

**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 27-11996
(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: Ken J. Wixon
Address: 260 W 300 N; Blackfoot, Idaho 83221
Name: Naomi L. Christensen
Address: 845 E 1000 N; Shelley, Idaho 83274
Name: Brent Steffler
Address: 625 N 800 E; Firth, Idaho 83236
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: See attached.
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: 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 five and nine (POD & POU) above may include Federal land. The description should be specific enough to exclude Federal 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)

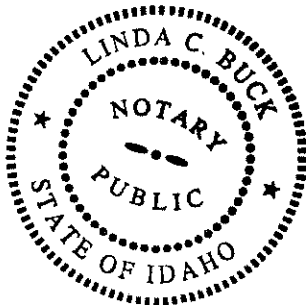
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

David Wagoner F. 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:

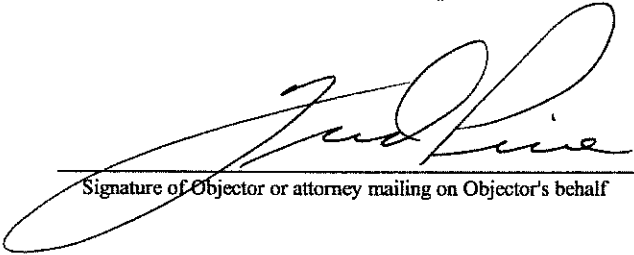
Name: Ken J. Wixon
Address: 260 W 300 N; Blackfoot, Idaho 83221
Name: Naomi L. Christensen
Address: 845 E 1000 N; Shelley, Idaho 83274
Name: Brent Steffler
Address: 625 N 800 E; Firth, Idaho 83236
Name:
Address: ;

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

11/09/2005

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

RIGHT NUMBER: 27-11996
NAME AND ADDRESS: KEN J WIXON
260 WEST 300 N
BLACKFOOT ID 83221

NAOMI L CHRISTENSEN
845 E 1000 N
SHELLEY ID 83274

BRENT STEFFLER
625 N 800 E
FIRTH ID 83236

MIXED POUS:

-THE PLACE OF USE IDENTIFIED BELOW CONTAINS BOTH PRIVATE AND PUBLIC LANDS.

-USE IS ACTUALLY OCCURRING ON PRIVATE LAND AND SHOULD BE DESCRIBED USING LOTS WHERE APPLICABLE.

POD ON BLM:

-ENDING POINT OF DIVERSION DESCRIBES PUBLIC LAND FOR WHICH THERE IS NO PLACE OF USE. ADJUST ENDING POD TO COINCIDE WITH LAST POU.

SOURCE: BLACKFOOT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.020 CFS
The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/29/1915

POINT OF
DIVERSION:

Adjust to Lot 8 (NWNWSE)

T03S R38E S13 SESWNE End of Stream Flow Within BINGHAM County
T03S R39E S19 SESENW Begin of Stream Flow Within BINGHAM County

BLM

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	05/01 12/31	0.020 CFS

PLACE OF USE: STOCKWATER Within BINGHAM County

**Mixed
Ownership
Description**

T03S R38E S13	NWSE	T03S R38E S13	SWSE
T03S R38E S24	NWNE	T03S R38E S24	SWNE
T03S R38E S24	SENE	T03S R39E S19	SWNW
T03S R39E S19	SENW		

BLM/PVT

Should be Lot 6 (SENE)

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

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

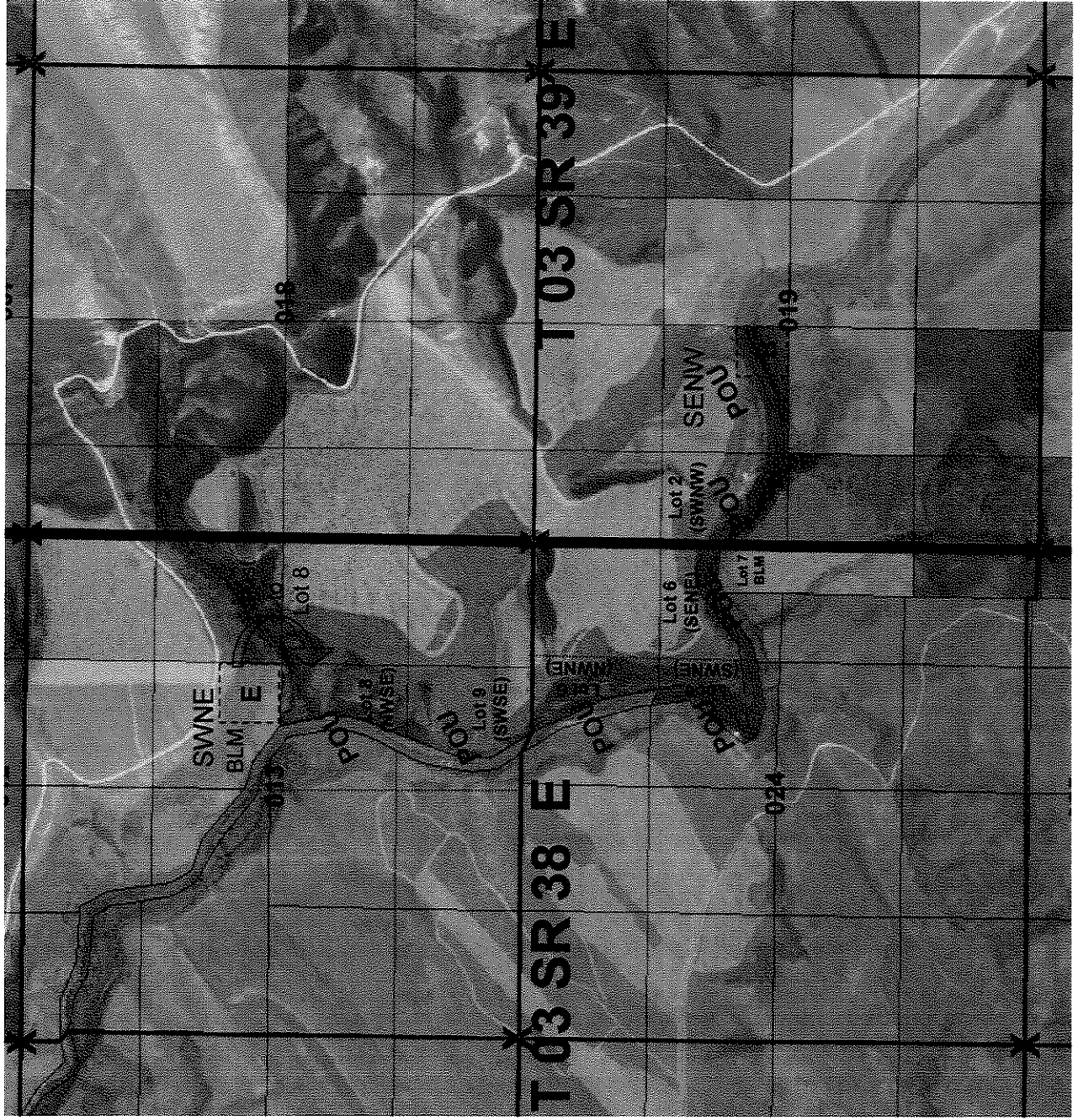
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

See attached for Place of Use clarification.

Note: other POU descriptions on private land are incomplete but BLM's objection is just to the one POU and POD above.

27-11996



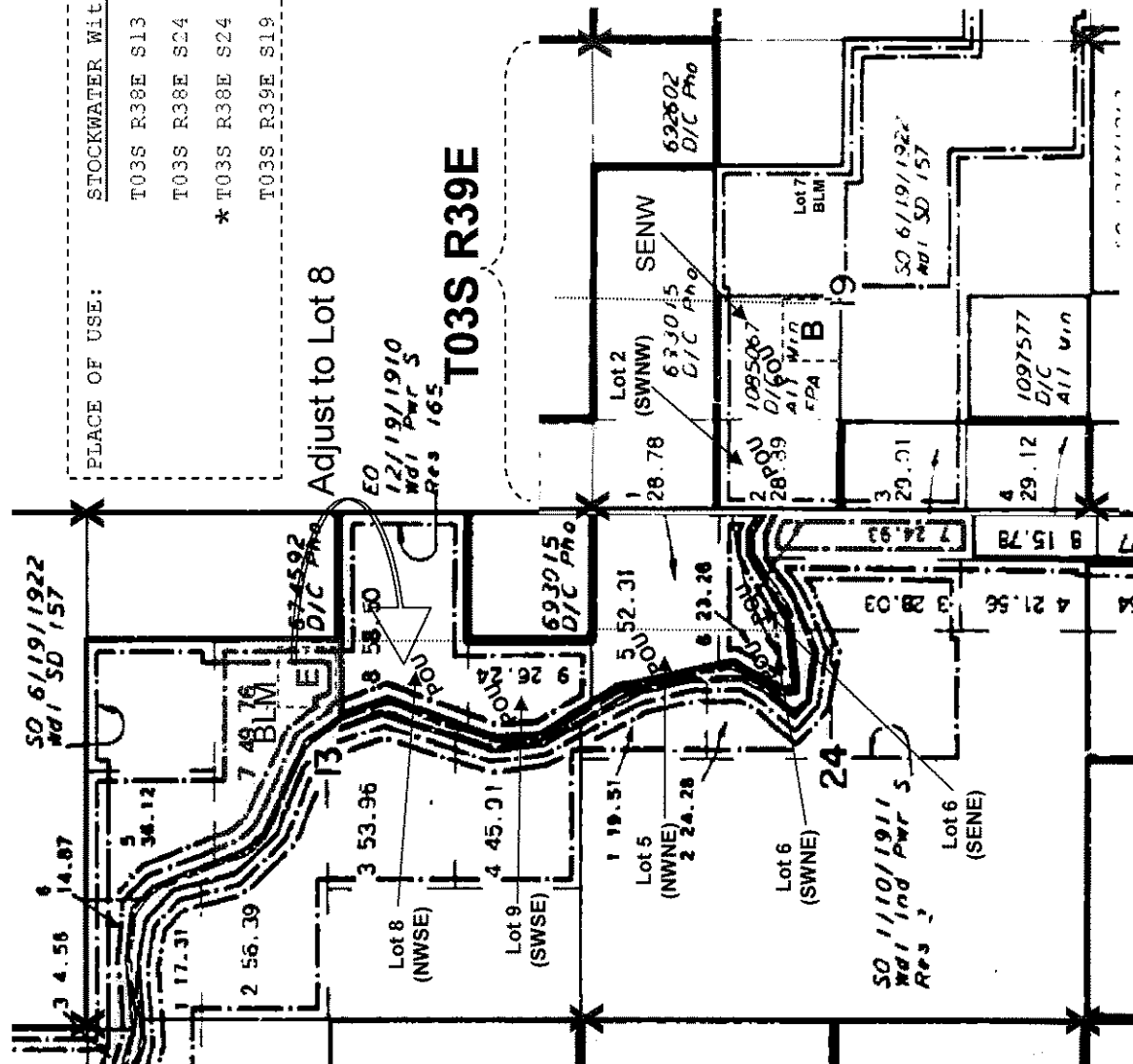
POU = Place of Use

B = Begin of
Stream Flow

E = End of
Stream Flow

As Recommended

T03S, R39E



PLACE OF USE:

STOCKWATER WITHIN BINGHAM COUNTY

T03S R38E S13	Lot 9 (SWSE)
T03S R38E S24	Lot 6 (SWNE)
T03S R39E S19	Lot 2 (SWNW)

TOWNSHIP 3 SOUTH RANGE 39 EAST OF THE BOISE MERIDIAN, IDAHO

BINGHAM COUNTY OIL

10400 FALLS DISTRICT SEC 15
POCATELLO RAN

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

2 5-40 S

MT PLAT

INDEX TO SEGREGATED TRACTS			
TRACT NO.	T	R	SEC
1	2	5	40
2	2	5	40
3	2	5	40
4	2	5	40
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36	2	5	40

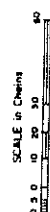
SO 12/19/1922 Open to Entry Sub 1 to Sec 24, PPA
Per S Res 465 60 12/3/1912
Sec 19 Lot 2, S46E3, S46E3
Sec 28, S46E3, S46E3
Sec 31, S46E3
101 2/26/65 PA WD BLM MOE with order BLM
Sec 33 SWSW
Sec 34 WSWW

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

CURRENT TO	CURRENT TO
100-1-100	100-1-100
USE PLATS	USE PLATS

THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST
ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE
PAGE 114 - THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITH-

WARNING STATEMENT
This plat is the Bureau's Record of Title, and should be used
only for reference. It does not constitute a survey, and
should not be used to determine boundaries of land or other bodies of water
without reference to the original survey for which it was made.



60 12/19/1922

Per S Res 465

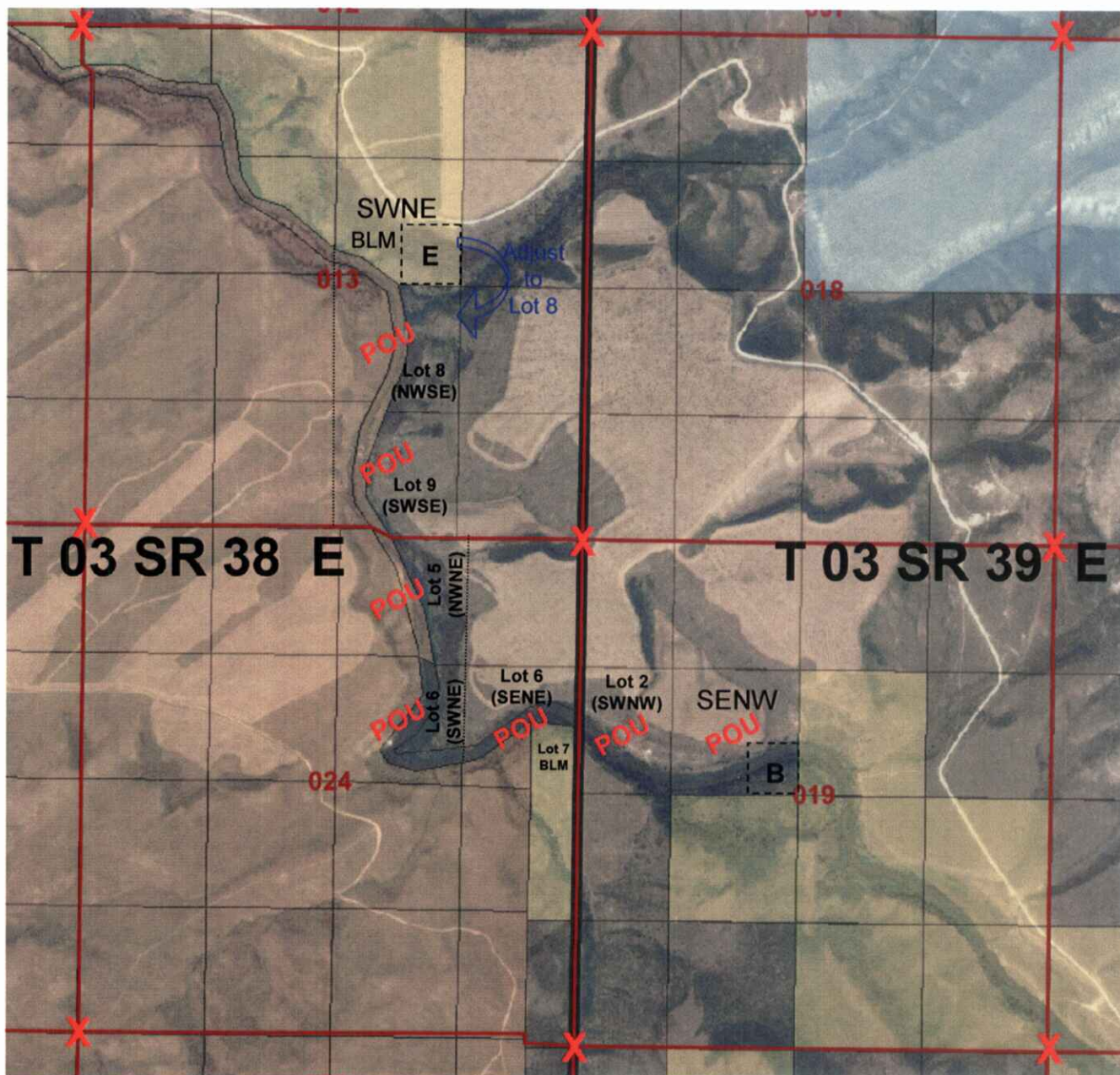
60 12/19/1922

Per S Res 465

60 12/19/1922

Per S Res 465

27-11996



POU = Place of Use

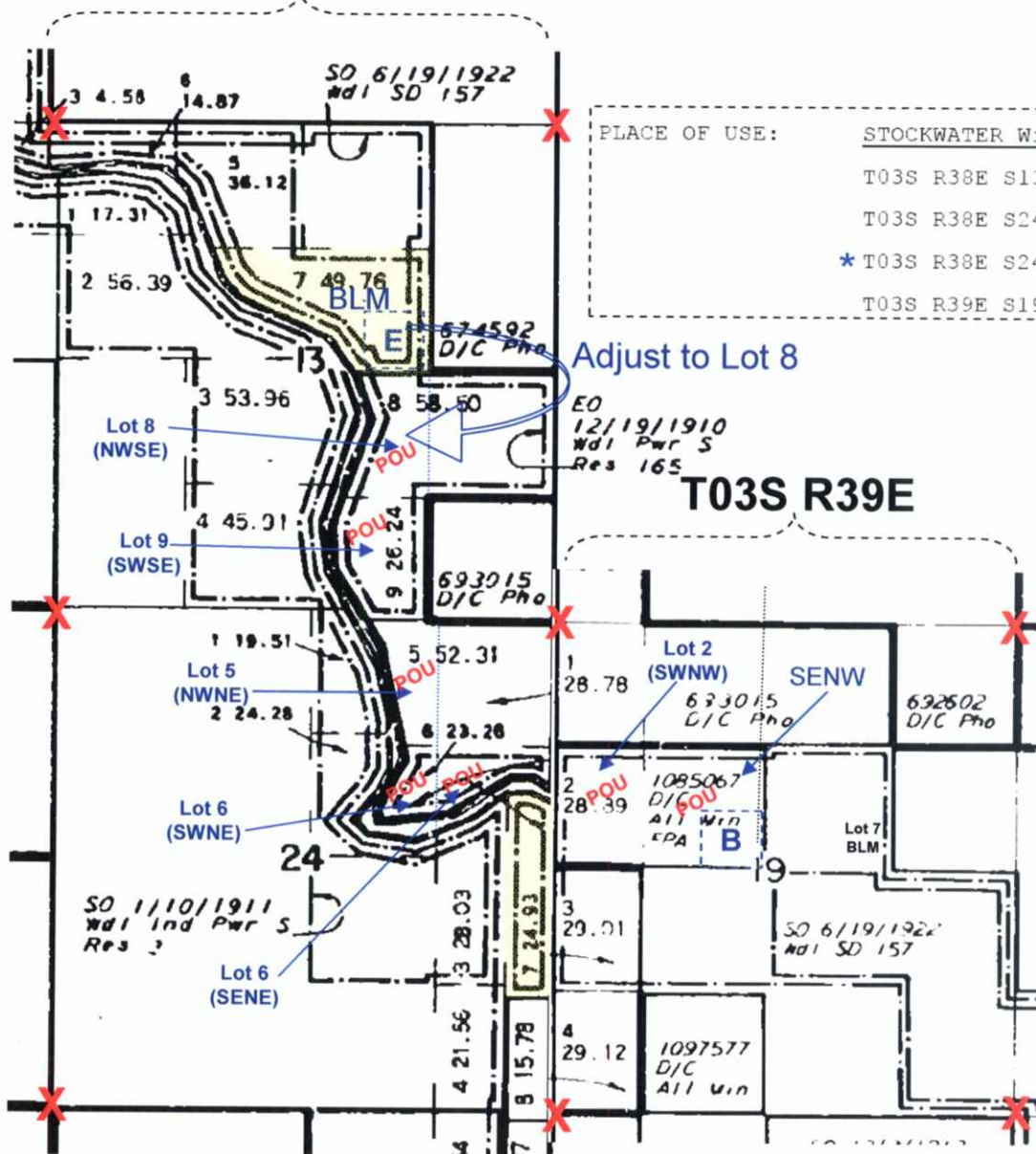
B = Begin of Stream Flow

E = End of Stream Flow

As Recommended

27-11996

T03S R39E



PLACE OF USE:

STOCKWATER Within BINGHAM County

T03S R38E S13 Lot 8 (NWSE)

T03S R38E S13 Lot 9 (SWSE)

T03S R38E S24 Lot 5 (NWNE)

T03S R38E S24 Lot 6 (SWNE)

*T03S R38E S24 Lot 6 (SENE)

T03S R39E S19 Lot 2 (SNNW)

T03S R39E S19 SENW