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SEP 11 2006

DEPARTMENT OF
WATER RESOURCES

Department of Water Resources
Adjudication Bureau
P.O. Box 83720
Boise, Idaho 83720-0098

September 8, 2006

Reference: SRBA Case No. 39576
Subcase: Water Right Number 77-2030

Subject: Amend Water Right Place Of Use

In accordance with the request contained in the attached Objection filed by the United States of America acting through the Department of Interior, Bureau of Land Management, Idaho State Office, located at 1387 South Vinnell Way, Boise, Idaho 83709-1657, I request that the following wording be inserted in the PLACE OF USE Block for Water Right Number 77-2030:

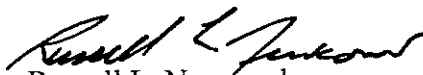
Insert the words "On private land within Idaho County". The Block should read to the effect:

PLACE OF USE: On private land within Idaho County T22N R06E S11

IRRIGATION Within IDAHO County

DOMESTIC Within IDAHO County

FIRE PROTECTION Within IDAHO County


Russell L. Newcomb
4035 Star Valley Street
Boise, ID 83709

Attachment

cc: Larry A. Brown
U.S. Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

Fred Price
United States Department of The Interior
Bureau of Land Management
Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709-1657

Clerk of the District Court
Snake River Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83709

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 77-02030
(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: James Newcomb, Newcomb Diversified Industries

Address: Box 118; Lakefork, Idaho 83835

Name: Russell L. Newcomb

Address: 4035 Star Valley St.; Boise, Idaho 83709

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 legal description for element nine (POU) above may 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)

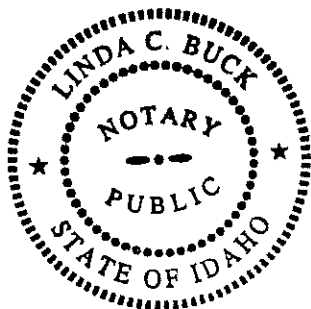
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

Larry A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

July 24, 2006
Linda C. Buck
Linda C. Buck



Notary Public for State of Idaho

Residing at: Mountain Home, ID.

My Commission Expires: 12-21-2011

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 July 25th, 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: James Newcomb, Newcomb Diversified Industries

Address: Box 118; Lakefork, Idaho 83835

Name: Russell L. Newcomb

Address: 4035 Star Valley St.; Boise, Idaho 83709

Name:

Address: ;

Name:

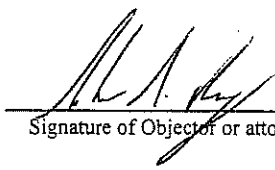
Address: ;

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

03/29/2006

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

RIGHT NUMBER: 77-2030
NAME AND ADDRESS: JAMES NEWCOMB
NEWCOMB DIVERSIFIED INDUSTRIES
BOX 118
LAKEFORK ID 83835
RUSSELL L NEWCOMB
4035 STAR VALLEY ST
BOISE ID 83709

Mixed POUs:

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

SOURCE: BEMIS CREEK
SPRING

TRIBUTARY: WARREN CREEK
TRIBUTARY: SINKS

QUANTITY: 2.000 CFS

The quantity of water under this right for domestic use shall not exceed 13,800 gallons per day.

PRIORITY DATE: 06/01/1917

POINT OF
DIVERSION: T22N R06E S11 NENE Within IDAHO County
T22N R06E S11 NENE Within IDAHO County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
FIRE PROTECTION	01/01 12/31	2.000 CFS
DOMESTIC	01/01 12/31	0.040 CFS
IRRIGATION	05/01 10/31	0.020 CFS

Domestic use is for 1 home.

PLACE OF USE: IRRIGATION Within IDAHO County

T22N R06E S11 NENE 0.60

DOMESTIC Within IDAHO County

T22N R06E S11 NENE

FIRE PROTECTION Within IDAHO County

T22N R06E S11 NENE

0.6 ACRES TOTAL

ON PRIVATE LAND WITHIN
IDAHO COUNTY
T22N R06E S11

R.T. Jankard

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.

The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License