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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 25-04005

(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
USDI FISH AND WILDLIFE SERVICE
DIVISION OF ENGINEERING
Address: 911 NE 11TH AVE
PORTLAND, OR 97232-4181
Daytime Phone: (503) 231-6251

Name & Address of Attorney, if any:

JAMES DUBOIS,
U.S. DEPARTMENT OF JUSTICE
999 18 STREET - N TOWER
DENVER, CO 80202

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: UNITED STATES OF AMERICA ACTING THROUGH
USDI FISH AND WILDLIFE SERVICE, DIVISION OF ENGINEERING
Address: 911 NE 11TH AVE
PORTLAND, OR 97232-4181

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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: January 11, 1888
5. ☒ **Point of Diversion**
Should be: T04S R43E S23 NENE and T04S R43E S23 NWSWNE Within BONNEVILLE
County
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. ☐ **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 OBJECTIONS(S): Priority Date: The water right should be decreed with the claimed priority date of 1/11/1888 based on a Posted Notice, a copy of which is attached. The Director's Report does not give a basis for its recommended priority date of 5/1/1888, and is in error. **Point of Diversion:** There are two points of diversion associated with this claim. The second point of diversion stated in the Director's Report (T04S R43E S23 NENWNE) is in error, and should be corrected as described above, and on the attached map.

F.

VERIFICATION

State of Colorado)
County of Denver)

ss.

James J. DuBois, duly sworn, upon oath, deposes and says:

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.

KELLY A. JOHNSON
Acting Assistant Attorney General

By:

James J. DuBois
JAMES J. DUBOIS, #13206
U.S. Department of Justice
Environment and Natural
Resources Division
General Litigation Section
999 18th Street, Suite 945
Denver, Colorado 80202
(303) 312-7341

ATTORNEY FOR THE
UNITED STATES OF AMERICA

Subscribed and sworn to before me on : June 21, 2005



My Commission Expires 8/23/2008

Eileen G. Rutherford
Notary Public for State of Colorado
Residing at: 1955 Beeta Lane, Superior Co 80027
My Commission Expires: 8/23/2008

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JUN 24 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 June 21, 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
Twin Falls, ID 83301

2. One copy to the claimant of the water right at the following address:

United States of America
c/o U.S. Fish and Wildlife Service
911 NE 11TH Avenue
Portland, OR 97232-4181

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO 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 attorney mailing on
Objector's behalf

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JUN 24 2005

WATER LOCATION

Notice of Water Location

James Arbitt

I the undersigned having had the undisputed possession of and used the water in this stream known as Bridge Creek for 5 years on the 6 day of June passed do now locate and claim said water to the extent of 500 five hundred acres for agricultural purposes to be conveyed as heretofore in a ditch from this point to my Homestead situated about 6 miles down John Gray Lake and 1 mile south of Eagle Creek adjoining the foot hills on the East and running thence west into the Lake Bottom

Dated this 11 day of January 1888

Signed James Arbitt Locator

Territory of Idaho }
County of Bingham }

I the undersigned do solemnly swear that I have for near 6 years been acquainted with the water course known as Bridge Creek described in the accompanying water location that the same has not heretofore been located or used for any purpose whatever by any person but myself

Signed James Arbitt

Subscribed and sworn to before me this 11 day of January 1888



Joseph Hawkins
Notary Public

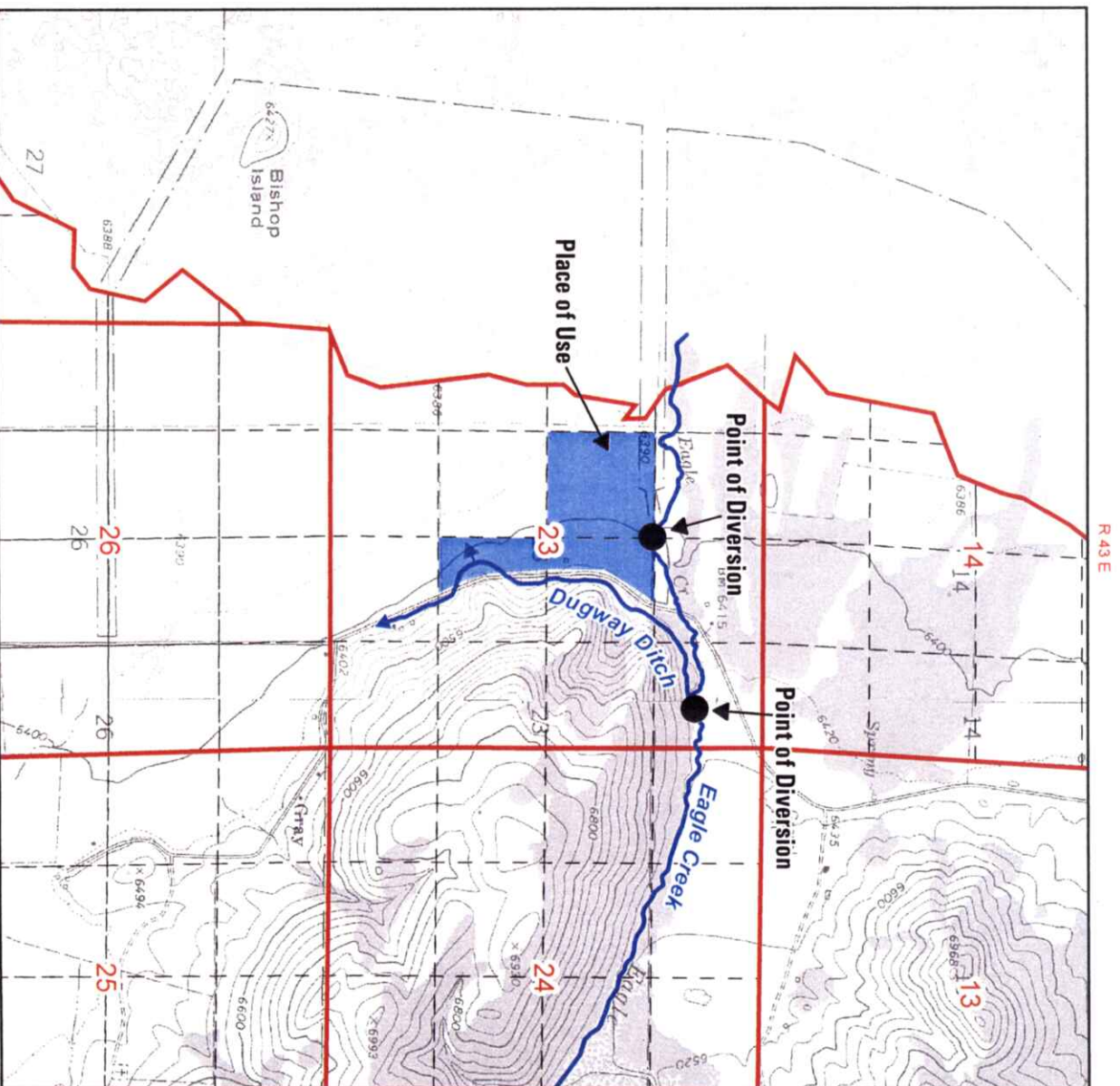
Recorded at the request of
J. Hawkins 2/27/88 at 3:20 pm
Geo A. Robertson
Recorder



U.S. Fish & Wildlife Service
Grays Lake National Wildlife Refuge
Bonneville County, Idaho

Map for Claim Number 25-04005

SOURCE: EAGLE CREEK
QUANTITY: 1.37 CFS, 0.05 CFS
POINT OF DIVERSION: T04S R43E S23 NWSWNE & NENE
PURPOSE OF USE: IRRIGATION, STOCKWATER



THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.

Claim25-04005.MXD, 1/10/05



Water Resources Branch
R1 Division of Engineering
911 NE 11th Avenue
Portland, OR 97232-4191
503-231-6251

