

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 45-10248
(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)

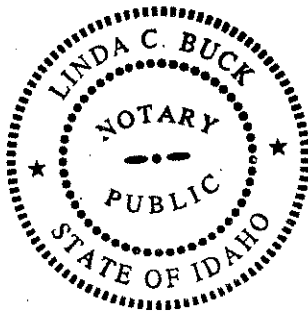
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

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 Jun. 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: ;

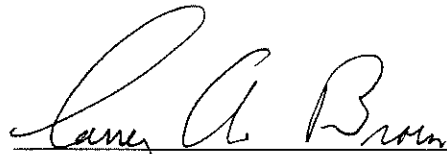
Name:
Address: ;

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: 45-10248
NAME AND ADDRESS: BARBARA V AUSTIN
PO BOX 93
OAKLEY ID 83346

CARL F AUSTIN
PO BOX 93
OAKLEY ID 83346

-Mixed POU

-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: GROUND WATER TRIBUTARY:

QUANTITY: 1.780 CFS
262.50 AFY

USE OF THIS RIGHT WITH RIGHT NO. 45-7451 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.78 CFS.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 752.5 AF. COMBINED RIGHT NOS.: 45-7173A, 45-10248, 45-13648.

The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/01/1920

POINT OF DIVERSION: T15S R21E S25 SWSWSE Within CASSIA County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.660 CFS 262.50 AFY
STOCKWATER	01/01 12/31	0.120 CFS 6.70 AFY
DOMESTIC	01/01 12/31	0.040 CFS 1.20 AFY

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>							
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	SENE	6.0	T15S R21E S25	NESW	11.0		
T15S R21E S25	SESW	6.0	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	SENE
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		
<u>DOMESTIC Within CASSIA County</u>			
T15s R21e S25	SWSE		

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 75 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.

The quantity of water decreed for this water right for domestic use and stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

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

