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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)

A. Subcase 37-07620

(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: Milford Sweat

Address: PO Box 234; Carey, ID 83320

Name: Catherine Sweat

Address: PO Box 234; Carey, ID 83320

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: Should not include 14.6 acres within the NENE, SESE, S10, T01S, R22E
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 part of the use is claimed. The claimant's use of federal public land is unauthorized. Claimant's water right should not include Places of Use describing federal public land.

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.

Fredric W. Price
 (Signature of person filing objection)

Sam A. Brown
 (Attorney signing in representative capacity)

Subscribed and sworn to before me on: January 3, 2003

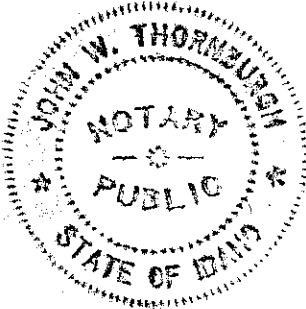
John W. Thornburgh

John W. Thornburgh

Notary Public for Idaho

Residing at: Boise

My Commission Expires: 05-16-2003



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.



CERTIFICATE OF MAILING

I certify that on January 8th 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:

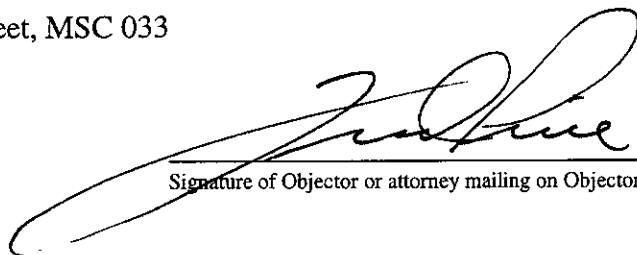
Name: Milford Sweat
Address: PO Box 234; Carey, ID 83320
Name: Catherine Sweat
Address: PO Box 234; Carey, ID 83320

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

Post-it® Fax Note 7671		Date	1-2-02	# of pages	6
To	CASEY	From	VICKY MUSIC		
Co./Dept.	BLWA	Co.	DAIS-EDWR		
Phone #		Phone #			
Fax #		Fax #			

**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

Water Right: 37-7620

Case No. 39576

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

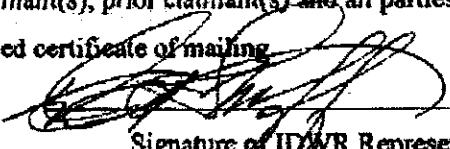
IDWR has completed the following administrative proceeding:

- ☐ Address change
- ☐ Substitution of Party
- ☐ IC § 42-222 transfer
- ☐ Point of diversion ☐ Place of use
- ☐ Period of use ☐ Nature of use
- ☐ Split of water right ☐ Change in ownership
- ☒ Other: License Issued

IDWR certifies that it has completed its investigation into the changes to the elements of the water right listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: Dec 26, 2002


Signature of IDWR Representative

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

RIGHT NUMBER: 37-7620

NAME AND ADDRESS:

CATHERINE L SWEAT
PO BOX 234
CAREY ID 83320
MILFORD SWEAT
PO BOX 234
CAREY ID 83320

SOURCE: GROUND WATER

Tributary:

POINT OF INJECTION INTO HUFF CREEK, POINT OF REDIVERSION FROM HUFF CREEK.

QUANTITY: 3.310 CFS 7.000 CFS
0.000 APY

Rights 37-2676, 37-2777, and 37-7620 when combined shall not exceed a total annual maximum diversion volume of 1571.5 af at the field headgate.

PRIORITY DATE: 06/02/1977

POINT OF DIVERSION:

T01S R22E S3 NESESE
Within BLAINE County

T01S R22E S3 NESESE
Within BLAINE County

T01S R22E S3 NESESE Injection
Within BLAINE County

T01S R22E S3 NESESE Injection
Within BLAINE County

T01S R22E S10 SESE Rediversion
Within BLAINE County

T01S R22E S10 SESE Rediversion
Within BLAINE County

PURPOSE AND
PERIOD OF USE:

Purpose of use
IRRIGATION

Period of use:

04/15 10/31 3.310 CFS
04/01 11/01 7.000 CFS

Quantity:

Amended Director's Report: 37-7620

1

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

IRRIGATION STORAGE	01/01 12/31	25.50 AFT
		~~200.00 AFT~~
IRRIGATION FROM STORAGE	04/15 10/31	25.50 AFT
	04/01 11/01	~~200.00 AFT~~
DIVERSION TO STORAGE	01/01 12/31	3.310 CFS
		~~2.000 CFS~~

PLACE OF USE:

IRRIGATION WICHITA BLAINE County

T015 R22E S03 S04W 13.0 ✓
T015 R22E S03 S04SE 26.0 ✓
T015 R22E S03 S04SE 19.0 ✓
T015 R22E S10 NENE 2.6 BLM
T015 R22E S10 NENE 33.0 ✓
T015 R22E S10 SENE 15.0 ✓
T015 R22E S10 NENW 36.0 ✓
T015 R22E S10 SENW 12.0 ✓
T015 R22E S10 SESE 20.0 ✓
T015 R22E S10 NESE 32.0 ✓
T015 R22E S10 NWSE 9.4 ✓
T015 R22E S10 SWSE 34.0 ✓
T015 R22E S10 SESE 12.0 BLM
T015 R22E S15 NENE 31.0 ✓
T015 R22E S15 SENE 24.0 ✓
T015 R22E S15 NENW 31.0 ✓
T015 R22E S15 SENW 40.0 ✓
T015 R22E S15 NENW 40.0 ✓
T015 R22E S15 NWSE 19.0 ✓

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

IRRIGATION STORAGE within BLAINE County

T01S R22E S10 SE1W ✓

T01S R22E S10 SE2W ✓

IRRIGATION FROM within BLAINE County
STORAGE

T01S R22E S03 SE1W 13.0 ✓

T01S R22E S03 SW1E 26.0 ✓

T01S R22E S03 SE1E 19.0 ✓

T01S R22E S10 NE1E 2.6 ~~BLM~~

T01S R22E S10 NE1E 13.0 ✓

T01S R22E S10 SE1E 15.0 ✓

T01S R22E S10 NE1W 16.0 ✓

T01S R22E S10 NE1E 14.0

T01S R22E S10 SE1W 12.0 ✓

T01S R22E S10 SE1W 20.0 ✓

T01S R22E S10 NE1E 32.0 ✓

T01S R22E S10 NW1E 9.4 ✓

T01S R22E S10 SW1E 14.0 ✓

T01S R22E S10 SE1E 12.0 ~~BLM~~

T01S R22E S15 NW1E 31.0 ✓

T01S R22E S15 SW1E 24.0 ✓

T01S R22E S15 NE1W 31.0 ✓

T01S R22E S15 SE1W 40.0 ✓

T01S R22E S15 NE1W 40.0 ✓

T01S R22E S15 NW1E 19.0 ✓

~~IRRIGATION, IRRIGATION STORAGE, DIVERSION TO STORAGE Same as~~
~~IRRIGATION FROM STORAGE~~

318 ACRES TOTAL

216.4 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 37-2676 IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 442 ACRES 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.

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

~~THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS.~~
~~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 42-112141, IDAHO CODE.~~

EXPLANATORY MATERIAL:

BASIS OF CLAIM - LicenseBASIS OF CLAIM - Permit

The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right.
If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-223, Idaho Code, or approval of the Department if a transfer is not required.
Use of water under this water right will be regulated by the watermaster of State Water District No. 37-0.
This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
This right when combined with all other rights shall provide no more than 3.5 cfs per acre at the field headgate for irrigation of the lands above.
This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 1571.5 af at the field headgate for the lands above.
Right 37-2676 is also diverted through the points of diversion described above.

CERTIFICATE OF MAILING

I certify that on December 27, 2002, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

Clive Strong
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

3. Copies to all parties to the subcase:

Milford Sweat
Catherine L. Sweat
P.O. Box 234
Carey, ID 83320



Signature of person mailing this document

TOWNSHIP 1 SOUTH RANGE 22 EAST OF THE BOISE MERIDIAN, IDAHO

BLAINE COUNTY 013
SHOSHONE DISTRICT SEC. 3

STATUS OF
LAND AND MINE

MT. PLAT

