

**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 45-00512
(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: Burley Irrigation District
Address: 246 E. 100 S.; Burley, ID. 83318

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. For any POUs that contain both private and public land, the right should be clarified such that it is clear only private land is intended.

E.

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)

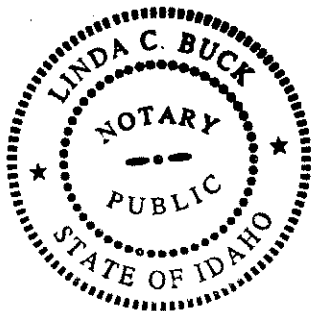
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

Larry A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

01-05-05
Linda C. Buck
Linda C. Buck



Notary Public for 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 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: Burley Irrigation District
Address: 246 E. 100 S.; Burley, ID. 83318

Name:
Address: ;

Name:
Address: ;

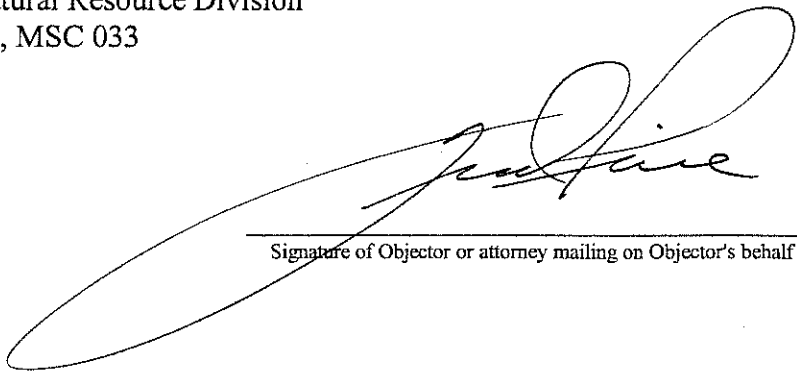
Name:
Address: ;

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: 45-512
NAME AND ADDRESS: BURLEY IRRIGATION DIST
246 E 100 S
BURLEY ID 83318

SOURCE: MARSH CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 150.000 CFS

PRIORITY DATE: 04/09/1909

POINT OF
DIVERSION: T10S R25E S30 SENESE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/15 11/15

QUANTITY
150.000 CFS

PLACE OF USE:

POUs ON BLM

**-IRRIGATION OF PUBLIC LAND
IS NOT AUTHORIZED.**

MIXED OWNERSHIP

**-CLARIFY THE POU'S SUCH
THAT IT IS CLEAR THAT ONLY
PRIVATE LAND IS INTENDED**

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 41,202 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

45-00512

POUs ON BLM

-IRRIGATION OF PUBLIC LAND IS NOT AUTHORIZED.

MIXED OWNERSHIP

-CLARIFY THE POU_s SUCH THAT IT IS CLEAR THAT ONLY PRIVATE LAND IS INTENDED

UNAUTHORIZED POU_s ON BLM:

<u>Legal Description</u>				<u>Mixed?</u>	<u>Inside Digital Boundary</u>
T10S R21E S25			Lot 11 (NENW)	No	Yes
			Lot 06 (NWNW)	No	Yes
			Lot 06 (SWNW)	No	Yes
			NWSE	No	Yes
			SESE	No	Yes
			SWSE	No	Yes
			NESW	No	Yes
			NWSW	No	Yes
			SESW	No	Yes
			SWSW	No	Yes
T10S R22E S30			Lot 03 (NWSW)	No	Yes
			Lot 04 (SWSW)	No	Yes
T10S R21E S26			NESE	No	No
			SESE	No	No
T10S R22E S32			SESE	Yes	No
			SESW	Yes	No
			R24E S28	Yes	No

T10S R21E S25



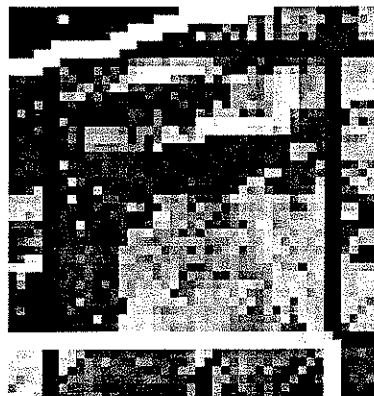
NWNE
NENW
NWNW
SWNW
NWSE
SESE
SWSE
NESW
NWSW
SESW
SWSW

T10S R21E S26



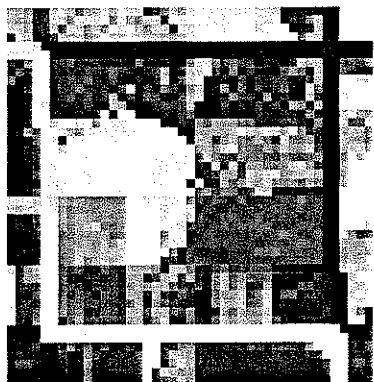
NESE
SESE

T10S R22E S30



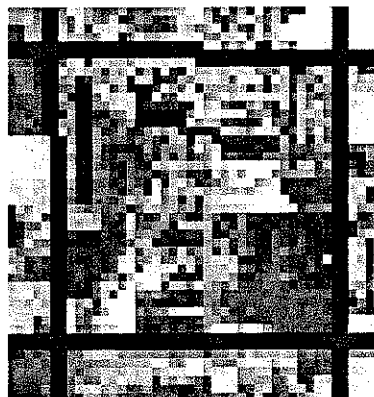
NWSW
SWSW

T10S R22E S32



SESE

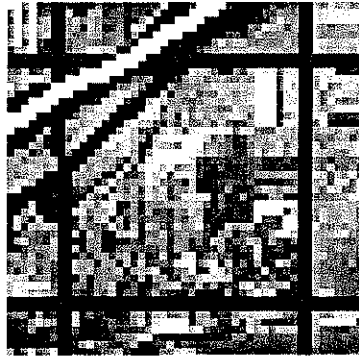
T10S R23E S32



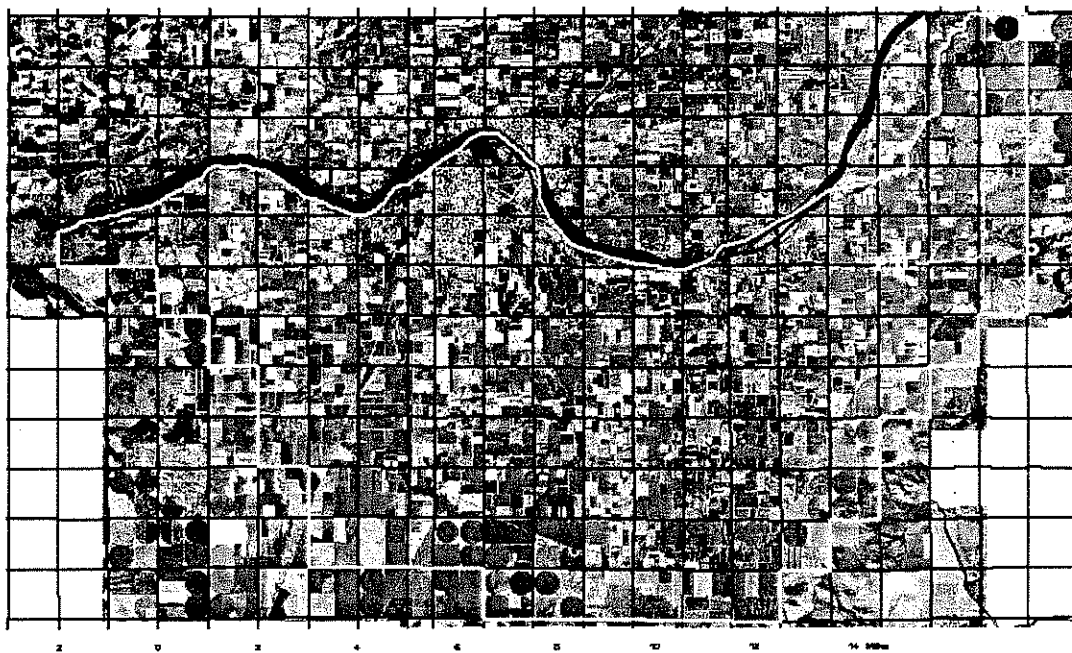
SESW

T10S R24E S28

NWNW



Burley Irrigation District



STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES[illegible]

11/13/1975 Tel. per S. Ross and R/R Trench, Inc.,
 all land lying within 50' of center line of
 H. 11/20/75
 Sec 8: 3131
 Sec 9: 3151
 Sec 17: 3151, 3156N, E 3151
 Sec 20: 3131
 Sec 20: 3156N, 3156N, 3156N
 Sec 22: 3151
 Sec 22: 3151
 Sec 23: 3156N

DL 039242 Milner Low Lift Irrigation Dist
Act of Cong 8/11/1961

Secs 23, 26, 27, 30, 31, 32

ILW O 3/24/1959 Pwr S Res 117 Open to entry
Subj to Sec 2.4 FPA

Sec 29: Lot 5
Sec 30: Lots 7, 8

3362 BLM O C1 Mult Use, Milner Wildlife Habitat

general mining laws

Secs 22, 25, 26, 27, 35

1956 Sines Act 3/11/1978
Sec 29: Lois

WD to US NOE until Order issued

Sed 23; Lot 2, 3

208 016 - 208 017

8
06/16/1976 13V BAYC 543-
FMN MN:B 205
SEC 29: 105 1.2 N 2 MIN

5521 Sike, Ac 3/15/1979

SA022: L014
SA023: L014

Sec 25: Lots 2, 3, 6, NW 1/4, SE 1/4, SW 1/4
Sec 26: Lots 2, 3, 4, NE 1/4, SE 1/4, S 1/4

[illegible]

342 PX WD R1001115 NOC

Sec 27.5 SW 1/4, SW 1/4 SE 1/4

[illegible]

0

INDEXES EFFECTING DISPOSAL OR USE OF
IDENTIFIED LANOS REFER TO INDEX OF

RELEASED DOCUMENTS.

CURRENT TO	CURRENT TO
------------	------------

WFS

DRAWALS REPRESENT THE LAST OF THE EFFECTIVE

DATE OF THE ORIGINAL WITH-
STANDING DATE. SEE

[illegible]

BURLY DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

[illegible]

BL 045977 Burley Irrigation Dist (Act of Cong.
11/1/1916) affects land in
secs 21, 28, 34, 35

1. 3362 BLM O CI Mult Use, Miner Wildlife Habitat Area.
2. Sgar from Approp under HE, DLE, JA, PS, PLS, LS, B
general mining laws
All Unappropriated public land within

SAC 30: Lof 3, 4
11816 Sign Act 3/11/70
SAC 30: NE 4 SW 4

1 15521 Sikes Act 3/15/79
SEC 30: Lots 3, 4

101 25873 Nat Hist Troit
Historical information only, does not denote
public access

ID: D14820 R&PP Longfill Lse Temp 6/3/1999
Sec 30: Loh 3.4

(continued)

[illegible]

01234567891011121314151617181920212223242526272829303132333435363738394041424344454647484950515253545556575859606162636465666768697071727374757677787980818283848586878889909192939495969798991001011021031041051061071081091101111121131141151161171181191201211221231241251261271281291301311321331341351361371381391401411421431441451461471481491501511521531541551561571581591601611621631641651661671681691701711721731741751761771781791801811821831841851861871881891901911921931941951961971981992002012022032042052062072082092102112122132142152162172182192202212222232242252262272282292302312322332342352362372382392402412422432442452462472482492502512522532542552562572582592602612622632642652662672682692702712722732742752762772782792802812822832842852862872882892902912922932942952962972982993003013023033043053063073083093103113123133143153163173183193203213223233243253263273283293303313323333343353363373383393403413423433443453463473483493503513523533543553563573583593603613623633643653663673683693703713723733743753763773783793803813823833843853863873883893903913923933943953963973983994004014024034044054064074084094104114124134144154164174184194204214224234244254264274284294304314324334344354364374384394404414424434444454464474484494504514524534544554564574584594604614624634644654664674684694704714724734744754764774784794804814824834844854864874884894904914924934944954964974984995005015025035045055065075085095105115125135145155165175185195205215225235245255265275285295305315325335345355365375385395405415425435445455465475485495505515525535545555565575585595605615625635645655665675685695705715725735745755765775785795805815825835845855865875885895905915925935945955965975985996006016026036046056066076086096106116126136146156166176186196206216226236246256266276286296306316326336346356366376386396406416426436446456466476486496506516526536546556566576586596606616626636646656666676686696706716726736746756766776786796806816826836846856866876886896906916926936946956966976986997007017027037047057067077087097107117127137147157167177187197207217227237247257267277287297307317327337347357367377387397407417427437447457467477487497507517527537547557567577587597607617627637647657667677687697707717727737747757767777787797807817827837847857867877887897907917927937947957967977987998008018028038048058068078088098108118128138148158168178188198208218228238248258268278288298308318328338348358368378388398408418428438448458468478488498508518528538548558568578588598608618628638648658668678688698708718728738748758768778788798808818828838848858868878888898908918928938948958968978988999009019029039049059069079089099109119129139149159169179189199209219229239249259269279289299309319329339349359369379389399409419429439449459469479489499509519529539549559569579589599609619629639649659669679689699709719729739749759769779789799809819829839849859869879889899909919929939949959969979989991000100110021003100410051006100710081009101010111012101310141015101610171018101910201021102210231024102510261027102810291030103110321033103410351036103710381039104010411042104310441045104610471048104910501051105210531054105510561057105810591060106110621063106410651066106710681069107010711072107310741075107610771078107910801081108210831084108510861087108810891090109110921093109410951096109710981099110011011102110311041105110611071108110911101111111211131114111511161117111811191120112111221123112411251126112711281129113011311132113311341135113611371138113911401141114211431144114511461147114811491150115111521153115411551156115711581159116011611162116311641165116611671168116911701171117211731174117511761177117811791180118111821183118411851186118711881189119011911192119311941195119611971198119912001201120212031204120512061207120812091210121112121213121412151216121712181219122012211222122312241225122612271228122912301231123212331234123512361237123812391240124112421243124412451246124712481249125012511252125312541255125612571258125912601261126212631264126512661267126812691270127112721273127412751276127712781279128012811282128312841285128612871288128912901291129212931294129512961297129812991300

[illegible]

1170031
2/5 00

Yr. 1
145.35
1231242
D/C OG
1169198
Yr. M
0.36
50318/901
501450
501450
501450

1194213
DIT: JMS
181818
310
310

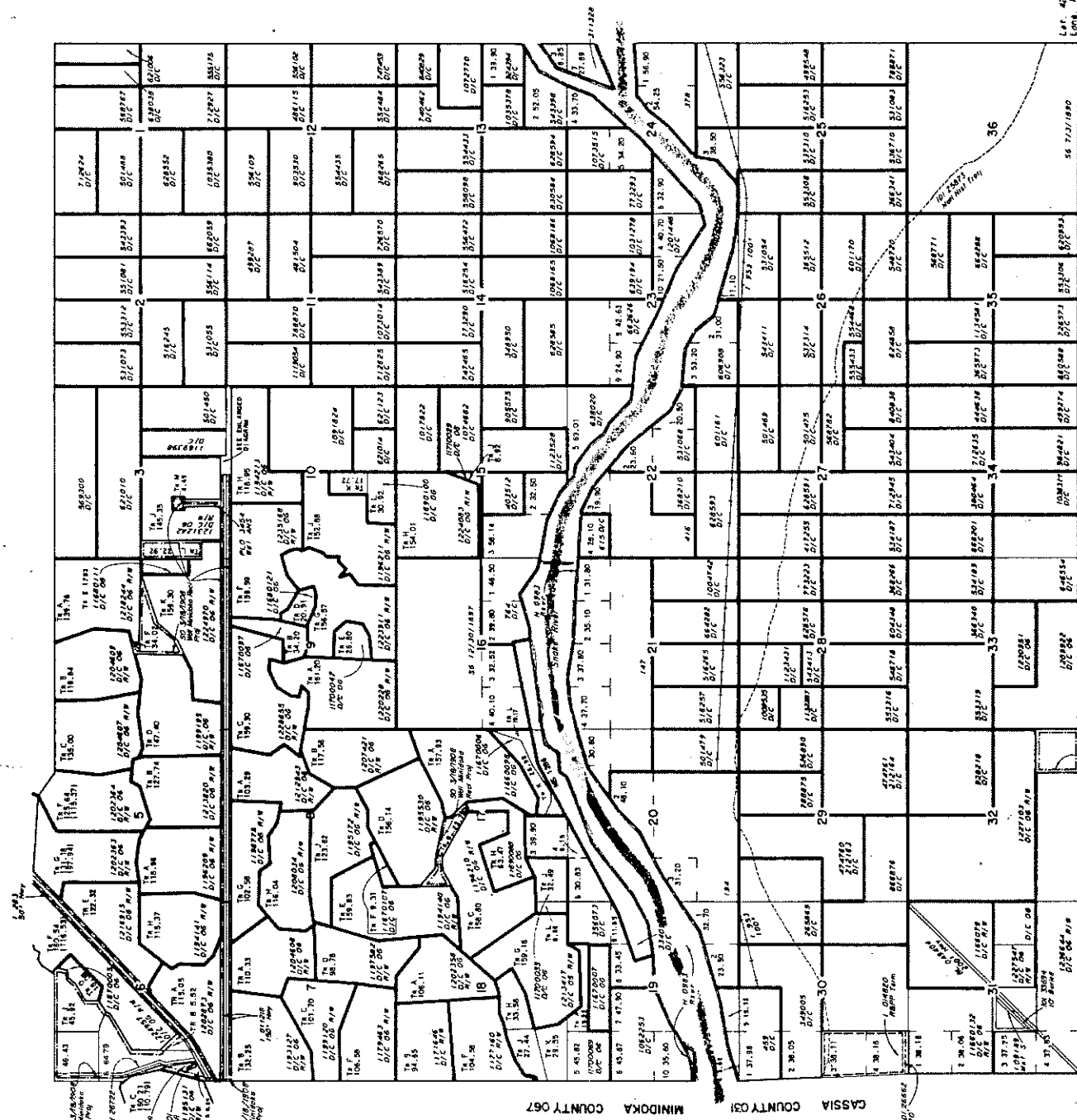
FOR ORDERS EFFECTING DISPOSAL OR USE OF UNIDENTIFIED LANDS REFER TO INDEX OF

MISCELLANEOUS DOCUMENTS.	
CLAIMANT TO	CURRENT TO

[illegible]

RACIALS REPRESENT THE LAST

BE THE EFFECTIVE DATE. SEE
DATE OF THE ORIGINAL WITH -



WARNING STATEMENT

This plot is the Bureau's Record at Title, and should be used only as a graphic display of the town's survey data. Records herein do not reflect title changes which may have been affected by lateral movements of the official survey information.

SCALE in Chinese

T10S R23E S32

1 42.21 384505 D/C	D/C	203	D/C	D/C	64	712633 D/C
2 42.34 501485 D/C	368271 D/C	565939 D/C	360734 D/C	28	356324 D/C	71263 D/C
3 42.87 756695 D/C	559625 D/C	531072 D/C	501504 D/C	29	501458 D/C	621001 D/C
4 43.20 601145 D/C	553434 D/C	712944 D/C	712941 D/C	30	473145 D/C	747481 D/C
1 43.85 556115 D/C	499290 D/C	444636 D/C	670724 D/C	31	531059 D/C	516052 D/C
2 44.10	499290 D/C	499293 D/C	601153 D/C	32	499552 D/C	747481 D/C
3 44.53	1 017387 Reason US Adm 5	499293 D/C	601153 D/C	33	499555 D/C	531084 D/C
4 45.00 573	553313 D/C	499293 D/C	499552 D/C	34	499555 D/C	531084 D/C

101 33902
Buried 12.5'

SCALE

Document - WordPad

10

Western

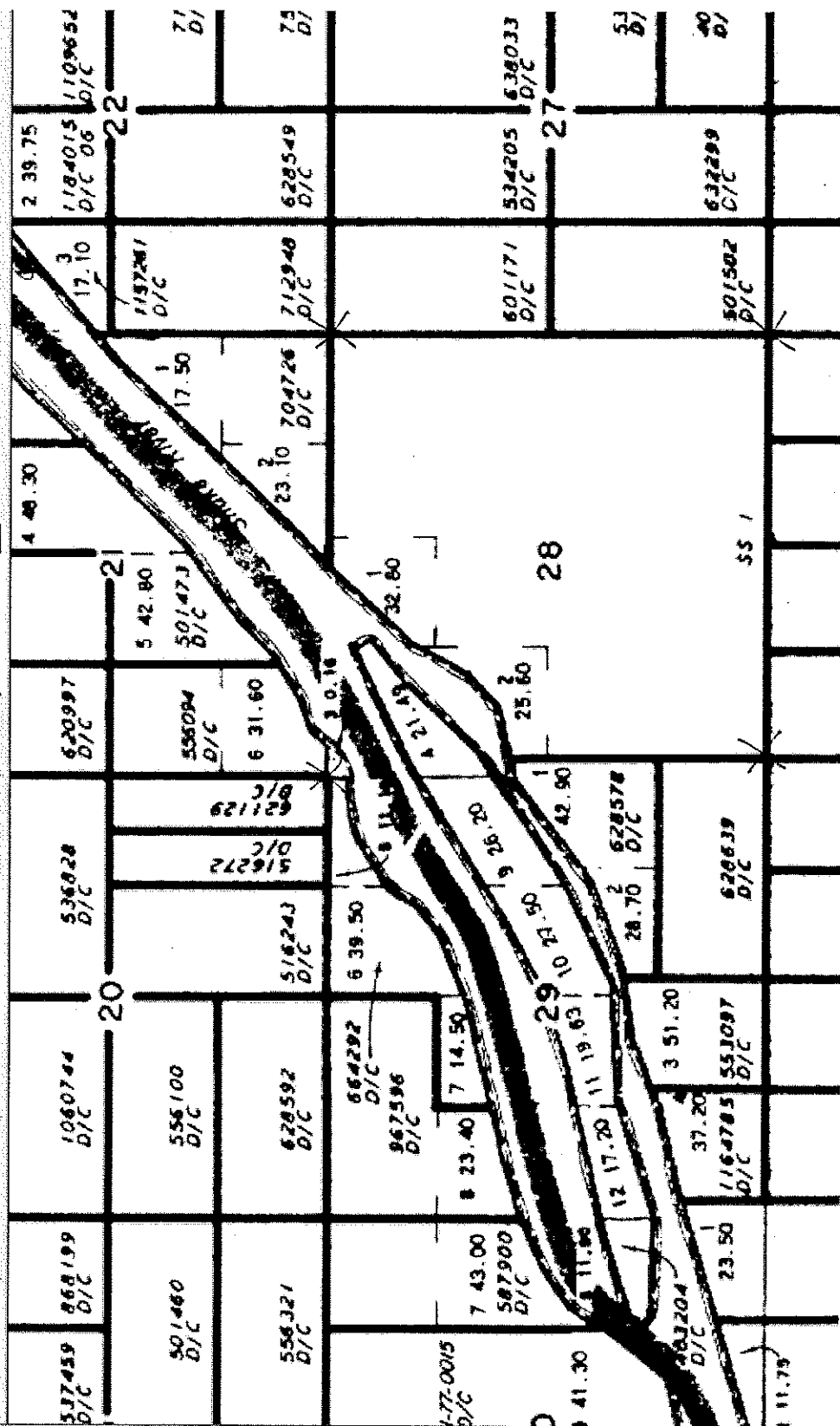
File Edit View Window Help

Page: 1 of 1

Page: 1 of 1

Zoom: 100 %

①
②



BURLY DISTRICT SEC 3

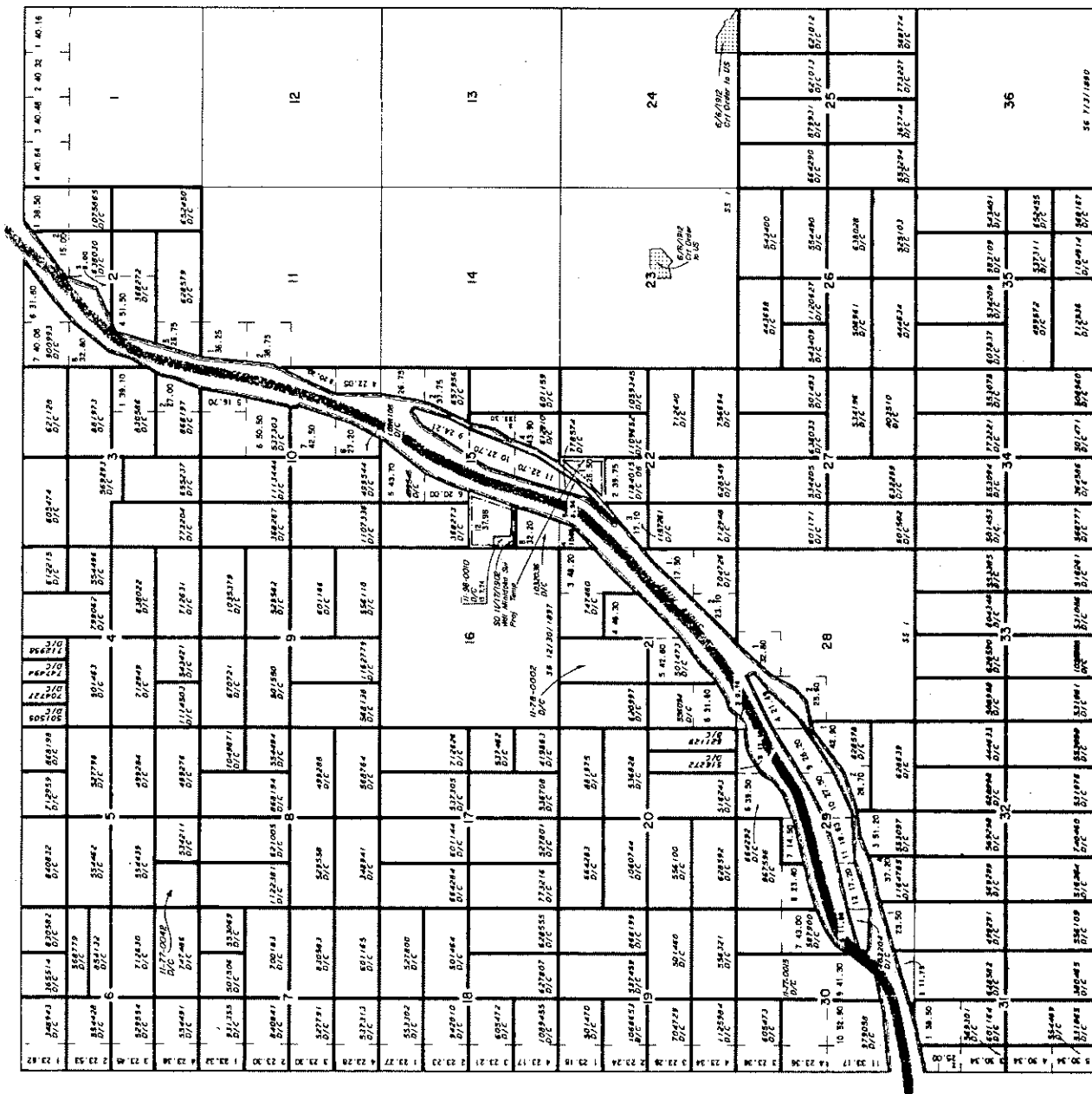
STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MINIDOKA	COUNTY	CASSIA	COUNTY
----------	--------	--------	--------

MT PLAT

[illegible]

PL 046877 Burley Irrigation Dist (Act of Cong
5/11/1916) affects land in
Secs 22, 26, 29, 33, 35



USE PLATE: 8
N. 13.27 487
A. SE-111

CURRENT TO:	CURRENT TO
APR 14 1988	

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

WARNING STATEMENT

This plan is the Bureau's Record of Title, and should be used only as a graphic display of the township survey data. Records herein do not reflect title changes which may have been effected by lateral warranties or other means of water.

THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITHDRAWAL ORDER

Abstract

Abstract

T. 105

M. 24E