

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 74-07305
(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 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:

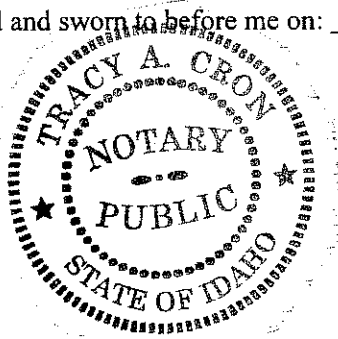
(Name of person filing objection)

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 G. Brown
(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:

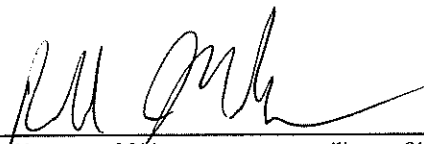
Name: McFarland Livestock Company, Inc.
Address: P.O. Box 50; Lemhi, Idaho 83465
Name: c/o Tex J. Kauer
Address: ;
Name: ;
Address: ;
Name: *
Address: ;

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: 74-7305
NAME AND ADDRESS: MC FARLAND LIVESTOCK COMPANY INC
C/O TEX J KAUER
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: GROUNDWATER
QUANTITY: 0.590 CFS
288.00 AFY

TRIBUTARY:

This right when combined with all other rights shall provide no more than 3.5 cfs per acre at the field headgate for irrigation of the lands above.

Rights 74-01560, 75-02159 and 74-07305 when combined shall not exceed a total annual maximum diversion volume of 639.0 af at the field headgate, and the irrigation of 182.7 acres.

PRIORITY DATE: 06/07/1990
POINT OF DIVERSION: T16N R25E S8 SWNWNE Within LEMHI County
PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	0.590 CFS 288.00 AFY

PLACE OF USE: IRRIGATION Within LEMHI County

Mixed	T16N R25E S05	NESW	4.60	T16N R25E S05	SISW	23.00
	T16N R25E S05	NWSE	15.00	T16N R25E S05	SWSE	21.00
	T16N R25E S05	SESE	35.00	T16N R25E S05	NENE	34.00
	T16N R25E S05	NWNE	37.00	T16N R25E S05	NENW	7.10

176.7 ACRES TOTAL

This right is limited to the irrigation of 150 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 - License

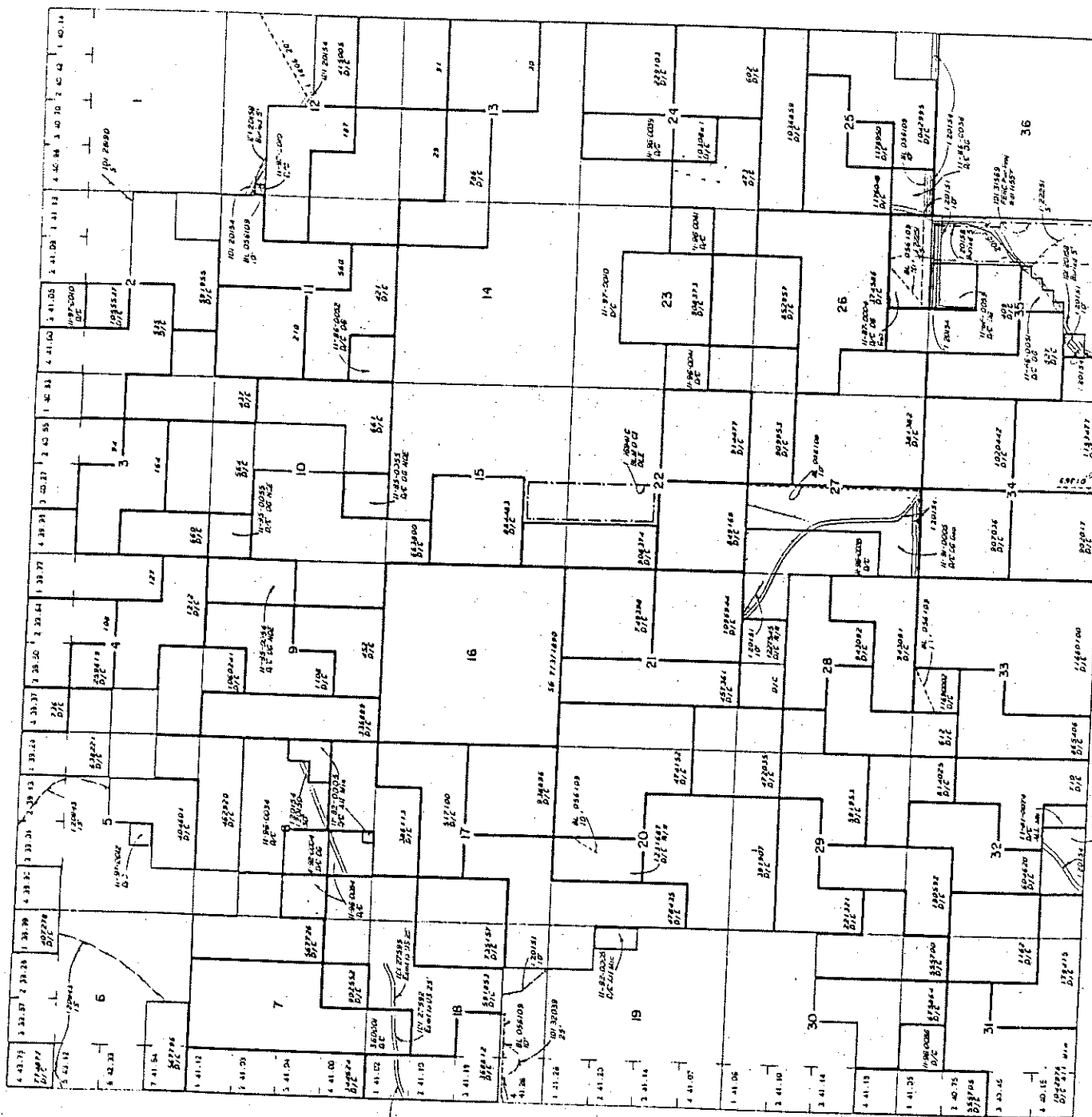
6 335 12181513 MONTHS

MT PLAT

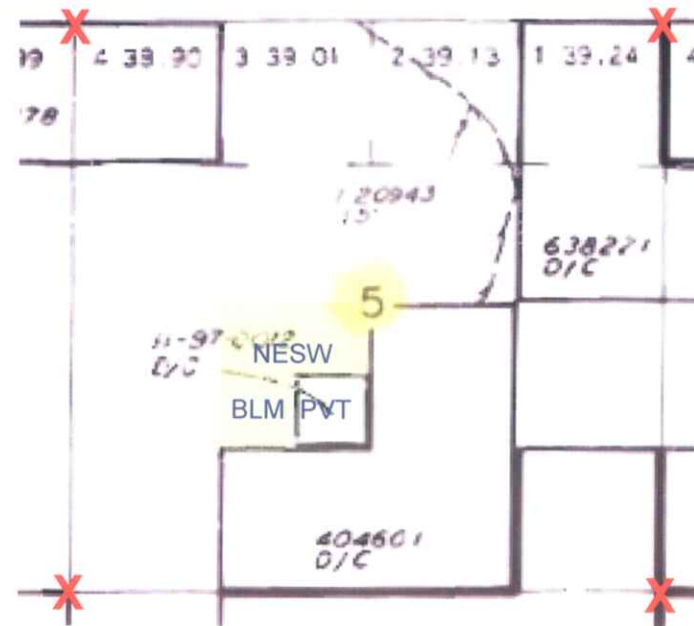
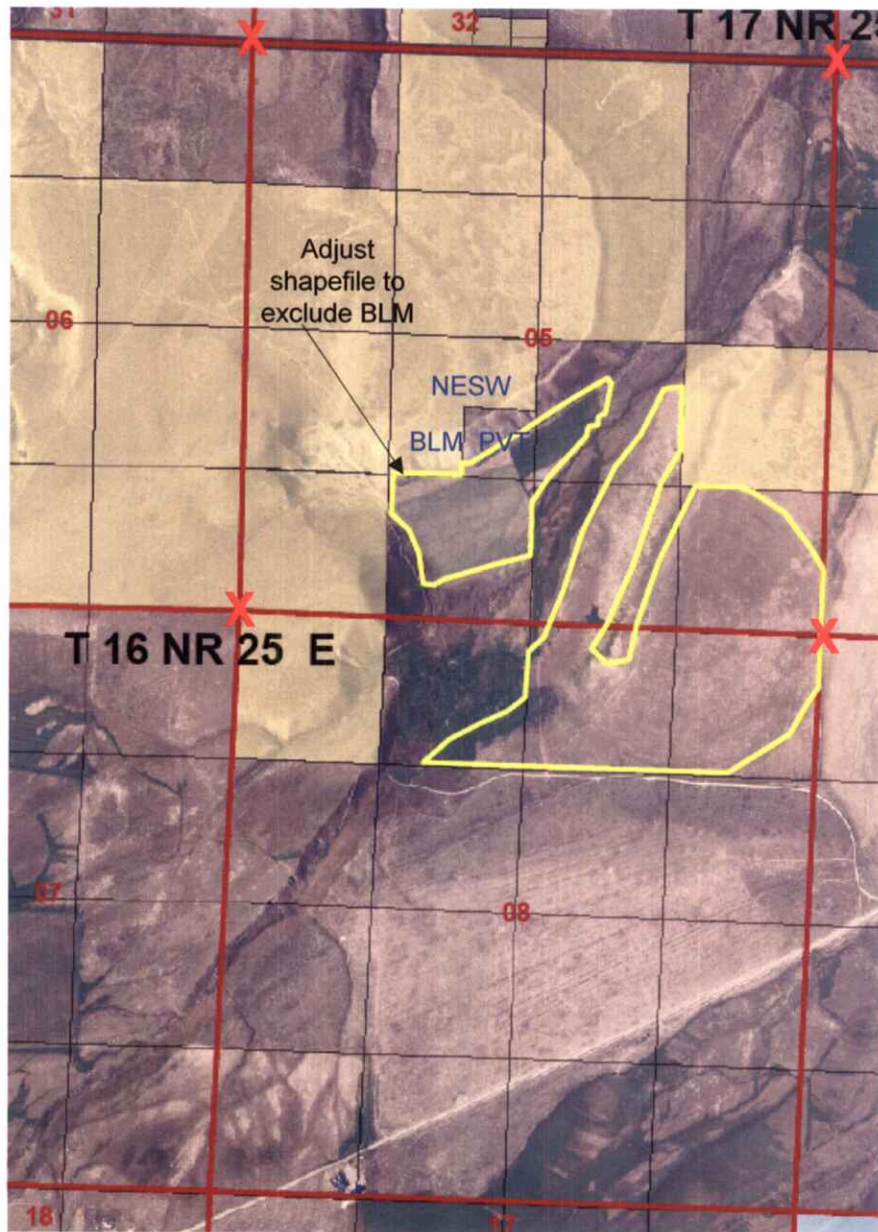
[illegible]

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

5082 B 1 NY TO JAMES	01 JAN 1970 TO JAMES
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74-07305



-Since S05 NESW contains both private and public lands, please insert the following language under place of use to clarify the POU such that only private land is intended:

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