

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 01-10058
(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: Smith-Maxwell Ditch Co.; c/o Layne Hamilton
Address: 839 W. Riverton Road; 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)

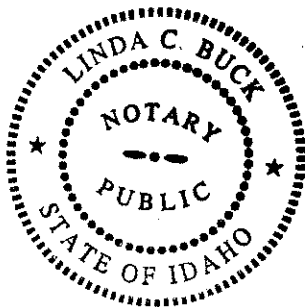
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

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: Smith-Maxwell Ditch Co.; c/o Layne Hamilton
Address: 839 W. Riverton Road; Blackfoot, Idaho 83221

Name:
Address: ;

Name:
Address: ;

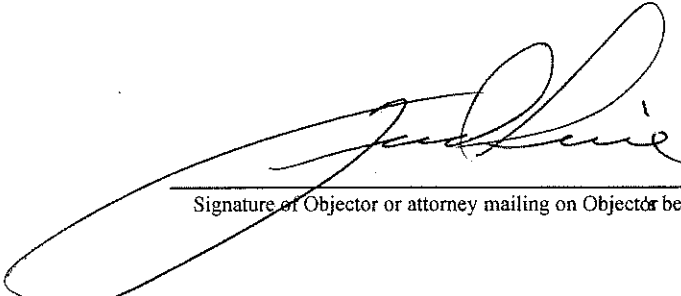
Name:
Address: ;

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: 1-10058

Pou: Digital Boundary includes BLM.

NAME AND ADDRESS: SMITH-MAXWELL DITCH CO
C/O LAYNE HAMILTON
839 W RIVERTON RD
BLACKFOOT ID 83221

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER
Point of injection into and point of redirection from Blackfoot River.

QUANTITY: 10.580 CFS
Right Nos. 1-10058 and 27-12108 are limited to a total combined diversion rate of 13.44 cfs.

PRIORITY DATE: 02/21/1890

POINT OF

DIVERSION: T01N R37E S31 SWNE Lot 7 Within BINGHAM County
T02S R36E S24 NESWS Lot 2 Injection Within BINGHAM County
T03S R34E S23 SWSWSW Rediversion 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	10.580 CFS

PLACE OF USE:

672 ACRES TOTAL

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.

Place of use is within the area served by Smith-Maxwell Ditch Company.

This right is limited to the irrigation of 263.5 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 672 acres in a single irrigation season. Combined Right Nos.: 27-12108 and 1-10058.

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.

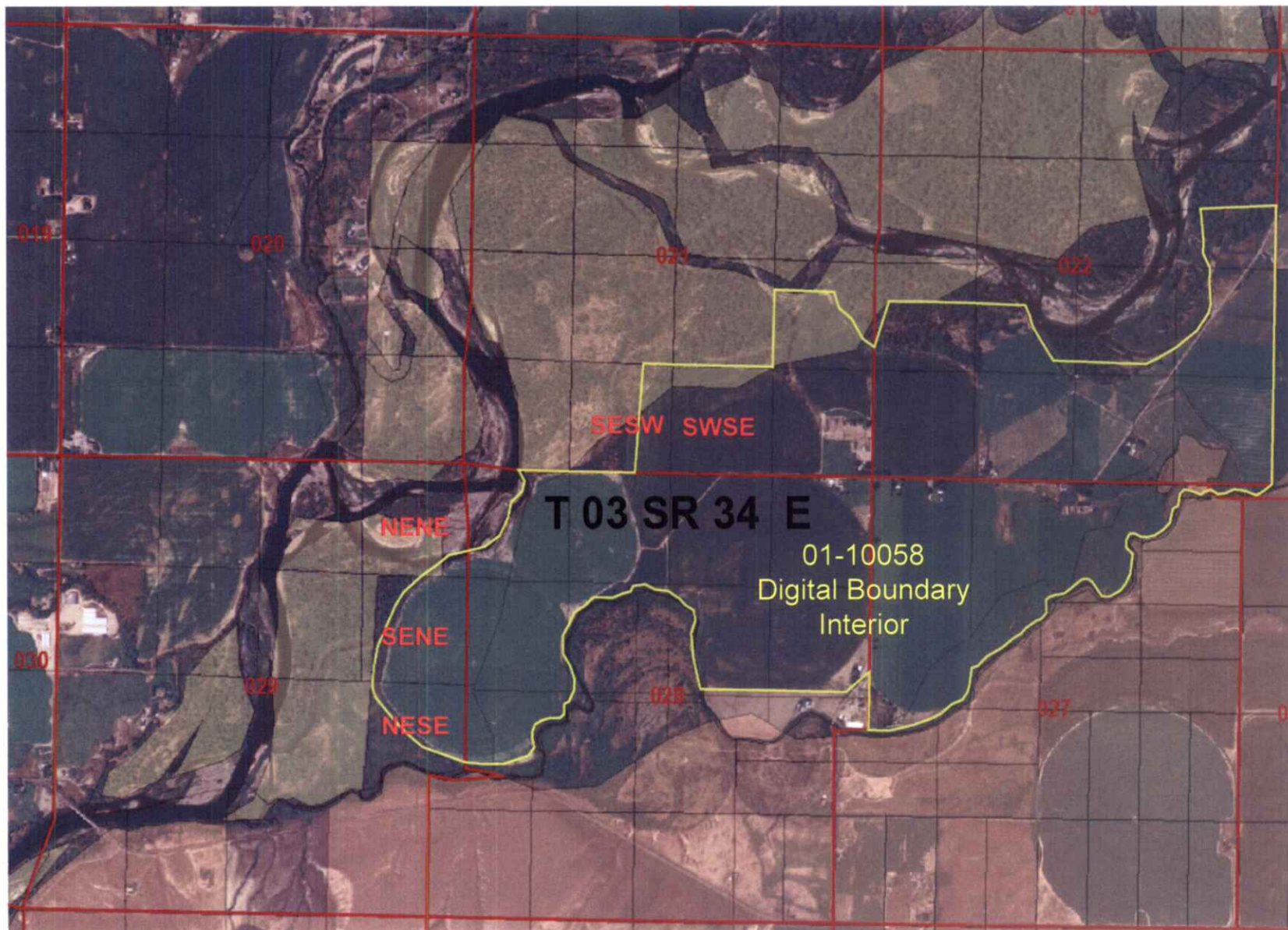
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

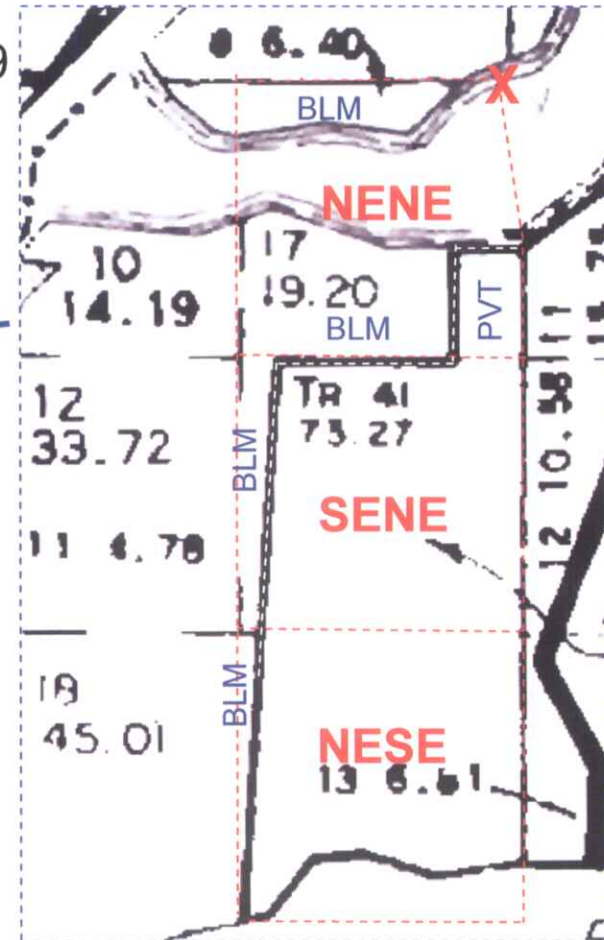
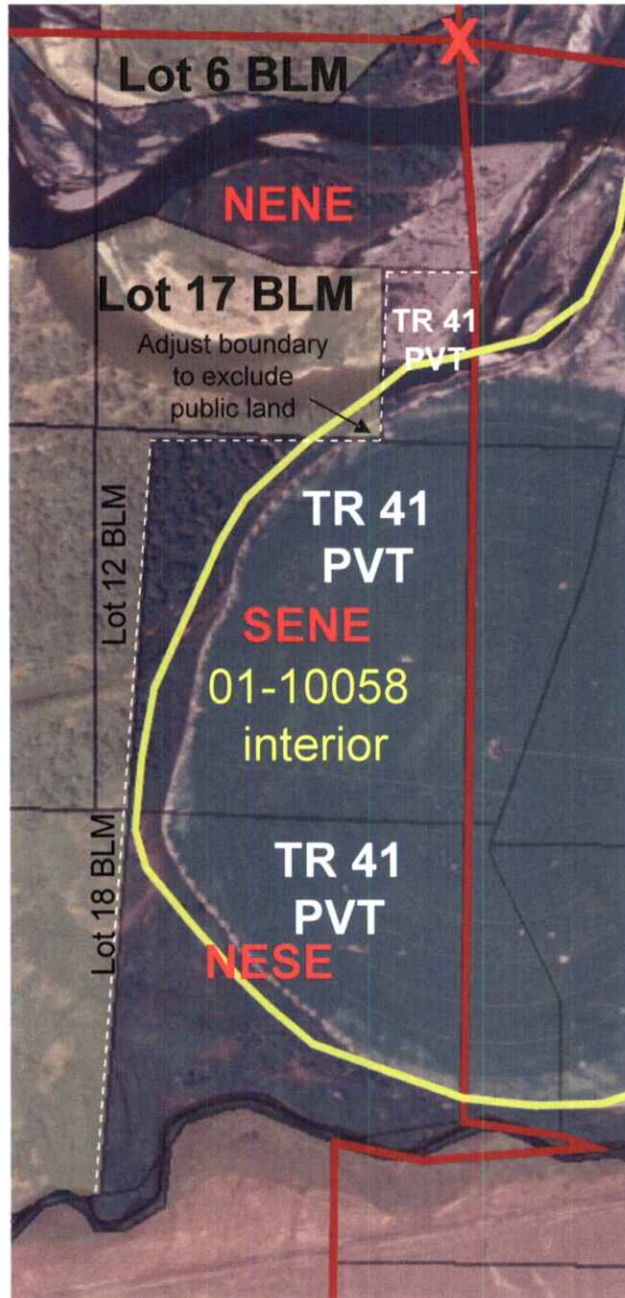
Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

This right is a combination of old Right Nos. 1-28C, 1-28E, 1-87B, 1-87C, 1-87D, 1-169F, and 1-169G.

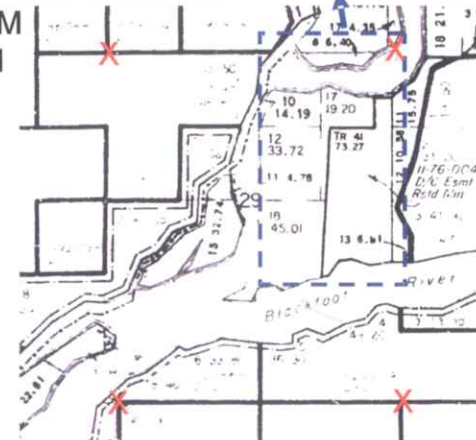
01-10058
T03S R34E



01-10058
T03S R34E S29



-Remove Lot 17 (NENE) BLM from Recommendation and adjust digital boundary.



BINGHAM COUNTY OIL

STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES AND ACQUIRED LANDS

[illegible]

SO 9/13/1985 Open to Entry Subj. to Sec 24 FPA
PWR 3 Reg 117 EQ 7/2/1910
Sec 31; Lops 7,8

SO 12/19/1920, Open to Entry Subj to Sec 24 FPA
Per 5 Reg 17 EC 7/2/1910
Sec 23: Lots 2, 3
Sec 30: Lot 5

EO 7858 4/15/1938 Int Juris of Acq Lands from
Dept of Agri to Dept of Int. EIA
All land lying within Fort Wall Ind Res

2524 1/10/1969 Offer of omitted lands to
preference right claimants pursuant to Act of
Cong 5/31/1762

Sec 13: Part Lot 5 (Now Tr 38)
Sec 15: Lot 5, Part Lots 6, 7 (Now Tr 40)
Sec 21: Lot 13

Sec 28: Lots 11, 12, 13
Sec 29: Part Lot 9, Lot 13, Section 2 (Now T-41)

Partial To

$\frac{1}{\sqrt{\pi}} \int_{-\infty}^{\infty} f(x) e^{-x^2} dx = \frac{1}{\sqrt{\pi}} \int_{-\infty}^{\infty} f(x) e^{-x^2} dx$

$\frac{1}{\sqrt{\pi}} \int_{-\infty}^{\infty} f(x) e^{-x^2} dx = \frac{1}{\sqrt{\pi}} \int_{-\infty}^{\infty} f(x) e^{-x^2} dx$

(continued)

[illegible]

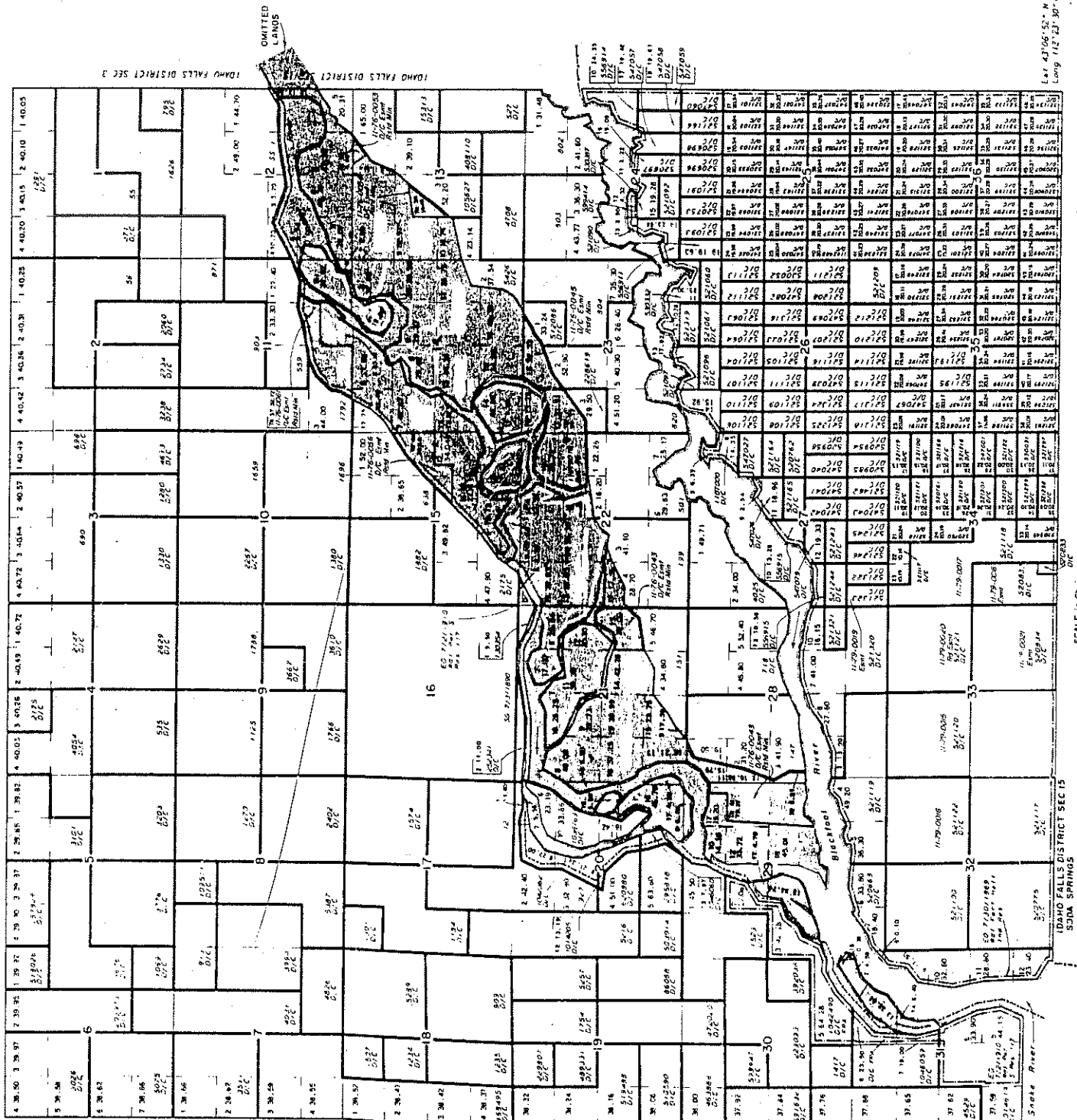
Figure 1. Schematic representation of the experimental design. The figure is divided into three main sections: (a) Pre-test, (b) Main test, and (c) Post-test. Section (a) shows a pre-test phase with a 10-minute rest period, followed by a 10-minute warm-up, and then a 10-minute rest period. Section (b) shows the main test phase, which is divided into three parts: a 10-minute rest period, a 10-minute warm-up, and a 10-minute rest period. Section (c) shows the post-test phase, which includes a 10-minute rest period, a 10-minute warm-up, and a 10-minute rest period. The figure also includes a legend for the different phases and a scale for the time intervals.

FOR ORDERS EFFECTING DISCLOSURE OF

MISCELLANEOUS DOCUMENTS

CURRENT TO		CURRENT TO
<i>for</i>	<i>for</i>	

Boise 11



Boice, Wayne

Lat 43° 06' 52" N
Long 112° 23' 30" W