

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 37-00213
(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: Picabo Livestock Co., Inc.
Address: P.O. Box 748; Picabo, Idaho 83348

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 a portion of the use is claimed. This claim is for irrigation and stockwater. There is one stockwater Place of Use (POU) on federal public land where there is no recommended irrigation POU. The inclusion of this stockwater POU may be a typographical error.

F.

VERIFICATION (Must be Completed)

State of Idaho

)

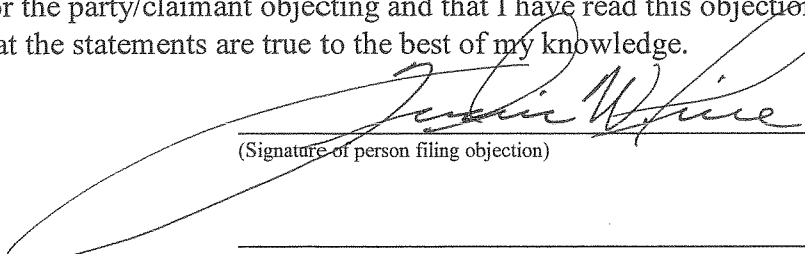
) ss.

County of ADA

)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

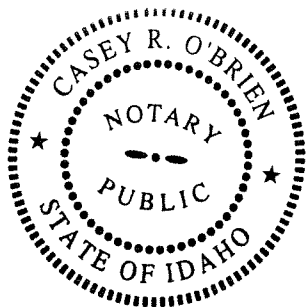
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: November 11, 2009


Casey R. O'Brien



Notary Public for State of Idaho

Residing at: Nampa, ID.

My Commission Expires: 10-31-2009

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 Nov. 13, 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:

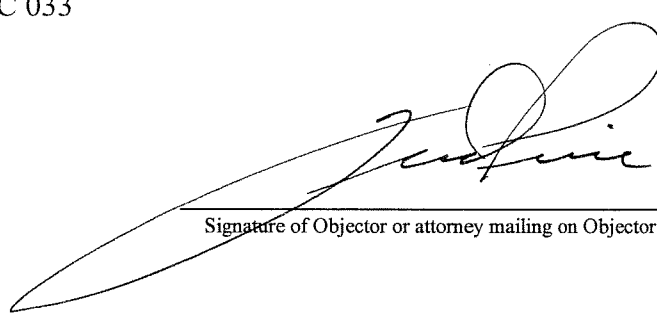
Name: Picabo Livestock Co., Inc.
Address: P.O. Box 748; Picabo, Idaho 83348
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

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: 37-213

NAME AND ADDRESS: PICABO LIVESTOCK CO INC
PO BOX 748
PICABO ID 83348

SOURCE: LOVING CREEK
SILVER CREEK

TRIBUTARY: SILVER CREEK
TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 1.600 CFS

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

Rights 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-11892, 37-11898, 37-11900, 37-11903, and 37-20609 when combined shall not exceed a total diversion rate of 72.78 cfs, nor a total combined annual volume measured at the field headgate of 9505.2 af. These rights shall not exceed an annual diversion volume of 9489.6 af at the field headgate for irrigation purposes, nor a diversion rate of 0.17 cfs and an annual diversion volume 15.6 af for stockwater purposes.

The total instantaneous diversion of water from all points of diversion for all surface rights identified under this transfer No. 69626 and the ground water rights identified under transfer 69624 shall not exceed 72.78 cfs, nor a total combined annual volume measured at the field headgate of 9489.6 af for irrigation purposes.

PRIORITY DATE: 04/01/1885

POINT OF
DIVERSION: T01S R19E S24 NESENW Within BLAINE County
T01S R20E S20 SWSWSE Within BLAINE County
T01S R20E S30 SWNEENW Within BLAINE County
T01S R20E S30 NENWNW Lot 1 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.120 CFS
IRRIGATION	04/15 10/31	1.600 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01S R20E S19	NENE	40.00	T01S R20E S19	SENE	39.00
T01S R20E S19 Lot 4	SWSW	38.00	T01S R20E S19	SESW	39.00
T01S R20E S19	NESE	26.00	T01S R20E S19	NWSE	32.00
T01S R20E S19	SWSE	35.00	T01S R20E S19	SESE	37.00
T01S R20E S20	NWNW	40.00	T01S R20E S20	SWNW	40.00
T01S R20E S20	NESW	30.00	T01S R20E S20	NWSW	38.00
T01S R20E S20	SWSW	19.00	T01S R20E S20	SESW	19.00
T01S R20E S20	NESE	40.00	T01S R20E S20	NWSE	36.00
T01S R20E S20	SWSE	11.00	T01S R20E S20	SESE	36.00
T01S R20E S21	SWNE	40.00	T01S R20E S21	SENE	27.00
T01S R20E S21	NESW	40.00	T01S R20E S21	NWSW	40.00
T01S R20E S21	SWSW	40.00	T01S R20E S21	SESW	36.00

POU on BLM:

- Stockwater use under this claim is recommended as being incidental to the irrigation use.
- Since there is no recommended irrigation POU on BLM within NWSW, S29, T01S, R20E, the stockwater POU should be removed.
- Irrigation of public land is not authorized.

T01S R20E S21	NESE	40.00	T01S R20E S21	NWSE	40.00
T01S R20E S21	SWSE	37.00	T01S R20E S21	SESE	28.00
T01S R20E S22	SWNW	23.00	T01S R20E S22	SENW	19.00
T01S R20E S22	NESW	6.80	T01S R20E S22	NWSW	36.00
T01S R20E S22	SWSW	37.00	T01S R20E S22	SESW	27.00
T01S R20E S26	NWSW	14.00	T01S R20E S26	SWSW	36.00
T01S R20E S26	SESW	3.00	T01S R20E S27	NWNE	20.00
T01S R20E S27	SWNE	29.00	T01S R20E S27	NENW	36.00
T01S R20E S27	NWNW	18.00	T01S R20E S27	SWNW	32.00
T01S R20E S27	SENW	22.00	T01S R20E S27	NESW	15.00
T01S R20E S27	NWSW	24.00	T01S R20E S27	SWSW	0.60
T01S R20E S27	SESW	12.00	T01S R20E S27	NESE	30.00
T01S R20E S27	NWSE	16.00	T01S R20E S27	SWSE	32.00
T01S R20E S27	SESE	36.00	T01S R20E S28	NENE	20.00
T01S R20E S28	NWNE	24.00	T01S R20E S28	SWNE	34.00
T01S R20E S28	SENE	29.00	T01S R20E S28	NENW	17.00
T01S R20E S28	NWNW	22.00	T01S R20E S28	SWNW	40.00
T01S R20E S28	SENW	38.00	T01S R20E S28	NESW	40.00
T01S R20E S28	NWSW	40.00	T01S R20E S28	SWSW	32.00
T01S R20E S28	SESW	38.00	T01S R20E S28	NESE	40.00
T01S R20E S28	NWSE	40.00	T01S R20E S28	SWSE	36.00
T01S R20E S28	SESE	6.40	T01S R20E S29	NENE	29.00
T01S R20E S29	NWNE	38.00	T01S R20E S29	SWNE	40.00
T01S R20E S29	SENE	40.00	T01S R20E S29	NENW	33.00
T01S R20E S29	NWNW	27.00	T01S R20E S29	SWNW	33.00
T01S R20E S29	SENW	40.00	T01S R20E S29	NESW	36.00
T01S R20E S29	NESE	40.00	T01S R20E S29	NWSE	39.00
T01S R20E S29	SWSE	2.80	T01S R20E S29	SESE	29.00
T01S R20E S30	NENE	30.00	T01S R20E S30	NWNE	35.00
T01S R20E S30	SWNE	40.00	T01S R20E S30	SENE	31.00
T01S R20E S30	NENW	18.00	T01S R20E S30 Lot 1	NWNW	2.00
T01S R20E S30	SENW	15.00	T01S R20E S30	NESE	37.00
T01S R20E S30	NWSE	40.00	T01S R20E S30	SWSE	35.00
T01S R20E S30	SESE	40.00	T01S R20E S31	NENE	40.00
T01S R20E S31	NWNE	15.00	T01S R20E S31	SENE	40.00
T01S R20E S33	NENE	4.90	T01S R20E S33	NWNE	19.00
T01S R20E S33	NENW	4.40	T01S R20E S34	NENE	40.00
T01S R20E S34	NWNE	40.00	T01S R20E S34	NENW	34.00
T01S R20E S34	NWNW	0.50	T01S R20E S35	NWNW	41.00
T01S R20E S35	SWNW	25.00			

STOCKWATER in BLAINE County

T01S R20E S19	NENE	T01S R20E S19	SENE
T01S R20E S19	NESW	T01S R20E S19 Lot 4	SWSW
T01S R20E S19	SESW	T01S R20E S19	NESE
T01S R20E S19	NWSE	T01S R20E S19	SWSE
T01S R20E S19	SESE	T01S R20E S20	NWNW
T01S R20E S20	SWNW	T01S R20E S20	NESW
T01S R20E S20	NWSW	T01S R20E S20	SWSW

T01S R20E S20	SESW	T01S R20E S20	NESE
T01S R20E S20	NWSE	T01S R20E S20	SWSE
T01S R20E S20	SESE	T01S R20E S21	NENE
T01S R20E S21	SWNE	T01S R20E S21	SENE
T01S R20E S21	NESW	T01S R20E S21	NWSW
T01S R20E S21	SWSW	T01S R20E S21	SESW
T01S R20E S21	NESE	T01S R20E S21	NWSE
T01S R20E S21	SWSE	T01S R20E S21	SESE
T01S R20E S22	SWNW	T01S R20E S22	SENW
T01S R20E S22	NESW	T01S R20E S22	NWSW
T01S R20E S22	SWSW	T01S R20E S22	SESW
T01S R20E S22	SWSE	T01S R20E S26	NWSW
T01S R20E S26	SWSW	T01S R20E S26	SESW
T01S R20E S27	NWNE	T01S R20E S27	SWNE
T01S R20E S27	NENW	T01S R20E S27	NWNW
T01S R20E S27	SWNW	T01S R20E S27	SENW
T01S R20E S27	NESW	T01S R20E S27	NWSW
T01S R20E S27	SWSW	T01S R20E S27	SESW
T01S R20E S27	NESE	T01S R20E S27	NWSE
T01S R20E S27	SWSE	T01S R20E S27	SESE
T01S R20E S28	NENE	T01S R20E S28	NWNE
T01S R20E S28	SWNE	T01S R20E S28	SENE
T01S R20E S28	NENW	T01S R20E S28	NWNW
T01S R20E S28	SWNW	T01S R20E S28	SENW
T01S R20E S28	NESW	T01S R20E S28	NWSW
T01S R20E S28	SWSW	T01S R20E S28	SESW
T01S R20E S28	NESE	T01S R20E S28	NWSE
T01S R20E S28	SWSE	T01S R20E S28	SESE
T01S R20E S29	NENE	T01S R20E S29	NWNE
T01S R20E S29	SWNE	T01S R20E S29	SENE
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T01S R20E S29	SWNW	T01S R20E S29	SENW
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T01S R20E S30	NWNE	T01S R20E S30	SWNE
T01S R20E S30	SENE	T01S R20E S30	NENW
T01S R20E S30 Lot 1	NWNW	T01S R20E S30	SENW
T01S R20E S30	NESE	T01S R20E S30	NWSE
T01S R20E S30	SWSE	T01S R20E S30	SESE
T01S R20E S31	NENE	T01S R20E S31	NWNE
T01S R20E S31	SWNE	T01S R20E S31	SENE
T01S R20E S33	NENE	T01S R20E S33	NWNE
T01S R20E S33	NENW	T01S R20E S34	NENE
T01S R20E S34	NWNE	T01S R20E S34	SWNE
T01S R20E S34	SENE	T01S R20E S34	NENW
T01S R20E S34	NWNW	T01S R20E S35	NWNW

BLM

3037.4 ACRES TOTAL

This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.

Right Nos. 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-11892, 37-11898, 37-11900, 37-11903, and 37-20609 are limited to the irrigation of a combined total of 2711.3 acres 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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.

This right is a combination of old rights 37-213A, 37-213B and 37-216.

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

Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

37-00186, 37-00187, 37-00189, 37-00213, 37-00215D, 37-00377, 37-00378,
37-02405, 37-11892, 37-11900, 37-11903, 37-20609;

Picabo Livestock Co. Inc.



37-00186, 37-00187, 37-00189, 37-00213, 37-00215D, 37-00377, 37-00378,
37-02405, 37-11892, 37-11900, 37-11903, 37-20609;

Picabo Livestock Co. Inc.

POU on BLM:

- Stockwater use under this claim is recommended as being incidental to the irrigation use.
- Since there is no recommended irrigation POU on BLM within NWSW, S29, T01S, R20E, the stockwater POU should be removed.
- Irrigation of public land is not authorized.



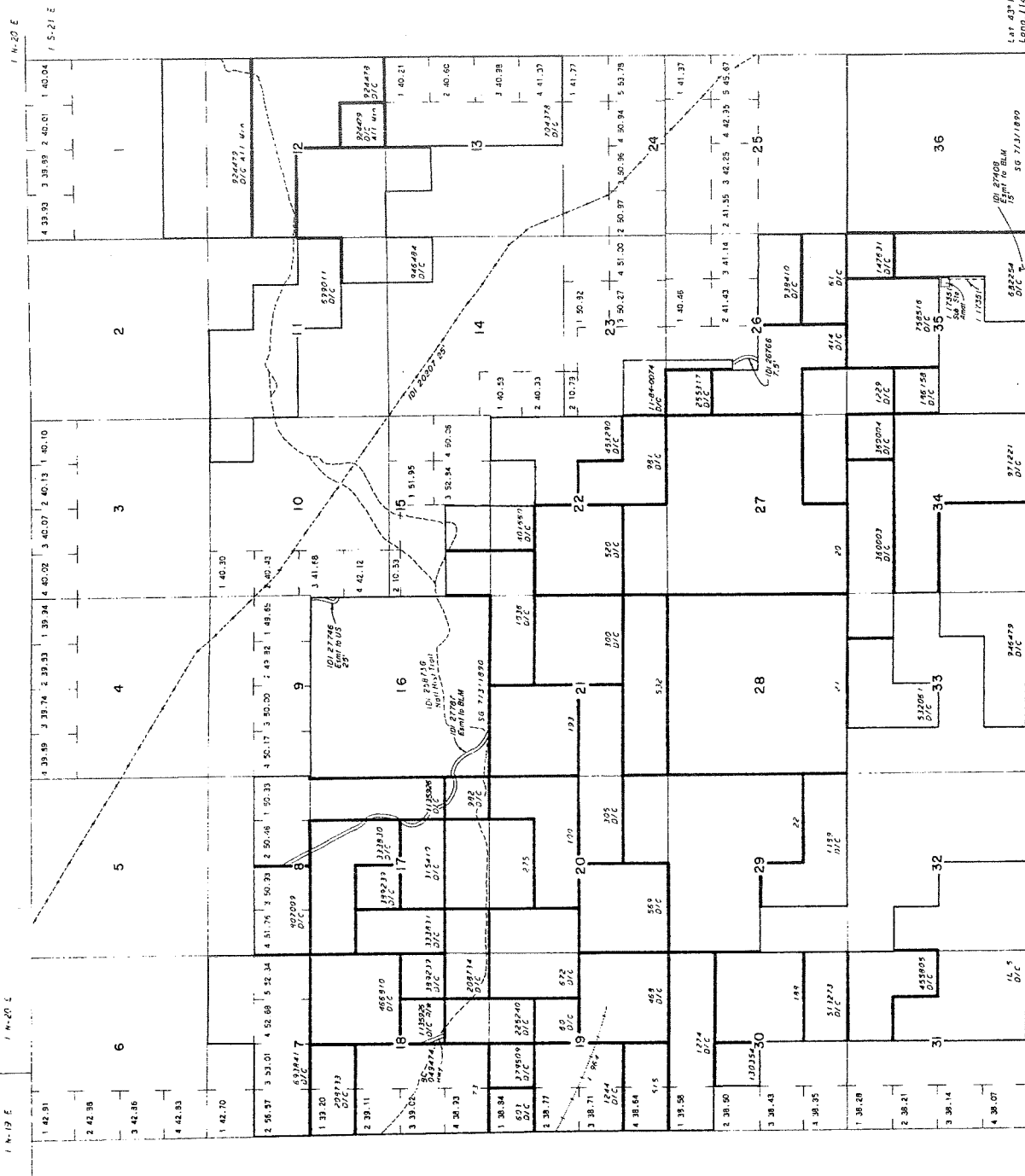
BLAINE COUNTY 013
SHOSHONE DISTRICT SEC J

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

INDEX TO SEGREGATED TRACTS			
ORIGINAL SURVEY			
TRACT NO	T	R	SEC
1	1	1	1
2	1	1	2
3	1	1	3
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IDI 258730 Natl Hist Trail
Historical information only, does not denote
public access



WARNING STATEMENT

This plot is the Bureau's Record of Tilt, and should be used only as a graphic display of the township survey data. Records herein do not reflect tilt changes which may have been affected by lateral movements of rivers or other bodies of water, or by the endostrol surveys for official survey information.

SCALE in Chains

THE NOTATION SINCE
ACTION TAKEN BY
THE HISTORICAL
DRAWAL ORDER.

Boxer Mer
T. 15...
R. 20E...

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

DATE	CURRENT TO	CURRENT TO
AUG 23 2004		

USE PLAT 9.