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MAY 19 2010
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 02-07462
(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: Salmon Falls Land & Livestock Co., Inc.
Address: 95A Bell Rapids Rd
Hagerman, ID 83332

-entity is registered with the Secretary of State as
Salmon Falls Land & Livestock Company

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 legal description for certain places of use contain both public and private lands. The description should be specific enough to exclude Federal land and make it clear that only private land is intended.

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: May 14th, 2010

Sherman Scott Beazer

Notary Public for State of Idaho
Residing at: Boise. ID.
My Commission Expires: 12-10-2015

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 5-14, 2010, 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:

Salmon Falls Land & Livestock Company
95A Bell Rapids Rd
Hagerman, ID 83332

Timothy J. Stover
Worst, Fitzgerald & Stover, PLLC
P.O. Box 5226
Twin Falls, ID 83303-5226
Attorney for Claimant

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

03/03/2010

IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 2-7462

NAME AND ADDRESS: SALMON FALLS LAND & LIVESTOCK CO INC
95A BELL RAPIDS RD
HAGERMAN ID 83332

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 20.000 CFS

Rights 02-7249 and 02-7462 when combined shall not exceed a total diversion rate of 29.89 cfs, a total annual maximum diversion volume of 9728 af at the field headgate. Mixed POUs:

The places of use shown below describe both private and public lands. Please clarify such that only private land is intended by inserting the following language under place of use:

"Place of use does not include federal public lands."

PRIORITY DATE: 09/29/1969

POINT OF DIVERSION: T08S R14E S7 NENESE Lot 6 Within TWIN FALLS County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	4/01 10/31	20.000 CFS

The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than originating approval/SRBA partial decree date.

PLACE OF USE: IRRIGATION in TWIN FALLS County

T08S R13E S10	SWSE	20.40	T08S R13E S10	SESE	20.30
T08S R13E S11	NENE	20.10	T08S R13E S11	NWNE	20.00
T08S R13E S11	SWNE	40.10	T08S R13E S11	SENE	40.20
T08S R13E S11	NESW	33.20	T08S R13E S11	NWSW	40.00
T08S R13E S11	SWSW	40.10	T08S R13E S11	SESW	36.60
T08S R13E S11	NESE	29.90	T08S R13E S11	NWSE	18.50
T08S R13E S11	SWSE	27.30	T08S R13E S11	SESE	29.70
T08S R13E S12	NWNW	20.30	T08S R13E S12	SWNW	20.50
T08S R13E S12	NESW	40.50	T08S R13E S12	NWSW	36.00
T08S R13E S12	SWSW	40.50	T08S R13E S12	SESW	40.60
T08S R13E S12	NESE	39.90	T08S R13E S12	NWSE	39.90
T08S R13E S12	SWSE	40.50	T08S R13E S12	SESE	36.50
T08S R13E S13	NENE	39.20	T08S R13E S13	NWNE	37.30
T08S R13E S13	SWNE	40.30	T08S R13E S13	SENE	40.40
T08S R13E S13	NENW	40.40	T08S R13E S13	NWNW	21.80
T08S R13E S13	SWNW	32.90	T08S R13E S13	SENW	40.40
T08S R13E S13	NESW	40.20	T08S R13E S13	NWSW	40.20
T08S R13E S13	SWSW	40.10	T08S R13E S13	SESW	40.10

T08S R13E S13	NESE	40.10	T08S R13E S13	NWSE	40.10
T08S R13E S13	SWSE	40.00	T08S R13E S13	SESE	40.10
T08S R13E S14	NENE	34.40	T08S R13E S14	NWNE	40.00
T08S R13E S14	SWNE	40.00	T08S R13E S14	SENE	29.00
T08S R13E S14	NENW	40.00	T08S R13E S14	NWNW	40.00
T08S R13E S14	SWNW	39.80	T08S R13E S14	SENW	39.80
T08S R13E S14	NESW	39.60	T08S R13E S14	SESW	39.50
T08S R13E S14	NESE	39.90	T08S R13E S14	NWSE	39.90
T08S R13E S14	SWSE	39.80	T08S R13E S14	SESE	39.80
T08S R13E S15	NENE	40.80	T08S R13E S15	NWNE	40.80
T08S R13E S15	SWNE	21.80	T08S R13E S15	SENE	21.80
T08S R14E S07 Lot 7	NWSW	31.40	T08S R14E S07 Lot 8	SWSW	31.80
T08S R14E S07	SESW	39.90	T08S R14E S07	NWSE	28.20
T08S R14E S07	SWSE	39.80	T08S R14E S18	NWNE	39.80
T08S R14E S18	SWNE	39.80	T08S R14E S18	NENW	39.90
T08S R14E S18 Lot 1	NWNW	31.80	T08S R14E S18 Lot 2	SWNW	31.80
T08S R14E S18	SENW	40.00	T08S R14E S18	NESW	39.90
T08S R14E S18 Lot 3	NWSW	31.60	T08S R14E S18 Lot 4	SWSW	31.30
T08S R14E S18	SESW	39.70	T08S R14E S18	NWSE	39.70
T08S R14E S18	SWSE	39.70			

2668 ACRES TOTAL

This right is limited to the irrigation of 1007.2 acres within the place of use described above in a single irrigation season.

Rights 2-7249, and 2-7462 are limited to the irrigation of a specific 2432 acres within the 2668 acre place of use authorized by these rights in a single irrigation season. The specific 2432 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 2432 acres to be irrigated within the 2668 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

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

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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.

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

02-07249 & 02-07462; Salmon Falls Land & Livestock

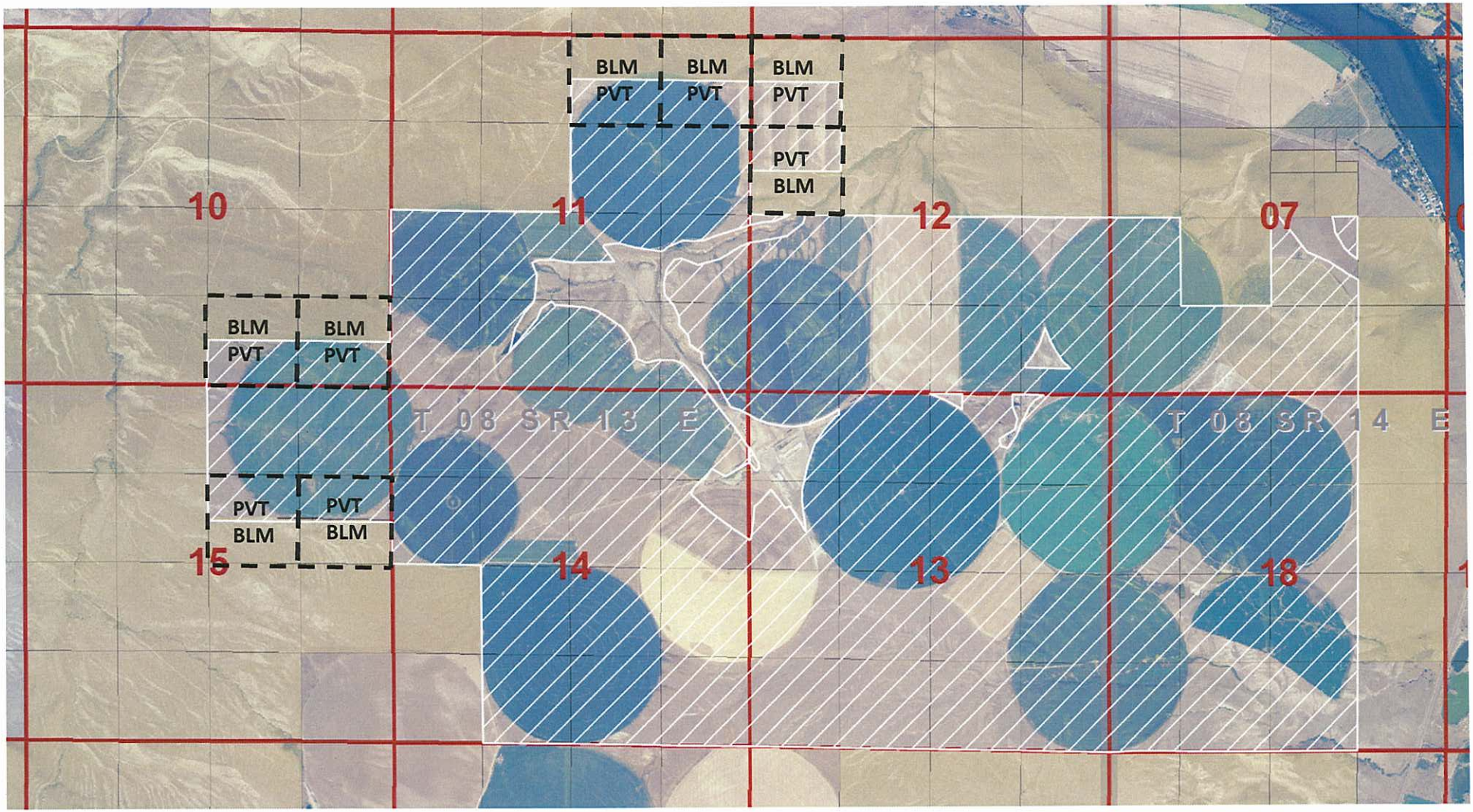
Mixed POUs:

-The places of use shown below describe both private and public lands. Please clarify such that only private land is intended by inserting the following language under place of use:

<u>"Place of use does not include federal public lands."</u>

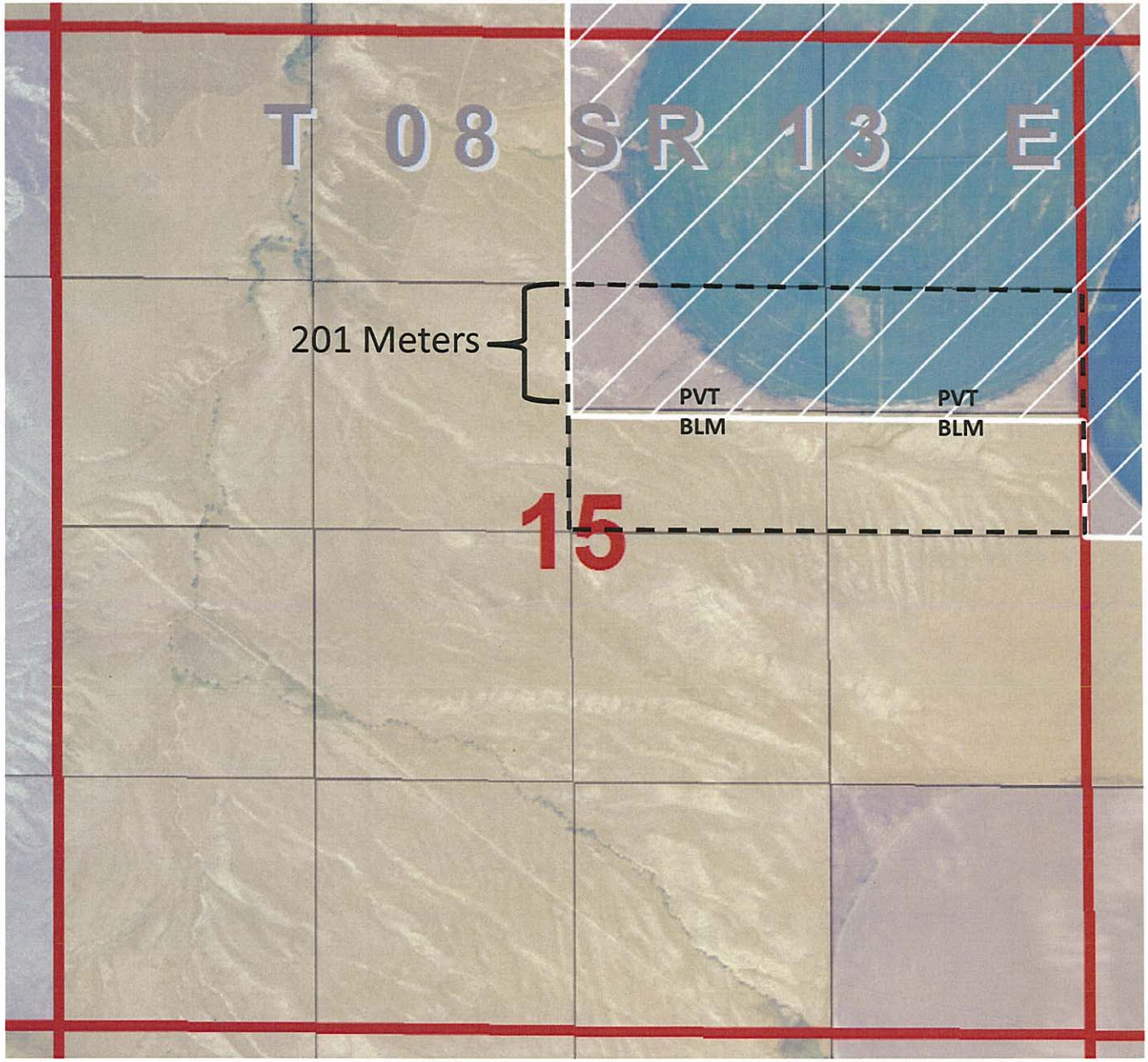
Acres on BLM:

T08S R13E S12 NWNW 20.30 acres and T08S R13E S12 SWNW 20.50 acres describes 0.30 acres and 0.50 acres on BLM. Patent number 11-85-0009 deeded the S1/2NWNW and N1/2SWNW each QQ being 20 acres. Agricultural activity of 0.30 and 0.50 acres is not authorized on BLM.

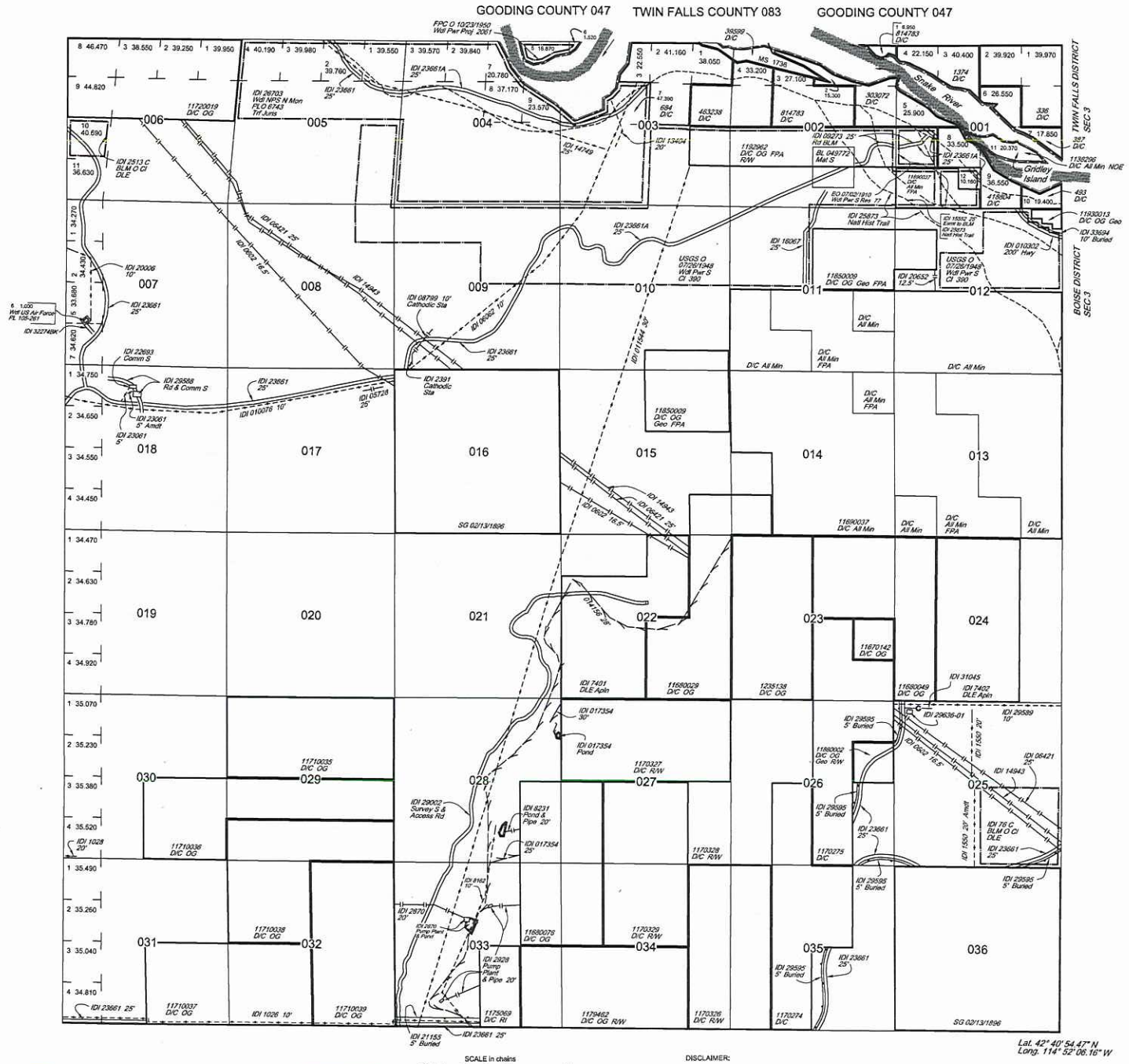


02-07249 & 02-07462; Salmon Falls Land & Livestock

The Mixed POUs shown below need to have the shapefile adjusted to only include private land. The shapefile should only extend 201 meters into the QQs, which would only include the deeded land.



TOWNSHIP 8 SOUTH RANGE 13 EAST OF THE BOISE MERIDIAN, IDAHO



STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

INDEX TO SEGREGATED TRACTS				
RESURVEY				ORIGINAL SURVEY
TRACT NO	T	R	SEC	SUBDIVISION

EO 07/02/1910 Wdl Pwr S Res 77 affects Unsur part
Secs 3,4 lying N of Snake River

SO 05/06/1926 Wdl Pwr S Cl 140, all lands lying within the Snake River
Sec 3,4

BLM O 12/21/1953 Open to Entry Subj to Sec 24 FPA
Pwr S Res 77 EO 07/02/1910, Pwr Proj 19 FPC O 12/11/1920, Pwr Proj 282 FPC O 02/23/1922, Pwr Proj 1449 FPC O 08/04/1937, Pwr S Cl 390 USGS O 07/26/1948, Pwr Proj 2061 BLM O 12/21/1953
Sec 1: NWSW, SESW
Sec 2: N2SE, NESW, SWSW
Sec 3: Lots 4,5, N2SW, SE

BLM O 09/27/1957 Open to Entry Subj to Sec 24 FPA
Pwr Proj 282 FPC O 02/23/1922, Pwr Proj 1449
FPC O 04/08/1937, Pwr S Cl 390 USGS O 07/26/1948
Sec 1: SWSW
Sec 2: NWSW, SESW, S2SE
Sec 3: S2SW

PLO 2895 01/29/1963 Open to Entry Subj to Sec 24 FPA
Pwr Proj 1449 FPC O 08/04/1937; Pwr S Cl 390
USGS O 07/16/1948
Sec 11: W2NENW, E2NWNW

IDI 2345 BLM O Cl Mult Use, Jarbidge Area;
Segr from Appropn under HE, DLE, IA, PS, PLS, R&PP & IS
All Unappropd public land within
Sec 17: N2
Sec 18: N2

IDI 12610 Sikes Act 12/13/1976
Sec 14: NWSW
Sec 15: W2NW
Sec 17: NWSW
Sec 18: NESE
Sec 19: W2E2
Sec 21: SENE, NESE
Sec 26: E2SE
Sec 30: NWNE, E2W2
Sec 31: E2NE
Sec 33: W2SW
Sec 35: W2SE
See Supplemental Remarks Plat No 1

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

FILE REF:	ID080080S0130EaM100000.dwg
CONVERTED TIFF:	08/26/2008 BY: LFM
LAST UPDATED:	09/01/2009 BY: LFM
QA/QC #1:	QA/QC #2:
POSTED TO PUBLIC RECORDS:	September 1, 2009 BY:
PUBLIC LAND SURVEY SYSTEM (PLSS)	
BLM GCDB ACQUIRED:	04/26/2005
OTHER:	N/A
PROJECTED COORDINATE SYSTEM:	UTM ZONE 11N, NAD 1983
NOTES:	
USE PLATS:	

Boise Mer.
T. 8 S
R. 13 E

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

SCALE in chains
SCALE in feet
SCALE in meters

NORTH

DISCLAIMER:

This plat 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 title changes which may have been affected 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.

I-17057

The United States of America

To all to whom these presents shall come, Greeting:

WHEREAS

Robert H. Brailsford

is entitled to a Land Patent pursuant to the Act of March 3, 1877, as amended and supplemented; 43 U.S.C. 321, et seq, for the following-described lands:

Boise Meridian, Idaho

T. 8 S., R. 13 E.,
sec. 10, S½S½SE¼;
sec. 11, S½N½NE¼, S½NE¼;
sec. 12, S½NW¼NW¼, N½SW¼NW¼;
sec. 15, N½NE¼, N½S½NE¼.

Containing 320 acres.

NOW KNOW YE, that there is, therefore, granted to the UNITED STATES, unto the above-named claimant the land above described; TO HAVE AND TO HOLD the said land with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said claimant, his successors and assigns, forever;

EXCEPTING AND RESERVING TO THE UNITED STATES:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.
2. All the oil and gas in the lands so patented, and to it, or persons authorized by it, the right to prospect for, mine and remove such deposits from the same upon compliance with the conditions and subject to the provisions and limitations of the Act of July 17, 1914, 38 Stat. 509, as supplemented; 30 U.S.C. 121-124.
3. All the geothermal steam and associated resources in the lands so patented, and to it, or persons authorized by it, the right to prospect for, mine and remove such deposits, upon compliance with the conditions and subject to the provisions and limitations of the Act of December 24, 1970 (30 U.S.C. 1001).

Patent Number 11-85-0003

4. The right to itself, its permittees or licensees, the right to enter upon, occupy and use, any part or all of that portion lying within 50 feet of the center line of the transmission line right-of-way of project number 282 for the purposes set forth in and subject to the conditions and limitations of Sec. 24 of the Federal Power Act of June 10, 1920, 41 Stat. 1075, as amended, (16 U.S.C. 818).

SUBJECT TO these rights for powerline purposes granted to Idaho Power Company, its successors or assigns, by right-of-way No. I-14353, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761), as to the S½N½NE¼, Sec. 11, S½NW¼NW¼, Sec. 12, T. 8 S., R. 13 E., Boise Meridian.

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in Boise, Idaho
the NINETEENTH day of NOVEMBER in the year
of our Lord one thousand nine hundred and EIGHTY-FOUR
and of the Independence of the United States the two hundred
and NINTH

[SEAL]

By _____
Deputy State Director for Operations

11-85-0003

Patent Number _____

☆ U.S. GOVERNMENT PRINTING OFFICE: 1983—776-642