

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 45-00151
(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: Carl F. and Barbara V. Austin
Address: P.O. Box 93; 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 legal description for element nine (POU) above may include Federal land. The description should be specific enough to exclude Federal land. A remark could be included under the place of use (POU) element that reads: "The use of water under this right does not include a use on federal public land."

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.

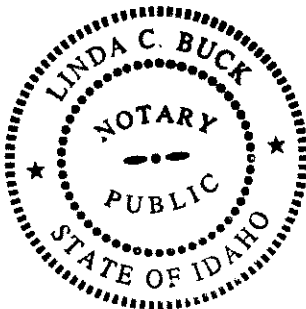
Fredric W. Price
(Signature of person filing objection)

Larry A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

January 4, 2005

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^{FWP}, 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: Carl F. and Barbara V. Austin
Address: P.O. Box 93; 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: 45-151

-Mixed POU

NAME AND ADDRESS: BARBARA V AUSTIN
PO BOX 93
OAKLEY ID 83346

CARL F AUSTIN
PO BOX 93
OAKLEY ID 83346

-The place of use identified below contains both private and public land.
-Clarify the POU such that it is clear that only private land is intended.

SOURCE: COLD CREEK
GOOSE CREEK

TRIBUTARY: GOOSE CREEK
TRIBUTARY: SNAKE RIVER

QUANTITY: 4.300 CFS

PRIORITY DATE: 02/21/1925

POINT OF
DIVERSION:

T15S R21E S25 SESENE Within CASSIA County
T15S R21E S25 NENWSE Within CASSIA County
T15S R21E S25 NWSWSE Within CASSIA County
T15S R22E S31 NWNWSW Lot 3 Within CASSIA County **BLM**

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 07/20	4.300 CFS
STOCKWATER	04/15 07/20	0.120 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER JULY 20 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:

IRRIGATION Within CASSIA County

T15S R21E S25	NENE	5.0	T15S R21E S25	NWNE	13.0
T15S R21E S25	SWNE	24.0	T15S R21E S25	SENE	15.0
T15S R21E S25	SENW	6.0	T15S R21E S25	NESW	11.0
T15S R21E S25	SESW	6.0 <i>put/BLM</i>	T15S R21E S25	NESE	21.0
T15S R21E S25	NWSE	27.0	T15S R21E S25	SWSE	30.0
T15S R21E S25	SESE	35.0	T15S R21E S36	NENE	22.0

STOCKWATER Within CASSIA County

THE USE OF WATER UNDER THIS RIGHT DOES NOT INCLUDE A USE ON
FEDERAL PUBLIC LAND.

08/24/2004

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

T15S R21E S25	NWNE	T15S R21E S25	SWNE
T15S R21E S25	SENE	T15S R21E S25	SENW
T15S R21E S25	NESW	T15S R21E S25	SESW
T15S R21E S25	NESE	T15S R21E S25	NWSE
T15S R21E S25	SWSE	T15S R21E S25	SESE
T15S R21E S36	NENE		

215 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 215 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-151, 45-7173A, 45-10248, & 45-13648.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 209 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

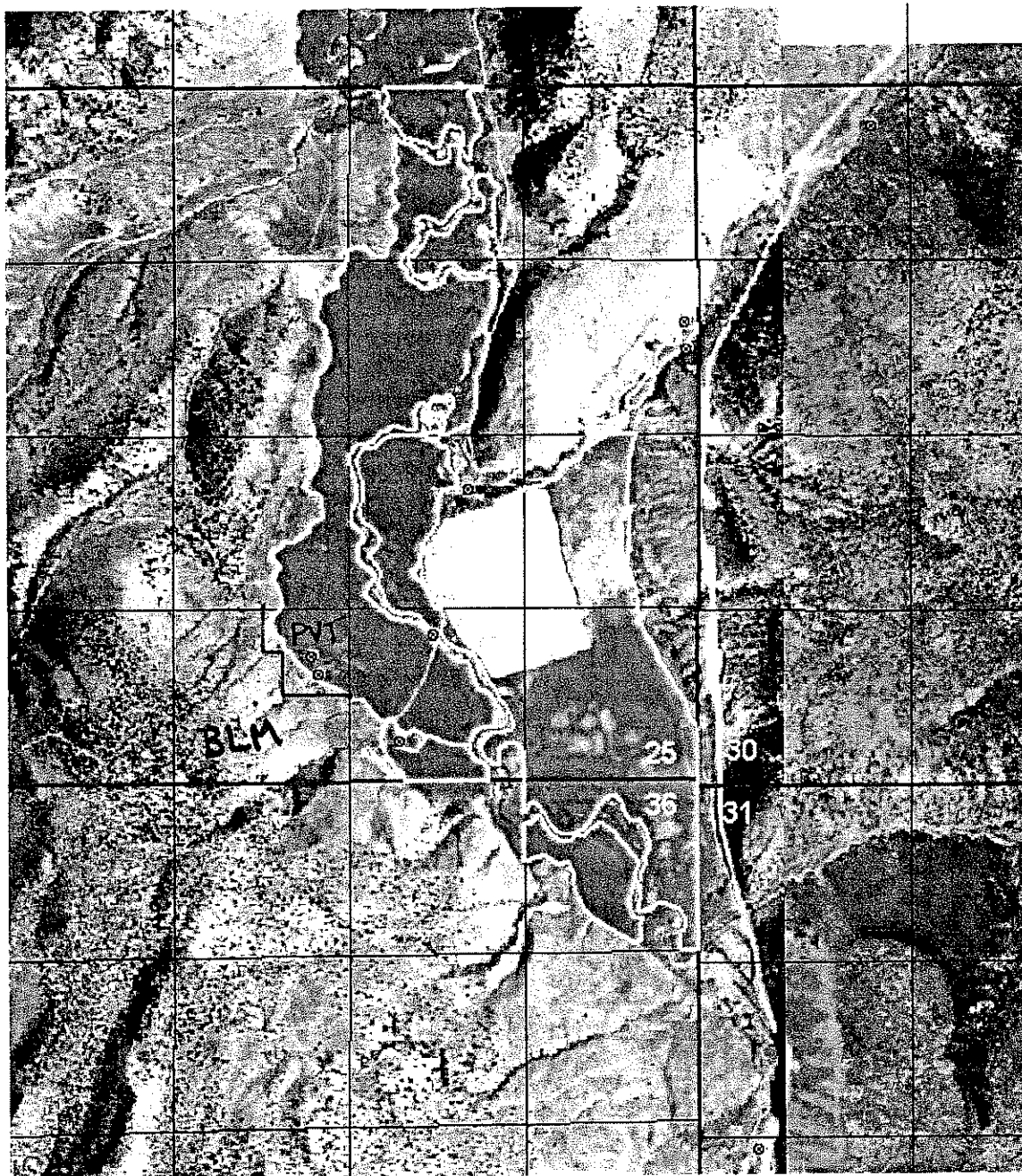
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

Idaho Department of Water Resources

45-151, 45-7173A, ~~45-7451~~, & 45-10248



0 1320 2640 3960 Feet

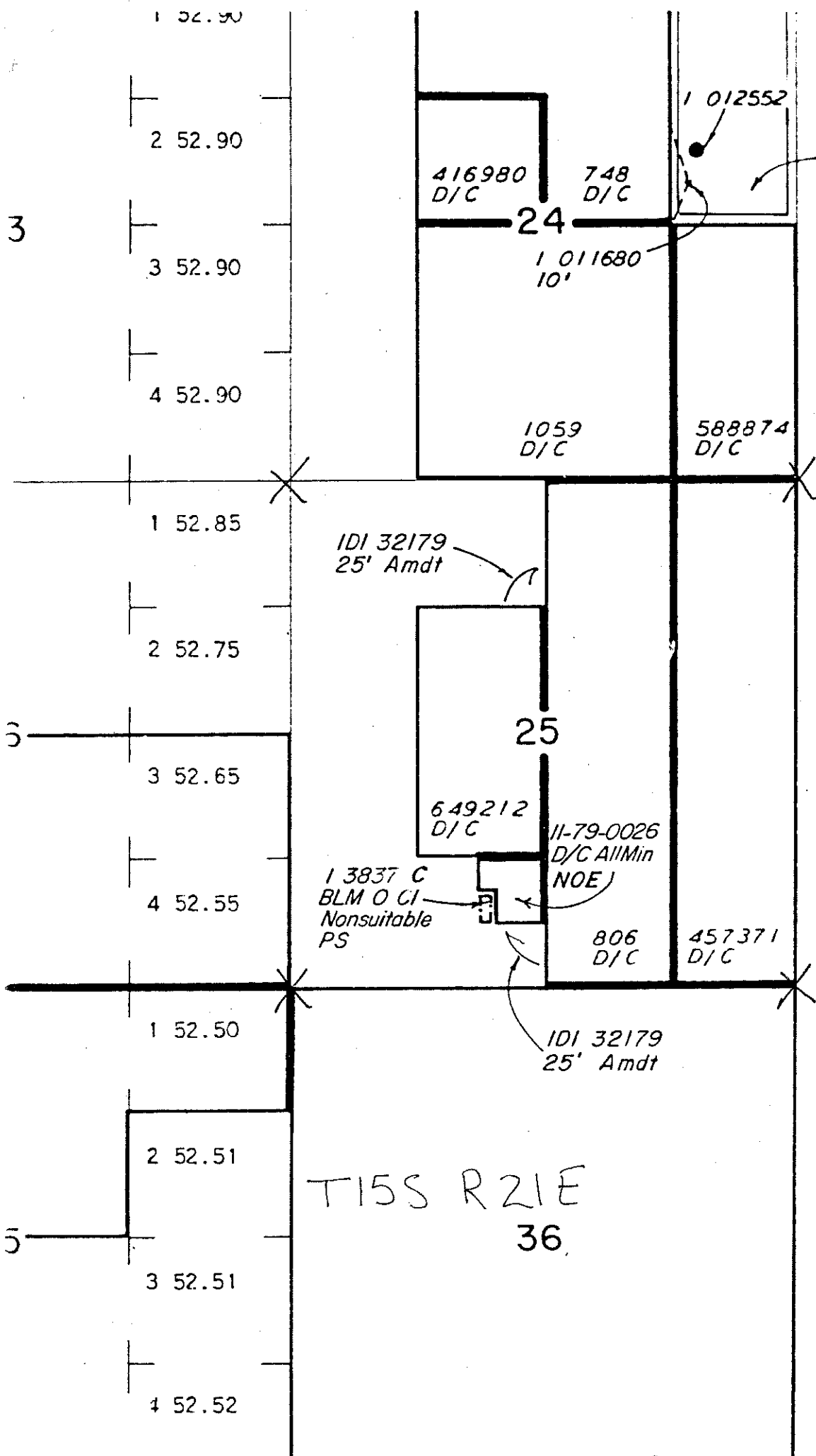


RECOMMENDED PLACE OF USE
DATA ENTRY ON OCT. 29, 2002
TWP 15S, RNG 21E, SEC. 25 & 36



- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson



T15S R21E
36

FOR
UNI
MIS

Lat. 42° 4' 17" N

Long. 113° 57' W

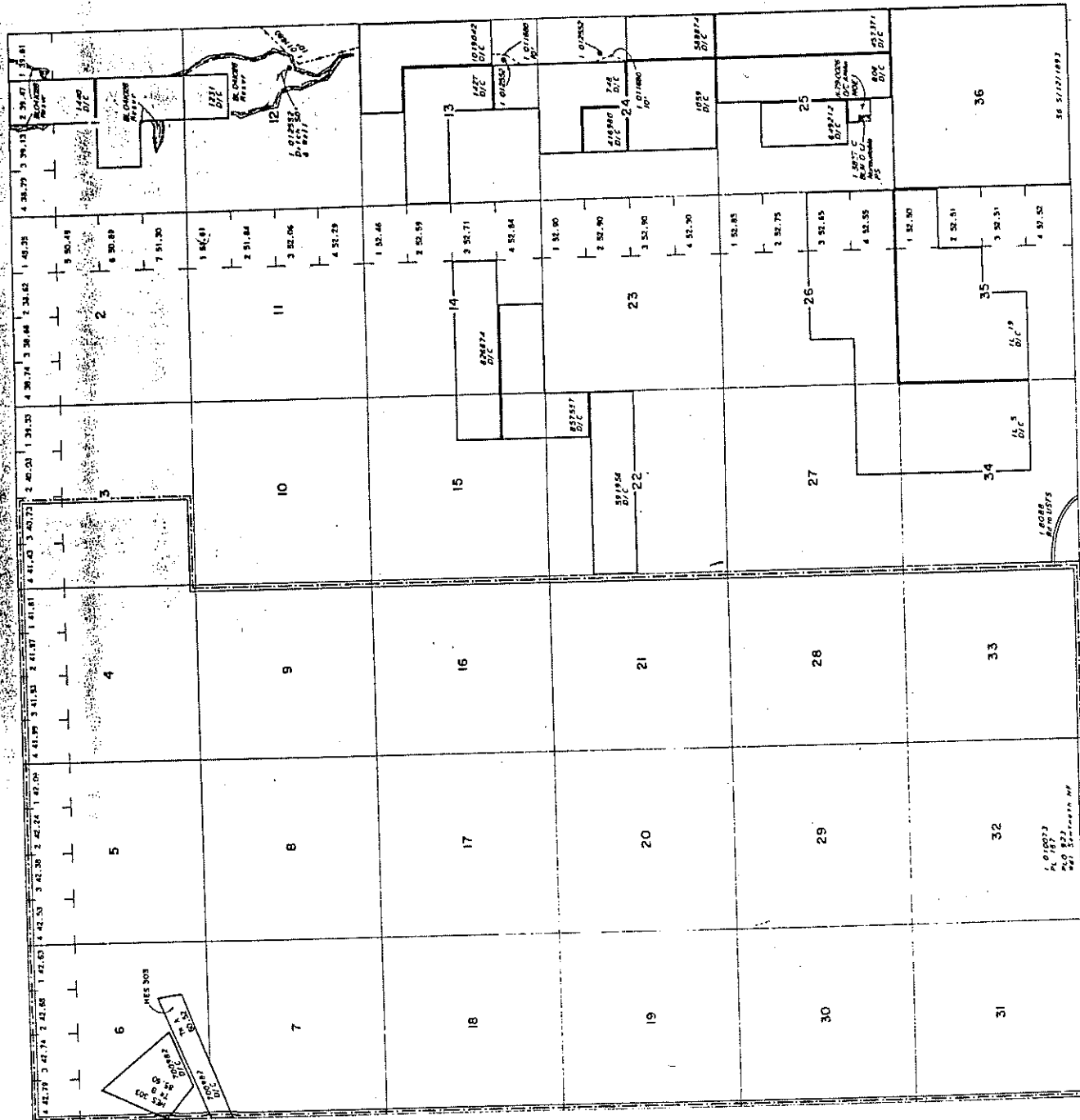
STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES

CASSIA COUNTY 031
BURLEY DISTRICT SEC 3

MT PLAT

[illegible]

1. 010073 Oct PL 167 (Act of Cong 7/23/1955)
completed 7/12/1962. All WF surface Xmt by



WARNING STATEMENT

This plot is the Bureau's Record of Title, and should be used accordingly on a graphic display of the boundary survey data. Records herein do not reflect title character which may have been affected by later governmental or private building of water and sewerage, and should be used for all water by information.

SCALE IN CHOIRS

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

10.5501: 6007
10.5501: 8007 107