

**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 45-04127
(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: James & Karen Mullen
Address: Box 146; Oakley, ID. 83346

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 Irrigation Storage place of use is only described down to the section. The 40 acre tract description is missing. Section 3 contains Federal land. The description should be specific enough to exclude Federal land. It appears from IDWR's aerial photos that the storage should be described on private land within SENE, S03, T14S, R21E.

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.

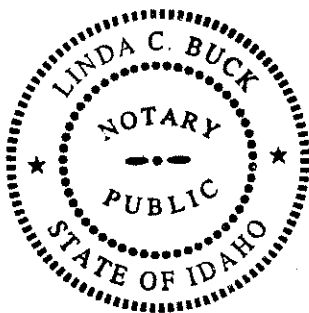
Fredric W. Price
(Signature of person filing objection)

Larry A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

January 4, 2005

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 Jun. 5th, 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: James & Karen Mullen
Address: Box 146; Oakley, ID. 83346

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: 45-4127
NAME AND ADDRESS: KAREN MULLEN
BOX 146
OAKLEY ID 83346

JAMES MULLEN
BOX 146
OAKLEY ID 83346

Incomplete Pou

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.030 CFS
2.50 AFY

USE OF THIS RIGHT WITH RIGHT NO. 45-4128 IS LIMITED TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 2.5 AF.

The quantity of water under this right for domestic and stockwater uses
shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/15/1944

POINT OF
DIVERSION: T14S R21E S3 NWSENE Within CASSIA County *Pvt*

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	03/15 11/15	0.020 CFS
DOMESTIC	01/01 12/31	0.030 CFS
IRRIGATION STORAGE	01/01 12/31	2.50 AFY
IRRIGATION FROM STORAGE	03/15 11/15	0.030 CFS

PLACE OF USE: IRRIGATION STORAGE Within CASSIA County

T14S R21E (S03) Pvt/F.S./BLM

*SENE ← QQ description
is missing.*

IRRIGATION FROM STORAGE Within CASSIA County

T14S R21E S03 SENE 10.0 *Pvt*

STOCKWATER Within CASSIA County

T14S R21E S03 SENE *Pvt*

DOMESTIC Within CASSIA County

T14S R21E S03 SENE *Pvt*
10 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 45-4128 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 10 ACRES IN A SINGLE IRRIGATION
SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

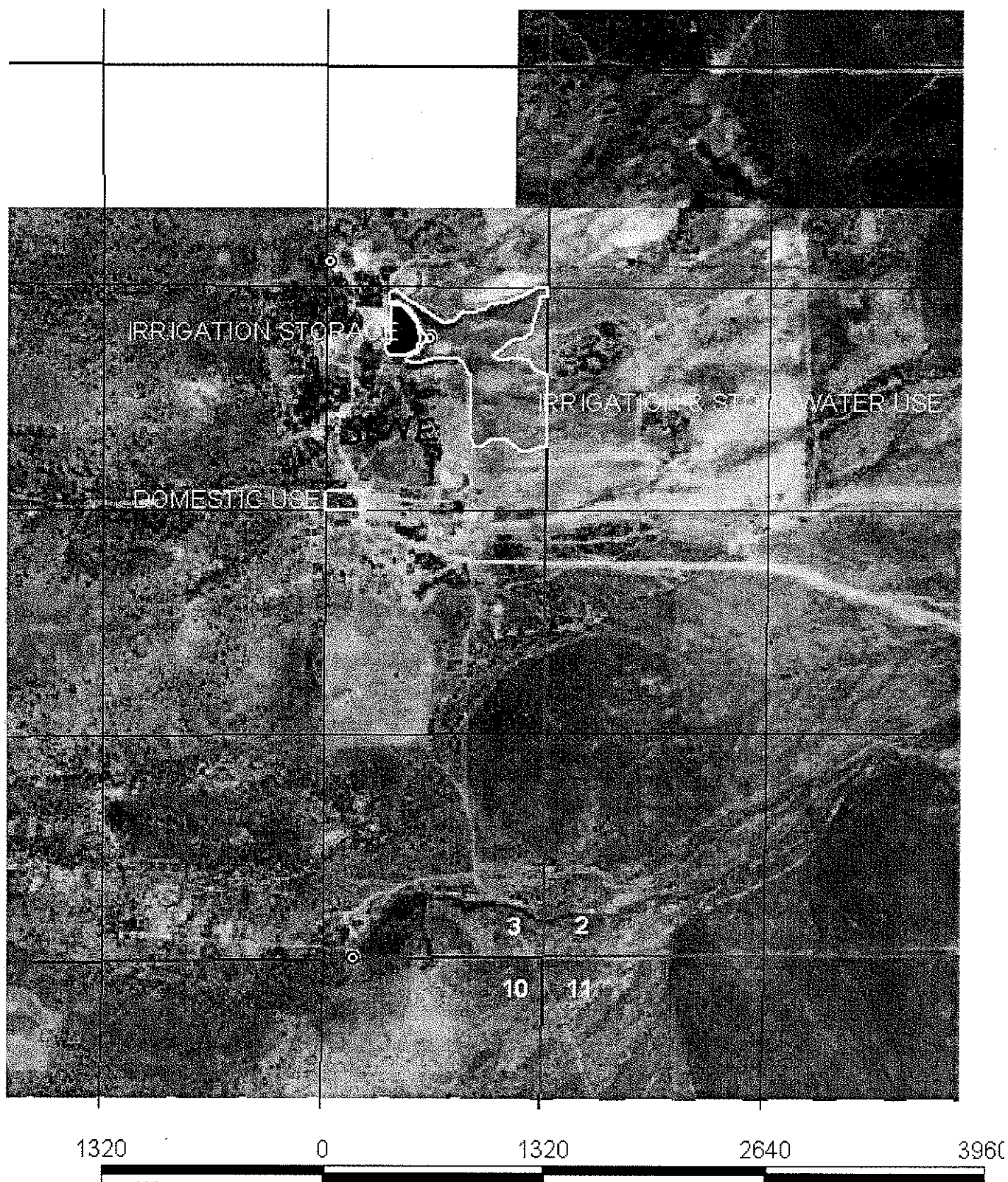
This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

The quantity of water decreed for this water right for domestic use and
stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

SOURCE IS ALSO KNOWN AS BLANCKENSHIP SPRING.

Idaho Department of Water Resources
45-4127 & 45-4128



RECOMMENDED PLACE OF USE
DATA ENTRY ON JULY 16, 2004
TWP 14S, RNG 21E, SEC. 3

- Point of diversion
- Place of use
- Quarter-quarter lines

Gis Place of Use Presentation

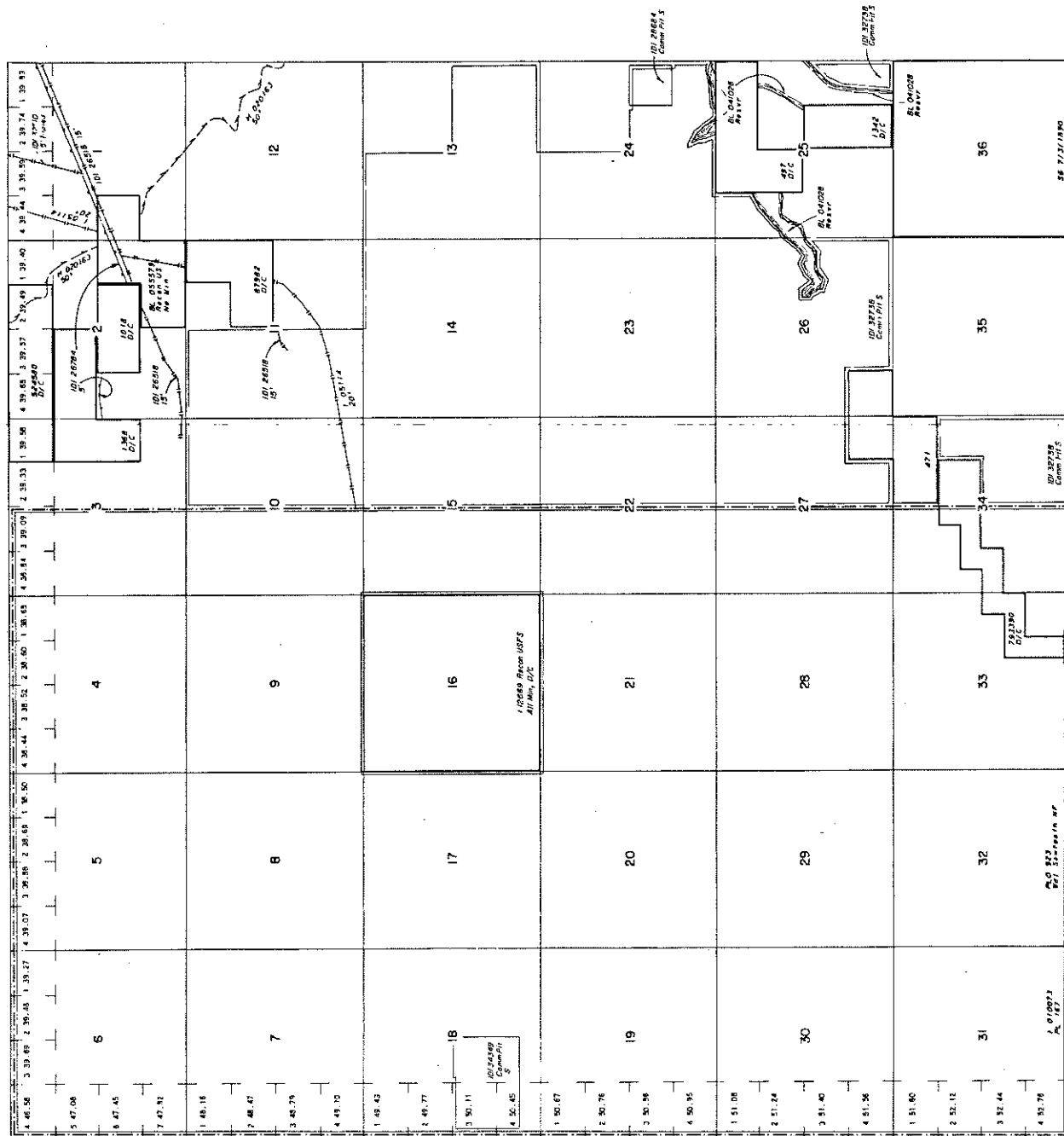
CASSIA COUNTY 031
BURLY DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

INDEX TO SEGREGATED TRACTS				
RESURVEY		ORIGINAL SURVEY		
TRACT NO	T	N	SEC	SUBDIVISION

[illegible]

010073 Det PL 167 (Act of Cong 7/23/1955)
completed 7/12/1962. All MF surface Mgmt by USFS



WASHINGTON STATE

WARNING STATEMENT

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

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

Boise Mer
T. 14 S
R. 21 E.

SCALE in CHOIRs

