

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 37-13314
(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: Carole Ann Basterrechea; c/o Moline Ranch

Address: P.O. Box 222; Gooding, Idaho 83330

Name: John R. and Robert C. Moline; c/o Moline Ranch

Address: P.O. Box 222; Gooding, Idaho 83330

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 and federal lands with a priority date of 12-31-1900 and a 03/15 to 11/15 season of use. The Claimant is not authorized to graze federal land. Use of stockwater on federal land within the Threemile Allotment is 06/01 to 10/20 and the McHan Allotment is 06/16 to 09/30. There does not appear to be a basis for an 1900 priority on either private or federal land, as the private POU's were not patented until between 1908 & 1931. 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.

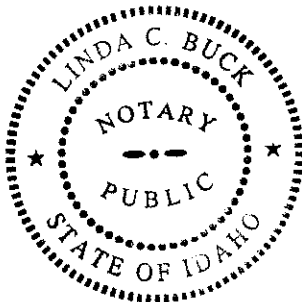
Fredric W. Price
(Signature of person filing objection)

David N. Price, F. L. B.
(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: 12-31-2012

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:

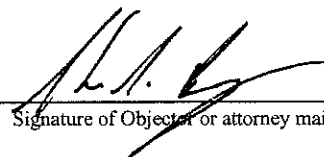
Name: Carole Ann Basterrechea; c/o Moline Ranch
Address: P.O. Box 222; Gooding, Idaho 83330
Name: John R. and Robert C. Moline; c/o Moline Ranch
Address: P.O. Box 222; Gooding, Idaho 83330
Name:
Address: ;
Name:
Address: ;

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: 37-13314

NAME AND ADDRESS: CAROLE ANN BASTERRECHEA
MOLINE RANCH
PO BOX 222
GOODING ID 83330

JOHN R MOLINE
MOLINE RANCH
PO BOX 222
GOODING ID 83330

ROBERT C MOLINE
MOLINE RANCH
PO BOX 222
GOODING ID 83330

PODs/POUs on BLM:

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

SOURCE: MC HAN CREEK
UNNAMED STREAM

TRIBUTARY: THREEMILE CREEK
TRIBUTARY: MC HAN CREEK

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 12/31/1900

POINT OF
DIVERSION:

T01N R13E S10 NENWSW Begin of Stream Flow Within CAMAS County
T01N R13E S10 NESWSW End of Stream Flow Within CAMAS County
T01N R13E S15 NWNENW Begin of Stream Flow Within CAMAS County
T01N R13E S15 SWNWNW Begin of Stream Flow Within CAMAS County
T01N R13E S15 NWSSENW Begin of Stream Flow Within CAMAS County
T01N R13E S15 SESWSE End of Stream Flow Within CAMAS County
T01N R13E S22 SWNWNW End of Stream Flow Within CAMAS County
T01N R13E S22 SWNWNW Begin of Stream Flow Within CAMAS County
T01N R13E S22 NWSWNW Begin of Stream Flow Within CAMAS County
T01N R13E S22 NWSWNW End of Stream Flow Within CAMAS County
T01N R13E S22 NESENW End of Stream Flow Within CAMAS County
T01N R13E S22 NESESW Begin of Stream Flow Within CAMAS County
T01N R13E S27 SENENW End of Stream Flow Within CAMAS County

BLM**BLM**PURPOSE AND
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

STOCKWATER

03/15 11/15

0.020 CFS

PLACE OF USE:

STOCKWATER in CAMAS County**BLM**

T01N R13E S10 NWSW

T01N R13E S10 SWSW

BLM

T01N R13E S15 NWNE

T01N R13E S15 SWNE

T01N R13E S15 NENW

T01N R13E S15 NWNW

BLM

T01N R13E S15 SWNW

T01N R13E S15 SENW

BLM

T01N R13E S15 NESW

T01N R13E S15 NWSW

BLM

T01N R13E S15 SWSW

T01N R13E S15 SESW

T01N R13E S15 NWSE

T01N R13E S15 SWSE

T01N R13E S22 NENW

T01N R13E S22 NWNW

T01N R13E S22 SWNW

T01N R13E S22 SENW

T01N R13E S22 SESW

T01N R13E S27 NENW

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.

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

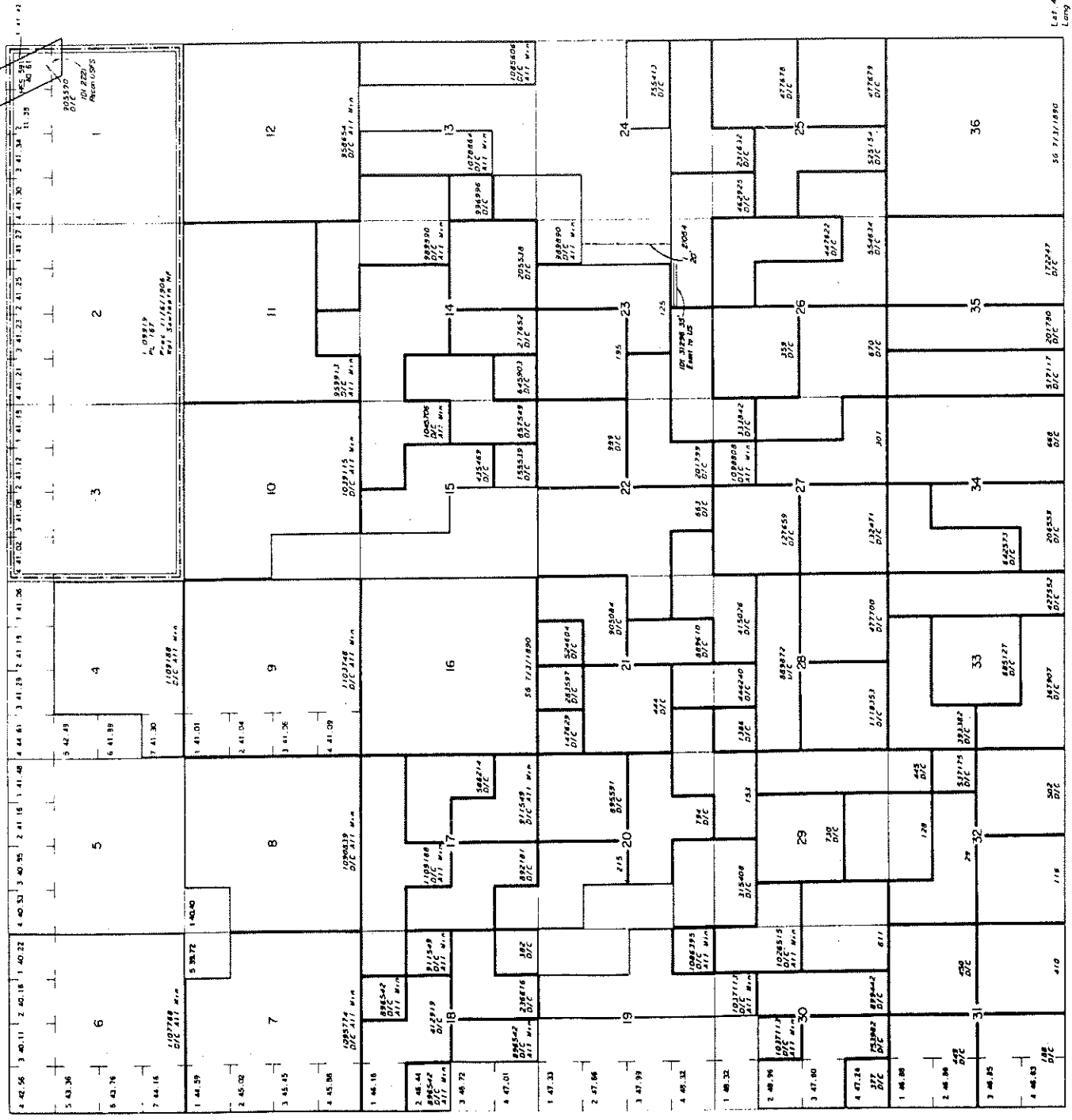
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

TOWNSHIP 1 NORTH RANGE 13 EAST OF THE BOISE MERIDIAN, IDAHO

CAMAS COUNTY 025
SHOSHONE DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT



INDEX TO SEGREGATED TRACTS		
RESURVEY	ORIGINAL SURVEY	SUBDIVISION
TRACT NO.	T	R
1	1	1
2	1	1
3	1	1
4	1	1
5	1	1
6	1	1
7	1	1
8	1	1
9	1	1
10	1	1
11	1	1
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25	1	1
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28	1	1
29	1	1
30	1	1
31	1	1
32	1	1
33	1	1
34	1	1
35	1	1
36	1	1

50 7/13/1900 Ter. USFS 400 S
Secs. 2, 3, 4, 5
1 099/19 Ter. Mt. Mt. (act of Cong 7/23/1955)
Completed 7/13/1962 All NE surface Ym. by USFS

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

CURRENT TO	CURRENT TO
JUL 3 9 2000	
USE PLATS	

Scale: 1" = 1/4" = 51' 9"
Long 114° 51' 9"
Lat 43° 22' 31" N

SCALE in Chains
0 5 10 20 30 40

WARNING STATEMENT
This plat is the official record of the survey and should be used
only as a guide to the location of the survey. It is not to be
used as a basis for any claim or interest in the land.

37-13314
T01N R13E

09

There does not appear to be a basis for a 12-31-1900 priority date on private or federal lands.

THREE MILE **10**

11

16

Patent 435469
10-13-1914

MCHAN CREEK

15

Patent 1045706
04-17-1931

14

Patent 1045706
04-17-1931

21

Patent 663
04-13-1908

22

23

28

Patent 127659
05-02-1910

27

26