

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 79-11821
(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: State of Idaho; Dept. of Fish & Game

Address: P.O. Box 25; Boise, Idaho 83707

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:
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 the use is claimed. The claimant's use of Federal land is unauthorized. Claimant's water right should not include this POD or POU. Perhaps the description of federal land is a typographical error where the range should be described as R03W for the POD & stockwater POU as was described for the domestic POU. The domestic POU describes land acquired by the State of Idaho from private individuals. The priority date claimed is 12-31-1900, but the POU describes land that was patented on 01-27-1917.

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)

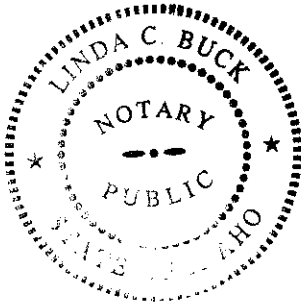
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

Larry G. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

June 11 2007
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 June 12th, 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: State of Idaho; Dept. of Fish & Game

Address: P.O. Box 25; Boise, Idaho 83707

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

10/23/2006

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

RIGHT NUMBER: 79-11821

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

POU on BLM:

-The place of use described below is located on public land.
-Perhaps the Range should be R04W to match the Point of
Diversion and Place of Use for Domestic.

SOURCE: SPRING

TRIBUTARY: WAPSHILLA 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: T30N R04W S13 NENE Within NEZ PERCE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.020 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: STOCKWATER Within NEZ PERCE County

BLM T30N R03W S13 NENE
DOMESTIC Within NEZ PERCE County
T30N R04W S13 NENE

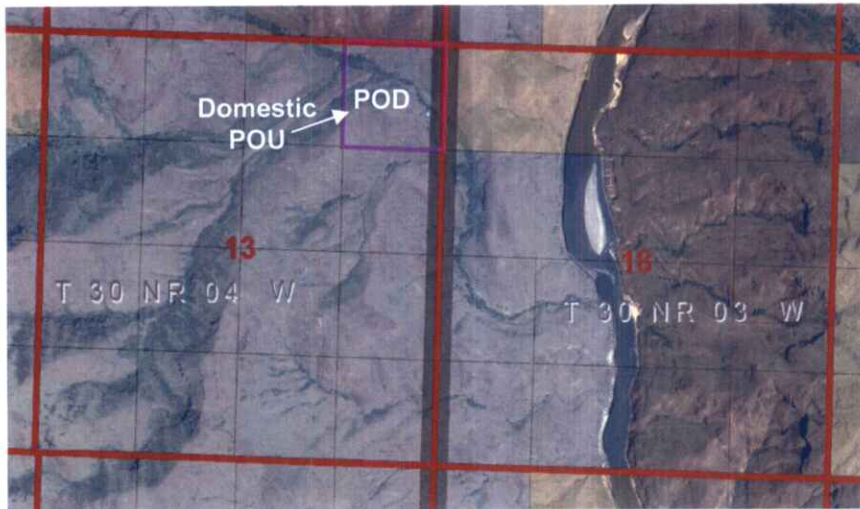
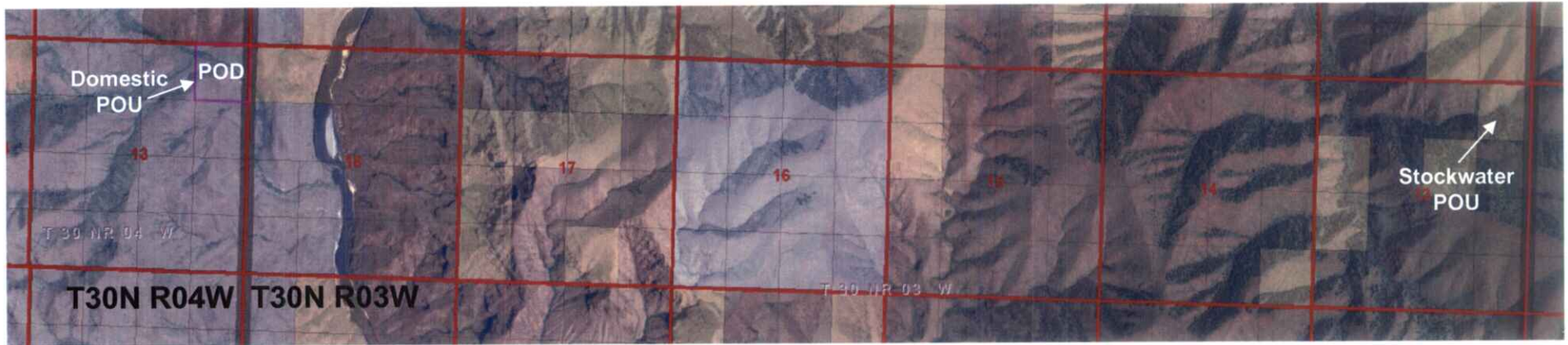
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

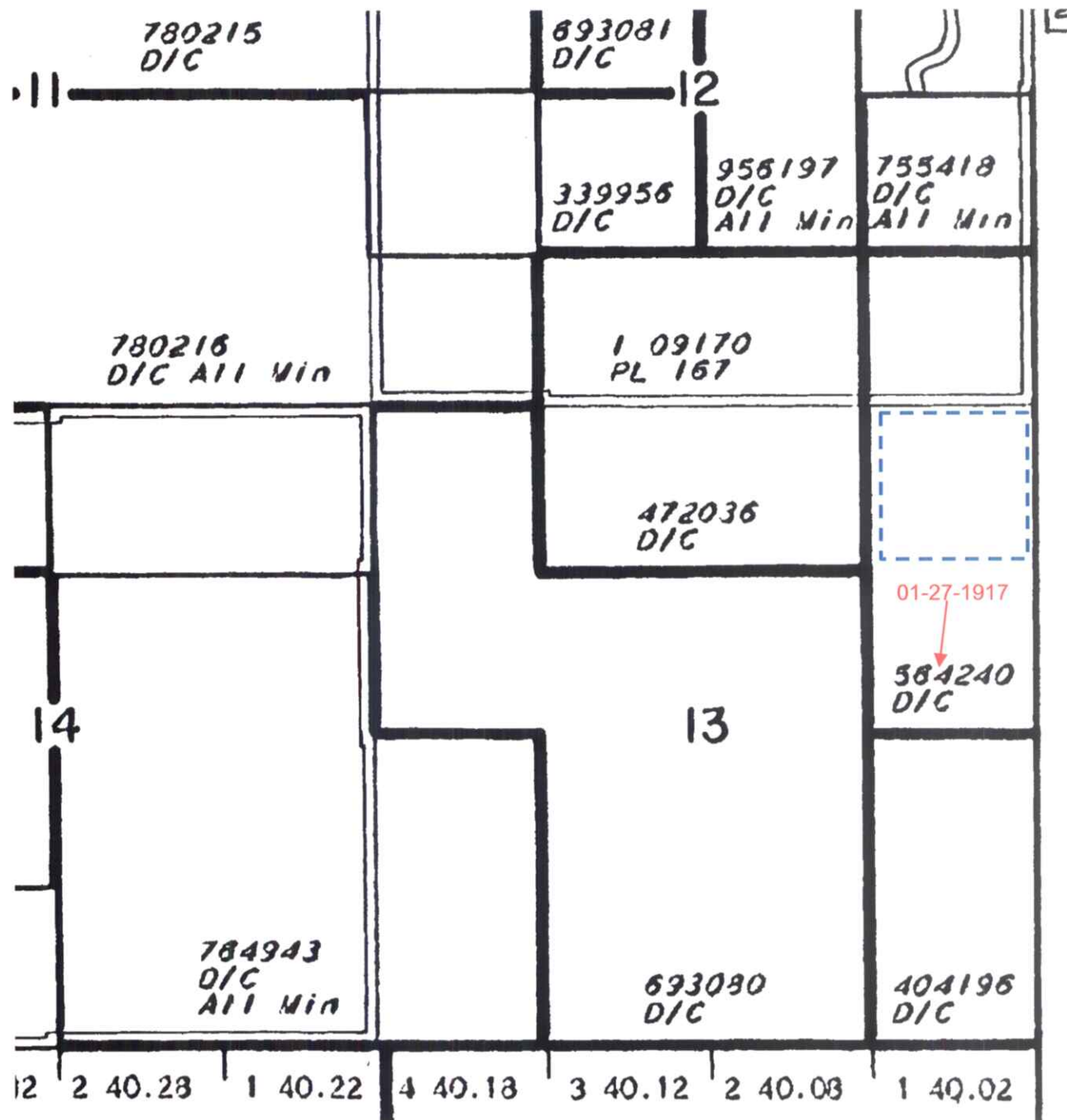
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

79-11821 State of Idaho; Dept. of Fish & Game



-POU on BLM:

-T30N R03W S13 NENE is BLM land and the legal description appears to be a typographical error and should be T30N R04W S13 NENE at the location of the Point of Diversion and Place of Use for Domestic?



The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at **Lewiston, Idaho,** has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of **Benjamin F. Reeves** has been established and duly consummated, in conformity to law, for the southeast quarter of the southeast quarter of Section twelve and the east half of the northeast quarter of Section thirteen in Township thirty north of Range four west and the Lot three of Section eighteen in Township thirty north of Range three west of the Boise Meridian, Idaho, containing one hundred seventy and forty-hundredths acres,

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, **Woodrow Wilson**

President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the **TWENTY-SEVENTH**

(SEAL)

day of **JANUARY** In the year of our Lord one thousand nine hundred and **SEVENTEEN** and of the Independence of the United States the one hundred and **FORTY-FIRST.**

By the President:

By

Woodrow Wilson
M. O. LeRoy, Secretary.
L. L. C. Lamar
Recording of the General Land Office.

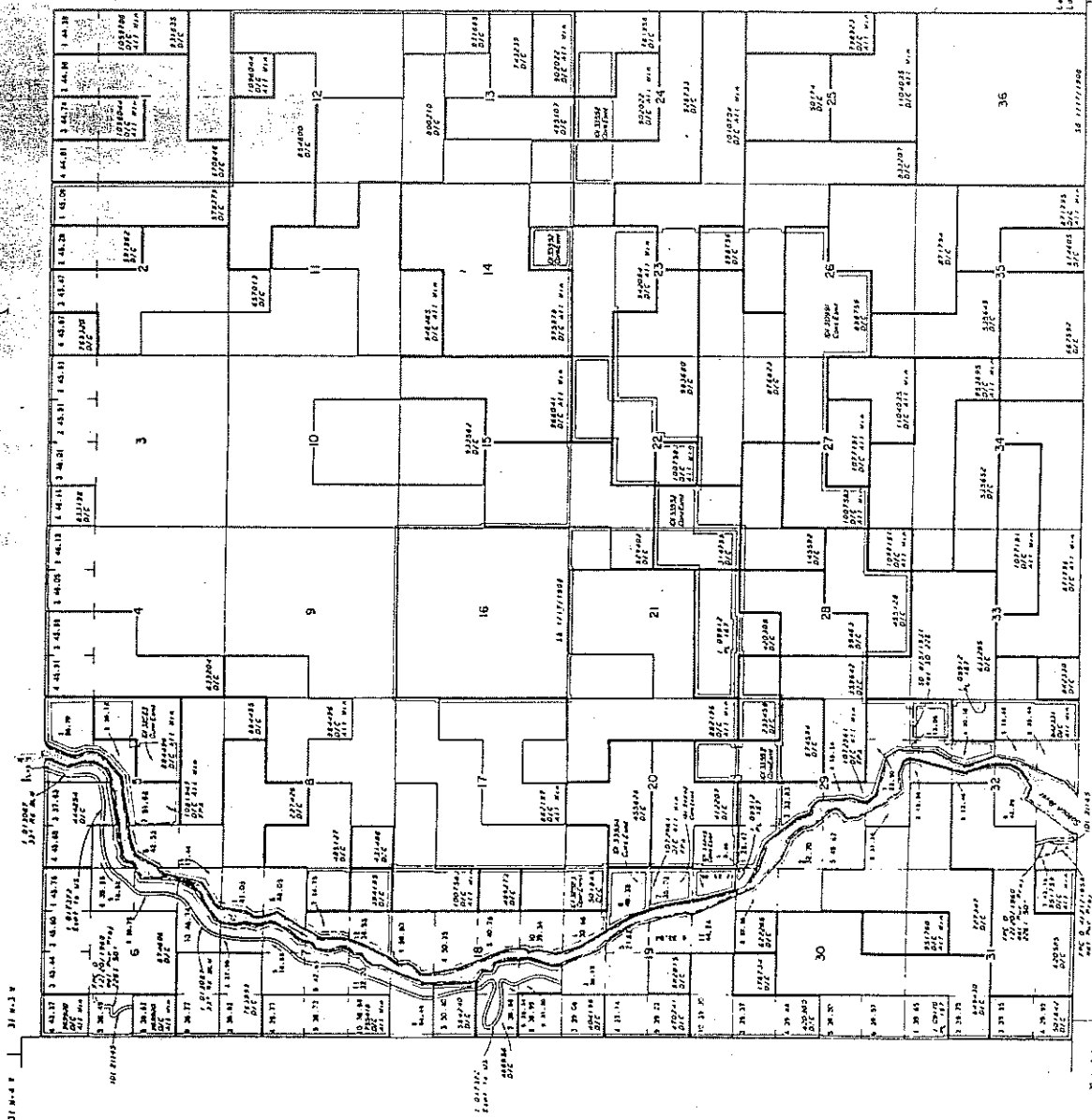
RECORD OF PATENTS: Patent Number **564240**

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

CORRECTIONAL DISTRICT
COTTONWOOD

MT PLAT

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SCALE in English

SCALE in ENGINE

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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.

NE7 PERCE COUNTY 089

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
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and sent the books Act for the Act. Each Act
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Sec 6.7 in 19 2029.33 MBG

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

CURRENT TO	CURRENT TO
AUG 11 2004	

USE PLACES:

P.O. Box 1407
T. J. D. N.
W. 4. W.

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.

WARNING: STATEMENT

This plot is the Bureau's Record of Tule, and should be used only as a guide. It is a growing industry at the University which may be used for other purposes. It may not reflect the current status of other bases of information. It is not a statement of the Bureau's position on the matter.

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