

**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 45-00463
(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: Milner Irrigation District
Address: 5294 E. 3610 N.; Murtaugh, ID. 83344

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. Claimant's water right should not include these POUs.

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:

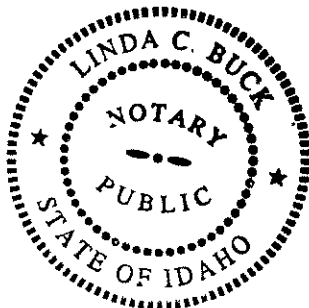
(Name of person filing objection)

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:

01-05-05
Linda C. BuckNotary Public for IdahoResiding at: Mountain HomeMy 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 Jan. 5, 2005, 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: Milner Irrigation District
Address: 5294 E. 3610 N.; Murtaugh, ID. 83344

Name:
Address: ;

Name:
Address: ;

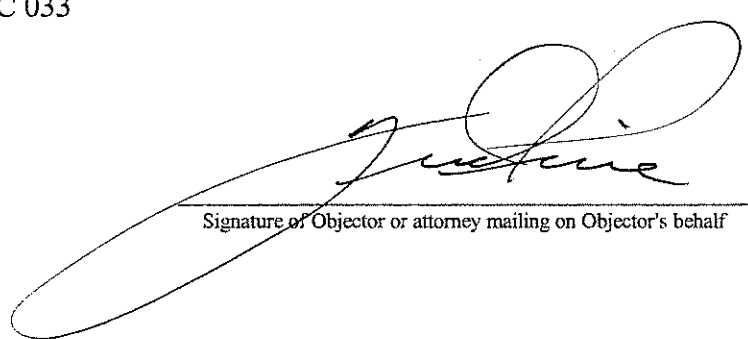
Name:
Address: ;

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

08/24/2004

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

RIGHT NUMBER: 45-463

NAME AND ADDRESS: MILNER IRRIGATION DIST
5294 E 3610 N
MURTAUGH ID 83344

**POUs ON BLM
-IRRIGATION OF PUBLIC LAND
IS NOT AUTHORIZED**

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.500 CFS
1,219.80 AFY

PRIORITY DATE: 07/12/1952

POINT OF
DIVERSION: T11S R20E S28 NWNWNW Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	2.500 CFS 1,219.80 AFY

PLACE OF USE:

PLACE OF USE IS WITHIN THE BOUNDARY OF MILNER IRRIGATION DISTRICT.

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.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1627 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 - Decreed

45-00463

POUs ON BLM

-IRRIGATION OF PUBLIC LAND IS NOT AUTHORIZED.

UNAUTHORIZED POU_s ON BLM:

<u>Legal Description</u>				<u>Use</u>	<u>Inside Digital Boundary</u>
T10S	R20E	S35	SWSW	No Water Use	Yes
T11S	R20E	S17	SESE	No Water Use	Yes
T10S	R21E	S28	SWSE	No Water Use	No
			SESW	No Water Use	No
			SWSW	No Water Use	No
		S29	NWSW	No Water Use	No

Shape File Blow Ups

T10S R20E S35
SWSW



T11S R20E S17
SESE



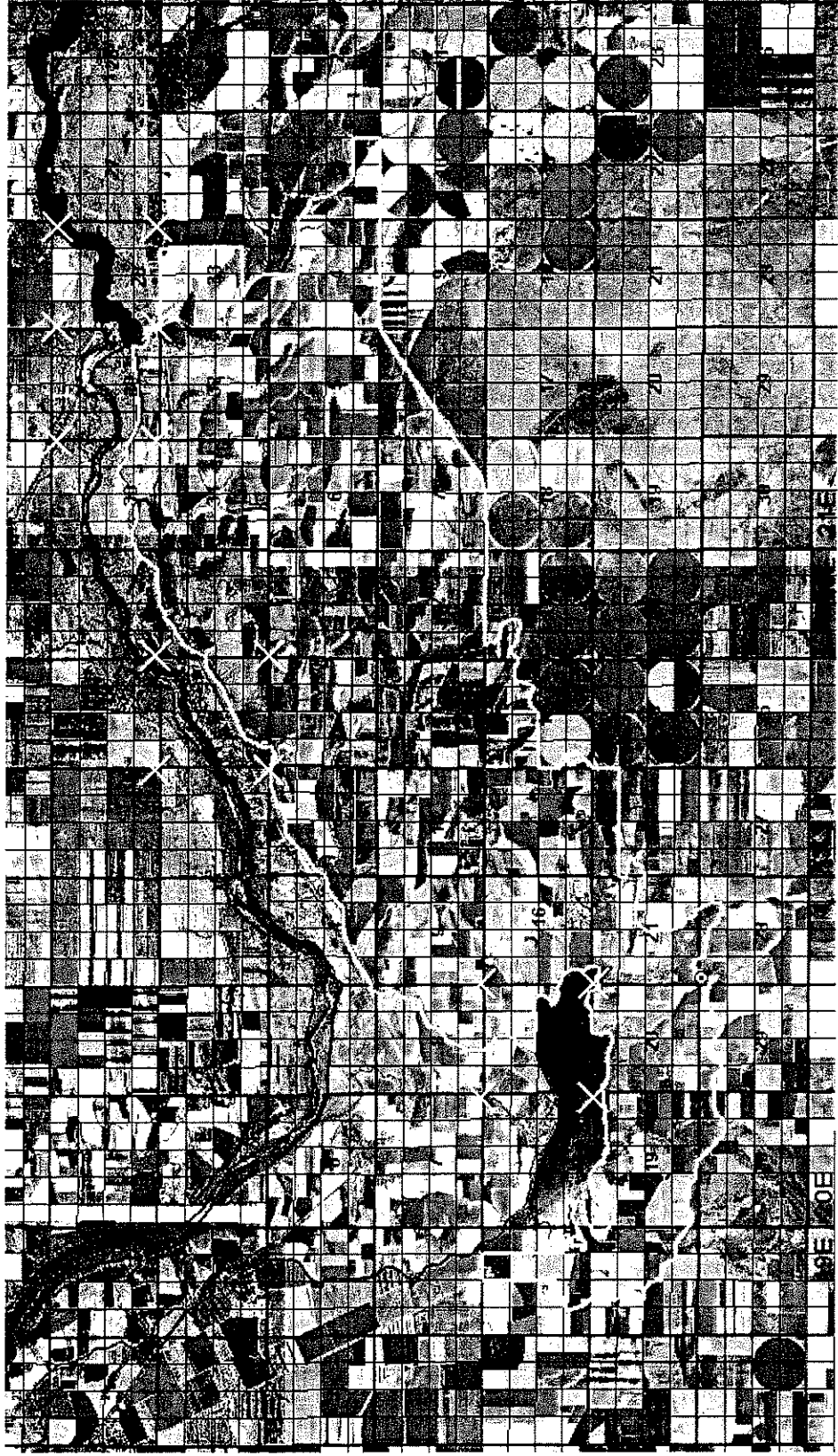
T10S R21E S28
SWSE
SESW
SWSW

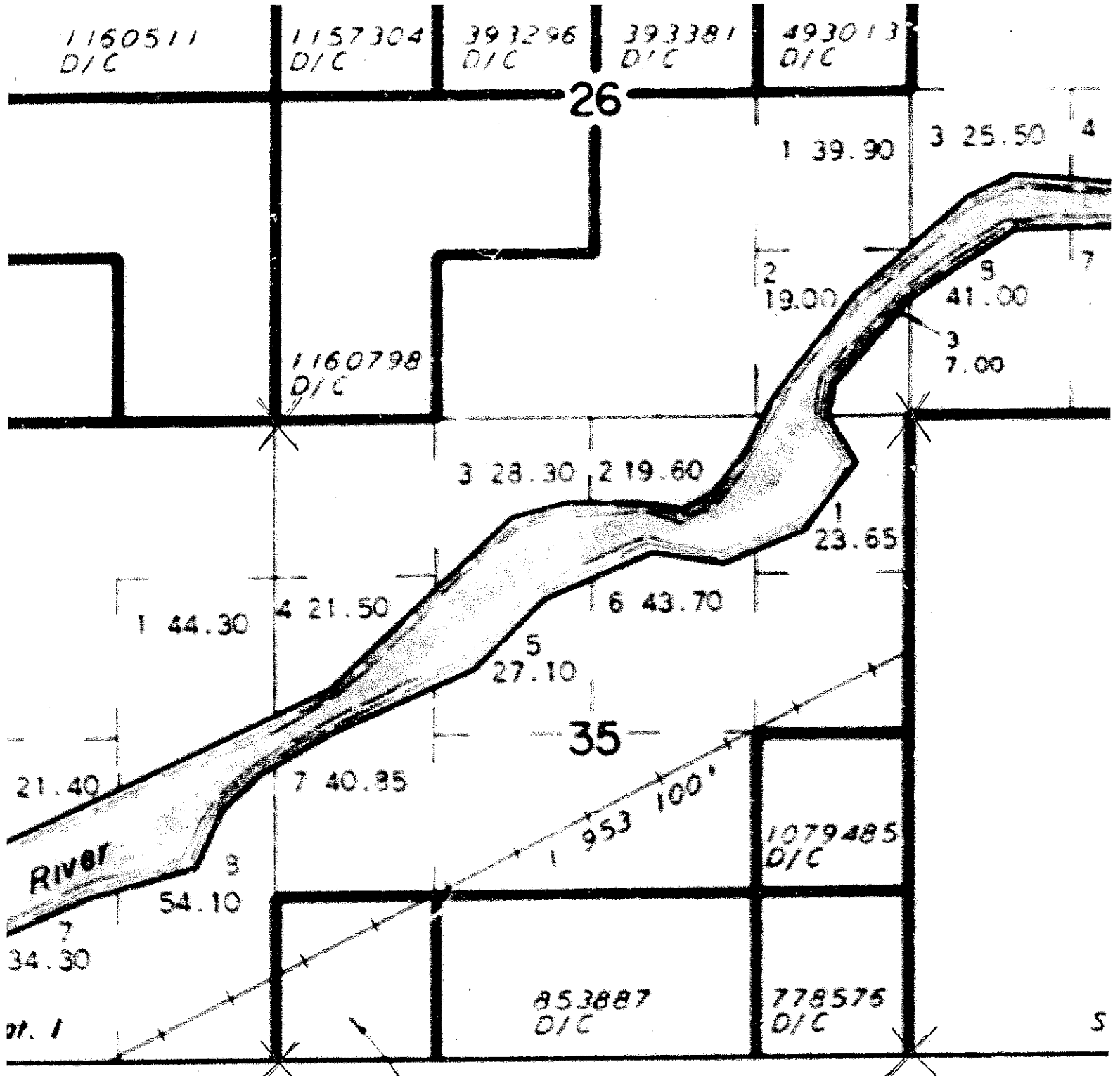


T10S R21E S29
NWSW



Milner Irrigation District





S COUNTY

T10S R20E

CA

WARNING STATEMENT

This plat is the Bureau's Record of Title, and should be used only as a graphic display of the township survey data. Records hereon do not reflect title changes which may have been effected by lateral movements of rivers or other bodies of water. Refer to the cadastral surveys for official survey information.

TOWNSHIP 10 SOUTH RANGE 20 EAST OF THE BOISE MERIDIAN, IDAHO

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

INDEX TO SEGREGATED TRACTS			
TRACT NO.	T	R	SEC.
1	1	2	3
2	1	2	3
3	1	2	3
4	1	2	3
5	1	2	3
6	1	2	3
7	1	2	3
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33	1	2	3
34	1	2	3
35	1	2	3
36	1	2	3

BL 039242 Wilner Lower Life Irrigation Dist
(Act of Cong 8/11/1916) affects land in
Sec. 35

1. SEC 4 Antiquity Pat. All Dept of Int Lands in
Cassia County

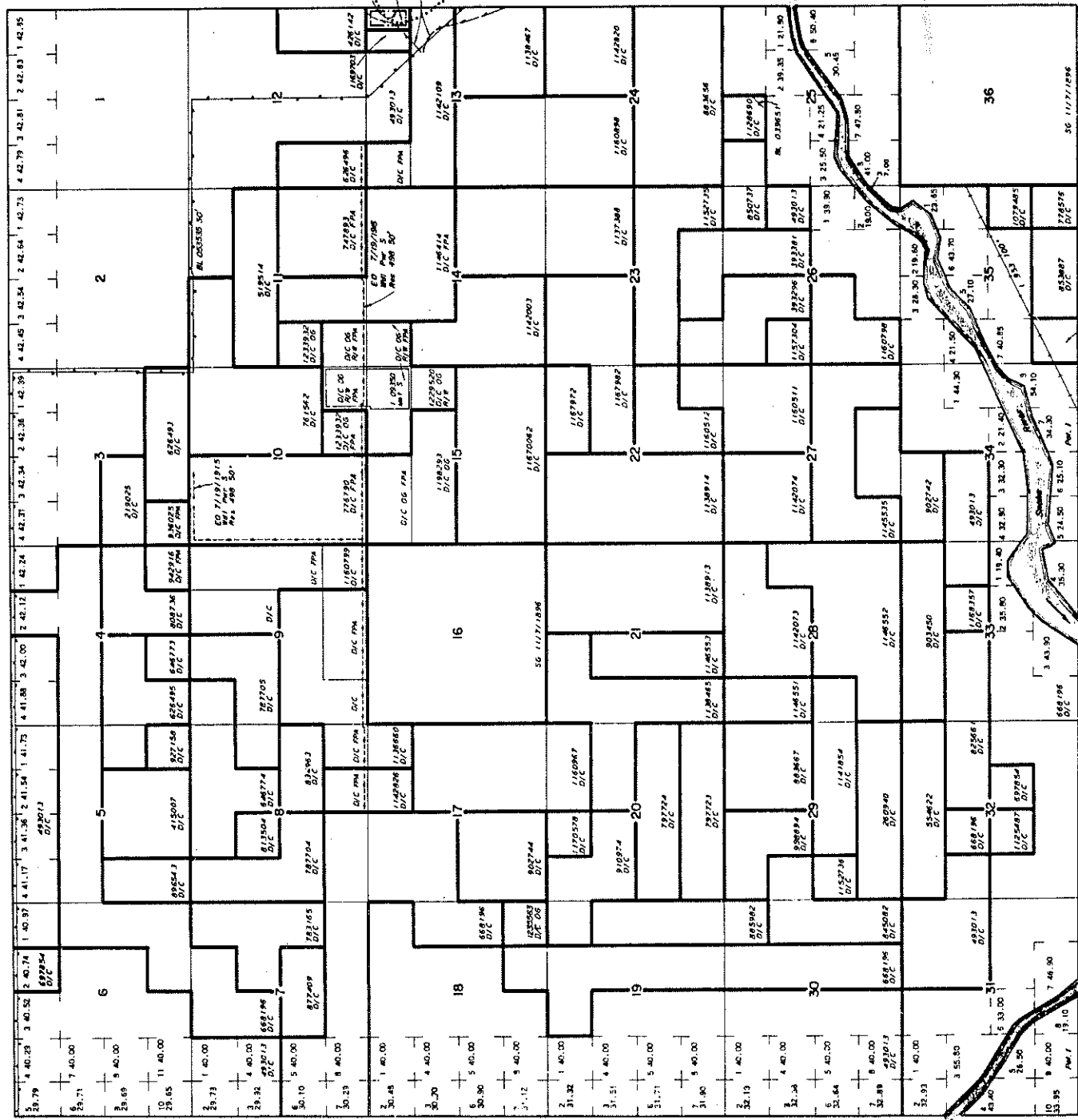
1. 1886 State Act 3/11/78
Sec 35: SW 1/4 SW 1/4

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

CURRENT TO	CURRENT TO
MAY 3 0 1986	

USE PLATS

Base Map
T. 10S



CASSIA COUNTY 031

TWIN FALLS COUNTY

JEROME COUNTY 053

FALLS COUNTY 083

WARNING STATEMENT

SCALE IN CHAINS

Snake River

TIIS R20E

8

672
D/C

TIIS R20E

704403
D/C

318430
D/C

794412
D/C

686283
D/C

17

1089216
D/C

S

318430
D/C

794412
D/C

985060
D/C

20

TOWNSHIP 11 SOUTH RANGE 20 EAST OF THE BOISE MERIDIAN, IDAHO

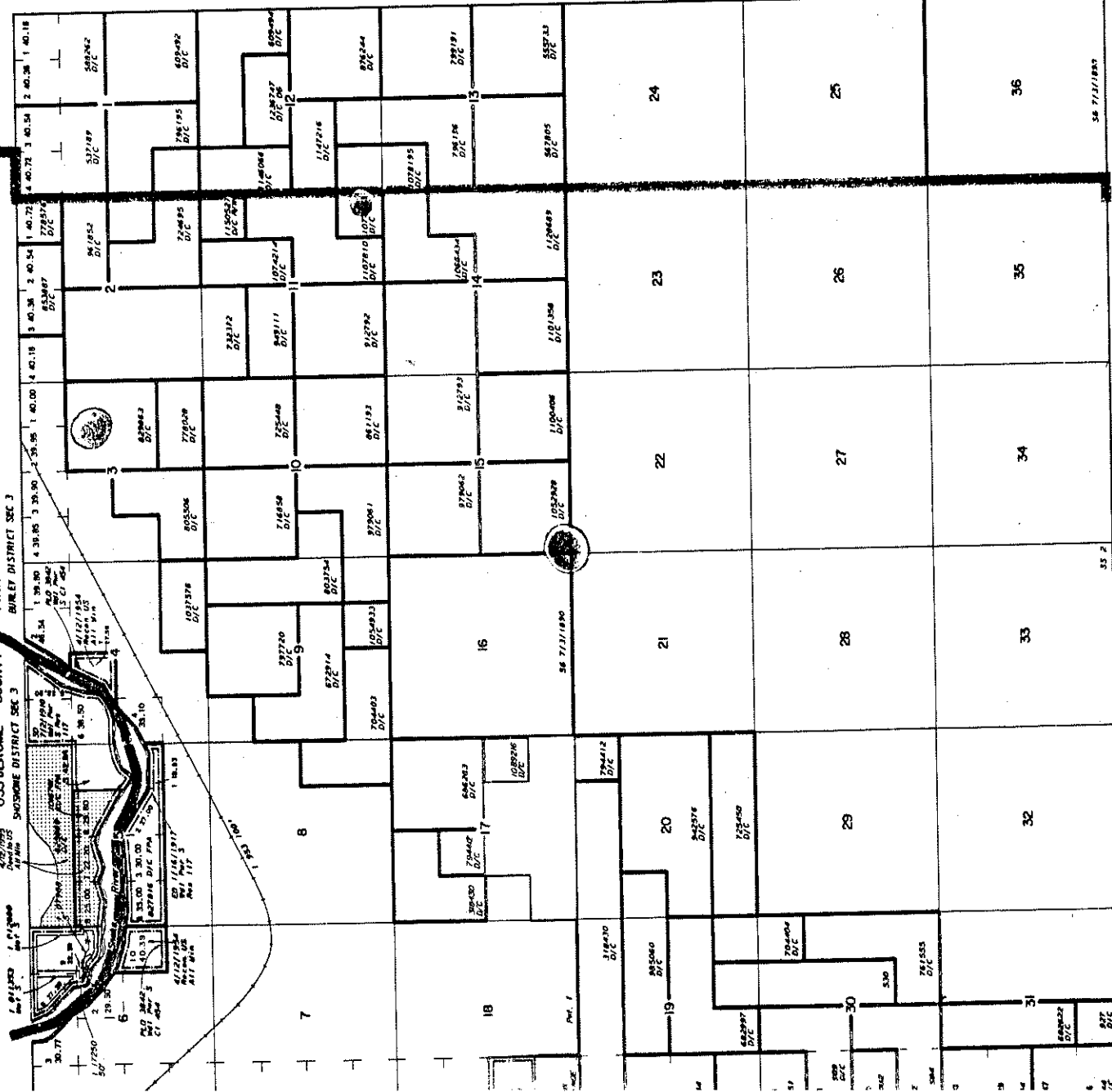
CASSIA COUNTY

TWIN FALLS COUNTY 083

053 JEROME COUNTY

SHOSHONE DISTRICT SEC 3

BUILEY DISTRICT SEC 3



MT PLAT

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
AND ACQUIRED LANDS

INDEX TO SEGREGATED TRACTS			
TRACT NO.	T	R	SEC.
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3			
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BL 030242 Wilner Lower Left Irrigation Dist
(Act of Cong 8/11/1916) affects land in
Secs 2, 3, 9, 10, 11, 15, 19, 20

PLD 2007 5/24/1969 Per 3 Res 117 Down to Entry
Sub 19 Sec 24 T7N
Sec 4: Lot 3, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20
Sec 5: Lot 3

1 2316 BLM O C Mill Use
Twin Falls County: Sept from appropriation under
general mining laws
Children Line
Sec 4: Lot 3
Dry Town
Sec 6: Lot 1

1 3004 Antiquity Per: All Dept of Int lands in
Cassia County

1 3717 B 19462 Recon to US B open for RAPP only
Sec 18: Lots 3, 4

1 11806 Silver Lake 3/11/76
Sec 4: Lot 3
Sec 6: Lot 1

1 15043 Silver Lake 9/28/1979
Sec 4: NE 1/4, Lot 5, 6
Sec 5: Canyon run to river

1 29455 R/W Warning Signs
Sec 5: NE (portion)
Sec 9: NE (portion)

1 101294 55 Andri R/W Warning Signs
Sec 4: Lot 5 (portion)
Sec 5: Lot 5 (portion)
Sec 6: Lot 5 (portion)

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

CHECKED BY
JAN 13 1985

USE PLATS

Lat. 42°25'39" N
Long. 114°31' 0"

THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST DATE WHEN
LANDS WERE OPEN FOR SETTLERS TO ENTER. SEE 115

TIOS R21E SEC 28, 29

