

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 74-01101
(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: F. James & Paula J. Whittaker
Address: P.O. Box 240; Leadore, Idaho 83464

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 a portion of the use is claimed. The claimant's use of Federal land is unauthorized. Claimant's water right should not include Federal land. 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)

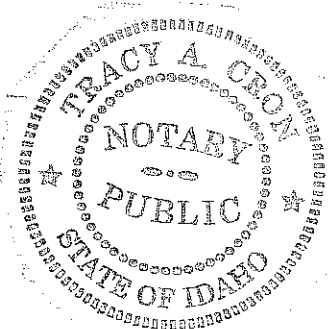
Subscribed and sworn to before me on: June 28, 2006

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:

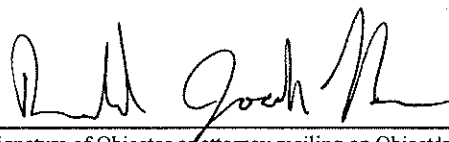
Name: F. James & Paula J. Whittaker
Address: P.O. Box 240; Leadore, Idaho 83464
Name:
Address: ;
Name:
Address: ;
Name: *
Address: ;

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

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

423

TOWNSHIP 15 NORTH RANGE 26 EAST OF THE BOISE MERIDIAN, IDAHO

LEMHI COUNTY 059
SANDFALLS DISTRICT SEC. 3

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STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

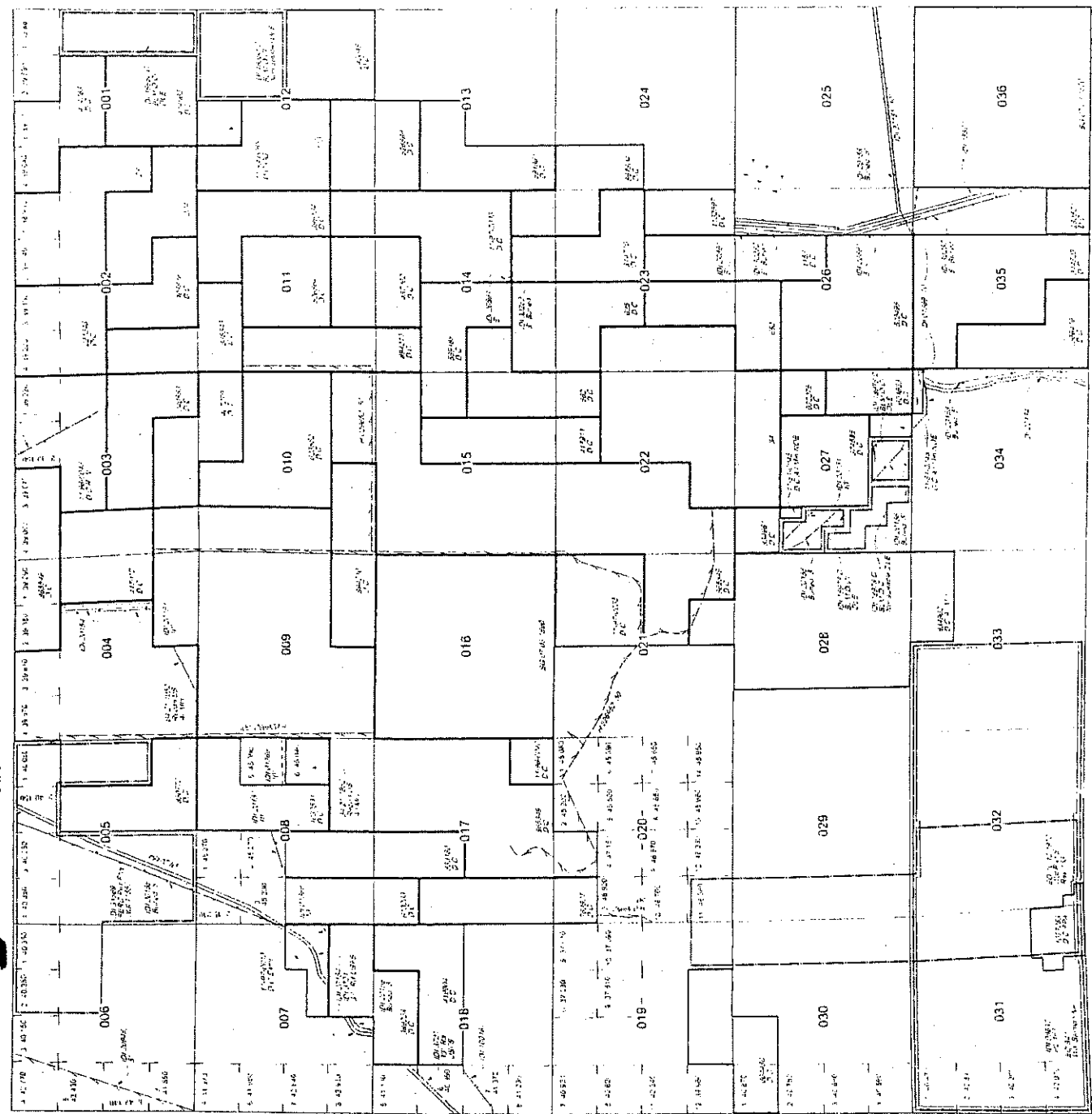
MT PLAT

INDEX TO SEGREGATED TRACTS

TRACT NO.	T	R	S	E	SECTION
001	15	26	1	1	1
002	15	26	1	2	1
003	15	26	1	3	1
004	15	26	1	4	1
005	15	26	1	5	1
006	15	26	1	6	1
007	15	26	1	7	1
008	15	26	1	8	1
009	15	26	1	9	1
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011	15	26	1	11	1
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034	15	26	1	34	1
035	15	26	1	35	1
036	15	26	1	36	1

FILED 21-15-15 IN 1960 Open to Entry Survey to Sub 24
NPA Pat. 5 Feb. 153 ED 1012 1910
Sub 19 SESE
Sub 20 SWSW
Sub 21 SWSW
Sub 22 SESE
Sub 23 SESE
Sub 24 SESE
Sub 25 SESE
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Sub 27 SESE
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Sub 99 SESE
Sub 100 SESE

DOI 18830 Del PA 167 Act of Cong 07/23/1953
Completed 12/05/1960 AN NP Surface Right to USFS



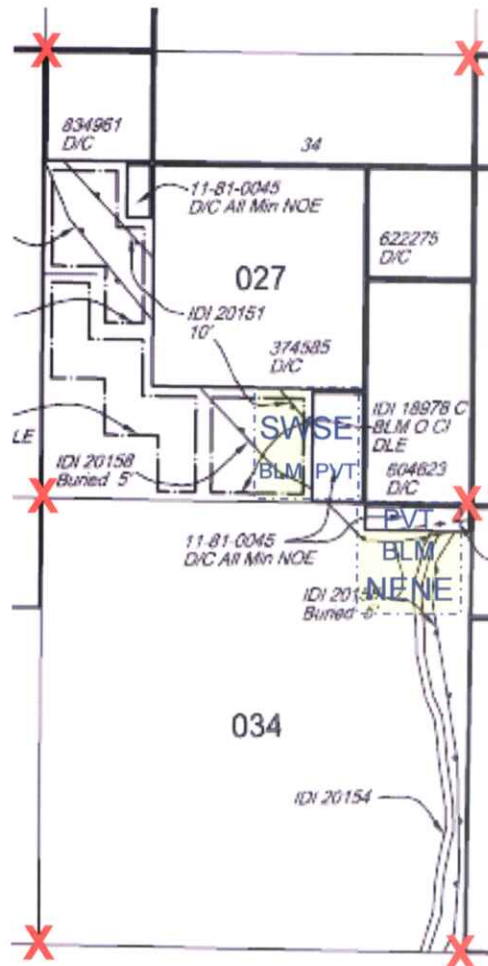
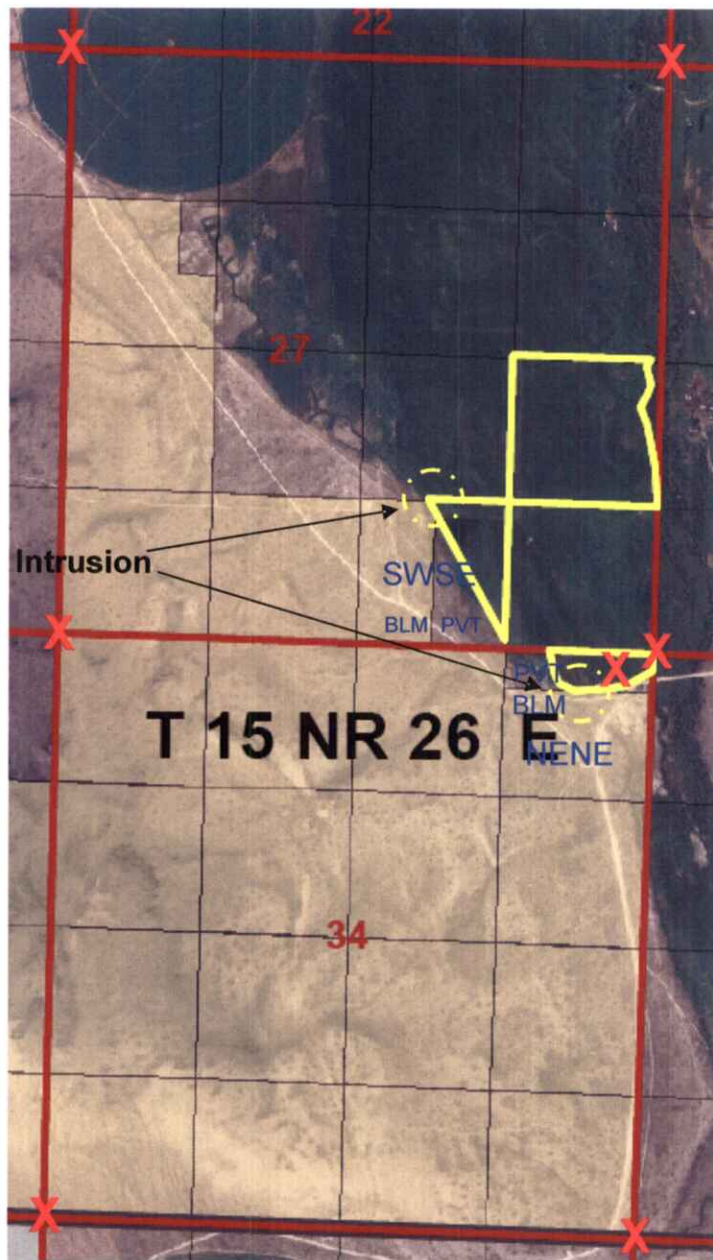
DESCRIPTED

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74-01101



1. Since S27 SWSE and S34 NENE contain both private and public lands, please insert the following language under place of use to clarify these POUs such that only private land is intended:

"Place of use does not include federal public land."

2. Adjust shapefile to exclude BLM Land within S27 SWSE and S34 NENE.