

**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 No. 45-512
	)	
Case No. 39576	)	STANDARD FORM 1
	)	
	)	OBJECTION
_____	)	

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Burley Irrigation District

Address: 246 E. 100 S.
Burley, ID 83318

Daytime Phone 208-678-2511

Name & Address of Attorney, if any:
ROGER D. LING
LING, ROBINSON & WALKER
615 H Street, P. O. Box 396
Rupert, Idaho 83350
ISB No. 1018

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

Name: Burley Irrigation District

Address: 246 E. 100 S.
Burley, ID 83318

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. X **Source**
Should be: Marsh Creek and irrigation return flows of Burley Irrigation District flowing into Marsh Creek.
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. X **Point(s) of Diversion**
Should be: Add pumping stations as points of diversion as shown on Exhibit A.
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. X **Place of Use**
Should be: Second paragraph should read: This right is limited to the irrigation of 48,000 acres within the place of use described above in a single irrigation season.
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): D.2. Irrigation return flows are diverted into Marsh Creek where they are recaptured and used on lands within the District. These flows should be identified as a source to show that these flows are not out of the control of Burley Irrigation District. Continued to attachment A.

F.

VERIFICATION

State of IDAHO)
)
County of Minidoka)

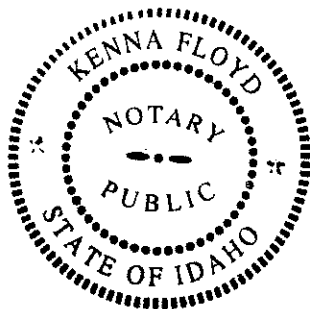
ROGER D. LING, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

Roger D. Ling
Attorney signing in representative capacity

Subscribed and sworn to before me on December 30, 2004.



Kenna Floyd
Notary Public for the State of Idaho
Residing at: *Burley*
My Commission expires: *9-26-2009*

INSTRUCTION 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 December 30, 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, Idaho 83303-2707

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

Name: Burley Irrigation District
Address: 246 E. 100 S.
Burley, ID 83318

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, Idaho 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 033
Boise, Idaho 83734



Signature of Objector
or attorney mailing on Objector's behalf

ATTACHMENT "A"

Objection of Burley Irrigation District to W.R. # 45-512

E. (Continued Reasons)

D-5: The additional points of diversion have been historically used prior to 1987 and should be recognized pursuant to Idaho Code Section 42-1425.

D-9: The irrigable lands within the boundaries of Burley Irrigation District are equal to or exceed 48,000 acres.

EXHIBIT "A"

OBJECTION- 45-512

4. Points of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4			Lot	County
10S	25E	30	SE	NE	SE		Cassia
10S	25E	30	NW	SE	SE		Cassia
10S	24E	36	NW	SE	NE		Cassia
10S	24E	36	SE	SW	NW		Cassia
10S	24E	36	SW	SW	NW		Cassia
10S	24E	26	SW	SW	SW		Cassia
10S	24E	27	NE	SE	SE		Cassia
10S	24E	28	SE	NW	SE		Cassia