

Department of Water Resources
Southern Region

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 See Attached List
(Insert water right number)

DOMESTIC AND STOCK WATER RIGHT OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: State of Idaho
Address: 700 W. Jefferson, Room 210
P.O. Box 44449
Boise, Idaho 83711-4449
Phone: Work: (208) 334-2400 Home: N/A

Name and Address of Attorney, if any:

Attorney Name: ALAN G. LANCE
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
PETER J. AMPE
Deputy Attorney General

Attorney Address: Office of the Attorney General
700 W. Jefferson, Room 210
P.O. Box 44449
Boise, ID 83711-4449

Attorney Phone No. (208) 334-2400

S.F. 1a - Domestic & Stock Water
4/17/97

SRBA
17144

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

Name: United States of America Acting Through
Address: USDI Bureau of Land Management
1387 S. Vinnell Way
Boise, Idaho 83709-1657

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: If this water right exists, the State Law based portion of this right should have a priority date no earlier than June 28, 1934.
5. ☐ **Points 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.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): To the extent this water right is claimed pursuant to state law, Claimant's assertions that Congress gave permission to private parties to operate on the public domain and that Congress passed various acts ensuring that water sources on the public domain were not monopolized does not provide a basis for a water right under state law. Alternatively, the United States has failed to establish any legal and/or factual basis for any claimed priority date for stockwater purposes with a date prior to the enactment of the Taylor Grazing Act, June 28, 1934.

Even if PWR 107 created a federal reserved water right, the United States, or any subdivision thereof, has not complied with the requirements of PWR 107 and/or the United States' and/or its subdivisions' own rules and regulations in regards to this claim. Therefore no water right can be granted based upon PWR 107.

The State further objects to this claim as to any part based on federal law as the claimed source is declared tributary to a flowing stream and so cannot be based upon the executive order known as Public Water Reserve 107 (April 17, 1926).

The State reserves the right to amend this objection as to any part of this claim based on federal law, based on the final decision reached in Basin-Wide Issue #9 (PWR 107) (Idaho Supreme Court No. 23587 and/or any subsequent proceedings).

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Peter J. Ampe, Deputy Attorney General, being first duly sworn, upon oath, deposes and says:

That the State of Idaho, in both its sovereign and proprietary capacity, and pursuant to I.C. § 42-1411A(16) is filing this objection and that I am a Deputy Attorney General authorized to represent the State of Idaho, which is a party/claimant in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and I have read this objection, know its contents and that the statements are true to the best of my knowledge and belief.

ALAN G. LANCE
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
PETER J. AMPE
Deputy Attorney General



By Attorney signing in representative capacity

Subscribed and sworn to before me on: February 8, 1999
(Insert Date)


Notary Public for IDAHO
Residing at: BOISE, ID
My commission expires: 5/29/2003

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 February 8, 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
P.O. Box 2707
Twin Falls, Idaho 83303-2707

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

United States of America Acting Through
USDI Bureau of Land Management
1387 S. Vinnell Way
Boise, Idaho 83709-1657

3. Copies to:

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

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


Signature of party claimant or attorney

47-15285	47-15529	47-16084	47-16561
47-15287	47-15532	47-16086	47-16562
47-15297	47-15535	47-16114	47-16563
47-15299	47-15538	47-16116	47-16564
47-15310	47-15540	47-16118	47-16565
47-15319	47-15543	47-16132	47-16577
47-15334	47-15546	47-16148	47-16578
47-15337	47-15549	47-16150	47-16584
47-15340	47-15551	47-16245	47-16590
47-15343	47-15554	47-16247	47-16591
47-15346	47-15557	47-16259	47-16592
47-15349	47-15560	47-16261	47-16614
47-15352	47-15563	47-16263	47-16615
47-15399	47-15566	47-16267	47-16633
47-15402	47-15573	47-16273	47-16634
47-15405	47-15576	47-16277	47-16635
47-15408	47-15581	47-16279	47-16636
47-15411	47-15584	47-16281	47-16637
47-15414	47-15607	47-16287	47-16638
47-15417	47-15610	47-16313	47-16639
47-15427	47-15638	47-16477	
47-15430	47-15641	47-16478	
47-15446	47-15644	47-16481	
47-15450	47-15656	47-16494	
47-15451	47-15665	47-16496	
47-15451	47-15677	47-16509	
47-15454	47-15680	47-16510	
47-15457	47-15722	47-16517	
47-15461	47-15726	47-16518	
47-15465	47-15734	47-16519	
47-15468	47-15738	47-16520	
47-15471	47-15742	47-16521	
47-15472	47-15785	47-16522	
47-15473	47-15791	47-16524	
47-15478	47-15799	47-16531	
47-15480	47-15810	47-16534	
47-15482	47-15812	47-16535	
47-15487	47-15833	47-16536	
47-15492	47-15875	47-16543	
47-15495	47-15895	47-16545	
47-15498	47-15899	47-16546	
47-15501	47-16044	47-16554	
47-15507	47-16056	47-16555	
47-15510	47-16062	47-16556	
47-15515	47-16078	47-16558	
47-15529	47-16082	47-16560	

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

In Re SRBA

Case No. 39576

NEW

AMENDED NOTICE of CLAIM for
Water Right number:

47-16577

NAME and
ADDRESS:

United States of America acting through
Bureau of Land Management
Idaho State Office
1387 South Vinnell Way
Boise, ID 83709 - 1657

BLMIDENT:

4701780751

Stg:

J

StFed:

X

SOURCE:

Source

Tributary

SPRING

CEDAR CREEK

QUANTITY:

0.02

CFS

or VOLUME:

Acre Feet

The quantity of water under this right for stockwater shall not exceed 13,000 gallons per day.

PRIORITY DATE:

1/1/1875

Diversion Means: UNDEVELOPED SPRING

REMARKS:

Also reserved pursuant to EO 4/17/26, PWR 107

POINT of
DIVERSION:

Twntship	Range	Section	T1	T2	T3	LOT	B/E	within the	County of
15S	13E	9	SW	NW	NW			83	TWIN FALLS

PURPOSE
and
PERIOD
OF USE:

Purpose of Use	Period of Use (from - to):	Rate in CFS	or	Volume in AcFt
04	0101	1231	0.02	

CONSUMPTIVE
USE:

de minimis

stockwater use

DATE:

08-Jan-98

11:04 AM

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

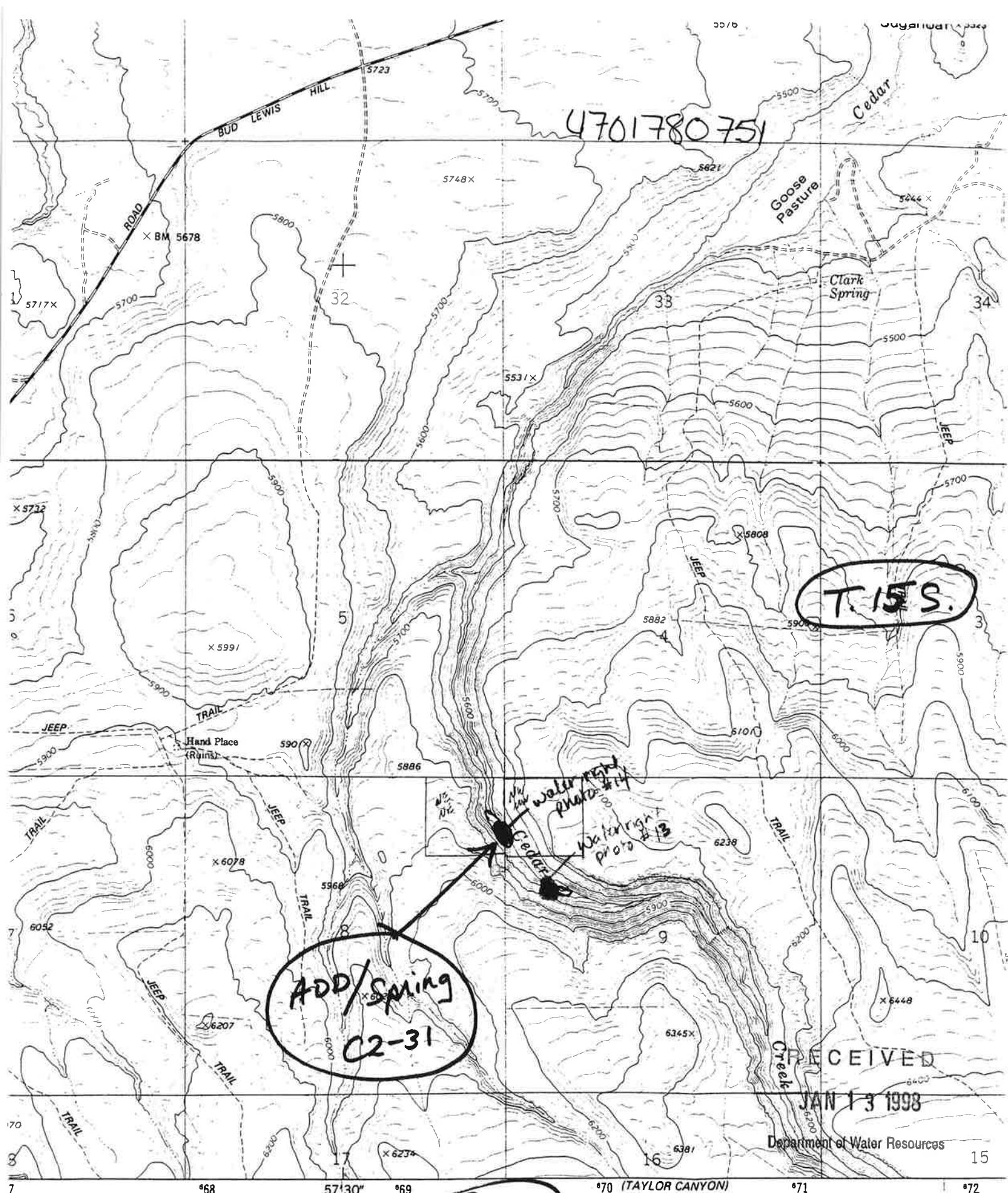
PLACE
of USE:

Water Use	Twnt	Rge	Sec	T1	T2	LOT	within the County of
04	15S	13E	9	NW	NW		83 TWIN FALLS
04	15S	13E	8	NE	NE		83 TWIN FALLS

RECEIVED

JAN 13 1998

Department of Water Resources



4701780751

T. 15 S.

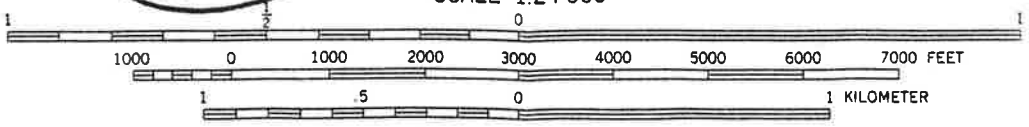
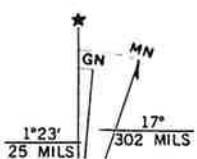
ADD/Spring
C2-31

R. 13 E.

RECEIVED
JAN 13 1993
Department of Water Resources

al Survey

SCALE 1:24 000



CONTOUR INTERVAL 20 FEET