

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 37-00395
(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: Flat Top Sheep Co.
Address: P.O. Box 88; Carey, Idaho 83320
Name: Roger D. Ling (attorney for claimant)
Address: P.O. Box 396; Rupert, Idaho 83350
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 use a portion of the use is claimed. The claimant's use of Federal land is unauthorized. Claimant's water right should not include this POU.

F.

VERIFICATION (Must be Completed)

State of Idaho

)

) ss.

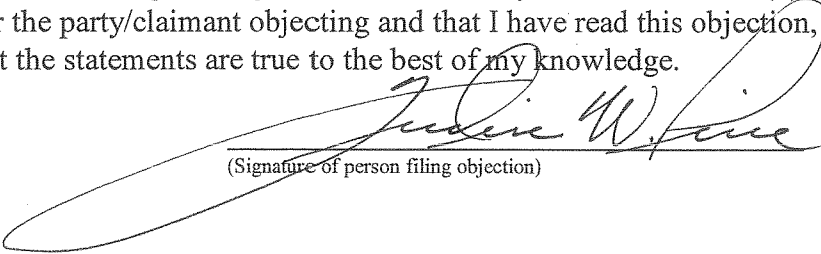
County of ADA

)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:

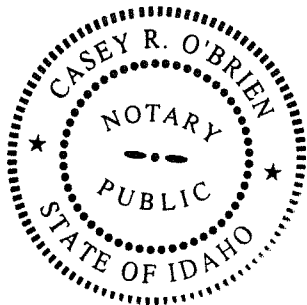
(Name of person filing objection)

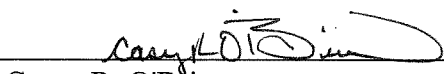
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: November 11, 2007




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:

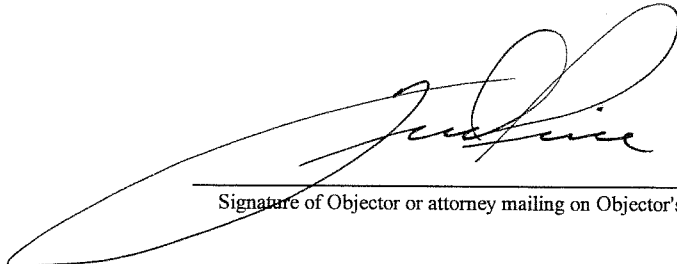
Name: Flat Top Sheep Co.
Address: P.O. Box 88; Carey, Idaho 83320
Name: Roger D. Ling (attorney for claimant)
Address: P.O. Box 396; Rupert, Idaho 83350
Name:
Address: ;
Name:
Address: ;

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: 37-395

NAME AND ADDRESS: FLAT TOP SHEEP CO
PO BOX 88
CAREY ID 83320

SOURCE: FRIEDMAN CREEK

TRIBUTARY: SOUTH FORK MULDOON
CREEK

QUANTITY: 3.200 CFS

PRIORITY DATE: 06/01/1888

POINT OF
DIVERSION: T02N R21E S12 SESWSE Within BLAINE County
T02N R21E S14 NENESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	3.200 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T02N R21E S13 NENW	26.50	T02N R21E S13 NWNW 29.00
	T02N R21E S13 SWNW	28.00	T02N R21E S13 SENW 32.00
	T02N R21E S13 NESW	12.00	T02N R21E S13 NWSW 23.00
	T02N R21E S14 SWNE	5.10	T02N R21E S14 SENE 25.00
	T02N R21E S14 NESW	1.70	T02N R21E S14 SESW 3.60
	T02N R21E S14 NESE	40.00	T02N R21E S14 NWSE 36.00
	T02N R21E S14 SWSE	38.00	T02N R21E S14 SESE 29.00
	T02N R21E S22 SESE	5.20	T02N R21E S23 NENE 32.00
	T02N R21E S23 NWNW	8.70	T02N R21E S23 SWNE 34.00
	T02N R21E S23 SENE	36.00	T02N R21E S23 NENW 1.50
	T02N R21E S23 SENW	27.00	T02N R21E S23 NESW 40.00
	T02N R21E S23 NWSW	13.00	T02N R21E S23 SWSW 35.00
	T02N R21E S23 SESW	40.00	T02N R21E S23 NESE 40.00
	T02N R21E S23 NWSE	40.00	T02N R21E S23 SWSE 40.00
	T02N R21E S23 SESE	40.00	T02N R21E S24 SWNW 38.00
BLM	T02N R21E S24 SENW	0.10	T02N R21E S24 NESW 18.00
	T02N R21E S24 NWSW	39.00	T02N R21E S24 SWSW 39.00
	T02N R21E S24 SESW	17.00	T02N R21E S25 NENW 13.00
	T02N R21E S25 NWNW	39.00	T02N R21E S25 SWNW 39.00
	T02N R21E S25 SENW	28.00	T02N R21E S25 NESW 18.00
	T02N R21E S25 NWSW	38.00	T02N R21E S25 SWSW 8.10
	T02N R21E S26 NENE	40.00	T02N R21E S26 NWNW 40.00
	T02N R21E S26 SWNE	40.00	T02N R21E S26 SENE 40.00
	T02N R21E S26 NENW	40.00	T02N R21E S26 NWNW 40.00
	T02N R21E S26 SWNW	40.00	T02N R21E S26 SENW 40.00
	T02N R21E S26 NESW	40.00	T02N R21E S26 NWSW 40.00
	T02N R21E S26 SWSW	37.00	T02N R21E S26 SESW 32.00
	T02N R21E S26 NESE	40.00	T02N R21E S26 NWSE 40.00
	T02N R21E S26 SWSE	32.00	T02N R21E S26 SESE 28.00
	T02N R21E S27 NENE	35.00	T02N R21E S27 NWNW 26.00

-POU on BLM:

The place of use T02N R21E S24 SENW 0.1 acres is not authorized.

-Please remove from recommendation and adjust shapefile accordingly.

T02N R21E S27	SWNE	40.00	T02N R21E S27	SENE	38.00
T02N R21E S27	NENW	2.50	T02N R21E S27	SWNW	2.40
T02N R21E S27	SENW	35.00	T02N R21E S27	NESW	17.00
T02N R21E S27	NWSW	2.80	T02N R21E S27	SESW	3.10
T02N R21E S27	NESE	40.00	T02N R21E S27	NWSE	40.00
T02N R21E S27	SWSE	20.00	T02N R21E S27	SESE	19.00
T02N R21E S35	NENE	13.00	T02N R21E S35	NWNE	14.00
T02N R21E S35	SWNE	25.00	T02N R21E S35	SENE	20.00
T02N R21E S35	NENW	16.00	T02N R21E S35	NWNW	8.40
T02N R21E S35	SENW	5.30			

2127 ACRES TOTAL

This right is limited to the irrigation of 1,600 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 1,600 acres in a single irrigation season. Combined Right Nos.: 37-390, 37-391, 37-392, 37-393, 37-394, 37-395, 37-396, 37-397, 37-398, 37-399, 37-400, and 37-401.

The rights listed below are limited to the irrigation of a combined total of 2,127 acres in a single irrigation season. Combined Right Nos.: 37-390, 37-391, 37-392, 37-393, 37-394, 37-395, 37-396, 37-397, 37-398, 37-399, 37-400, 37-401, 37-2092, 37-2234, 37-2294, 37-2260A, and 37-2260B.

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

Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

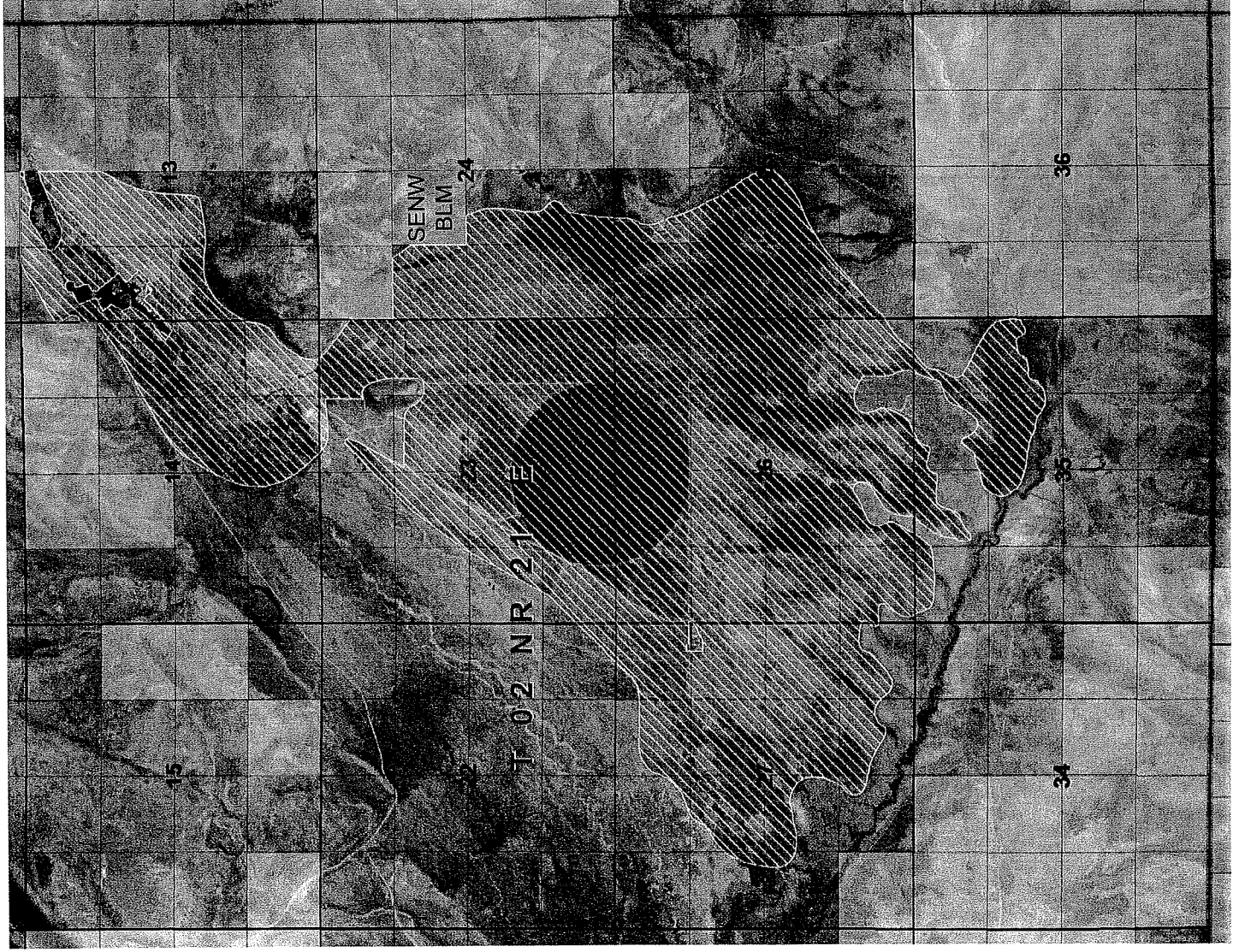
37-00390, 37-00391, 37-00392,
37-00393, 37-00394, 37-00395,
37-00396, 37-00397, 37-00398,
37-00399, 37-00400, 37-00401,
37-02092, 37-02234, 37-02260A,
37-02260B, 37-02294.

Flat Top Sheep Co.

-POU on BLM:

The place of use T02N R21E S24 SENW
0.1 acres is not authorized.

-Please remove from recommendation and
adjust shapefile accordingly.

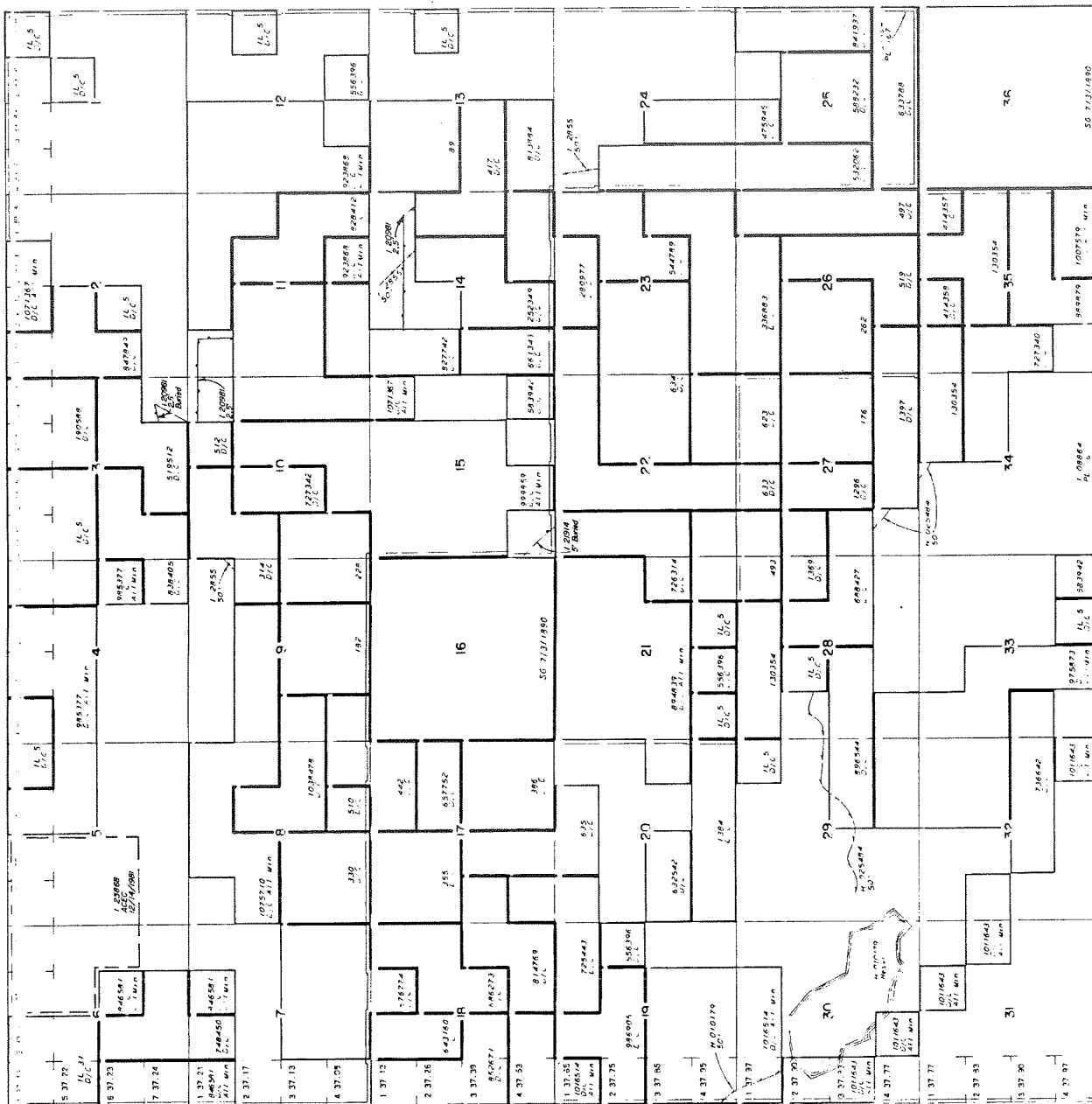


TOWNSHIP 2 NORTH RANGE 21 EAST OF THE ROICE MERIDIAN, IDAHO

BLAINE COUNTY 013
SHOSHONE DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT



INDEX TO SEPARATED TRACTS		
TRACT NO.	ORIGINAL SURVEY	SUBDIVISION
1	1	1
2	2	2
3	3	3
4	4	4
5	5	5
6	6	6
7	7	7
8	8	8
9	9	9
10	10	10
11	11	11
12	12	12
13	13	13
14	14	14
15	15	15
16	16	16
17	17	17
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19	19	19
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21	21	21
22	22	22
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25	25	25
26	26	26
27	27	27
28	28	28
29	29	29
30	30	30
31	31	31
32	32	32
33	33	33
34	34	34
35	35	35
36	36	36

1 1/2" x 1 1/2" PL. (Act of Cong. July 12, 1855)
completed 6/13/1902. All PD surface Mont. by PL.

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

CURRENT TO	CURRENT TO

USE PLATS

1 1/2" x 1 1/2" PL. (Act of Cong. July 12, 1855)
completed 6/13/1902. All PD surface Mont. by PL.

SCALE IN CHAINS
10 5 0 10 20 30 40 50 60 70 80 90 100

WARNING: THIS MAP IS A REPRODUCTION OF A MAP
FILED IN THE PUBLIC LANDS OFFICE, BLAINE COUNTY, IDAHO.

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 WITH-
DRAWAL ORDER.

Base Map
T 2N
R 21E
S 3E