

**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)

A. Subcase 29-02560A
(Insert water right number)

Case No. 39576)

**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: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 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: Marsh Center Irrigation Co.; Wm Egan

Address: 1451 W. Hawkins Road; Arimo, Idaho 83214

Name:

Address: ;

Name:

Address: ;

Name:

Address: ;

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 United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant's use of Federal land is unauthorized. See attached POU. Claimant's water right should not include this POU.

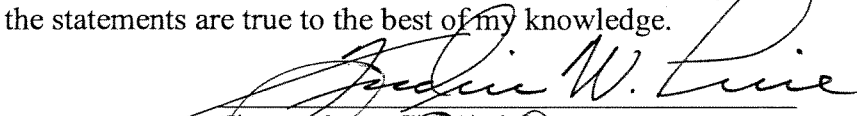
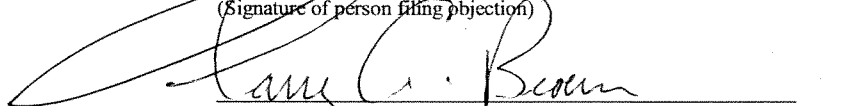
F.

VERIFICATION (Must be Completed)

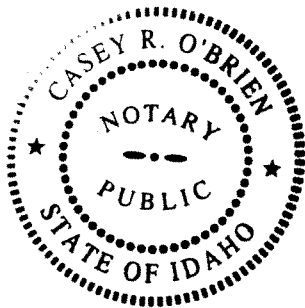
State of Idaho)
) ss.
County of Ada)

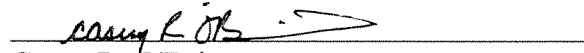
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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: 11/05/03




Casey R. O'Brien
Notary Public in and for the State of Idaho
Residing at: Nampa, ID.
My Commission Expires: 10-31-2009

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 Nov. 13, 2003, 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:

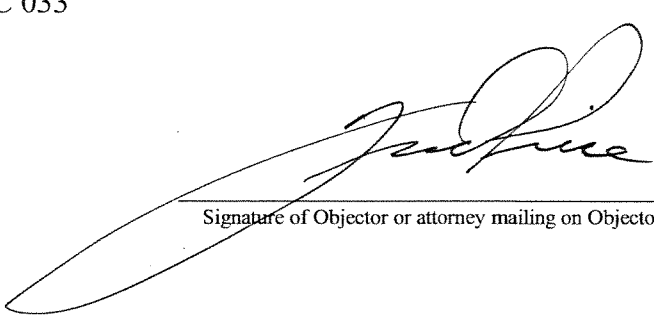
Name: Marsh Center Irrigation Co.; Wm Egan
Address: 1451 W. Hawkins Road; Arimo, Idaho 83214
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

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

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

RIGHT NUMBER: 29-2560A

NAME AND ADDRESS: MARSH CENTER IRRIGATION CO
C/O WM EGAN
1451 W HAWKINS RD
ARIMO ID 83214

SOURCE: WIREGRASS SPRINGS

TRIBUTARY: MARSH CREEK

QUANTITY: 19.20 AFY

PRIORITY DATE: 05/10/1942

POINT OF
DIVERSION: T11S R36E S12 SWSNW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	01/01 12/31	19.20 AFY
IRRIGATION FROM STORAGE	04/01 10/31	19.20 AFY

PLACE OF USE:

Place of use is within the area served by the Marsh Center Irrigation Company

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 149 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE 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 - License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

POU on BLM

-While the Director's Report does not show the Places of Use for this claim and no data was provided by IDWR, the shapefile does show 1 Place of Use, T11S R36E S01 SWSW that is Federal Land. This Place of Use is to be removed from any future data and the shapefile changed accordingly.

Unauthorized Use

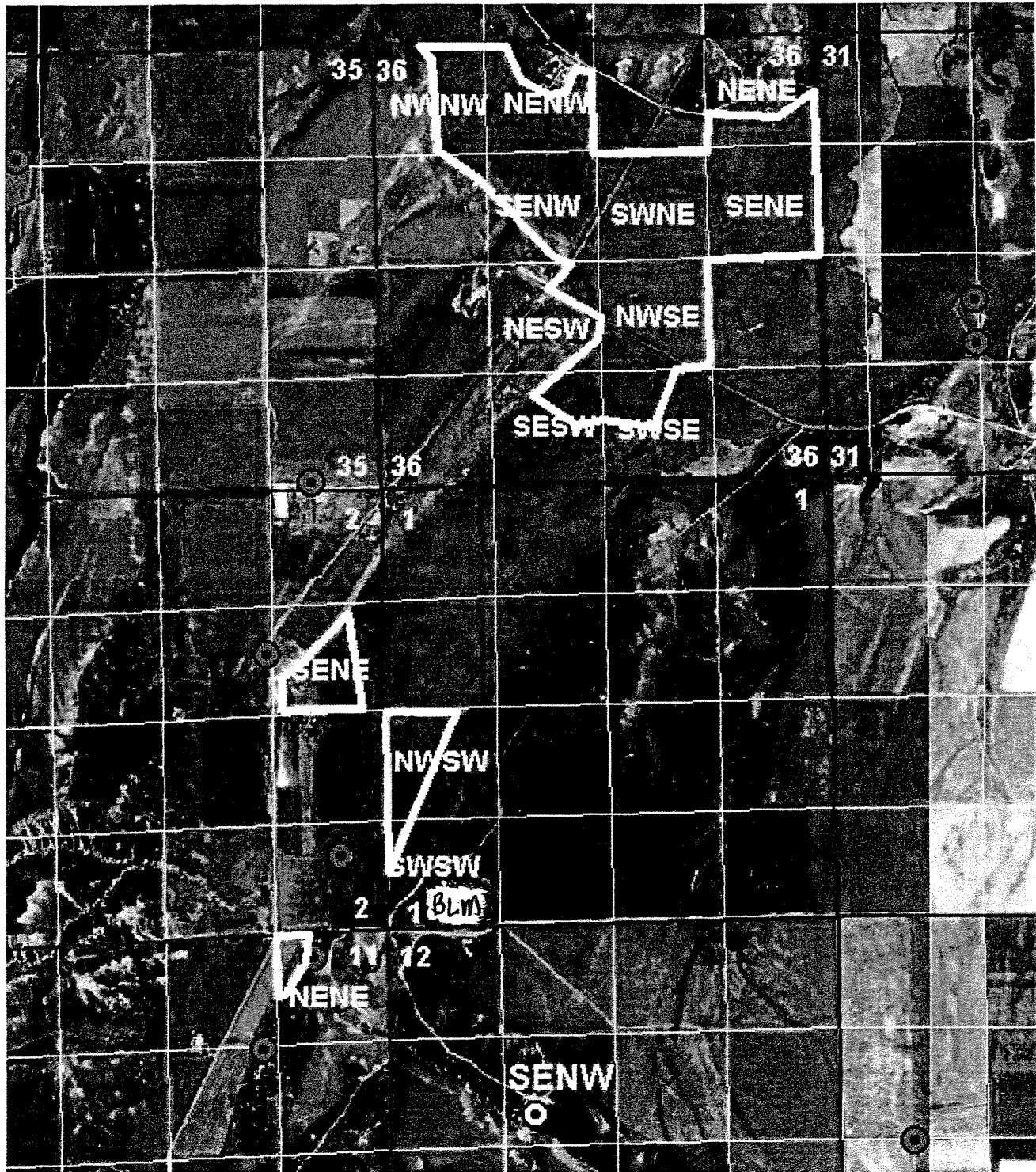
-Farming is not authorized on Public Lands

IDAHO DEPARTMENT OF WATER RESOURCES

29-02560A, 29-02239

10S, 36E, SEC 36

11S, 36E, SEC 1, 2, 11

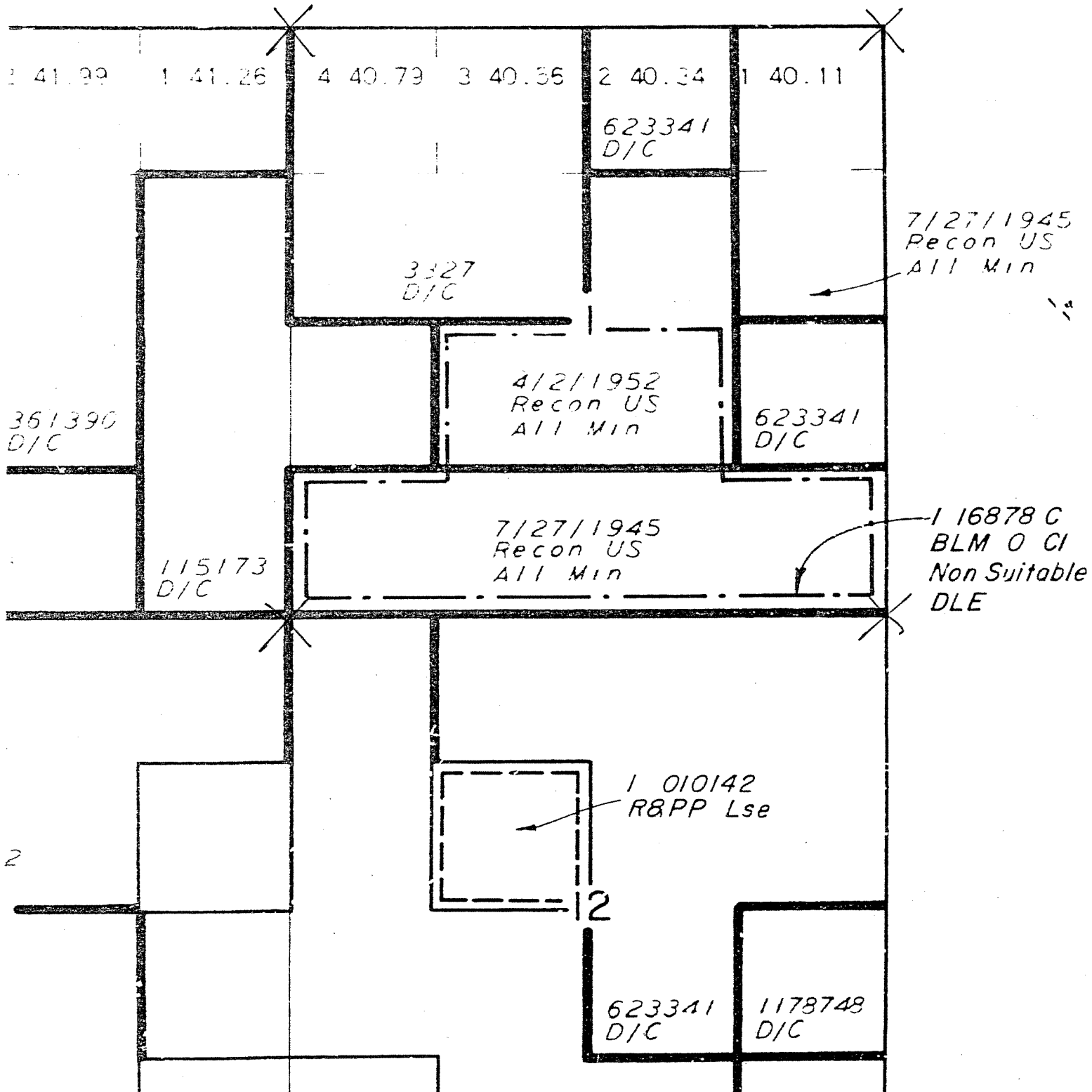


⊙ POINT OF DIVERSION

□ PLACE OF USE

GIS:PLACE OF USE
POINT OF DIVERSION
1987/1988 NAPP PHOTO
DAVE CARLSON

Township 11 South
Range 36 East
Boise Meridian



STATUS OF PUBLIC
LAND AND MINERAL INTERESTS

T11S R36E

MT PLAT

INDEX TO SEGREGATED TRACTS			
TRACT NO.	T	R	SEC
1	11	36	33
2	11	36	34
3	11	36	35
4	11	36	36
5	11	36	37
6	11	36	38
7	11	36	39
8	11	36	40
9	11	36	41
10	11	36	42
11	11	36	43
12	11	36	44
13	11	36	45
14	11	36	46
15	11	36	47
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67	11	36	99
68	11	36	100

1. 11/10/85 Del. H. 167, Act of Cong. 7/23/1955 completed 6/14/1961. All NE surface land by USFS

1. 1978 Silver Act 1/27/1982
Sec 1: 51/20E1/4, NE1/4NE1/4, NW1/4NE1/4
Sec 2: 51/20E1/4, NE1/4NE1/4, SE1/4NE1/4
Sec 3: 51/20E1/4, NE1/4NE1/4, SW1/4NE1/4
Sec 4: 51/20E1/4, NE1/4NE1/4, NW1/4NE1/4
Sec 5: 51/20E1/4, NE1/4NE1/4, SE1/4NE1/4
Sec 6: 51/20E1/4, NE1/4NE1/4, SW1/4NE1/4
Sec 7: 51/20E1/4, NE1/4NE1/4, NW1/4NE1/4
Sec 8: 51/20E1/4, NE1/4NE1/4, SE1/4NE1/4
Sec 9: 51/20E1/4, NE1/4NE1/4, SW1/4NE1/4
Sec 10: 51/20E1/4, NE1/4NE1/4, NW1/4NE1/4
Sec 11: 51/20E1/4, NE1/4NE1/4, SE1/4NE1/4
Sec 12: 51/20E1/4, NE1/4NE1/4, SW1/4NE1/4
Sec 13: 51/20E1/4, NE1/4NE1/4, NW1/4NE1/4
Sec 14: 51/20E1/4, NE1/4NE1/4, SE1/4NE1/4
Sec 15: 51/20E1/4, NE1/4NE1/4, SW1/4NE1/4
Sec 16: 51/20E1/4, NE1/4NE1/4, NW1/4NE1/4
Sec 17: 51/20E1/4, NE1/4NE1/4, SE1/4NE1/4
Sec 18: 51/20E1/4, NE1/4NE1/4, SW1/4NE1/4
Sec 19: 51/20E1/4, NE1/4NE1/4, NW1/4NE1/4
Sec 20: 51/20E1/4, NE1/4NE1/4, SE1/4NE1/4
Sec 21: 51/20E1/4, NE1/4NE1/4, SW1/4NE1/4
Sec 22: 51/20E1/4, NE1/4NE1/4, NW1/4NE1/4
Sec 23: 51/20E1/4, NE1/4NE1/4, SE1/4NE1/4
Sec 24: 51/20E1/4, NE1/4NE1/4, SW1/4NE1/4
Sec 25: 51/20E1/4, NE1/4NE1/4, NW1/4NE1/4
Sec 26: 51/20E1/4, NE1/4NE1/4, SE1/4NE1/4
Sec 27: 51/20E1/4, NE1/4NE1/4, SW1/4NE1/4
Sec 28: 51/20E1/4, NE1/4NE1/4, NW1/4NE1/4
Sec 29: 51/20E1/4, NE1/4NE1/4, SE1/4NE1/4
Sec 30: 51/20E1/4, NE1/4NE1/4, SW1/4NE1/4
Sec 31: 51/20E1/4, NE1/4NE1/4, NW1/4NE1/4
Sec 32: 51/20E1/4, NE1/4NE1/4, SE1/4NE1/4
Sec 33: 51/20E1/4, NE1/4NE1/4, SW1/4NE1/4
Sec 34: 51/20E1/4, NE1/4NE1/4, NW1/4NE1/4
Sec 35: 51/20E1/4, NE1/4NE1/4, SE1/4NE1/4
Sec 36: 51/20E1/4, NE1/4NE1/4, SW1/4NE1/4
Sec 37: 51/20E1/4, NE1/4NE1/4, NW1/4NE1/4
Sec 38: 51/20E1/4, NE1/4NE1/4, SE1/4NE1/4
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Sec 50: 51/20E1/4, NE1/4NE1/4, SE1/4NE1/4
Sec 51: 51/20E1/4, NE1/4NE1/4, SW1/4NE1/4
Sec 52: 51/20E1/4, NE1/4NE1/4, NW1/4NE1/4
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Sec 55: 51/20E1/4, NE1/4NE1/4, NW1/4NE1/4
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Sec 66: 51/20E1/4, NE1/4NE1/4, SW1/4NE1/4
Sec 67: 51/20E1/4, NE1/4NE1/4, NW1/4NE1/4
Sec 68: 51/20E1/4, NE1/4NE1/4, SE1/4NE1/4
Sec 69: 51/20E1/4, NE1/4NE1/4, SW1/4NE1/4
Sec 70: 51/20E1/4, NE1/4NE1/4, NW1/4NE1/4
Sec 71: 51/20E1/4, NE1/4NE1/4, SE1/4NE1/4
Sec 72: 51/20E1/4, NE1/4NE1/4, SW1/4NE1/4
Sec 73: 51/20E1/4, NE1/4NE1/4, NW1/4NE1/4
Sec 74: 51/20E1/4, NE1/4NE1/4, SE1/4NE1/4
Sec 75: 51/20E1/4, NE1/4NE1/4, SW1/4NE1/4
Sec 76: 51/20E1/4, NE1/4NE1/4, NW1/4NE1/4
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Sec 84: 51/20E1/4, NE1/4NE1/4, SW1/4NE1/4
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Sec 86: 51/20E1/4, NE1/4NE1/4, SE1/4NE1/4
Sec 87: 51/20E1/4, NE1/4NE1/4, SW1/4NE1/4
Sec 88: 51/20E1/4, NE1/4NE1/4, NW1/4NE1/4
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Sec 98: 51/20E1/4, NE1/4NE1/4, SE1/4NE1/4
Sec 99: 51/20E1/4, NE1/4NE1/4, SW1/4NE1/4
Sec 100: 51/20E1/4, NE1/4NE1/4, NW1/4NE1/4

FOR OWNERS EFFECTING DISPOSAL OR USE OF UNIDENTIFIED LANDS REFER TO INDEX OF MISCELLANEOUS DOCUMENTS

CURRENT TO	CURRENT TO
USE PLATS	USE PLATS

