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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 73-12080
(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: Ted L. O'Neal

Address: 81 Furey Lane; May, Idaho 83253-2002

Name: Debbie A. O'Neal

Address: 81 Furey Lane; May, Idaho 83253-2002

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 the use is claimed. The claimant's use of Federal land is unauthorized. Claimant's water right should not include federal public land. Description of public land may be due to a typographical error in range within the POD & POU elements.

F.

VERIFICATION (Must be Completed)

State of Idaho

)
) ss.
)

County of ADA

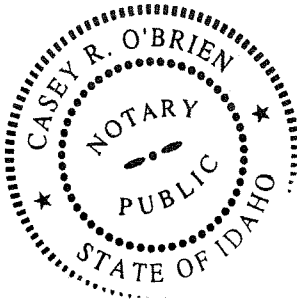
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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)

Lang A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: December 17, 2007



Casey R. O'Brien
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:

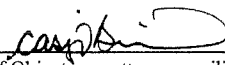
Name: Ted L. O'Neal
Address: 81 Furey Lane; May, Idaho 83253-2002
Name: Debbie A. O'Neal
Address: 81 Furey Lane; May, Idaho 83253-2002
Name:
Address: ;
Name:
Address: ;

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: 73-12080
NAME AND ADDRESS: DEBBIE A O NEAL
81 FUREY LN
MAY ID 83253
TED L O NEAL
81 FUREY LN
MAY ID 83253

Typo in Range?

-PODs

-POUs

SOURCE: PATTERSON CREEK TRIBUTARY: PAHSIMEROI RIVER
QUANTITY: 1.040 CFS
PRIORITY DATE: 05/01/1963

POINT OF DIVERSION: T14N R23E S22 NENW Within LEMHI County
T14N R23E S22 NENW Within LEMHI County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
05/01 07/15

QUANTITY
1.040 CFS

PLACE OF USE: IRRIGATION in LEMHI County

	FS	T14N R23E S15	NWSW	2.00	T14N R23E S15	SWSW	14.00	FS
FS		T14N R23E S15	SESW	18.00	T14N R23E S22	NENW	10.00	BLM
BLM /Pvt		T14N R23E S22	NWNW	8.00				
52 ACRES TOTAL								

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 - Beneficial Use

Unauthorized Use: if R23E

-The place of use recommended as T14N **R23E** S22 NENW describes federal public land where irrigation is not authorized, and NWNW describes both private and public lands. Please remove public land from this claim and clarify the use such that only private land is intended

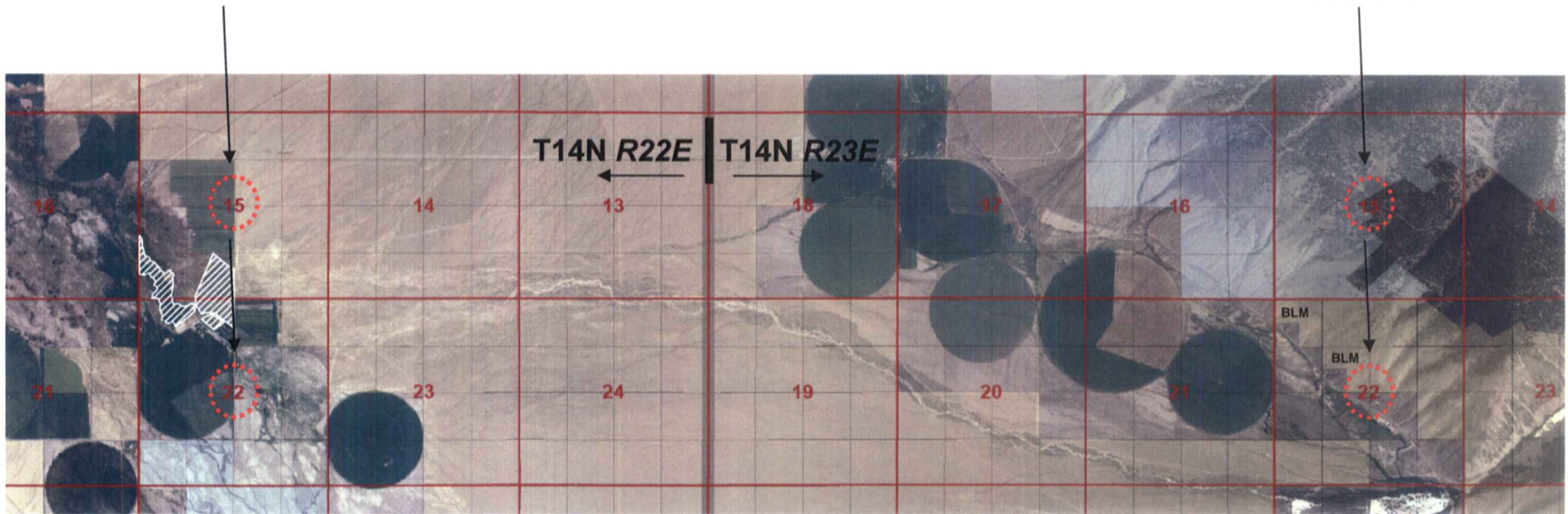
Note:

-The places of use recommended as T14N **R23E** do not match up with the shapefile showing irrigated lands in **R22E**. Perhaps there is a typographical error and the Range description should be Range **22E**? If the places of use are to be described in **R22E** and not **R23E**, then the clarification of the use would not be necessary as there are no BLM lands within the QQs described under the shapefile.

Possible location?

73-12080
Ted O'Neal

Recommended
Sections



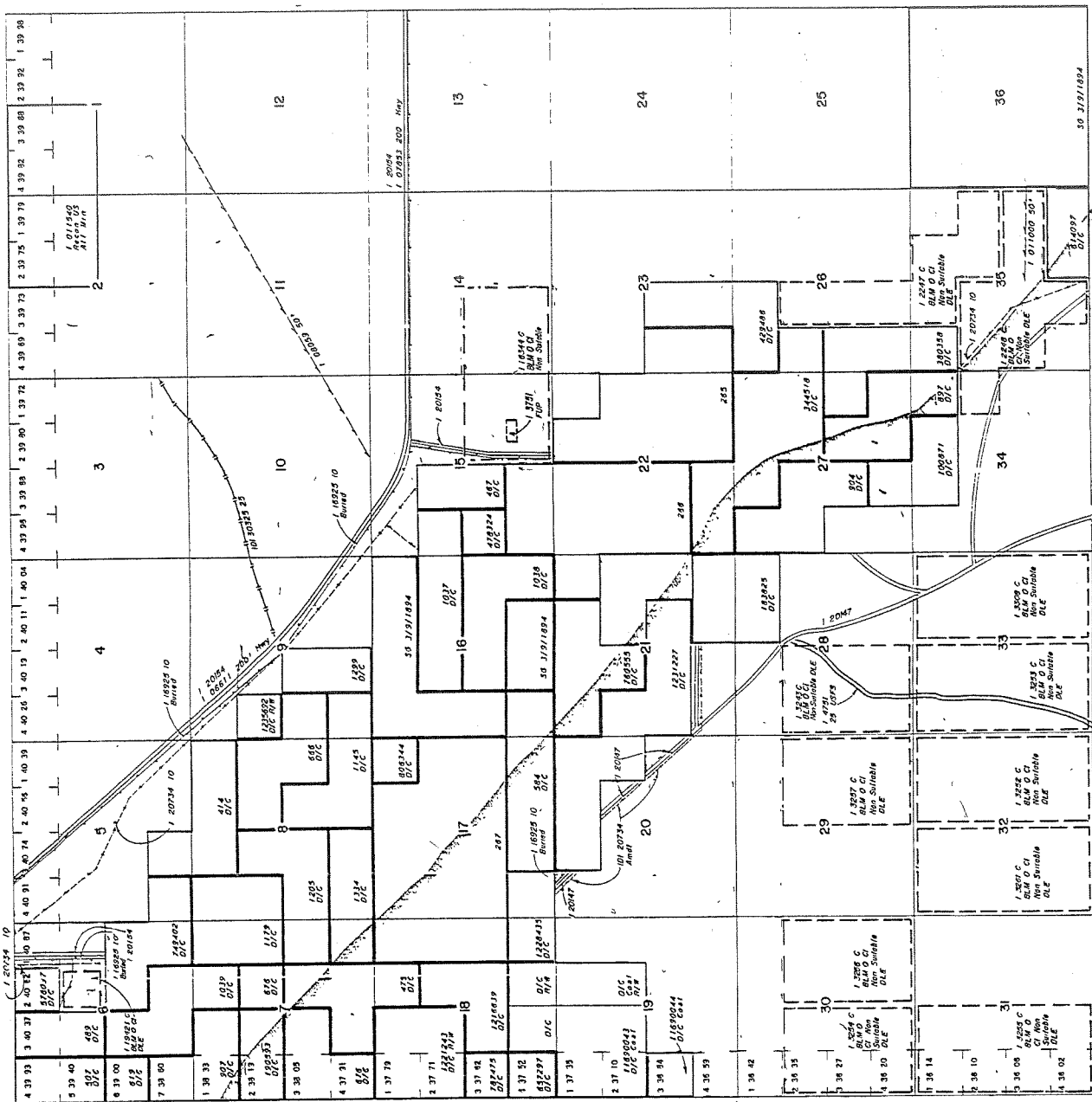
Unauthorized Use: in R23E

- The place of use recommended as T14N **R23E** S22 NENW describes federal public land where irrigation is not authorized, and NWNW describes both private and public lands. Please remove public land from this claim and clarify the use such that only private land is intended.
- It appears there is a typographical error in range (R23E should be R22E) for the PODs and POU.

Note:

- The places of use recommended as T14N **R23E** do not match up with the shapefile showing irrigated lands in **R22E**. Perhaps there is a typographical error and the Range description should be Range **22E**? If the places of use are to be described in **R22E** and not **R23E**, then the clarification of the use would not be necessary as there are no BLM lands within the QQs described under the shapefile.

SALMON DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES[illegible]

SCALE IN CHAINS

CUSTER COUNTY 037

LEMHI COUNTY 059

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 WITHDRAWAL ORDER.

322
Nhi
Boise Mr