

RECEIVED
APR 21 2006
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)

A. Subcase 63-31832
(Insert water right number)

Case No. 39576)

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.

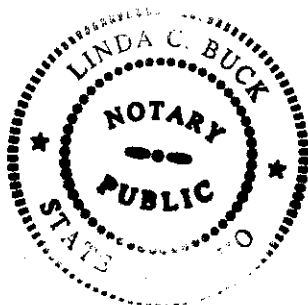
Fredric W. Price
(Signature of person filing objection)

David Neji 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: Boise Valley Irrigation Ditch Co.
Address: 8750 N. Bogart Lane; Boise, Idaho 83714

Name:
Address: ;

Name:
Address: ;

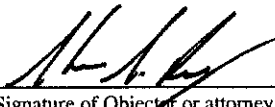
Name:
Address: ;

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: 63-31832
NAME AND ADDRESS: BOISE VALLEY IRRIGATION DITCH CO
8750 N BOGART LN
BOISE ID 83714

POUs on BLM:
-Irrigation is not authorized

SOURCE: BOISE RIVER
QUANTITY: 49.510 CFS
10,266.00 AFY

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: T03N R02E S5 NESENE within ADA County

Rights 63-120G, 63-123C, 63-123D, 63-123E, 63-123F, 63-123G, 63-124Q, 53-125J, 63-126F, 63-165M, 63-198AG, 63-248, 63-297, 63-2360, 63-18700, 63-21729, 63-31937 are also diverted through the point of diversion described above.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
AESTHETIC	03/01 11/15	0.170 CFS
AESTHETIC STORAGE	01/01 12/31	14.50 AFY
IRRIGATION STORAGE	01/01 12/31	14.50 AFY
IRRIGATION FROM STORAGE	03/01 11/15	14.50 AFY
IRRIGATION	03/01 11/15	49.340 CFS 10,251.50 AFY

The period of use for irrigation, irrigation from storage and aesthetic uses described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. Irrigation, irrigation from storage and aesthetic uses before 3/15 are subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

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 Reservoirs 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: IRRIGATION STORAGE Within ADA County

T04N R01E S14 NENW

AESTHETIC Within ADA County

T04N R01E S14 NENW

AESTHETIC STORAGE Within ADA County

T04N R01E S14 NENW

17.2 ACRES TOTAL

The boundary encompassing the place of use for this water right is
Director's Report B63 - Part II

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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 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

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

The portion of Right 63-31832 used for conveyance losses is 5.94 cfs.

This right is a split from former right 63-147.

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

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Water is delivered through the Farmers Union and Boise Valley canals.

RightID577113 (63-31832)

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	
			2	NENW		3	NWNW		5	SWNW			SENE	
03N	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	
				NWSE			SWSE			SESE				
04N	01E	3		NESW			SWSW			SESW				
				NWSE			SWSE			SESE				
		4	4	NWNW			SWNW			SENE				
		9	3	NENW										
		10		NENE			NWNE			SWNE			SENE	
				NENW			NWNW			SWNW			SENE	
				NESW			NWSW			SWSW			SESE	
				NESE			NWSE			SWSE			SESE	
		11		SWNE										
				SENE										
				NESW			SWSW			SESW				
				NESE			NWSE			SWSE				
		12		NENE			NWNE			SWNE			SENE	
				SENE										
				NESW										
				NESE			NWSE							
		13		SWNE			SENE							
				NENW			NWNW			SWNW			SENE	
				NESW			NWSW			SWSW			SESE	
				NESE			NWSE			SWSE			SESE	
		14		NENE			NWNE			SWNE			SENE	
				NENW			NWNW			SWNW			SENE	
				NESW			NWSW			SWSW			SESE	
				NESE			NWSE			SWSE			SESE	

05N	02E	15	NENE			NWNE		SWNE		SENE
			NESE	1		SESE				
		23	NENE	2		NWNE	1	SENE		
			NWNW	5		SWNW	6	SENW		
			NWSE	7						
		24	NENE			NWNE		SWNE		SENE
			NENW			NWNW		SWNW		SENW
			NESW	3	4	NWSW				
			NESE			NWSE	2	SWSE	1	SESE
		25	NESE	1						
		18	NWSW	3	4	SWSW		SESW		
		19	NENE			NWNE		SWNE		SENE
			NENW	1		NWNW	2	SWNW		SENW
			NESW	3		NWSW	4	SWSW		SESW
			NESE			NWSE		SWSE		SESE
		20	SWSW							
		29	NWNW			SWNW				
			NWSW			SWSW		SESW		
		30	NENE			NWNE		SWNE		SENE
			NENW	5		NWNW	4	SWNW		SENW
			NESW	2						
			NESE			NWSE	1	SWSE		SESE
		31	NENE	1						
		32	NWNE			SWNE		SENE		
			NENW			NWNW	5	SWNW	4	SENW
			NESW	3						
			NESE	2		NWSE				
	01W	1	SENE							
	01E	31	SESE							
	01W	32	SENE							
			NESE							
		33	SWNW							
			NWSW							
		34	NWNE			SWNE		SENE		
			SENW							
			NESW							

Place of Use Legal Description: IRRIGATION STORAGE ADA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	01E	14		NENW										

Place of Use Legal Description: IRRIGATION FROM STORAGE ADA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	01E	14		NENW	17.2									

Place of Use Legal Description: AESTHETIC ADA County

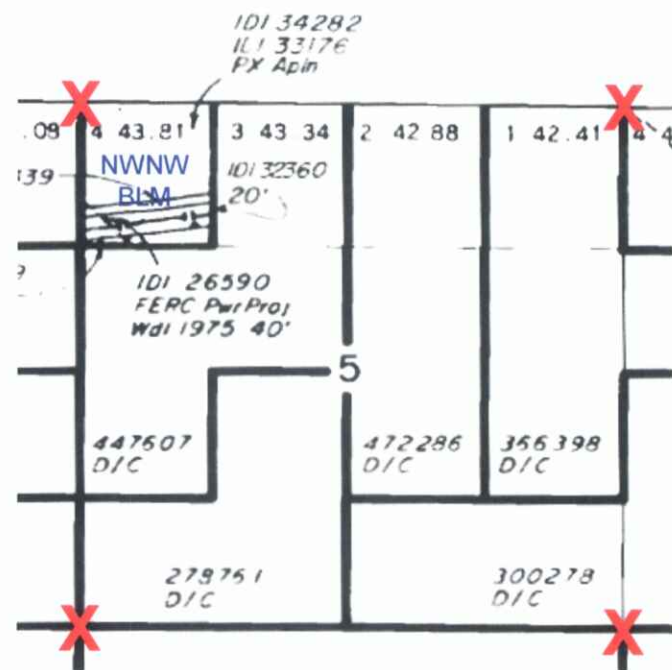
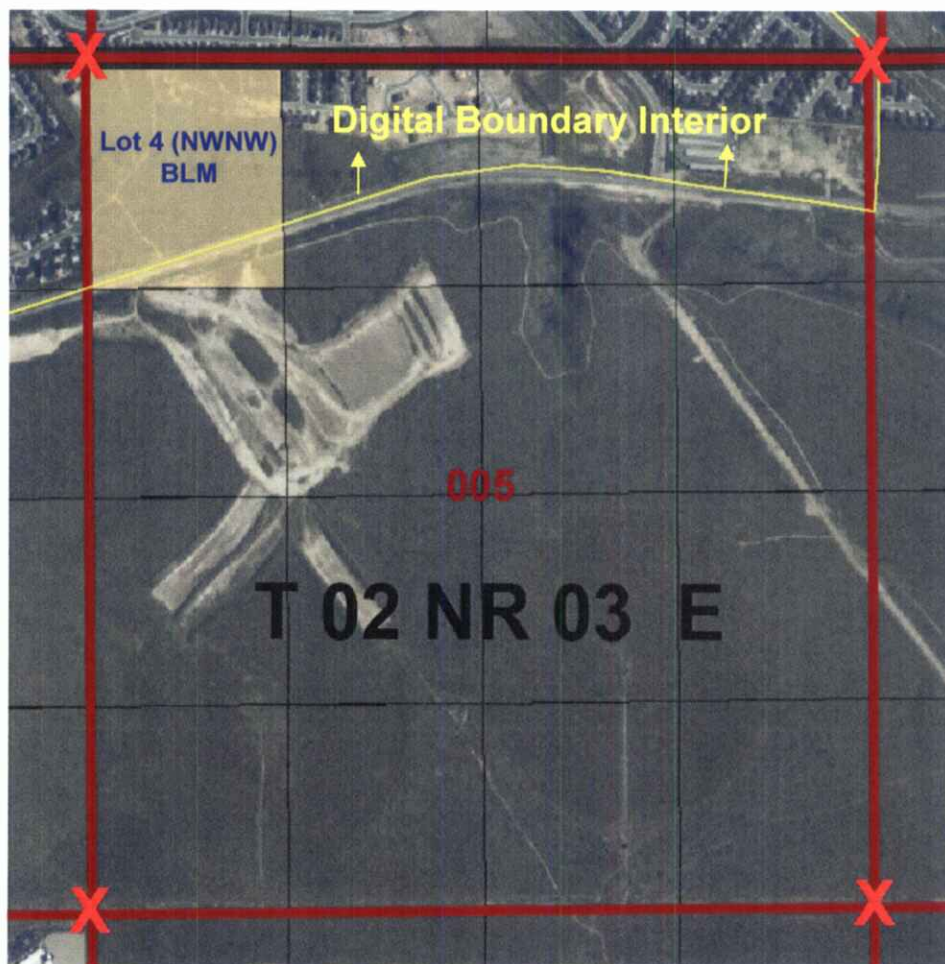
Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	01E	14		NENW										

Place of Use Legal Description: AESTHETIC STORAGE ADA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	01E	14		NENW										

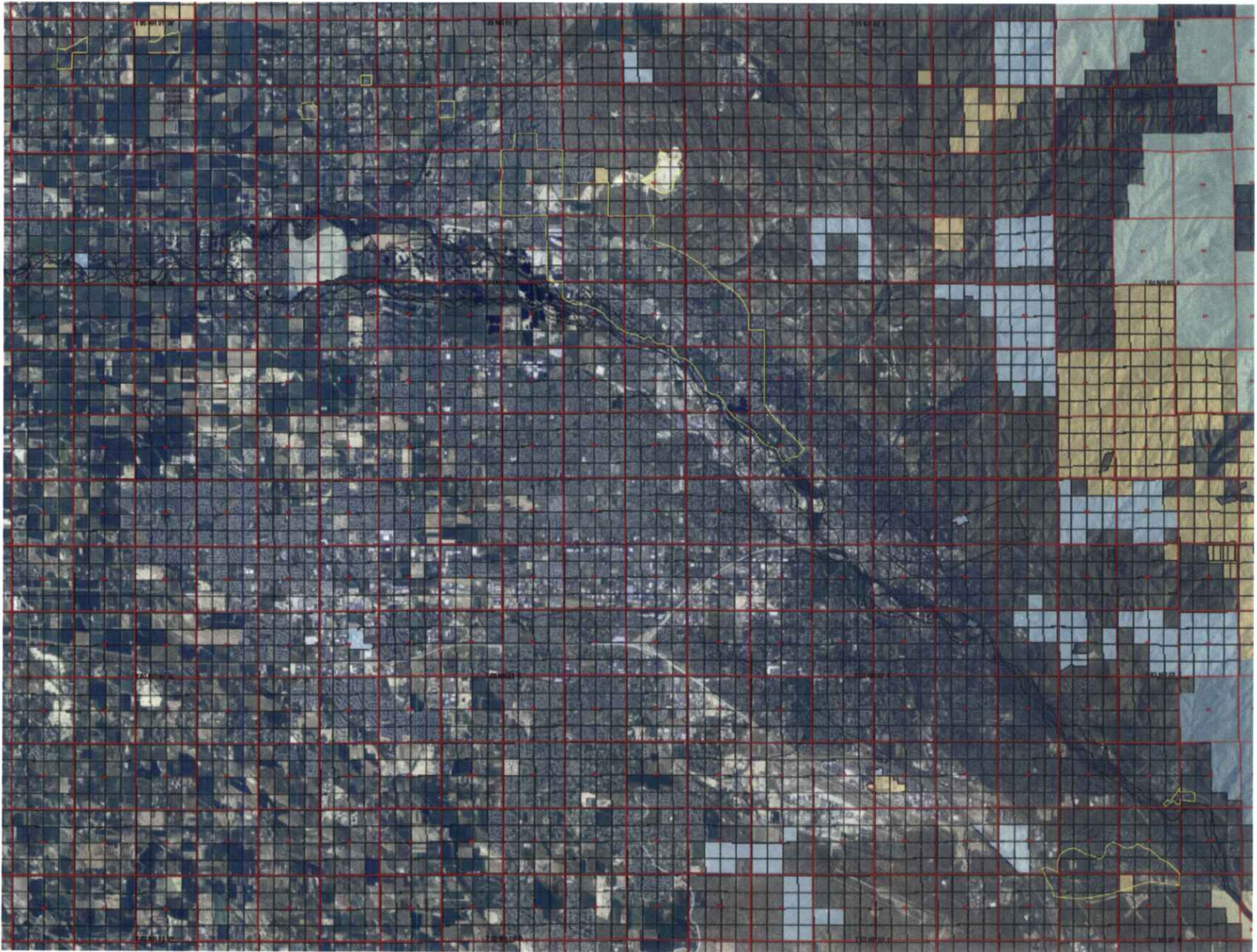
Total Acres: 17.2

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

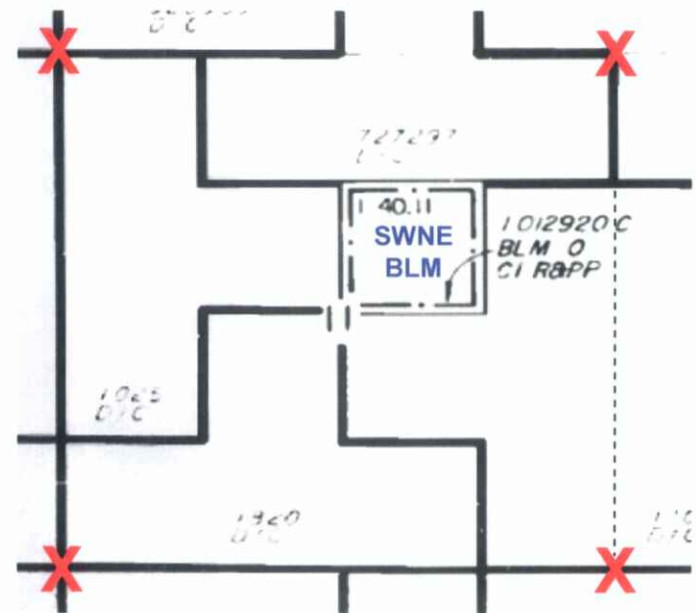
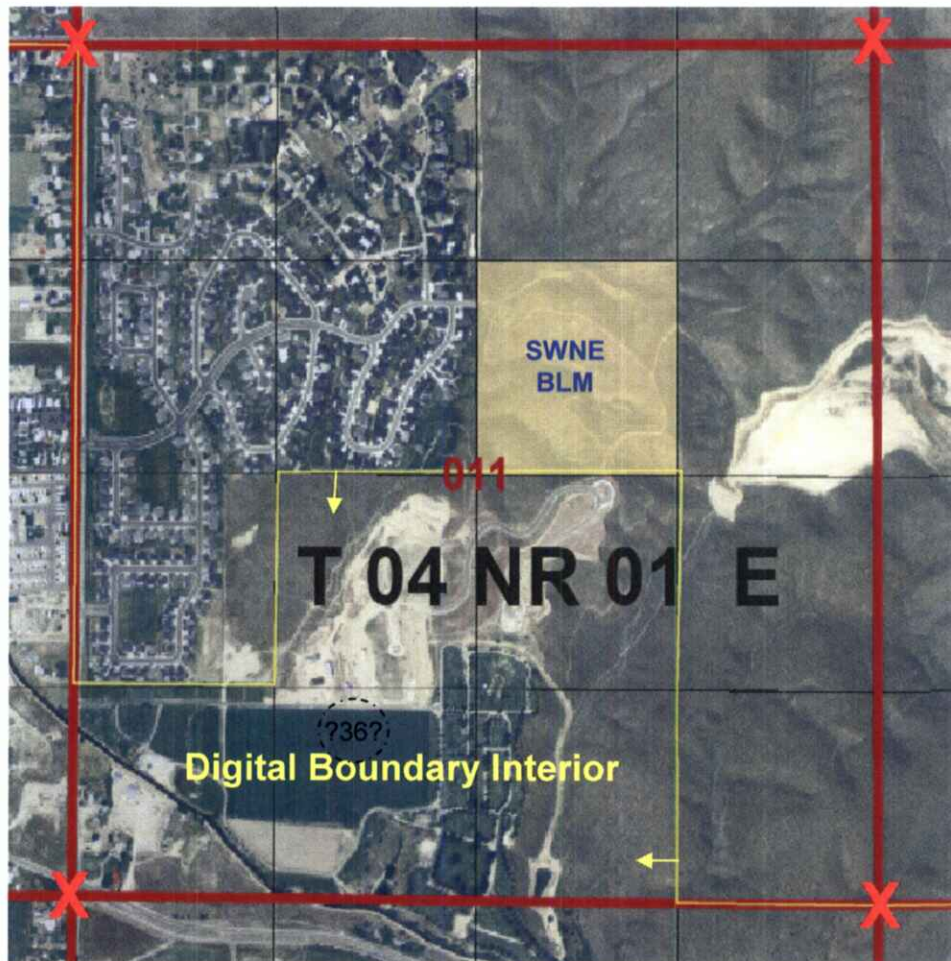


-Remove POU on BLM from data and adjust digital boundary accordingly

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



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			
TRACT NO	T	R	SEC
1	1	1	1
2	1	1	2
3	1	1	3
4	1	1	4
5	1	1	5
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7	1	1	7
8	1	1	8
9	1	1	9
10	1	1	10
11	1	1	11
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30	1	1	30
31	1	1	31
32	1	1	32
33	1	1	33
34	1	1	34
35	1	1	35
36	1	1	36

DA 25873 J Hill Hill Trail
Historical information only, does not denote
public domain

DA 34007 R/W Tele Cable 5 Buried
See 5: Within Lot 4

DA 33896 R/W Trail 2.5
See 5: Within Lot 4

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

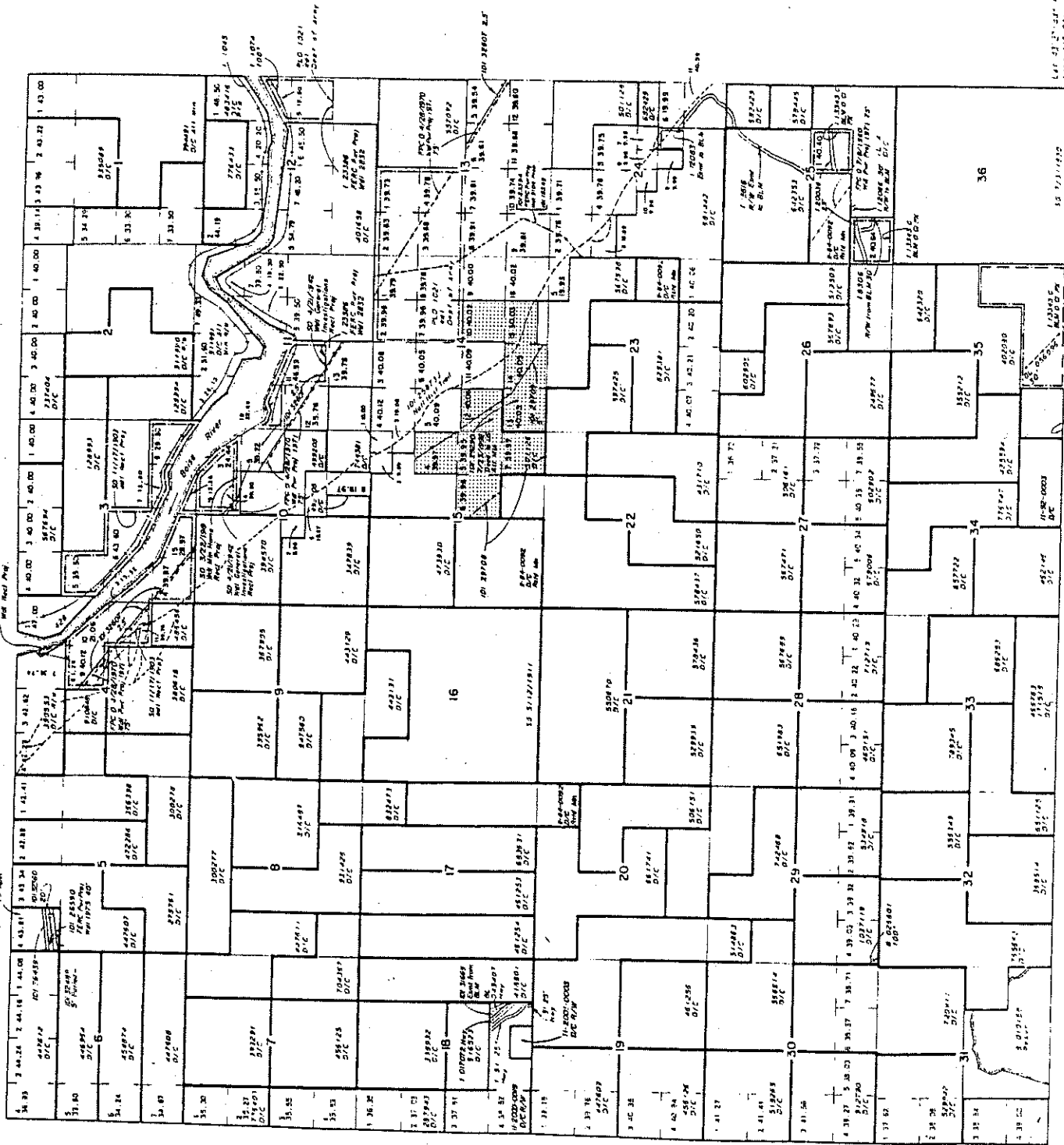
CURRENT TO	CURRENT TO
1.1	2.7
USE PLAT 15	USE PLAT 15

THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST

WARNING STATEMENTS

SCALE in Chains

Page No.



TOWNSHIP 4 NORTH RANGE 1 EAST OF THE BOISE MERIDIAN, IDAHO

ADA COUNTY 001

1/20/55 DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

INDEX TO SEGREGATED TRACTS			
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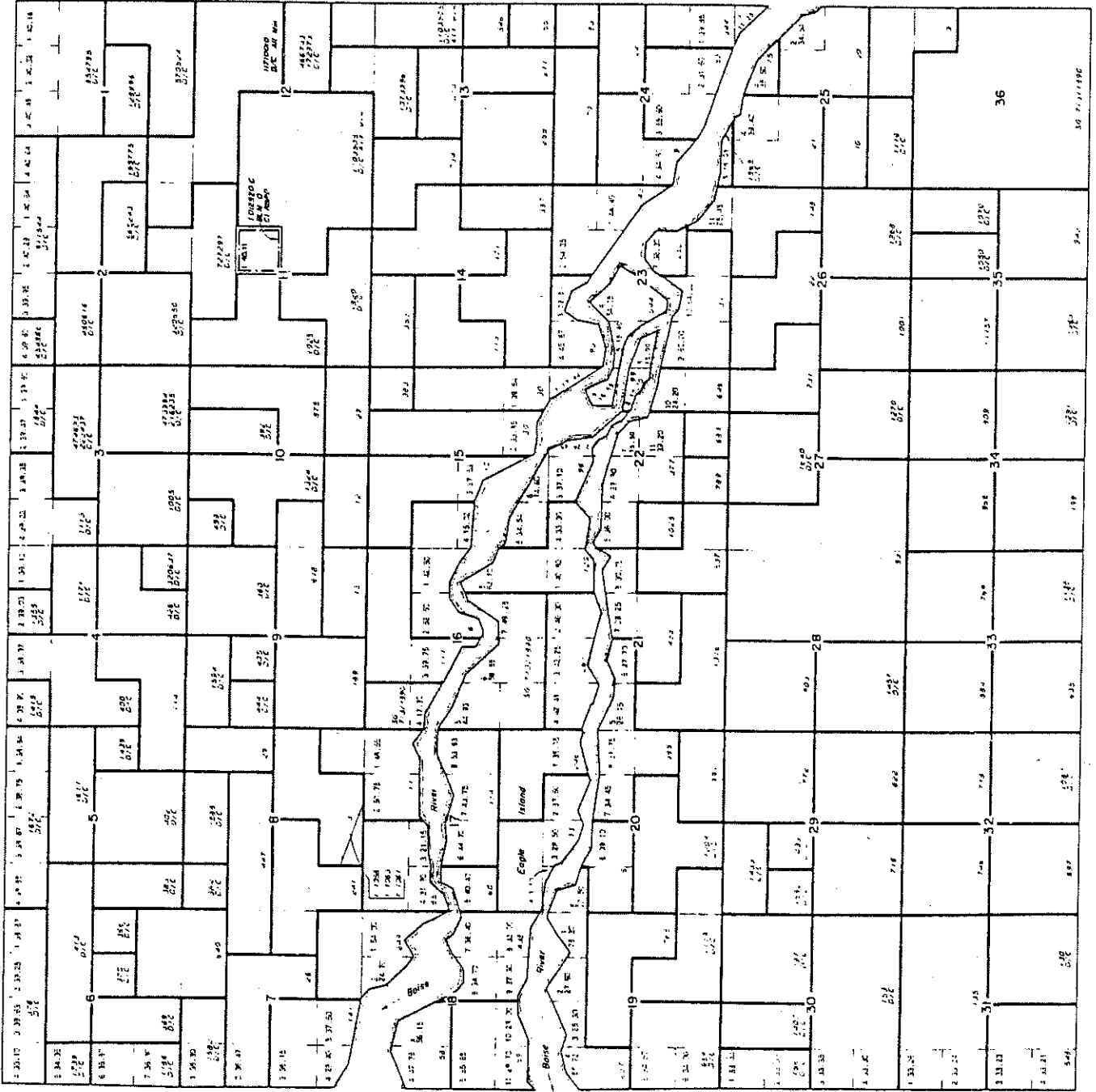
Survey Pending Group No. 892

Partial PL

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

COMMENT TO	COMMENT TO
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Boise Mer
T. 4 N



SCALE in Chains
0 10 20 30 40

WARNING STATEMENT
This plat is not a warranty of title, and should be used
only as a guide. The actual location of the boundaries
shown on this plat may vary from the actual location
of the boundaries as shown on the original survey.

1.47 27.35 10.00
2.00 11.17 0.00