

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

Case No. 39576

A. Subcase 77-04219
(Insert water right number)

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: (208) 373-3831 (Fred Price)

Name & Address of Attorney, if any:

David L. Negri (208) 334-1936 phone, (208) 334-9375 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: Kenneth R. and Tammie Walters

Address: P.O. Box 31; Riggins, Idaho 83549

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 place of use includes both public and private lands where where some activities are authorized and some are not. The place of use element should contain the following remark to clarify the use: "Place of use does not include federal public lands unless authorized in writing by the managing federal agency."

F.

VERIFICATION (Must be Completed)

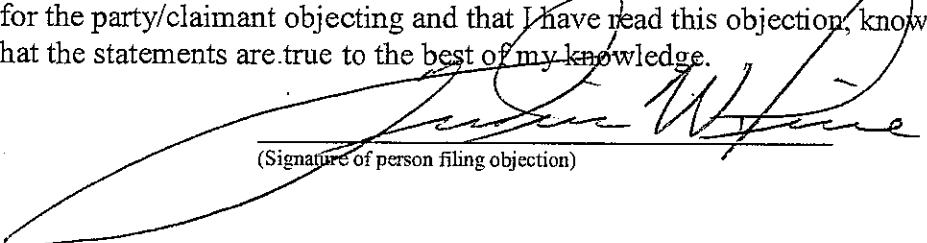
State of Idaho)

) ss.

County of ADA)

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

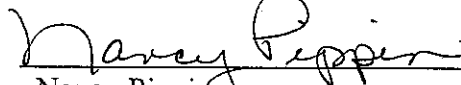
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

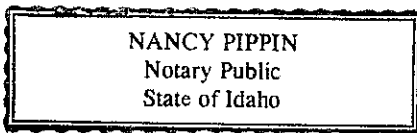

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

December 24, 2008


Nancy Pippin



Notary Public for State of Idaho

Residing at: Mountain Home, ID.

My Commission Expires: 09-06-2011

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 12-24-08, 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:

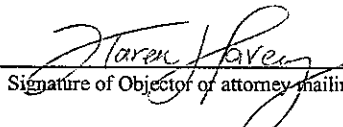
Name: Kenneth R. and Tammie Walters
Address: P.O. Box 31; Riggins, Idaho 83549
Name: Dana L. Hofstetter (attorney for claimant)
Address: 608 W. Franklin St.; Boise, Idaho 83702

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

10/27/2008

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

RIGHT NUMBER: 77-4219 -Places of use describe both Private and Public land.
NAME AND ADDRESS: TAMMIE WALTERS -Please insert the following language under place of use.
 PO BOX 11
 RIGGINS ID 83549
 KENNETH R WALTERS
 PO BOX 21
 RIGGINS ID 83549
 "Place of use for irrigation does not include federal public lands unless authorized in writing by the managing federal agency."

SOURCE: WEST FORK LAKE CREEK
 UNNAMED STREAM
 TRIBUTARY: LAKE CREEK
 TRIBUTARY: WEST FORK LAKE CREEK

Points of injection into and points of redirection from an unnamed stream and Sports Creek.

QUANTITY: 1.230 CFS

Right Nos. 77-4089 and 77-4219 are limited to a total combined diversion rate of 1.33 cfs for irrigation at the field headgate.

PRIORITY DATE: 09/01/1925

**POINT OF
DIVERSION:**

T23N R02E S6 NWSW Lot 6 Injection Within IDAHO County
 T23N R02E S6 NWSW Lot 6 Within IDAHO County
 T23N R02E S6 NWSW Lot 6 Rediversion Within IDAHO County
 T23N R02E S7 NWSE Within IDAHO County
 T24N R01E S23 NWSE Rediversion Within IDAHO County
 T24N R02E S31 NWSW Injection Within IDAHO County

**PURPOSE AND
PERIOD OF USE:**

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	1.230 CFS

PLACE OF USE:

IRRIGATION in IDAHO County

Mixed	T24N R01E S13	SWSW	7.90	T24N R01E S13	NWSW	3.40	Mixed	
	T24N R01E S14	SENE	0.70	T24N R01E S14	SESE	4.10		
	T24N R01E S14	NESE	20.80	T24N R01E S14	NWSE	13.90		
BLM	T24N R01E S14 Lot 22	NWSE	3.00	T24N R01E S14	SWSE	4.20		
	T24N R01E S14 Lot 14	SWSE	1.60	T24N R01E S14	SESE	0.90		
	T24N R01E S14 Lot 13	SESE	0.70					

61.2 ACRES TOTAL

Right Nos. 77-4089 and 77-4219 are limited to the irrigation of a combined total of 61.2 acres in a single irrigation season.

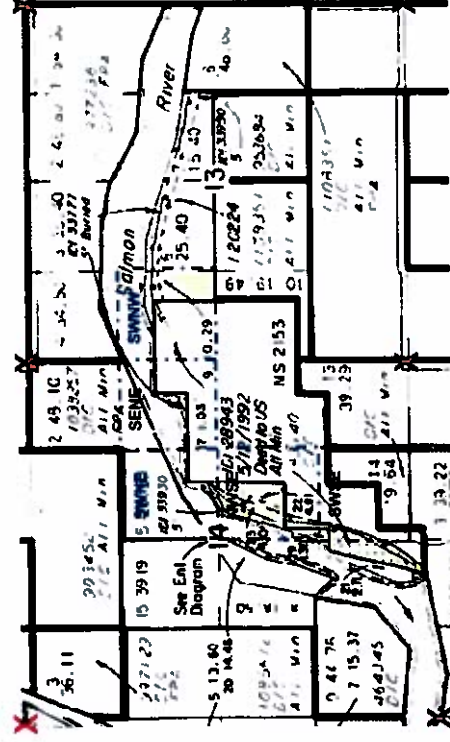
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 - Beneficial Use

77-04089 & 77-04219 – Irrigation Places of Use

T24N R01E



- Places of use describe both Private and Public land.
- Please insert the following language under place of use.
"Place of use for irrigation does not include federal public lands unless authorized in writing by the managing federal agency."
- 77-04089; Place of use element should also include the remark:
"Place of use for stockwater does not include federal public lands."

IDAHO COUNTY 049
COEUR D'ALENE DISTRICT

STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES AND ACQUIRED LANDS

MT PLAT

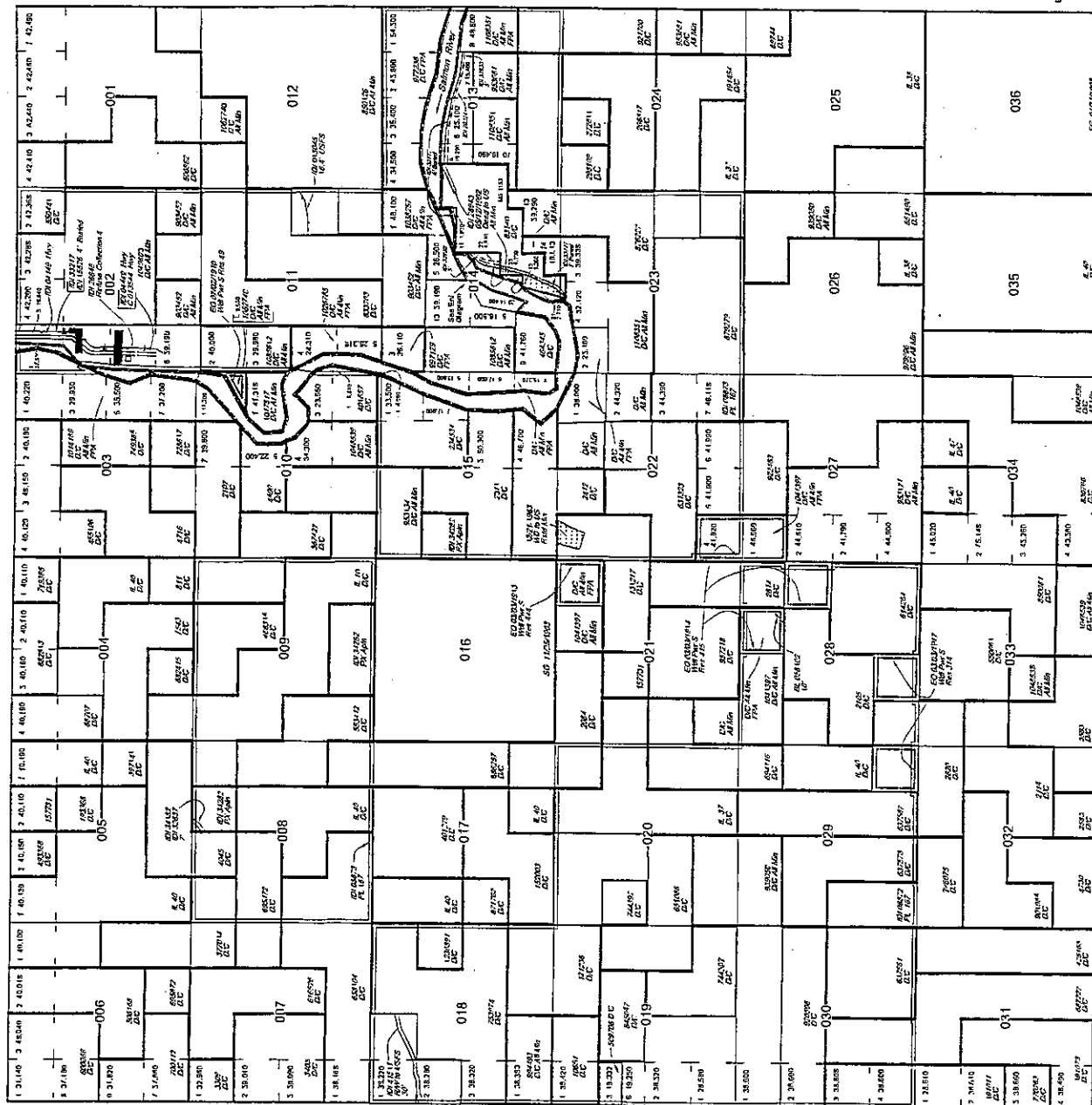
[illegible]

NO	07/19/1922	Open to Entry Subj to Sec 24 FPA Pwr S Res B	
	Sect 13, Lot 1 to 4 Incl		
NO	04/05/1921		
NO	07/06/1923	Open to Entry Subj to Sec 24 FPA Pwr S Res B	
NO	04/05/1921		
	Sect 10, Lot 1		
	Sect 14, Lot 3		
NO	12/28/1922	Open to Entry Subj to Sec 24 FPA Pwr S Res B	
	345 EQ 0303/1913		
NO	07/19/1922	Open to Entry Subj to Sec 24 FPA Pwr S Res B	
	Sect 22, NW1/4		
NO	07/19/1923	Open to Entry Subj to Sec 24 FPA Pwr S Res B	
	NO 04/05/1921		
	Sect 2, Lot 1		
	Sect 3, Lots 5 to 7 Incl		
	Sect 10, Lot 1		
NO	07/19/1923	Open to Entry Subj to Sec 24 FPA Pwr S Res B	
	NO 04/05/1921, Pwr S Res 345 EQ 0303/1913		
	Sect 11, Lot 4, 5		
	Sect 15, Lots 5, 6		
	Sect 22, Lot 4		
NO	03/15/1923	Open to Entry Subj to Sec 24 FPA Pwr S Res B	
	NO 04/05/1921, Pwr S Res 38 EQ 0702/1910		
	Sect 10, Lot 6		
NO	05/16/1923	Open to Entry Subj to Sec 24 FPA Pwr S Res B	
	345 EQ 0303/1913		
	Sect 23, SE1/4		
NO	05/16/1923	Open to Entry Subj to Sec 24 FPA Pwr S Res B	
	NO 04/15/1921		
	Sect 14, Lot 2, 5		
NO	05/06/1923	Open to Entry Subj to Sec 24 FPA Pwr S Res B	
	NO 07/05/1921		
	Sect 23, Lot 2		
NO	07/06/1923	Open to Entry Subj to Sec 24 FPA Pwr S Res B	
	NO 04/05/1921		
	Sect 15, Lot 1		
	Sect 21, Lot 1		
	Sect 22, Lot 1		
	Sect 23, Lot 1		
	Sect Supplemental Remarks Plat No 1		

OFF ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LAND REFER TO INDEX OF
JULIUS-ELLENCOIS DOCUMENTS

[illegible]

T. 24 N
R. 1 E



1831 MIEB:

has plots only a single display of the Bureau of Land Management (BLM) Record of Decision (ROD) and the changes which may have been affected by them. Records of Decision (RODs) are public documents.



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



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