

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 74-15061
(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 this POU.

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)

Sam A. Brown
(Attorney signing in representative capacity)

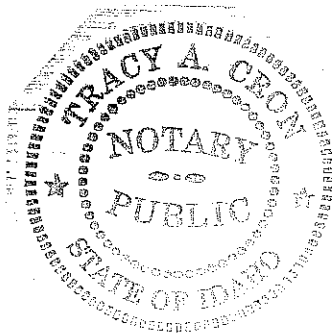
Subscribed and sworn to before me on: June 28, 2006

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: ;

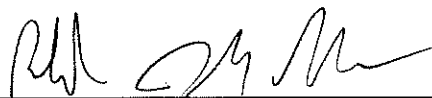
Name: *
Address: ;

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

01/19/2006

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

RIGHT NUMBER: 74-15061
NAME AND ADDRESS: PAULA J WHITTAKER
PO BOX 240
LEADORE ID 83464

F JAMES WHITTAKER
PO BOX 240
LEADORE ID 83464

POUs on BLM:

-Claimant is not authorized to farm public land.

SOURCE: EIGHTEENMILE CREEK TRIBUTARY: LEMHI RIVER
QUANTITY: 0.980 CFS
PRIORITY DATE: 05/24/1910
POINT OF DIVERSION: T14N R27E S27 NESW Within LEMHI County
PURPOSE AND PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	03/15 11/15	0.980 CFS
	STOCKWATER	03/15 11/15	0.040 CFS
PLACE OF USE:	<u>IRRIGATION Within LEMHI County</u>		
	T14N R27E S27 SWNW	6.00	T14N R27E S27 NESW 1.00
	T14N R27E S27 NWSW	8.00	T14N R27E S28 NENE 10.00
	T14N R27E S28 SENE	5.00	
	<u>STOCKWATER Within LEMHI County</u>		
	T14N R27E S21 SESE		

BLM

30 ACRES TOTAL

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.

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

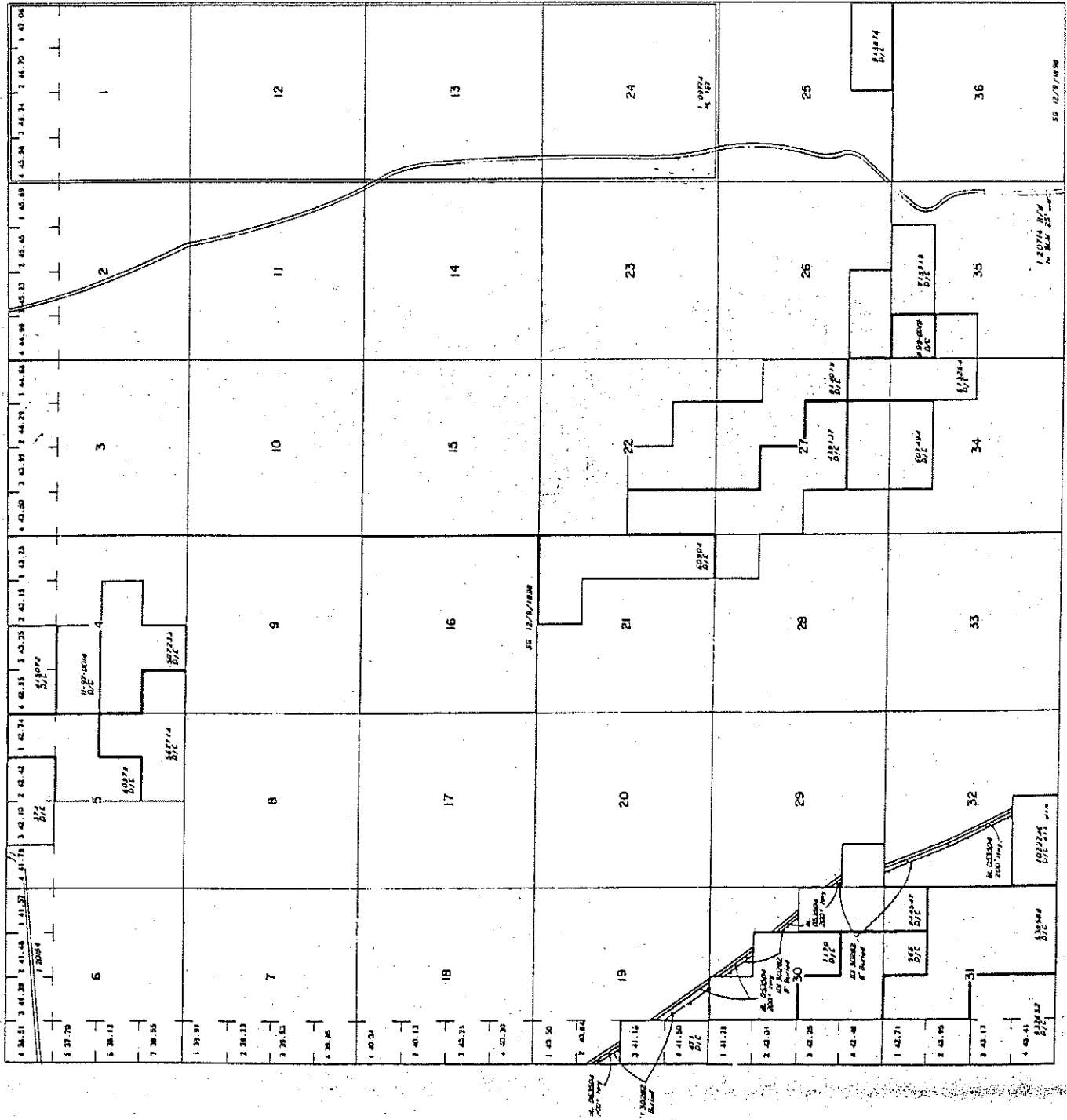
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

TOWNSHIP 14 NORTH RANGE 27 EAST OF THE BOISE MERIDIAN, IDAHO

LEMHI COUNTY 059
SILVOM DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT



INDEX TO SEGREGATED TRACTS			
TRACT NO.	T	R	SEC.
1	14	27	1
2	14	27	2
3	14	27	3
4	14	27	4
5	14	27	5
6	14	27	6
7	14	27	7
8	14	27	8
9	14	27	9
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35	14	27	35
36	14	27	36

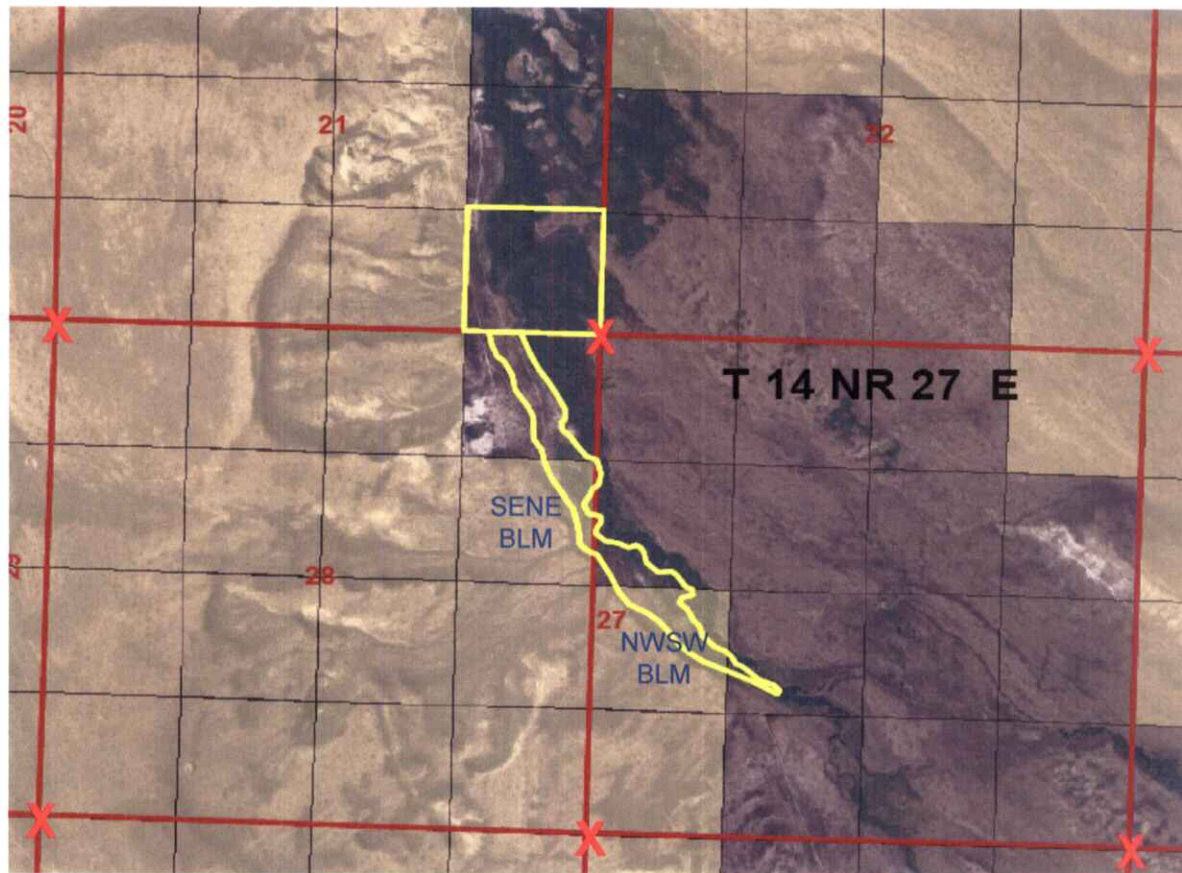
1. 09174 Oct 17, 1967 Act of Cong. 7/23/1953
completed 12/22/1960. All PD surface Mts by
R.V.

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

CONVEYED TO H&B 10 2001	CURRENT TO
USE PLAT:	

Lat. 44° 30' N

74-15061



1. Claimant is not authorized to farm public land. Remove NWSW S27 T14N R27E and SENE S28 T14N R27E from the recommendation.

-Adjust shapefile accordingly

