

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 74-01562
(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. The description should be specific enough to exclude Federal land.

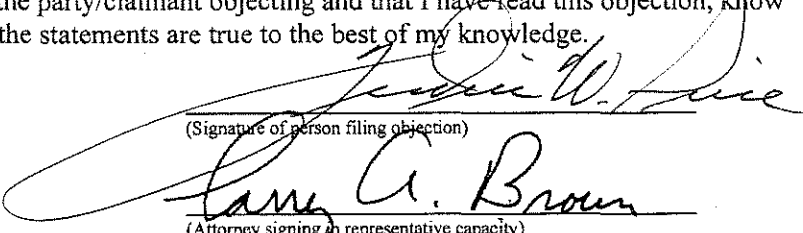
F.

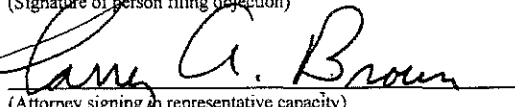
VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of ADA)

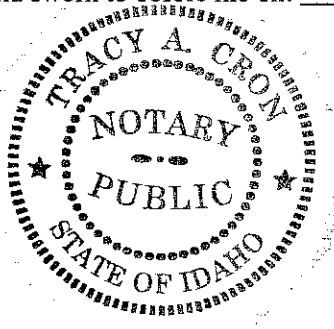
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

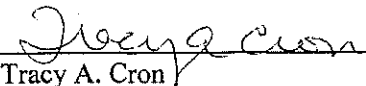
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)


(Attorney signing in representative capacity)

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




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:

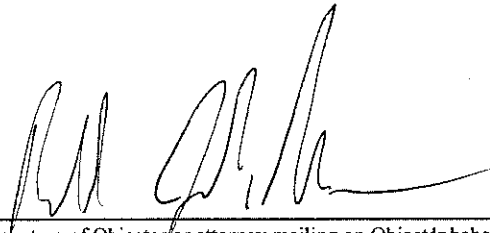
Name: McFarland Livestock Company, Inc.
Address: P.O. Box 50; Lemhi, Idaho 83465
Name: c/o Tex J. Kauer
Address: ;
Name: ;
Address: ;
Name: *
Address: ;

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: 74-1562

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

Mixed POU:

-The place of use described below contains both private and public lands.
-Clarify such that it is clear only private land is intended.

SOURCE: LEMHI RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 4.060 CFS

PRIORITY DATE: 04/01/1936

POU on BLM:

-Claimant is not authorized to farm public land.

POINT OF DIVERSION: T17N R25E S32 NWNW Rediversion Within LEMHI County
T17N R25E S32 NESE Injection Within LEMHI County
T17N R25E S33 NESW 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	4.060 CFS	
PLACE OF USE:	<u>IRRIGATION Within LEMHI County</u>						
	T17N R24E S14	SWNW	2.00	T17N R24E S14	NESW	6.00	
	T17N R24E S14	NWSW	37.00	T17N R24E S14	SWSW	27.00	
	T17N R24E S14	SESW	29.00	T17N R24E S14	SWSE	16.00	
Mixed	T17N R24E S15	NESE	5.00	T17N R24E S15	SESE	1.00	
123 ACRES TOTAL							

BLM

This right authorizes the irrigation of 121.5 total acres.

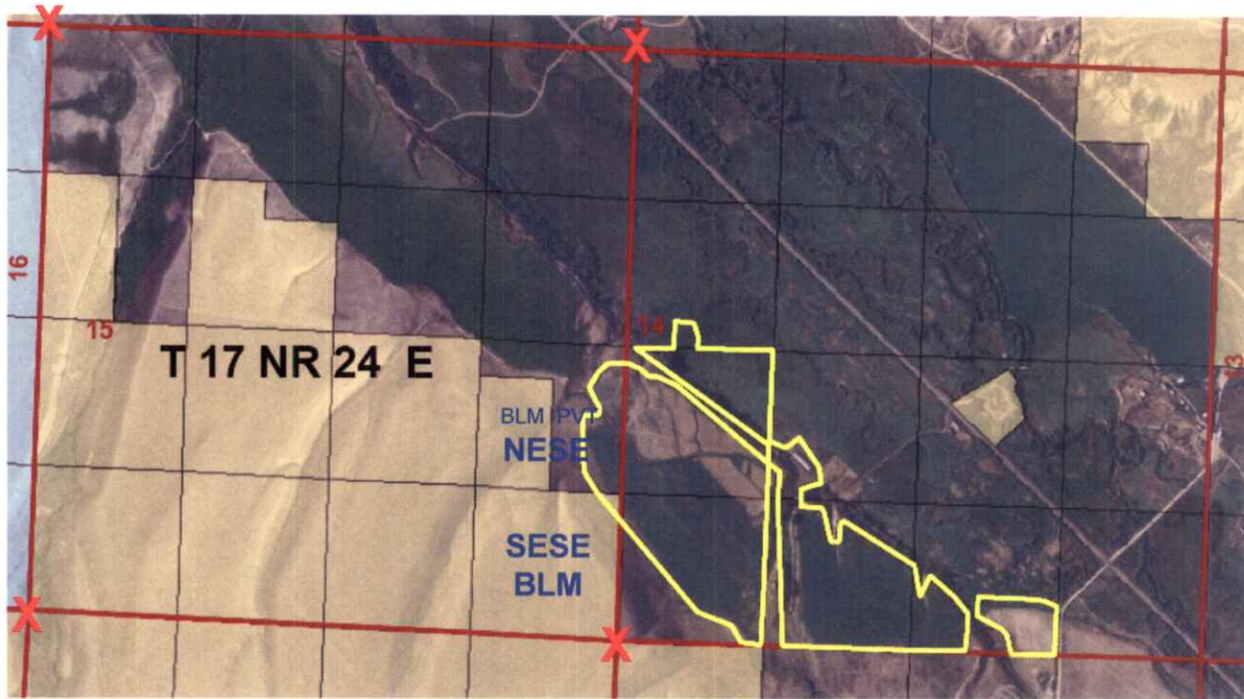
USE OF THIS RIGHT WITH RIGHT NO. 74-1556 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 285.9 ACRES IN A SINGLE IRRIGATION SEASON.

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

74-01562



1. Since S15 NESE contains 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. Claimant is not authorized to farm public land. Remove SESE S15 T17N R24E from the recommendation.

-Adjust shapefile accordingly

