

JUN 01 2011

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 37-22598
(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
Natural Resources Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Bonnie C. Kevicki
43559 W. Sparks Ct.
Maricopa, AZ 85138

Barbara L. Murphy
Box 215
Carey, ID 83320

Dean E. Olsen
Michael L. Olsen
Box 144
Carey, ID 83320

Milford D. Sweat
656 Fairbanks St., Apt A-11
Fairbanks, AK 99709

Fritz X. Haemmerle, attorney for Kevicki
Haemmerle & Haemmerle, PLLC
P.O. Box 1800
Hailey, ID 83333

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: Claim should not include BLM land for Stockwater from Storage within T01N, R22E, S34, NESE.

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):**

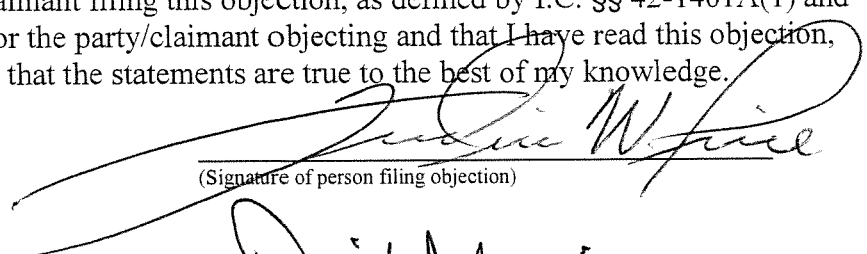
The United States of America, through the Bureau of Land Management, is the owner of the land upon which a portion of the use is claimed. The claimants' do not hold a BLM-issued grazing permit within the Shale Allotment (#80331) for a stockwater POU within NESE, S34, T01N, R22E. Claimants' water right should not include a Purpose of Use and Place of Use ("POU") on federal public land for stockwater. Claimant cannot establish a priority date on federal public land for stockwatering purposes in trespass. Claim does not define appurtenance of stockwater use pursuant to I.C. 42-1402.

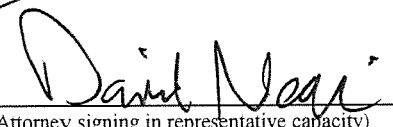
F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of ADA)

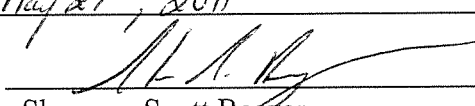
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

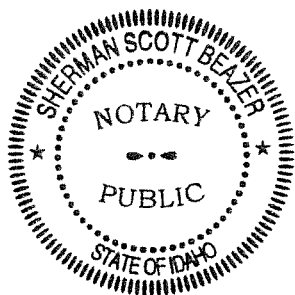
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)


(Attorney signing in representative capacity)

Subscribed and sworn to before me on: May 27th, 2011


Sherman Scott Beazer



Notary Public for State of Idaho

Residing at: Boise

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 May 27, 2011, 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:

Bonnie C. Kevicki
43559 W. Sparks Ct.
Maricopa, AZ 85138

Barbara L. Murphy
Box 215
Carey, ID 83320

Dean E. Olsen
Michael L. Olsen
Box 144
Carey, ID 83320

Milford D. Sweat
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Fairbanks, AK 99709

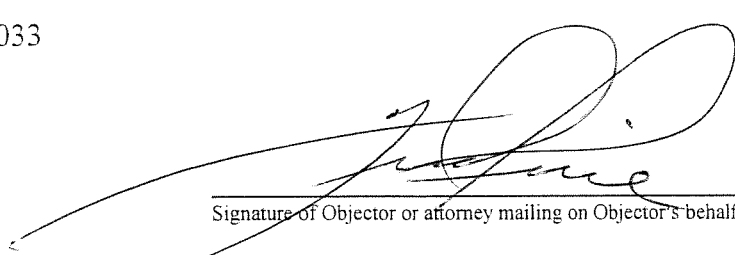
Fritz X. Haemmerle, attorney for Kevicki
Haemmerle & Haemmerle, PLLC
P.O. Box 1800
Hailey, ID 83333

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098
P.O. Box 44449
Boise, ID 83711-4449

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho

United States Department of Justice
Environment and Natural Resource Division
Natural Resources Section
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney mailing on Objector's behalf

ADR issued 04-18-11 and filed 04-20-11

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

RIGHT NUMBER: 37-22598

NAME AND ADDRESS: MILFORD D SWEAT
656 FAIRBANKS ST APT A-11
FAIRBANKS AK 99709

BARBARA L MURPHY
BOX 215
CAREY ID 83320

MICHAEL L OLSEN
BOX 144
CAREY ID 83320

DEAN E OLSEN
BOX 144
CAREY ID 83320

JOEL E OLSEN
568 BAKER ST
TWIN FALLS ID 83301

BONNIE C KEVICKI
43559 W SPARKS CT
MARI COPA AZ 85138

Stockwater From Storage POU on BLM
T01N, R22E, S34, NESE

-Claimants are not authorized to graze federal public land, therefore the claim should not include a purpose of use or place of use on federal public land.

-Priority date for stockwater cannot be established in trespass.

-Claim does not define appurtenance of stockwater use pursuant to I.C. 42-1402.

SOURCE: FISH CREEK

QUANTITY: 3.200 CFS
62.400 AFY

PRIORITY DATE: 12/17/1914

POINT OF DIVERSION:

TRIBUTARY: LITTLE WOOD RIVER

T01N R22E S27 SWSESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.200 CFS
DIVERSION TO STORAGE	01/01 12/31	3.200 CFS
IRRIGATION STORAGE	01/01 12/31	62.40 AFY
IRRIGATION FROM STORAGE	04/15 10/31	62.40 AFY

PLACE OF USE: IRRIGATION STORAGE in BLAINE County

T01N R22E S34 NESE BLM

IRRIGATION FROM STORAGE in BLAINE County

T01S R22E S03	SWSE	26.00	T01S R22E S03	SESE	19.00
T01S R22E S10	NWNE	32.00	T01S R22E S10	SENE	15.00
T01S R22E S10	NENW	36.00	T01S R22E S10	SESW	19.00
T01S R22E S10	NESE	32.00	T01S R22E S10	NWSE	9.40
T01S R22E S10	SWSE	34.00	T01S R22E S15	NWNE	31.00
T01S R22E S15	SWNE	24.00	T01S R22E S15	NENW	34.00
T01S R22E S15	NWNW	39.00	T01S R22E S15	SENW	40.00
T01S R22E S15	NESW	40.00	T01S R22E S15	NWSE	19.00

STOCKWATER same as IRRIGATION STORAGE BLM

450.4 ACRES TOTAL

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

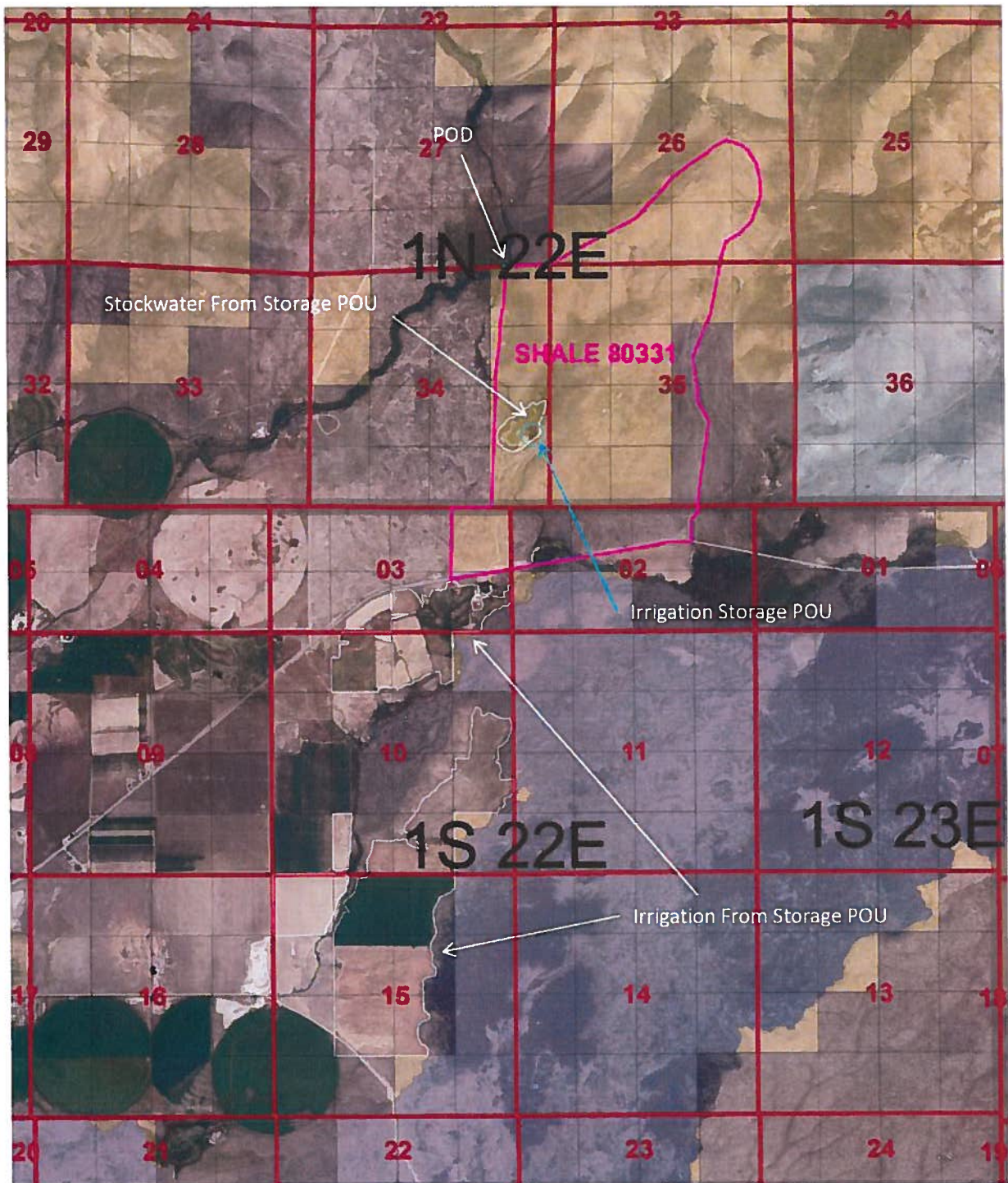
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is renumbered from former right 37-2124 .

OTHER WATER RIGHTS USED: 37-732, 37-743B, 37-2777,
37-2676 & 37-7620.

Previous notes in the claim database state that this right was superceded by decree. See 37-1178, 37-0743, 37-1179, 37-0757 & 37-0748

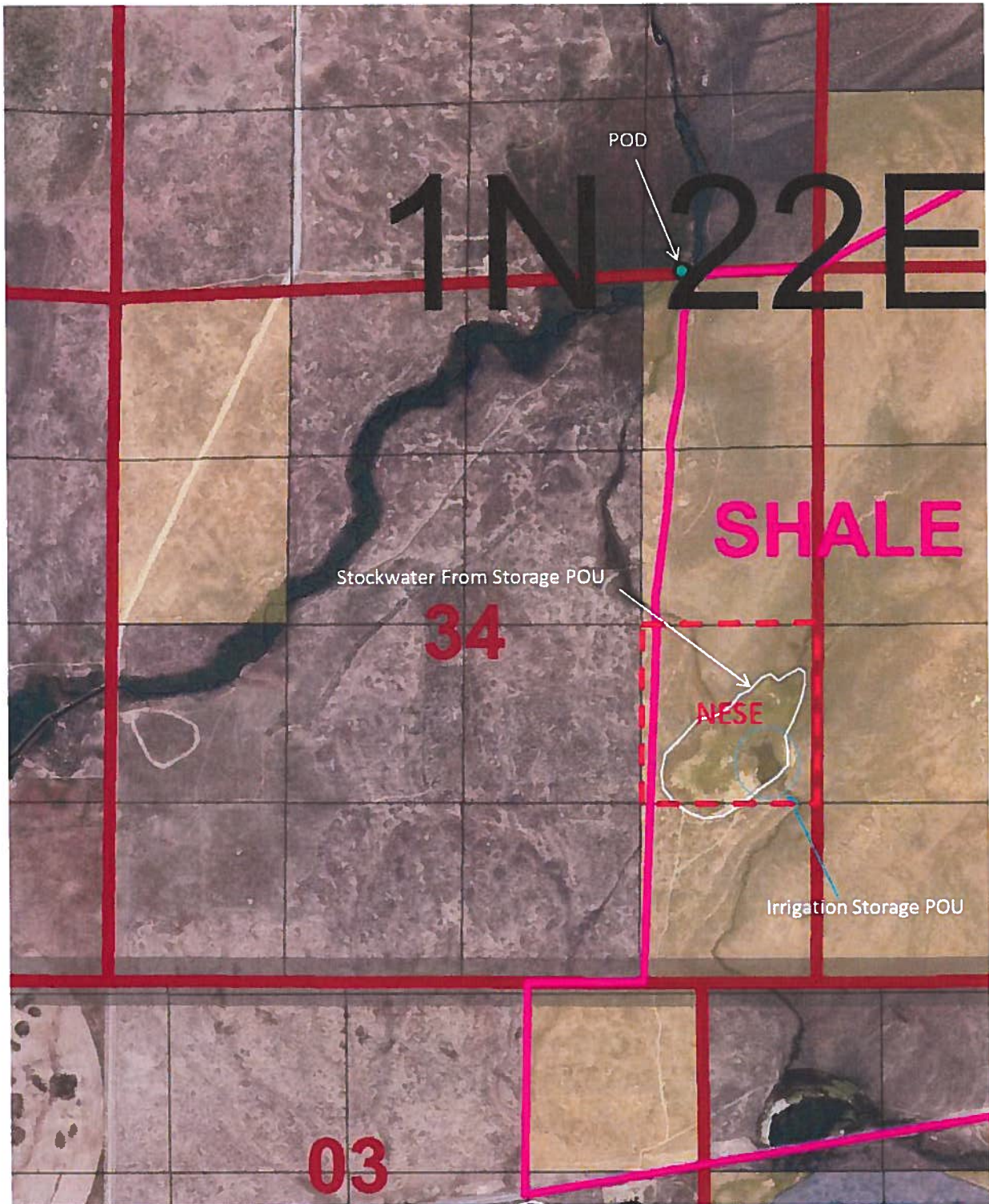


1:7,832

37-22598

POD is located in SWSESE, S27, T01N, R22E (pvt)
POU for Irr Storage and Stock From Storage is in
NESE, S34, T01N, R22E (BLM).

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