

RECEIVED
DEC 19 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 73-00007A
(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: Old Corrals & Sagebrush, LLLP

Address: 435 S. Fitness Place; Eagle, Idaho 83616

Name: AIX Sponsa Company, General Partner; c/o Brett MacNeil, President

Address: 12324 W. Lanktree Gulch Road; Star, Idaho 83669-5170

Name: FOGO, L.L.C., General Partner; c/o Wilford R. Cardon, Agent

Address: 1819 E. Southern Ave., Ste B-10; Mesa, AZ 85204-5219

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

)

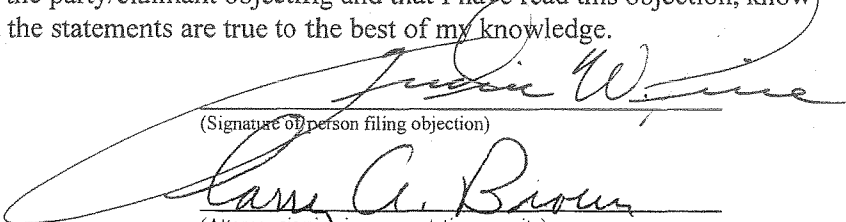
) ss.

County of ADA

)

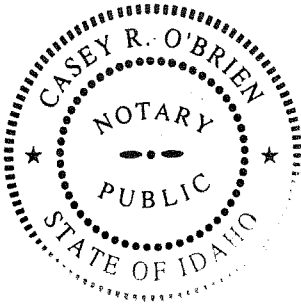
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

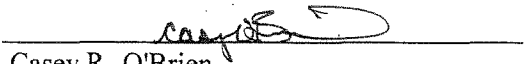
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)


(Attorney signing in representative capacity)

Subscribed and sworn to before me on: December 17, 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 December 18, 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:

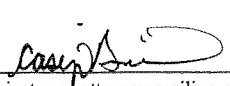
Name: Old Corrals & Sagebrush, LLLP
Address: 435 S. Fitness Place; Eagle, Idaho 83616
Name: AIX Sponsa Company, General Partner; c/o Brett MacNeil, President
Address: 12324 W. Lanktree Gulch Road; Star, Idaho 83669-5170
Name: FOGO, L.L.C., General Partner; c/o Wilford R. Cardon, Agent
Address: 1819 E. Southern Ave., Ste B-10; Mesa, AZ 85204-5219
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

POST DIRECTOR'S REPORT NCAP

08/14/2007

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

RIGHT NUMBER: 73-7A

NAME AND ADDRESS: OLD CORRALS & SAGEBRUSH LLLP
435 S FITNESS PL
EAGLE ID 83616

Unauthorized Use:
- remove public land.

SOURCE: SULPHUR CREEK

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 1.000 CFS

PRIORITY DATE: 07/20/1915

POINT OF
DIVERSION:

T14N R21E S24 SENW Within CUSTER County
T14N R21E S24 SWSW Within CUSTER County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>		<u>PERIOD OF USE</u>		<u>QUANTITY</u>	
	IRRIGATION		04/01 10/31		1.000 CFS	
PLACE OF USE:	<u>IRRIGATION in CUSTER County</u>					
	T14N R21E S13	SWSE	40.00	T14N R21E S24	NENE	18.00
	T14N R21E S24	NWNE	40.00	T14N R21E S24	SWNE	39.00
	T14N R21E S24	SENE	40.00	T14N R21E S24	NENW	38.00
	T14N R21E S24	SENW	34.00	T14N R21E S24	NESW	36.00
	T14N R21E S24	SWSW	4.10	T14N R21E S24	SESW	40.00
	T14N R21E S24	NESE	40.00	T14N R21E S24	NWSE	40.00
	T14N R21E S24	SWSE	40.00	T14N R21E S24	SESE	40.00
	T14N R21E S25	NWNE	40.00	T14N R21E S25	NENW	40.00
	T14N R21E S25	NWNW	22.00	T14N R21E S25	SWNW	3.60
BLM	T14N R21E S25	SESW	6.80	T14N R22E S18 Lot 4	SWSW	10.00
	T14N R22E S18	SESW	38.00	T14N R22E S18	SWSE	40.00
	T14N R22E S19	NWNE	40.00	T14N R22E S19	SWNE	40.00
	T14N R22E S19	NENW	40.00	T14N R22E S19 Lot 1	NWNW	39.00
	T14N R22E S19 Lot 2	SWNW	36.00	T14N R22E S19	SESW	40.00
	T14N R22E S19 Lot 3	NWSW	37.00			

BLM

961.5 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 961.5 acres in a single irrigation season. Combined Right Nos.: 73-2B, 73-7A, 73-7B, 73-8B, 73-113, 73-140, 73-2164, 73-7000

Right Nos. 73-7A and 73-7B are limited to the irrigation of a combined total of 80 acres in a single irrigation season.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

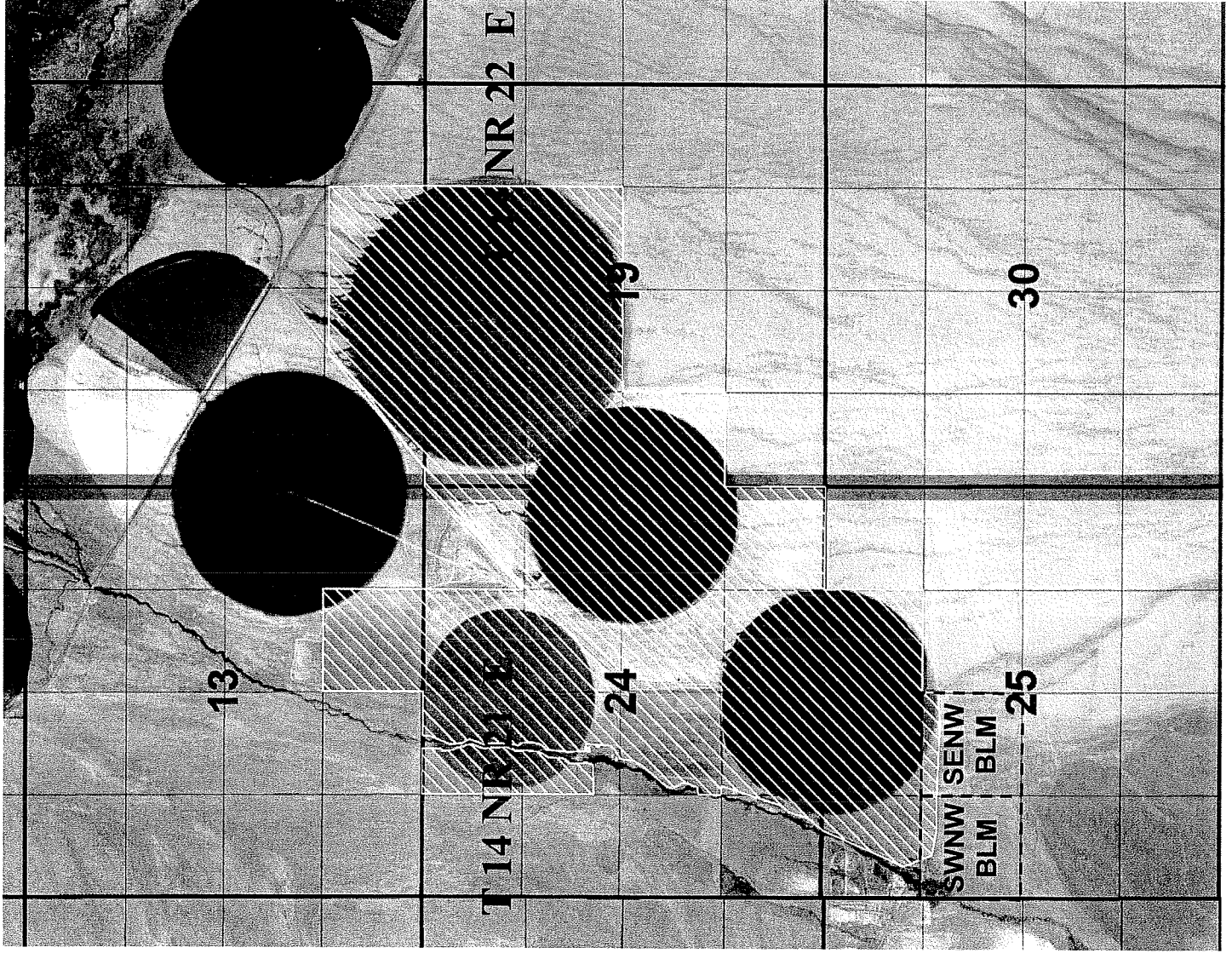
The following rights are diverted through points of diversion described above: 73-2B, 73-7A, 73-7B, 73-8B, 73-113 and 73-140.

73-00002B, 73-00007A,
73-00007B, 73-00008B,
73-00113, 73-00140

Old Corrals & Sagebrush, LLLP

POUs on BLM:

- The places of use T14N R21E S25 SWNW and SENW are BLM land.
- Use is not authorized.
- Remove from recommendation and adjust shapefile accordingly.



ORIGINAL DIRECTOR'S REPORT

01/23/2007

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

RIGHT NUMBER: 73-7A
NAME AND ADDRESS: SULPHUR CREEK LIVESTOCK
PO BOX 151
MAY ID 83253
SOURCE: SULPHUR CREEK TRIBUTARY: PAHSIMEROI RIVER
QUANTITY: 1.000 CFS
PRIORITY DATE: 07/20/1915
POINT OF DIVERSION: T14N R21E S24 SENW Within CUSTER County
T14N R21E S24 SWSW Within CUSTER County
PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	1.000 CFS
PLACE OF USE: IRRIGATION in CUSTER County		
T14N R21E S13 SWSE 40.00	T14N R21E S24 NENE 18.00	
T14N R21E S24 NWNE 40.00	T14N R21E S24 SWNE 39.00	
T14N R21E S24 SENE 40.00	T14N R21E S24 NENW 38.00	
T14N R21E S24 SENW 34.00	T14N R21E S24 NESW 36.00	
T14N R21E S24 SWSW 4.10	T14N R21E S24 SESW 40.00	
T14N R21E S24 NESE 40.00	T14N R21E S24 NWSE 40.00	
T14N R21E S24 SWSE 40.00	T14N R21E S24 SESE 40.00	
T14N R21E S25 NWNE 40.00	T14N R21E S25 NENW 40.00	
T14N R21E S25 NWNW 22.00	T14N R21E S25 SWNW 3.60	BLM
BLM T14N R21E S25 SENW 6.80	T14N R22E S18 Lot 4 SWSW 10.00	
T14N R22E S18 SESW 38.00	T14N R22E S18 SWSE 40.00	
T14N R22E S19 NWNE 40.00	T14N R22E S19 SWNE 40.00	
T14N R22E S19 NENW 40.00	T14N R22E S19 Lot 1 NWNW 39.00	
T14N R22E S19 Lot 2 SWNW 36.00	T14N R22E S19 SENW 40.00	
T14N R22E S19 Lot 3 NWSW 37.00		

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