

**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 01-00132A
(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: New Lavaside Ditch Co., Limited
Address: 66 E. River Rd.; Blackfoot, Idaho 83221

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)

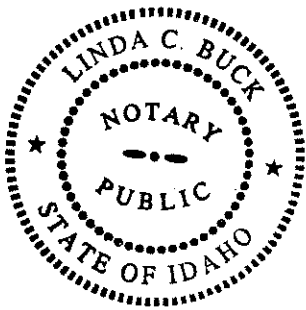
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

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: New Lavaside Ditch Co., Limited
Address: 66 E. River Rd.; Blackfoot, Idaho 83221

Name:
Address: ;

Name:
Address: ;

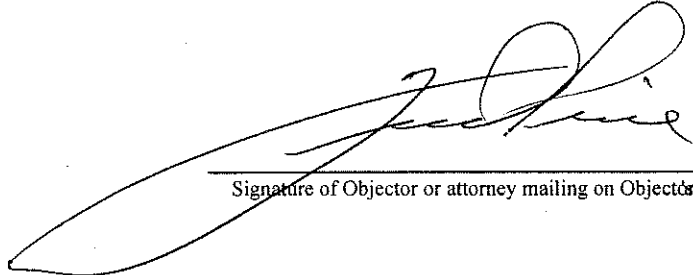
Name:
Address: ;

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: 1-132A *POU: Digital Boundary includes BLM*
NAME AND ADDRESS: NEW LAVASIDE DITCH CO LIMITED
66 E RIVER RD
BLACKFOOT ID 83221
SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER
QUANTITY: 59.370 CFS
PRIORITY DATE: 03/01/1889
POINT OF
DIVERSION: T01S R36E S26 NWSENE Lot 1 Within BINGHAM County
T02S R36E S6 SWSE Lot 8 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	59.370 CFS

PLACE OF USE:

4831 ACRES TOTAL

Place of use is within the area served by New Lavaside Ditch 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.

The rights listed below are limited to the irrigation of a combined total of 5180 acres in a single irrigation season. Combined Right Nos.: 1-131A, 1-132A, and 1-133A.

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 - Decreed

Water is delivered through New Lavaside Canal and Riverside Canal. The water delivered through the Riverside Canal is then rediverted through the Christensen Pump and the Larry Davis Pump.

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

01-00131A & 01-00132A & 01-00133A & 01-00263
New Lavaside Ditch Co. Limited

30

29

28

T 01 SR 35 E

26

25

30

29

T 01 SR 36 E

26

27

28

31

32

33

34

35

32

32

34

35

06

05

04

03

02

01

06

05

04

03

02

07

06

09

10

11

12

07

08

09

10

11

18

17

16

15

13

17

16

15

16

15

14

19

20

20

22

23

24

19

20

21

22

23

02 SR 34 E

30

29

28

27

26

25

30

29

28

27

26

31

32

33

34

35

36

31

32

33

34

35

TOWNSHIP 2 SOUTH RANGE 36 EAST OF THE BOISE MERIDIAN, IDAHO

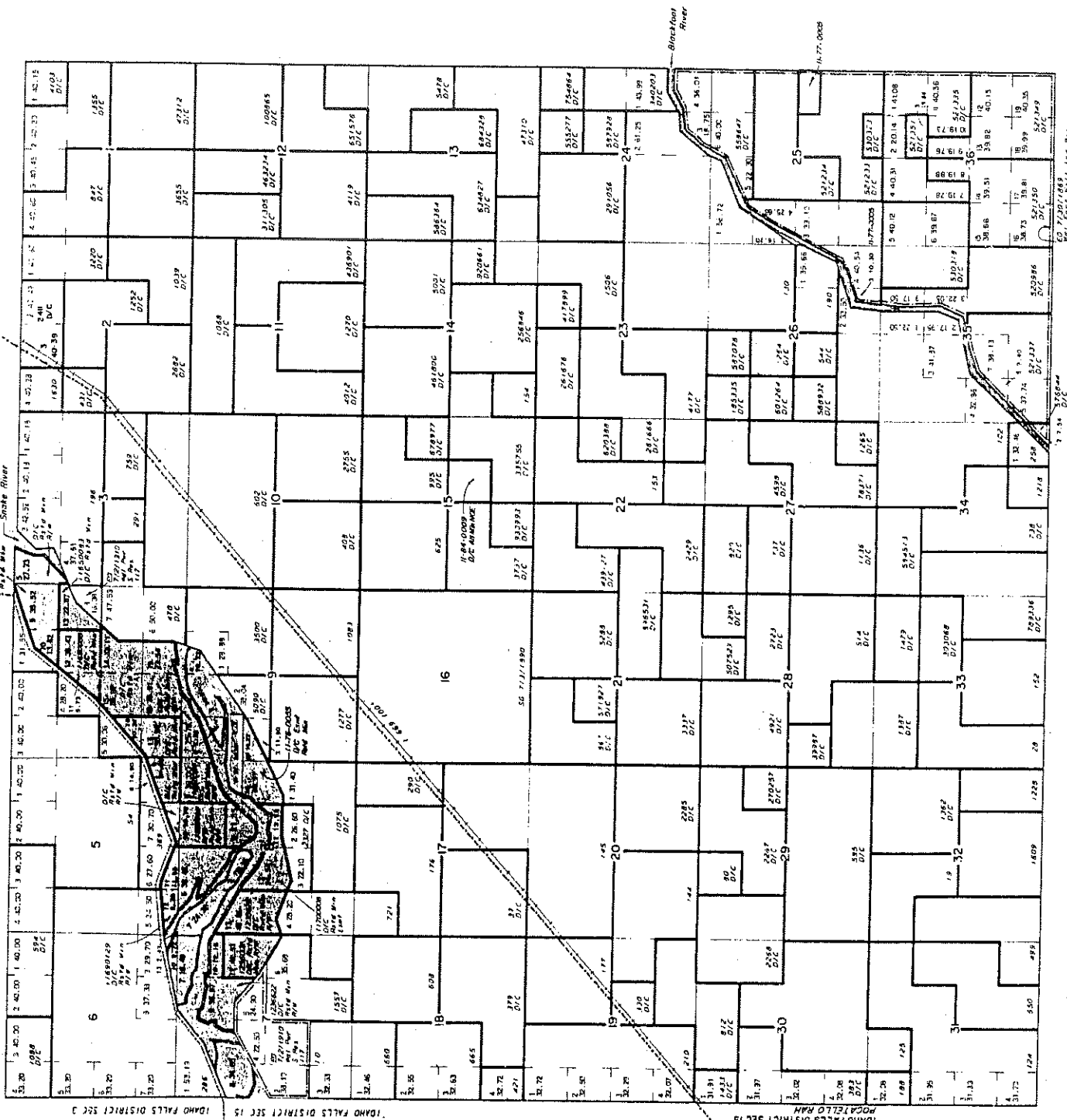
BINGHAM COUNTY OII

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
AND ACQUIRED LANDS

MT PLAT

INDEX TO SEGREGATED TRACTS			
TRACT NO	T	R	SEC
1	2	36	1
2	2	36	2
3	2	36	3
4	2	36	4
5	2	36	5
6	2	36	6
7	2	36	7
8	2	36	8
9	2	36	9
10	2	36	10
11	2	36	11
12	2	36	12
13	2	36	13
14	2	36	14
15	2	36	15
16	2	36	16
17	2	36	17
18	2	36	18
19	2	36	19
20	2	36	20
21	2	36	21
22	2	36	22
23	2	36	23
24	2	36	24
25	2	36	25
26	2	36	26
27	2	36	27
28	2	36	28
29	2	36	29
30	2	36	30
31	2	36	31
32	2	36	32
33	2	36	33
34	2	36	34
35	2	36	35
36	2	36	36

GO 7064 4/15/1938 Trl Juris of Ac Lands from
Dept of Agt to Dept of Int Bld
All land lying within Fort Hall Ind Res
1.014386 after of omitted lands in preference
Right Claimants pursuant to Act of Cong 5/31/1962
Sec 9 - part lot 10
Sec 9 - part lot 3



FOR ORDERS EFFECTING DISPOSAL OR USE OF UNIDENTIFIED LANDS REFER TO INDEX OF MISCELLANEOUS DOCUMENTS	
CURRENT TO	CURRENT TO
0	0
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
10	10
11	11
12	12
13	13
14	14
15	15
16	16
17	17
18	18
19	19
20	20
21	21
22	22
23	23
24	24
25	25
26	26
27	27
28	28
29	29
30	30
31	31
32	32
33	33
34	34
35	35
36	36