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JAN 31 2003

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 63-03614

(Insert water right number)

STANDARD FORM 1
OBJECTION

AMENDED

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Settlers Irrigation District

Address: P.O. Box 7571

Boise, ID 83707

Daytime Phone: 208-344-2471

Name & Address of Attorney, if any:

Scott Campbell & Angela Schaer Kaufmann

Moffatt Thomas Barrett Rock & Fields Chtd.

P.O. Box 829, Boise, ID 83701-0829

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

Name: Settlers Irrigation District

Address: P.O. Box 7571

Boise, ID 83707

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: See Attachment A
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: See Attachment A & A-1
4. ☒ **Priority Date**
Should be: See Attachment A & A-1
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: See Attachment A & A-1
8. ☒ **Period of Year**
Should be: See Attachment A & A-1
9. ☒ **Place of Use**
Should be: See Attachment A & A-1

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): See Attachment A & A-1



VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

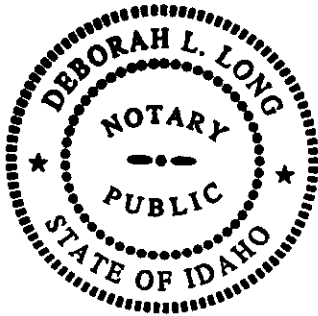
Angela Schaer Kaufmann, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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)

Angela Schaer Kaufmann
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: January 30, 2003



Deborah Long
Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 10/10/07

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 January 30, 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
PO Box 2707
Twin Falls, ID 83303-2707

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

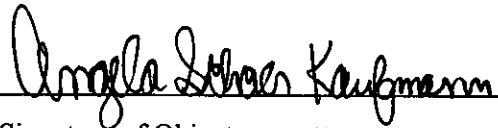
Name: Settlers Irrigation District
Address: P.O. Box 7571
Boise, ID 83707

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


Signature of Objector or attorney
mailing on Objector's behalf

ATTACHMENT A
63-03614

Settlers Irrigation District ("Settlers") has a contract with the Bureau of Reclamation for irrigation storage water from Anderson Ranch Reservoir. Settlers has a right to use 5810 acre feet of water from Anderson Ranch Reservoir to irrigate 12,322 acres owned by landholders within Settlers' service area. The Idaho Department of Water Resources has recommended that Settlers' water right claim for that amount of water, 63-3614B, be disallowed.

Settlers has filed or will file an objection to that recommendation, and further objects to the recommendation for SRBA Claim Number 63-3614, because the Idaho Department of Water Resources has indicated that claim number 63-3614B has been recommended as 63-3614. Settlers asserts an ownership interest in 63-03614 to the extent that water right, as recommended, includes 63-3614B. This ownership interest is a full ownership interest, in accordance with Idaho law, the Reclamation Act of 1902, 43 U.S.C. § 372, and the United States Supreme Court decision in *Ickes v. Fox*, 300 U.S. 82, 57 S.Ct. 412, 416-17 (1937). In the alternative, Settlers asserts a beneficial ownership interest in 5,810 acre feet of water, appurtenant to lands within Settlers' boundaries, with the United States holding only nominal title.

If this claim is decreed, it must specifically provide that use of water for power purposes is subordinate to and subject to the use of water for irrigation purposes. This can be accomplished by the inclusion of the following language, taken directly from the quantity element on the license for this right:

493,161 ac. feet [acre feet] for irrigation and such power as may be generated by use of water for irrigation use.

See Exhibit A-1. Moreover, the period of use for power from Storage Municipal from Storage and Industrial from Store.

In order to properly define and administer this right, at a minimum, a remark should be included which provides that any change to any element of this right must be undertaken in accordance with the transfer proceedings of Idaho law, that any transfers must be undertaken only with the approval of Settlers Irrigation District as to Settlers' share of the storage water rights in Anderson Ranch Reservoir, and that any uncontracted space must be made available for irrigation use.

State of Idaho
License and Certificate of Water Right

Water License No. R-698

Water District No.

493,161 ac.ft. for irrigation
and such power as can be gen-
erated by use of water released
Amount for irrigation use.

Priority December 9, 1940

THIS IS TO CERTIFY that UNITED STATES OF AMERICA (Bureau of Reclamation)
of Boise, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated December 9, 1940; that Permit No. R-698
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
493,161 ^{acre} ~~acres~~ feet, was issued thereunder on August 30, 1952, showing that said works
were completed on the 6th day of February, 1951; and that on the 21st
day of February, 1956, The U. S. Bureau of Reclamation

of Boise, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of South Fork
Boise River, a tributary of Snake River, for the purpose of Irrigation and Power
under Use Permit No. R-698 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
9 of Licenses at page 5886, on the 17th day of December, 1956;
The right hereby confirmed dates from December 9, 1940;

The Point of Diversion is located
in the Lot 4, Sec. 1, Tp. 1 S., R. 8 E., B. M. County Elmore

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 493,161 ^{acre} ~~acres~~ feet ~~maximum~~

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
Irrigation of cultivated lands of the Boise Federal Reclamation Project in Ada and Canyon counties as more particularly described in Certificate of Comple- tion of Works issued in connection with Permit No. R-698, including all lands for contracts under Federal Reclamation laws for space in Anderson Ranch Reservoir.					

Townships 1,2,3,4,5 N., Range 1 E., B.M.

"	2,3,4 N.	"	2 "	" "
"	2 & 3 N.	"	3 "	" "
"	1 S.	"	1 W.	" "
"	1,2,3,4,5 N.	"	1 "	" "
"	1 S.	"	2 "	" "
"	1,2,3, 4 N.	"	2 "	" "
"	2,3,4, 5 N.	"	3 "	" "
"	2,3,4, 5 N.	"	4 "	" "
"	3,4,5, 6 N.	"	5 "	" "
"	4,5, 6 N.	"	6 "	" "
"	21 & 22 S.	"	46 E.	W.M. (Willamette-Meridian)
"	21 S.	"	47 "	" "

Corrected
2/27/57
Mark R. Kulp

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
17th day of December, 1956.

Mark R. Kulp /s/

State Reclamation Engineer.

(SEAL)

Attachment A-1

State of Idaho

License and Certificate of Water Right

Water License No. R-698

493,161 ac.ft. for irrigation
and such power as can be gen-
erated by use of water released
Amount for irrigation use.

Water District No. _____

Priority December 9, 1940

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Boise River, a tributary of Snake River, for the purpose of Irrigation and Power,
under Use Permit No. R-698 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
9 of Licenses at page 5886, on the 17th day of December, 1956;
The right hereby confirmed dates from December 9, 1940;

Ts. 1, 2, 3, 4, 5 N., R. 1 E.B.M.	Ts. 2, 3, 4 N. R. 2 E.B.M.	Ts. 2 & 3 N. R. 3 E.B.M.
T. 1 S. R. 1 W.B.M., Ts. 1, 2, 3, 4, 5 N. R. 1 W.B.M., T. 1 S. R. 2 W.B.M.	Ts. 1, 2, 3, 4, N. R. 2 W.	
B.M. Ts. 2, 3, 4, 5 N. R. 3 W.B.M. (Ts. 21 & 22 S. R. 46 E.)	Ts. 2, 3, 4, 5, N. R. 4 W.B.M. Ts.	
3, 4, 5, 6 N. R. 5 W.B.M. Ts. 4, 5, 6 N. R. 6 W.B.M. and Tp. 21 S. R. 47 E.	Willamette Meridian.	

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

17th day of December, 1956.

Mark R. Kulp /s/

State Reclamation Engineer.

(SEAL)