

RECEIVED

JUN 16 2008

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 37-01162
(Insert water right number)

Case No. 39576)

**STANDARD FORM 2
RESPONSE TO OBJECTION**

Please **print or type** the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

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. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING**

Name: Fish Creek Reservoir Co., Inc.

Address: P.O. Box 282; Carey, Idaho 83320

Name:

Address: ;

Name:

Address: ;

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

1. ☐ Name and Address
2. ☐ Source
3. ☐ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☒ Place of Use See attached.

11. **Recommendation:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

REASONS SUPPORTING RESPONSE:

Claimant's objection seeks to add a place of use on federal public land in trespass that was neither claimed nor recommended (Lot 4 (NWSW), S05, T01S, R22E). Claim 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 response)

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

Fredric W. Price
(Signature of person filing response)

Larry A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

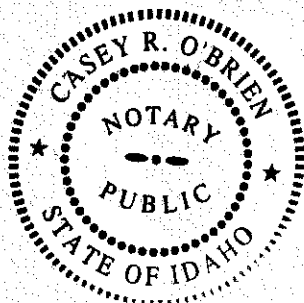
January 08
December 15, 2008

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 response, including all attachments, 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.

F.

CERTIFICATE OF MAILING

I certify that on Jan 15, 2008, I mailed the original and copies of this response, 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:

Fish Creek Reservoir Co., Inc.
395 Austin Road; Carey, Idaho 83320

3. One copy to the party who filed the objection at the following address:

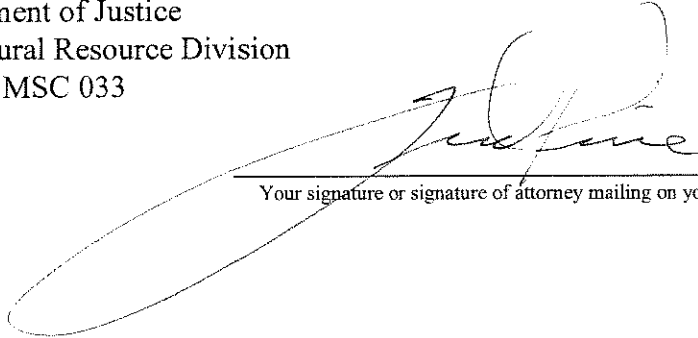
Fish Creek Reservoir Co., Inc.
P.O. Box 282; Carey, Idaho 83320

4. 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



Your signature or signature of attorney mailing on your behalf

02/20/2007

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

RIGHT NUMBER: 37-1162
NAME AND ADDRESS: FISH CREEK RESERVOIR CO INC
C/O RONALD F PECK
395 AUSTIN RD
CAREY ID 83320
SOURCE: FISH CREEK TRIBUTARY: LITTLE WOOD RIVER
QUANTITY: 14,411.00 AFY
PRIORITY DATE: 11/02/1922
POINT OF DIVERSION: T01N R22E S15 SWNNW Within BLAINE County
PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION STORAGE	01/01 12/31	14,411.00 AFY
IRRIGATION FROM STORAGE	04/15 10/31	14,411.00 AFY

PLACE OF USE:

8066.3 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Place of Use is within Blaine County, and is on land irrigated by shareholders of the Fish Creek Reservoir Co Inc.

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

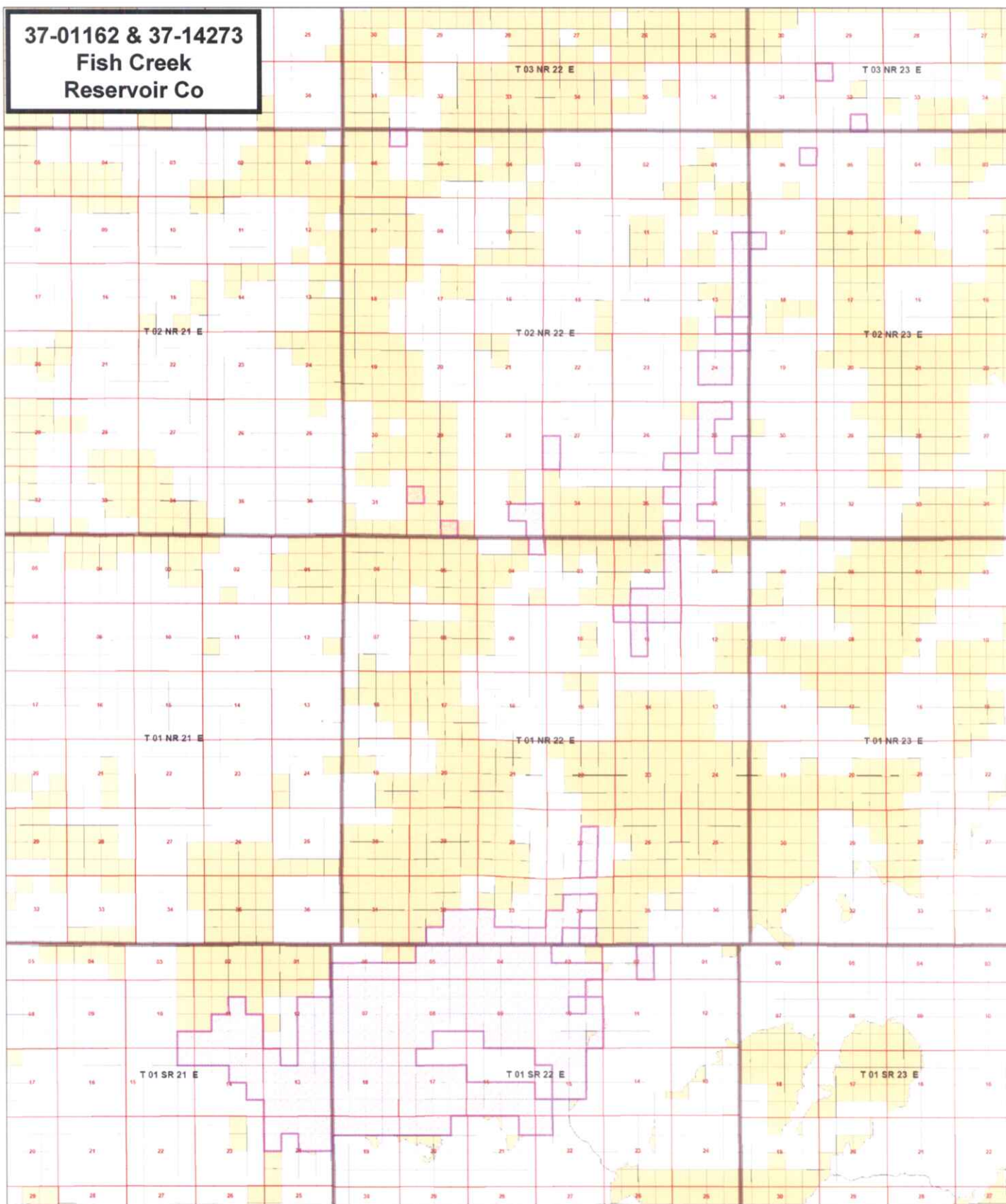
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

POUs on BLM:

-The place of use described above contains BLM land where Agricultural activity is not authorized.

37-01162 & 37-14273
Fish Creek
Reservoir Co



Legend

- SECTIONS_ID24_POLY
- BLM
- TOWNSHIPS_ID24_POLY
- fish creek

00523.4
 Miles



IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

01/14/2008

WATER RIGHT NO. 37-1162

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FISH CREEK RESERVOIR CO INC C/O RONALD F PECK 395 AUSTIN RD CAREY, ID 83320 (208)823-4405
Original Owner	CAREY VALLEY RESERVOIR CO C/O ELWIN COATES PO BOX 86 CAREY, ID 83320 (208)823-4454

Priority Date: 11/02/1922

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
FISH CREEK	LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION STORAGE	1/01	12/31		14411 AFA
IRRIGATION FROM STORAGE	4/01	11/01		14411 AFA
Total Diversion			14411 AFA	

Location of Point(s) of Diversion:

FISH CREEK	SWNWNW	Sec. 15	Township 01N	Range 22E	BLAINE County
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FISH CREEK Rediversion	SWSESE	Sec. 27	Township 01N	Range 22E	BLAINE County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION FROM STORAGE BLAINE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01N	22E	2	1	NENE ✓	13		SENE ✓	11						
				SESW ✓	40									
				NESE ✓	13		SWSE ✓	40		SESE ✓	40			
		4	1	NENE ✓	20									
				NENE ✓	40		NWNE ✓	40						
				NWNW ✓	40		SENE ✓	40						
		11		NESW ✓	40									
				SWNE ✓	15									
				NWSE ✓	30		SWSE ✓	40						
		27		SESW ✓	10									
				NESE ✓	25		NWSE ✓	4		SWSE ✓	38		SESE ✓	40
				NWSW ✓	23		SWSW ✓	40		SESW ✓	37			
		32		SWSE ✓	10		SESE ✓	28						
				SWNE ✓	4									
				SENE ✓	6									
		33		NESW ✓	15		NWSW ✓	12		SWSW ✓	40			
				SWSE ✓	7									
				NENE ✓	5									
		34		NESE ✓	24		SESE ✓	24						
				NENE ✓	20		SENE ✓	15						
				NESE ✓	15		SWSE ✓	20						
02N		24		NENE ✓	20		SWNE ✓	30						
				SENE ✓	15									
				NESW ✓	10									
		25		NWSE ✓	15									
				NWNE ✓	15									
				NENW ✓	6		SENE ✓	20						
		26		NESW ✓	20		SWSW ✓	40		SESW ✓	40			
				NESE ✓	31		SWSE ✓	40		SESE ✓	5			
				SESE ✓	40									
		27		NWSW ✓	20		SWSW ✓	40						
				SWNW ✓	10 BLM									
				2 SWSE ✓	5 BLM									
		32		NESE ✓	20		NWSE ✓	20		1 SESE ✓	20			
				SENE ✓	2									
		35	1	SESE ✓	8									

03N	23E	36	NENW ✓40	NWNW ✓20	SWNW ✓40	SENW ✓20
		6	NWSW ✓40	4 SWSW ✓35	5 SESW ✓4	
01S	21E	7	3 SENE ✓5			
		32	3 NWSW ✓1			
		10	NWNW ✓10			
		11	SWSE ✓5			
		12	SESE ✓31.1			
		13	SWNE ✓40			
		14	NESW ✓10	SWSW ✓29.7	SESW ✓38	
		15	NESE ✓32.9	NWSE ✓10	SWSE ✓10	SESE ✓25
		24	SWNE ✓38	SENE ✓40		
		2	NESE ✓40	NWSE ✓40	SWSE ✓40	SESE ✓40
		3	NENE ✓40	NWNE ✓40	SWNE ✓40	SENE ✓39.8
		4	NWNW ✓27	SWNW ✓40	SENW ✓19.5	
		5	NESW ✓40	NWSW ✓40	SWSW ✓17	SESW ✓35
		6	NESE ✓40	NWSE ✓40	SWSE ✓38	SESE ✓34.9
		7	NENE ✓16.2	NWNE ✓30	SWNE ✓35	SENE ✓40
		8	NENW ✓40	NWNW ✓40		
		9	NESE ✓39			
		10	NENE ✓10			
		11	NENE ✓35.5	NWNE ✓30	SWNE ✓20	SENE ✓40
		12	NENW ✓40	NWNW ✓35	SWNW ✓17	
		13	NWSE ✓18	SWSE ✓7		
		14	4 NWSW ✓26	SWSW ✓26	SESW ✓15	
		15	SWSE ✓32	SESE ✓30		
		16	3 NESW ✓40	4 NWSW ✓40	SWSW ✓40	SESW ✓40
		17	1 NESE ✓40	2 NWSE ✓40	SWSE ✓40	SESE ✓40
		18	3 NESW ✓30	SWSW ✓28	SESW ✓33	
		19	1 NESE ✓40	2 NWSE ✓40	SWSE ✓40	SESE ✓40
		20	5 SWSW ✓40	SESW ✓40		
		21	SWSE ✓30	SESE ✓30		
		22	NENE ✓40	NWNE ✓40	SWNE ✓35	SENE ✓38
		23	NENW ✓40	1 NWNW ✓40	2 SWNW ✓40	SENW ✓40
		24	NESW ✓40	3 NWSW ✓11	4 SWSW ✓39	SESW ✓40
		25	NESE ✓38	NWSE ✓40	SWSE ✓40	SESE ✓40
		26	NENE ✓35	NWNE ✓40	SWNE ✓32.5	SENE ✓40
		27	NENW ✓36	NWNW ✓40	SWNW ✓40	SENW ✓40
		28	NESW ✓40	NWSW ✓40	SWSW ✓40	SESW ✓40
		29	NESE ✓40	NWSE ✓36		
		30	NENE ✓35	NWNE ✓40	SWNE ✓37	SENE ✓37
		31	NENW ✓40	NWNW ✓35	SWNW ✓40	SENW ✓40
		32	NESW ✓37	NWSW ✓40	SESW ✓38	
		33	NESE ✓40	NWSE ✓40	SWSE ✓40	SESE ✓37
		34				

10		NWNE 40	SENE 21						
		NENW 38	NWNW 40			SWNW 45.5		SENE 22	
		NESW 15	NWSW 40			SWSW 40		SESW 30	
		NESE 35	NWSE 13			SWSE 34		SESE 10 BLM	
15		NWNE 28	SWNE 26						
		NENW 40	NWNW 40			SENE 40			
		NESW 36	SWSW 32						
		NWSE 27							
16		NESW 40	NWSW 40			SWSW 26		SESW 40	
		NESE 32	NWSE 37			SWSE 40		SESE 40	
17		SWNE 39	SENE 40						
		NWNW 32.5	SWNW 40			SENE 21			
		NESW 40	NWSW 40			SWSW 40		SESW 40	
		NESE 40	NWSE 40			SWSE 40		SESE 26	
18		NENE 38	NWNE 40			SWNE 40		SENE 40	
		NENW 32.6	1 NWNW 20			2 SWNW 37.6		SENE 40	
		NESW 40	3 NWSW 40			4 SWSW 38		SESW 36	
		NESE 40	NWSE 40			SWSE 40		SESE 40	
19	1	NENE 43	2 NWNE 43						
	3	NENW 40	4 NWNW 40						
20	2	NWNE 40							
	3	NENW 43	4 NWNW 43						
21	1	NENE 10							
22	4	NWNW 15							

Total Acres: 8066.3

Conditions of Approval:

1.	SHAREHOLDERS OF CLAIMANT COMPANY ARE LANDOWNERS. SOME OF THE LANDS SERVED BY COMPANY ABOVE RESERVOIR RECEIVE WATER IN EXCHANGE WITH NATURAL FLOW WATER. ***** 6-15-98: CHANGED NAME FROM CAREY VALLEY RESERVOIR CO PER NOTICE REC'D 3-9-98 AND CHANGED ADDRESS PER PHONE CONVERSATION WITH RONALD PECK 6-15-98 - VH
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Dates:

Licensed Date:

Claim Received Date:

Decreed Date: 12/29/1939

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 37U

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

BLAINE COUNTY 013
TWIN FALLS DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES

MT PLAT

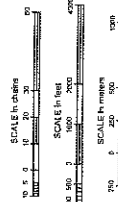
[illegible]

DOI 08864 Del PL 167 (Act of Cong 07/23/1955)
completed 06/13/1962. All PD surface Mgmt by BLM



DISCUSSION: This data is only a specific display of the Bureau of Land Management's (BLM) Record of Decision (ROD) for the 2002 survey data. The data is not meant to be a generalization of the entire survey data. The data is only a specific display of the Bureau of Land Management's (BLM) Record of Decision (ROD) for the 2002 survey data. The data is not meant to be a generalization of the entire survey data. The data is only a specific display of the Bureau of Land Management's (BLM) Record of Decision (ROD) for the 2002 survey data. The data is not meant to be a generalization of the entire survey data.

1995



U.S. Bureau of Land Management - Idaho State Office
1387 S. Vinell Way Boise, Idaho 83709
(208) 373-4000

all Way Borse, 1000-325180220813734000

15-21 E

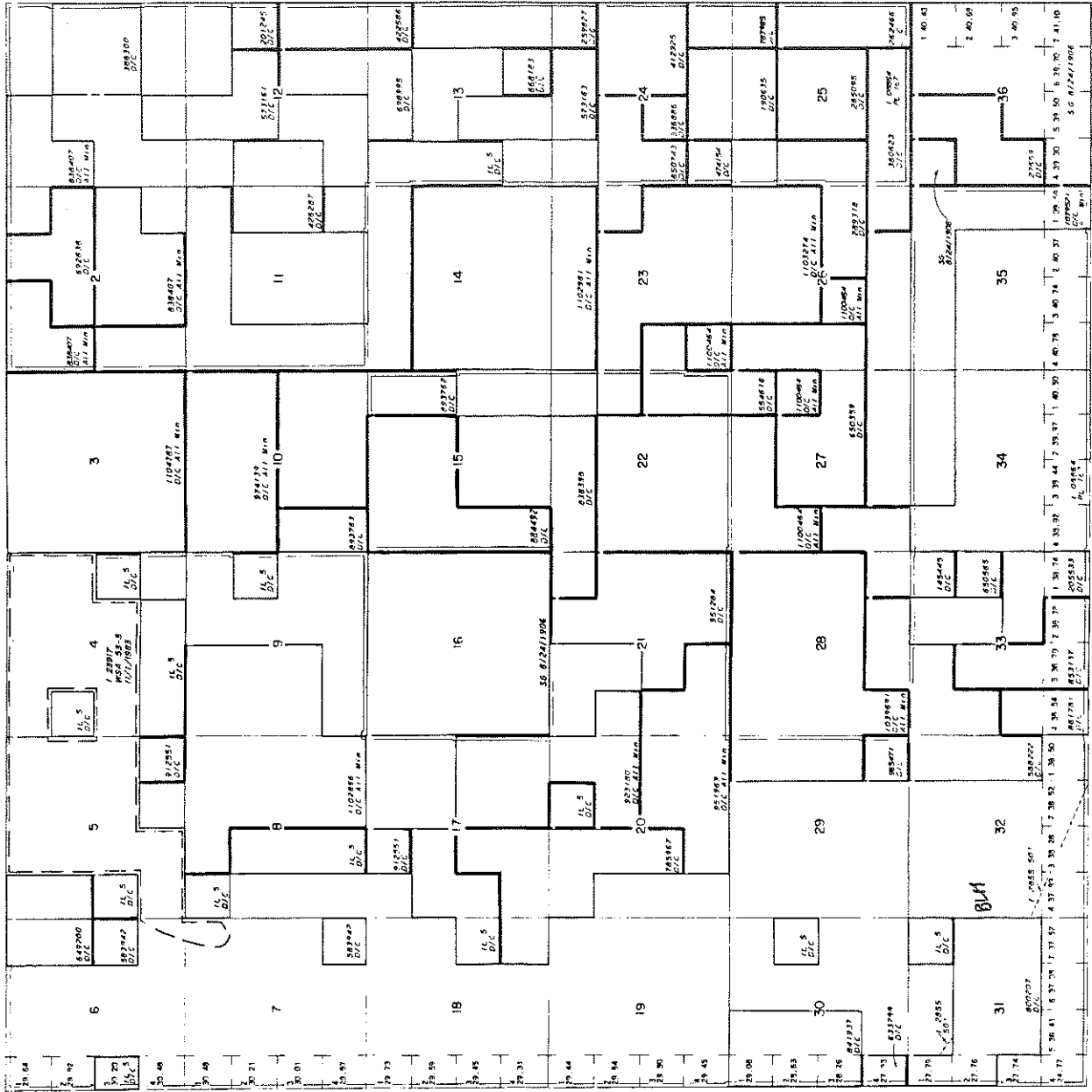
T. 1 N
R. 27 E

TOWNSHIP 2 NORTH RANGE 22 EAST OF THE POISE MERIDIAN, IDAHO

BLAINE COUNTY 013
SHOSHONE DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT



INDEX TO SEGREGATED TRACTS

TRACT NO.	ORIGINAL SURVEY	DATE
1	1/23/1907	1/23/1907
2	1/23/1907	1/23/1907
3	1/23/1907	1/23/1907
4	1/23/1907	1/23/1907
5	1/23/1907	1/23/1907
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35	1/23/1907	1/23/1907
36	1/23/1907	1/23/1907

1/23/1907 (act of Cong 7/23/1905)
compiled 6/13/1962, All PD Surface Wgt by B-9

USE PLATS

TRACT NO.	DATE	STATUS
1	1/23/1907	1/23/1907
2	1/23/1907	1/23/1907
3	1/23/1907	1/23/1907
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34	1/23/1907	1/23/1907
35	1/23/1907	1/23/1907
36	1/23/1907	1/23/1907

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.

WARNING STATEMENT
This plat is a duplicate of the original and should be used as such. It is not to be used as a basis for any legal action.

SCALE in Chains
0 5 10 20 30 40 50 60 70 80

BLAINE COUNTY 013
SHOSHONE DISTRICT SEC 3

MT PLAT

USE PLATS

CURRENT TO
DEC 1, 1979

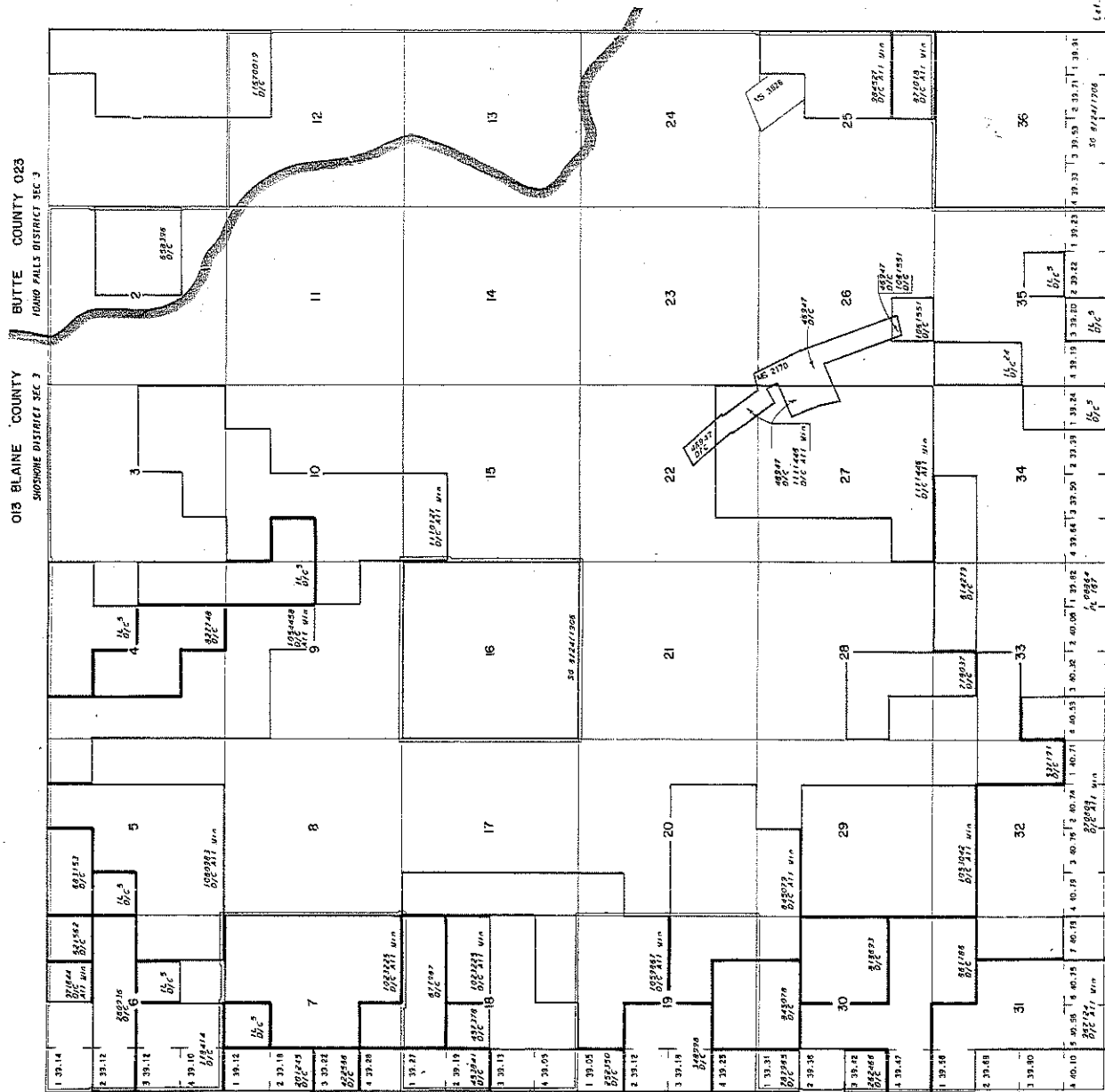
CLERK TO
DEC 1, 1979

Lat. 43°27' N
Long. 111°54' E

Row No.
T 2N
R 27E

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLESMT PLAT

RESERVE		INDEX TO SEGREGATED TRACTS	
TRACT NO	T	R	34C
			ORIGINAL SURVEY SUBDIVISION



SCALE in Chains

WARNING STATEMENT

This plan is the Bureau's Record of Title and should be used only as a graphic display of the township survey data. Records have been do not reflect title changes which may have been effected by lateral movements of rivers or other bodies of water. Refer to the cadastral surveys for official survey information.

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.

Boise Mer
T. 2N..
R. 23E.

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

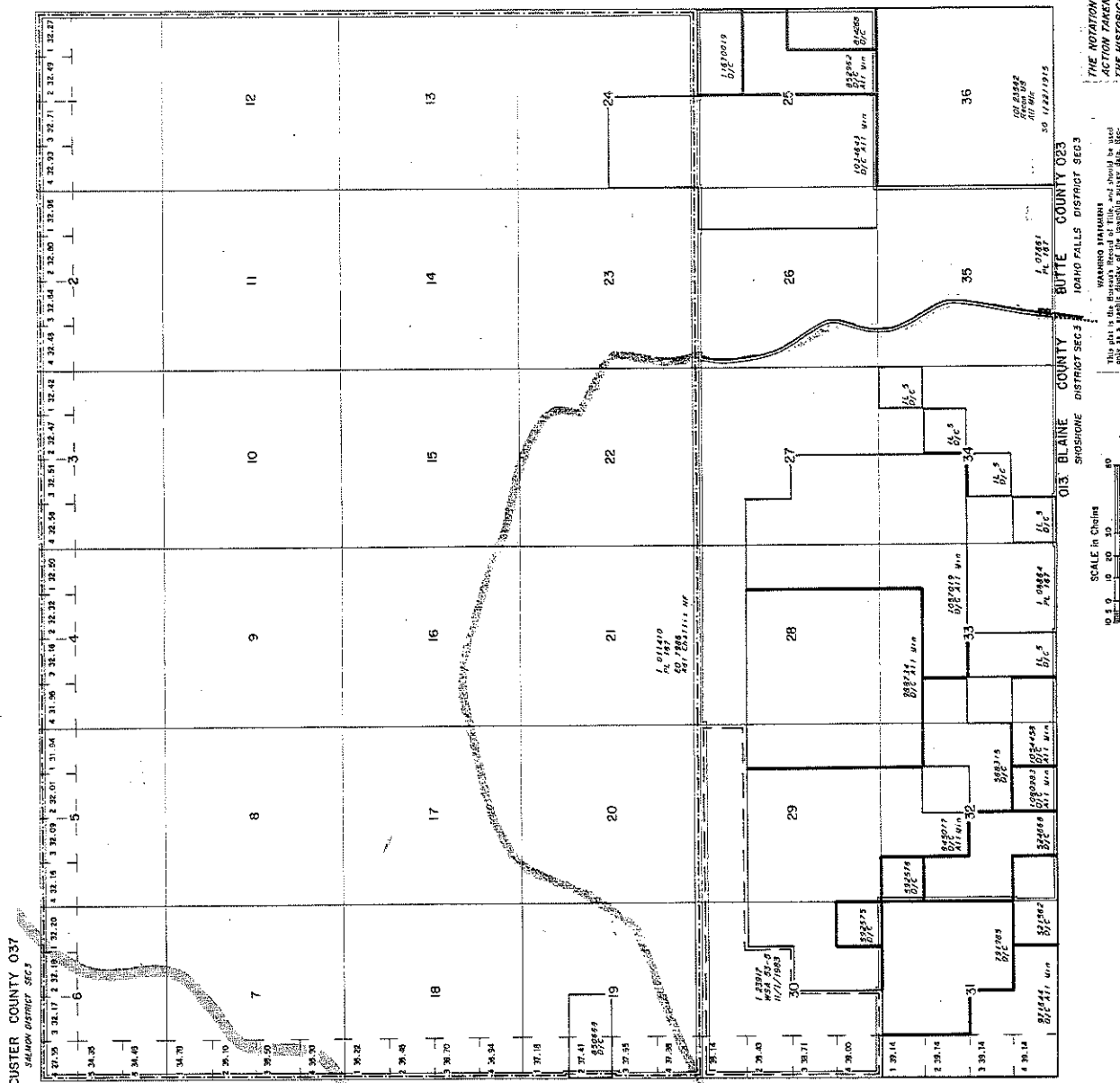
WT PLAT

RESURVEY		ORIGINAL SURVEY		INDEX TO SEGREGATED TRACTS	
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67	1	1	1	67	67
68	1	1	1	68	68
69	1	1	1	69	69
70	1	1	1	70	70
71	1	1	1	71	71
72	1	1	1	72	72
73	1	1	1	73	73
74	1	1	1	74	74
75	1	1	1	75	75
76	1	1	1	76	76
77	1	1	1	77	77
78	1	1	1	78	78
79	1	1	1	79	79
80	1	1	1	80	80
81	1	1	1	81	81
82	1	1	1	82	82
83	1	1	1	83	83
84	1	1	1	84	84
85	1	1	1	85	85
86	1	1	1	86	86
87	1	1	1	87	87
88	1	1	1	88	88
89	1	1	1	89	89
90	1	1	1	90	90
91	1	1	1	91	91
92	1	1	1	92	92
93	1	1	1	93	93
94	1	1	1	94	94
95	1	1	1	95	95
96	1	1	1	96	96
97	1	1	1	97	97
98	1	1	1	98	98
99	1	1	1	99	99
100	1	1	1	100	100

1 07586 Det Pl 157 Act of Cong 7/23/1955)
Completed 3/20/1961. All PD surface mount by RM

1 011410 Det Pl 157 Act of Cong 7/23/1955)
Completed 1/15/1962. All NF surface mount by
USFS

1 00864 Det Pl 157 Act of Cong 7/23/1955)
Completed 6/13/1962. All PD surface mount by RM



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

Louis Mer
 F. 3 N
 R. 23 E

BLAINE COUNTY 013
TWIN FALLS DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES

MT PLAT

[illegible]

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LAND REFER TO INDEX OF
#SCCANEANUS DOCUMENTS

FILE REF: 1000010502DEAMT0001000.dwg	BY: LTM
CONVERTED TIF: 1922/0094	BY: LTM
LAST UPDATED: 0201/0005	BY: MDP
LAST VERIFIED: 0201/0205	BY: MDP
POSTED TO PUBLIC RECORDS:	
PUBLIC LAND SURVEY SYSTEM (PLS)	
R/L 0039 ACQUIRED:	08/19/2004
USFS OFF ACQUIRED:	N/A
PROJECTED COORDINATE SYSTEM: LTM, ZONE 17N, NAD 1983	
NOTES:	

U.S. Bureau of Land Management - Idaho State Office
1387 S. Vinrell Way Boise, Idaho 83709
(208) 373-4000



DISCLAIMER:

This table is only a graphic display of the Bureau of Land Management's (BLM) Record of Title and Township Survey data. Records have not been updated to reflect data changes which may have been entered by lateral movements of river or other bodies of water. Refer to cadastral surveys for the latest information.

The numbers shown on waterways represent the last action taken, but may not be the effective date. See the National Index for the date of original withdrawal permit.

BLM activity is used by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual uses or purposes is not guaranteed.

11, 15
R. 22 E

