

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 21-12892
(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: The Nature Conservancy
Address: 116 1st Ave N; Hailey, Idaho 83333-8411

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 legal description for element nine (POU) above may include Federal land because the legal land description is incomplete (QQ is missing). The description should be specific enough to exclude 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)

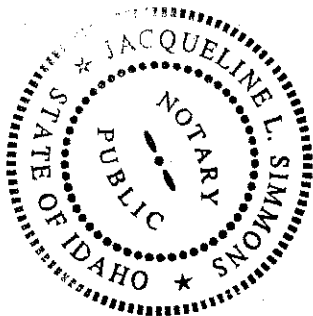
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

Larry A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 23rd of May 2006

Jacqueline L. Simmons
Jacqueline L. Simmons



Notary Public for State of Idaho

Residing at: Boise, ID.

My Commission Expires: 04-07-2011

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 May 24, 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: The Nature Conservancy
Address: 116 1st Ave N; Hailey, Idaho 83333-8411

Name:
Address: ;

Name:
Address: ;

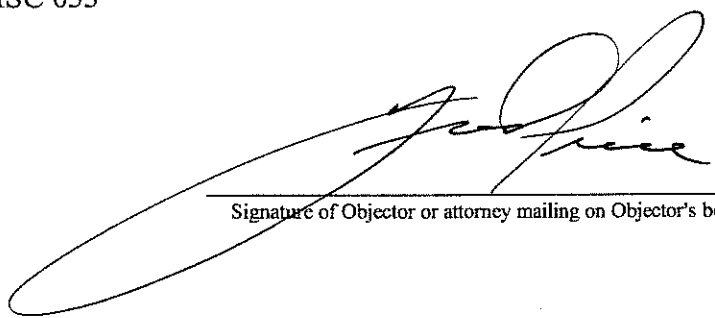
Name:
Address: ;

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

01/12/2006

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

RIGHT NUMBER: 21-12892

Place of Use incomplete:
-40 acre tract descriptions missing.

NAME AND ADDRESS: THE NATURE CONSERVANCY
116 1ST AVE N
HAILEY ID 83333-8411

SOURCE: SOUTH FORK TWIN CREEK

TRIBUTARY: HENRYS FORK

QUANTITY: 1.740 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/01/1939

POINT OF

DIVERSION: T15N R44E S31 NWNWNW Lot 4 Within FREMONT County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 10/31	1.740 CFS
STOCKWATER	04/15 10/15	0.070 CFS

PLACE OF USE: IRRIGATION Within FREMONT County

Mixed

T15N R44E S31 80.00

STOCKWATER Within FREMONT County

T15N R44E S31	NWNW	T15N R44E S31	SWNW
T15N R44E S31	NWSW	T15N R44E S31	SWSW

80 ACRES TOTAL

Right Nos. 176 and 12892 are limited to the irrigation of a combined total of 80 acres in a single irrigation season.

This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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.

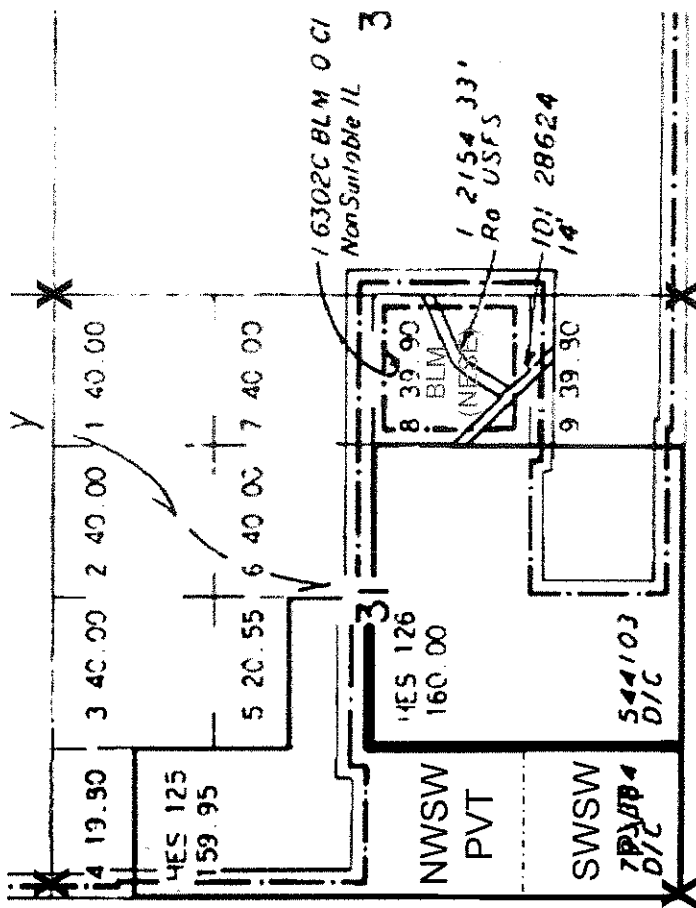
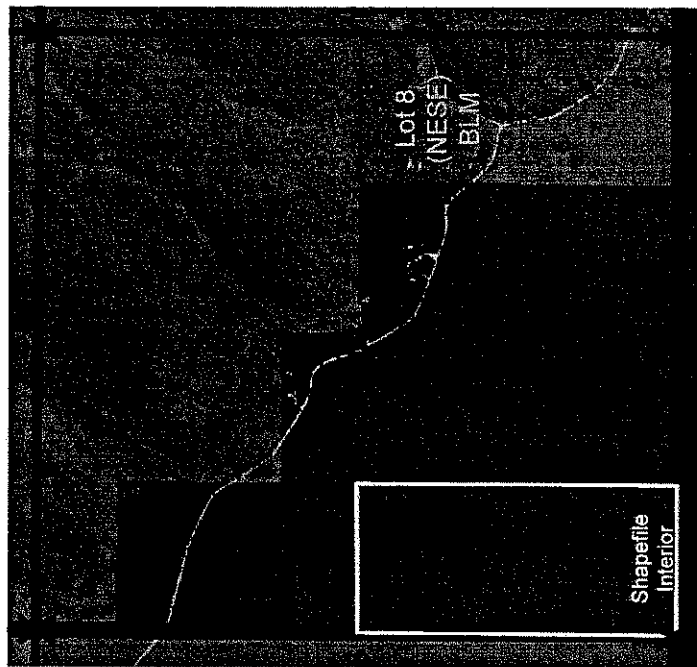
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

ORIGINALLY FILED AS CLAIM NO. 01-339.

Mixed: T15N R44E S31 is mixed ownership. BLM owns land in T15N R44E S31. Please clarify legal description such that it is clear that only private land is intended.

It appears from the shapefile that section 31 should define the NWSW and SWSW as places of use (POUs) for Irrigation. These POUs describe private land and would resolve BLM's objection.

21-00176 & 21-12892
T15N R44E



-Recommended POUs for T15N R44E S31 are missing ¼ ¼ descriptions. BLM owns land in T15N R44E S31. Please clarify POUs such that it is clear that only private land is intended.

FREMONT COUNTY 043
IDaho FALLS DISTRICT SEC 15

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES[illegible]

1 011592 Det PL 167 (Act of Cong 7/23/1955)
completed 4/12/1961. All MF surface Mgt by USFS

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

CURRENT TO	CURRENT TO
$\frac{d}{dt}$	
USE PLATS	

THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST

SCALE in Chains