

**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 23-11221
(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: 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: Sunnydell Irrigation Dist
Address: 578 E. 7000 S.; Rexburg, ID 83440
Name: c/o Stanley Sutton Sec
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 a portion of the use is claimed. The claimant's use of Federal land is unauthorized. Claimant's water right (or digital boundary) should not include POU within NWNE, S17, T04N, R44E. The POU within SESE, S08, T04N, R44E contains both private and public land. Clarify this POU such that it is clear only private land is intended.

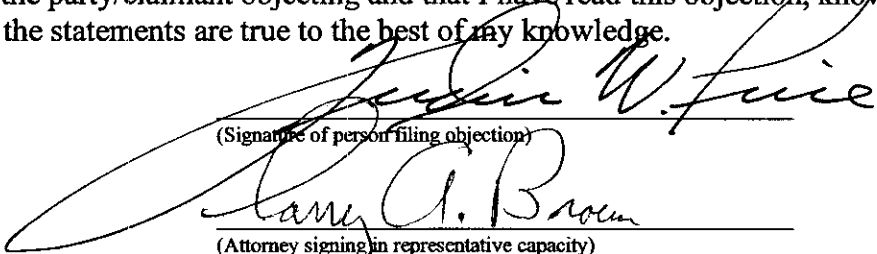
F.

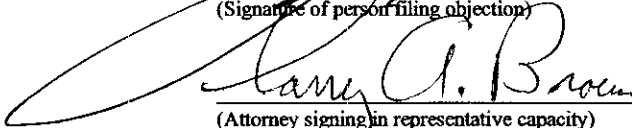
VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

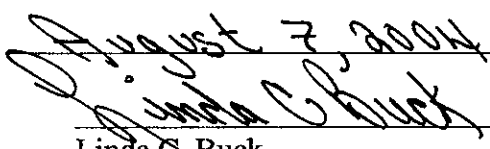
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

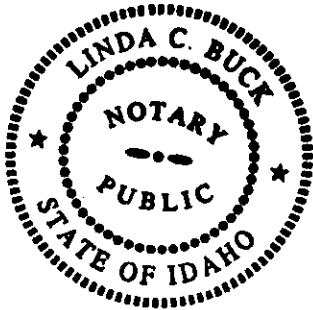
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)


(Attorney signing in representative capacity)

Subscribed and sworn to before me on:


Linda C. Buck
Notary Public in and for the State of Idaho
Residing at: Mountain Home
My Commission Expires: 12-21-2005



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 Aug. 9, 2004, 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: Sunnydell Irrigation Dist
Address: 578 E. 7000 S.; Rexburg, ID 83440
Name: c/o Stanley Sutton Sec
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

06/10/2004

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

RIGHT NUMBER: 23-11221

NAME AND ADDRESS: SUNNYDELL IRRIGATION DIST
C/O STANLEY SUTTON SEC
578 E 7000 S
REXBURG ID 83440

MIXED OWNERSHIP

**-THE PLACES OF USE IDENTIFIED BELOW
CONTAIN BOTH PRIVATE AND PUBLIC LANDS.
-CLARIFY THE POUS SUCH THAT IT IS CLEAR
THAT ONLY PRIVATE LAND IS INTENDED.**

SOURCE: UNNAMED STREAM

TRIBUTARY: SOUTH FORK SNAKE RIVER

QUANTITY: 2.800 CFS

PRIORITY DATE: 05/01/1884

POINT OF
DIVERSION: T04N R40E S25 SWSWNW Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
2.800 CFS

PLACE OF USE:

3383.1 ACRES TOTAL

T04N R44E S08 SESE (BLM/PVT)

T04N R44E S17 NWNE (BLM/PVT)

**THE FOLLOWING REMARK INSERTED UNDER PLACE OF USE WOULD
RESOLVE BLM'S OBJECTION.**

**-THE USE OF WATER UNDER THIS RIGHT DOES NOT INCLUDE A
USE ON FEDERAL PUBLIC LAND.**

06/10/2004

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

Place of use is within the boundary of Sunnyside Irrigation District pursuant to Section 43-323, Idaho Code.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

USE OF THIS RIGHT WITH RIGHT NO. 22-13269 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 140.0 ACRES WITHIN THE PLACE OF USE SHOWN.

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 - Decreed

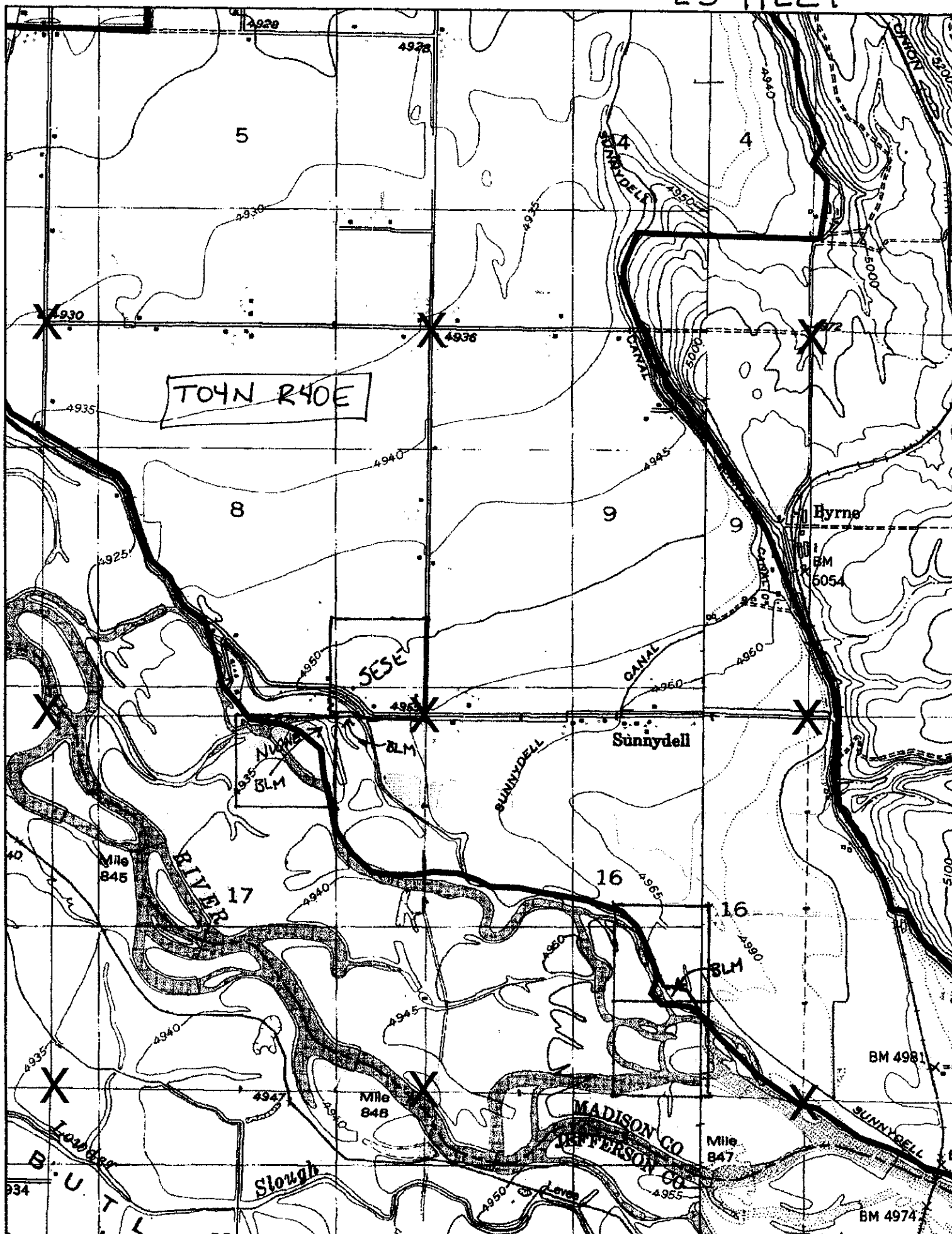
THE AMOUNT OF WATER DIVERTED UNDER THIS WATER RIGHT MAY NOT EXCEED 2/5 OF THE FLOW (UP TO 140 INCHES) OF ELKHORN SPRING (UNNAMED STREAM) WHEN COMBINED WITH HAWLEY SPRING (UNNAMED STREAM) UNDER 22-13269.

ORIGINAL DECREE SOURCE IS KNOWN AS ELKHORN SPRING.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO SECTION 42-1425, IDAHO CODE.

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

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



North
East

South Fork
Snake River

9 0.42

4 40.00 522 D/C

5 40.00

6 40.00 2158 D/C

7 20.55

3 40.03 1474 D/C

2 40.06 2968 D/C

1 40.09 2764 D/C

4 40.09 3435 D/C

3 40.06 2588 D/C

2 40.03 3209 D/C

1 40.00 3760 D/C

4 40.00 1766 D/C

3 39.97 1926 D/C

2 39.98 446674
265840 D/C

1 39.33 446674
265840 D/C

4291 D/C

446673
269447 D/C

601 D/C

4993 D/C

3801 D/C

3800 D/C

957 D/C

3904 D/C

2852 D/C

2080 D/C

10133609
Cons Esml
2952 D/C

10133609
Exception

16

SEE SUPPLEMENTAL PLAT
NO 1

11-76-0009
D/C Rstd Min
BLM

SESE
3763 D/C

1431 D/C

11-76-0009
D/C Rstd Min
BLM

South Fork
Snake River

6 0.50

2 35.20 1095

3 35.20 161327 D/C

4 35.20 1738

5 35.20 1349

464901
298614 D/C

2 13.20 1 22.00

3758 D/C

2397 D/C

1067745 D/C

5324 D/C

10128908
5/4/1993
Deed to US
All Min

SEE SUPPLEMENTAL PLAT
NO 1

7

17

SEE SUPPLEMENTAL PLAT
NO 1

18

1349

1738

161327 D/C

1095

2 35.20

3 35.20

4 35.20

5 35.20

90.42

1067745
D/C

SEE SUPPLEMENTAL PLAT
NO 1



219.122.00

464901
238614
D/C

3758
D/C

SESE
3763
D/C

143
D/C

11-76-0009

← BLM

IDI 29965
7/12/1993
Deed to US
All Min

SEE SUPPLEMENTAL PLAT
NO 1

17

JOHN ROE

SEE SUPPLEMENTAL PLAT
NO 1

91

101 33609
Exception

101 33609
Cons Esm1

2952
D/C

101 33609
Exception

Exception

MADISON COUNTY 063

JEFFERSON COUNTY 051

South Fork Snake River

OMITTED LANDS

TA 37. 58.98 11-76-0009 D/C Rstd Min

5 26.40

3 30.14

7 17.08

12 30.34

13 37.77

4 41.10

5 37.20

18

17

15 16.51

14 4.32

7 31.99

22

1.01 50.11

50.4506 D/C

479601 208704

5957 D/C

2 28.10

17 16.71

21 22.66

18.97

19 16.11

20

6

MADISON COUNTY 063

JEFFERSON COUNTY 051

OMITTED LANDS

South Fork Snake River

IDA 28708 5/4/1931 Deed to US All Min

12 34.38

10 12.38

8 24.15

23 30.68

14 18.38

7 20.60

5697 D/C

Sunnydell Irrigation Dist.

