

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 74-00332
(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: McFarland Livestock Company, Inc.

Address: P.O. Box 50; Lemhi, Idaho 83465

Name: c/o Tex J. Kauer

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 a portion of the use is claimed. The claimant's use of Federal land is unauthorized. Claimant's water right should not include this POU. Perhaps this *is a typographical error.*

F.

VERIFICATION (Must be Completed)

State of Idaho

)

) ss.

County of ADA

)

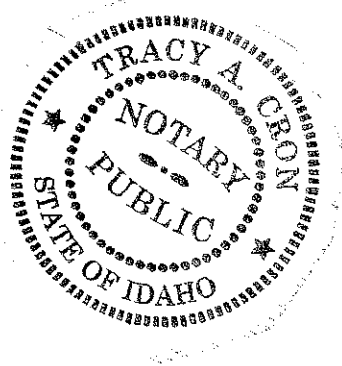
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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: June 28, 2006



Tracy A. Cron
Tracy A. Cron

Notary Public for State of Idaho
Residing at: Meridian, Idaho
My Commission Expires: 08-22-2009

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 6-29, 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: McFarland Livestock Company, Inc.

Address: P.O. Box 50; Lemhi, Idaho 83465

Name: c/o Tex J. Kauer

Address: ;

Name:

Address: ;

Name: *

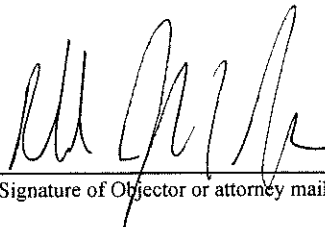
Address: ;

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

01/19/2006

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

RIGHT NUMBER: 74-332

NAME AND ADDRESS: MC FARLAND LIVESTOCK COMPANY INC
C/O TEX J KAUER
PO BOX 50
LEMHI ID 83465

POU on BLM:

-Claimant is not authorized to farm public land.
-Perhaps this is a typographical error and should be
NEWN?

SOURCE: BULL CREEK

TRIBUTARY: SINKS

QUANTITY: 1.000 CFS

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.

diversion Use of this right with right no. 74-333 is limited to a total combined
rate of 4.2 cfs.

PRIORITY DATE: 10/11/1969

POINT OF

DIVERSION: T15N R27E S24 SENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	1.000 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T15N R27E S14	SWSE	20.00	T15N R27E S14	SESE	35.00
T15N R27E S23	NENE	40.00	T15N R27E S23	NWNE	40.00
T15N R27E S23	SWNE	33.00	T15N R27E S23	NWNW	34.00
T15N R27E S23	SENE	33.00			

235 ACRES TOTAL

combined Use of this right with right no. 74-333 is limited to the irrigation of a
total of 235 acres in a single irrigation season.

This right is limited to the irrigation of 75 acres within the place of use
described above in a single irrigation season.

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.

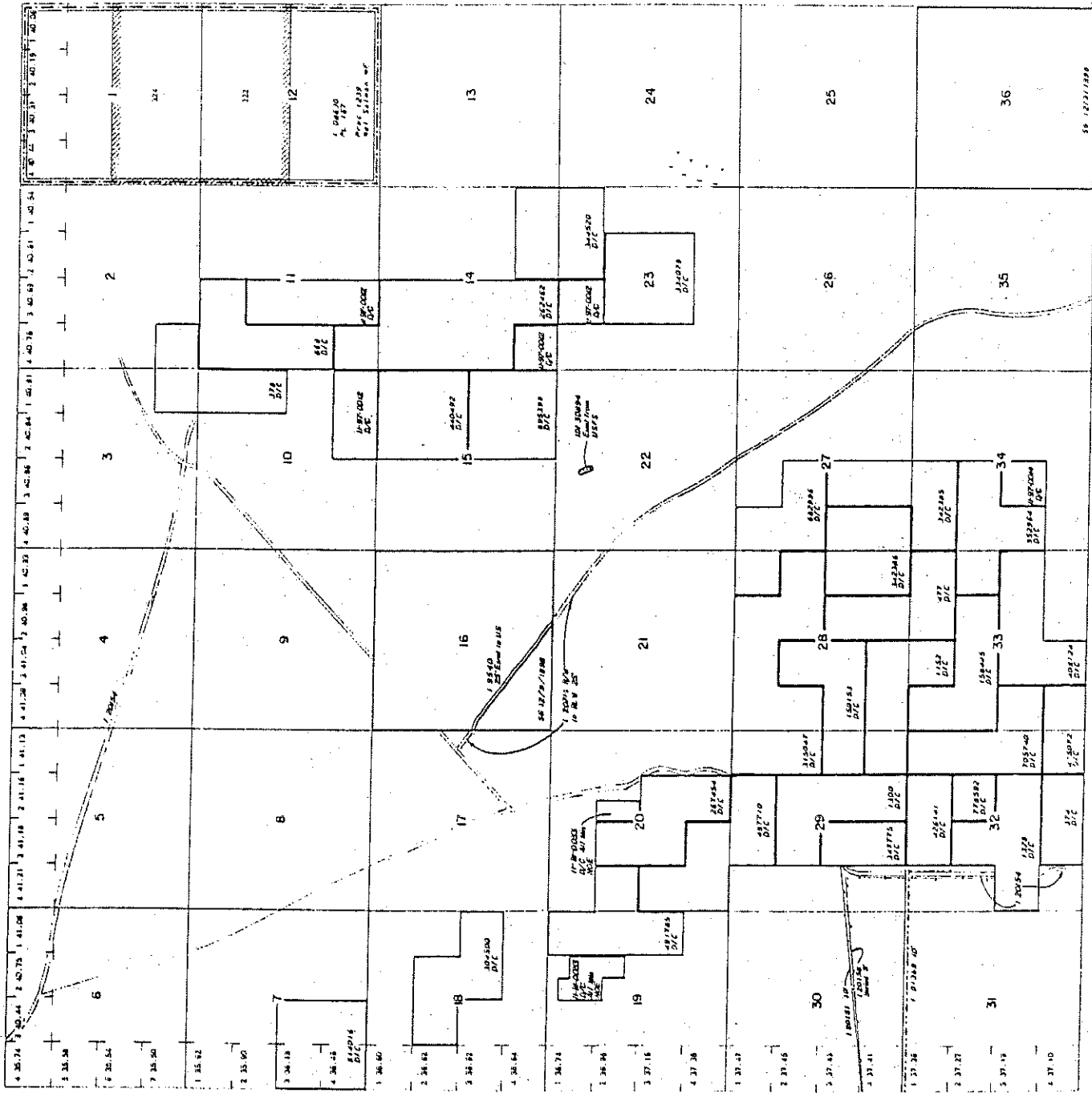
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

PARTIALLY SURVEYED TOWNSHIP 15 NORTH RANGE 27 EAST OF THE BOISE MERIDIAN, IDAHO

Production Diagram No. 84 approved 1/22/1965

LEMHI COUNTY 059
SALMON DISTRICT SEC. 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES



MT PLAT

INDEX TO SEGREGATED TRACTS			
TRACT NO.	T	R	S
1	15	27	3
2	15	27	3
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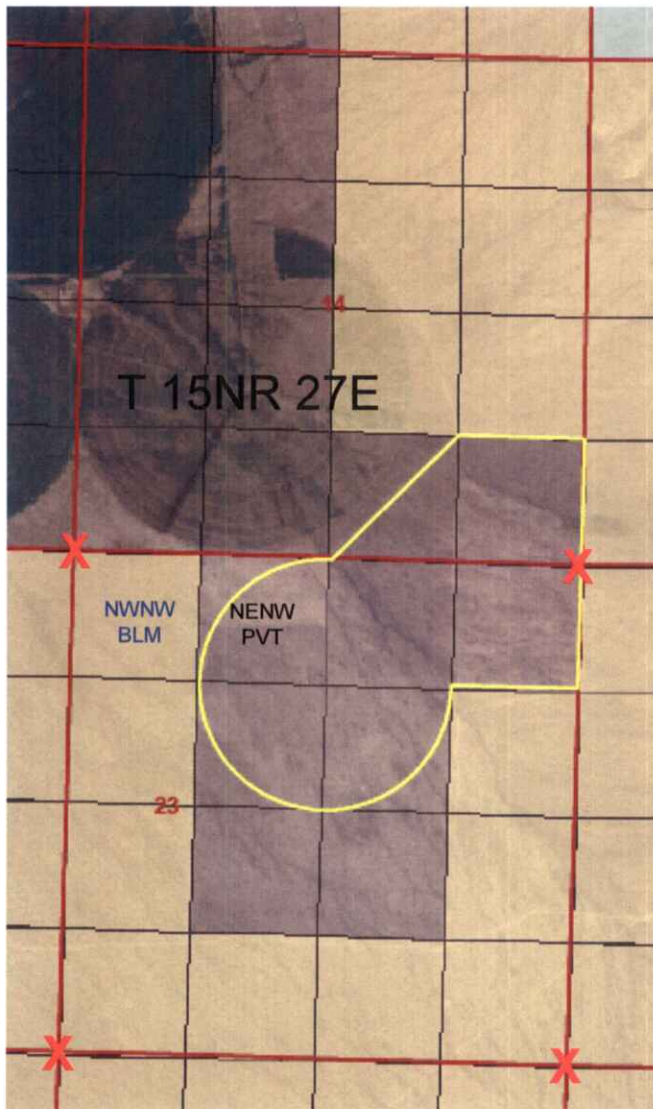
1. 06430 Dpt. PL. 167 (Act. of Cong. 7/22/1955)
2. 06430 Dpt. PL. 167 (Act. of Cong. 7/22/1955)
3. 06430 Dpt. PL. 167 (Act. of Cong. 7/22/1955)

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36	15	27	3

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

CLAIMANT TO	DISBURSE TO
1543	1543
USE PLATS	

74-00332 & 74-00333



- Claimant is not authorized to farm public land
- Remove S23NWNW from recommendation.
- Perhaps the NWNW is a typographical error and should be NENW as NENW is not part of the recommendation

