

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 79-14051
(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: Horseshoe Bend Ranch, Inc.
Address: 1910 Chapel Dr; Philomath, OR 97370

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 a POU on federal public land. The recommended priority date of 12-31-1914 is senior in time to the date that many of the private land POUs were patented. Patent dates range from 1914 to 1932.

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)

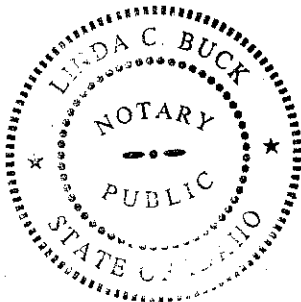
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

Larry A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

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: Horseshoe Bend Ranch, Inc.
Address: 1910 Chapel Dr; Philomath, OR 97370
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: 79-14051
NAME AND ADDRESS: HORSESHOE BEND RANCH INC
 1910 CHAPEL DR
 PHILOMATH OR 97370
SOURCE: BILLY CREEK
 UNNAMED STREAM
QUANTITY: 0.300 CFS

Unauthorized POU on BLM:
 -The place of use for Power described below is located on public land.
 -Perhaps this is a typographical error and should be T31N R02W S31 Lot 7 (SESE) which is PVT land and matches the Point of Diversion.
 TRIBUTARY: SALMON RIVER
 TRIBUTARY: BILLY CREEK

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

PRIORITY DATE: 12/31/1914

The appropriator shall exercise this right in a manner that recognizes the historic practice that the use of water for power generation is incidental to the rights of others to the use of water for other purposes. The appropriator shall not make a delivery call for hydropower generation except as against junior hydropower rights.

**POINT OF
DIVERSION:**

T30N R02W S6 NENE Begin of Stream Flow Within IDAHO County
 T30N R02W S8 NESE Begin of Stream Flow Within IDAHO County
 T30N R02W S8 NWSE End of Stream Flow Within IDAHO County
 T31N R02W S31 NWNW Lot 1 End of Stream Flow Within IDAHO County
 T31N R02W S31 SENW Within IDAHO County
 T31N R02W S31 NWNESE End of Stream Flow Within IDAHO County
 T31N R02W S31 SWSW Begin of Stream Flow Within IDAHO County
 T31N R02W S31 SESE Lot 7 Within IDAHO County
 T31N R03W S25 NWSE End of Stream Flow Within IDAHO County
 T31N R03W S25 SWSE Begin of Stream Flow Within IDAHO County

**PURPOSE AND
PERIOD OF USE:**

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.020 CFS
POWER	01/01 12/31	0.280 CFS

PLACE OF USE: STOCKWATER Within IDAHO County

T30N R02W S06 Lot 1 NENE	T30N R02W S08	NESE
T30N R02W S08 NWSE	T31N R02W S31 Lot 2 SWNW	
T31N R02W S31 SENW	T31N R02W S31	NESW
T31N R02W S31 NESW	T31N R02W S31	SWSW
T31N R02W S31 SESW	T31N R02W S31 Lot 5	SESW
T31N R02W S31 NWSE	T31N R02W S31 Lot 6	SWSE
T31N R02W S31 Lot 7 SESE	T31N R03W S25	NWSE
T31N R03W S25 Lot 5 NWSE	T31N R03W S25	SWSE

POWER Within IDAHO County

BLM [T31N R03W S25 SESE]

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

The quantity of water decreed for this water right for stockwater use 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

T31N R02W

Private POU

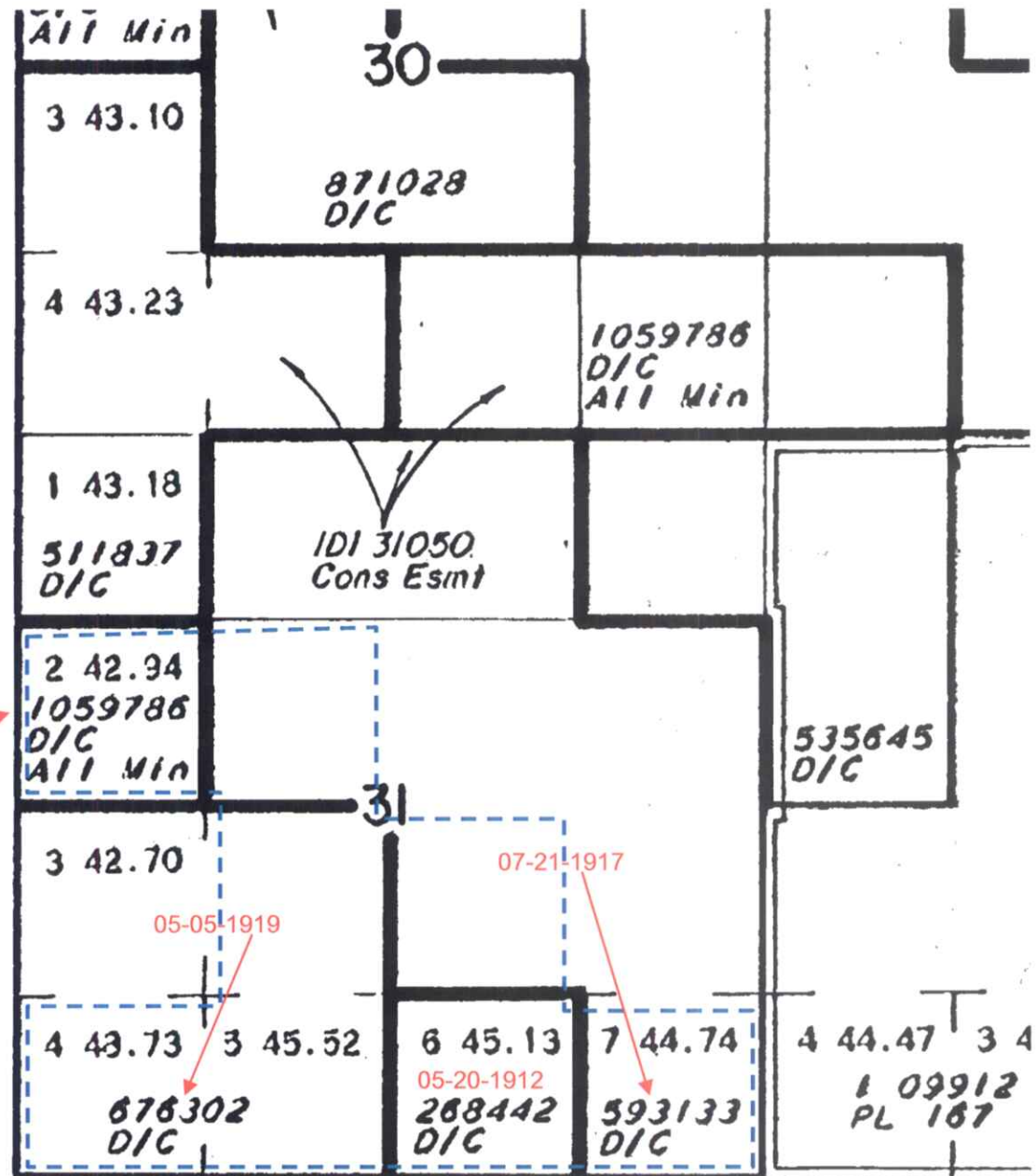
Patent Dates

11-28-1932

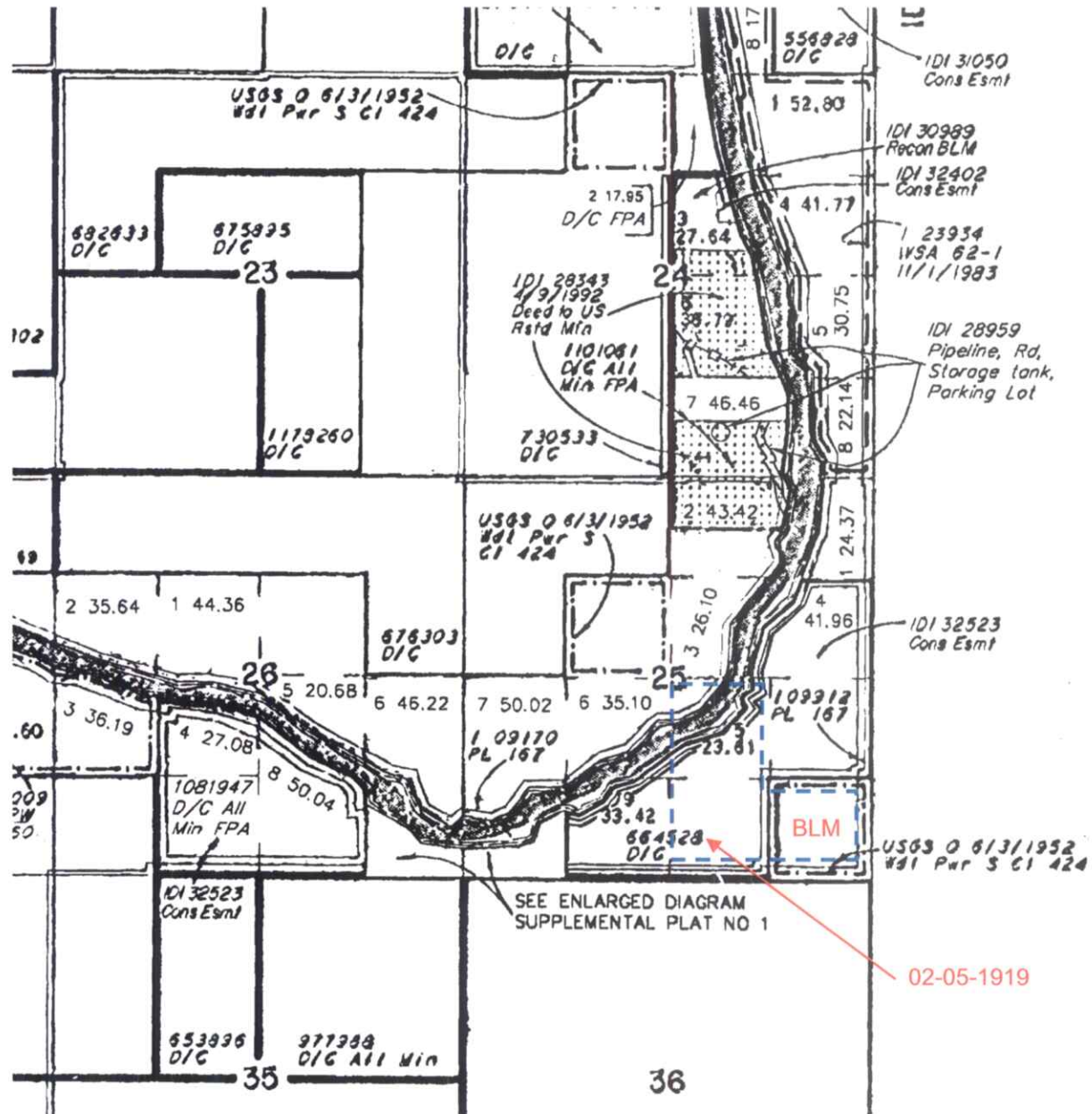
05-05-1919

07-21-1917

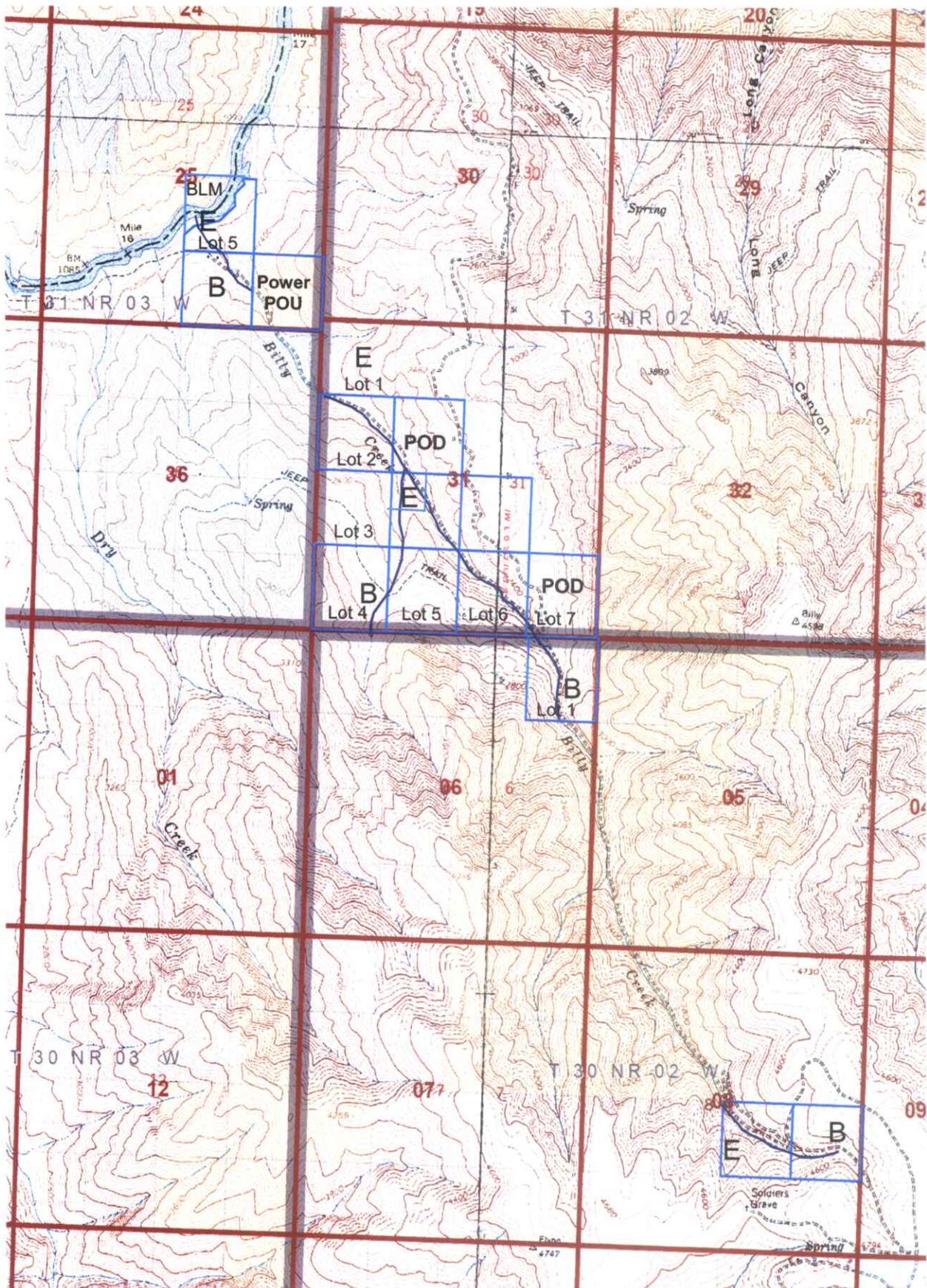
05-20-1912



Private POU
Patent Dates



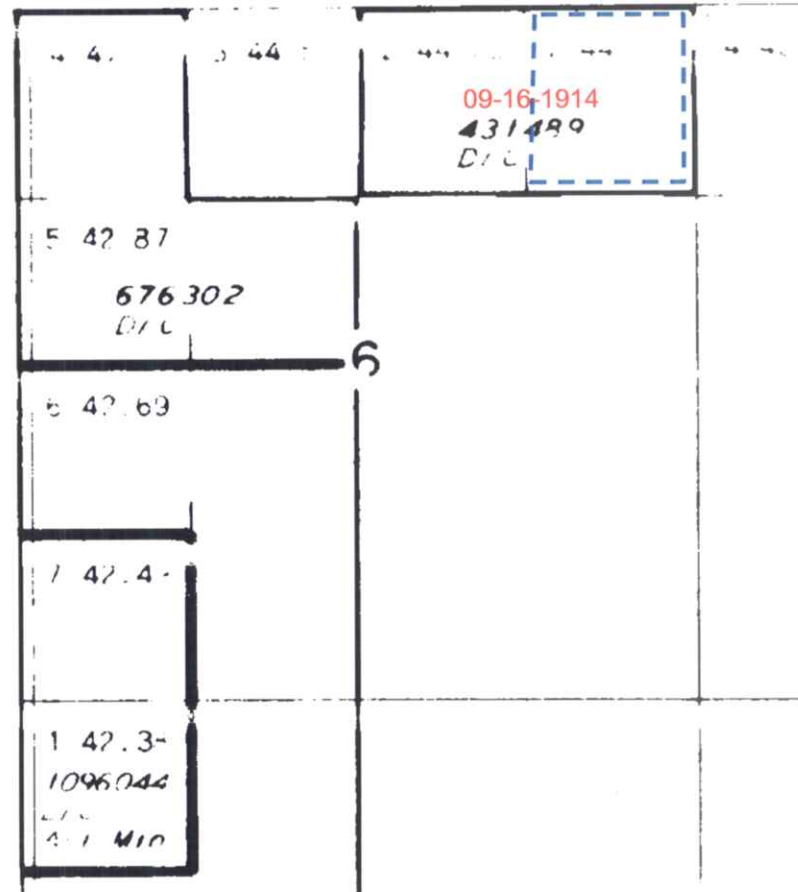
79-14051
Horseshoe Bend Ranch Inc.



T30N R02W

Private POU

Patent Dates



The United States of America,

To all in 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 full payment has been made by the claimant Richard P. Nash according to the provisions of the Act of Congress approved March 3, 1877, entitled "An Act to provide for the sale of desert lands in certain States and Territories," as amended by the Act of March 3, 1891, for the Lots four, five, and nine, the northeast quarter of the southeast quarter, and the southwest quarter of the southeast quarter of Section twenty-five in Township thirty-one north of Range three west of the Boise Meridian, Idaho, containing one hundred seventy-eight and ninety-nine-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 the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said claimant and to the heirs of the said claimant the Tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, 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 FIFTH day of FEBRUARY in the year of our Lord one thousand nine hundred and NINETEEN and of the Independence of the United States the one hundred and FORTY-THIRD.

By the President: *Woodrow Wilson*
By: *W. P. LeRoy* Secretary,
S. A. C. Samson
Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number

664528

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 Coeur d'Alene, 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 **Henry Toman**

has been established and duly consummated, in conformity to law, for the Lot two and the south half of the southeast quarter of Section thirty, the southwest quarter of the southwest quarter of Section twenty-nine, the Lot two of Section thirty-one, the northwest quarter of the northeast quarter of Section thirty-two and the northeast quarter of the northeast quarter, the south half of the northwest quarter and the northwest quarter of the southwest quarter of Section thirty-three in Township thirty-one north of Range two west and the Lot one and the southeast quarter of the northeast quarter of Section one in Township thirty north of Range three west of the Boise Meridian, Idaho, containing four hundred ninety acres and twenty-nine hundredths of an acre,

according to the Official Plat of the Survey of the said Land, on file in the GENERAL LAND OFFICE:

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. Excepting and reserving, however, to the United States all the coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same pursuant to the provisions and limitations of the Act of December 29, 1916 (39 Stat., 862).

IN TESTIMONY WHEREOF, I, **Herbert Hoover,**

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-EIGHTH

(SEAL)

day of NOVEMBER In the year of our Lord one thousand nine hundred and EIGHTEEN and of the Independence of the United States the one hundred and FIFTY-SEVENTH

By the President:

By

Herbert Hoover
Leffie E. Dietz, Secretary.
Emma L. Hannon

Recorder of the General Land Office.

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
Lewis R. Jones

has been established and duly consummated, in conformity to law, for the **Lot seven, the north half of the
southeast quarter, the south half of the northeast quarter, the northwest
quarter of the northeast quarter, and the east half of the northwest quarter
of Section thirty-one in Township thirty-one north of Range two west of the
Boise Meridian, Idaho, containing three hundred twenty-four and seventy-
four-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-FIRST**

(SEAL)

day of **JULY** 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-SECOND**

By the President:

By

Woodrow Wilson
E. D. Bouldin, Assistant Secretary.
E. J. Samar,
Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number

593133

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 ASA JONES has been established and duly consummated, in conformity to law, for the LOT SIX OF SECTION THIRTY-ONE IN TOWNSHIP THIRTY-ONE NORTH OF RANGE TWO WEST OF THE BOISE MERIDIAN, IDAHO, CONTAINING FORTY-FIVE AND THIRTEEN-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, WILLIAM H. TAFT

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 TWENTIETH

(SEAL)

day of MAY In the year of our Lord one thousand nine hundred and TWELVE and of the Independence of the United States the one hundred and THIRTY-SIXTH

By the President:

By

Wm. H. Taft
H. O. LeRoy Secretary,
W. H. Taft
 Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number

268442

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 **the Heirs of Nannie Lemons, formerly Nannie Jones,** has been established and duly consummated, in conformity to law, for the **Lots three, four, and five and the northeast quarter of the southwest quarter of Section thirty-one in Township thirty-one north and the Lots four and five and the southeast quarter of the northwest quarter of Section six in Township thirty north all in Range two west of the Boise Meridian, Idaho, containing three hundred seven and sixty-one-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 **S** the tract of Land above described, TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant **S** and to the heirs and assigns of the said claimant **S** 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, in the District of Columbia, the **FIFTH**

(SEAL.)

day of **MAY** In the year of our Lord one thousand
nine hundred and **NINETEEN** and of the Independence of the
United States the one hundred and **FORTY-THIRD.**

By the President:

By

Woodrow Wilson
W. P. Le Roy Secretary.
L. P. Samal
Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number **676302**

The United States of America,

Do 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 full payment has been made by the claimant **Margaret M. Jones** according to the provisions of the Act of Congress of April 24, 1820, entitled "An Act making further provision for the sale of the Public Lands" and the acts supplemental thereto, for the **Lots one and two of Section six in Township thirty north of Range two west of the Boise Meridian, Idaho,** containing **eighty-nine and fifty-one-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 the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said claimant and to the heirs of the said claimant the Tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, 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 **SIXTEENTH**

(SEAL)

day of **SEPTEMBER** in the year of our Lord one thousand nine hundred and **FOURTEEN** and of the Independence of the United States the one hundred and **THIRTY-NINTH.**

By the President:

By

Woodrow Wilson
M. O. LeRoy Secretary,
John O'Connell
Acting Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number **431489**

TOWNSHIP 31 NORTH RANGE 3 WEST OF THE BOISE MERIDIAN, IDAHO

CEDAR VALLEY DISTRICT
COTTONWOOD

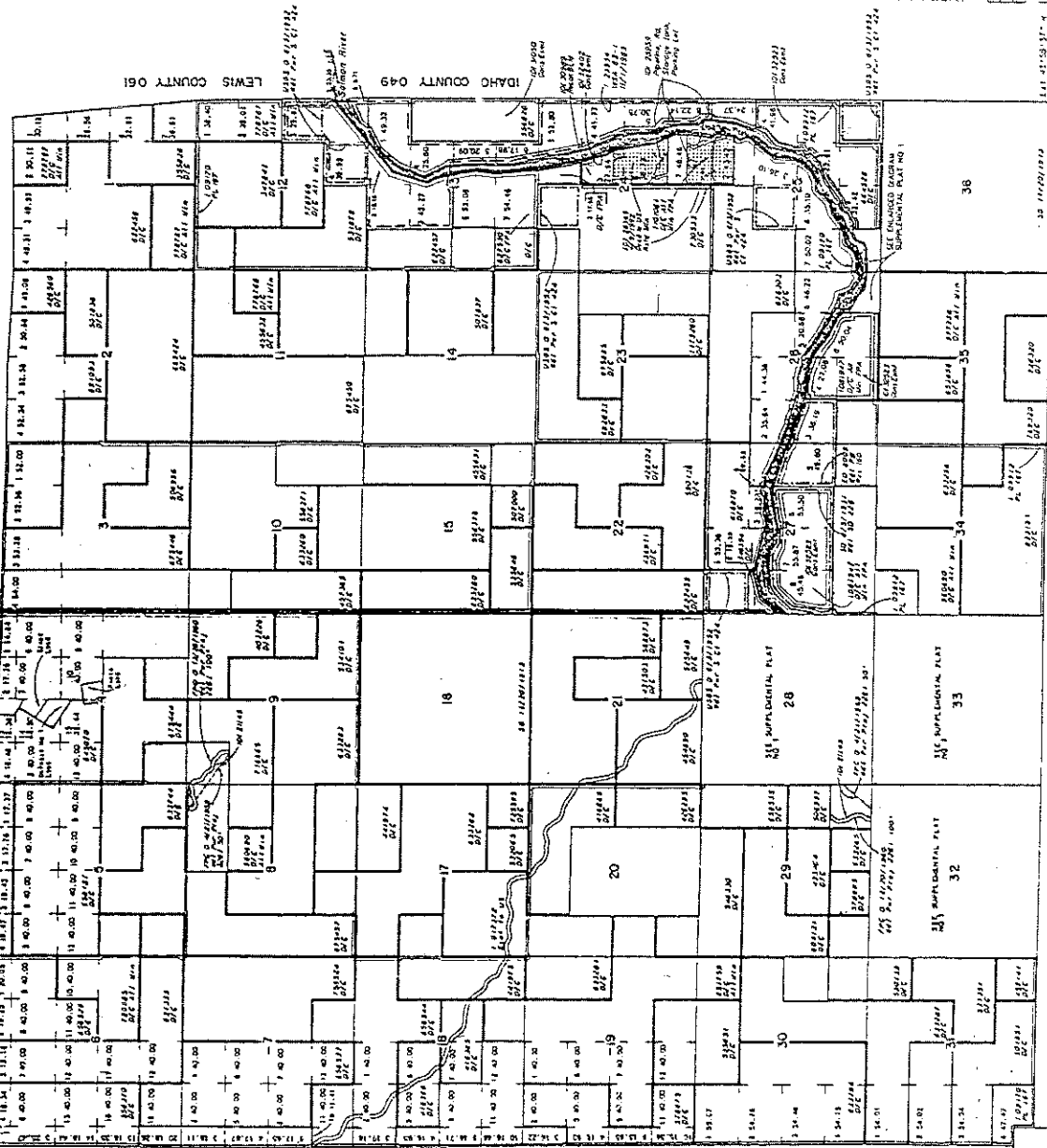
069 NEZ PERCE COUNTY
LEWIS COUNTY 061

LEWIS COUNTY 049

LEWIS COUNTY 061

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

INDEX TO SEQUESTED TRACTS	
TRACT NO.	SECTION
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WARNING STATEMENT
The plat in the Bureau's records of this town and range is not
guaranteed by the Bureau as to the accuracy of the plat. It is
the responsibility of the owner of the land to verify the plat with
the original records in the Bureau's records. The Bureau is not
responsible for any errors or omissions in the plat.

THE INFORMATION SHOWN ON THIS PLAT IS THE LAST
ACTION TAKEN BY THE BUREAU OF LAND MANAGEMENT
AND MAY NOT BE THE LATEST INFORMATION.
FOR THE LATEST INFORMATION, SEE THE ORIGINAL
DRAWING ORDER.

SCALE IN FEET
0 10 20 30 40 50 60 70 80 90 100

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