

RECEIVED

APR 21 2005

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 63-03170
(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: Vander Stelt Dairy
Address: 2777 Swan Falls Road; Kuna, Idaho 83634

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

)

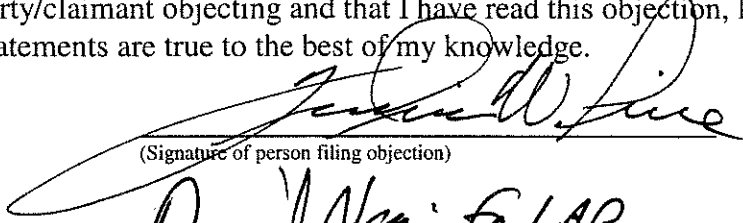
) ss.

County of ADA

)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

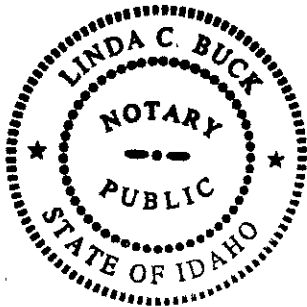
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)

David Negri for LAB
(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 4-19- , 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: Vander Stelt Dairy
Address: 2777 Swan Falls Road; Kuna, Idaho 83634

Name:
Address: ;

Name:
Address: ;

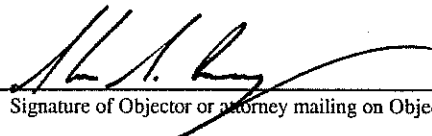
Name:
Address: ;

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: 63-3170
NAME AND ADDRESS: VANDER STELT DAIRY
2777 SWAN FALLS RD
KUNA ID 83634

POU on BLM:

-Claimant is not authorized to graze public lands.

SOURCE: GROUND WATER
QUANTITY: 4.060 CFS
1,605.20 AFY

TRIBUTARY:

PRIORITY DATE: 09/17/1959

POINT OF
DIVERSION: T02N R01W S35 SENW Within ADA County
T02N R01W S35 NESW Within ADA County
T02N R01W S35 NESE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
COMMERCIAL	01/01 12/31	0.490 CFS 50.60 AFY
STOCKWATER	01/01 12/31	0.490 CFS 51.60 AFY
IRRIGATION	03/15 11/15	3.570 CFS 1,503.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:

IRRIGATION Within ADA County

T02N R01W S35	NENE	19.00	T02N R01W S35	NWNE	25.00
T02N R01W S35	SENE	40.00	T02N R01W S35	NENW	28.00
T02N R01W S35	NWNW	39.00	T02N R01W S35	SWNW	39.00
T02N R01W S35	SENE	40.00	T02N R01W S35	NESW	14.00
T02N R01W S35	NWSW	36.00	T02N R01W S35	NESE	38.00
T02N R01W S35	NWSE	16.00			

STOCKWATER Within ADA County

T02N R01W S26	SWSW		T02N R01W S35	NENE	
T02N R01W S35	NWNE		T02N R01W S35	SWNE	
T02N R01W S35	SENE		T02N R01W S35	NENW	
T02N R01W S35	NWNW		T02N R01W S35	SWNW	
T02N R01W S35	SENE		T02N R01W S35	NESW	
T02N R01W S35	NWSW		T02N R01W S35	SWSW	
T02N R01W S35	SESW		T02N R01W S35	NESE	
T02N R01W S35	NWSE		T02N R01W S35	SWSE	
T02N R01W S35	SESE				

COMMERCIAL Within ADA County

T02N R01W S35	NESW		T02N R01W S35	NESE	
T02N R01W S35	NWSE				

334 ACRES TOTAL

This right is limited to the irrigation of 334 acres within the place of use described above in a single irrigation season.

BLM

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

The total instantaneous diversion of water from all points of diversion under Transfer 5460 shall not exceed 9.25 cfs, nor total combined annual volume of 3620.6 af for irrigation of 382.0 total acres

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

Commercial use is for 2000 dairy cows

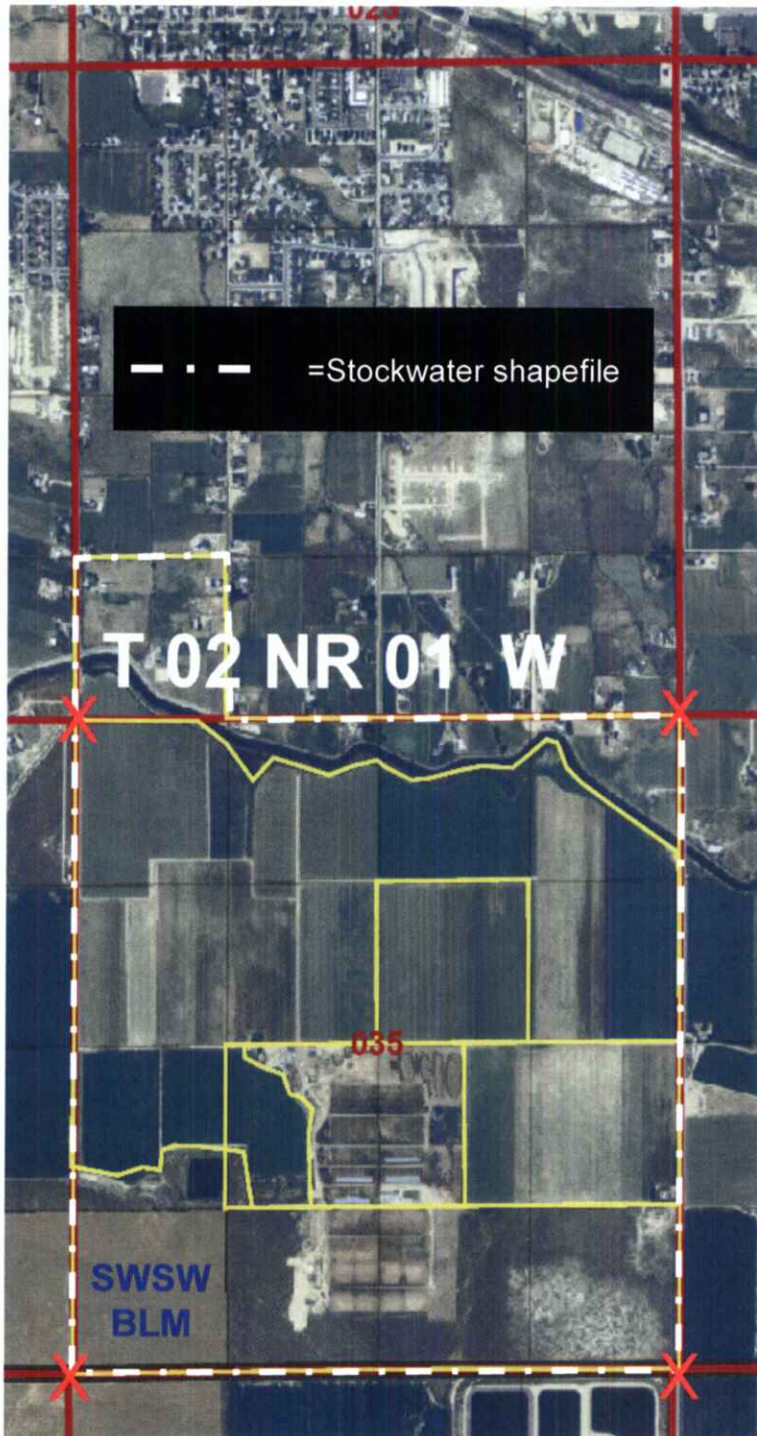
This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

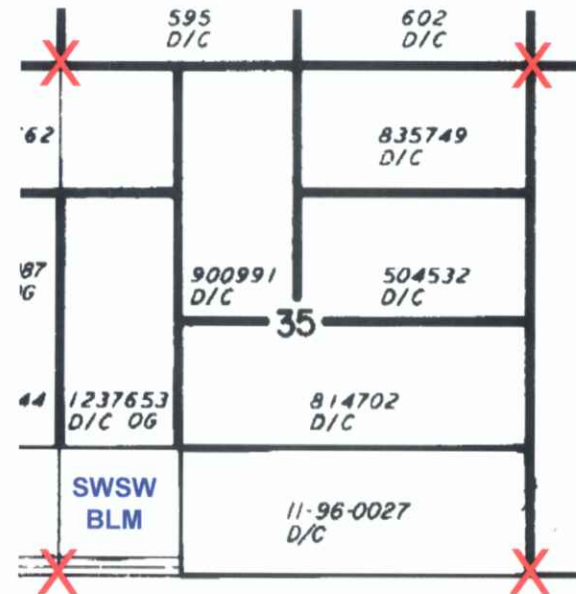
The right holder shall accomplish the change authorized by Transfer 5460 within one (1) year of the date of approval.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

63-03170



Remove T02N R01W S35 SWSW from recommendation and adjust shapefile accordingly.



STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES[illegible]

CANYON COUNTY : ADA COUNTY 027 001

MT PLAT

[illegible]

44-06573 Nampa & Meridian Irrigation Dis:
Act of Cong 5/11/1915; affects land in
Sec 3

101 DEBTS BORSE KUNA LEGISLATION LIST
 FACT OF CONG 3/11/1915 EFFECTS LAND IN
 SECS 21, 23

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

[illegible]

Boise Mer	2N	1W
-----------	----	----

WARNING STATEMENTS

This plot is the Bureau's record of Title and should be used only as a graphic display of the township survey data. Records herein do not reflect title changes which may have been affected by lateral non-renewals of rivers or other bodies of water. Refer to the cadastral surveys for official survey information.

SCALE in Chains

