

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 01-00028F
(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: Monsanto Co.; c/o Ray Nelson
Address: P.O. Box 816; Soda Springs, Idaho 83276

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: Phosphate Mining is not authorized.
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 mineral estate upon which the use is claimed. The claimant's use of federal mineral estate is unauthorized. Claimant's water right should not include these POUs.

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)

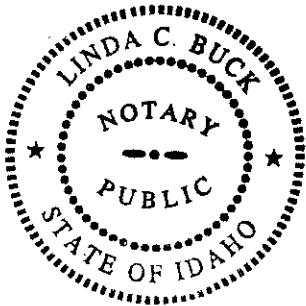
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

Larry A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

October 5, 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 Oct. 5, 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: Monsanto Co.; c/o Ray Nelson
Address: P.O. Box 816; Soda Springs, Idaho 83276
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

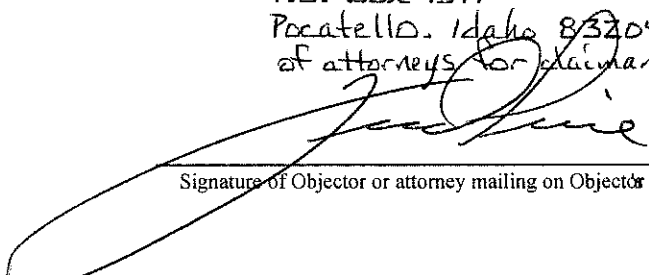
3. Copies to:

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

Randle C. Budge
Racine, Olson, Nye, Budge & Bailey, chd,
P.O. Box 1391
Pocatello, Idaho 83204-1391
of attorneys for claimant as an objector



Signature of Objector or attorney mailing on Objector's behalf

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

RIGHT NUMBER: 1-28F

NAME AND ADDRESS: MONSANTO CO
C/O RAY NELSON
PO BOX 816
SODA SPRINGS ID 83276

Mining POUs:

-Claimant is not authorized for Mining at identified
Places of Use.

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

Point of injection into Blackfoot River. Point of rediversion from Little
Blackfoot River.

QUANTITY: 0.600 CFS
63.00 AFY

PRIORITY DATE: 02/21/1890

POINT OF

DIVERSION:

T01N R37E S31 SWNE Lot 7 Within BINGHAM County
T02S R36E S24 NESWSE Lot 2 Injection Within BINGHAM County
T06S R42E S14 SENE Rediversion Within CARIBOU County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USEPERIOD OF USEQUANTITY

MINING

04/01 10/15

0.600 CFS
63.00 AFY

PLACE OF USE: MINING Within CARIBOU County

Not Authorized

T06S R42E S13 NWSW
T06S R42E S14 SWNW

T06S R42E S14
T06S R42E S14

NWNE
NESE

Not Authorized
Not Authorized

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Diversion of water under this right is subject to the Carrying Capacity
Contract I-125-Ind. 127, dated June 7, 1929.

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.

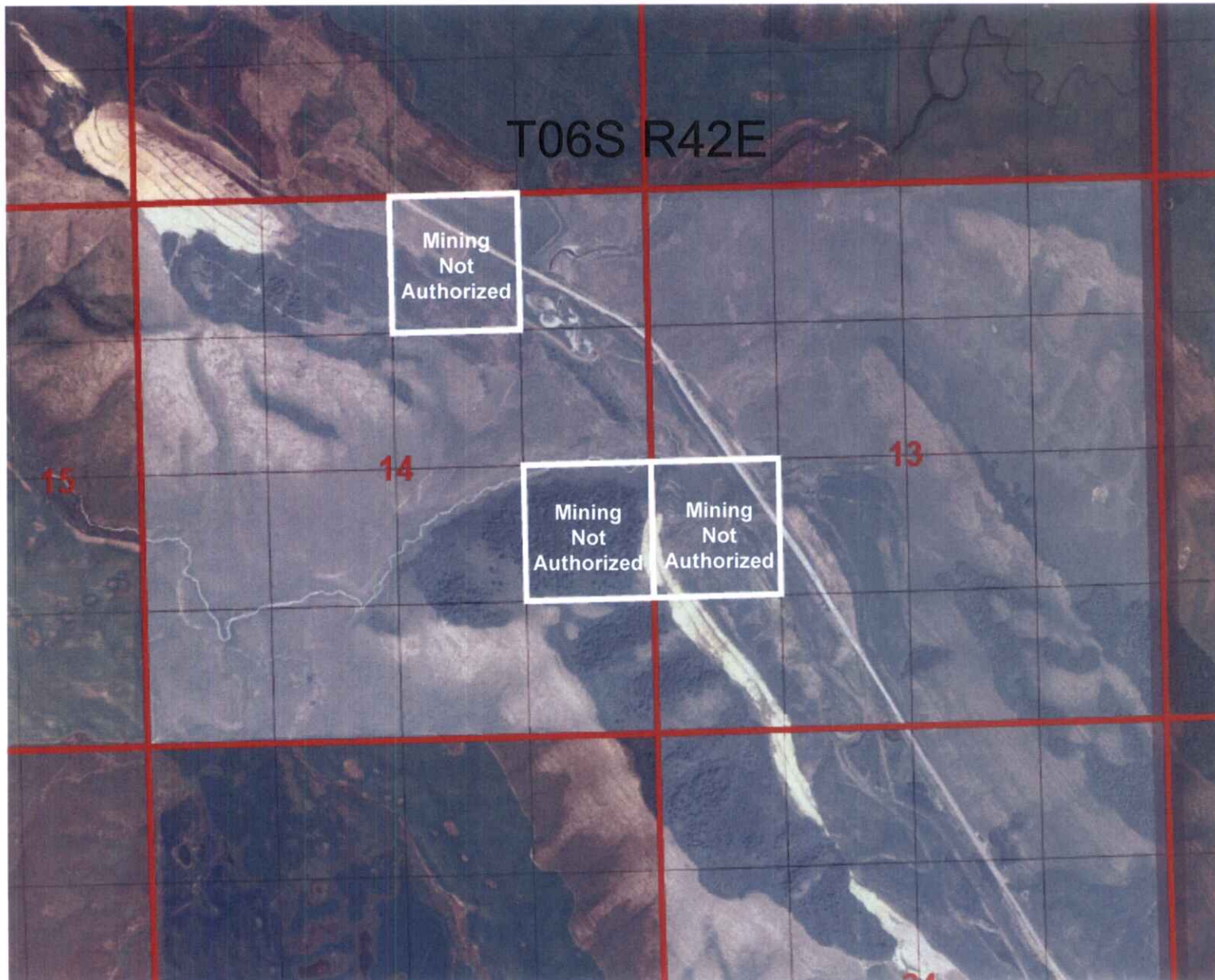
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

Use of water under this right will be regulated by watermasters with
responsibility for the distribution of water among appropriators within State
Water Districts No. 1 and 27.

The right holder shall maintain a totalizing measuring device of a type
approved by the Department as a part of the diverting works at the point of
rediversion on Little Blackfoot River.

01-00028F
Director's Report Recommendation



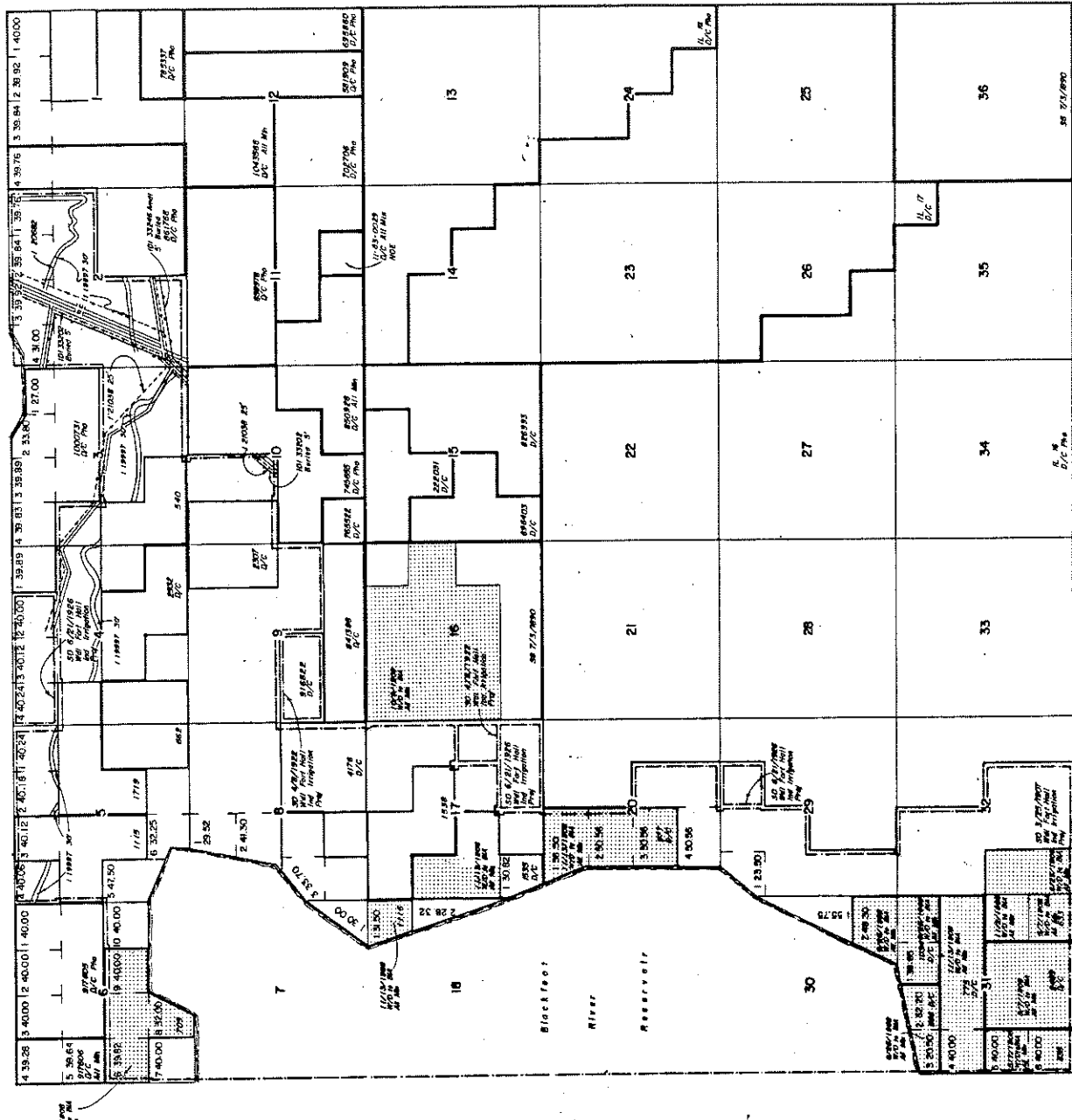
**STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
AND ACQUIRED LANDS**

MT PLAT

[illegible]

1. PM18 KPLA - Rays Range-Woolley Range
Sec 10: N1/2SE1/4, SE1/4SE1/4
Sec 11: NW1/4SW1/4, N1/2SW1/4, SW1/4SE1/4
Sec 13: NW1/4SW1/4, NW1/4SW1/4, SE1/2SW1/4
Sec 14: NE1/4, N1/2NW1/4, NE1/4SE1/4
Sec 24: NW1/4NE1/4, SE1/2NE1/4, N1/2NW1/4
SE1/4NE1/4, SE1/4

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

[illegible]

79 - 42 E

SCALE in Ovals

78 - 42 E

THE ROTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST ACTION TAKEN BUY MAY NOT BE THE EFFECTIVE DATE. SEE THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITH-

WARRANT STATEMENT

WARNING STATEMENT

This plot is the Bureau's Record of Title, and should be used only as a graphic display of the township survey data. Records herein do not reflect title changes which may have been effected by lateral movements of rivers or other bodies of water. Refer to the cadastral surveys for official survey information.