

**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 27-07088
(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: Bryce J. and Mary W. Fielding
Address: 720 N 1100 E; Shelley, Idaho 83274

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: See attached.
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:

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 the POD is claimed. The claimant's use of Federal land is unauthorized. See attached POD. Claimant's water right should not include this POD. Hampton Morrell is the only person in BLM's records that has a right-of-way (I-703) to access public land.

F.

VERIFICATION (Must be Completed)

State of Idaho

)

) ss.

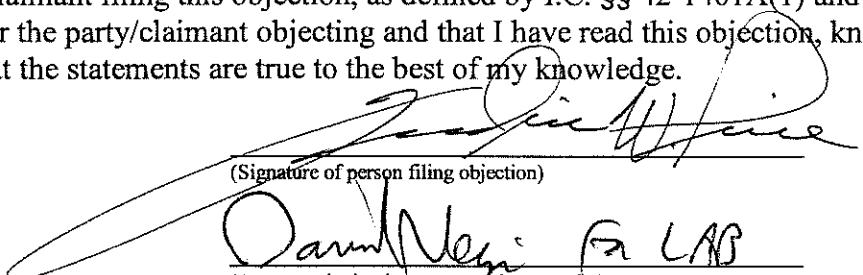
County of ADA

)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:

(Name of person filing objection)

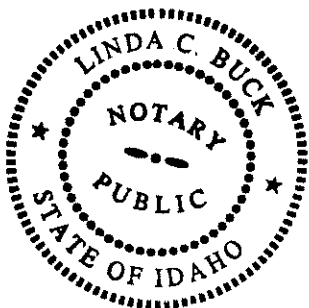
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)

Dawn Neri for LAB
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

March 15, 2006
Linda C. Buck
Linda C. Buck



Notary Public for Idaho

Residing at: Mountain Home,

My Commission Expires: 12-21-2011

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 3-16, 2006, 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:

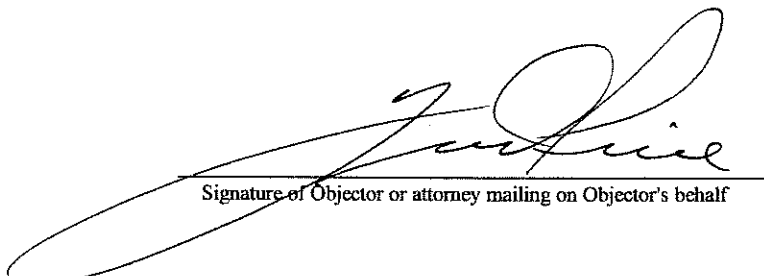
Name: Bryce J. and Mary W. Fielding
Address: 720 N 1100 E; Shelley, Idaho 83274
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

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

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

RIGHT NUMBER: 27-7088
NAME AND ADDRESS: MARY W FIELDING
720 N 1100 E
SHELLEY ID 83274

BRYCE J FIELDING
720 N 1100 E
SHELLEY ID 83274

POD on BLM:

-There is no authorization issued
by BLM to the claimant allowing
access to the POD on Public Land.

SOURCE: GROUND WATER

TRIBUTARY:

Point of injection into and point of redirection from Blackfoot River. Water shall not be diverted from the Blackfoot River unless ground water is simultaneously being injected into the Blackfoot River at an equal rate.

QUANTITY: 6.050 CFS

The rights listed below are limited to a total combined diversion rate of 6.05 cfs and to a total combined annual diversion volume of 1590.0 AF at the point of redirection. Combined Right Nos.: 27-12028 and 27-7088.

PRIORITY DATE: 06/25/1977

POINT OF
DIVERSION:

T02S R38E S7 NESWNE Lot 3 Rediversion Within BINGHAM County
T03S R36E S3 NWSWNE Lot 4 Within BINGHAM County
T03S R36E S3 NWSWNE Lot 4 Injection Within BINGHAM County

BLM

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	6.050 CFS

PLACE OF USE:

IRRIGATION Within BINGHAM County

T02S R38E S06 Lot 1 NENE	22.0	T02S R38E S06 Lot 2 NWNE	14.0
T02S R38E S06 SWNE	37.0	T02S R38E S06 SENE	39.0
T02S R38E S06 SENW	25.0	T02S R38E S06 NESW	39.0
T02S R38E S06 Lot 8 NWSW	9.0	T02S R38E S06 SESW	38.0
T02S R38E S06 NESE	38.0	T02S R38E S06 NWSE	40.0
T02S R38E S06 SWSE	39.0	T02S R38E S06 SESE	25.0
T02S R38E S07 NENE	4.0	T02S R38E S07 NWNE	28.0

397 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 397 acres in a single irrigation season. Combined Right Nos.: 27-12028 and 27-7088.

11/09/2005

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

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

This right is subject to regulation by the watermaster of Water District 27.

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 - License

Right 27-12028 is also diverted through the point(s) of diversion described above.

Totalizing measuring devices shall be maintained at the well and at the redirection pump from the Blackfoot River.

If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

Diversion and use of water under this right shall be reduced or curtailed when necessary to prevent injury to holders of prior rights diverted from the Blackfoot River downstream from the point of redirection.

TOWNSHIP 2 SOUTH RANGE 38 EAST OF THE BOISE MERIDIAN, IDAHO

BINGHAM COUNTY OIL
10000 FALLS DISTRICT SEC 15
MOCATELLO RAY

