

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 63-00136
(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: Boise Project Board of Control; attn Albert Barker

Address: P.O. Box 2139; Boise, Idaho 83702-2139

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 federal public 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)

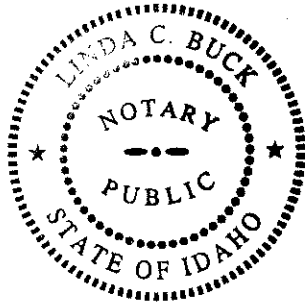
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

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 13th, 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: Boise Project Board of Control; attn Albert Barker

Address: P.O. Box 2139; Boise, Idaho 83702-2139

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: 63-136

NAME AND ADDRESS: BOISE PROJECT BOARD OF CONTROL
ATTN ALBERT BARKER
BARKER ROSHOLT
PO BOX 2139
BOISE ID 83702-2139

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 20.000 CFS

This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 09/01/1864

POINT OF
DIVERSION: T02N R03E S3 NWSW Lot 6 Within ADA County
T02N R03E S3 NWSW Lot 9 Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	3/15 11/15	20.000 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE:

167000 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Place of Use is 195,526 irrigated acres within the following irrigation district boundaries: Boise-Kuna Irrigation District, Nampa-Meridian Irrigation District, Wilder Irrigation District, New York Irrigation District, and the Big Bend Irrigation District.

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 - Decreed

This right is designated as No. 8 in the Stewart Decree and the Boise Water Distribution Report.

BOISE DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

INDEX TO SEGREGATED TRACTS				ORIGINAL SURVEY	
TRACT NO	T	N	SEC		
RESURVET					

RE. OSBERT WILDER Irrigation List fact of Cong.
9/11/1916, effects land in
SECS 5, 6, 8, 9, 10, 22, 34
Proc 2415, 7/25/1940 WY State River Map, all US
landed in Snake River, RD 3116, lands to Deer
flat NW
SECS 17, 18, 20, 21, 27, 28, 34

1 4300 Trans of excess land to GSA B/30/972
Sec 34: Unsurveyed Marsling Island in Snake River

[illegible]

Case	Age (years)	Sex	Location	Time of day	Time of year	Time of onset	Time of death	Time of burial	Time of autopsy	Time of report	Time of review
1	20	Male	London	10:00	Summer	10:00	10:00	10:00	10:00	10:00	10:00
2	25	Female	London	15:00	Autumn	15:00	15:00	15:00	15:00	15:00	15:00
3	30	Male	London	20:00	Winter	20:00	20:00	20:00	20:00	20:00	20:00
4	35	Female	London	05:00	Spring	05:00	05:00	05:00	05:00	05:00	05:00
5	40	Male	London	12:00	Summer	12:00	12:00	12:00	12:00	12:00	12:00
6	45	Female	London	18:00	Autumn	18:00	18:00	18:00	18:00	18:00	18:00
7	50	Male	London	22:00	Winter	22:00	22:00	22:00	22:00	22:00	22:00
8	55	Female	London	08:00	Spring	08:00	08:00	08:00	08:00	08:00	08:00
9	60	Male	London	14:00	Summer	14:00	14:00	14:00	14:00	14:00	14:00
10	65	Female	London	20:00	Autumn	20:00	20:00	20:00	20:00	20:00	20:00
11	70	Male	London	06:00	Winter	06:00	06:00	06:00	06:00	06:00	06:00
12	75	Female	London	11:00	Spring	11:00	11:00	11:00	11:00	11:00	11:00
13	80	Male	London	16:00	Summer	16:00	16:00	16:00	16:00	16:00	16:00
14	85	Female	London	21:00	Autumn	21:00	21:00	21:00	21:00	21:00	21:00
15	90	Male	London	07:00	Winter	07:00	07:00	07:00	07:00	07:00	07:00
16	95	Female	London	13:00	Spring	13:00	13:00	13:00	13:00	13:00	13:00
17	100	Male	London	19:00	Summer	19:00	19:00	19:00	19:00	19:00	19:00
18	105	Female	London	23:00	Autumn	23:00	23:00	23:00	23:00	23:00	23:00
19	110	Male	London	09:00	Winter	09:00	09:00	09:00	09:00	09:00	09:00
20	115	Female	London	15:00	Spring	15:00	15:00	15:00	15:00	15:00	15:00

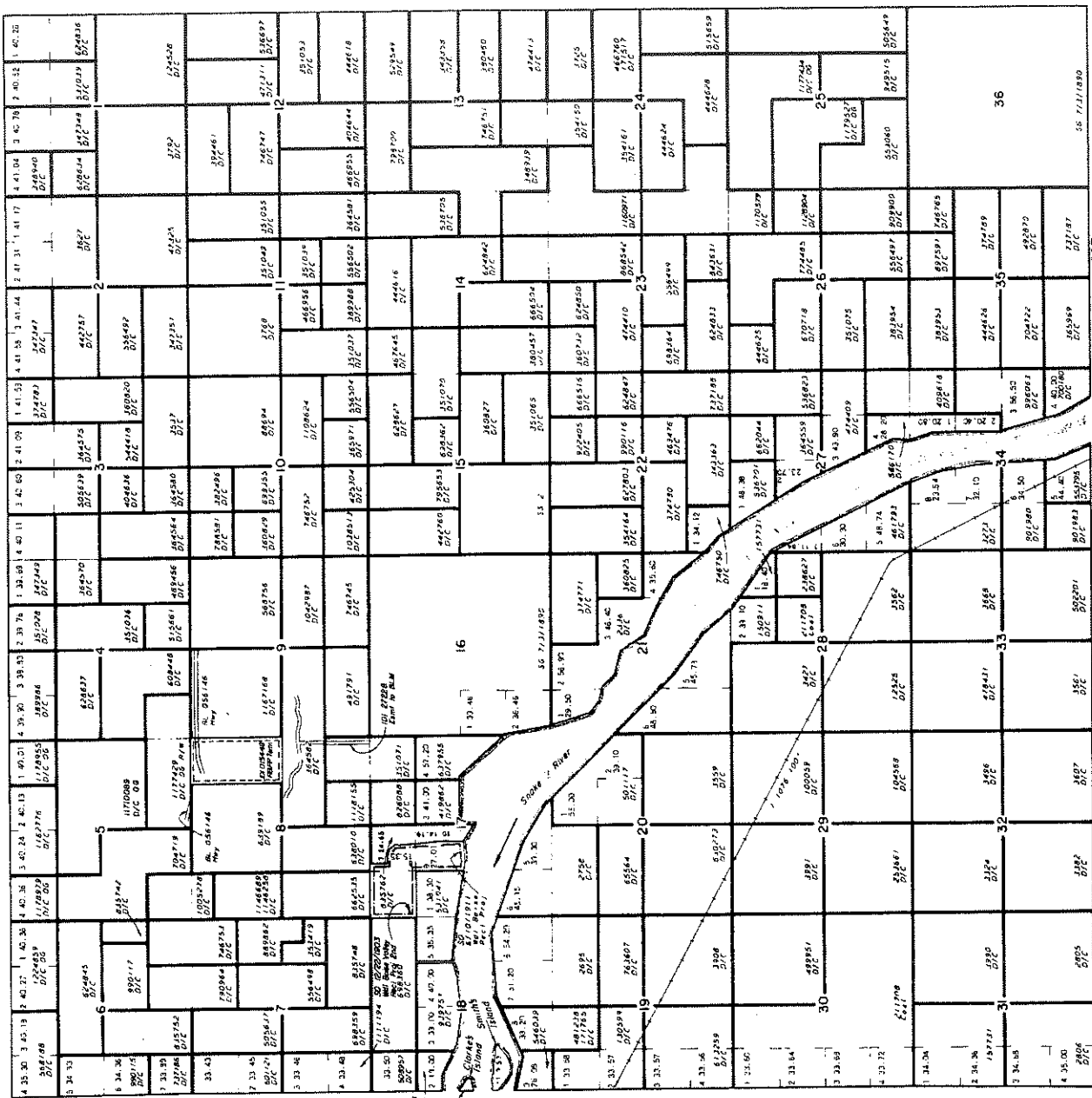
[illegible]

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

DATE	CURRENT TO	CURRENT TO
10/1/20	10/1/20	10/1/20

USE PLATS

Boise Men	3N	4W
7.		
8.		



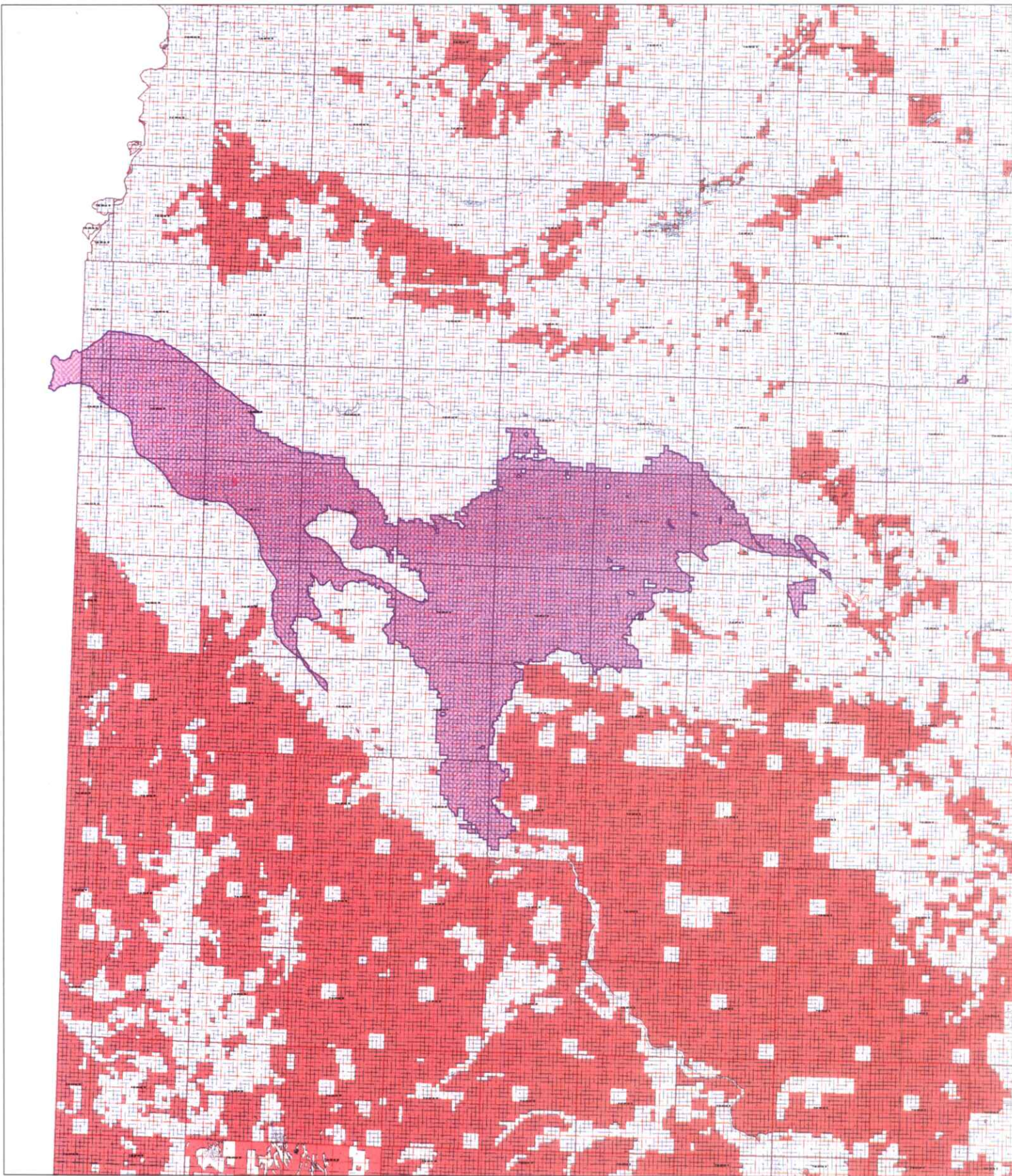
SCALE in Chains

0 5 0 10 20 30 40

WARNING STATEMENT

This plot is the Bureau's Record of Traffic and should be viewed only as a graphic display of the township survey data. Records hereon do not reflect title changes which may have been effected by land movements of tracts or other bodies of water (see enclosed survey information).

0 5 0 10 20 30

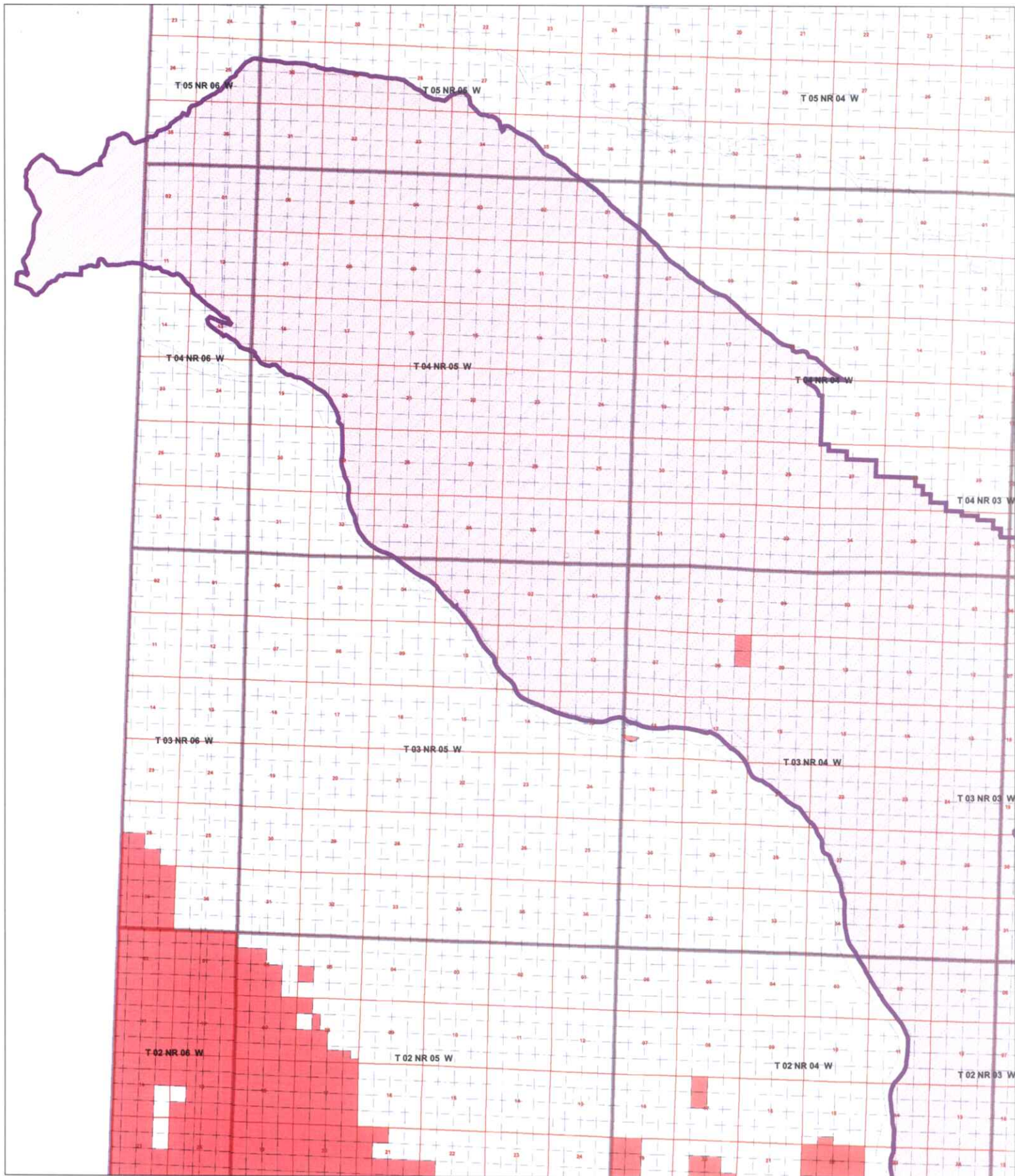


Legend

- SECTIONS_ID24_POLY
- BLM
- TOWNSHIPS_ID24_POLY
- bpbcbndy 63-00136 et. al.

0 0.5 1 2 3 4 Miles



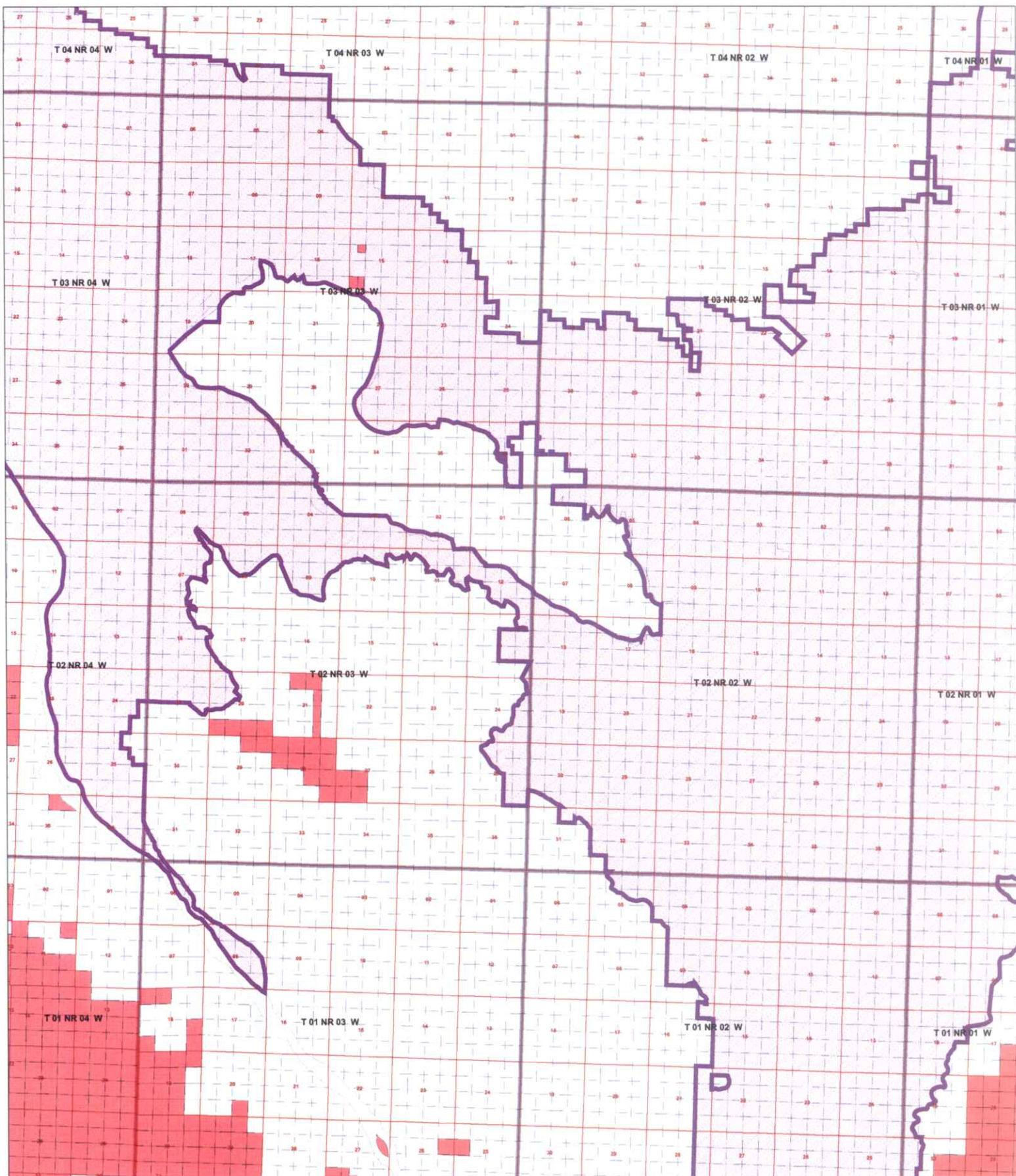


Legend

- SECTIONS_ID24_POLY
- BLM
- TOWNSHIPS_ID24_POLY
- bpbcbndy 63-00136 et. al.

0 12950.50.75 1
Miles





Legend

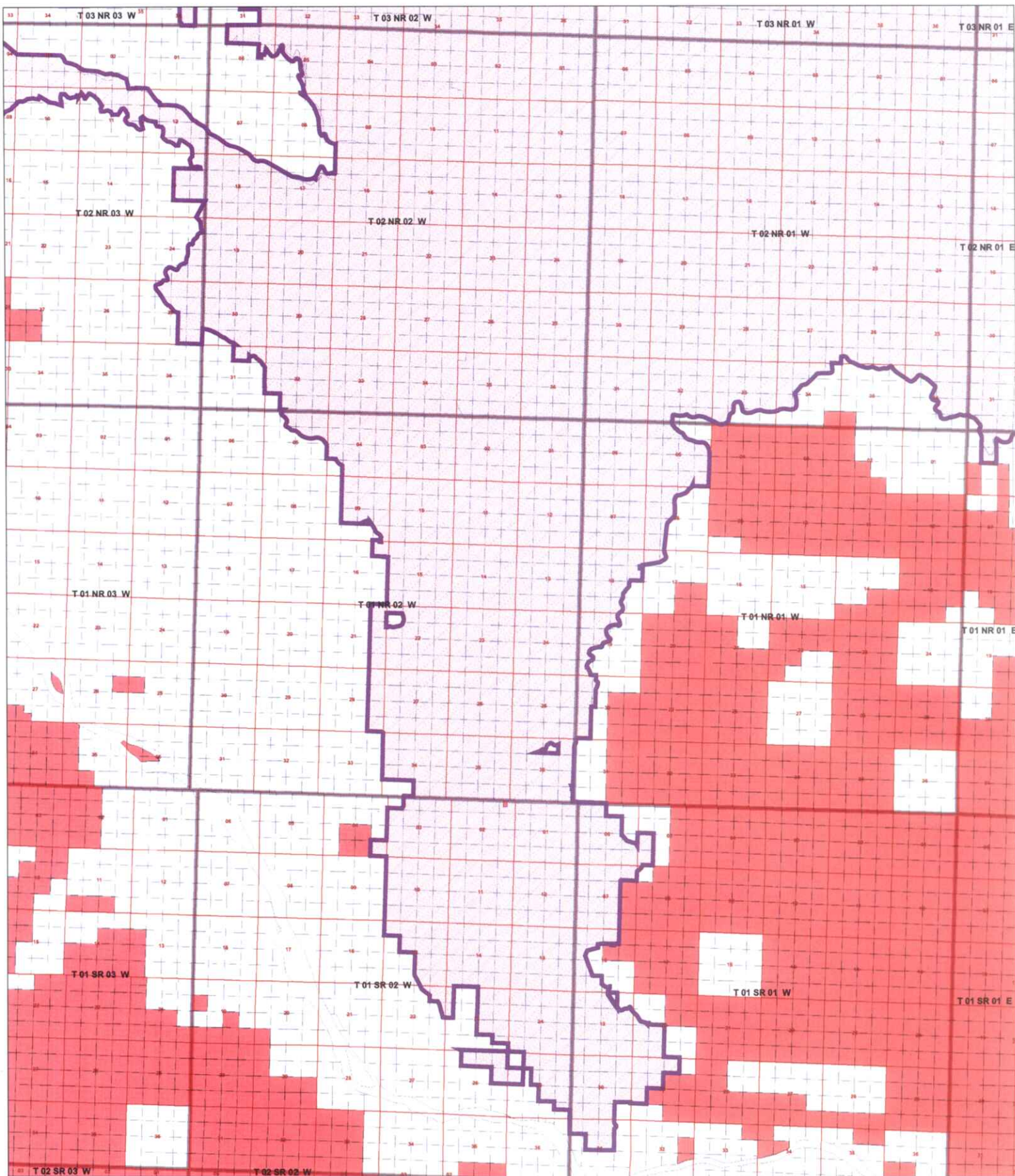
- SECTIONS_ID24_POLY
- BLM
- TOWNSHIPS_ID24_POLY
- bpbcbndy 63-00136 et. al.

1:50,000
Scale
Miles



U.S. Department of the Interior
Bureau of Land Management
600 North Broadway
Bozeman, MT 59717
(406) 526-7000
www.blm.gov



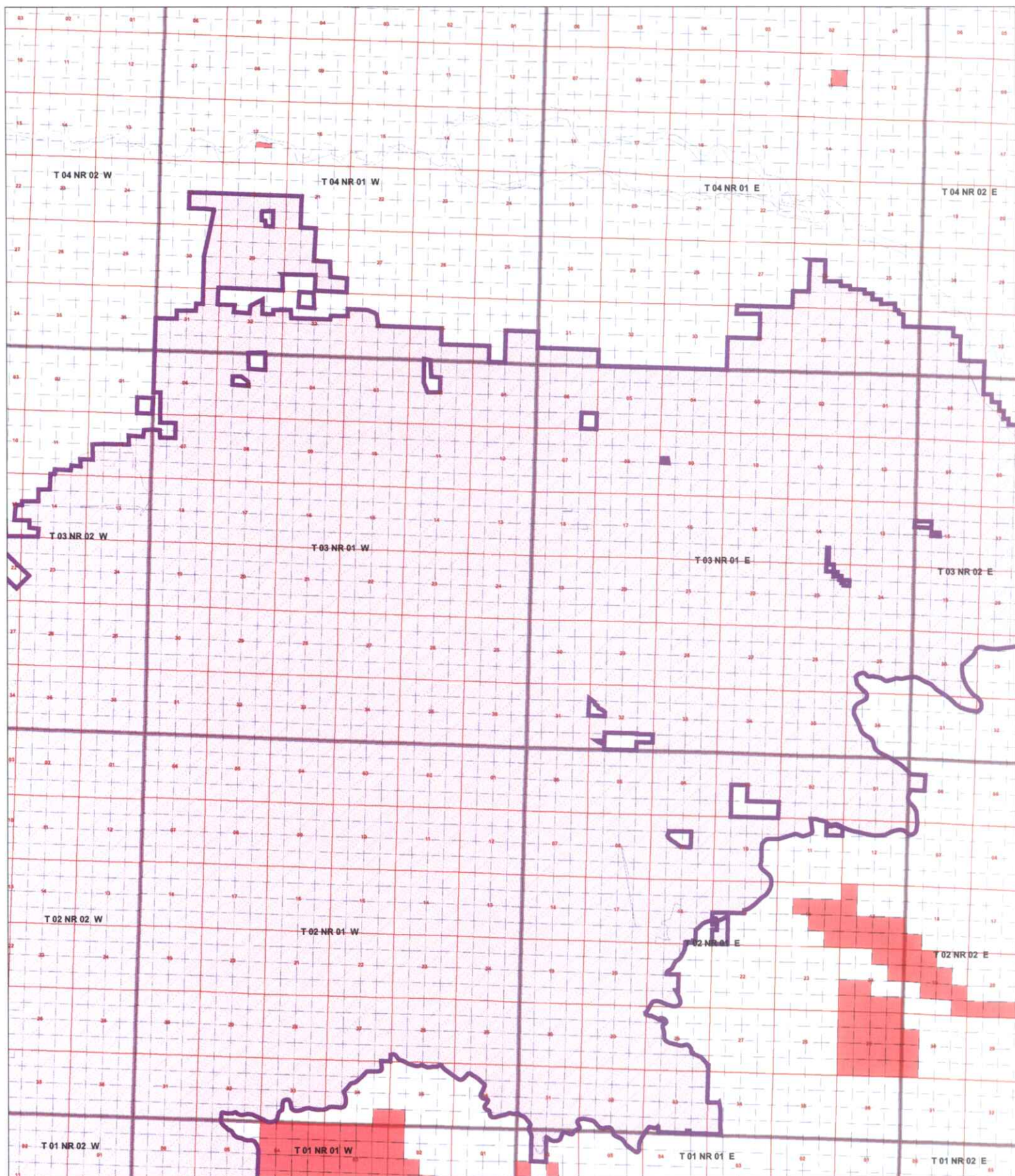


Legend

- SECTIONS_ID24_POLY
- BLM
- TOWNSHIPS_ID24_POLY
- bpbcbndy 63-00136 et. al.

0 12850.50.75 1
Miles





Legend

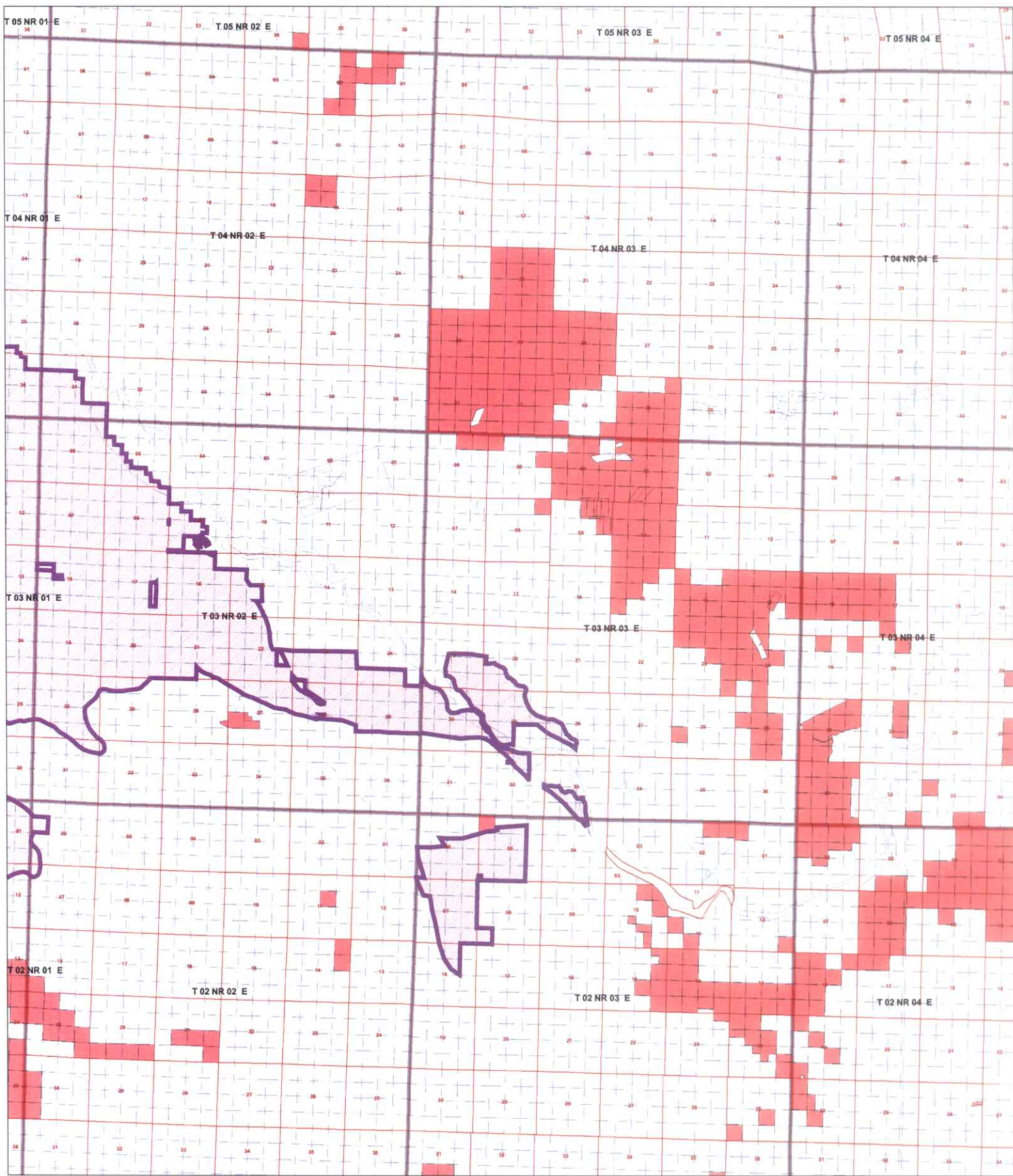
- SECTIONS_ID24_POLY
- BLM
- TOWNSHIPS_ID24_POLY
- bpbcbndy 63-00136 et. al.

1250.5075 1
Miles



U.S. Department of the Interior
Bureau of Land Management
1515 North 2nd Avenue
Bozeman, MT 59717
406/556-6000
www.blm.gov





Legend

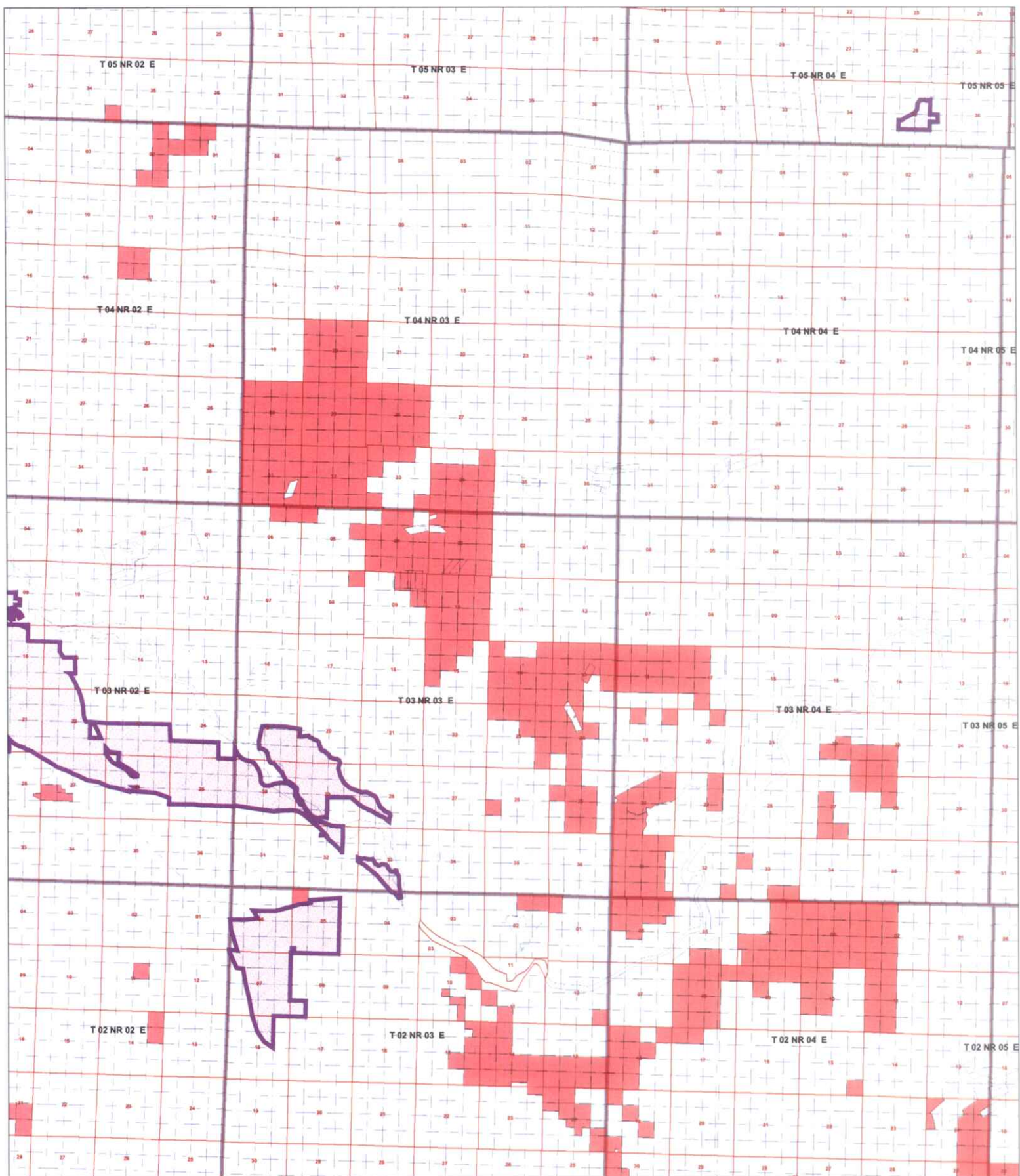
- SECTIONS_ID24_POLY
- BLM
- TOWNSHIPS_ID24_POLY
- bpbcbndy 63-00136 et. al.

12850.50.75 1
Miles



U.S. Department of the Interior
Bureau of Land Management
600 North Broadway
Bozeman, MT 59717
The boundary is located in the
Bureau of Land Management
Inventory of the B.L.M.
Map No. 100-1-100
© 2008. All rights reserved.
Bureau of Land Management
Bozeman, MT 59717





Legend

- SECTIONS_ID24_POLY
- BLM
- TOWNSHIPS_ID24_POLY
- bpbc_bndy 63-00136 et. al.

12850.50.75 1
Miles

