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SEP 29 2006

Department of Water Resources
Adjudication Bureau

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)

A. Subcase 01-00023B
(Insert water right number)

Case No. 39576)

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: Aberdeen-Springfield Canal Co.
Address: P.O. Box 857; Aberdeen, Idaho 83210

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 public 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)

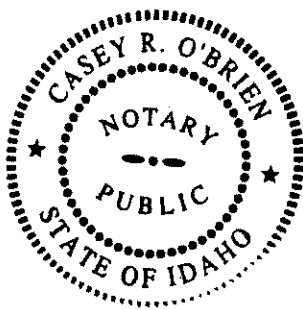
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

Casey R. O'Brien
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: September 26, 2006

Casey R. O'Brien
Casey R. O'Brien



Notary Public for State of Idaho

Residing at: Nampa, ID.

My Commission Expires: 10-31-2009

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 September 28th, 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: Aberdeen-Springfield Canal Co.
Address: P.O. Box 857; Aberdeen, Idaho 83210

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

05/11/2006

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

RIGHT NUMBER: 1-23B

Pou: Digital Boundary includes BCM

NAME AND ADDRESS: ABERDEEN-SPRINGFIELD CANAL CO
PO BOX 857
ABERDEEN ID 83210

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1,172.100 CFS

Diversion of rights 1-23B and 1-297 for the purpose of recharge for irrigation is authorized for a maximum of 501.8 cfs.

PRIORITY DATE: 02/06/1895

POINT OF
DIVERSION: T01S R36E S34 SENE Lot 14 Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1,172.100 CFS
RECHARGE FOR IRRIGATION	04/01 10/31	501.800 CFS

PLACE OF USE:

58942 ACRES TOTAL

Place of use is within the area served by Aberdeen-Springfield Canal Company.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Diversion of rights 1-23B and 1-297 for the purpose of recharge for irrigation is authorized for a maximum of 21,094 acres.

The rights listed below are limited to the irrigation of a combined total of 58,942 acres in a single irrigation season. Combined Right Nos.: 1-23B, 1-297, 35-2543, and 35-4246.

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.

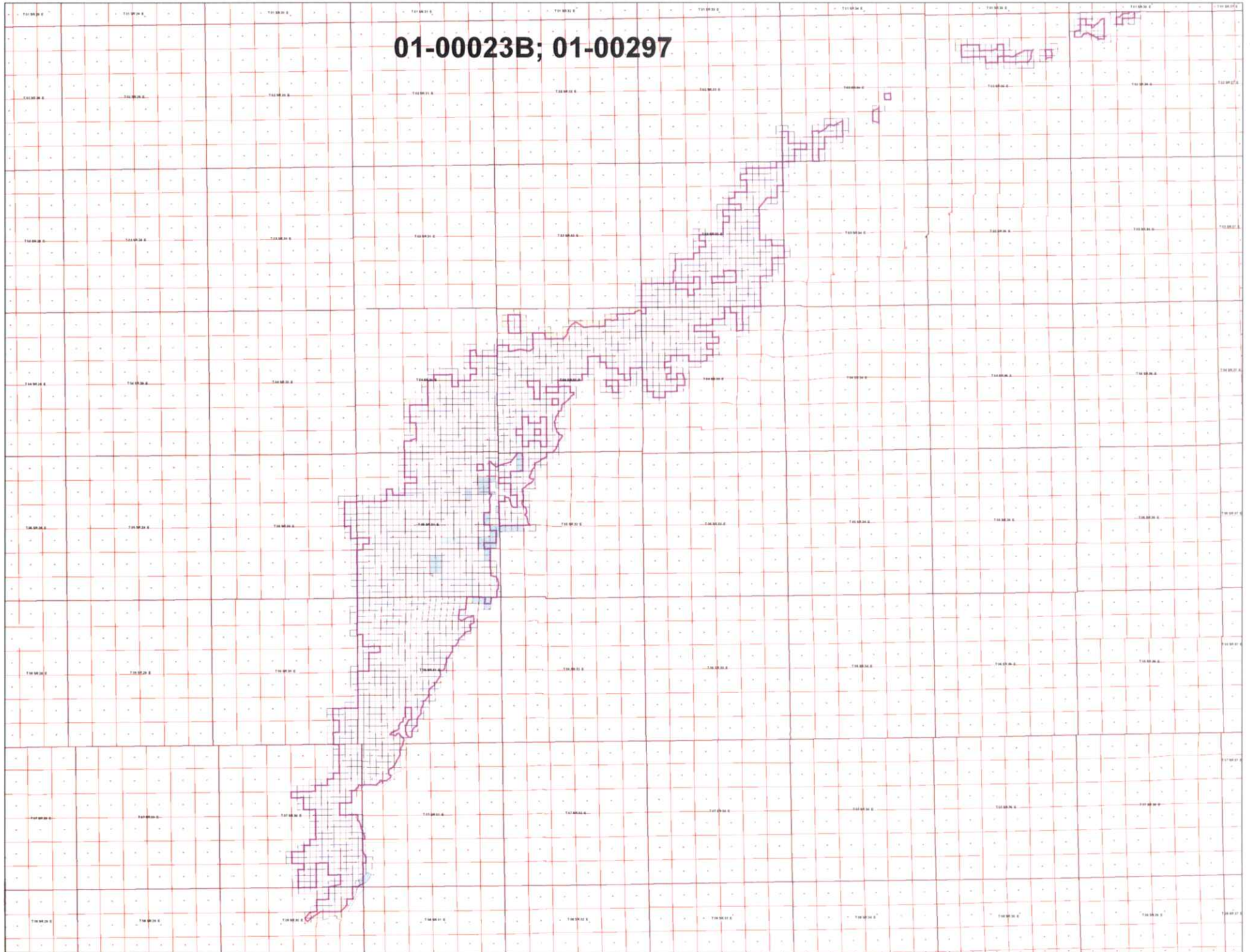
If the diversion of water under rights 1-23b and 1-297 for the purpose of direct irrigation is less than 900.3 cfs or the number of acres directly irrigated under water rights 1-23b and 1-297 is less than 37,848 acres, then the mitigation credit as defined and set forth in the Settlement Agreement Regarding Aberdeen-Springfield Canal Company's Basin 01 Surface Water Rights and Consolidated SRBA Subcase No. 35-2315, recorded as instrument number 563578 in the Bingham County Recorder's Office, Blackfoot, Idaho, is proportionately reduced pursuant to the terms of said agreement.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

01-00023B; 01-00297



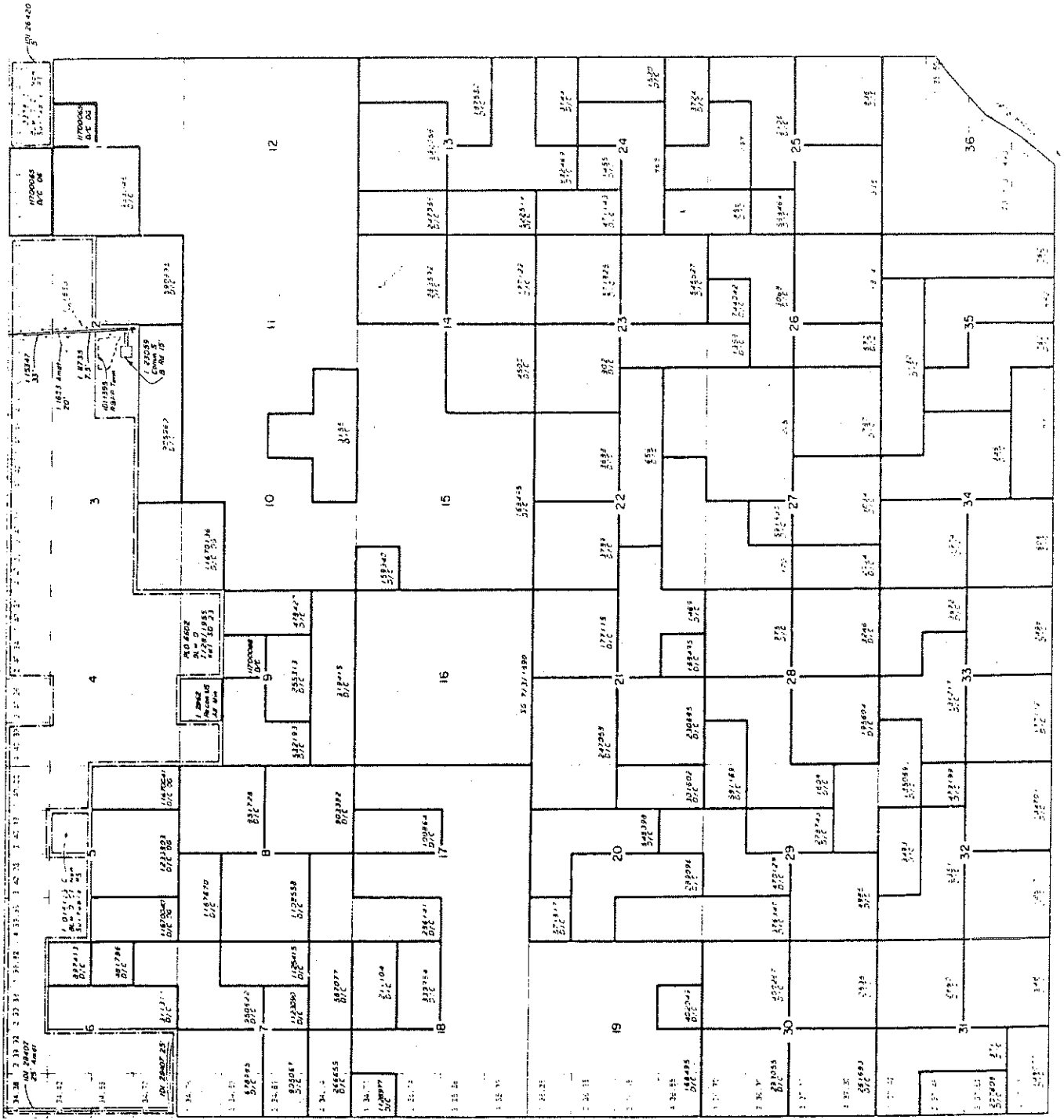
TOWNSHIP 4 SOUTH RANGE 32 EAST OF THE BOISE MERIDIAN, IDAHO

BINGHAM COUNTY OIL

TECH FALLS C/STRICK SEC 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT



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1 3462 Acres received prior to 10 A.M. 7/10/1970
considered Sim filed
Sec 9: NE 1/4 NW 1/4

101 1395 RBPP and fill - 18 Term 1/18/1968
Sec 2 portion NE SW

FOR PROSPECTING DISPOSAL OR USE OF
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DATE	BY	REMARKS

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

BINGHAM COUNTY OIL
MODANO FALLS DISTRICT SEC 3

MT PLAT

[illegible]

Sec 21: 525F
DOI 2013 R000 Landfill Use Term 12/15/1973

3525:12 345

FOR ORDERS EFFECTING DISPOSAL OR USE OF
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MISCELLANEOUS DOCUMENTS.

— J. S. ASHLEY

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\$518.76

TOWNSHIP 8 SOUTH RANGE 30 EAST OF THE BOISE MERIDIAN, IDAHO

POWER COUNTY 077
BURLEY DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
AND ACQUIRED LANDS

MT PLAT

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BLW O 3/18/1934 Open to Entry Subj to Sec 24 1934
Part 5 Part 17 EO 1/27/1910
Sec 11: Lot 1, 2, 8

BLW O 3/18/1934 Open to Entry Subj to Sec 24 1934
Part 5 Part 17 EO 1/27/1910
Sec 12: Lot 1, 2, 5, 8, 9

1-2556 BLW O CI Milt Use, Power County;

Secr from appropriation under DLE, HE, 1A, & P5
All appropriated lands public land within

Sec 11: Lot 1, 2, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36

Sec 12: Lot 1, 2, 5, 8, 9

Sec 13: Lot 1, 2, 5, 8, 9

Sec 14: Lot 1, 2, 5, 8, 9

Sec 15: Lot 1, 2, 5, 8, 9

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Sec 38: Lot 1, 2, 5, 8, 9

Sec 39: Lot 1, 2, 5, 8, 9

Sec 40: Lot 1, 2, 5, 8, 9

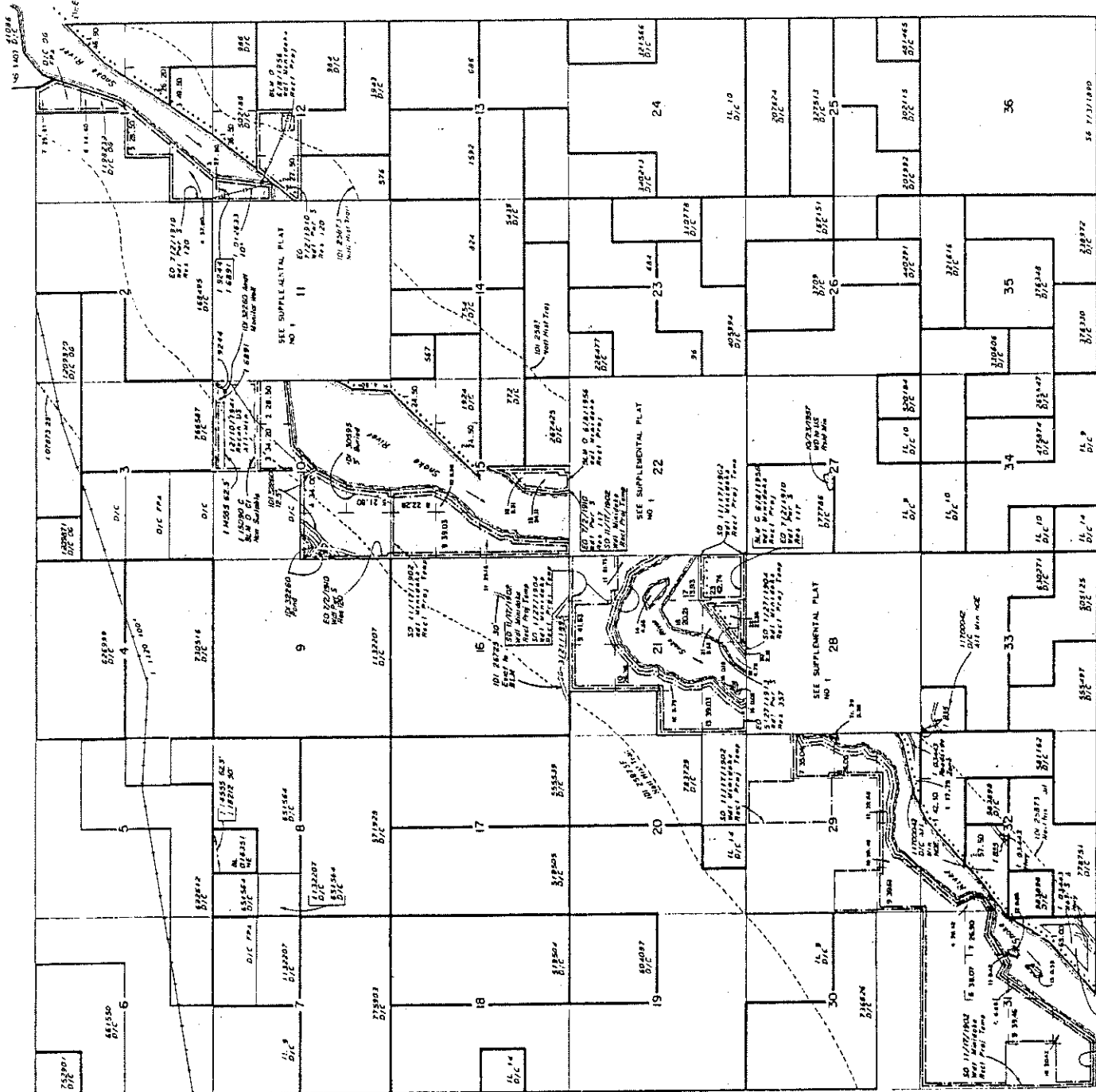
Sec 41: Lot 1, 2, 5, 8, 9

Sec 42: Lot 1, 2, 5, 8, 9

Sec 43: Lot 1, 2, 5, 8, 9

Sec 44: Lot 1, 2, 5, 8, 9

Sec 45: Lot 1, 2, 5, 8, 9

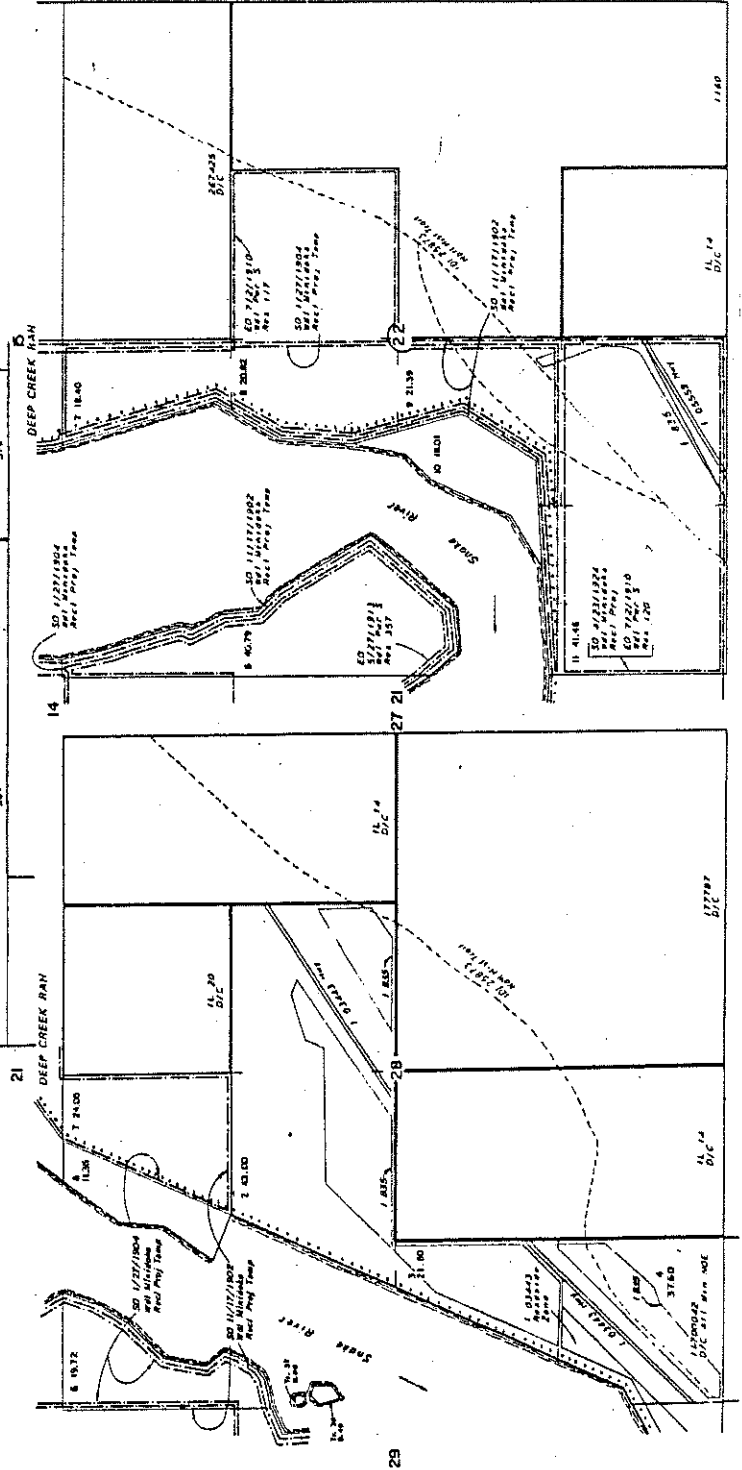
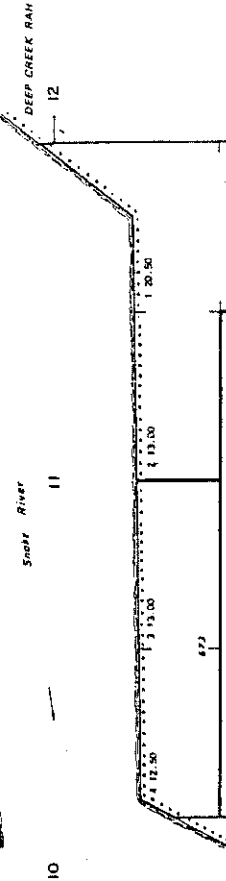
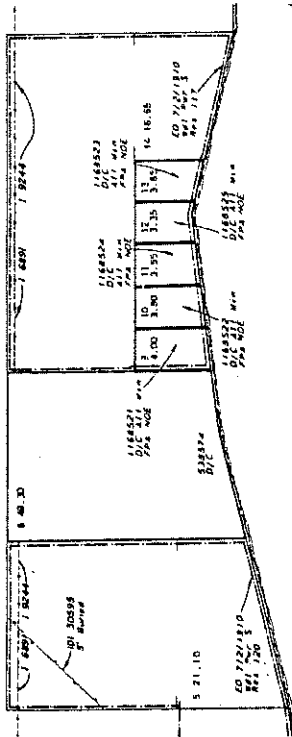


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TOWNSHIP 8 SOUTH RANGE 30 EAST OF THE BOISE MERIDIAN, IDAHO

POWER COUNTY 077
BURLEY DISTRICT SEC 3



NO 1

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

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BLM O. 1/10/1984 Open to Entry, Sub to Sec 24 FPA
Per 2 Res 117 EO 1227990
Sec 11: Lots 1, 8

1 2506 BLM O. 1/10/1984, Power County,
Seg from appropriation under OLE, NE, 1/4, 8 PS
All unappropriated public land within
Sec 11: Lot 14, N 1/4, W 1/4, N 1/4, NE 1/4
Sec 12: Lot 3

EO 1227990, 1/10/1984, Public Access
Historical information only, does not denote
Public Access

FOR ORDERS EFFECTING DISPOSAL OR USE OF
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USE PLATS: