

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 63-03182  
(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: Jim D. Scarrow

Address: 3184 S 1900 E; Wendell, Idaho 83355

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 legal description for element nine (POU) above may include Federal land. The description should be specific enough to exclude Federal 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)

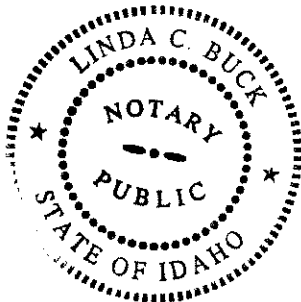
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price  
(Signature of person filing objection)

Larry A. Brown  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

June 13, 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 13<sup>th</sup>, 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: Jim D. Scarrow  
Address: 3184 S 1900 E; Wendell, Idaho 83355

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: 63-3182      Mixed POUs:  
NAME AND ADDRESS: JIM D SCARROW  
3184 S 1900 E  
WENDELL ID 83355      -The place of use identified below contains both private and public lands.  
-Please clarify such that only private land is intended.

SOURCE: GROUND WATER      TRIBUTARY:

QUANTITY: 6.680 CFS  
1,428.30 AFY

Rights 63-3182 and 63-31839 when combined shall not exceed a total annual maximum diversion volume of 703.8 af for commercial and stockwater uses.

The total instantaneous diversion of water from all points of diversion under Rights 63-3182, 63-3583, 63-7177, 63-7533, 63-31839, 63-31840, 63-31841, 63-31842, 63-31854 and 63-31855 shall not exceed 20.8 cfs, nor a total combined annual volume of 5185.5 af for the irrigation of 990 acres and dairy uses.

PRIORITY DATE: 02/19/1960

POINT OF

DIVERSION: T06N R05W S23 NENE Within PAYETTE County  
T06N R05W S23 NWNE Within PAYETTE County  
T06N R05W S23 SWNE Within PAYETTE County  
T06N R05W S23 NENW Within PAYETTE County  
T06N R05W S23 SESW Within PAYETTE County  
T06N R05W S23 NESE Within PAYETTE County  
T06N R05W S23 NESE Within PAYETTE County  
T06N R05W S23 SWSE Within PAYETTE County  
T06N R05W S24 NWNW Within PAYETTE County

Rights 63-3583, 63-7177, 63-7533, 63-31839, 63-31840, 63-31841, 63-31842, 63-31854 and 63-31855 are also diverted through the points of diversion described above.

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY                |
|----------------|---------------|-------------------------|
| IRRIGATION     | 03/01 11/15   | 2.460 CFS<br>724.50 AFY |
| STOCKWATER     | 01/01 12/31   | 2.000 CFS<br>334.30 AFY |
| COMMERCIAL     | 01/01 12/31   | 2.220 CFS<br>369.50 AFY |

Commercial use is for a dairy.

PLACE OF USE: IRRIGATION in PAYETTE County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T06N R05W S13 | SWSW | 40.00 | T06N R05W S14 | SWSW | 37.00 |
| T06N R05W S14 | SESE | 20.00 | T06N R05W S15 | SESE | 39.00 |
| T06N R05W S22 | NENE | 40.00 | T06N R05W S22 | NWNE | 39.00 |
| T06N R05W S22 | SWNE | 35.00 | T06N R05W S22 | SENE | 40.00 |
| T06N R05W S22 | NENW | 39.00 | T06N R05W S22 | SENW | 39.00 |
| T06N R05W S22 | NESW | 39.00 | T06N R05W S22 | SESW | 39.00 |
| T06N R05W S22 | NESE | 40.00 | T06N R05W S22 | NWSE | 40.00 |

|       |               |      |       |               |      |       |       |
|-------|---------------|------|-------|---------------|------|-------|-------|
|       | T06N R05W S22 | SWSE | 40.00 | T06N R05W S22 | SESE | 40.00 |       |
|       | T06N R05W S23 | NENE | 11.00 | T06N R05W S23 | SWNE | 32.00 |       |
|       | T06N R05W S23 | SENE | 6.00  | T06N R05W S23 | NENW | 10.00 |       |
|       | T06N R05W S23 | NWNW | 40.00 | T06N R05W S23 | SWNW | 40.00 |       |
|       | T06N R05W S23 | SENW | 40.00 | T06N R05W S23 | NESW | 40.00 |       |
|       | T06N R05W S23 | NWSW | 37.00 | T06N R05W S23 | SESW | 20.00 | Mixed |
|       | T06N R05W S23 | NESE | 23.00 | T06N R05W S23 | NWSE | 40.00 |       |
| Mixed | T06N R05W S23 | SWSE | 20.00 | T06N R05W S24 | NWNW | 18.00 |       |
|       | T06N R05W S24 | SWNW | 7.00  |               |      |       |       |

STOCKWATER in PAYETTE County

|               |      |               |      |
|---------------|------|---------------|------|
| T06N R05W S14 | SESW | T06N R05W S14 | SWSE |
| T06N R05W S14 | SESE | T06N R05W S23 | NENE |
| T06N R05W S23 | NWNE | T06N R05W S23 | SWNE |
| T06N R05W S23 | SENE | T06N R05W S23 | NENW |
| T06N R05W S24 | NWNW | T06N R05W S24 | SWNW |

COMMERCIAL in PAYETTE County

|               |      |               |      |
|---------------|------|---------------|------|
| T06N R05W S14 | SESW | T06N R05W S14 | SWSE |
| T06N R05W S14 | SESE | T06N R05W S23 | NENE |
| T06N R05W S23 | NWNE | T06N R05W S23 | SWNE |
| T06N R05W S23 | SENE | T06N R05W S23 | NENW |
| T06N R05W S24 | NWNW | T06N R05W S24 | SWNW |

990 ACRES TOTAL

This right is limited to the irrigation of 161 acres within the place of use described above in a single irrigation season.

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 - License

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Failure of the right holder to comply with the conditions of Transfer 71619 is cause for the Director to rescind approval of the transfer.

Prior to diversion of water under Transfer 71619, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Prior to the diversion and use of water under Transfer 71619, the right holder shall comply with applicable county zoning and use ordinances.

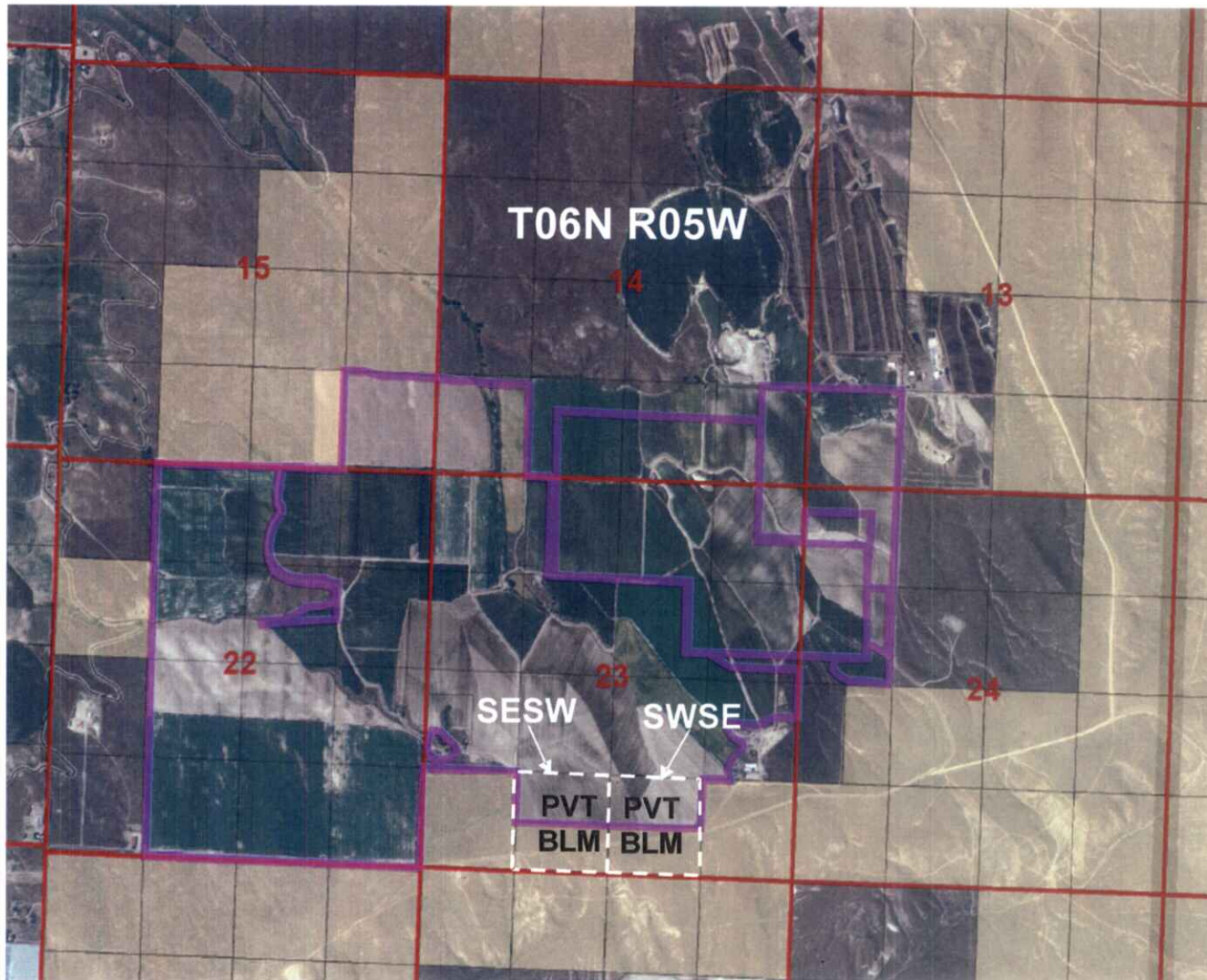
After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

Stockwater use is for 16,598 dairy cattle.

Prior to the diversion and use of water under Transfer 71619, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.

The right holder shall accomplish the change authorized by Transfer 71619 within one year of the date of the approval.

63-031832 & 63-31839  
Jim D. Scarrow



**Mixed POUs:**

- The places of use T06N R05W S23 SESW & SWSE contains both private and public lands.
- Please clarify such that only private land is intended by inserting the following remark under place of use:  
**"The place of use does not include federal public land."**

