

DEC 07 2007
DEPARTMENT OF
WATER RESOURCES

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)

A. Subcase 02-02441
(Insert water right number)

Case No. 39576)

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: Joe Nettleton
Address: HC 75 Box 33A; Melba, Idaho 83641

Name: Edith Nettleton
Address: HC 75 Box 33A; Melba, Idaho 83641

Name: Edith Nettleton Testamentary Trust; c/o William A. Schroeder (attorney)
Address: P.O. Box 267; Boise, Idaho 83701

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.

E.

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)

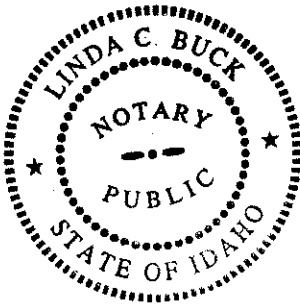
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

Larry C. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

December 14, 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 12/5, 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:

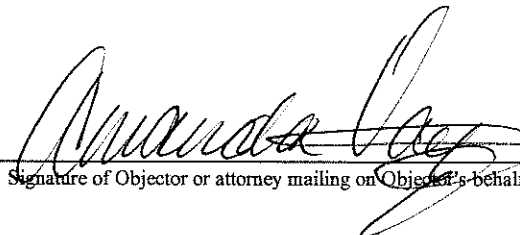
Name: Joe Nettleton
Address: HC 75 Box 33A; Melba, Idaho 83641
Name: Edith Nettleton
Address: HC 75 Box 33A; Melba, Idaho 83641
Name: Edith Nettleton Testamentary Trust; c/o William A. Schroeder (attorney)
Address: P.O. Box 267; Boise, Idaho 83701
Name:
Address: ;

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: 2-2441
NAME AND ADDRESS: EDITH NETTLETON
HC 75 BOX 33A
MELBA ID 83641

JOE NETTLETON
HC 75 BOX 33A
MELBA ID 83641

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER
QUANTITY: 1.710 CFS

THE MAXIMUM DIVERSION FOR THIS RIGHT WHEN COMBINED WITH
02-02027A SHALL NOT EXCEED 1.71CFS.

PRIORITY DATE: 09/16/1951
POINT OF
DIVERSION: T01S R02W S28 SWNEW Lot 4 Within Owyhee County
PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	1.710 CFS

PLACE OF USE: IRRIGATION in Owyhee County

T01S R02W S21 Lot 5 NWSW	5.00	T01S R02W S21 Lot 6 SWSW	28.00
T01S R02W S28 Lot 4 NENW	41.00	T01S R02W S28 SWNW	15.00
T01S R02W S28 Lot 5 SENW	17.00	T01S R02W S28 Lot 6 NESW	2.00

108 ACRES TOTAL

Use of this right with Right Nos. 2-02027A, 57-04042, and 57-10245 is limited to the irrigation of a combined total of 116 acres in a single irrigation season.

**Federal
Public
Land**

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

The following right is also diverted through point of diversion described above: 2-02027A

POU on federal public land:

-The places of use recommended as T01S R02W S28 Lot 6 NESW 2.00 acres is not authorized.

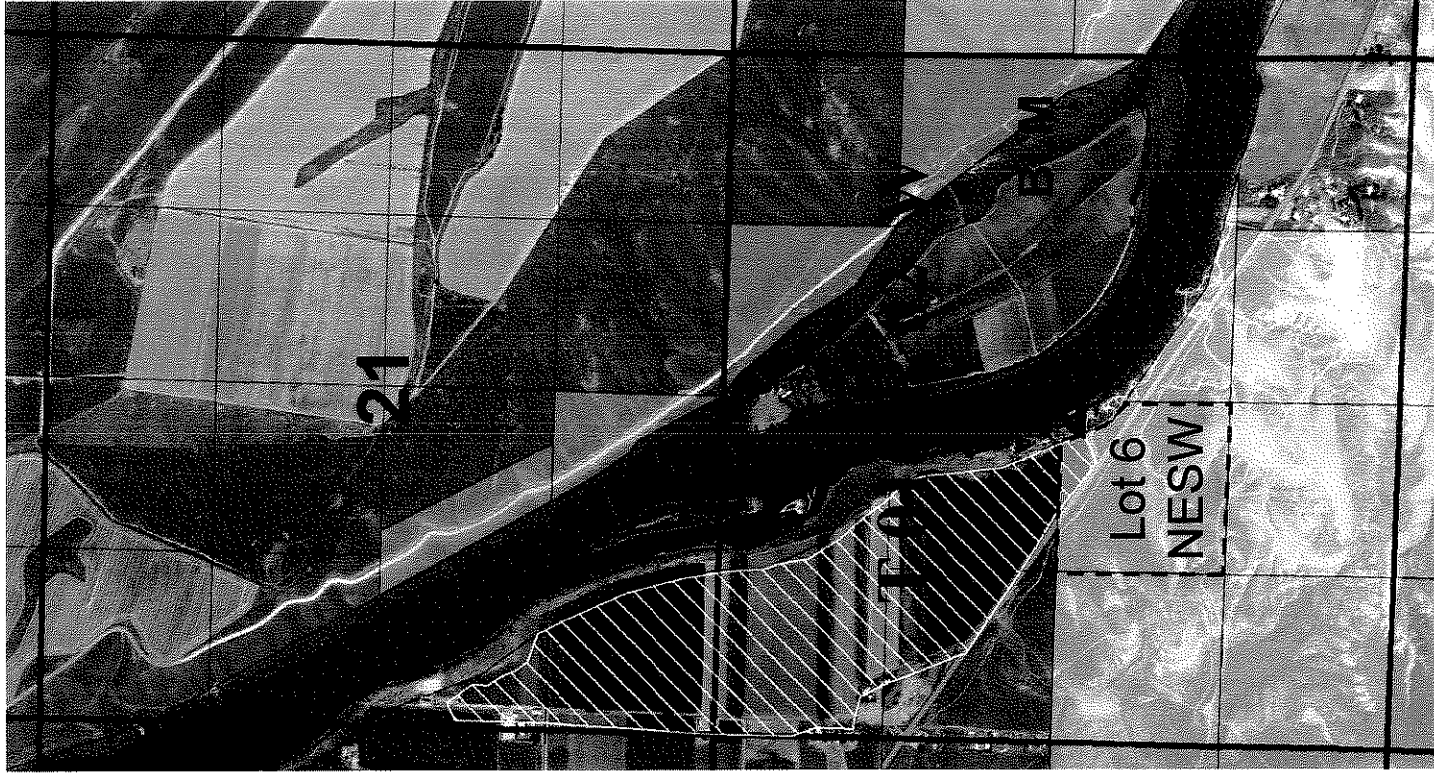
-Please remove from recommendation and adjust shapefile accordingly.

02-02441; Joe Nettleton

POU on federal public land:

-The places of use recommended as T01S R02W S28 Lot 6 NESW
2.00 acres is not authorized.

-Please remove from recommendation and adjust shapefile
accordingly.

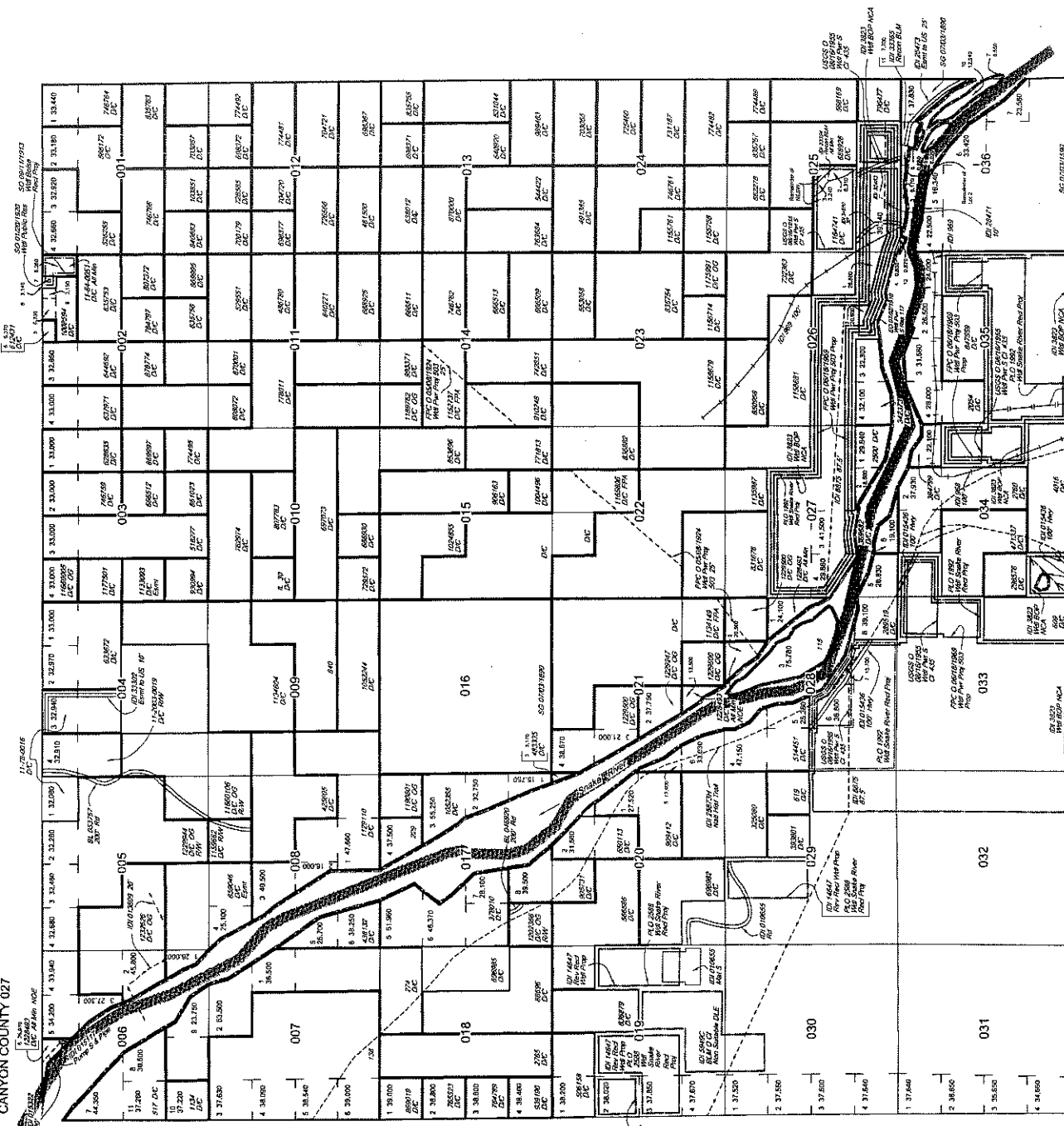


TOWNSHIP 1 SOUTH RANGE 2 WEST OF THE BOISE MERIDIAN, IDAHO

CANYON COUNTY 027

BOISE DISTRICT SEC 3

OWYHEE COUNTY 073



DISCLAIMER:
This plat is only a graphic display of the Bureau of Land Management (BLM) Record of Title and descriptive survey data. Records herein do not reflect the changes which may have been affected by mineral interests of other or other bodies of water. Refer to cadastral surveys for official information.
The relation shown on white lines represent the best available data, but may not be the effective data. See the indicated below for the date of original white line data.
No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or aggregation use with other data is not guaranteed.

U.S. Bureau of Land Management, Idaho State Office
1307 S. Vermont Way, Boise, Idaho 83726
(208) 373-4000

SCALE:
1" = 1000'
1" = 1/2 mile

SCALE IN METERS:
1" = 30.48m
1" = 1/2 mile

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
MT PLAT

INDEX TO SEGREGATED TRACTS			
REQUIREMENT	1	2	3
TRACT NO.	1	2	3
ORIGINAL SURVEY			
SUBDIVISION			

Proc 2418 07/25/1940 Mid Snake River RWR

All lands in Snake River

Secs 8 to 8 Ind

Secs 17 to 21 Ind

Secs 25 to 28 Ind

Secs 34 to 36 Ind

BL 04874 Boise Kuna Irrigation District (Act

of Cong 09/11/1916) effects land in

Secs 1, 2, 4

DI 24327 Per

Sec 28 Lot 7 M&B

DI 25873 Near Hot Trail

Historical information only, does not denote

public access

DI 33365 PY WD to BLM DE on 12/02/2002

Sec 35, M&B

DI 34671 F&W NW M&B

Sec 35, Within Lot 2

DI 33354 PY WD to BLM DE on 06/07/2006

Sec 25, Lots 2, 3

See Caddis River approved 07/19/2007 for official

survey including legal subdivisions

Sec 25

FOR ORDERS EFFECTING DISPOSAL OR USE OF

UNIDENTIFIED LAND REFER TO INDEX OF

MISCELLANEOUS DOCUMENTS

FILE REF: 10300102002WMT000a.dwg	BY: LPM
CONVERTED TIF: 07/01/2007	BY: LPM
LAST UPDATED: 09/09/2007	DAQC #2:
DAQC #1:	DAQC #2:
POSTED TO PUBLIC RECORDS:	September 28, 2007
BY:	
PUBLIC LAND SURVEY SYSTEM (PLS):	
BLM ACQ ACQUIRED:	04/26/2005
OTHER:	NA
PROJECTED COORDINATE SYSTEM:	UTM ZONE 11N WAD 180
NOTES:	
USE PLAT:	

Boise Mer
T. 1 S
R. 2 W