

RECEIVED

JAN 18 2000

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 61-07567
(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:
3. ☐ **Quantity**
Should be:
4. ☐ **Priority Date**
Should be:
5. ☒ **Point(s) of Diversion**
Should be: See attached.
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 legal descriptions reported in the Director's Report for this claim are inaccurate. See attached for revised legal description for the POD and POU.

F.

VERIFICATION (Must be Completed)

State of Idaho)

) ss.

County of)

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)

Ann A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

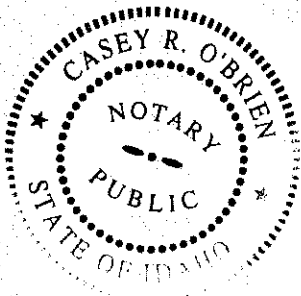
January 08
December 18, 2008

Casey R. O'Brien
Casey R. O'Brien

Notary Public for State of Idaho

Residing at: Nampa, Idaho

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 Jan 15, 2008, 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:

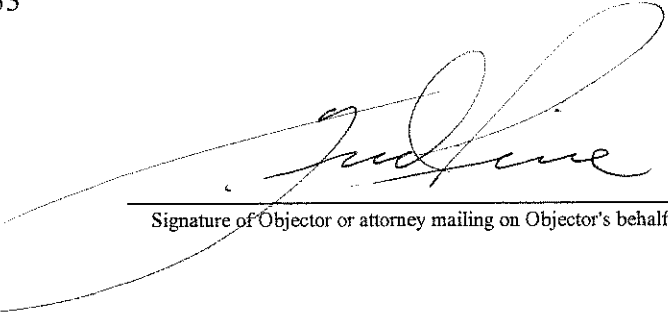
Name: United States of America
Address: 1387 South Vinnell Way; Boise, ID 83709-1657
Name: Bureau of Land Management
Address: ;
Name: ;
Address: ;
Name: ;
Address: ;

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

RIGHT NUMBER: 61-7567

SOURCE: WASTE WATER TRIBUTARY: SNAKE RIVER

PRIORITY DATE: 06/06/1975

T05S R03E S4 SWSW Lot 5 Within ELMORE County
T05S R03E S9 NESE Within ELMORE County

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>		<u>QUANTITY</u>	
IRRIGATION	03/15	11/15	0.320	CFS
			81.00	AFY
STOCKWATER	01/01	12/31	0.020	CFS
			0.70	AFY
WILDLIFE STORAGE	01/01	12/31	118.00	AFY
DIVERSION TO STORAGE	01/01	12/31	2.570	CFS

PLACE OF USE: IRRIGATION in ELMORE County

T05S R03E S04 Lot 5 SWSW 16.00

STOCKWATER in ELMORE County

T05S R03E S04 Lot 5 SWSW T05S R03E S09 Lot 4 NENW

T05S R03E S09 Lot 4 NWNW ~~T05S R03E S09 Lot 4 SESE~~
T05S R03E S09 Lot 9 SESE

T05S R03E S09	SENE	T05S R03E S09	NESE
---------------	------	---------------	------

WILDLIFE STORAGE in ELMORE County

T05S R03E S09 Lot 4 NENW

~~T05S R03E S09 Lot 1 NWNW~~

T05S R03E S09 Lot 4 NWNW

~~T05S R03E S09 Lot 4 SESE~~	<u>T05S R03E S09</u>	<u>SENE</u>
~~T05S R03E S09 Lot 9 SESE~~	<u>T05S R03E S09</u>	<u>NESE</u>

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

BLM RECORD ID = 6101688151

☐ PPD? ☐ PD? ☐ Adm? ☒ Prob? ☐ IN THE DISTRICT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN
AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

REIN

AMENDED NOTICE of CLAIM for
Water Right number:

Case No. 39576

6107567 (IDWR number)

NAME and
ADDRESS

United States of America acting through
Bureau of Land Management
Idaho State Office
1387 South Vinnell Way
Boise, ID 83709 - 1657

BLMIDENT:

Stg: StFed:

6101688151

L

S

Other Right and date:

SOURCE:

Source Tributary

WASTEWATER

SNAKE RIVER

QUANTITY:

2.91

CFS

or VOLUME:

199.7

Acre Feet

PRIORITY DATE:

06/06/1975

Diversion Means: DITCH & PONDS

REMARKS:

POINT of
DIVERSION:

Twtnship	Range	Section	T1	T2	T3	LOT	B/E	within the	County of
05S	03E	4	SW	SW	05			39	ELMORE
05S	03E	9	NE	SE				39	ELMORE

PURPOSE
and
PERIOD
OF USE:

Purpose of Use	Period of Use (from - to):	Rate in CFS	or	Volume in AcFt
01	0315	1115	0.32	81
04	0101	1231	0.02	0.7
17	0101	1231	0	118

CONSUMPTIVE
USE:

DATE: 12-Dec-05

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	Twtn	Rge	Sec	T1	T2	LOT	Acres	within the County of
04	05S	03E	4	SW	SW	05		39 ELMORE
01	05S	03E	4	SW	SW	05	16	39 ELMORE
04	05S	03E	9	SE	NE			39 ELMORE
17	05S	03E	9	SE	NE			39 ELMORE
04	05S	03E	9	NE	NW	04		39 ELMORE
17	05S	03E	9	NE	NW	04		39 ELMORE
04	05S	03E	9	NW	NW	04		39 ELMORE
17	05S	03E	9	NW	NW	04		39 ELMORE
04	05S	03E	9	NE	SE			39 ELMORE
17	05S	03E	9	NE	SE			39 ELMORE
04	05S	03E	9	SE	SE	09		39 ELMORE
17	05S	03E	9	SE	SE	09		39 ELMORE

Appendix IV - Water Right Licence

State of Idaho

Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 02-7196 Priority June 6, 1975 Amount 2.91 cfs

THIS IS TO CERTIFY, that U.S. Dept. of Interior, Bureau of Land Management
of Boise, Idaho, has complied with the terms and conditions of Permit
No. 02-7196 issued pursuant to Application for Permit dated June 6, 1975
and has submitted proof to the Department of Water Resources on February 26, 1991
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 2.91 cfs of water from wastewater
tributary to Snake River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Stockwater	from <u>January 1</u> to <u>December 31</u>	at <u>.02</u> cfs and	<u>.7</u> acre feet
Irrigation	from <u>March 15</u> to <u>November 15</u>	at <u>.32</u> cfs and	<u>81.0</u> acre feet
Diversion to Storage	from <u>January 1</u> to <u>December 31</u>	at <u>2.57</u> cfs and	<u>n/a</u>

* See below (both dates inclusive)

Subject, however, to the condition that no more than 2.91 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and conserved is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
199.7 acre feet per year, and waters to be diverted within the Gov. Lot 5 (SW1/4SW) Section 4,
NE1/4SE1/4 Section 9, Twp 5S, Rge 3E in the County of Elmore

Description and location of place of use:

Twp.	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				Total
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
55	3E	4																	
		9																	
														</					

X = Storage

Total number of acres irrigated 16

* Storage for wildlife

January 1 to December 31 118.0 acre feet

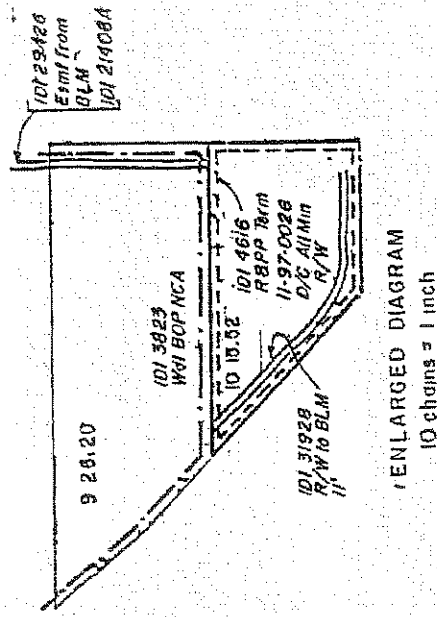
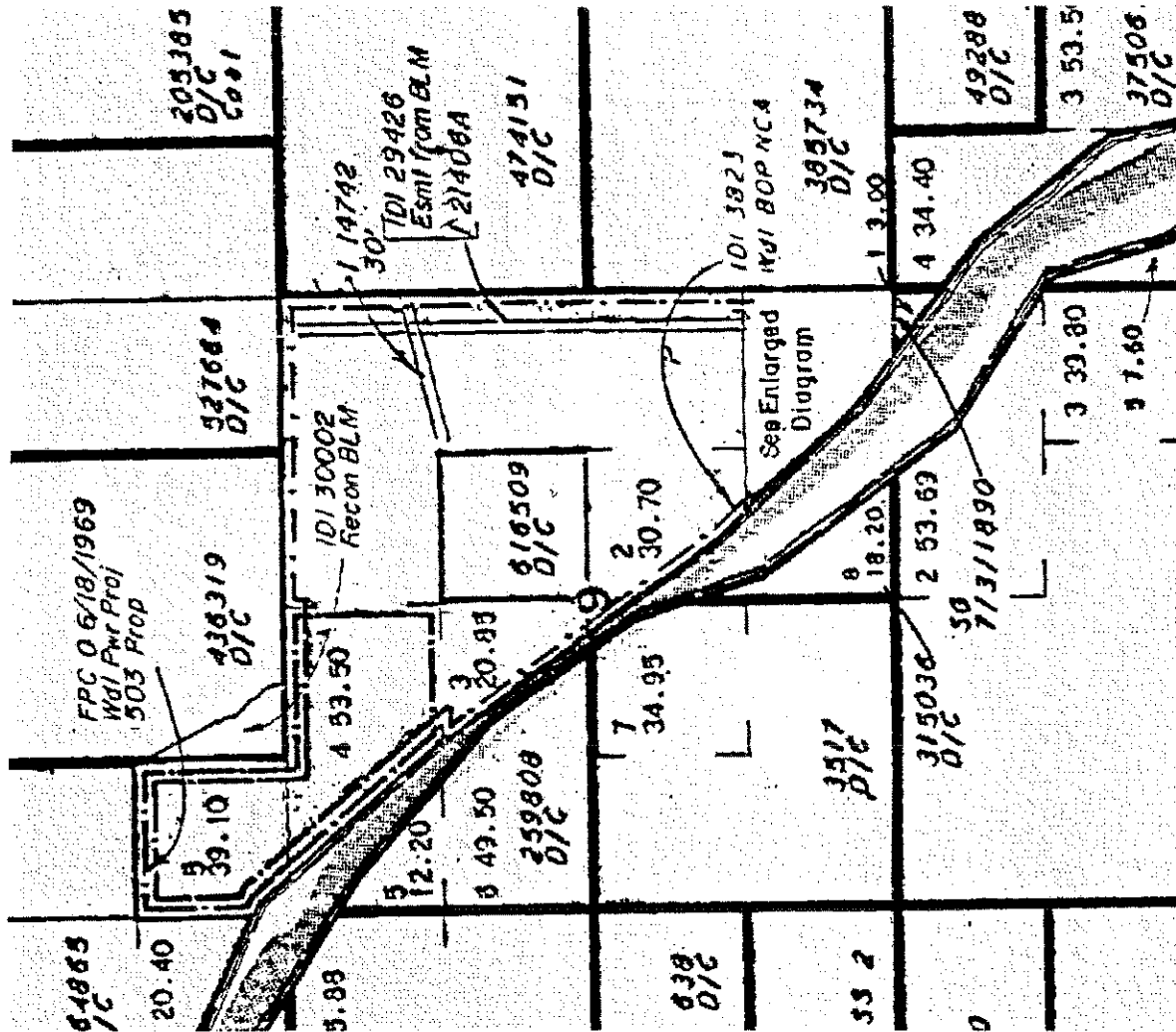
NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 5TH day of FEBRUARY, 19 84.

Acting for the Director

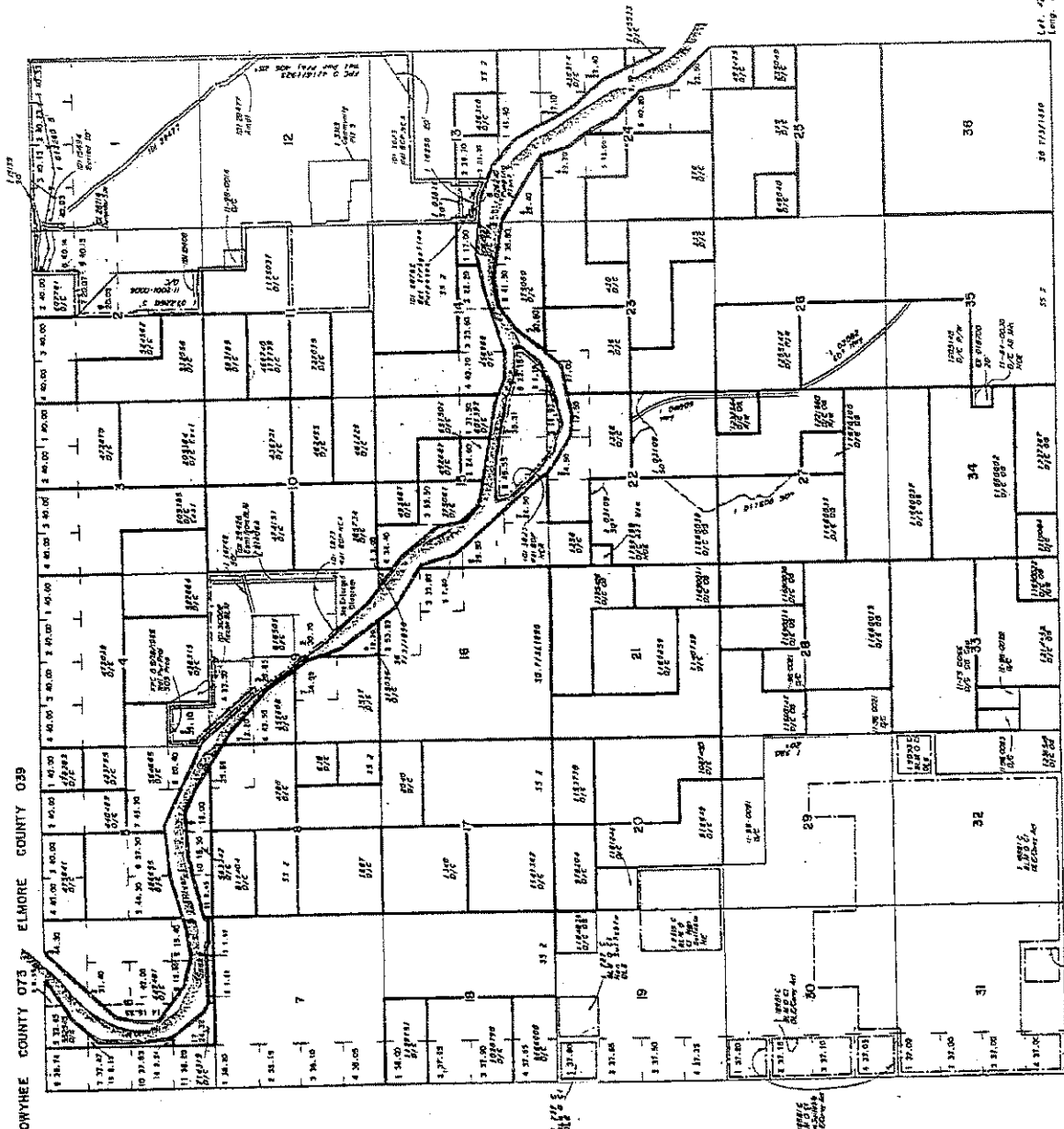
T05S R03E blow up



TOWNSHIP 5 SOUTH RANGE 3 EAST OF THE BOISE MERIDIAN, IDAHO

BOISE DISTRICT SEC. 3

OWYHEE COUNTY 073.37 ELMORE COUNTY 039



WARNING STATEMENT

This plat is the Bureau's Record of Title, and should be used as such. It is not a warranty of title, and does not change the legal status of the land. It is a record of the historical index for the date of the original withdrawal order.

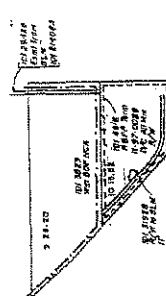
SCALE: 1" = 40' 0"

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

TRACT NO.	ACRES	SECTION	OWNER
1	40.00	36	U.S. DEPT. OF THE INTERIOR
2	40.00	35	U.S. DEPT. OF THE INTERIOR
3	40.00	34	U.S. DEPT. OF THE INTERIOR
4	40.00	33	U.S. DEPT. OF THE INTERIOR
5	40.00	32	U.S. DEPT. OF THE INTERIOR
6	40.00	31	U.S. DEPT. OF THE INTERIOR
7	40.00	30	U.S. DEPT. OF THE INTERIOR
8	40.00	29	U.S. DEPT. OF THE INTERIOR
9	40.00	28	U.S. DEPT. OF THE INTERIOR
10	40.00	27	U.S. DEPT. OF THE INTERIOR
11	40.00	26	U.S. DEPT. OF THE INTERIOR
12	40.00	25	U.S. DEPT. OF THE INTERIOR
13	40.00	24	U.S. DEPT. OF THE INTERIOR
14	40.00	23	U.S. DEPT. OF THE INTERIOR
15	40.00	22	U.S. DEPT. OF THE INTERIOR
16	40.00	21	U.S. DEPT. OF THE INTERIOR
17	40.00	20	U.S. DEPT. OF THE INTERIOR
18	40.00	19	U.S. DEPT. OF THE INTERIOR
19	40.00	18	U.S. DEPT. OF THE INTERIOR
20	40.00	17	U.S. DEPT. OF THE INTERIOR
21	40.00	16	U.S. DEPT. OF THE INTERIOR
22	40.00	15	U.S. DEPT. OF THE INTERIOR
23	40.00	14	U.S. DEPT. OF THE INTERIOR
24	40.00	13	U.S. DEPT. OF THE INTERIOR
25	40.00	12	U.S. DEPT. OF THE INTERIOR
26	40.00	11	U.S. DEPT. OF THE INTERIOR
27	40.00	10	U.S. DEPT. OF THE INTERIOR
28	40.00	9	U.S. DEPT. OF THE INTERIOR
29	40.00	8	U.S. DEPT. OF THE INTERIOR
30	40.00	7	U.S. DEPT. OF THE INTERIOR
31	40.00	6	U.S. DEPT. OF THE INTERIOR
32	40.00	5	U.S. DEPT. OF THE INTERIOR
33	40.00	4	U.S. DEPT. OF THE INTERIOR
34	40.00	3	U.S. DEPT. OF THE INTERIOR
35	40.00	2	U.S. DEPT. OF THE INTERIOR
36	40.00	1	U.S. DEPT. OF THE INTERIOR

TO 10/27/1913 Red Per. 3 Sec. 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.



FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNDEVELOPED LAND REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

CURRENT TO: _____

ORDER TO: _____

USE PLAT: _____

THE INFORMATION SHOWN ON THIS PLAT WAS DERIVED FROM THE LAST
ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE
THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITH-
DRAWAL ORDER.

WARNING STATEMENT

This plat is the Bureau's Record of Title, and should be used as such. It is not a warranty of title, and does not change the legal status of the land. It is a record of the historical index for the date of the original withdrawal order.

SCALE: 1" = 40' 0"