

RECEIVED

JUN 24 2005

DEPARTMENT OF
WATER RESOURCES

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 65-22738
(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: A L Cattle, Inc.
Address: P.O. Box 608; Emmett, Idaho 83617
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: See attached.
4. ☒ **Priority Date**
Should be: See attached.
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 combined use remark under the quantity element refers to BLM claims that do not overlap with this claim. The reference to BLM water right numbers should be removed. The priority date recommended is not in accord with the settlement filed with the court on 08-29-02 that defined the priority for this claim should be 06-27-1934.

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.

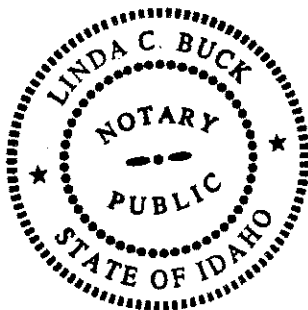
Fredric W. Price
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

June 20, 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.

CERTIFICATE OF MAILING

G.

I certify that on June 23, 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: A L Cattle, Inc.
Address: P.O. Box 608; Emmett, Idaho 83617

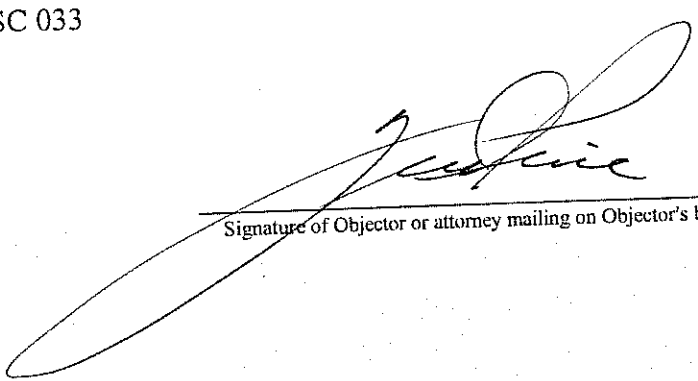
Travis L. Thompson
Barker, Rosholt & Simpson, LLP
113 Main Ave. W., Ste. 303
Twin Falls, Idaho 83301

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

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

RIGHT NUMBER: 65-22738
NAME AND ADDRESS: A L CATTLE INC
PO BOX 608
EMMETT ID 83617

-BLM claims 65-19822, 65-19816, 65-19826, 65-20611, and 65-20612 do not overlap with this claim. Claims 65-22737 and 65-22739 need to be added to remark under quantity.
-Priority Date should be 06/27/1934 in accordance with Stipulation entered into on Aug 29, 2002.

SOURCE: DRY CREEK

TRIBUTARY: BIG WILLOW CREEK

QUANTITY: 0.020 CFS

The quantity of water under this right when combined with 65-19805, 65-19996, 65-19895, 65-19807, ~~65-19822, 65-19816, 65-19826, 65-20611, 65-20612,~~ and 65-22736, 65-22737, and 65-22739 shall not exceed 13,000 gallons per day.

PRIORITY DATE: ~~01/25/1897~~ 06/27/1934

POINT OF
DIVERSION: T09N R01W S8
T09N R02W S34

Within PAYETTE County
NENENE ~~BLM~~ Begin of Stream Flow
SWNWNE ~~PUT~~ End of Stream Flow

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
STOCKWATER

PERIOD OF USE
01/01 12/31

QUANTITY
0.020 CFS

PLACE OF USE:

STOCKWATER

T09N R01W S07
T09N R01W S07
T09N R01W S07
T09N R01W S07
T09N R01W S07
T09N R01W S07
T09N R01W S07
T09N R01W S08
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T09N R02W S23
T09N R02W S23
T09N R02W S23
T09N R02W S23
T09N R02W S24

Within PAYETTE County
SWNE }
SENE } ~~BLM~~
SWNW }
SENW ~~PUT~~
Lot 3 NWSW ~~BLM~~
Lot 4 SWSW ~~state~~
NENE }
NWNE }
NENW }
NWNW } ~~BLM~~
SWNW }
NWNW }
SWNW }
NWSW }
SWSW ~~PUT~~
Lot 2 SENE }
Lot 3 NESE }
SWSE }
SESE }
SENE } ~~BLM~~
NESE }
NESE }
SWSE }
SESE }
NWNE }

T09N	R02W	S24	NENW	} BLM
T09N	R02W	S24	NWNW	
T09N	R02W	S24	SWNW	
T09N	R02W	S26	NWNE	PVT
T09N	R02W	S26	NENW	PVT
T09N	R02W	S26	SWNW	state
T09N	R02W	S26	SENW	PVT
T09N	R02W	S26	NWSW	state
T09N	R02W	S27	NESE	state
T09N	R02W	S27	SWSE	state
T09N	R02W	S27	SESE	PVT
T09N	R02W	S34	NWNE	PVT

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.

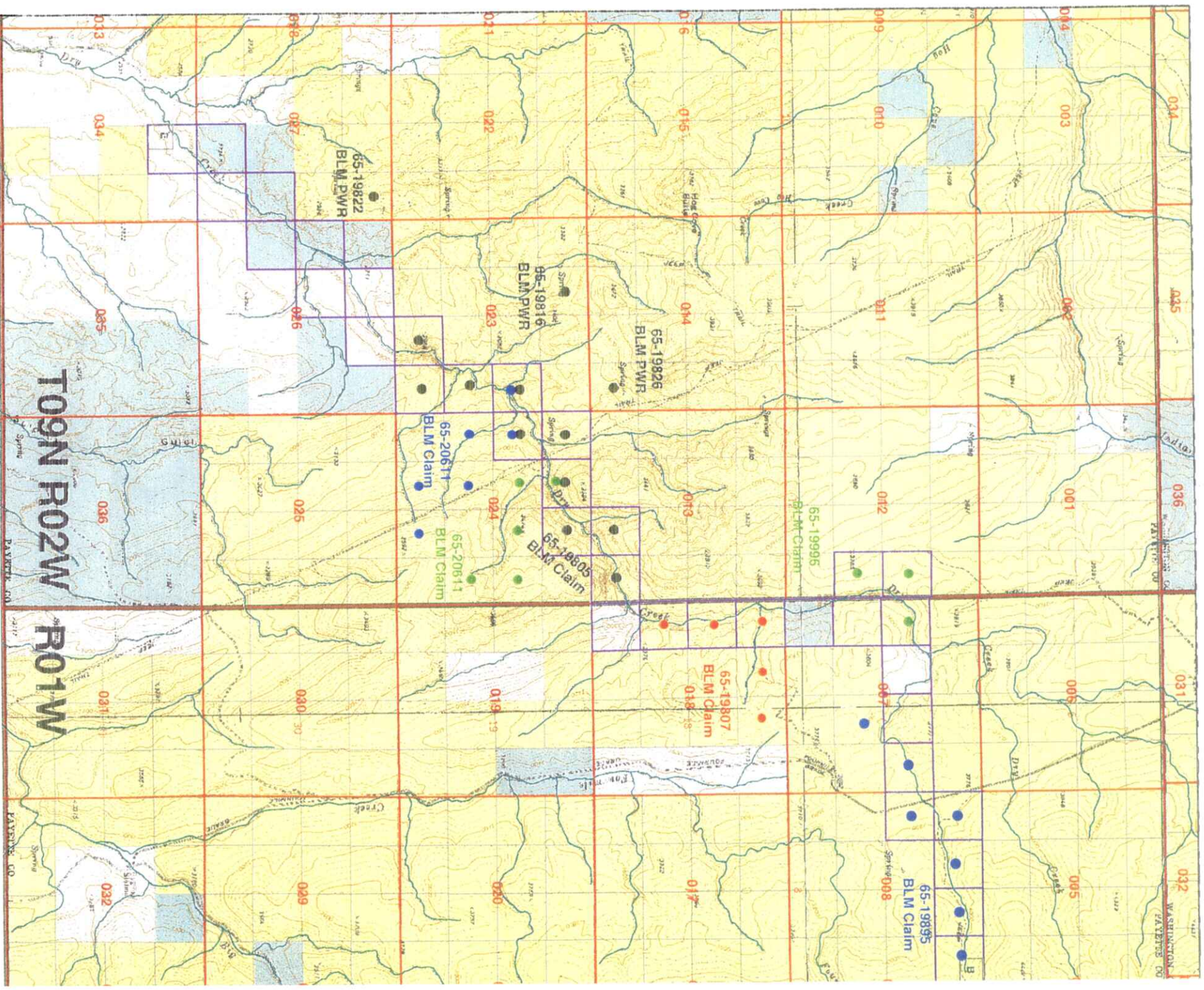
The operation, use, and administration of this water right is also subject to the terms and conditions of the Stipulation and Joint Motion for Order Approving Stipulation entered into on August 29, 2002 between the United States of America and Western Stockgrowers Association, et al.; the provisions of such Stipulation to apply fully to this water right.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

**-Remove reference of appropriate BLM claims in the remark under quantity.
Add appropriate claims in the remark under quantity and adjust priority date accordingly.**

65-22738 AL Cattle



STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

2007

[illegible]

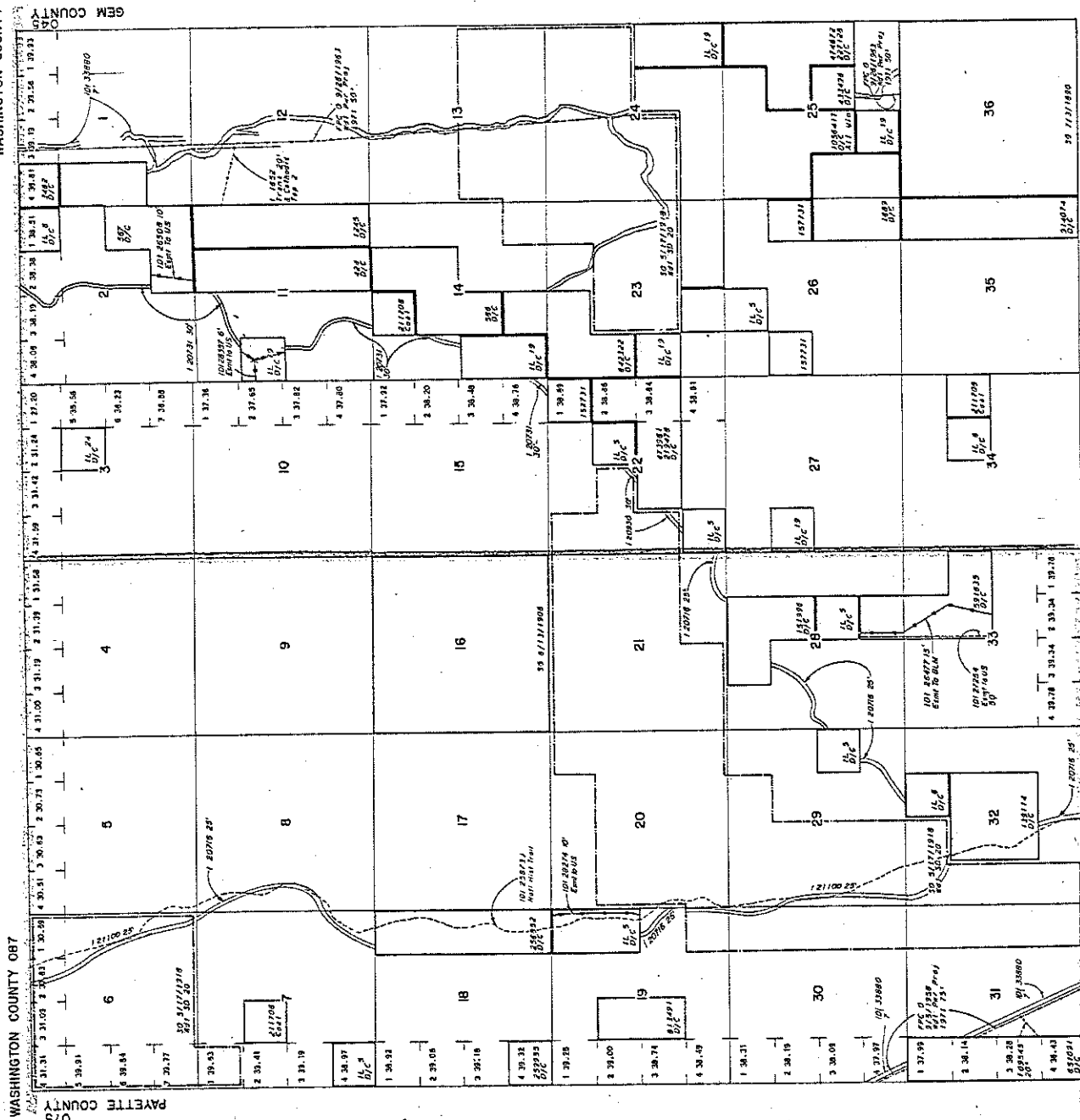
101 25875J Matt Hist Trail
Historical information only, does not denote
public record

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

CURRENT TO	CURRENT TO
OCT 27 1963	

Lat. 44°04'N
Long. 116°24'W

Boise Mer
T. 2 N.
R. 1 W.



WARNING STATEMENT

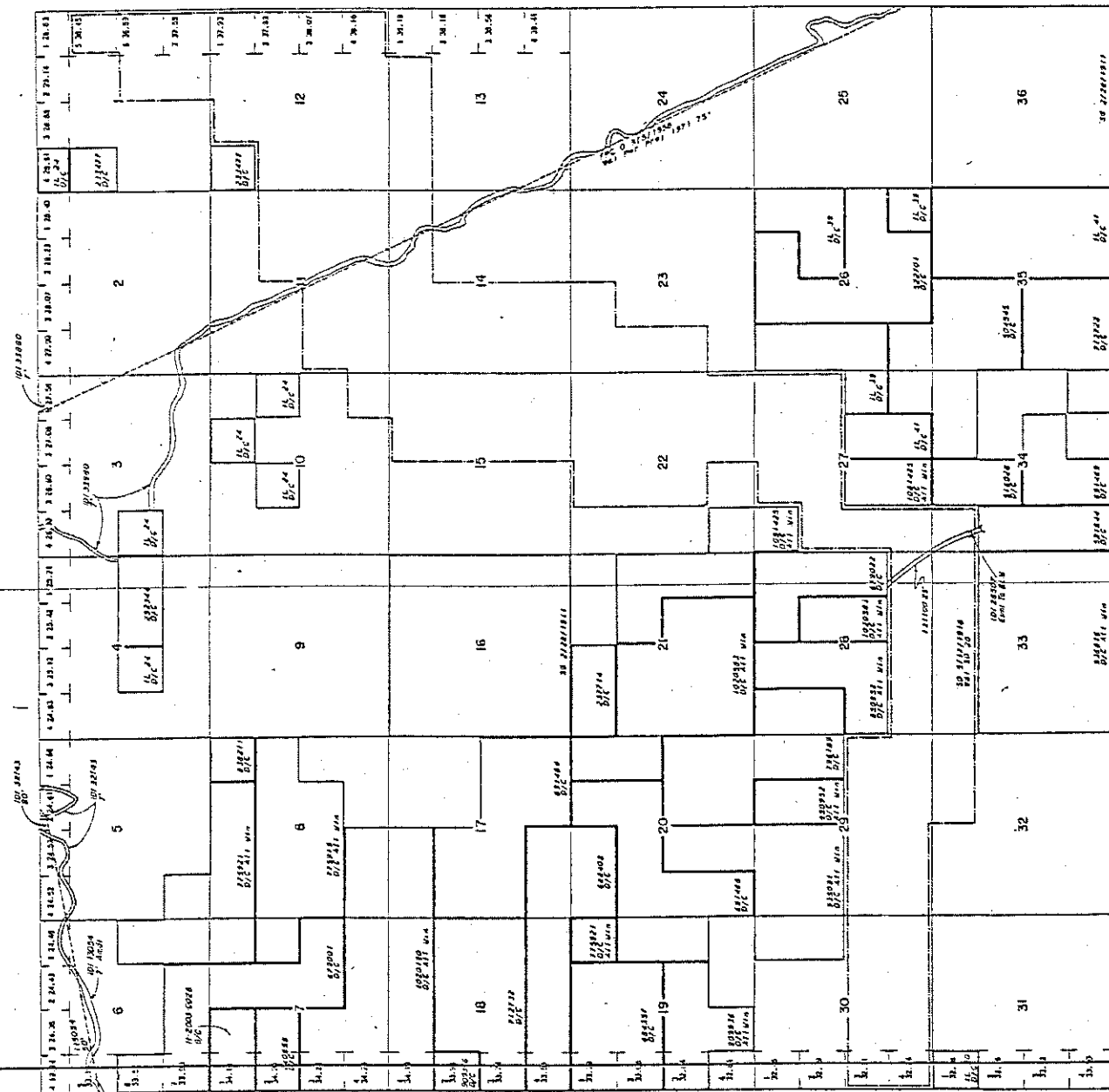
This plot is the Bureau's record of Title, and should be used only as a graphic display of the township survey data. Records herein do not reflect title changes which may have been effected by titual movements of rivers or other bodies of water.

SCALE IN CHAINS

105-10618-105

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

[illegible]

WARNING: FAULTING

This plot is the Bureau's record of Tulsa, and should be used frequently as a graphic display of the changing survey data. Naturally, however, do not reflect little changes which may have been affected by lateral movements of strata or slight loads of water. Indicated by the red dots for official survey indication.

SCALE in Chafon

111. 40011674
1003. 1160310291.

CURRENT TO	CURRENT ID.

CURRENT TO	CURRENT ID.

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

111. 40011674
1003. 1160310291.

M.2
P.6