

**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 45-12455
(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)

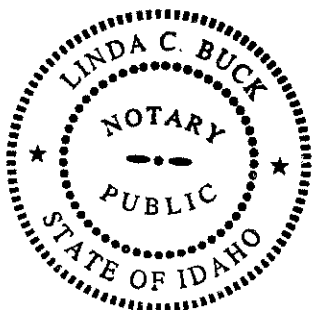
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

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:

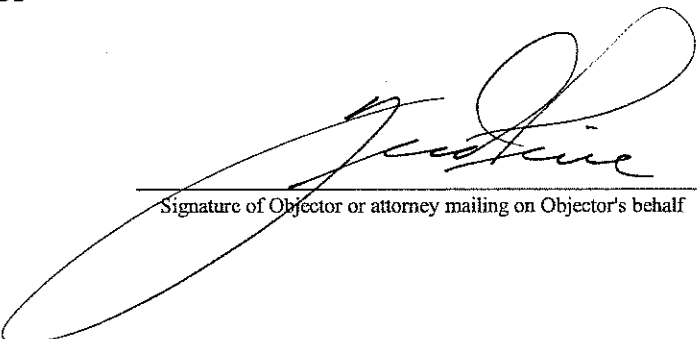
Name: Oakley Canal Co.
Address: P.O. Box 207; Oakley, ID. 83346
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

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: 45-12455

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: GOOSE CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 6.400 CFS

PRIORITY DATE: 05/01/1879

POINT OF
DIVERSION: T14S R22E S17 SWNSW 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:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	6.400 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 320 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. 45-103 FOR 1.6 CFS & 80 AC, 45-104 FOR 0.8 CFS & 40 AC, 45-105 FOR 0.8 & 40 AC, AND 45-106 FOR 3.2 CFS & 160 AC.

45-12455

POUs ON BLM

-IRRIGATED AGRICULTURAL USE OF PUBLIC LAND IS NOT
AUTHORIZED.

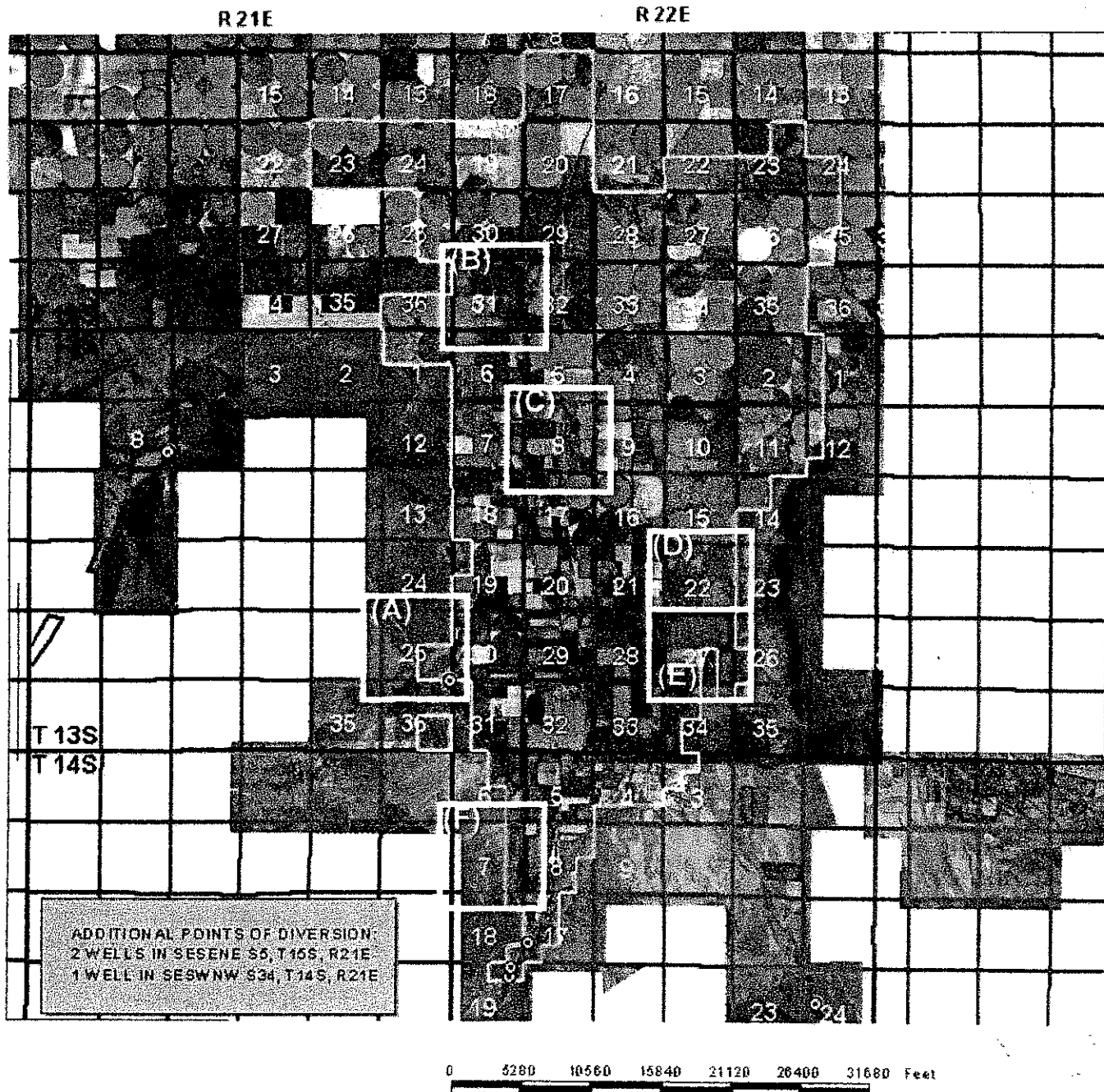
UNAUTHORIZED POU's ON BLM:

<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

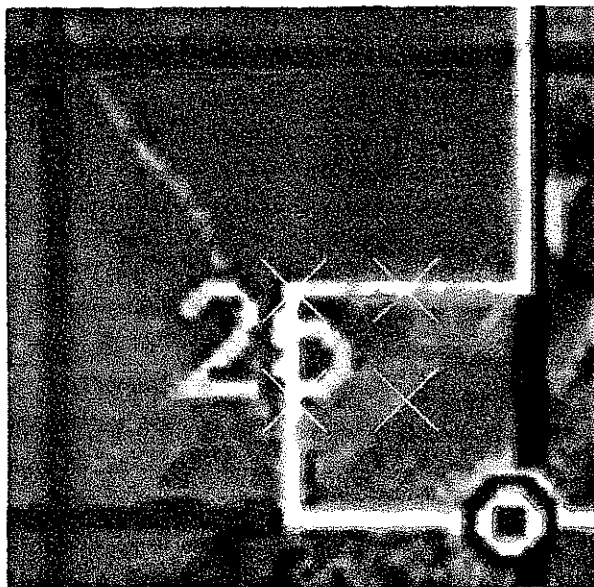


GIS PLACE OF USE PRESENTATION
1987 NAPP AERIAL PHOTOGRAPHY

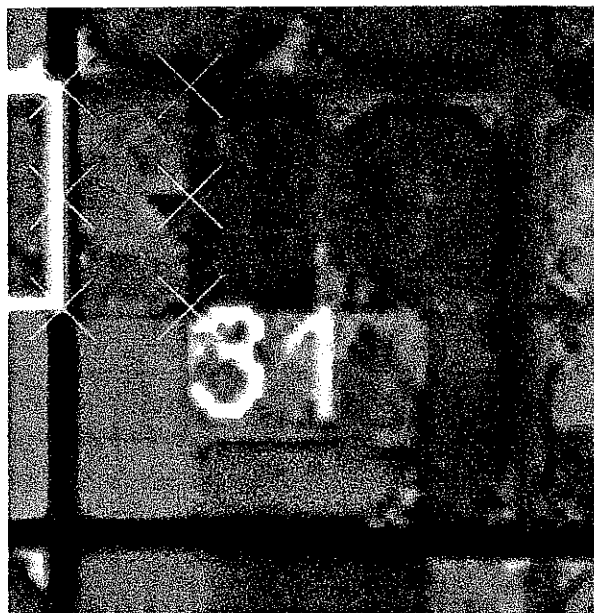
PREPARED BY VIKIE HANCOCK
JULY 22, 2004

Unauthorized POU's Inside Digital Boundary

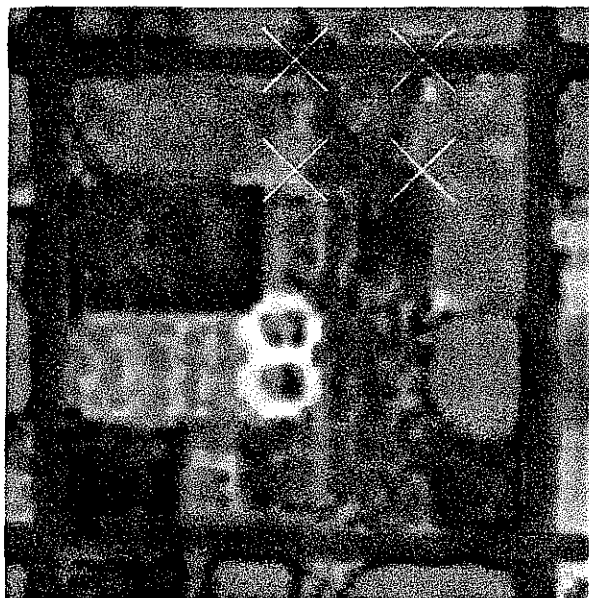
(A) T13S R21E S25 NWSE



(B) T12S R22E S31 NWNW
SWNW



(C) T13S R22E S08 NWNE

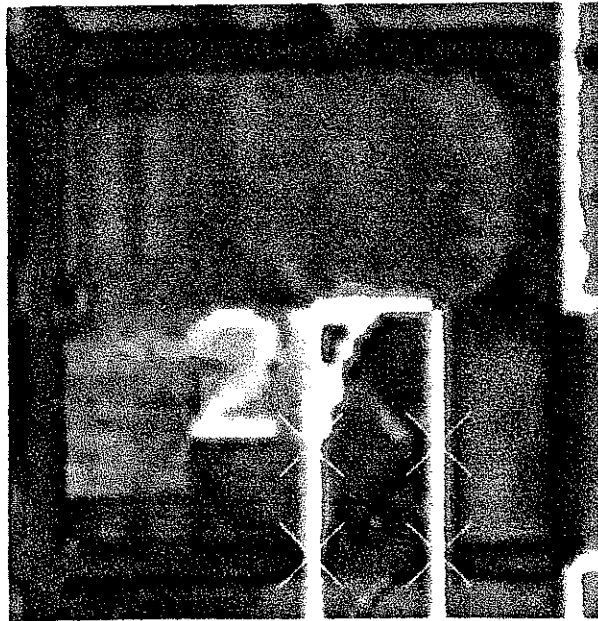


(D) T13S R22E S22 SESE
SWSE

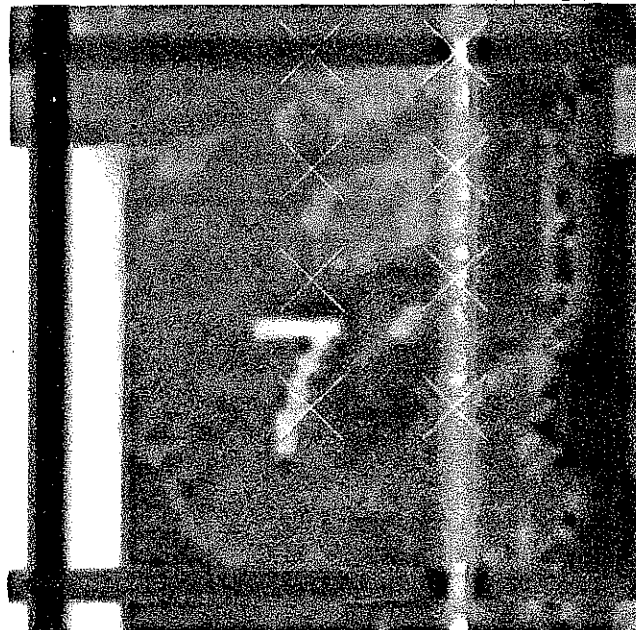


Unauthorized POUs Outside Digital Boundary

(E) T13S R22E S27 SWSE

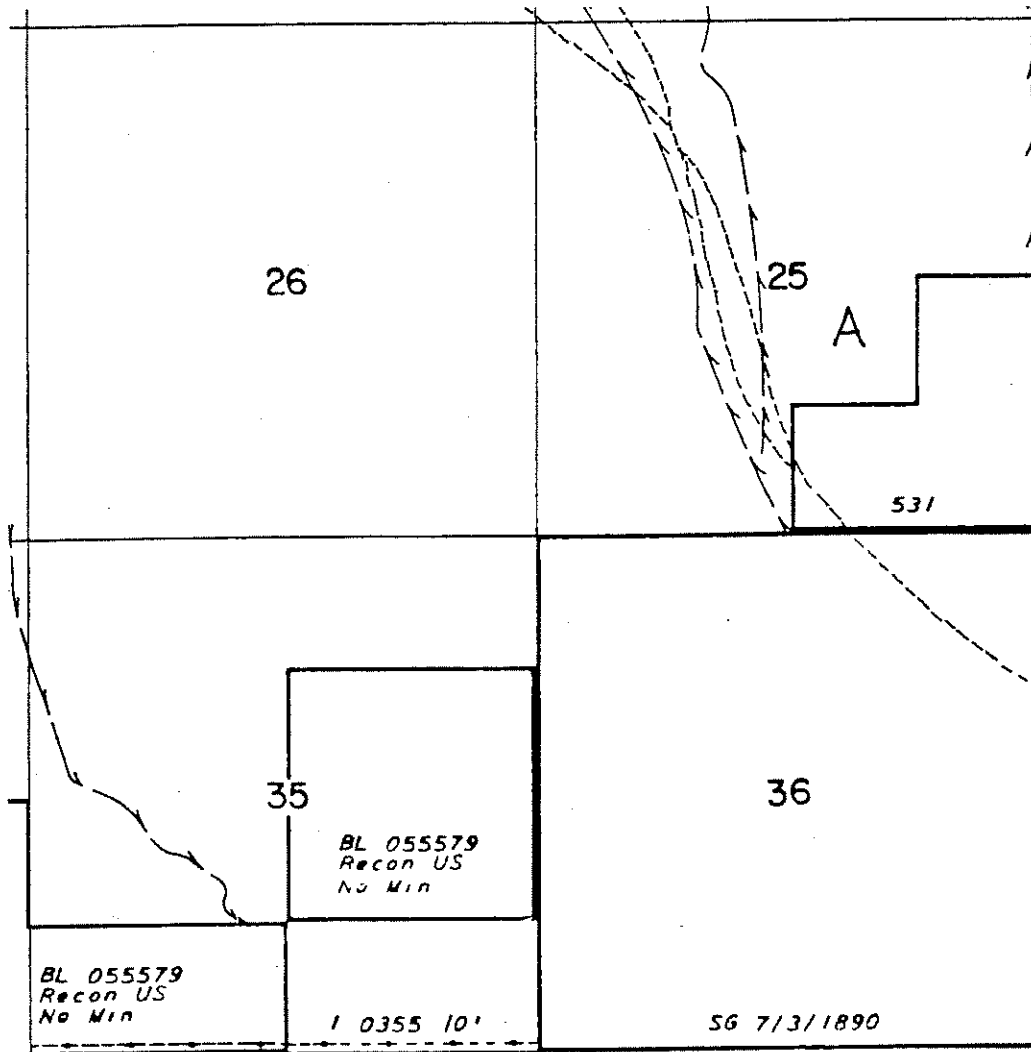


(F) T14S R22E S07 NWNE
SWNE
NWSE



A

T13S R21E S25

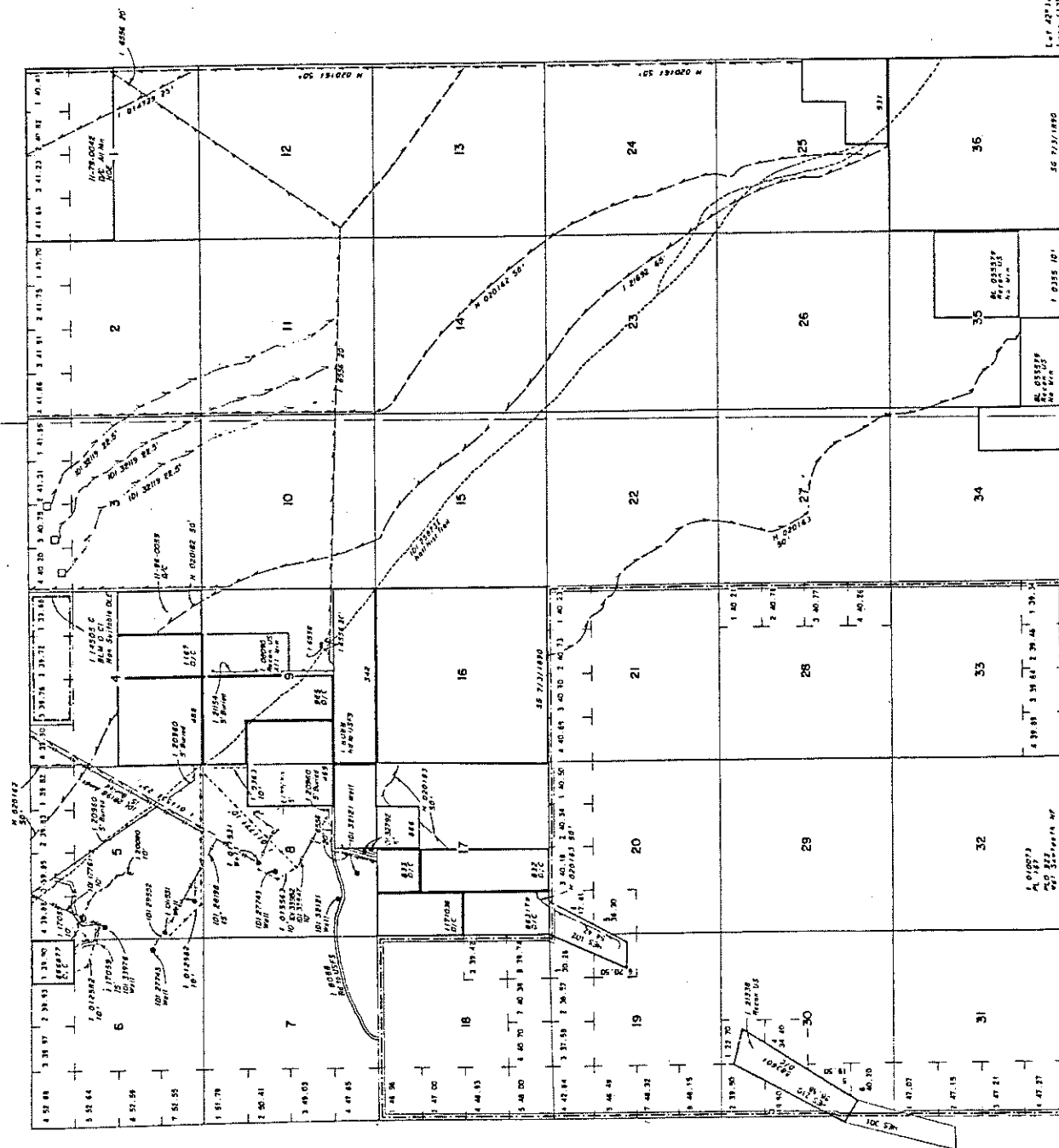


STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

CASSIA COUNTY 031
BUMLET DISTRICT SEC 3

[illegible]

1 010073 Der PL 167 (Act of Cong 7/23/1955)
completed 7/12/1962. All MF surface Wgmf by USFS



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

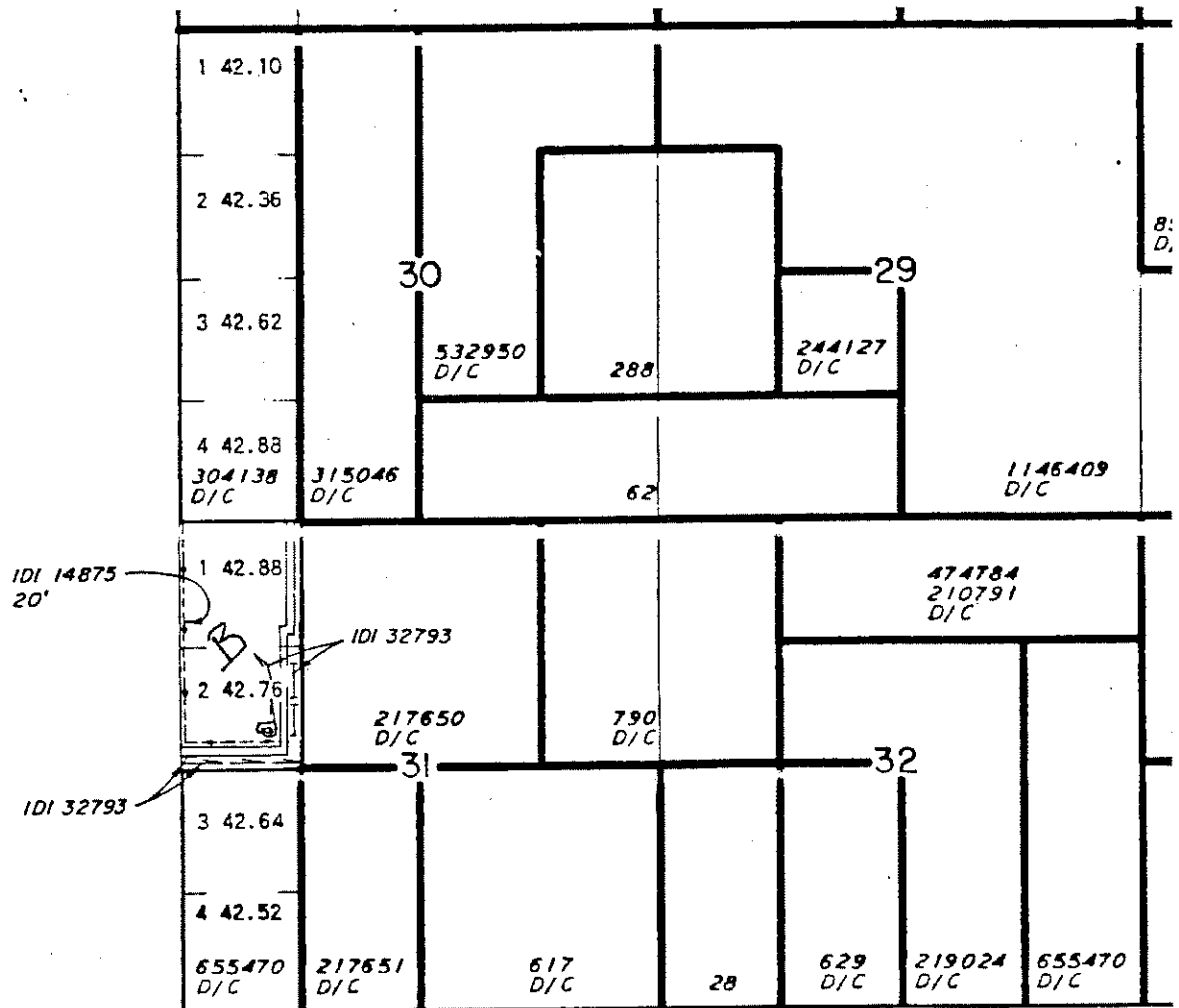
THIS plot is the Bureau's record of title, and should be used primarily as a simple digest of the township survey data. Records herein are not subject to the changes which may have been effected by lateral movements of one or other body of water. For lateral movements of water, see other survey information.

SCALE in Chains

Boim May
T. 133
R. 21E

B

T12S R22E S31

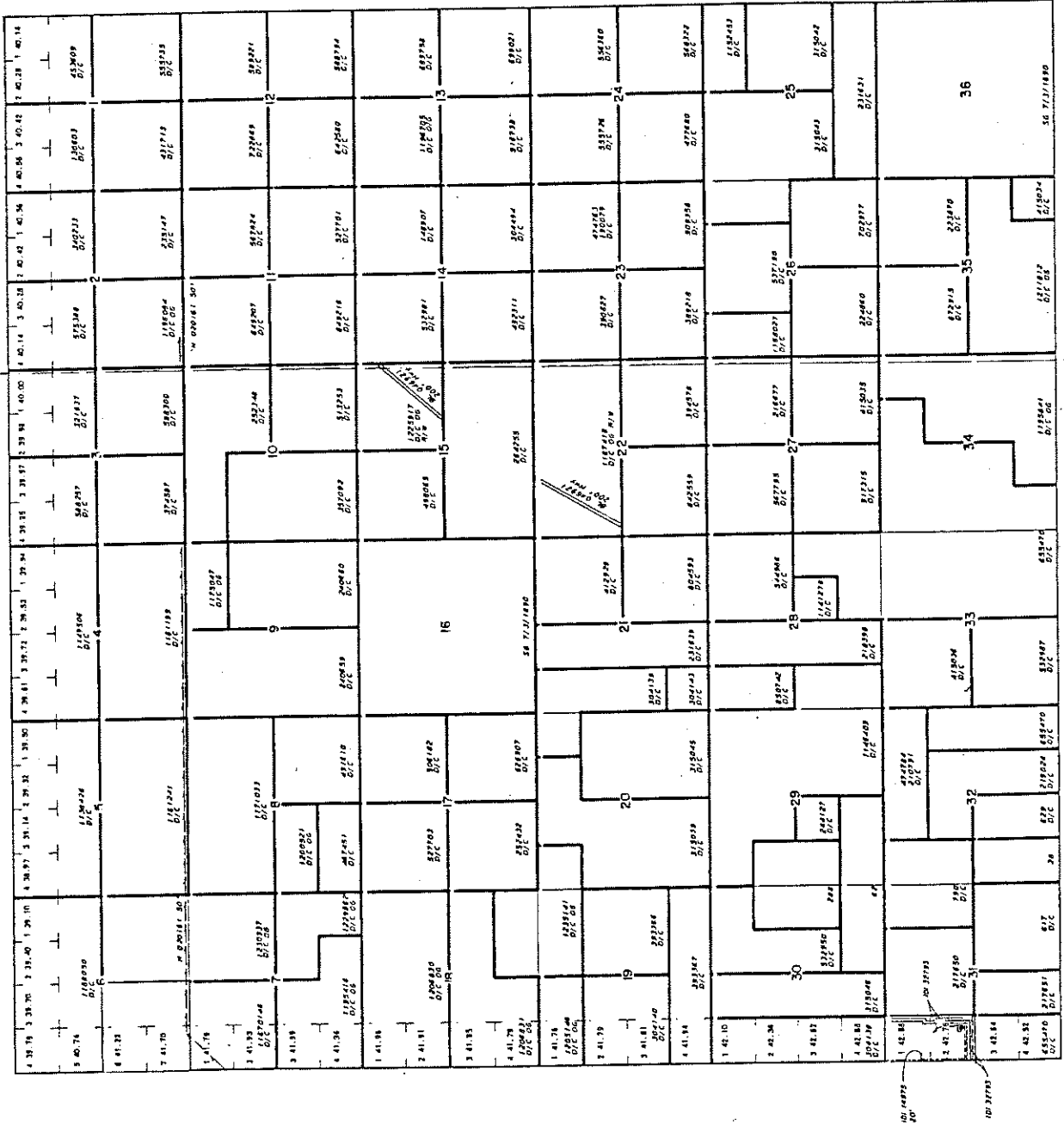


TOWNSHIP 12 SOUTH RANGE 22 EAST OF THE POISE MERIDIAN, IDAHO

CASSIA COUNTY Q3
BUREAU DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT



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35	12	22	35
36	12	22	36

11816 Shaded 3/11/76
Sec 6: Lot 1, 2
Sec 3: Lot 1, 2

101 14888
20

CURRENT TO	COMMENT TO
USE PLATE:	

Lat 47° 30' N
Long 113° 45' W

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

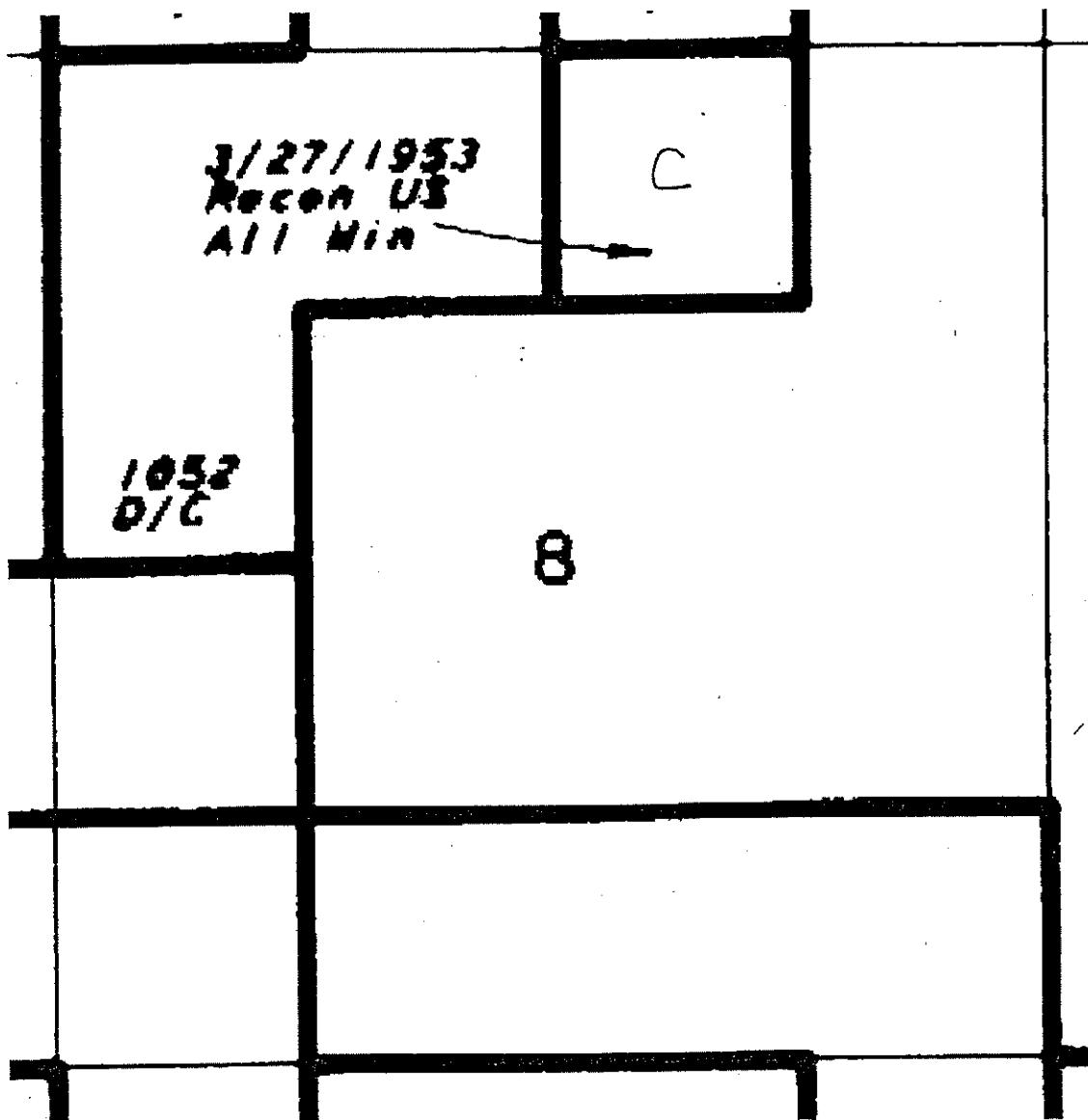
WARNING STATEMENT
This plat is the Best Available Copy of the original survey data and
may not be a perfect duplicate of the original survey data. It is
subject to the same errors and omissions as the original survey data.
It is not to be used for legal purposes without reference to the
original survey data.

SCALE in Chains
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8044 NW
T. 12S
R. 22E

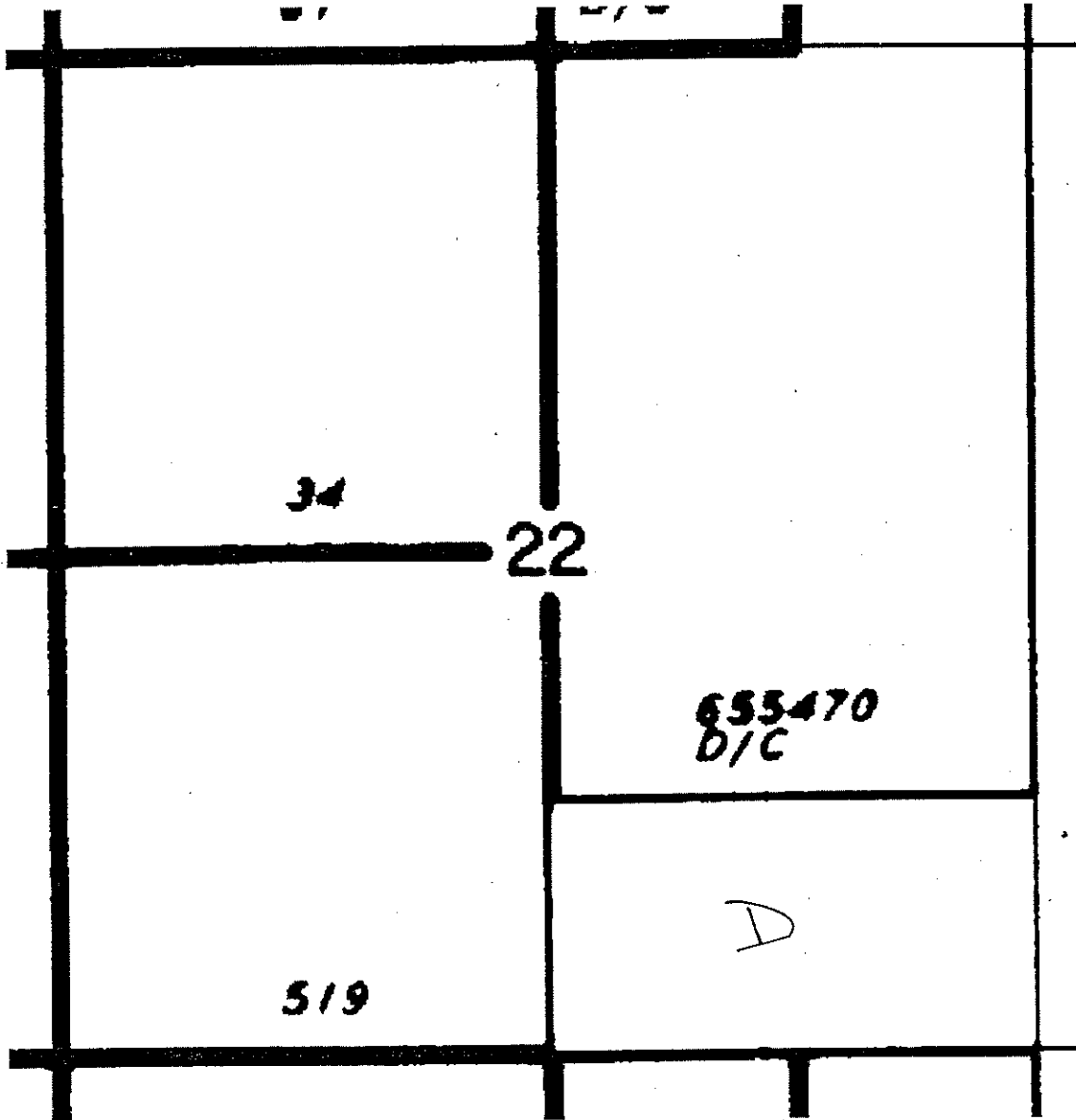
C

T13S R22E S08



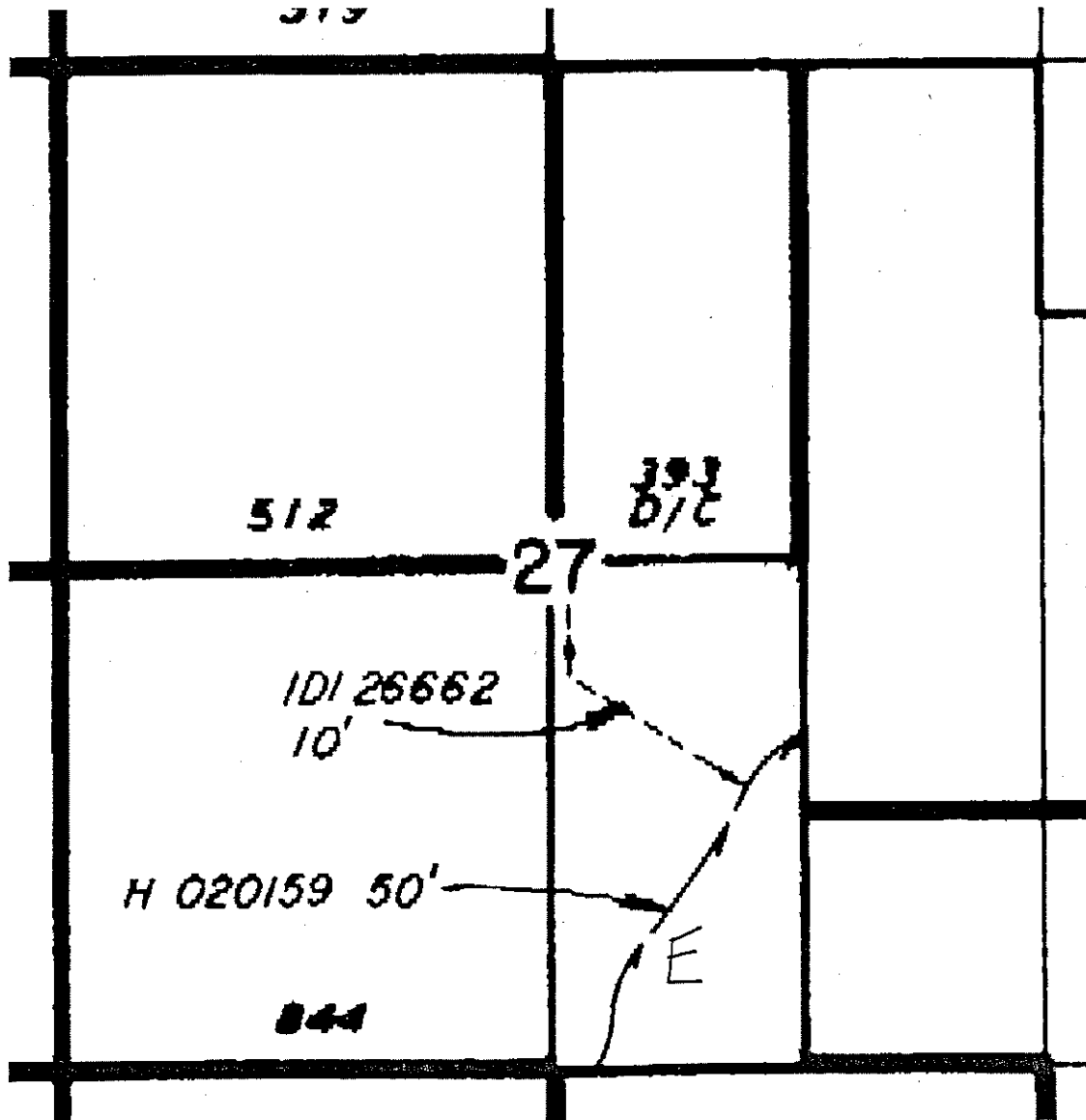
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T13S R22E S22



E

T13S R22E S27

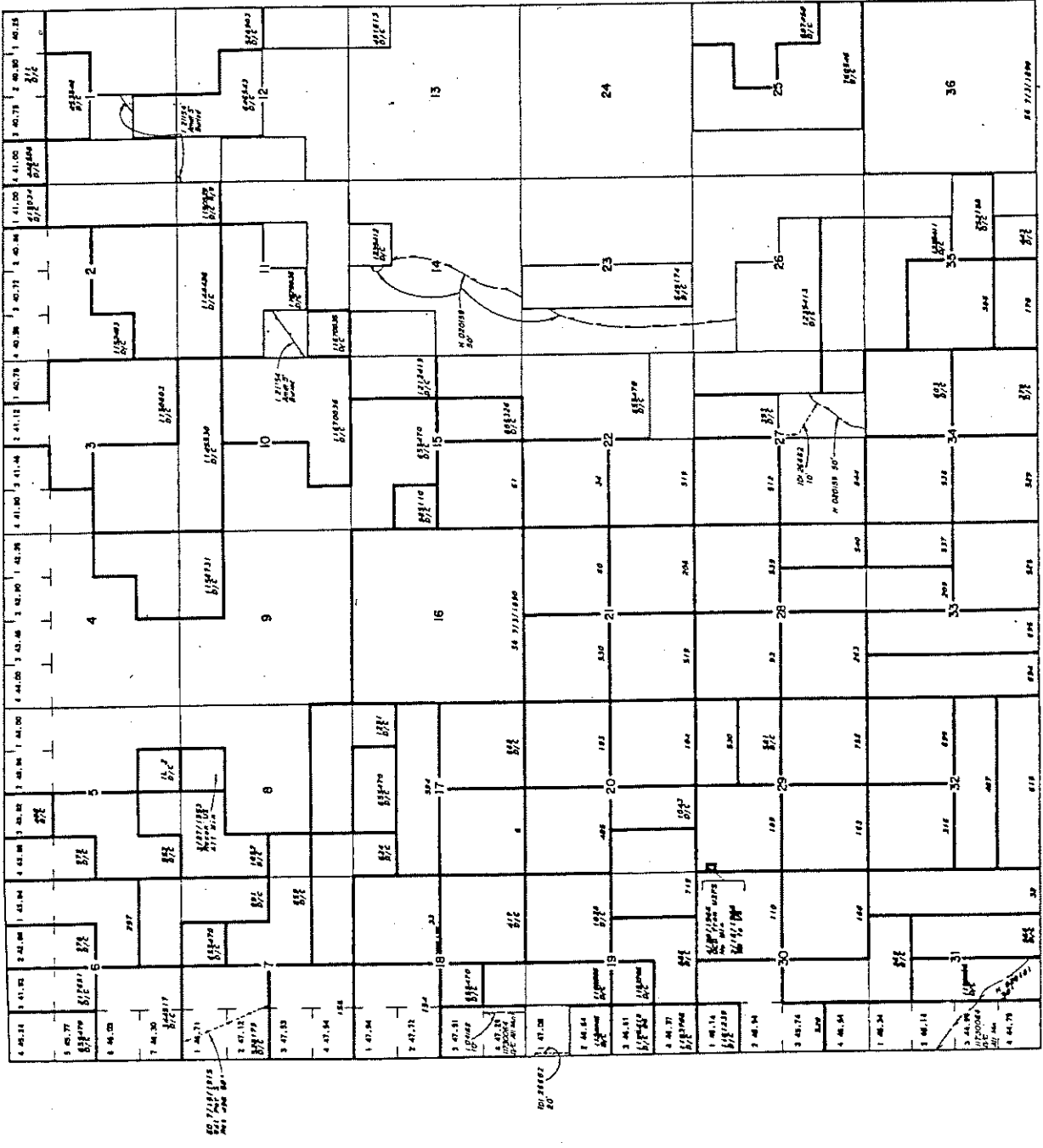


TOWNSHIP 13 SOUTH RANGE 22 EAST OF THE BOISE MERIDIAN, IDAHO

CASSIA COUNTY 031
BULET DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
AND ACQUIRED LANDS

MT PLAT



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1. 1000 S. 1/2 AC. 3/1/78
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36. 1000 S. 1/2 AC. 3/1/78

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

DATE: FEB 21 1986	COMMIT TO
DATE:	COMMIT TO

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.

SCALE IN CHAINS
0 10 20 30 40 50 60 70 80 90 100

Base Map
T. 132
R. 232

CASSIA COUNTY 031
NUMBER DISTRICT SEC 3

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

INDEX TO SEGREGATED TRACTS			
TRACT NO	ORIGINAL SURVEY		SUBDIVISION
	T	R SEC	

[illegible]

X Read from USFS 4/11/1983
Sec 4: Lots 2 & 3, blk 9 village of Oakley
Asg 1/6/1936 WD to US
Lot 3, blk 9 Village of Oakley
10/1/23 ASFFE Natl Hist Trust
Municipal information only, does not denote
public access
DI 014061 ASFFE Landfill Let Term 12/18/1971
Sec 4: SWSE

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

CLURRENT TO	CLURRENT TO
MAY - 8 2024	

USE PLATE:

WARNING STATEMENT

This data is the Bureau's Record of Title, and should be used only as a graphic display of the tenability survey data. Record of Title is not intended to be used as a legal document. It is not intended to reflect title changes which have not been recorded and should not be used as evidence of title. The data shown in the reduction represents only 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.

WASHINGTON STATE

SCALE in CHAINS

Boies Mer
T. 145
R. 22E