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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 63-00147B
(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: Boise Valley Irrigation Ditch Co.

Address: 8750 N. Bogart Lane; Boise, Idaho 83714

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:
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 use is claimed. The claimant's use of Federal land is unauthorized. See attached POU. Claimant's water right should not include this POU.

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.

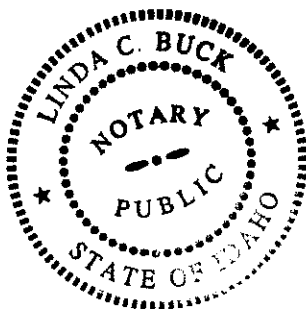
David Noyes for LARS
(Signature of person filing objection)

Fredric W. Price
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

April 19, 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 4/11/, 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: Boise Valley Irrigation Ditch Co.
Address: 8750 N. Bogart Lane; Boise, Idaho 83714

Name:
Address: ;

Name:
Address: ;

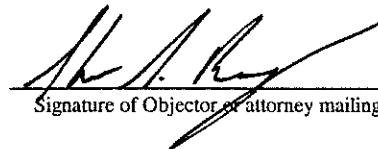
Name:
Address: ;

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

12/12/2005

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

RIGHT NUMBER: 63-147B
NAME AND ADDRESS: BOISE VALLEY IRRIGATION DITCH CO
8750 N BOGART LN
BOISE ID 83714
SOURCE: BOISE RIVER
QUANTITY: 3.970 CFS
892.80 AFY

POUs on BLM:
-Irrigation is not authorized

TRIBUTARY: SNAKE RIVER

This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 06/01/1865
POINT OF DIVERSION: T02N R03E S4 NW1/4 Lot 7 within ADA County
PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	3.970 CFS 892.80 AFY

DURING THE PERIOD BEGINNING MARCH 16 AND ENDING APRIL 15 OF ANY IRRIGATION SEASON, THERE WILL BE NO WATER DIVERTED FOR THIS RIGHT FROM THE POINT OF DIVERSION DESCRIBED ABOVE IF THE AMOUNT OF WATER RELEASED FROM LUCKY PEAK DAM INTO THE BOISE RIVER IS EQUAL TO OR LESS THAN 1,100 CUBIC FEET PER SECOND.

DURING THE PERIOD BEGINNING OCTOBER 16 AND ENDING NOVEMBER 15 IN ANY IRRIGATION SEASON, THERE WILL BE NO DIVERSION OF WATER FOR THIS RIGHT FROM THE POINT OF DIVERSION DESCRIBED ABOVE IF THE AMOUNT OF WATER RELEASED FROM LUCKY PEAK DAM INTO THE BOISE RIVER IS EQUAL TO OR LESS THAN 240.0 CUBIC FEET PER SECOND.

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE:

2808.43 ACRES TOTAL

THE PLACE OF USE FOR THIS RIGHT IS 199.4 ACRES DESCRIBED IN TRANSFER 5119 AT THE SIMPLOT SPORTS COMPLEX LOCATED IN T02N, R02E, S1; T02N, R03E, S5, S6; T03N, R02E, S36; T03N, R03E, S31, S32.

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.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2808.43 ACRES WITHIN THE BOUNDARY OF THE BOISE VALLEY IRRIGATION DITCH COMPANY

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-147.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-161EN, 63-198AJ, 63-199B, 63-200B, 63-30181.

THIS RIGHT IS DESIGNATED AS NO 15 IN THE STEWART DECREE AND THE BOISE RIVER WATER MASTERS RECORDS

RightID575827 (63-00147B)

Place(s) of use:

Place of Use Legal Description: IRRIGATION ADA County

Lot 1 = NENE

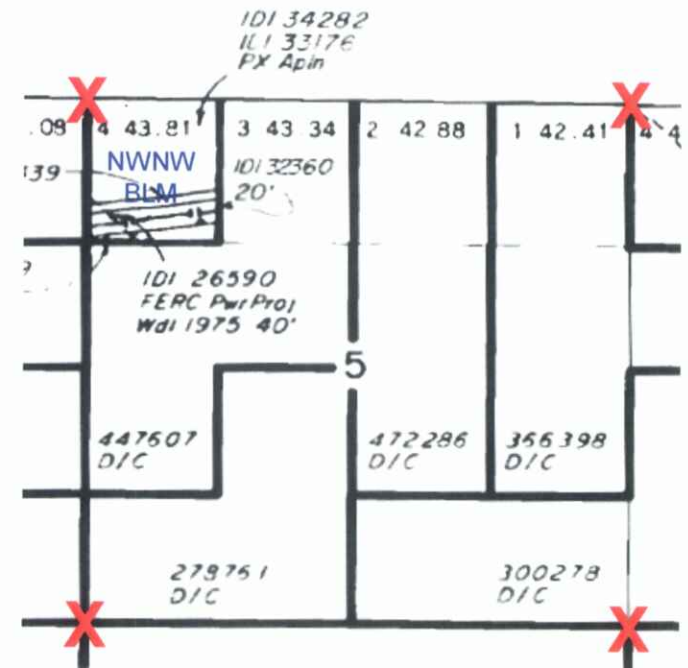
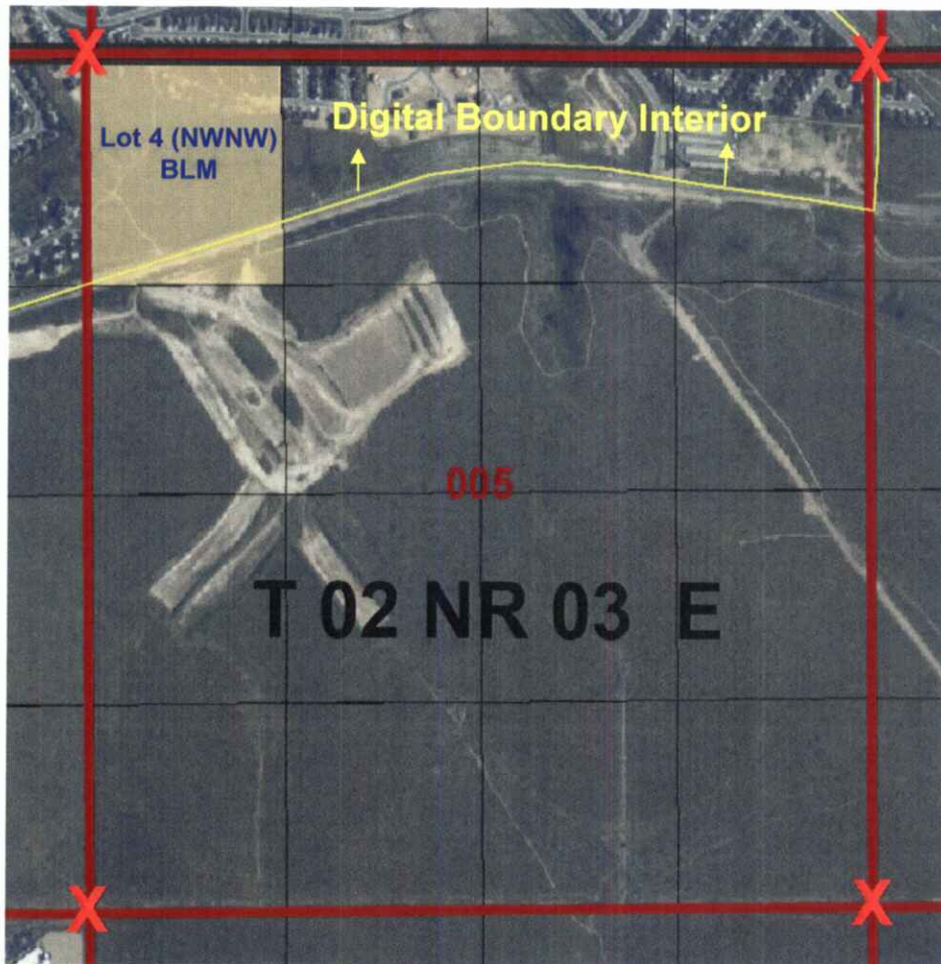
○ Lot 2 = NWNE

Lot 3 = NENW

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02N	02E	1	1	NENE			SENE							
	03E	5 BLM	4	NENE		1	NWNE							
			2	NENW		3	NWNW			BLM				
		6	4	NENE		1	NWNE			SWNE			SENE	
03N			2	NENW		3	NWNW		5	SWNW			SENE	
	02E	36		SWSE			SESE							
	03E	28	2	SWSW		1	SESW							
		29		NESE		1	SESE							
		31		NESW		3	NWSW		4	SWSW			SESW	
				NESE			NWSE			SWSE			SESE	
		32		NESW			NWSW			SWSW			SESW	
04N				NWSE			SWSE			SESE				
	01E	3		NESW			SWSW			SESW				
				NWSE			SWSE			SESE				
		4	4	NWNW			SWNW			SENE				
		9	3	NENW						SWNE			SENE	
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				NENW			NWNW			SWNW			SENE	
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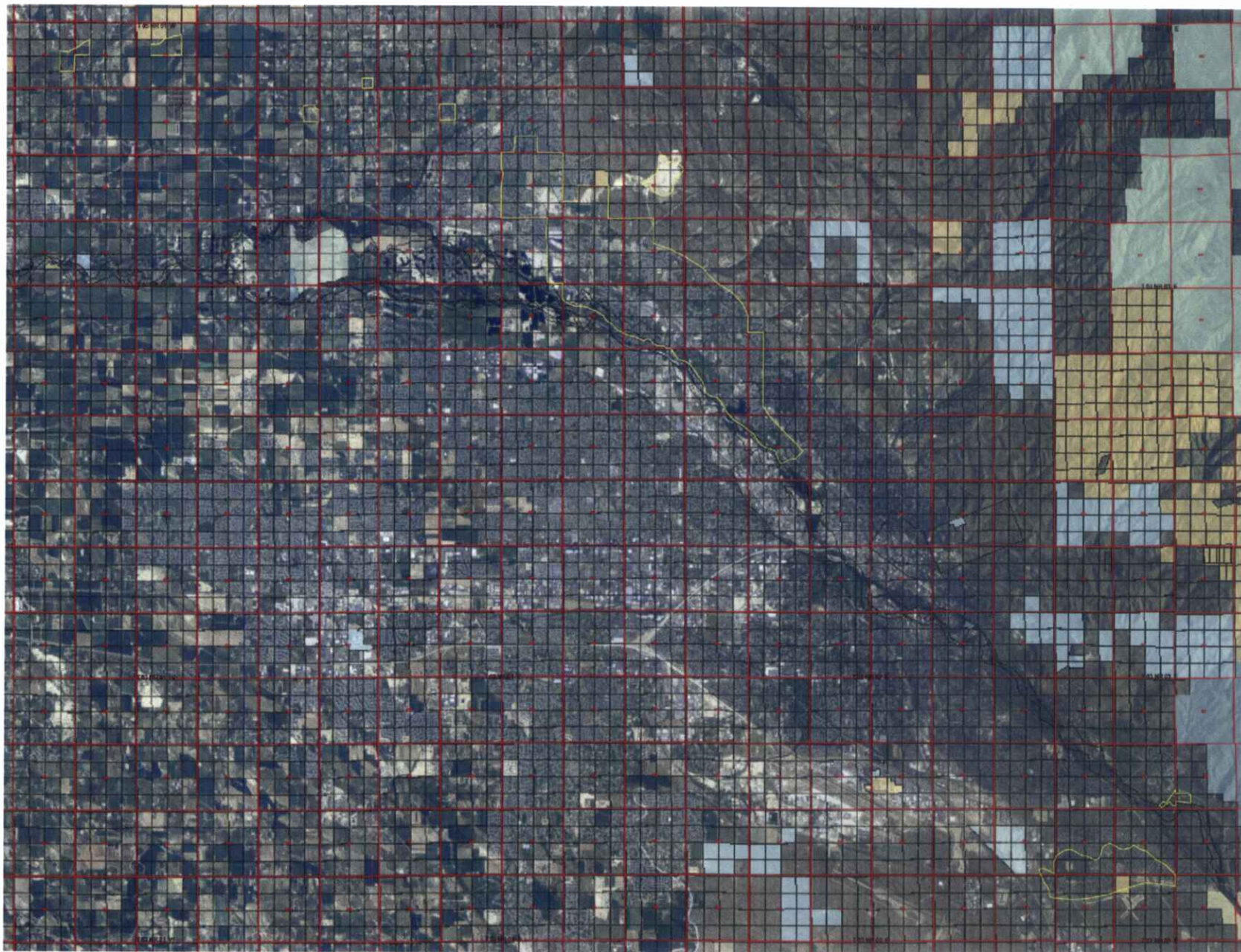
05N	02E	15	NENE		NWNE		SWNE		SENE
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			4 NWNW	5	SWNW	6	SENW		
			7 NWSE						
		24	NENE		NWNE		SWNE		SENE
			NENW		NWNW		SWNW		SENW
			3 NESW	4	NWSW				
			NESE		NWSE	2	SWSE	1	SESE
		25	1 NESE						
		18	3 NWSW	4	SWSW		SESW		
		19	NENE		NWNE		SWNE		SENE
			NENW	1	NWNW	2	SWNW		SENW
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63-00147B, 63-02360, 63-31198, 63-31832, 63-31833

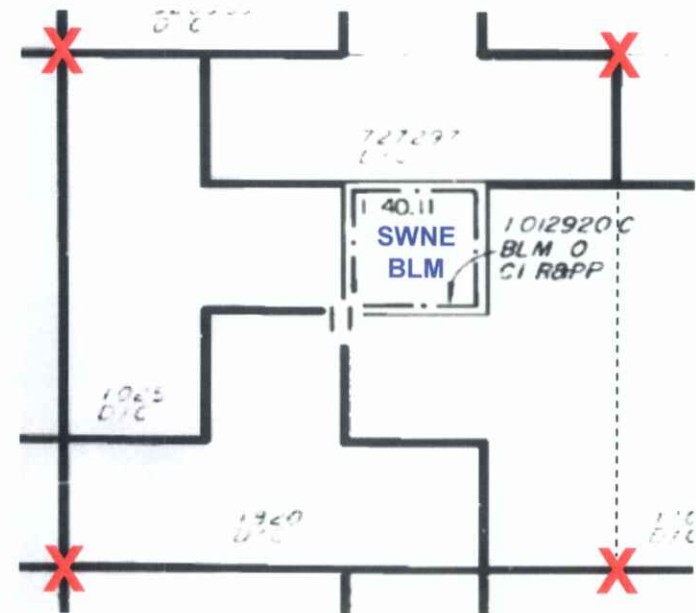
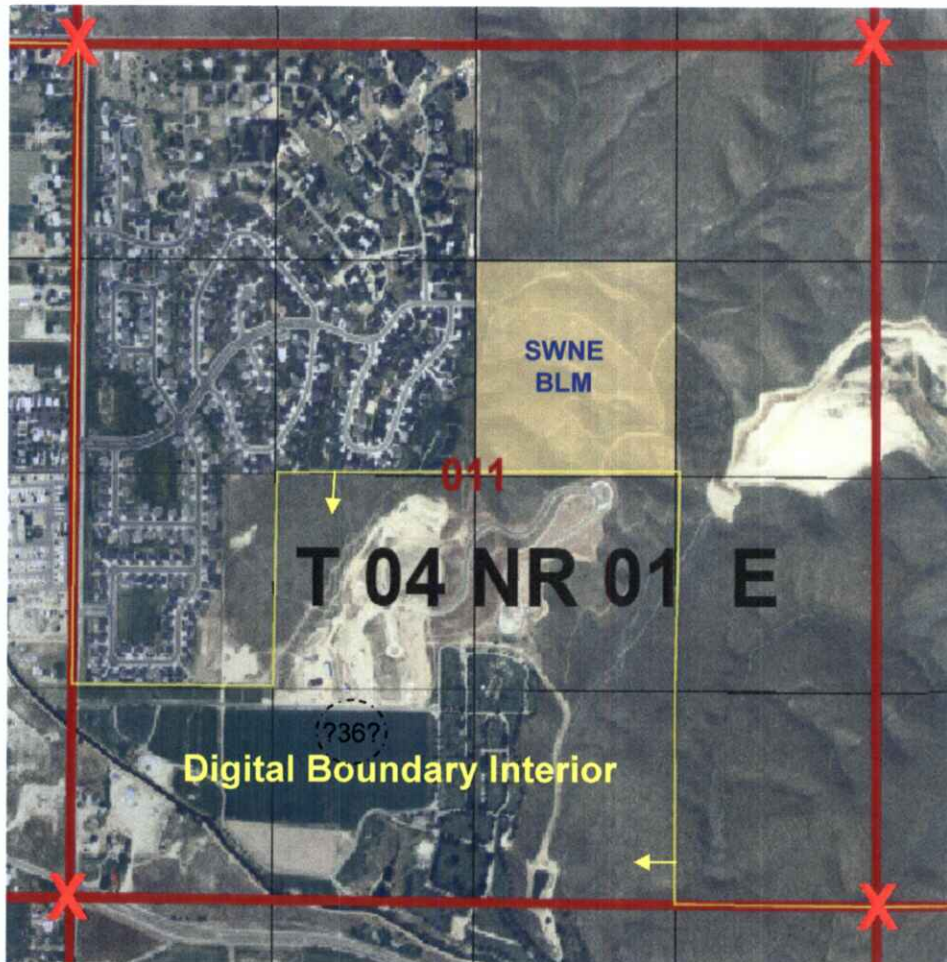


-Remove POU on BLM from data and adjust digital boundary accordingly

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63-00147B, 63-02360, 63-31198, 63-31832, 63-31833



- Remove POU on BLM from data

TOWNSHIP 2 NORTH RANGE 3 EAST OF THE BOISE MERIDIAN, IDAHO

ADA COUNTY OOI

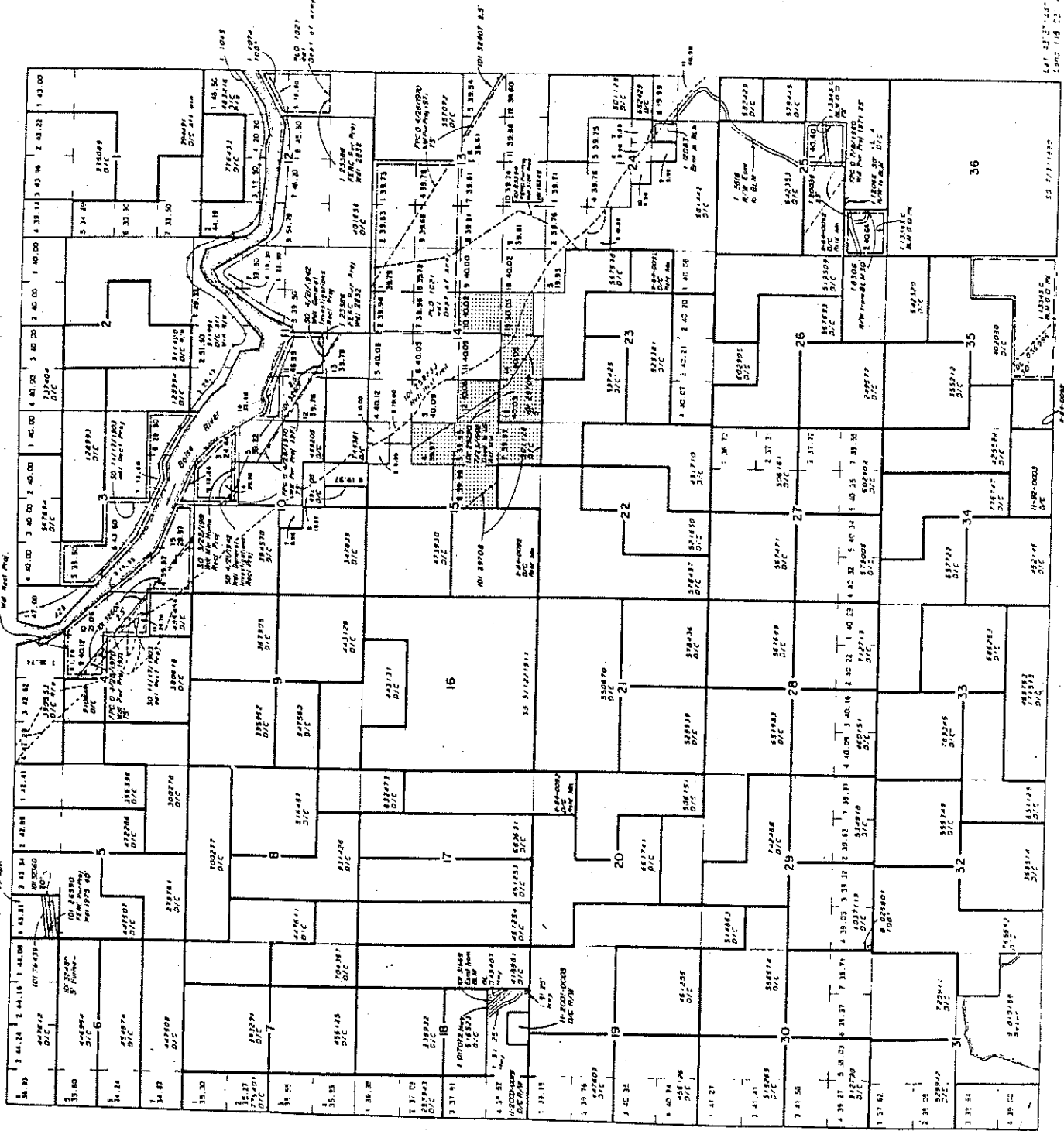
BOISE DISTRICT SEC. 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
AND ACQUIRED LANDS

MT PLAT

INDEX TO SEGREGATED TRACTS			
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SCALE in Chains

WARNING STATEMENT

THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST

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UNIDENTIFIED LANDS REFER TO INDEX OF
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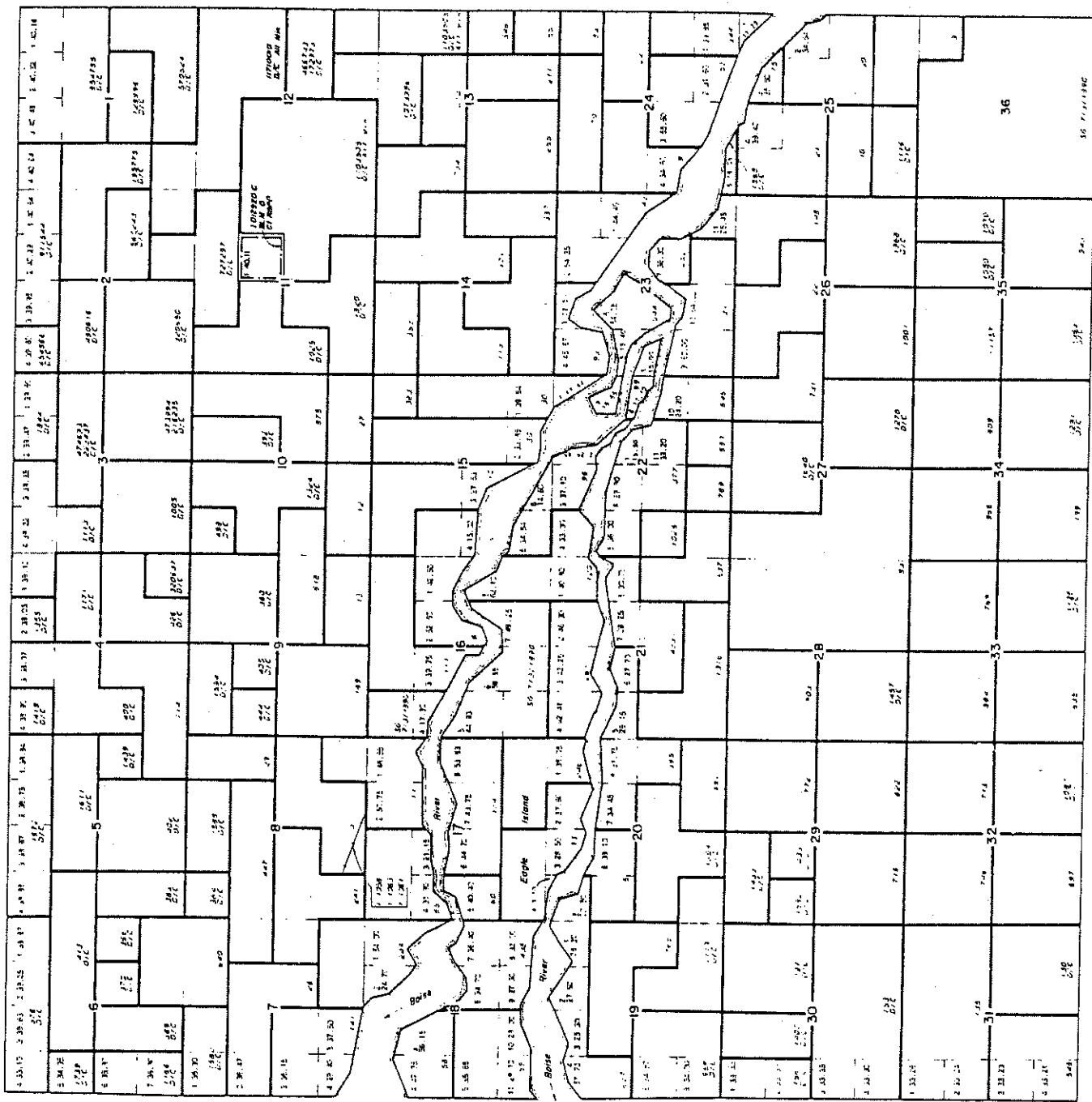
STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

[illegible]

Survey Period: Group No: 892

Parrot Tps



SCALE in Chains

WARNING STATEMENT

This plot is the Bureau's Record of Tolls, and should be used only as a graphic display of the monthly survey data. Rec. elements have been added to the tolls to reflect toll changes which may have been effected by lateral movements of elements at other locations.

N - OI - 9600 17

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

CURRENT TO	CURRENT TO
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USE PLATE.

Answer: 100

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