

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 37-13355
(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: Bauscher Ranch, Inc.; c/o Randy Bauscher

Address: 111 Pelican Point; Rupert, Idaho 83350

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: See attached.
5. ☒ **Point(s) of Diversion**
Should be: See attached.
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☒ **Period of Year**
Should be: See attached.
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 recommendation describes PODs & POU's on private, State, and federal lands with a priority date of 03-01-1900 and a season of use from 04/01 to 11/30. The Claimant is not authorized to graze federal land. Use of stockwater on federal land within the Deer Creek Allotment is limited from 08/16 to 08/31. There does not appear to be a basis for an 1900 priority on either private, State, or federal land as the private land POU's were not patented until 1926 & 1945. Even if the Claimant were authorized, the recommendation does not describe the land to which the use on federal land is appurtenant as required by I.C. 42-1402.

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.

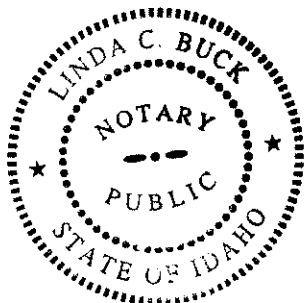
Fredric W. Price
(Signature of person filing objection)

Daniel M. Price, F. LAB
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

May 23, 2007

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 May 23, 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: Bauscher Ranch, Inc.; c/o Randy Bauscher

Address: 111 Pelican Point; Rupert, Idaho 83350

Name:

Address: ;

Name:

Address: ;

Name:

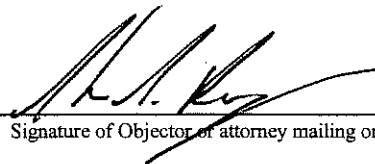
Address: ;

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: 37-13355

NAME AND ADDRESS: BAUSCHER RANCH INC
C/O RANDY BAUSCHER
111 PELICAN POINT
RUPERT ID 83350

PODs/POUs on BLM:

-Claimant is not authorized to graze on public land where these Places of Use are located.

SOURCE: BIG DEER CREEK
CHICKEN CREEK
LITTLE DEER CREEK
POWELL CREEK
UNNAMED STREAM
UNNAMED STREAM
UNNAMED STREAM
UNNAMED STREAM

TRIBUTARY: DEER CREEK
TRIBUTARY: BIG DEER CREEK
TRIBUTARY: DEER CREEK
TRIBUTARY: SOLDIER CREEK
TRIBUTARY: BIG DEER CREEK
TRIBUTARY: CHICKEN CREEK
TRIBUTARY: LITTLE DEER CREEK
TRIBUTARY: POWELL CREEK

QUANTITY: 0.020 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 03/01/1900

POINT OF
DIVERSION:

T01N R14E S12 SENENE Begin of Stream Flow Within CAMAS County
T01N R14E S12 NENWNE Begin of Stream Flow Within CAMAS County
T01N R14E S12 NWNWSW End of Stream Flow Within CAMAS County
T01N R14E S12 SESESW Begin of Stream Flow Within CAMAS County
T01N R14E S12 NESWSE Begin of Stream Flow Within CAMAS County
T01N R14E S13 SWNWNE End of Stream Flow Within CAMAS County
T01N R14E S13 SWNWNE End of Stream Flow Within CAMAS County

BLM

T01N R15E S4 NWNWNE Lot 2 Begin of Stream Flow Within CAMAS County
T01N R15E S4 NWNENW Lot 3 Begin of Stream Flow Within CAMAS County

T01N R15E S4 NENWNW Lot 4 Begin of Stream Flow Within CAMAS County

BLM

T01N R15E S4 NWSWNW Begin of Stream Flow Within CAMAS County

T01N R15E S5 SESENE Begin of Stream Flow Within CAMAS County

T01N R15E S5 NENENW Begin of Stream Flow Within CAMAS County

T01N R15E S5 NENWNW Begin of Stream Flow Within CAMAS County

T01N R15E S5 NWNWNW Begin of Stream Flow Within CAMAS County

T01N R15E S5 SENWSW Begin of Stream Flow Within CAMAS County

BLM

T01N R15E S6 SWSENE Begin of Stream Flow Within CAMAS County

T01N R15E S6 NWSSENW Begin of Stream Flow Within CAMAS County

T01N R15E S7 SENENW Begin of Stream Flow Within CAMAS County

T01N R15E S8 SWSWNE Begin of Stream Flow Within CAMAS County

T01N R15E S8 SWSESW Begin of Stream Flow Within CAMAS County

T01N R15E S17 NESWNE Begin of Stream Flow Within CAMAS County

BLM

T01N R15E S17 NWNESW End of Stream Flow Within CAMAS County

T01N R15E S17 SWNESW Begin of Stream Flow Within CAMAS County

T01N R15E S18 NWSSENW End of Stream Flow Within CAMAS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

STOCKWATER

PERIOD OF USE

04/01 11/30

QUANTITY

0.020 CFS

PLACE OF USE: STOCKWATER in CAMAS County

	T01N R14E S12	NENE	T01N R14E S12	NWNE	
	T01N R14E S12	SWNE	T01N R14E S12	SENE	
	T01N R14E S12	SNNW	T01N R14E S12	SENW	
	T01N R14E S12	NWSW	T01N R14E S12	SESW	
	T01N R14E S12	SWSE	T01N R14E S13	NWNE	
	T01N R14E S13	NENW	T01N R15E S04 Lot 2	NWNE	BLM
	T01N R15E S04	SWNE	T01N R15E S04 Lot 3	NENW	
	T01N R15E S04 Lot 4	NWNW	T01N R15E S04	SNNW	BLM
	T01N R15E S04	SENW	T01N R15E S04	NESW	
	T01N R15E S04	NWSW	T01N R15E S04	SESW	
	T01N R15E S05 Lot 2	NWNE	T01N R15E S05	SWNE	
	T01N R15E S05	SENE	T01N R15E S05 Lot 3	NENW	BLM
	T01N R15E S05 Lot 4	NWNW	T01N R15E S05	SNNW	
	T01N R15E S05	SENW	T01N R15E S05	NESW	
	T01N R15E S05	NWSW	T01N R15E S05	SWSW	
	T01N R15E S05	NESE	T01N R15E S05	NWSE	
BLM	T01N R15E S05	SWSE	T01N R15E S05	SESE	
	T01N R15E S06	SENE	T01N R15E S06	SENW	BLM
	T01N R15E S06	NESW	T01N R15E S06	SESW	
	T01N R15E S06	NESE	T01N R15E S06	NWSE	
	T01N R15E S06	SWSE	T01N R15E S06	SESE	
	T01N R15E S07	NENE	T01N R15E S07	NENW	BLM
BLM	T01N R15E S07	SENW	T01N R15E S07	NESW	
	T01N R15E S07	NWSE	T01N R15E S07	SWSE	
	T01N R15E S07	SESE	T01N R15E S08	NENE	BLM
BLM	T01N R15E S08	SWNE	T01N R15E S08	SENE	
	T01N R15E S08	NWNW	T01N R15E S08	SNNW	
BLM	T01N R15E S08	NWSW	T01N R15E S08	SWSW	
	T01N R15E S08	SESW	T01N R15E S08	NESE	BLM
	T01N R15E S08	NWSE	T01N R15E S08	SESE	
	T01N R15E S09	NENW	T01N R15E S09	SNNW	BLM
	T01N R15E S09	NWSW	T01N R15E S09	SWSW	
	T01N R15E S17	NENE	T01N R15E S17	NWNE	
	T01N R15E S17	SWNE	T01N R15E S17	NENW	BLM
BLM	T01N R15E S17	SENW	T01N R15E S17	NESW	
	T01N R15E S18	NWNE	T01N R15E S18	NENW	
	T01N R15E S18	SENW			

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

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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 - Beneficial Use

CAMAS COUNTY 025
TWIN FALLS DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

[illegible]

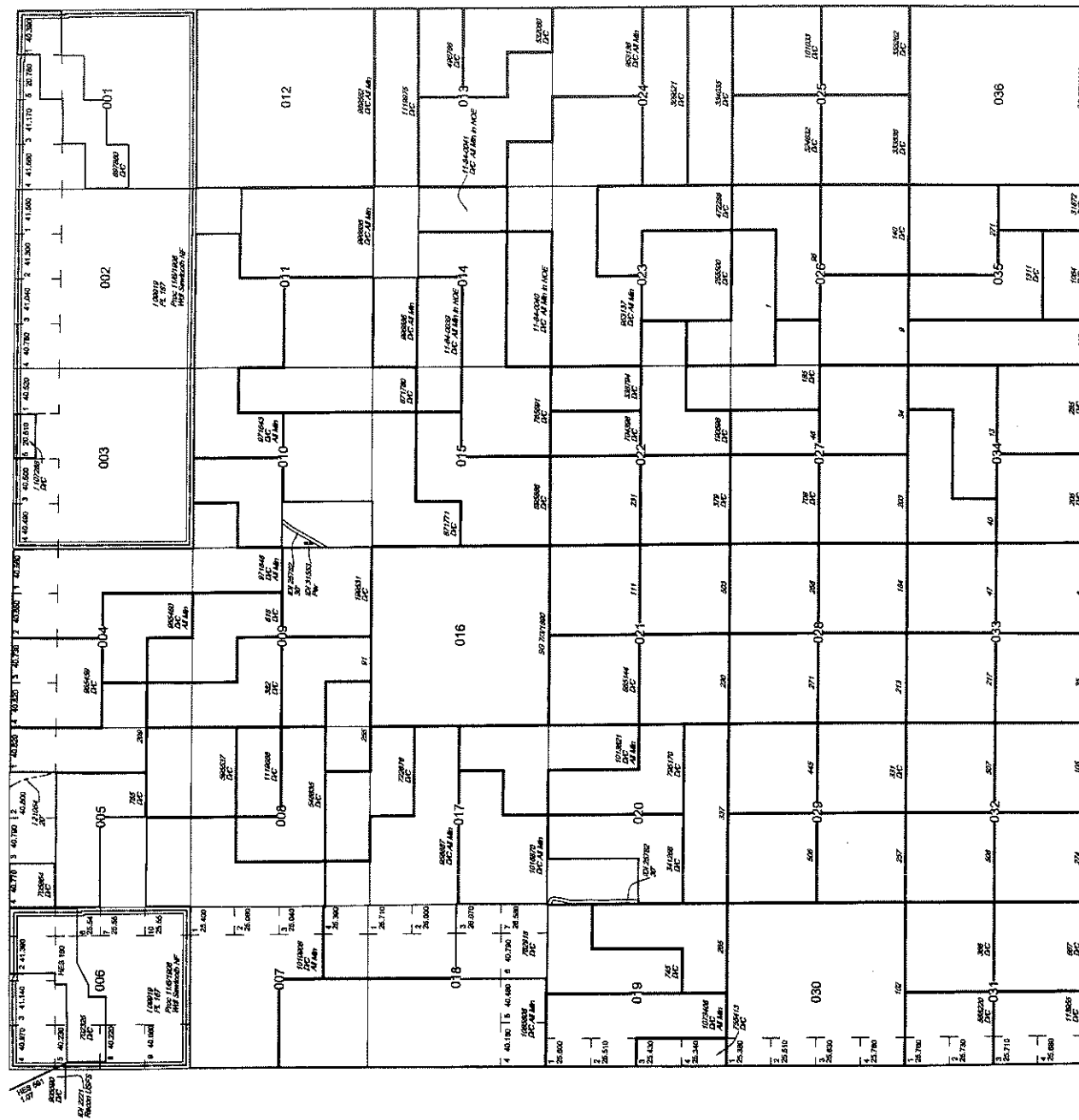
08919 Del PL 167 (Ad of cong. 07/23/1955)
Completed 07/12/1962. All NF surfaces Mgmt by USFS

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

FILE REF:	D060010901REGAIN7000L.Ang
CONVERTED TFF:	01/28/2005
LAST UPDATED:	08/30/2006
BY:	ST
LAST VERIFIED:	BY:
POSTED TO PUBLIC RECORDS:	
PUBLIC AND SURVEY SYSTEM PLANS	
RUN ORDER ACQUIRED:	11/10/2004
USERS OFF ACQUIRED:	N/A
PROJECTED COORDINATE SYSTEM UTM ZONE 14N NAD 83	
NOTES	

AT8:

T. 1 N
R. 14 E



•BENNY COSIC

This plot is only a graphic display of the Bureau of Land Management's (BLM) Record of Title and Township survey data. Records herein do not reflect title changes which may have been affected by lateral movements of river or other bodies of water. Refer to cadastral surveys for official information.

The notation shown on withdrawable represents the last action taken, but may not be the effective date. See the Historical Index for the date of original withdrawal order.

No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual uses or accounts use with other data is not guaranteed.



U.S. Bureau of Land Management - Idaho State Office
1387 S. Vinell Way Boise Idaho 83709
(208) 373-4000



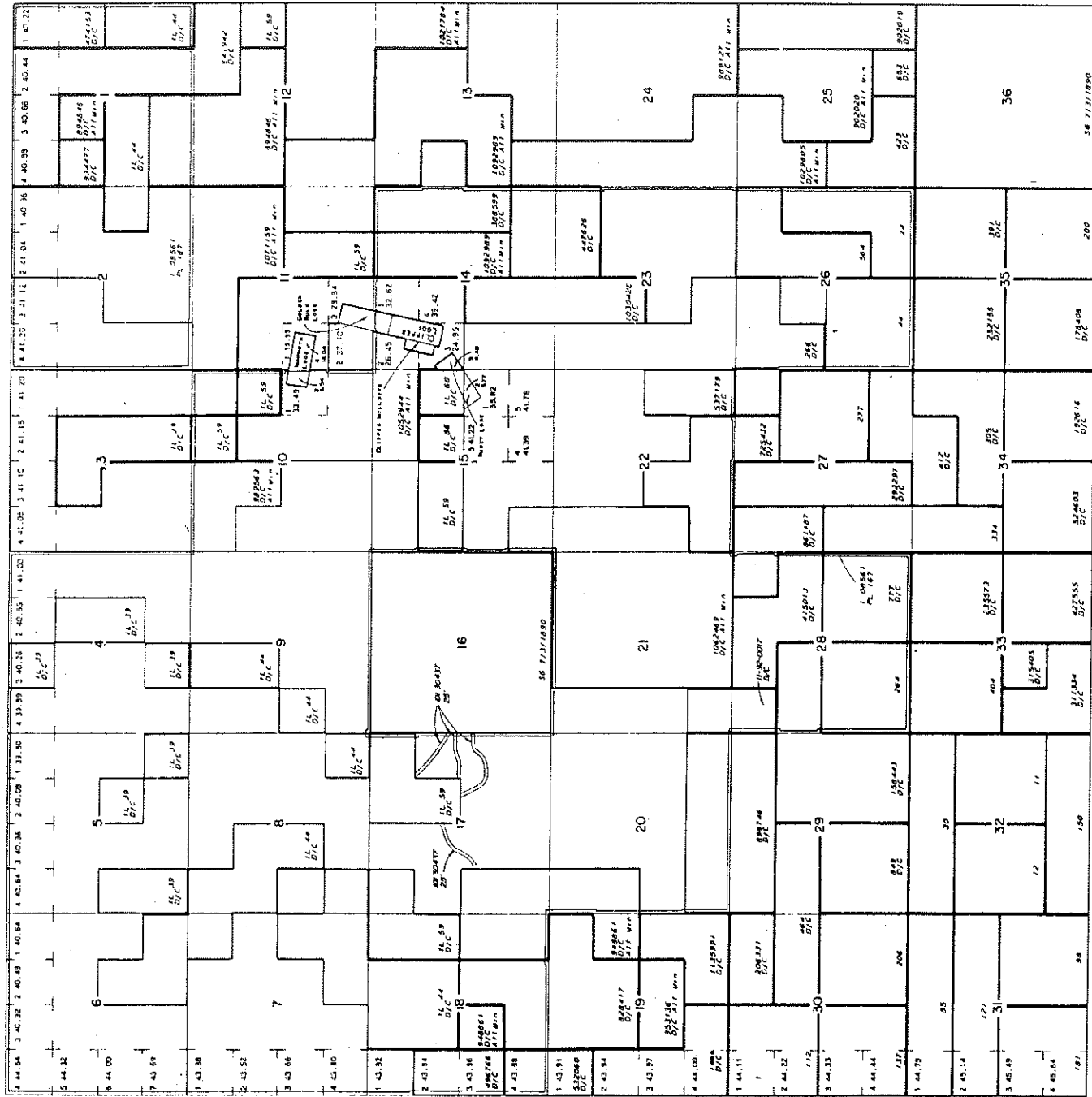
SMOSONE DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

[illegible]

1 04561 Det PL 167 1 Act of Cong 7/23/1955
completed 9/14/1960. All PD surface work by GKN



SCALE in Chains

WARNING STATEMENT

This plan — the Bureau's Record of Title, and should be used only as a graphic display of the township survey data. Records between do not reflect title changes which may have been affecting the lateral movements of rivers or other bodies of water.

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

Doing More

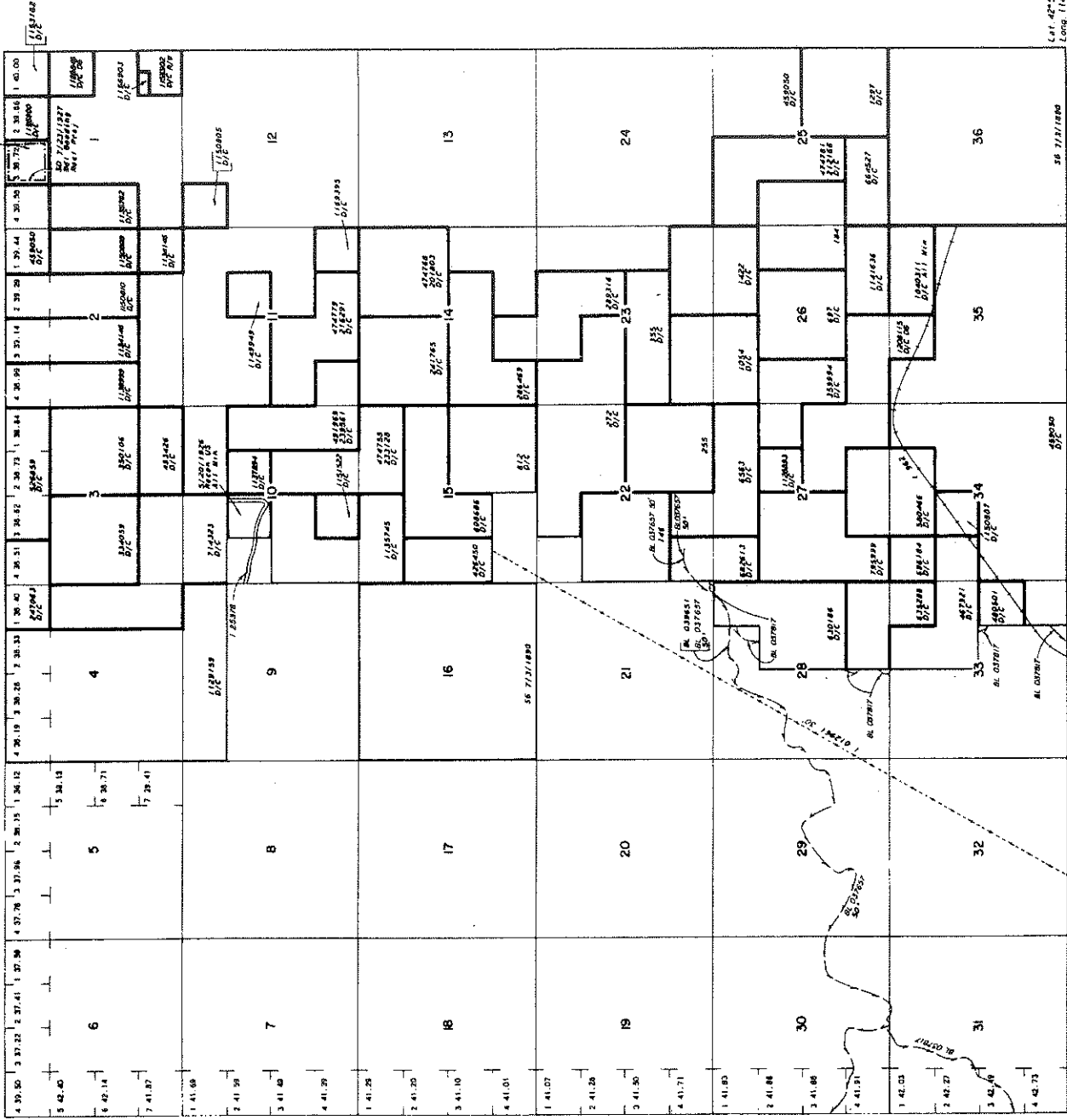
T. IN-
R 15E

TOWNSHIP 5 SOUTH RANGE 14 EAST OF THE BOISE MERIDIAN, IDAHO

GOODING COUNTY
SANDWICH DISTRICT SEC. 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT



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

RE 043852 American Falls Replat Dist No 2 (Act of Cong 9/11/1916) affects land in Secs 1, 10 to 12 INCL 22, 34, 35

1 1311 East to State of Idaho by BR

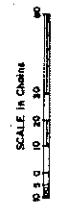
Sec 1: Lot 3

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

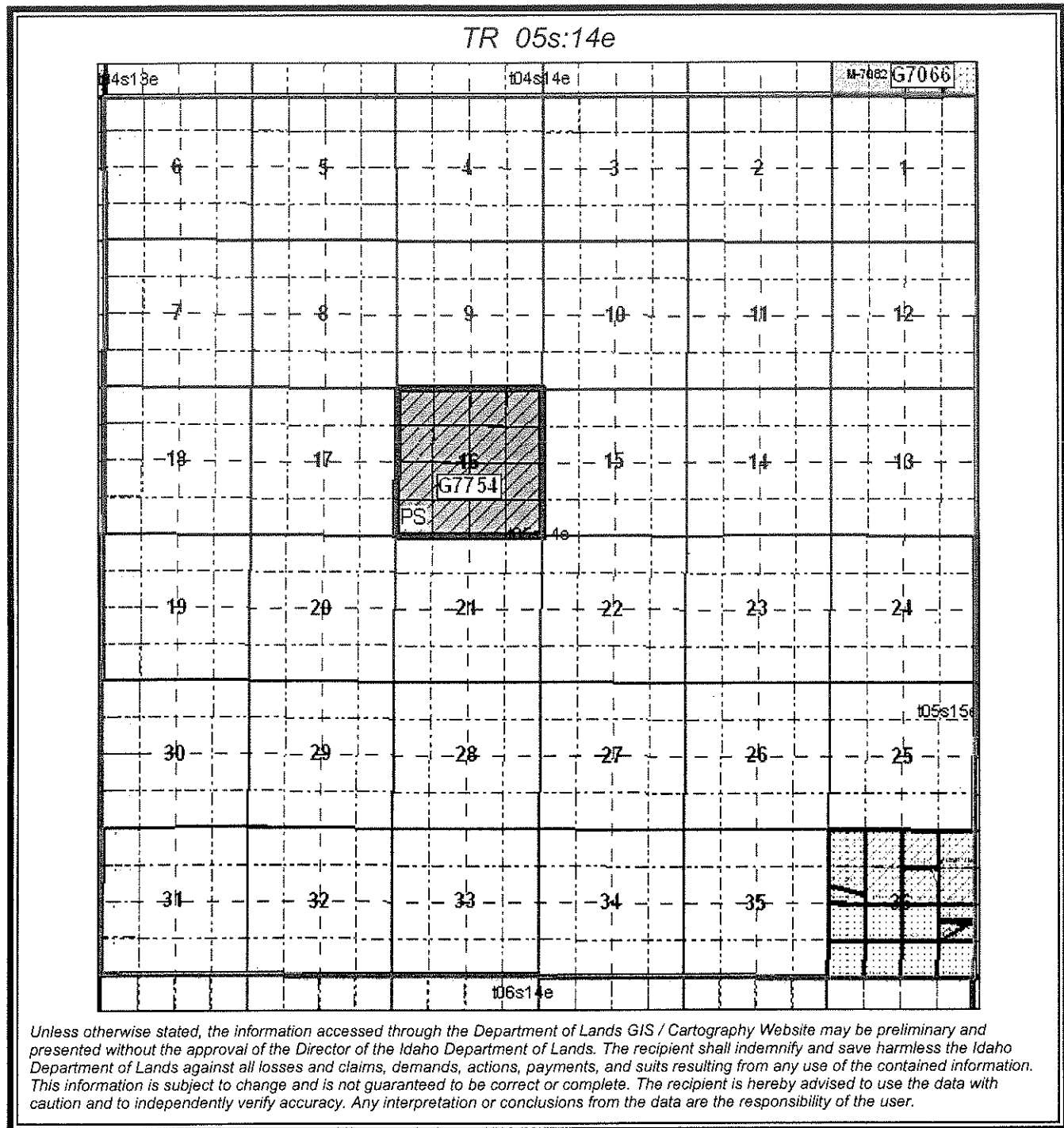
CURRENT TO	CURRENT TO
10/1/1911	10/1/1911
USE PLANS	USE PLANS

Base Mer
T. 5 S.
R. 14 E.

WARNING STATEMENT
The plat in this Bureau's Record at Title, and should be used only for the purpose of identifying the land and should not be used for any other purpose. The Bureau does not warrant the accuracy of the information contained in this plat. The user assumes all responsibility for the use of this plat.



Lat 42° 56' N
Long 116° 44' 30" W



37-13355
Bauscher Ranch Inc.

