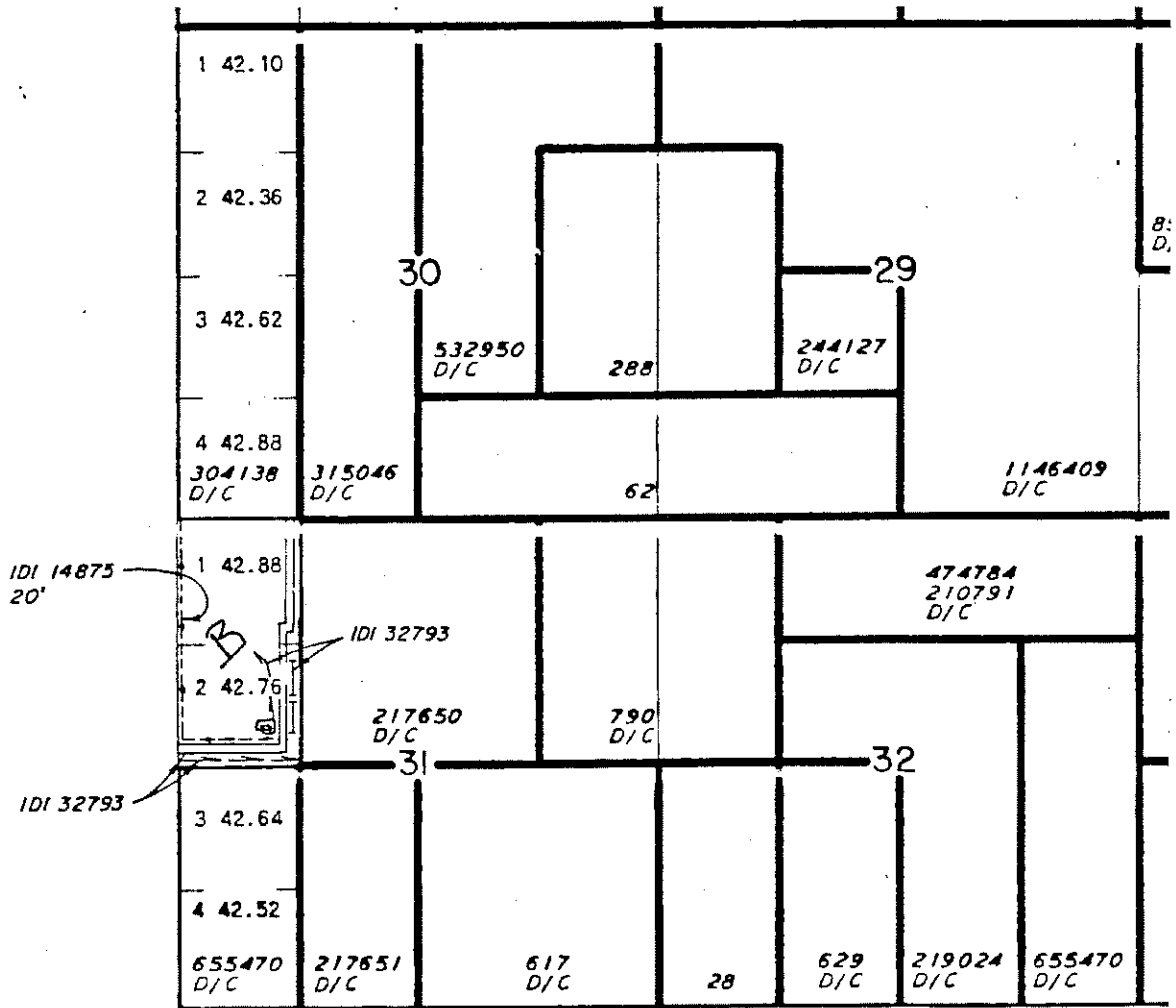
T13S R21E S25





B

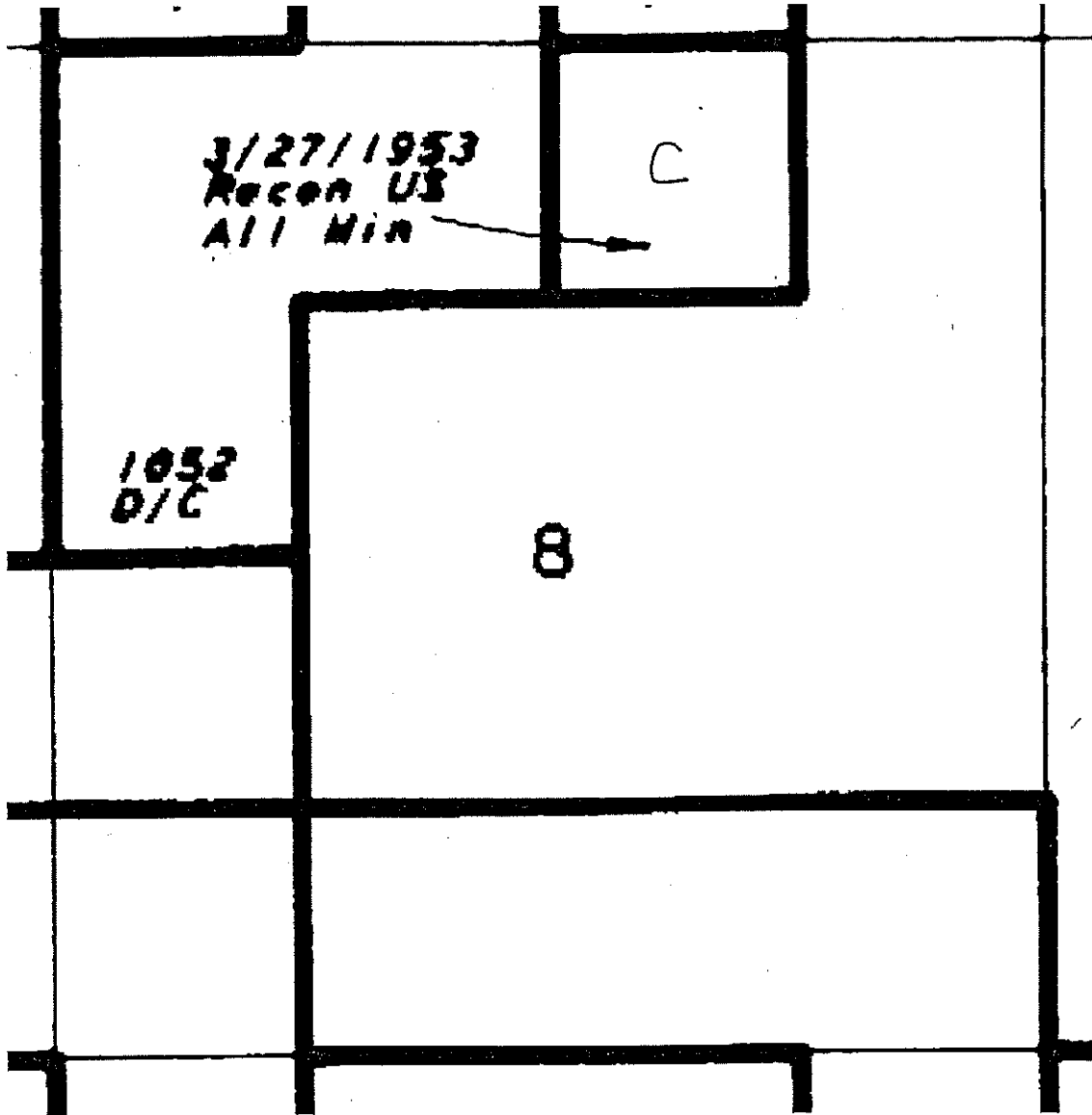
T12S R22E S31





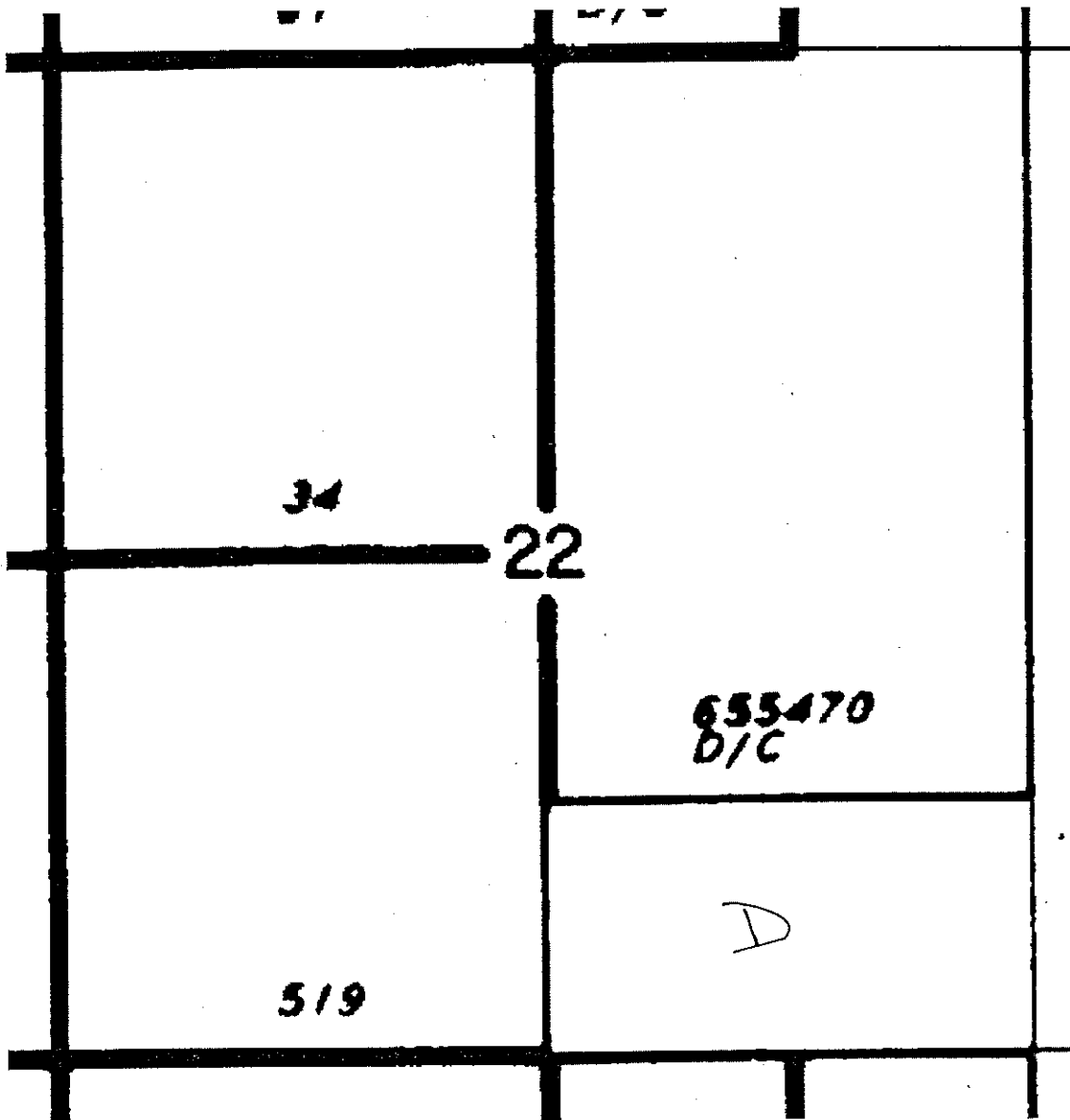
C

T13S R22E S08



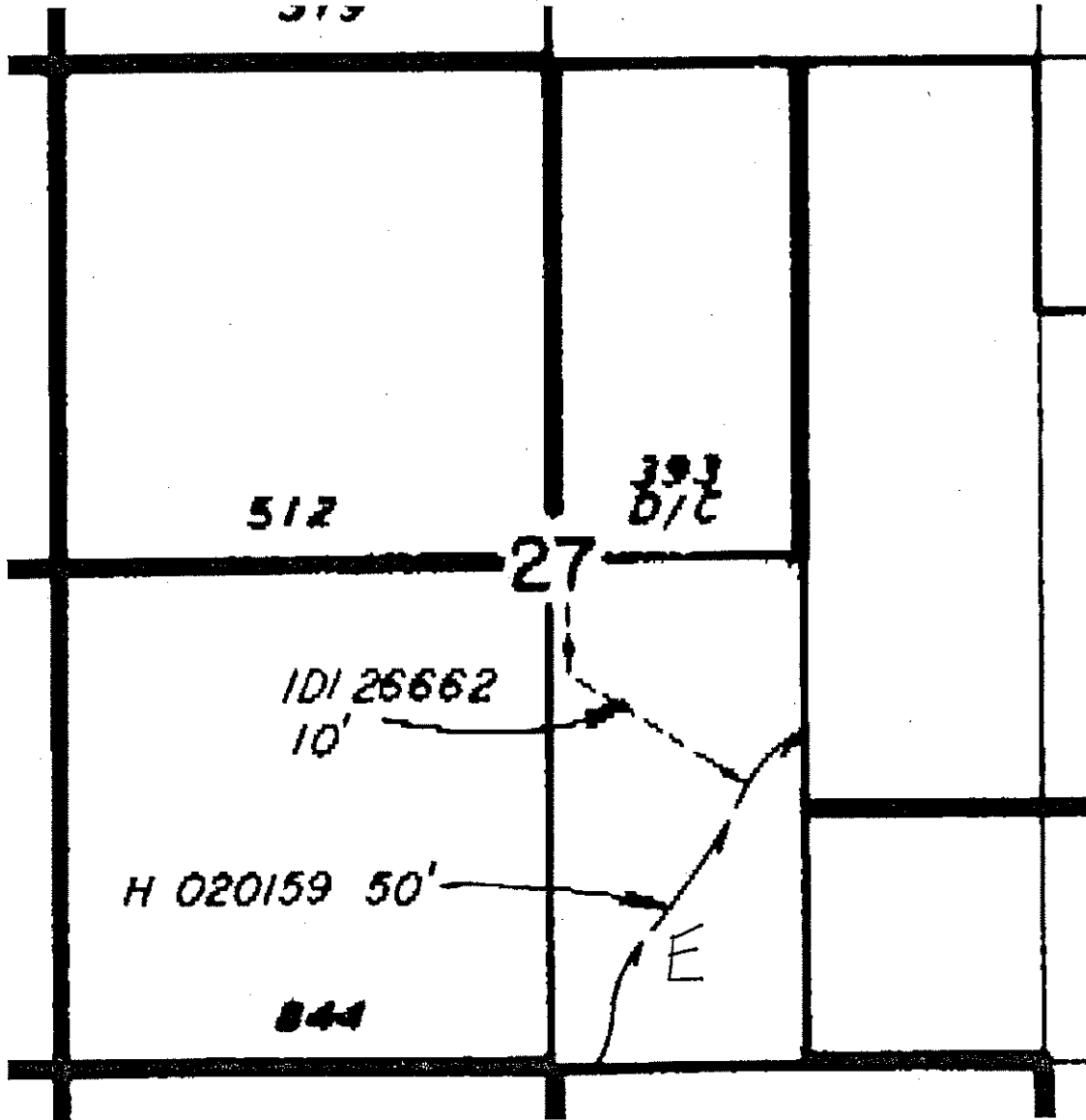
D

T13S R22E S22



E

T13S R22E S27





F

T14S R22E S07

