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JUL 15 1999

Department of Water Resources  
Boise, Idaho

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JUN 24 1999

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 47-15010

(Insert water right number)

STANDARD FORM 1  
OBJECTION

Please fill in the following information:

**B. NAME AND ADDRESS OF PERSON OBJECTING**

Name:

Pickett Ranch & Sheep Co

Address:

1650 South 568 West

Oakley, Idaho 83346

Daytime Phone: (208) 862-3482

Name & Address of Attorney, if any:

DON F. PICKETT

1659 S. 600 W.

OAKLEY, ID 83346

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

Name: United States of America, Acting through the USDA Forest Service

Address: 550 West Fort Street MSC 033

Boise, Idaho 83724

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

- Pickett Ranch & Sheep Company  
1650 South 568 West  
Oakley, Idaho 83346
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: \_\_\_\_\_

11. I object because:

- ☒ This water right should not exist, i.e., in the name of the USA.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): The Director's Report incorrectly refers to the United States of America as the proper claimant of this instream water right. Pickett Ranch & Sheep Company, by and through its predecessor in interest of this grazing preference located on public lands, is the proper claimant as owner of the livestock which put the water to beneficial use.

F.

VERIFICATION (Must be Completed)

State of Idaho )  
County of Cassia )ss.

Don F. Pickett, 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)

Don F. Pickett

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

22 June 1999

Beckie Clark

Notary Public for State of Idaho

Residing at: Oakley ID

My Commission Expires: 23 June 1999



## 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 June 23, 1999, 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  
PO Box 2707  
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: United States of America, Acting through USDA Forest Service  
Address: 550 West Fort Street MSC 033  
Boise, Idaho 83724

3. Copies to:

IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

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

Don L. Pickett  
Signature of Objector or attorney  
mailing on Objector's behalf

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576  
Ident. Number: **47-15010**

RECEIVED

MAY 28 1998

FILED UNDER STATE LAW

Department of Water Resources

1. Name of Claimant: UNITED STATES OF AMERICA on behalf of the U.S.D.A. Forest Service  
Address: 550 W. Fort Street MSC033  
Boise ID 83724
2. Date of Priority: 05/01/1875
3. Source of water: TRAIL CANYON SPRING Tributary: TRAIL CANYON CREEK
4. Location Meridian BOISE  
Description of Diversion Works: Combo From: Spring  
Location of Point of Diversion  
T: 14 S R: 19 E S: 19 SENE  
Location of Point of Use  
T: 14 S R: 19 E S: 19 SENE
5. Quantity claimed: Period Quantity For  
5/ 01 -- 10/ 31 0.02 CFS Stockwater
6. Total Consumptive Use Claimed for Present and Future Use is:  
0.02 CFS
7. Present and future uses to which the water is or will be used:  
Stockwater
8. Attach the legal description of the reservation, and maps showing for each consumptive use the existing and proposed place of use and existing points of diversion.  
Bound separately
9. Remarks:  
State Basin: 47  
National Forest: Sawtooth  
Forest Service Record ID: 04 14 17040212 21 0 0023
10. Describe any other water rights used at the same place and for the same purposes as described above: None
11. Counties within the reservation: Not available

Notice is hereby given that the United States Department of Justice will represent the Department of Agriculture, Forest Service, in all matters pertaining to the Snake River Basin Adjudication. All notices required by law to be mailed by the Director to the claimant should be mailed to the individuals at the address below:

Bruce Bernard  
U.S. Department of Justice  
Environment and Natural Resources Division  
550 W. Fort Street, Box 33  
Boise, ID 83724

This form is an attachment to a letter forwarding the claims of the U.S. Department of Agriculture, Forest Service. The signature and affirmation on such letter constitutes the signature of the authorized agent representing the United States of America required for each such claim.

AJ5809NP  
No. R47-15010

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 06/10/98  
PAGE: 17

| OWNER<br>CODE    | NAME & ADDRESS                          | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|-----------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | UNITED STATES OF AMERICA ACTING THROUGH | 05/01/1875       | STOCKWATER | 05-01 10-31           | 0.02 CFS          |                     |
| TOTAL DIVERSION: |                                         |                  |            |                       | 0.02 CFS          |                     |

Water Source: TRAIL CANYON SPRING

Tributary to: TRAIL CANYON CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion:

T14S R19E S19

SENE

CASSIA County

Place of use Legal Description for: STOCKWATER

|     |     |    |   | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |
|-----|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| T   | R   | S  |   | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac |
| 14S | 19E | 19 | : |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
|     |     |    | : |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |

POU County: CASSIA

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

A47-14945 A47-15010 R47-14945 >

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP FOREST SERVICE RECORD ID = 0414 17040212 21 0023  
1400 Sheep

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Comments: Date: 06/09/1998 User-ID: AJU5-DJO Subject: AJU5 STOCK ONLY UPDATE  
USE-NOT-IRRIGATION FIELD TEXT DELETED AND MADE EXP REMARK.  
CONDITION CODES N11 AND N13 ADDED IF NOT ALREADY PART OF RECORD.  
ANY GEN REMARK CHANGED TO EXP REMARK. IF BLM/USFS, DELETED L12.

Audit: 05/29/98 AJCTR 06/09/98 AJU5-DJO

D  
6-13-98  
[Signature]  
6/14/98

FEB-21-1997  
0272

1

RIGHT NUMBER: 47-15010

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH  
USDA FOREST SERVICE  
324 25TH STREET  
OGDEN UT 84401-2394

SOURCE: TRAIL CANYON SPRING TRIBUTARY: TRAL CANYON CREEK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: 05/01/1875

POINT OF DIVERSION: T14S R19E S19 SENE Within CASSIA County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|-------------------------------|----------------|---------------|----------|
|                               | STOCKWATER     | 05-01 10-31   | 0.02 CFS |

PLACE OF USE: STOCKWATER Within CASSIA County  
T14S R19E S19 SENE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE  
FOREST SERVICE RECORD ID = 041417040212210023 00  
1400 Sheep

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIMS PROOF READING REPORT

0.020

0.0

WATER RIGHT NUMBER - A47-15010

PREFIX TRANSLATION: ADJUDICATION CLAIM

|                                                              |     |           |                                    |     |       |                     |             |              |
|--------------------------------------------------------------|-----|-----------|------------------------------------|-----|-------|---------------------|-------------|--------------|
| + - - - - PLACE OF USE - - - - -                             |     | + - - - - |                                    |     |       |                     |             |              |
| TWN                                                          | RNG | SEC       | TRACT                              | LOT | ACRES | CODE                | DESCRIPTION | COUNTY       |
| 14S                                                          | 19E | 19        | SE NE                              |     |       | 04                  | STOCKWATER  | (31 ) CASSIA |
| + - - DIVERSION MEANS - COMBO                                |     |           |                                    |     |       |                     |             |              |
| + - - NON-IRRIGATION USE - 1400 SHEEP                        |     |           |                                    |     |       |                     |             |              |
| + - - OTHER RIGHTS FOR SAME USE -                            |     |           |                                    |     |       |                     |             |              |
| + - - - - REMARKS - - - - -                                  |     |           |                                    |     |       |                     |             |              |
| FOREST SERVICE RECORD 10 = 041417040212210023 00             |     |           |                                    |     |       |                     |             |              |
| + - - - - OLD WATER RIGHT NUMBERS - - - - -                  |     |           |                                    |     |       |                     |             |              |
| NO OLD WATER RIGHT NUMBERS FOUND.                            |     |           |                                    |     |       |                     |             |              |
| + - - - - CONDITIONS OF APPROVAL - - - - -                   |     |           |                                    |     |       |                     |             |              |
| NO CONDITIONS OF APPROVAL FOUND.                             |     |           |                                    |     |       |                     |             |              |
| + - - - - DECREE PLAINTIFF - - - +                           |     |           | + - - - - DECREE DEFENDANT - - - + |     |       | + - DECREE DATE - + |             |              |
|                                                              |     |           |                                    |     |       | 00/00/0000          |             |              |
| + - - AUDIT FIELDS - 04/23/94 AJCTR                          |     |           |                                    |     |       |                     |             |              |
| + - - - - COMMENTS - - - - -                                 |     |           |                                    |     |       |                     |             |              |
| NO COMMENTS FOUND                                            |     |           |                                    |     |       |                     |             |              |
| + - - - - ADJUDICATION RIGHTS DATES AND FLAGS AREA - - - - - |     |           |                                    |     |       |                     |             |              |

|                       |              |                       |              |                         |         |
|-----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| COURT REPORT FILING   | - 00/00/0000 | FIELD INSPECTION MADE | - 00/00/0000 | CIVIL CASE NUMBER       | - 39576 |
| OBJECTION FILED DATE  | - 00/00/0000 | FIELD INSPECTION FLAG | -            | OLD CASE NUMBER         | -       |
| RESPONSE FILED DATE   | - 00/00/0000 | VERIFIED DATE         | - 00/00/0000 | OLD JUDICIAL DISTRICT   | -       |
| CLAIM RECEIVED DATE   | - 03/25/1993 | LAST AMENDED DATE     | - 00/00/0000 | TEMPORARY RIGHT         | - P     |
| PROOF DUE DATE        | - 00/00/0000 | PROOF MADE DATE       | - 00/00/0000 | WATER DISTRICT          | -       |
| LICENSED DATE         | - 00/00/0000 | RECEIPT NUMBER        | - X111111    | FEDERAL/STATE INDICATOR | - S     |
| CLAIMS TAPE ERROR FLG | -            | POU OWNERSHIP FLAG    | - Y          | PRESUMPTION FLAG        | -       |
| FEE EXEMPT FLAG       | -            | NAME CONNECTOR        | -            | NOTICE OF ERROR FLAG    | -       |

Pike Mountain

DATA ENTRY  
ENTERED  
CHECKED 26 2-10-97

Verified By  
Tono Map/Ortho-PQ  
A. [unclear]  
W. [unclear]  
M. [unclear]  
C. [unclear]  
V. [unclear]  
P. [unclear]  
IDWR Records

VERIFIED  
DEC 23 1994

CERTIFIED  
DEC 28 1994  
WATER EXAMINER