

**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 27-12108
(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: Smith-Maxwell Ditch Co.
Address: 839 W. Riverton Road; Blackfoot, Idaho 83221
Name: c/o Layne Hamilton
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 United States of America, through the Bureau of Land Management, is the owner of the land upon which a portion of the use is claimed. The claimant's use of Federal land is unauthorized. See attached POUs. Claimant's water right should not include these POUs. It should also be made clear that the use of water is limited to non-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.

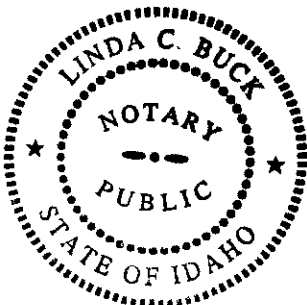
Fredric W. Price
(Signature of person filing objection)

David W. Price, F.C.A.B.
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

March 15, 2006

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:

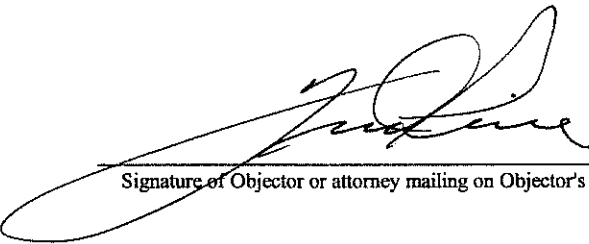
Name: Smith-Maxwell Ditch Co.
Address: 839 W. Riverton Road; Blackfoot, Idaho 83221
Name: c/o Layne Hamilton
Address: ;
Name: ;
Address: ;
Name: ;
Address: ;

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

11/09/2005

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

RIGHT NUMBER: 27-12108
NAME AND ADDRESS: SMITH-MAXWELL DITCH CO
C/O LAYNE HAMILTON
839 W RIVERTON RD
BLACKFOOT ID 83221

SOURCE: BLACKFOOT RIVER

QUANTITY: 13.440 CFS

Right Nos. 1-10058 and 27-12108 are limited to a total combined diversion rate of 13.44 cfs.

PRIORITY DATE: 06/07/1929

POINT OF
DIVERSION: T03S R34E S23 SWSWSW Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/15	13.440 CFS
STOCKWATER	03/15 12/15	0.140 CFS

PLACE OF USE:

672 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Place of use is within the area served by Smith-Maxwell Ditch Company.

The rights listed below are limited to the irrigation of a combined total of 672 acres in a single irrigation season. Combined Right Nos.: 27-12108 and 1-10058.

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

Rights have also been claimed to water from Basin 01 for the same purpose of use at the same place of use described above, which will be included in a Directors Report to be filed at a later date. Any water rights recommended in the Basin 01 report for the same purpose of use at the same place of use described above will contain combined use limitations for this right and the Basin 01 rights.

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

POU on BLM:

Claimant is not authorized to farm public land.

MIXED POUS:

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

-CLARIFY THE POU SUCH THAT IT IS CLEAR THAT ONLY PRIVATE LAND IS INTENDED.

TRIBUTARY: SNAKE RIVER

27-12108 Large POU Data

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
03S	34E	21	3	SESW		19	SESW	BLM						
			5	NESE		13	NESE		4	SWSE		14	SWSE	BLM
			5	SESE										
		22		NENE		1	SENE							
			3	NESW		4	NWSW			SWSW			SESW	
				NESE			NWSE			SWSE		6	SWSE	
			8	SWSE			SESE		7	SESE		8	SESE	
		23		SWSW										
		27	8	NENE		1	NWNE							
				NWNW			SENE							
			2	NWSW										
		28		NENE			NWNE		4	SWNE		5	SENE	
				NENW		1	NWNW		11	NWNW		2	SWNW	
			12	SWNW			SENE							
			3	NESW		3	NWSW		13	NWSW				
		29		NENE		17	NENE	BLM		SENE			PVT/BLM	
				NESE										

Place of Use Legal Description: STOCK WATER same as IRRIGATION

Remove POUs on BLM

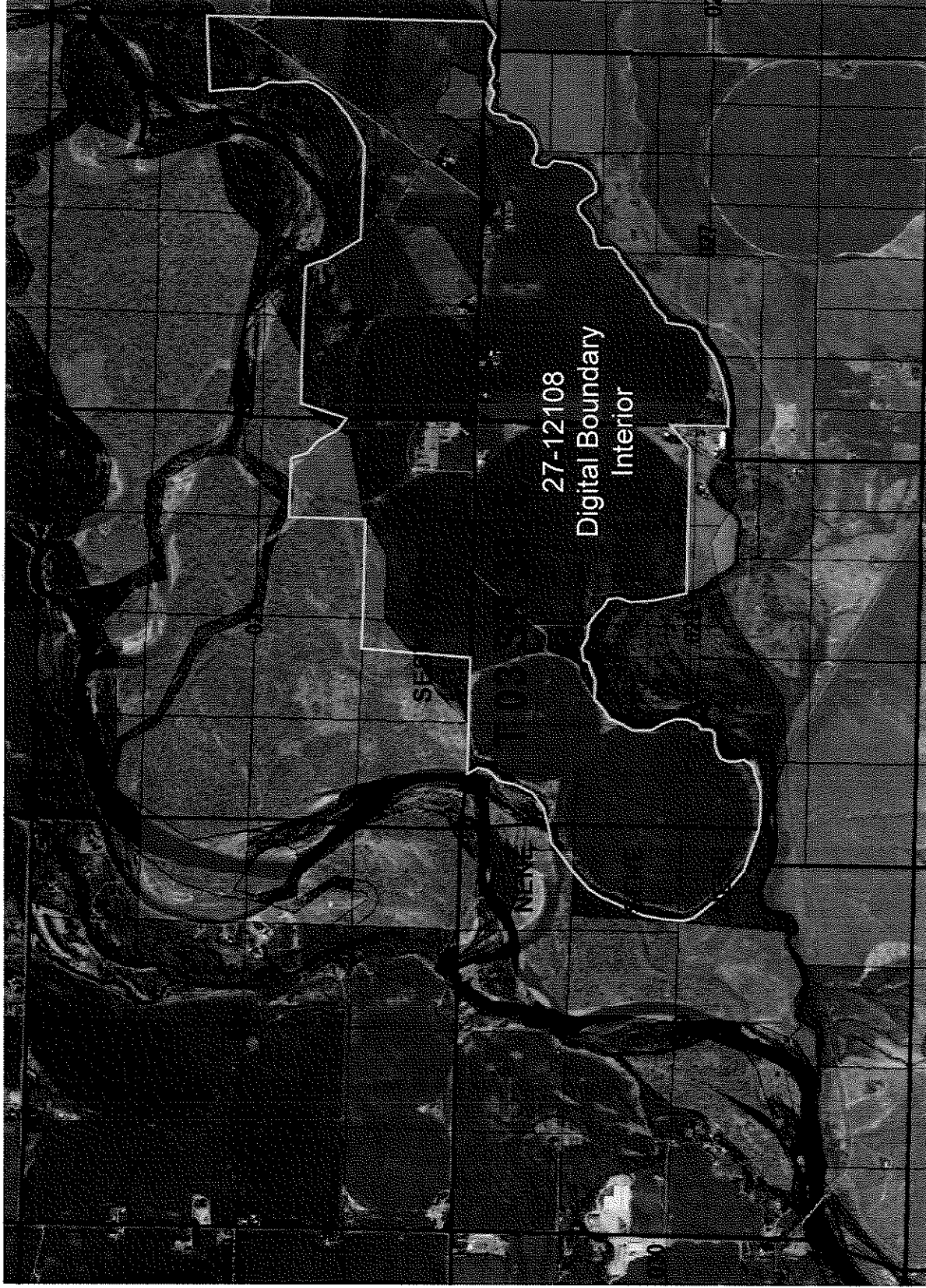
THE POUS REPRESENT MIXED OWNERSHIP. THE FOLLOWING LIMITING LANGUAGE INSERTED UNDER PLACE OF USE WOULD RESOLVE BLM'S OBJECTION TO THE MIXED POUS:

"THE USE OF WATER WITHIN NENE, SENE, and NESE S29, T03S, R34E IS LIMITED TO TRACT 41."

OR

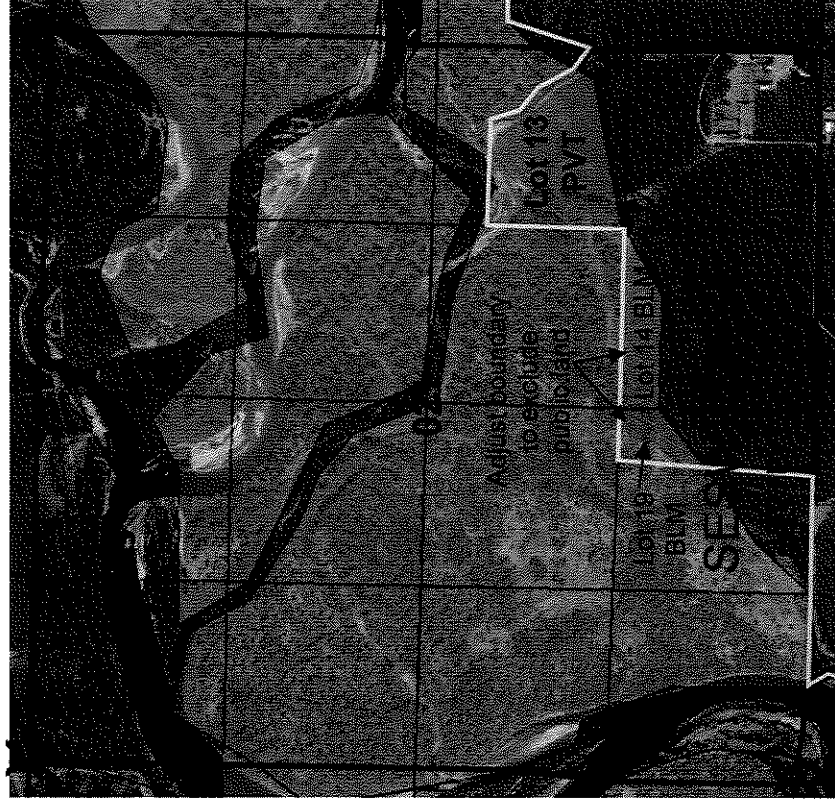
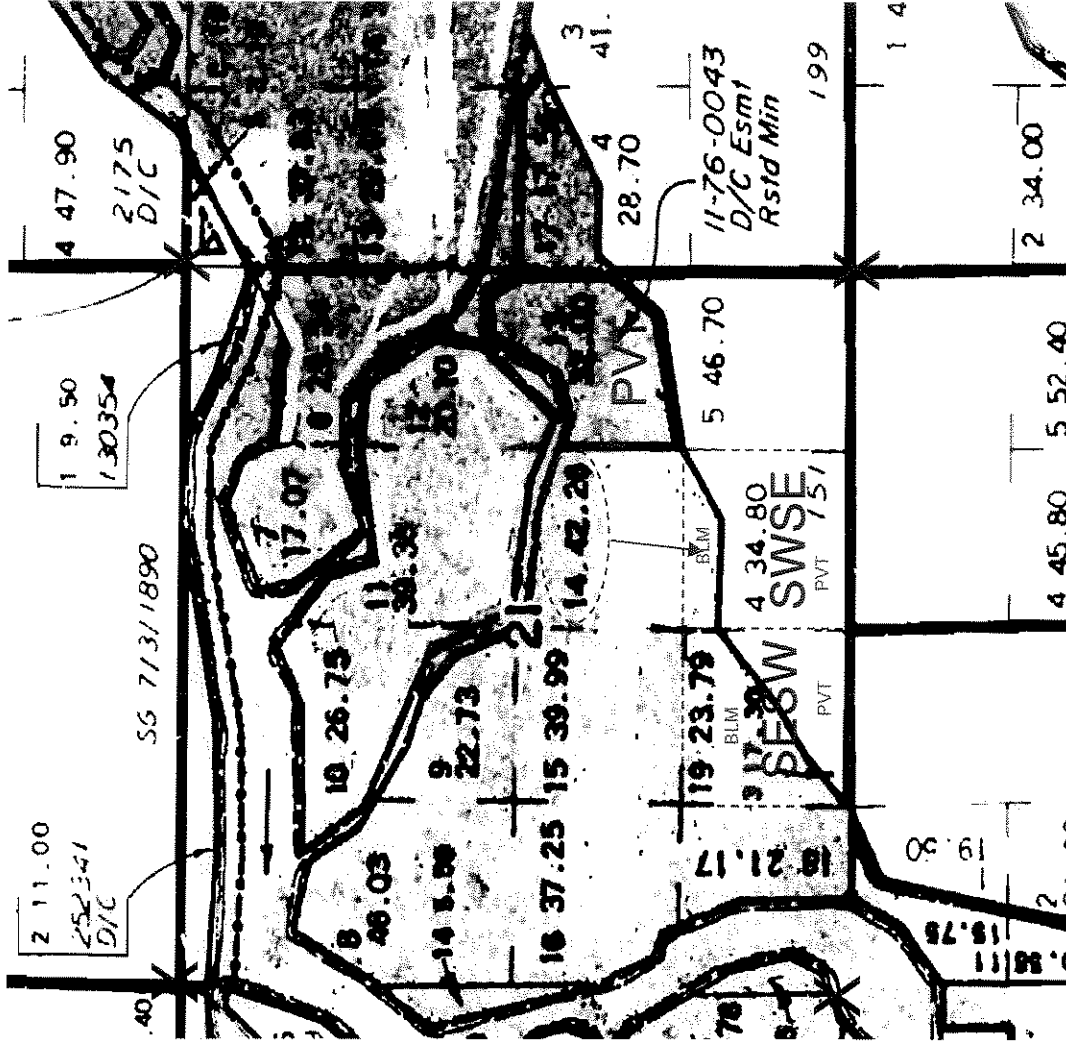
"THE USE OF WATER UNDER THIS RIGHT DOES NOT INCLUDE A USE ON FEDERAL PUBLIC LANDS."

27-12108
T03S R34E



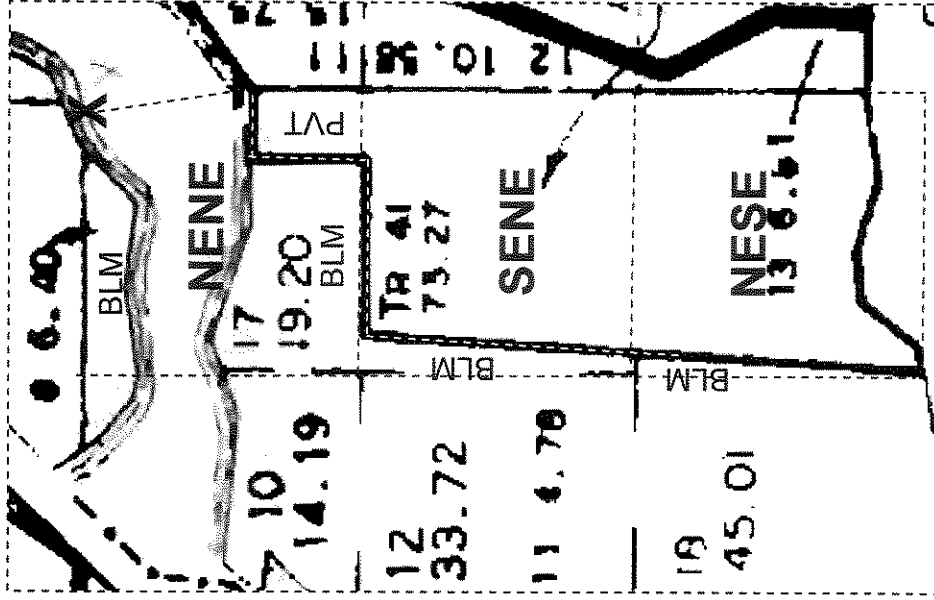
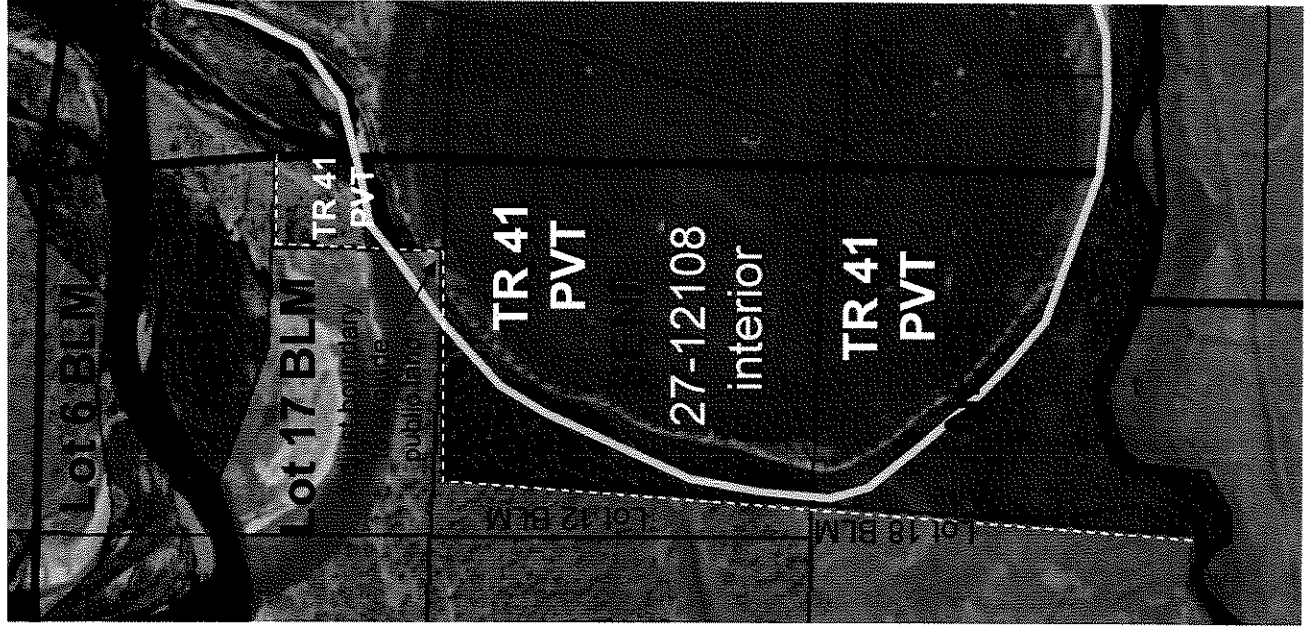
27-12108

T03S R34E S21

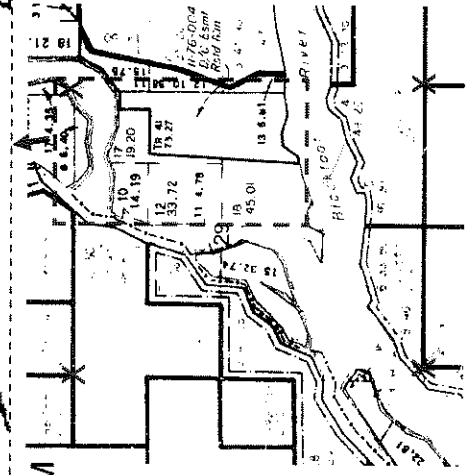


-Remove Lot 19 (SESW) BLM and Lot 14 (SWSE) BLM from Recommendation and adjust digital boundary.

27-12108
T03S R34E S29



-Remove Lot 17 (NENE) BLM
 from Recommendation and
 adjust digital boundary.



TOWNSHIP 3 SOUTH RANGE 34 EAST OF THE BOISE MERIDIAN, IDAHO

BINGHAM COUNTY DIT

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
AND ACQUIRED LANDS

MT PLAT

INDEX TO SEGREGATED TRACTS		
TRACT NO.	T	R
1	1	1
2	1	2
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On 9/13/1926 Open to Entry Sub 1 to Sec 24 TPA
Per 5 Reg 117 EC 7/2/1910
Sec 31: Lots 7, 8

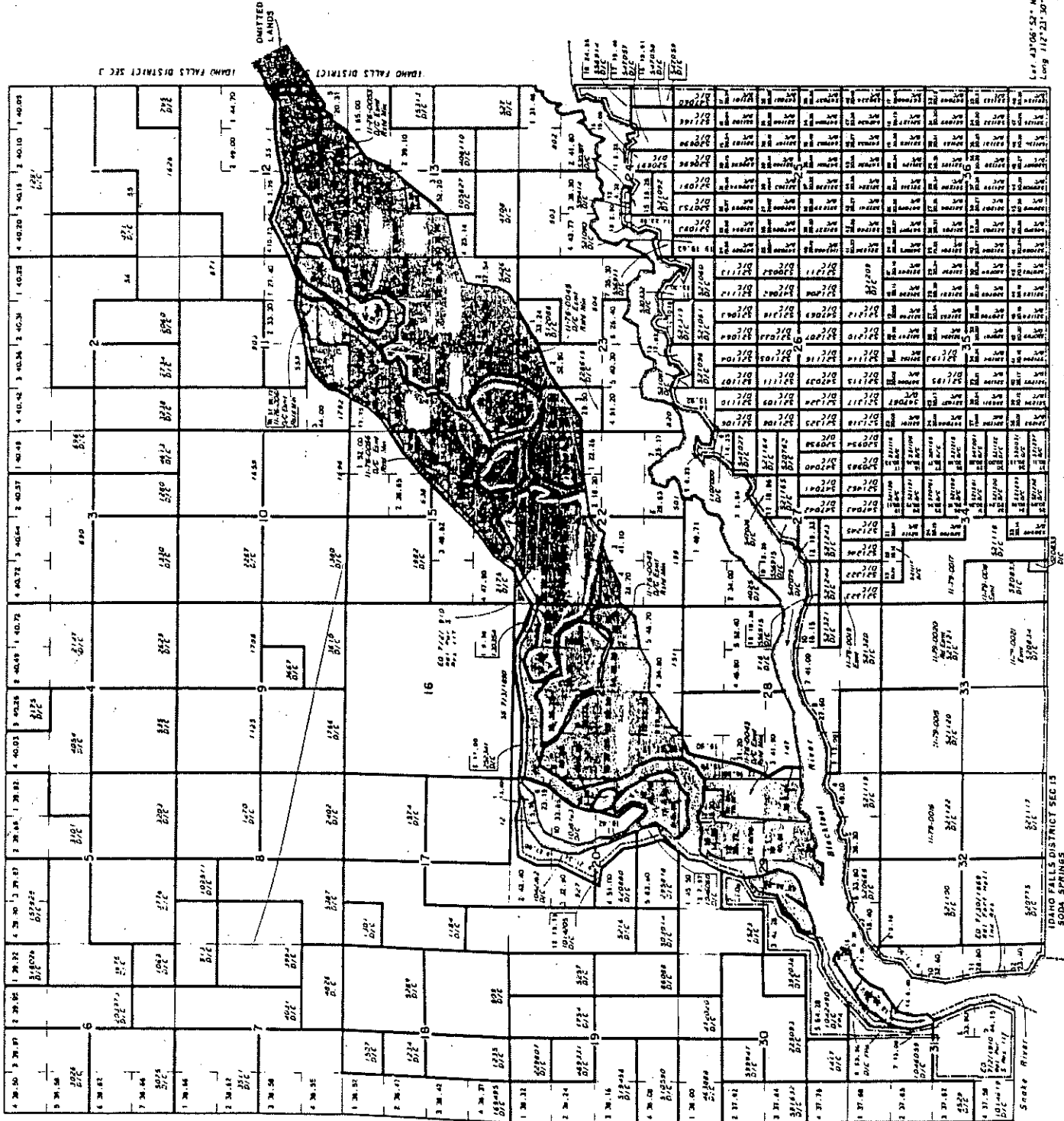
On 12/2/1926 Open to Entry Sub 1 to Sec 24 TPA
Per 5 Reg 117 EC 7/2/1910
Sec 20: Lots 2, 3
Sec 20: Lot 3
Sec 20: Lot 3

On 7/26/1938 Trl Juris of Acq Lands from
Dept of Agri to Dept of Int. EIA
All land lying within Fort Hall Ind Res

1. 2524 1/10/1909 Offer of omitted lands to
Preference Right Claimants pursuant to Act of
Cong. 5/31/1902
Sec 11: Lot 4, Part Lot 5 (Now Tr 37)
Sec 13: Part Lot 5 (Now Tr 38)
Sec 15: Lot 5, Part Lots 6, 7 (Now Tr 40)
Sec 21: Lot 13
Sec 21: Lot 15
Sec 20: Lots 11, 12, 13
Sec 29: Part Lot 9, Lot 13, Sec 24 (Now Tr 41)
Survey Pending Group No. 836
Parted To

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

COMMENT TO	
DATE	1926
USE PLATS	
DATE	1926



SCALE in Chains

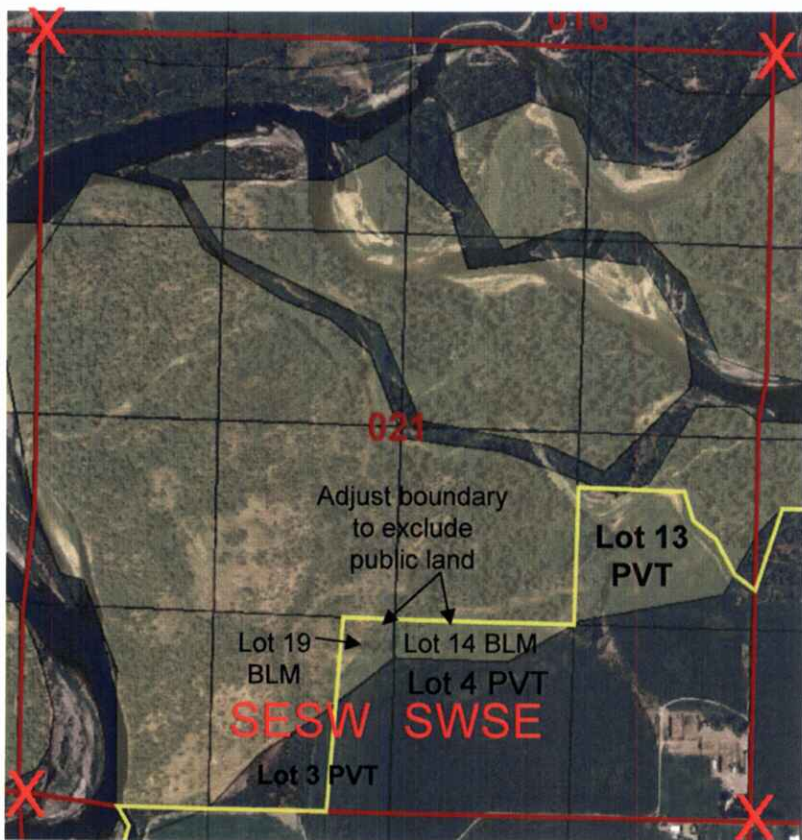
IDAHO FALLS DISTRICT SEC 15

SODA SPRINGS

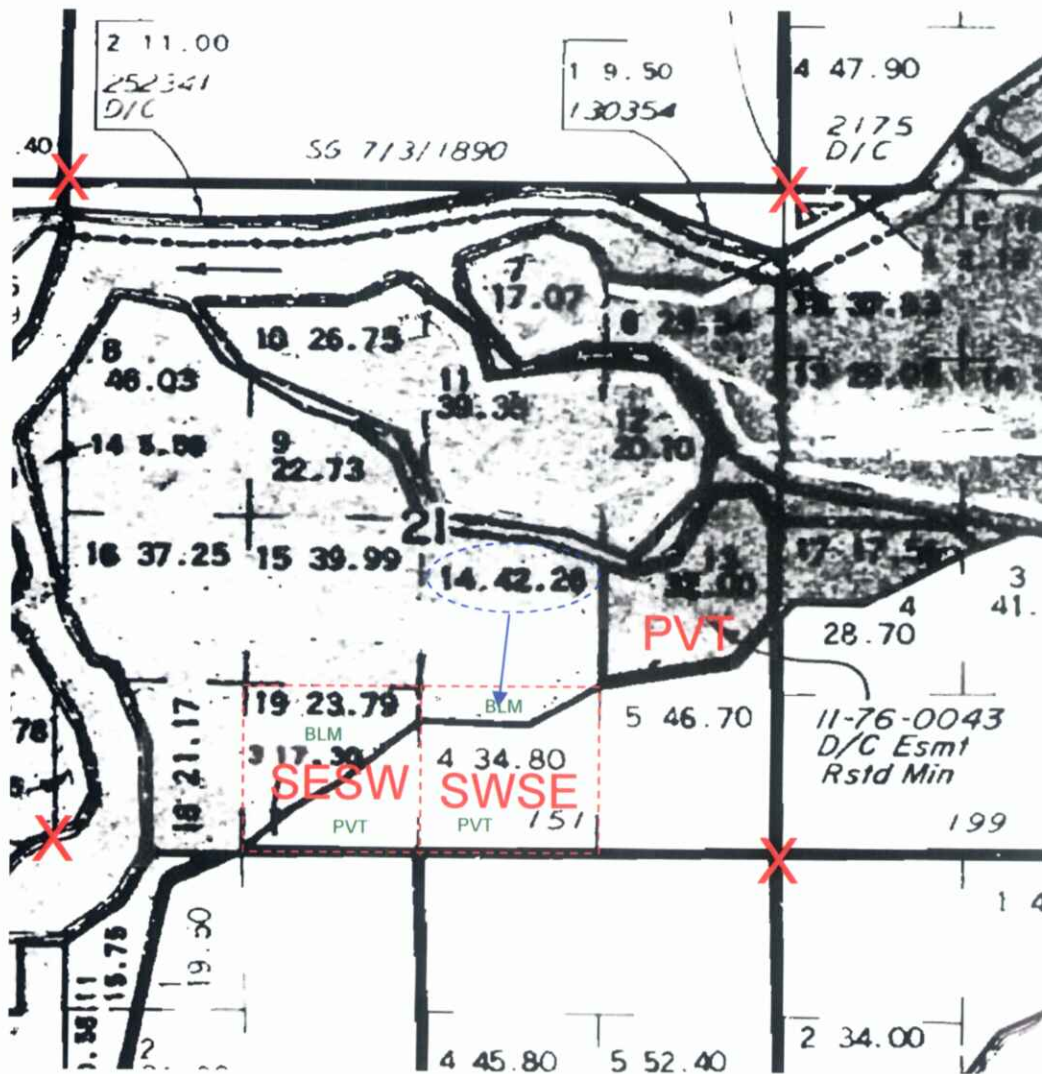
Lat 43°06' 30" N
Long 112°23' 30" W

Base Map

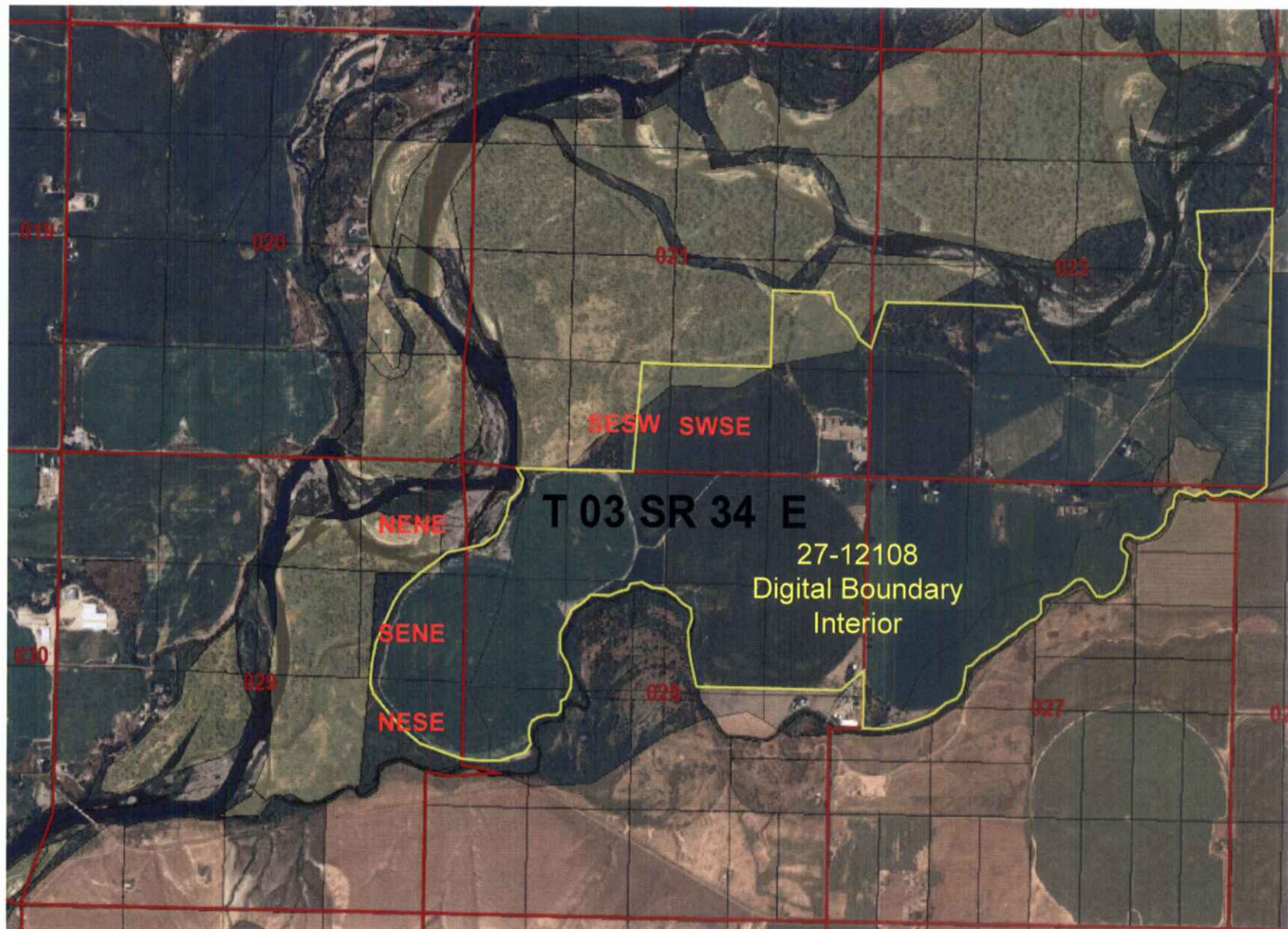
T03S R34E S21



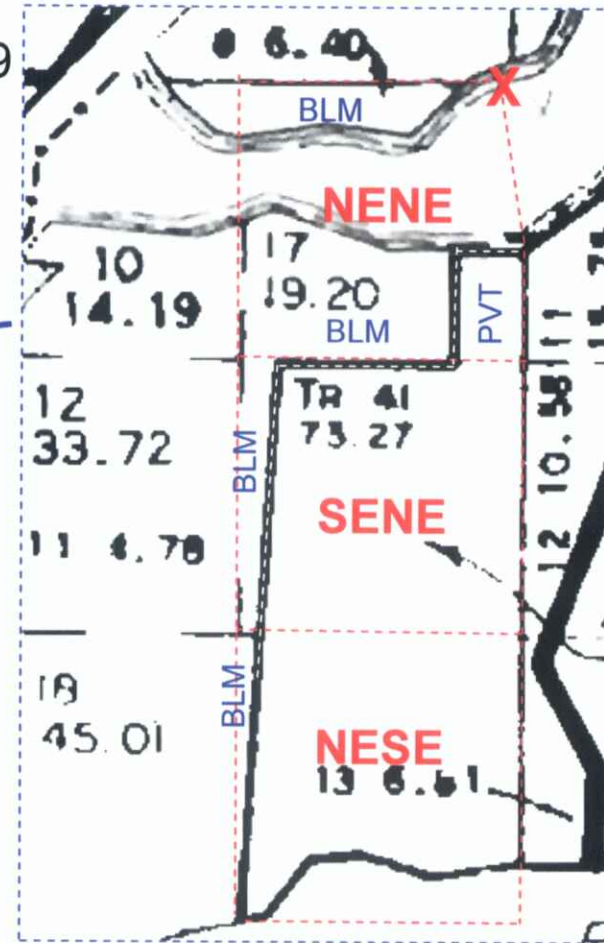
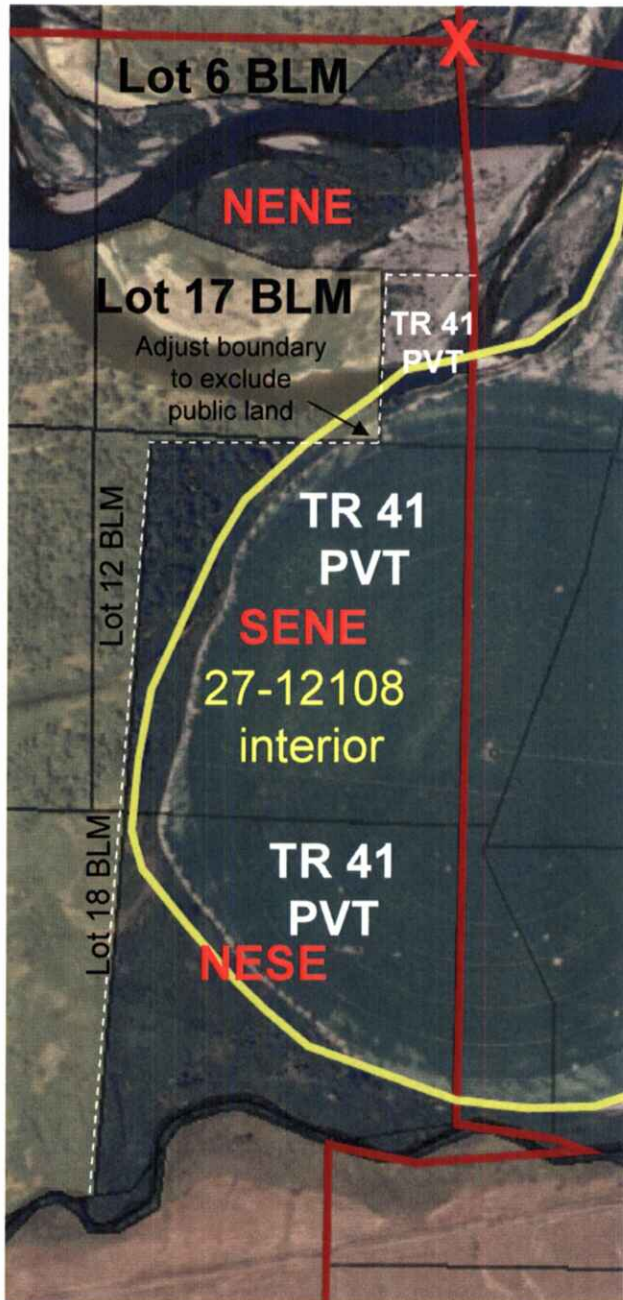
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27-12108
T03S R34E



27-12108
T03S R34E S29



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