

RECEIVED

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 02-10126
(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: United States of America

Address: 1387 South Vinnell Way; Boise, ID 83709-1657

Name: Bureau of Land Management

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: See attached.
3. ☒ **Quantity**
Should be: See attached.
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:

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):**

Source and quantity elements were not recommended as claimed.

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)

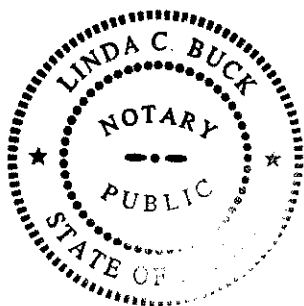
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

Larry A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

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:

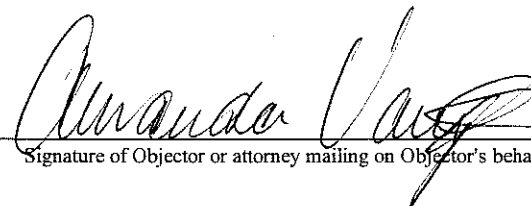
Name: United States of America
Address: 1387 South Vinnell Way; Boise, ID 83709-1657
Name: Bureau of Land Management
Address: ;
Name: ;
Address: ;
Name: ;
Address: ;

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

BLM-ISO

Objection Candidate Review

02-10126

Basin 02 I&O Dir. Rpt.
BLM

Other Objections to claimant:
02-10091, 02-10101, 02-10102, 02-10125

Issues:
Source and tributary were recommended incorrectly.

Incorrect Quantity of Water

Facts and Background:

On Recommendation:

Source: Snake River Tributary: Columbia River

Should be:

Source: Bruneau River Tributary: Snake River

On Recommendation:

Stockwater 0.010 CFS

Wildlife 0.010 CFS

Should be:

Stockwater 0.020 CFS

Wildlife 0.020 CFS

Recommendation:

Object to correct the tributary, source, and quantity of water.

BLM vs. IDWR -- Water Right Objections Data -- Entry Form Type 13

A. Subcase (IDWR case No.):

02-10126

B. Objector:

USA-standard entry

I/O: ☒

I/O1: ☒

I/O2: ☐

I/O3: ☐

Ind: ☐

C. Claimant of Water Right as listed in Director's Report:

(Check no blocks in No.11.)

Name/Add1: United States of America

1387 South Vinnell Way

Boise, ID 83709-1657

Name/Add2: Bureau of Land Management

D. I object to the following elements as recommended in the Director's Report (check and write):

1. NameAdd:

☐

2. Source:

☒

See attached.

3. Qty:

☒

See attached.

4. PriorityDt:

☐

5. POD(s):

☐

6. Instr.Flow:

☐

7. Purposes
of Use:

☐

8. Period Yr:

☐

9. POU(s):

☐

11. I object because:

☐

This water right should not exist.

☐

This water right was disallowed.

E. Reasons
supporting
objection(s):

Source and quantity elements were not recommended as claimed.

RType1:

13

RType2:

0

RType3:

0

F. Verification:

Verifier: Fredric W. Price, Water Rights Specialist

County:

VerSignature:

VerAttorney:

NotaryDate:

12/5/2007

NotaryName:

Jacqueline L. Ripley

G. Certificate of Mailing:

MailDate:

12/5/2007

MailName/Signature:

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 2-10126

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657

SOURCE:

Snake River - change to
Bon Bruneau Riv.

TRIBUTARY:

Columbia River - change to
Snake River.

QUANTITY: 0.020 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 02/15/1967

POINT OF

DIVERSION:

T06S R05E S5 ✓ SWSWSE Begin of Stream Flow Within OWYHEE County
T06S R05E S6 ✓ SWSSESE End of Stream Flow Within OWYHEE County
T06S R05E S9 ✓ SWNWNE Lot 2 Begin of Stream Flow Within OWYHEE County
T06S R05E S9 ✓ SWNWNW Lot 4 End of Stream Flow Within OWYHEE County
T06S R05E S10 ✓ SWSWNW End of Stream Flow Within OWYHEE County
T06S R05E S10 ✓ SWSWNW Begin of Stream Flow Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USEPERIOD OF USEQUANTITY

WILDLIFE

01/01 12/31

0.010 CFS

STOCKWATER

01/01 12/31

0.010 CFS

should be
.02 cfs
.02 cfs

PLACE OF USE:

STOCKWATER in OWYHEE County

T06S R05E S05 SWSW ✓
T06S R05E S05 SWSE ✓
T06S R05E S09 Lot 2 NWNE ✓
T06S R05E S09 Lot 4 NWNW ✓

T06S R05E S05 SESW ✓
T06S R05E S06 SESE ✓
T06S R05E S09 Lot 3 NENW ✓

WILDLIFE in OWYHEE County

T06S R05E S05 SWSW ✓
T06S R05E S05 SWSE ✓
T06S R05E S09 Lot 2 NWNE ✓
T06S R05E S09 Lot 4 NWNW ✓

T06S R05E S05 SESW ✓
T06S R05E S06 SESE ✓
T06S R05E S09 Lot 3 NENW ✓
T06S R05E S10 SWNW ✓

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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 - Beneficial Use

BLM RECORD ID = 5101780366 600 RANGE CATTLE, WILDLIFE

RevDate ☒ ☐ ☐ [BLM Comments with claim data PRINTOUT]

C 1/13/2000 PPD?: PD?: Adm?: Prob? ☐

o NOT REPORTED IN D/S DIR RPT;
m RESUBMITTING W/ REVISIONS.
P PREVIOUSLY CLM#51-12254.
P COMPETING PVT CLM 02-10051 (BLACK)

D REVI

AMENDED NOTICE of CLAIM for
Water Right number: 0210126 (IDWR number)

P BLMIDENT: 5101780366 Stg: J StFed: S

D

A

d

m

SOURCE: Source Tributary

BRUNEAU RIVER SNAKE RIVER

QUANTITY: 0.02 CFS or VOLUME: 0 Acre Feet

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

PRIORITY DATE: 2/15/1967 Diversion Means: INSTREAM USE

REMARKS:

☒ ☐

POINT of DIVERSION:	Township	Range	Section	T1	T2	T3	LOT	B/E	within the	County of
	06S	05E	5	SW	SW	SE		B1	73	OWYHEE
	06S	05E	6	SW	SE	SE		E1	73	OWYHEE
	06S	05E	9	SW	NW	NE	02	B2	73	OWYHEE
	06S	05E	9	SW	NW	NW	04	E2	73	OWYHEE
	06S	05E	10	SW	SW	NW		E3	73	OWYHEE
	06S	05E	10	SW	SW	NW		B3	73	OWYHEE

PURPOSE and PERIOD OF USE:	Purpose of Use	Period of Use (from - to):	Rate in CFS	or	Volume in AcFt
	04	0101	1231	0.02	
	16	0101	1231	0.02	

CONSUMPTIVE USE: de minimis stockwater & wildlife DATE: 14-Feb-07

OTHER PROVISIONS NECESSARY FOR DEFINITION or ADMINISTRATION OF THIS WATER RIGHT:

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

PLACE of USE:	Water Use	Twn	Rge	Sec	T1	T2	LOT	Acres	within the	County of
	16	06S	05E	5	SE	SW			73	OWYHEE
	04	06S	05E	5	SE	SW			73	OWYHEE
	04	06S	05E	5	SW	SE			73	OWYHEE
	16	06S	05E	5	SW	SE			73	OWYHEE
	04	06S	05E	5	SW	SW			73	OWYHEE
	16	06S	05E	5	SW	SW			73	OWYHEE
	04	06S	05E	6	SE	SE			73	OWYHEE
	16	06S	05E	6	SE	SE			73	OWYHEE
	04	06S	05E	9	NE	NW	03		73	OWYHEE
	16	06S	05E	9	NE	NW	03		73	OWYHEE
	04	06S	05E	9	NW	NE	02		73	OWYHEE
	16	06S	05E	9	NW	NE	02		73	OWYHEE
	16	06S	05E	9	NW	NW	04		73	OWYHEE
	04	06S	05E	9	NW	NW	04		73	OWYHEE
	04	06S	05E	10	SW	NW			73	OWYHEE
	16	06S	05E	10	SW	NW			73	OWYHEE

NOTICE OF ERROR
REPLY

please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 2, 2005

Water right number: 2-10126

UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657
Telephone Number: (208)373-4000

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

SOURCE
POD/POU
QUANTITY

2. Describe the changes you wish to make in the proposed recommendation:

SOURCE SHOULD BE: BRUNEAU RIVER

POD/POU - SEE ATTACHED:
WATER RIGHT DESCRIPTION
MAP

QUANTITY SHOULD BE:
STOCKWATER 0.020 CFS
WILDLIFE 0.020 CFS

3. Give a brief explanation as to why you disagree with these portions:

-PLACE OF USE AND POINT OF DIVERSION SHOULD REFLECT ATTACHED MAP.
-THE SOURCE IS BRUNEAU RIVER.
-TOTAL QUANTITY SHOULD BE 0.020 CFS FOR STOCKWATER AND WILDLIFE WITH THE TOTAL NOT TO EXCEED 0.020 CFS.

I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12/14/05 SIGNATURE:

Please print your name: Fred Price

IDWR State Office, 322 East Front St, PO Box 83720, Boise, Idaho 83720-0098

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 2-10126

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657

SOURCE: ~~C-J STRIKE RESERVOIR~~ BRUNEAU RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.020 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
13,000 GALLONS PER DAY.

PRIORITY DATE: 02/15/1967

POINT OF DIVERSION: Within Owyhee County

T06S	R05E	S5	SESWSWSE	Begin of Stream Flow
T06S	R05E	S6	SWSESE	End of Stream Flow
T06S	R05E	S9	LOT 2	<u>SWNWNE</u> Begin of Stream Flow
T06S	R05E	S9	LOT 4	<u>SWNWNW</u> End of Stream Flow
T06S	R05E	S9	SENWNE	End of Stream Flow
T06S	R05E	S10	SENWNE	Begin of Stream Flow
T06S	R05E	S10	<u>SWSWNW</u>	Begin of Stream Flow
T06S	R05E	S10	<u>SWSWNW</u>	End of Stream Flow

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
WILDLIFE	01/01 12/31	0.010 <u>0.020</u> CFS
STOCKWATER	01/01 12/31	0.010 <u>0.020</u> CFS

PLACE OF USE: STOCKWATER Within Owyhee County

T06S	R05E	S05	SWSW
T06S	R05E	S05	SESW
T06S	R05E	S05	SWSE
T06S	R05E	S06	SESE
T06S	R05E	S09	NENE
T06S	R05E	S09	<u>LOT 2</u> NWNE
T06S	R05E	S09	<u>LOT 3</u> NENW
T06S	R05E	S09	<u>LOT 4</u> NWNW
T06S	R05E	S10	SWNW
T06S	R05E	S10	NWNE
T06S	R05E	S10	NENW
T06S	R05E	S10	NWNW

WILDLIFE

Within OWYHEE County

T06S	R05E	S05	SWSW
T06S	R05E	S05	SESW
T06S	R05E	S05	SWSE

T06S	R05E	S06	SESE
------	------	-----	------

T06S	R05E	S09	NENE
-----------------	-----------------	----------------	-----------------

T06S	R05E	S09	<u>LOT 2</u> NWNE
------	------	-----	-------------------

T06S	R05E	S09	<u>LOT 3</u> NENW
------	------	-----	-------------------

T06S	R05E	S09	<u>LOT 4</u> NWNW
------	------	-----	-------------------

T06S	R05E	S10	SWNW
------	------	-----	------

T06S	R05E	S10	NWNE
-----------------	-----------------	----------------	-----------------

T06S	R05E	S10	NENW
-----------------	-----------------	----------------	-----------------

T06S	R05E	S10	NWNW
-----------------	-----------------	----------------	-----------------

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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 - Beneficial Use
BLM RECORD ID = 5101780366 600 RANGE CATTLE, WILDLIFE

T06S R05E
02-10126



