

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 37-00861
(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: Pensco Trust Company, Custodian FBO Richard Saiya
Address: 450 Sansome St., 14th Floor; San Francisco, CA 94111-3306

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)

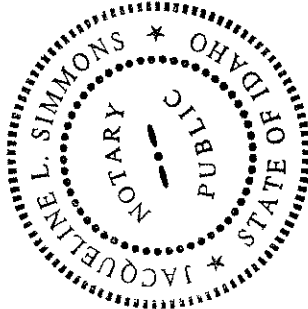
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

Lawrence A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

May 22, 2007



Jacqueline L. Simmons
Jacqueline L. Simmons
Notary Public for State of Idaho
Residing at: Boise, Idaho
My Commission Expires: 04-07-2011

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 May 22nd, 2007, 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: Pensco Trust Company, Custodian FBO Richard Saiya
Address: 450 Sansome St., 14th Floor; San Francisco, CA 94111-3306
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

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

RIGHT NUMBER: 37-861

POU on BLM:

NAME AND ADDRESS: PENSICO TRUST COMPANY
CUSTODIAN FBO RICHARD SAIYA
450 SANSOME ST 14TH FLOOR
SAN FRANCISCO CA 94111-3306

-Claimant is not authorized to farm public land.

SOURCE: DRY CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.600 CFS

PRIORITY DATE: 03/01/1886

POINT OF

DIVERSION: T04S R14E S28 NESWNW Within GOODING County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

04/01 10/31

0.600 CFS

The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in GOODING County

	T04S R14E S33	NWNE	2.50	T04S R14E S33	SWNE	32.00
BLM	T04S R14E S33	SENE	1.40	T04S R14E S33	SENE	11.00
	T04S R14E S33	NESW	1.60	T04S R14E S33	NESE	17.00
	T04S R14E S33	NWSE	29.00	T04S R14E S33	SWSE	5.20
	T04S R14E S33	SESE	35.00	T04S R14E S34	NWSW	0.20
	T04S R14E S34	SWSW	15.00	T05S R14E S03 Lot 3	NENW	3.10
	T05S R14E S03 Lot 4	NWNW	29.00	T05S R14E S04 Lot 1	NENE	27.00
	209 ACRES TOTAL					

The rights listed below are limited to the irrigation of a combined total of 209 acres in a single irrigation season. Combined Right Nos.: 37-861 and 37-1186.

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 place of use pursuant to Section 42-1425, Idaho Code.

HS 14E

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT



INDEX TO SEGREGATED TRACTS			
TRACT NO	T	R	SEC
1	1	1	1
2	1	1	2
3	1	1	3
4	1	1	4
5	1	1	5
6	1	1	6
7	1	1	7
8	1	1	8
9	1	1	9
10	1	1	10
11	1	1	11
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32	1	1	32
33	1	1	33
34	1	1	34
35	1	1	35
36	1	1	36

BL 043852 American Falls Reaver Dist No 2
(Act of Cong 8/11/1916) affects lands within
Sec 35

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

COUNTY NO
SECT 14E

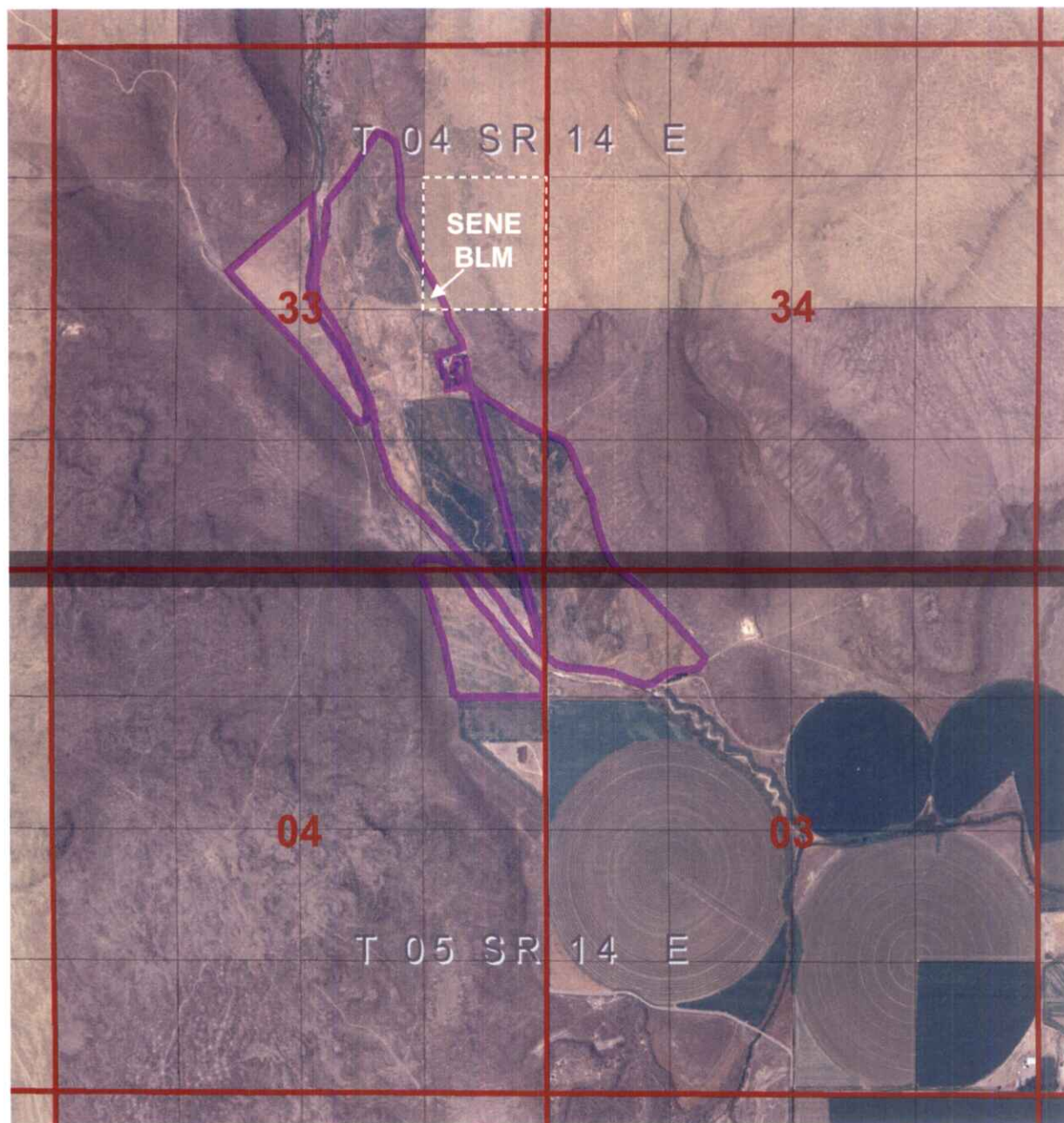
ONE PLAT

Lat 43° 01' 39" N
Long 114° 44' 10" W

THE NOTATION SHOWN ON WITHDRAWS REPRESENT THE LAST
ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE
THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITHDRAWAL ORDER

SCALE in Chains
0 10 20 30 40

37-00861 & 37-01186
Pensco Trust Company



POU on BLM:

- Claimant is not authorized to farm public land.
- Remove T04S R14E S33 SENE 1.40 acres from recommendation and adjust shapefile accordingly.