

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 63-31833

(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)

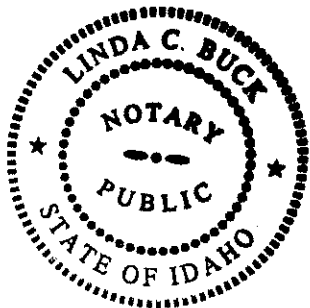
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

David M. F. LAB
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: *April 29, 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: ;

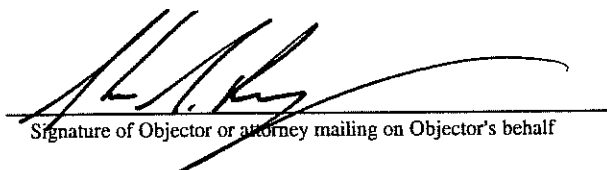
Name:
Address: ;

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: 63-31833

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

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.200 CFS
45.00 AFY

The total instantaneous diversion of water from all points of diversion under Right 63-31833 shall not exceed 0.20 cfs, nor a total combined annual volume of 45.0 af.

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 R03E S28 SWSWSW Within ADA County
T03N R03E S28 SWSWSW Within ADA County
T03N R03E S29 SESE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.200 CFS 45.00 AFY

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 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.

The place of use of this right is limited to 10 acres within a 30.5 acre place of use located in Lot 2 SWSW (22.4 ac) Sec. 28 and in Lot 1 SESE(8.1 ac), Sec. 29, Twp. 3N, Rge 3E as approved under Transfer No. 71032.

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

The right holder shall accomplish the change authorized by transfer 71032 within one (1) year of the date of approval.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-31197.

Right No. 63-31198 is also diverted through points of diversion described above.

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.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

Failure of the right holder to comply with the conditions of transfer 71032 is cause for the Director to rescind approval of the transfer.

RightID577114 (63-31833)

Place(s) of use:

Place of Use Legal Description: IRRIGATION ADA County

Lot 1 = NENE

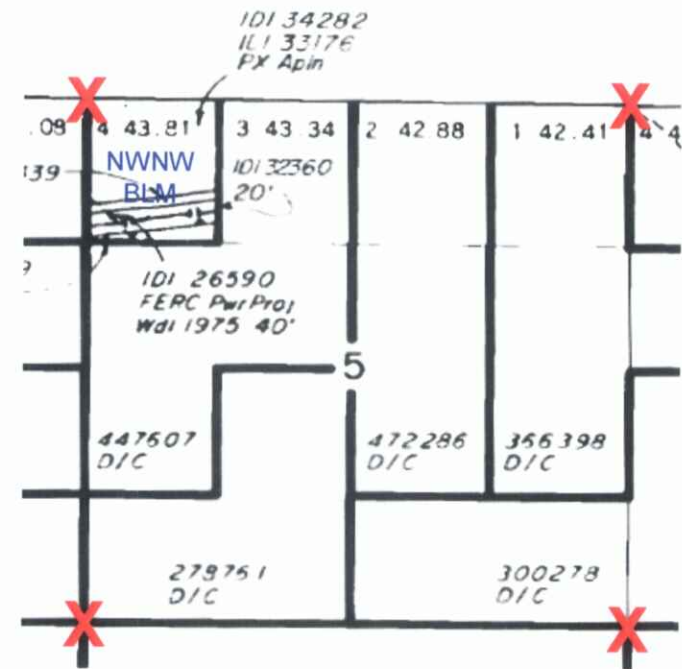
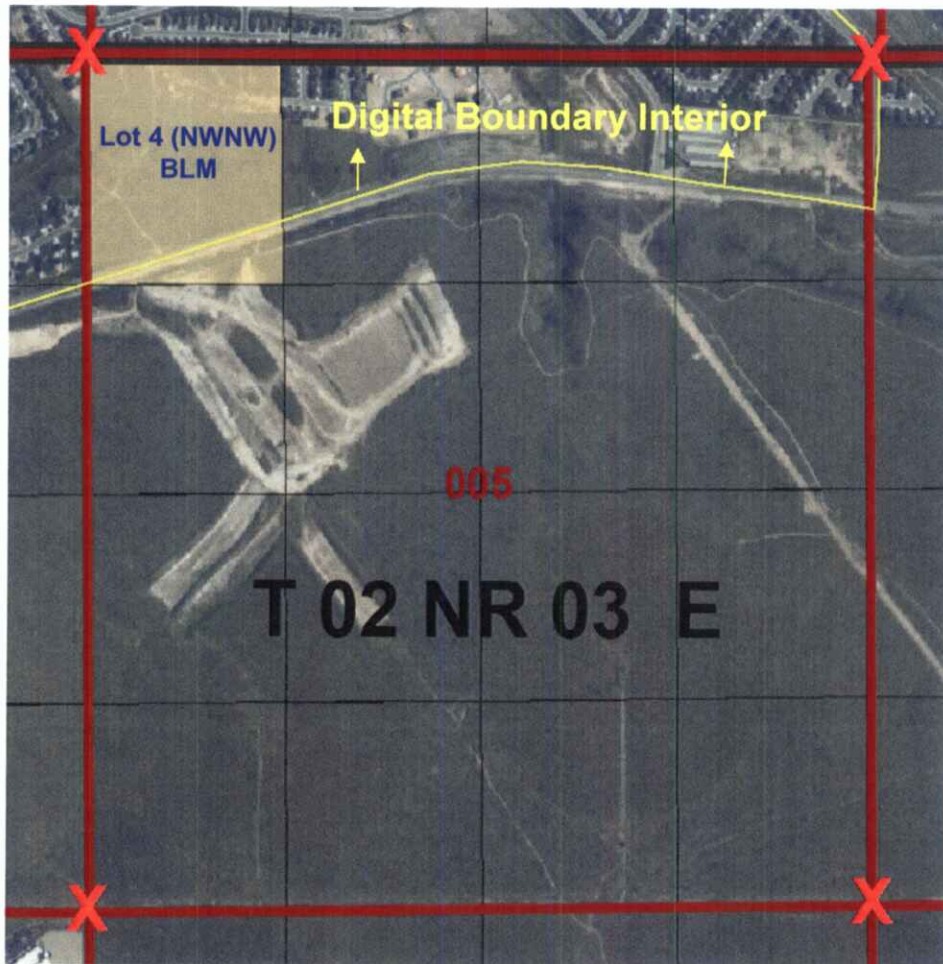
Lot 2 = NWNE

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						SWNE			SENE	
		10		NENE			NWNE			SWNW			SENE	
				NENW			NWNW			SWSW			SESW	
				NESW			NWSW			SWSE			SESE	
				NESE			NWSE							
		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			SESW	
				NESE			NWSE			SWSE			SESE	
		14		NENE			NWNE			SWNE			SENE	
				NENW			NWNW			SWNW			SENE	
				NESW			NWSW			SWSW			SESW	
				NESE			NWSE			SWSE			SESE	

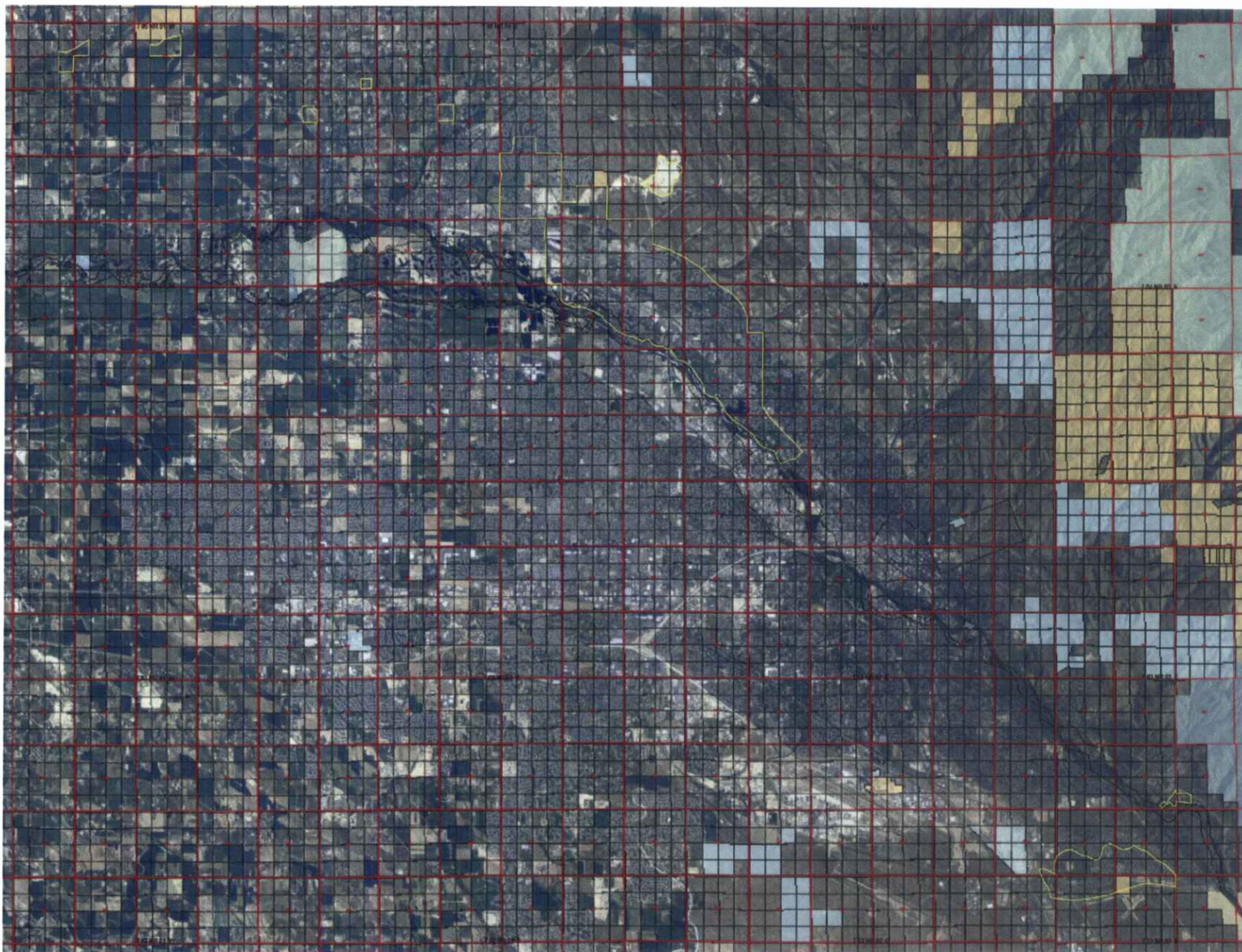
05N	02E	15	NENE		NWNE		SWNE		SENE
			NESE	1	SESE				
		23	NENE	2	NWNE	1	SENE		
			NWNW	5	SWNW	6	SENE		
			NWSE				SENW		
		24	NENE		NWNE		SWNE		SENE
			NENW		NWNW		SWNW		SENW
			NESW	4	NWSW				
			NESE		NWSE	2	SWSE	1	SESE
		25	NESE	1					
		18	NWSW	3	SWSW		SESW		
		19	NENE		NWNE		SWNE		SENE
			NENW	1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

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

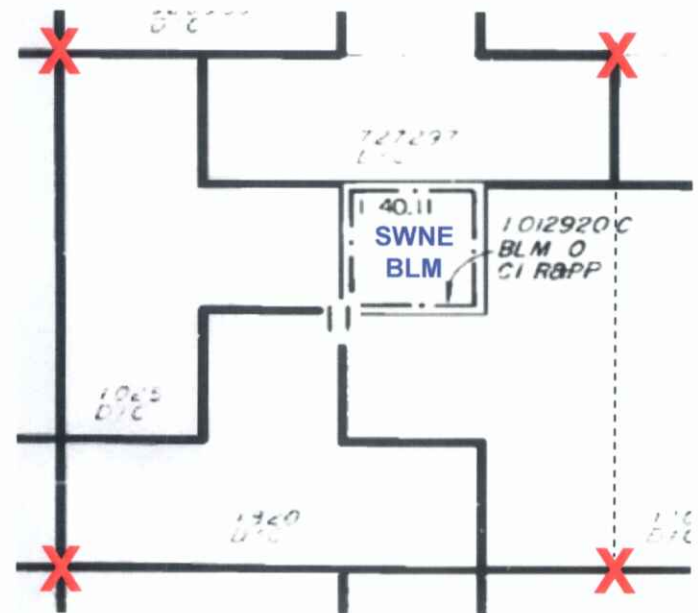
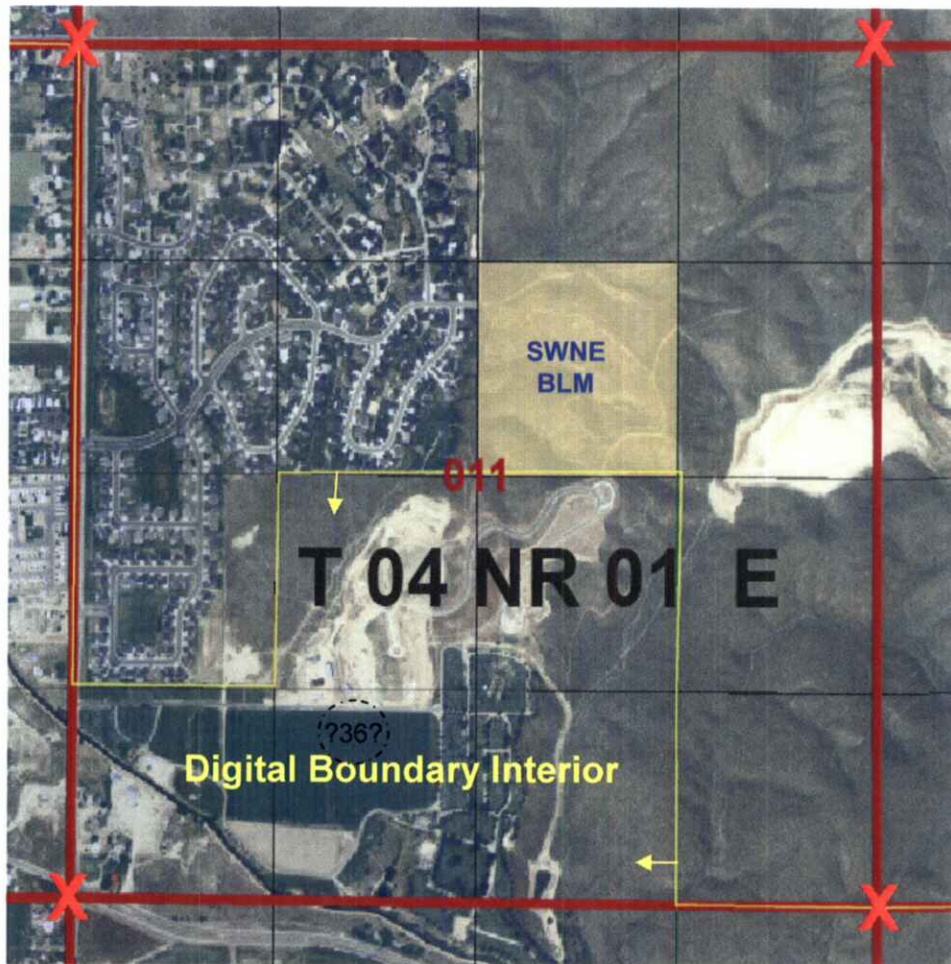


-Remove POU on BLM from data and adjust digital boundary accordingly

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			
REMARKS	TRACT NO.	Y	SEC
ORIGINAL SURVEY			
SUBDIVISION			

101 25873 J North Mill Tract	
Historical information only, data not definite	
Public access	
101 34007 R/W Tele Cable 5 Buried	
SEC 3: WITHIN LOT 4	
101 33896 R/W Trail 2.5	
SEC 3: WITHIN LOT 4	

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

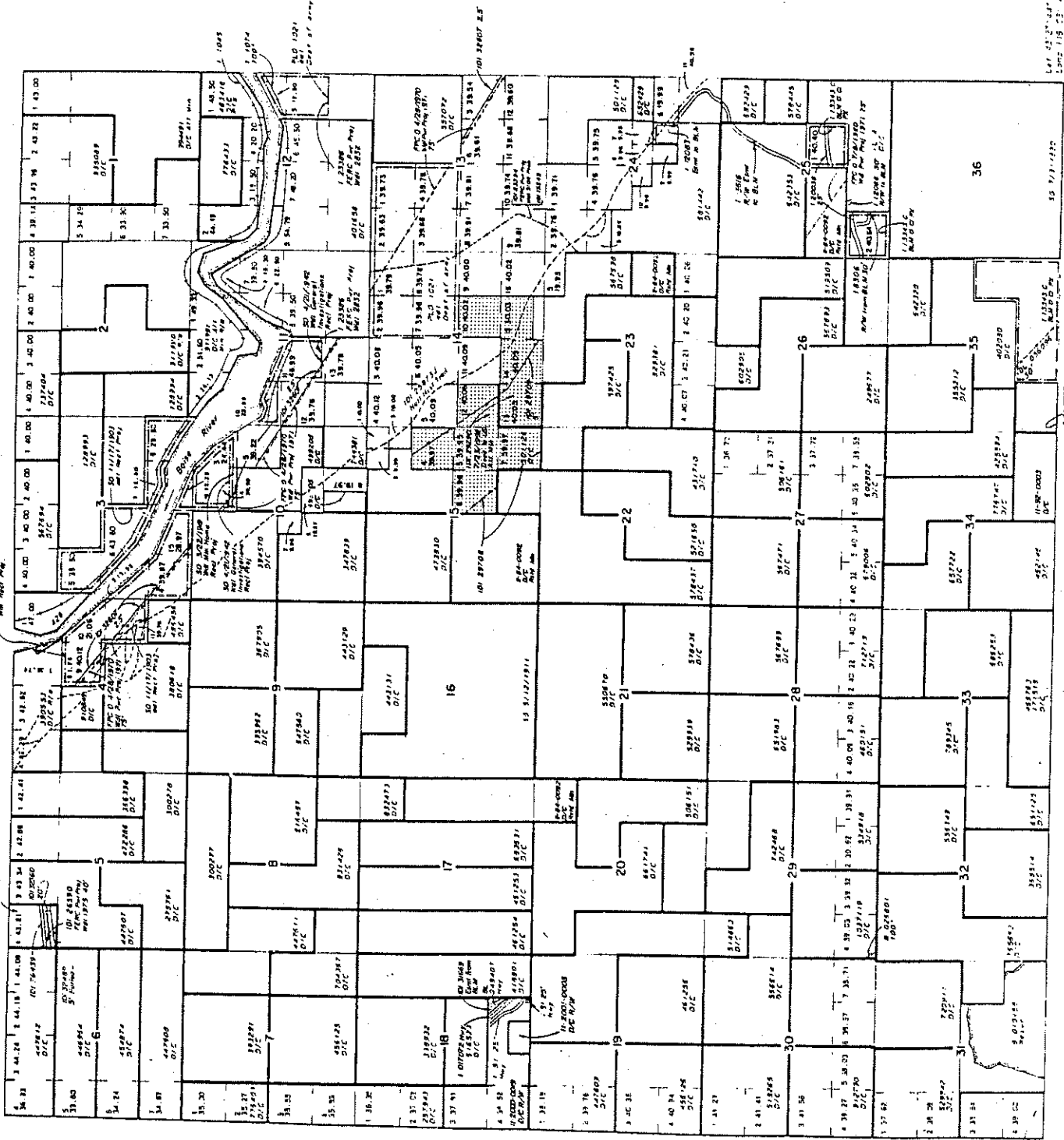
CURRENT TO	CURRENT TO
111 27	111 27
USE PLATS	USE PLATS

THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST

SCALE in Chains

WARNING STATEMENT

PLATE 100



STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

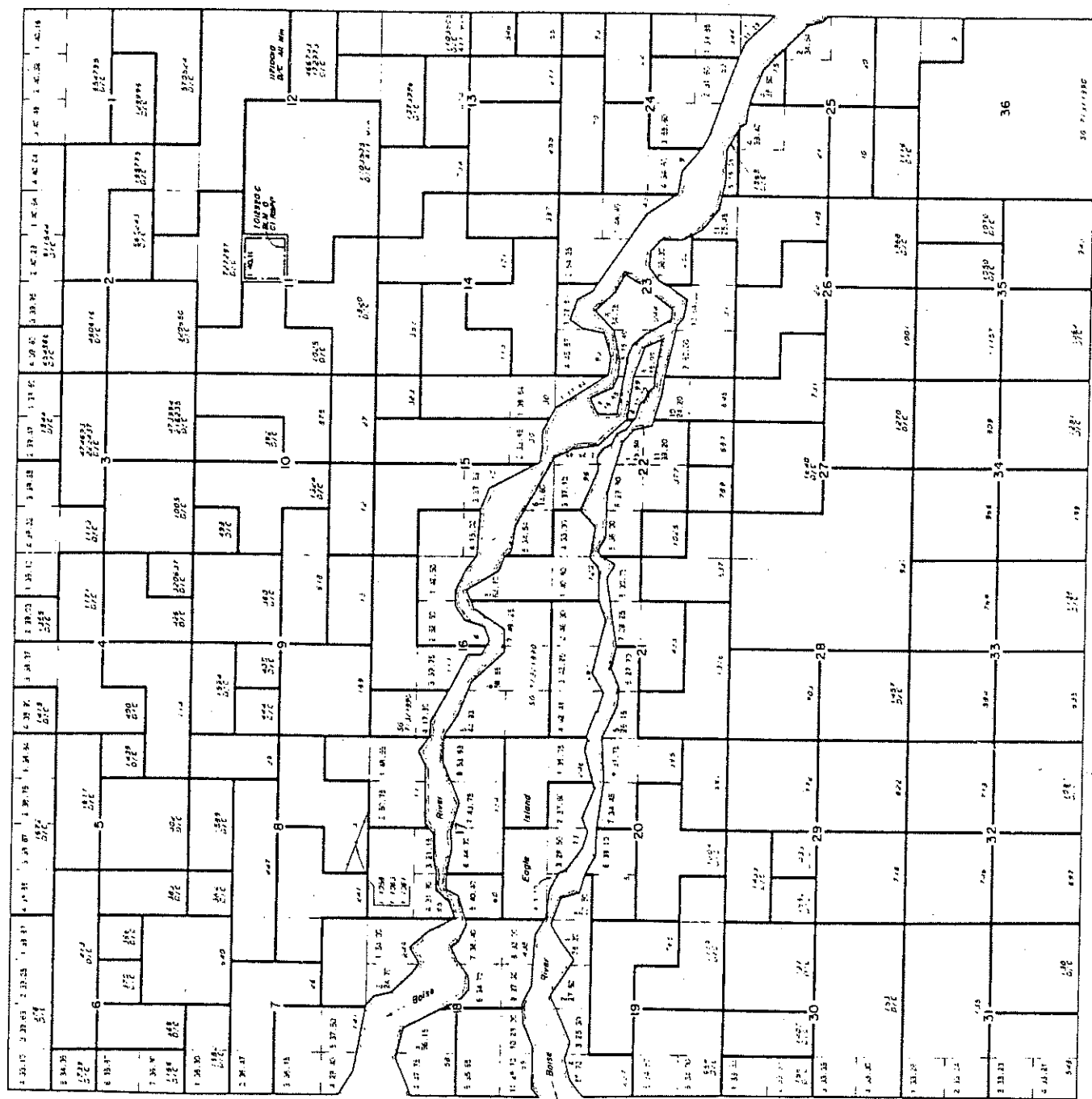
ADA COUNTY 001
HOUSE DISTRICT SEC 3

MT PLAT

[illegible]

Survey Printing Group No. 892

Partial Ip



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. Rec-ords between do not reflect title changes which may have been effected by lateral movements of citizens.

SCALE in CHINA

SCALE in Cnoms

1. 48. 25. 17. 4

W. B. I.