

RECEIVED
JAN 16 2009
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

Case No. 39576

A. Subcase 37-22261
(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) 334-1414 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: Casa del Norte, LP
Address: 11204 N. Bar 21 Dr.; Glenns Ferry, Idaho 83623

Name: Bruce M. Smith (attorney for claimant)
Address: 950 W. Bannock, Ste. 520; Boise, Idaho 83702

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. ☐ **Purposé(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☐ **Place of Use**
Should be:
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 Point of Diversion (POD) is claimed. The claimant's use of Federal land is unauthorized. Claimant's water claim should not include this POD.

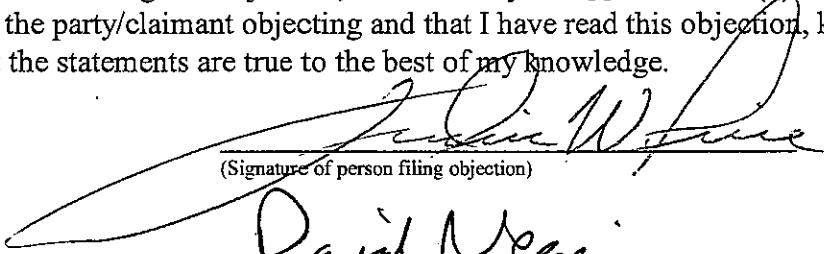
F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of ADA)

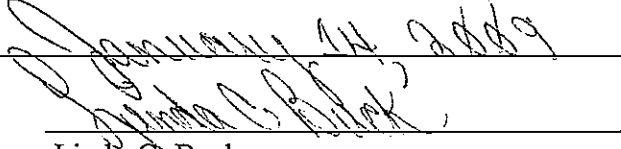
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

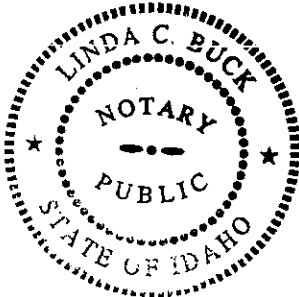
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)

David Mcginnis
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: January 14, 2009


Linda C. Buck



Notary Public for State of Idaho

Residing at: Mountain Home, ID.

My Commission Expires: 12-21-2011

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 01-15, 2009, 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: Casa del Norte, LP
Address: 11204 N. Bar 21 Dr.; Glenns Ferry, Idaho 83623

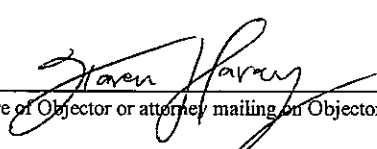
Name: Bruce M. Smith (attorney for claimant)
Address: 950 W. Bannock, Ste. 520; Boise, Idaho 83702

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

11/17/2008

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

RIGHT NUMBER: 37-22261

POD on BLM:

NAME AND ADDRESS: CASA DEL NORTE LP
11204 N BAR 21 DR
GLENNS FERRY ID 83623

-The Point of Diversion on BLM is not authorized.

SOURCE: DRY CREEK

TRIBUTARY: CLOVER CREEK

QUANTITY: 2.570 CFS

PRIORITY DATE: 04/08/1920

POINT OF
DIVERSION:

T04S R12E S29 SWNW Within GOODING County **POD on BLM – old unused diversion**
T04S R12E S32 NWNW Within GOODING County **POD on BLM – not authorized**

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	2.570 CFS

PLACE OF USE: IRRIGATION in GOODING County

T04S R12E S32	SWNW	1.20	T04S R12E S32	SENE	2.10
T04S R12E S32	NESW	13.00	T04S R12E S32	NWSW	0.80
T04S R12E S32	SESW	16.00	T04S R12E S32	SWSE	29.00
T05S R12E S05 Lot 1	NENE	26.00	T05S R12E S05 Lot 2	NWNE	30.00
T05S R12E S05	SWNE	38.00	T05S R12E S05	SENE	37.00
T05S R12E S05 Lot 3	NENW	8.80	T05S R12E S05 Lot 4	NWNW	7.30
T05S R12E S05	SWNW	9.60	T05S R12E S05	SENE	22.00
T05S R12E S05	NESW	10.00	T05S R12E S05	NWSW	2.50

253.3 ACRES TOTAL

Right nos. 37-819A, 37-820A, 37-821B, 37-823, 37-824, 37-826, 37-827, 37-828, 37-7081, 37-19825, 37-21291 and 37-22261 are limited to the irrigation of a combined total of 401.2 acres in a single irrigation season.

Right nos. 37-819A, 37-820A, 37-821B, 37-823, 37-824, 37-21291 and 37-22261 are limited to the irrigation of a combined total of 253.3 acres in a single irrigation season.

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

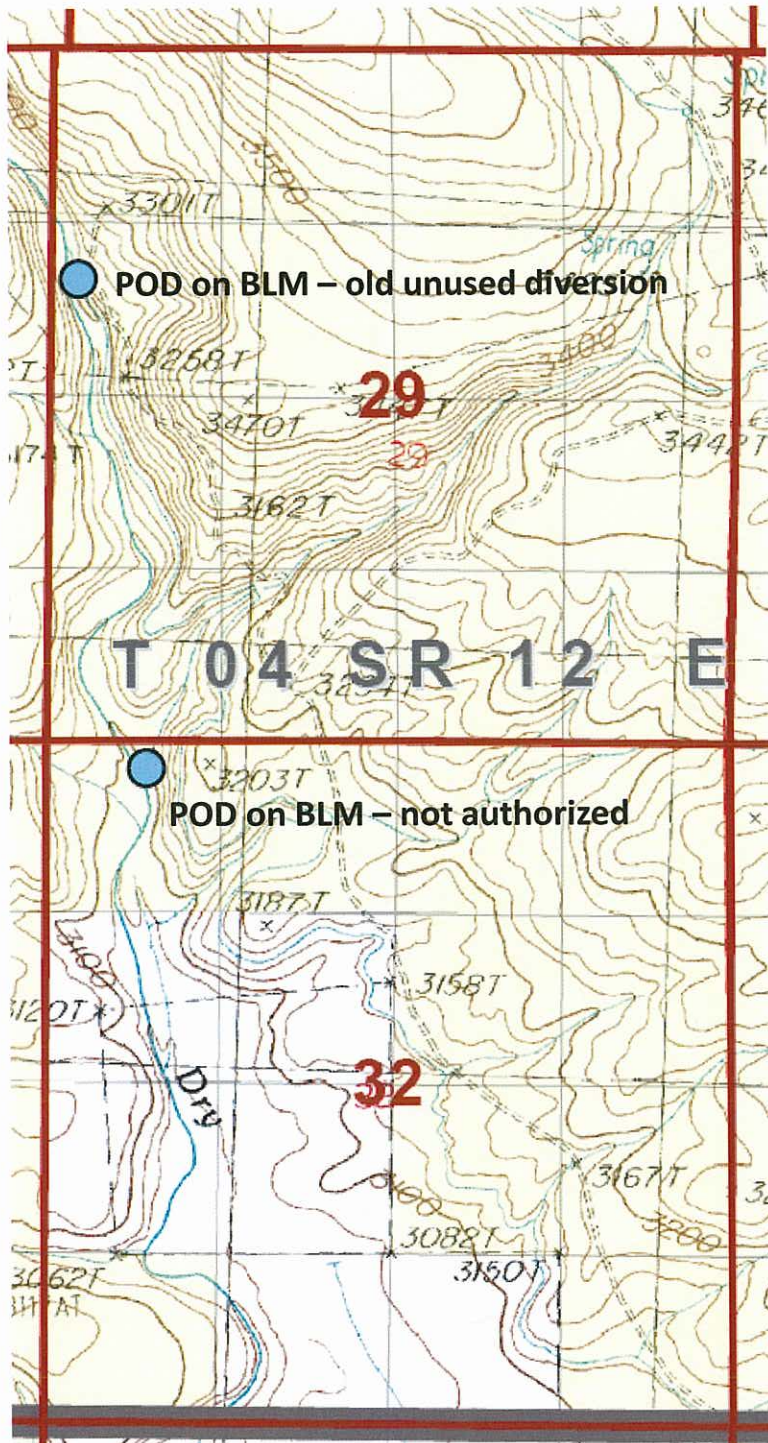
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

37-22261; Casa Del Norte LP

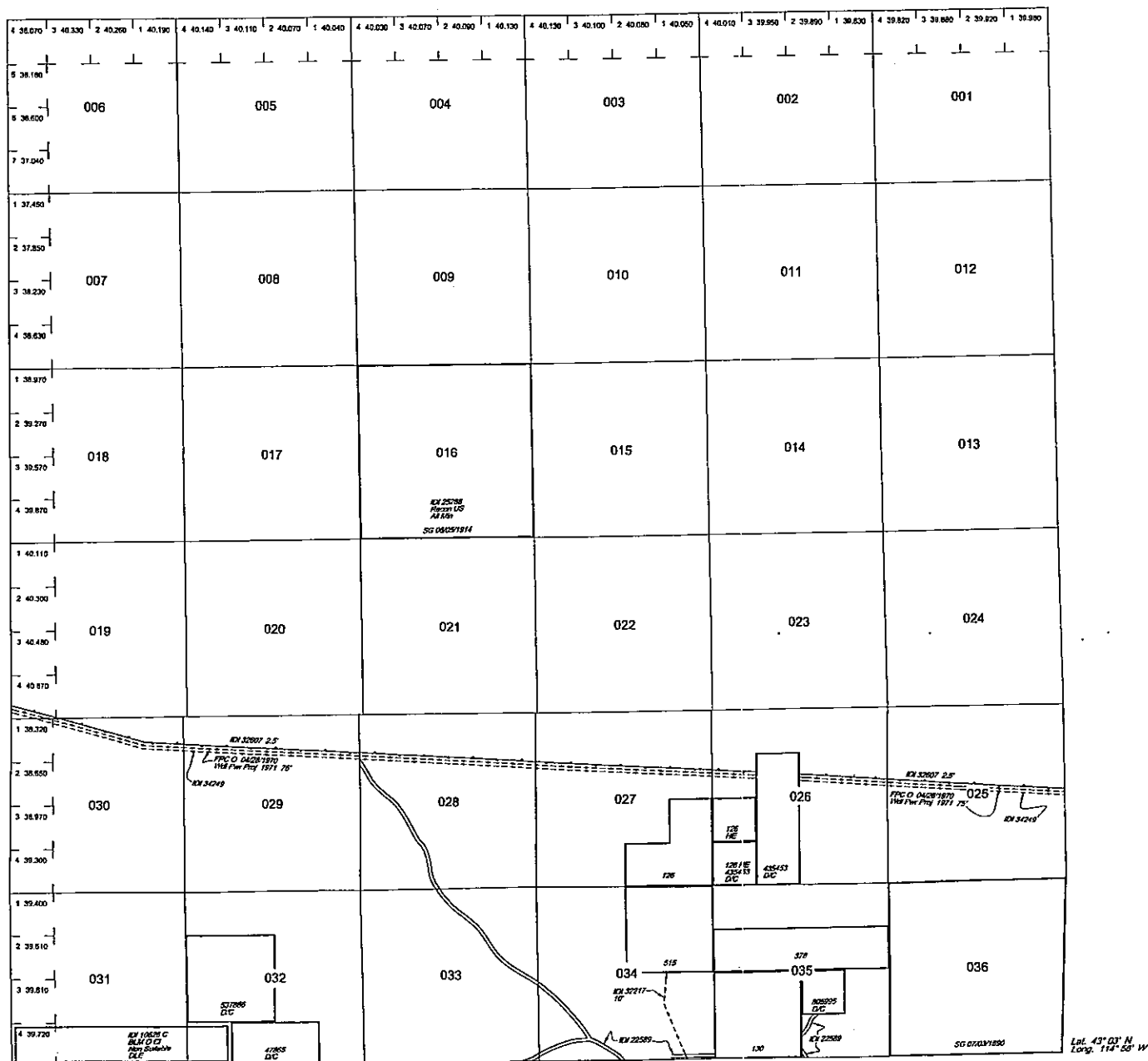
POD on BLM:

-The Point of Diversion on BLM is not authorized.



GOODING COUNTY 047
TWIN FALLS DISTRICT SEC 3

MT PLAT

[illegible]

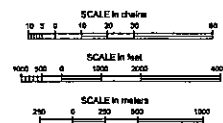
FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LAND REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

FILE REF:	IX0064050120CALM00004-g	BY:	DWB
CONVERTED TWF:	03/01/2007	BY:	DWB
LAST UPDATED:	03/27/2007	BY:	DWB
GADC F1:	EG 03/20/2007	GADC F2:	DWS
POSTED TO PUBLIC RECORDS:	03/26/2007	BY:	
PUBLIC LAND SURVEY SYSTEM (PLSS)			
BLM OCSB ACQUIRED:		D4262005	
OTHER:		N/A	
PROJECTED COORDINATE SYSTEM:		UTM ZONE 11N, NAD 1983	
NOTES:			
USE PLATS:			

Boise Mar.
T. 4 S
R. 12 E



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



DISCLAIMER:

This plot is only a graphic display of the Bureau of Land Management's (BLM) Record of Title and township survey data. Records hereon do not reflect the changes which may have been effected by lateral movements of river or other bodies of water. Refer to cadastral surveys for official 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 original withdrawal order.

No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or aggregate use with other data is not guaranteed.

GOODING COUNTY 047
TWIN FALLS DISTRICT SEC 3

MT PLAT

[illegible]

(D) 26912 Lsa

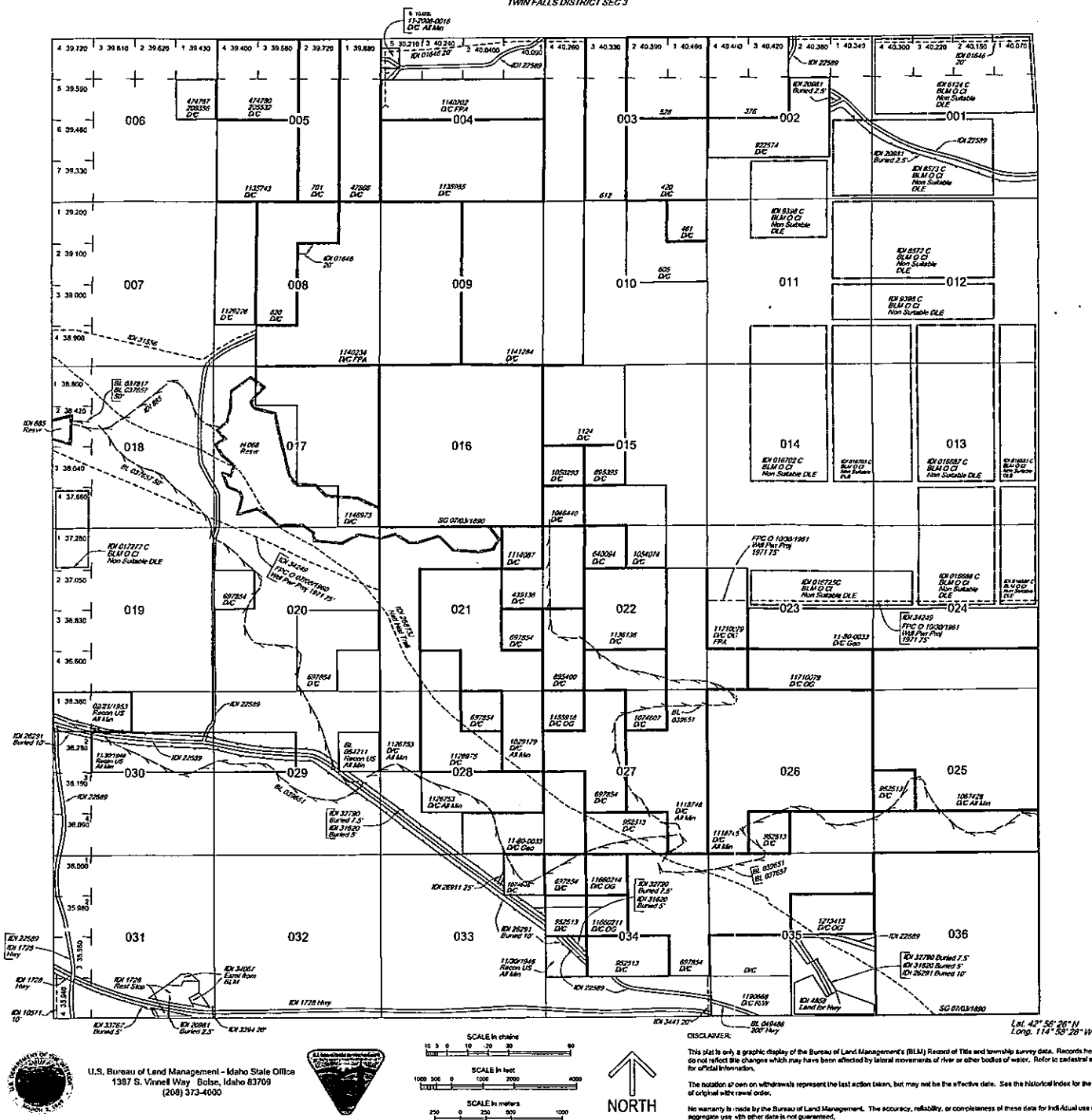
Sec 33: M&B NWNE, SENE
10.1 Acres More or

IDI 25873J Natl Hist Trad

Historical information only, does not denote public access

Pending Survey Group No 1244

Partial Tp



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

FILE REF: ID0602558120E4100000.dwg	
CONVERTED TFRF: 04/11/2008	BY: JCB
LAST UPDATE: 11/12/2008	BY: LFM
QA/QC #1:	QA/QC #2:
POSTED TO PUBLIC RECORDS: November 14, 2008	
BY:	
PUBLIC LAND SURVEY SYSTEM (PLSS)	
BLM GDS ACCURACY:	04052005
OTHER:	N/A
PROJECTED COORDINATE SYSTEM: UTM ZONE 11N, NAD 1983	
NOTES:	
USE PLATS:	

Bolsa Mor
T. 5 S
R. 12 E