

**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 25-04085
(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: Independent Irrigation Co.
Address: 755 N 3400 E; Menan, Idaho 83434

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):

(1) The United States of America, through the Bureau of Land Management, is the owner of the land upon which a portion of the use is claimed. The claimant's boundary includes a use of Federal land that is unauthorized. Claimant's boundary should not include POUs describing federal public land. (2) Other POUs contain both private and public land. The description should be clarified such that it is clear only non-federal land is intended, such as by a remark under place of use, "The use of water under this right does not include a use on federal public land."

F.

VERIFICATION (Must be Completed)

State of Idaho

)

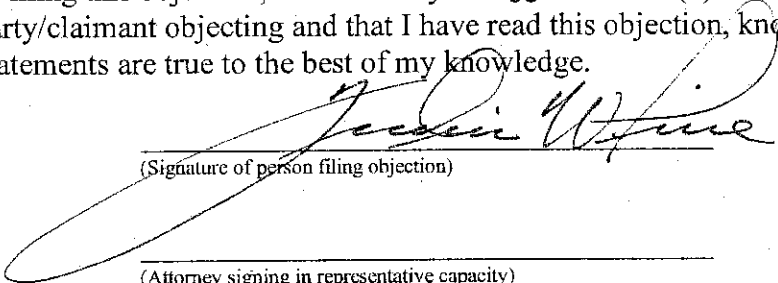
) ss.

County of ADA

)

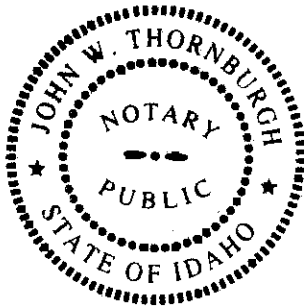
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

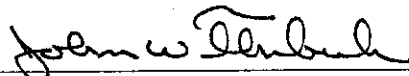
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 6-21-05




John W. Thornburgh

Notary Public for Idaho

Residing at: Boise

My Commission Expires: 5/16/2009

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 June 22, 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:

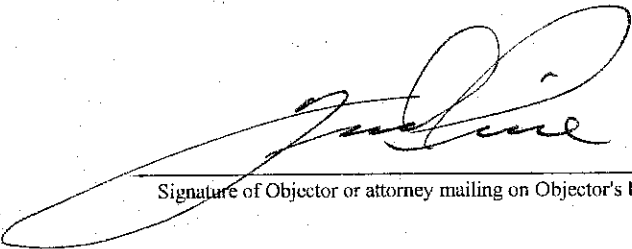
Name: Independent Irrigation Co.
Address: 755 N 3400 E; Menan, Idaho 83434
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

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

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

RIGHT NUMBER: 25-4085

NAME AND ADDRESS: INDEPENDENT IRRIGATION CO
755 N 3400 E
MENAN ID 83434

SOURCE: SCOTTS SLOUGH

TRIBUTARY: SINKS

QUANTITY: 44.000 CFS

PRIORITY DATE: 06/01/1884

POINT OF
DIVERSION: T05N R38E S26 NESWNW Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	44.000 CFS
STOCKWATER	01/01 12/31	0.140 CFS

PLACE OF USE:

3490 ACRES TOTAL

Place of use is within the area served by Independent Irrigation Company.

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 2200 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.

Rights have also been claimed to water from Basin 01 for the same purpose of use at the same place of use described above, which will be included in a Directors Report to be filed at a later date. Any water rights recommended in the Basin 01 report for the same purpose of use at the same place of use described above will contain combined use limitations for this right and the Basin 01 rights.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Use of this right is combined with water from Long Island Irrigation Co.

25-04085

INDEPENDENT IRRIGATION CO

B25 Irrigation and Other D.R. -FINAL
Objection Candidate -POU Hits

Land Ownership

Twn	Rge	Sec	QQ	Qtr	Lot	Subcase	Mix	PVT	BLM	FS	BOR	Other-Fed	State
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05N 37E

05N 37E

05N 37E 14 NE SE 25-04085 ☒ ☒ ☒ ☐ ☐ ☐ ☐ ☐ ☐ Lot 7, Tract 37, or Lot 16 (L16=BLM) -includes 0.6 ac in Lot 16- remove

05N 37E 14 NE SE 16 25-04085 ☐ ☐ ☒ ☐ ☐ ☐ ☐ ☐ ☐ ☐

05N 37E 14 NW SE 25-04085 ☒ ☒ ☒ ☐ ☐ ☐ ☐ ☐ ☐ Lot 6, Tract 37, Lot 9 or Lot 17 (L9/L17=BLM) -includes 0.6 ac in Lot 17- remove

05N 37E 14 NW SE 17 25-04085 ☐ ☐ ☐ ☒ ☐ ☐ ☐ ☐ ☐ ☐

05N 37E 14 NW SE 17 25-04085 ☐ ☐ ☐ ☐ ☒ ☐ ☐ ☐ ☐ ☐

05N 37E 14 SE SW 25-04085 ☒ ☒ ☒ ☐ ☐ ☐ ☐ ☐ ☐ Lot 5, Tract 37, Lot 12, or Lot 18 (L12/L18=BLM)

05N 38E

05N 38E

05N 38E 7 SE SW 25-04085 ☒ ☒ ☒ ☐ ☐ ☐ ☐ ☐ ☐ Lot 11, Lot 15, or Lot 16 (L15/L16=BLM)

05N 38E 7 SE SW 14 25-04085 ☒ ☒ ☒ ☐ ☐ ☐ ☐ ☐ ☐ Lot 11, Lot 15, or Lot 16 (L15/L16=BLM) No Lot 14

05N 38E 18 SW NE 25-04085 ☒ ☒ ☒ ☐ ☐ ☐ ☐ ☐ ☐ Lot 12 (PVT) or Lot 19 (BLM)

05N 38E 18 NE NW 25-04085 ☒ ☒ ☒ ☐ ☐ ☐ ☐ ☐ ☐ Lot 7 (PVT) or Lot 19 (BLM)

05N 38E 20 NE NE 25-04085 ☒ ☒ ☒ ☐ ☐ ☐ ☐ ☐ ☐ Lot 1, Tract 39 or Lot 9 (L9=BLM)

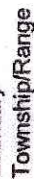
05N 38E 20 NW NE 25-04085 ☒ ☒ ☒ ☐ ☐ ☐ ☐ ☐ ☐ Lot 2, Tract 39, Lot 7 or Lot 10 (L7/L10=BLM)

Boundary of Service Area for Independent Irrigation Co

Claim No.: 25-4085



GIS Place of Use Illustration



1987/1988 NAPP Photography



Prepared by: E. Carlsen



Date: August 2004

0 1 2 Miles



T05N R38E

T05N R37E

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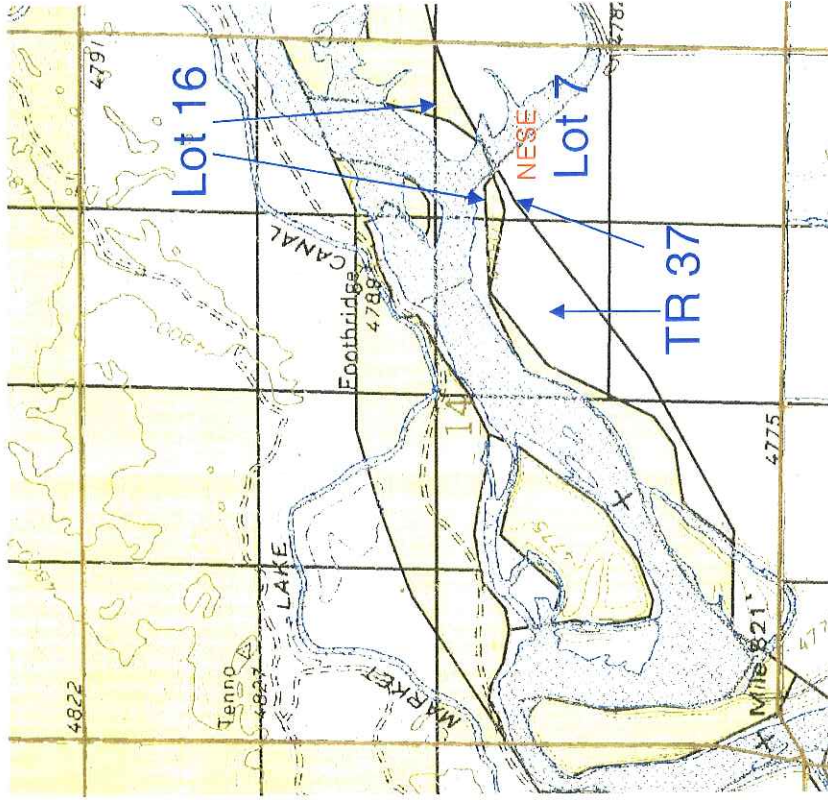
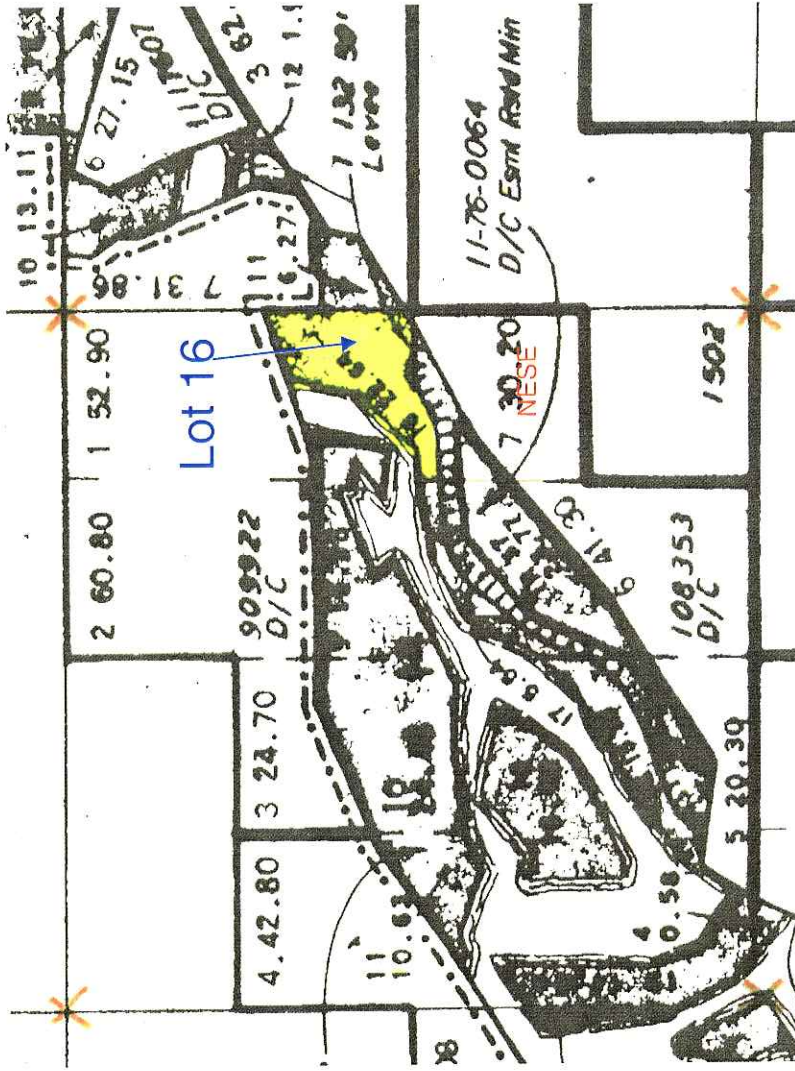
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POU Hits

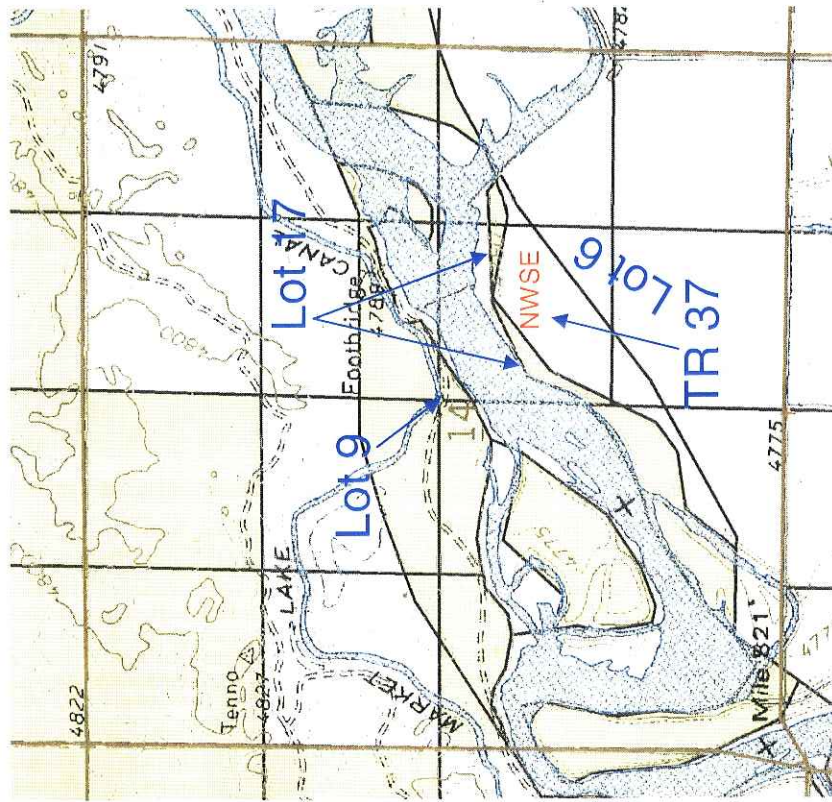
T05N R37E S14 NESE



Lot 7, Tract 37, or Lot 16 (L16=BLM)
Lot 7, Tract 37, or Lot 16 (L16=BLM)

05N 37E	14 NE	SE	25-04085	☒	☒	☒
05N 37E	14 NE	SE	25-04086	☒	☒	☒
05N 37E	14 NE	SE	16/25-04085	☐	☐	☒
05N 37E	14 NE	SE	16/25-04086	☐	☐	☒

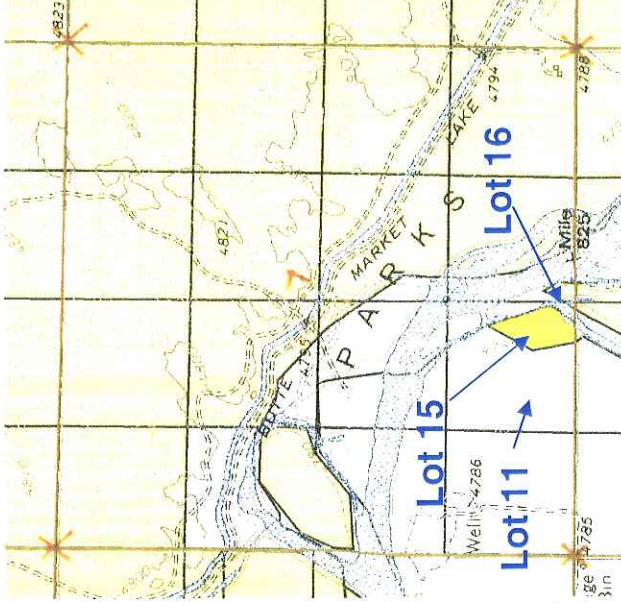
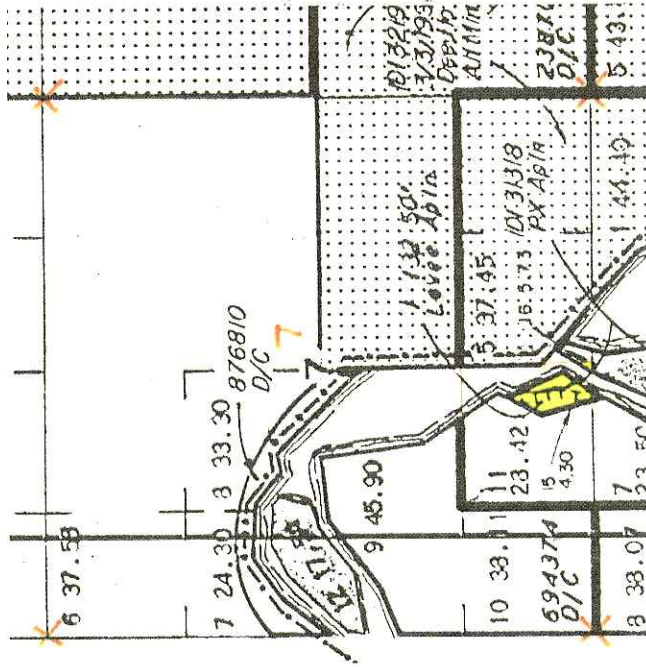
T05N R37E S14 NWSE



Town	Range	Section	Q	Quarter	Gov	Subcase	Mix	Own	PVT	Own	BLM	Own	Own Comment
05N	37E	14	NW	SE		25-04085		☒		☒		☒	Lot 6, Tract 37, Lot 9 or Lot 17 (L9/L17=BLM)
05N	37E	14	NW	SE		25-04086		☒		☒		☒	Lot 6, Tract 37, Lot 9 or Lot 17 (L9/L17=BLM)
05N	37E	14	NW	SE		17 25-04085						☒	
05N	37E	14	NW	SE		17 25-04085						☒	
05N	37E	14	NW	SE		17 25-04086						☒	
05N	37E	14	NW	SE		17 25-04086						☒	

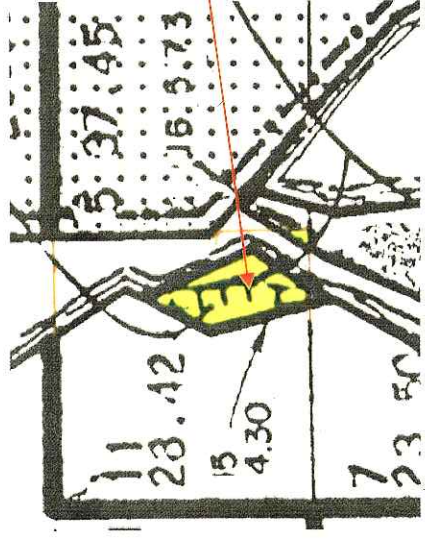
POU Hits

T05N R38E S07 SESW

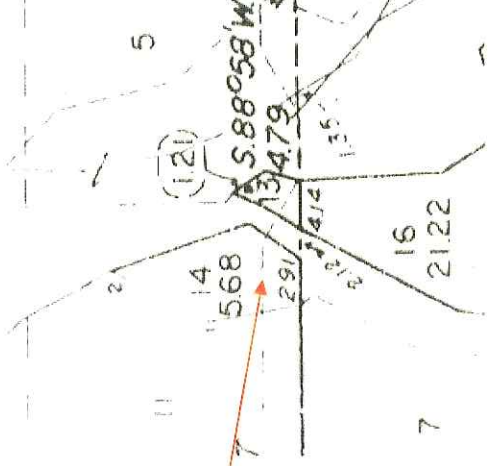


UIN	Q/L	INC	CO-ORDINATE
05N	38E	7 SE	25-04085
05N	38E	7 SE	25-04086
05N	38E	7 SE	14 25-04085
05N	38E	7 SE	14 25-04086

Lot 11, Lot 15, or Lot 16 (L15/L16=BLM)	✓
Lot 11, Lot 15, or Lot 16 (L15/L16=BLM)	✓
Lot 11, Lot 15, or Lot 16 (L15/L16=BLM) No Lot 14	✓
Lot 11, Lot 15, or Lot 16 (L15/L16=BLM) No Lot 14	✓

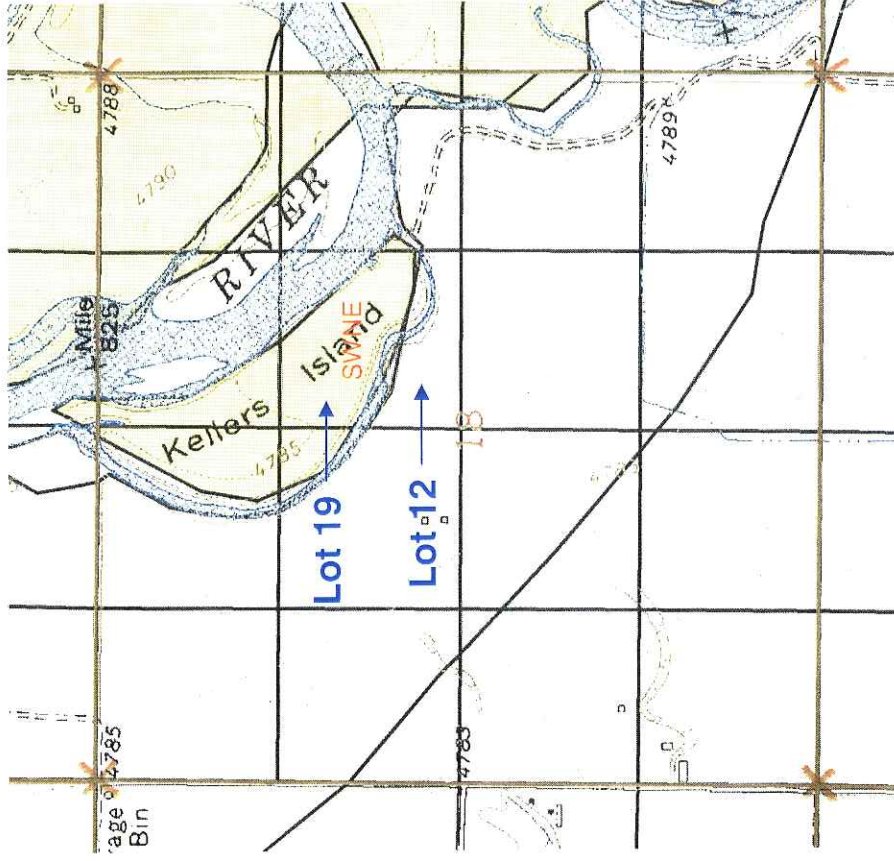
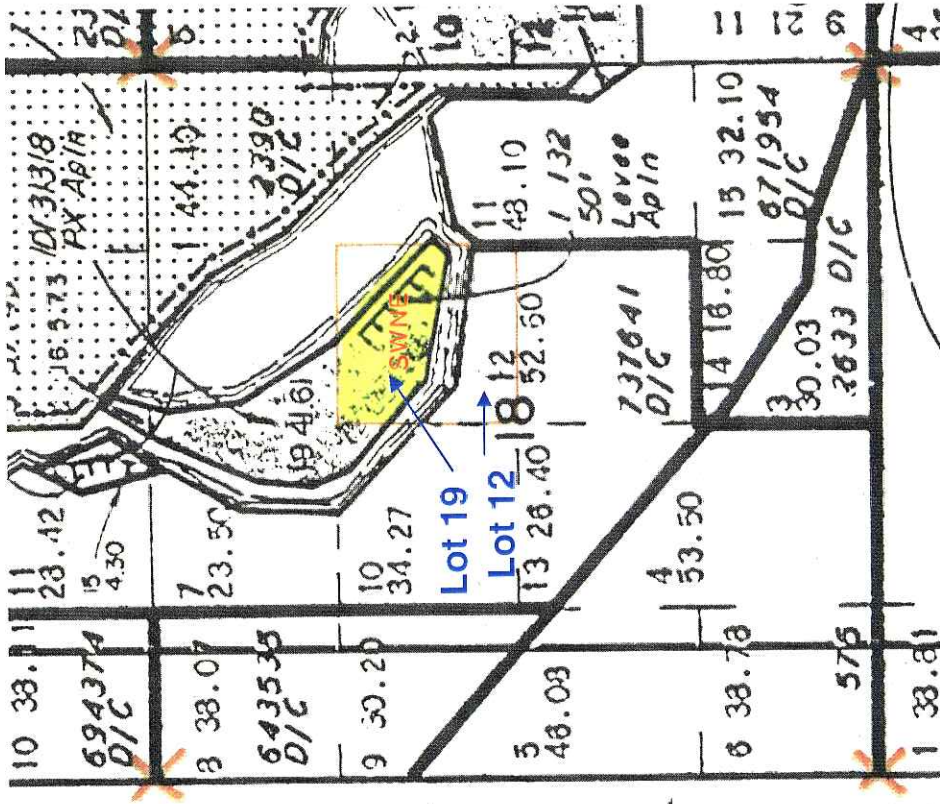


Lot 14 has been resurveyed to Lot 15



POU Hits

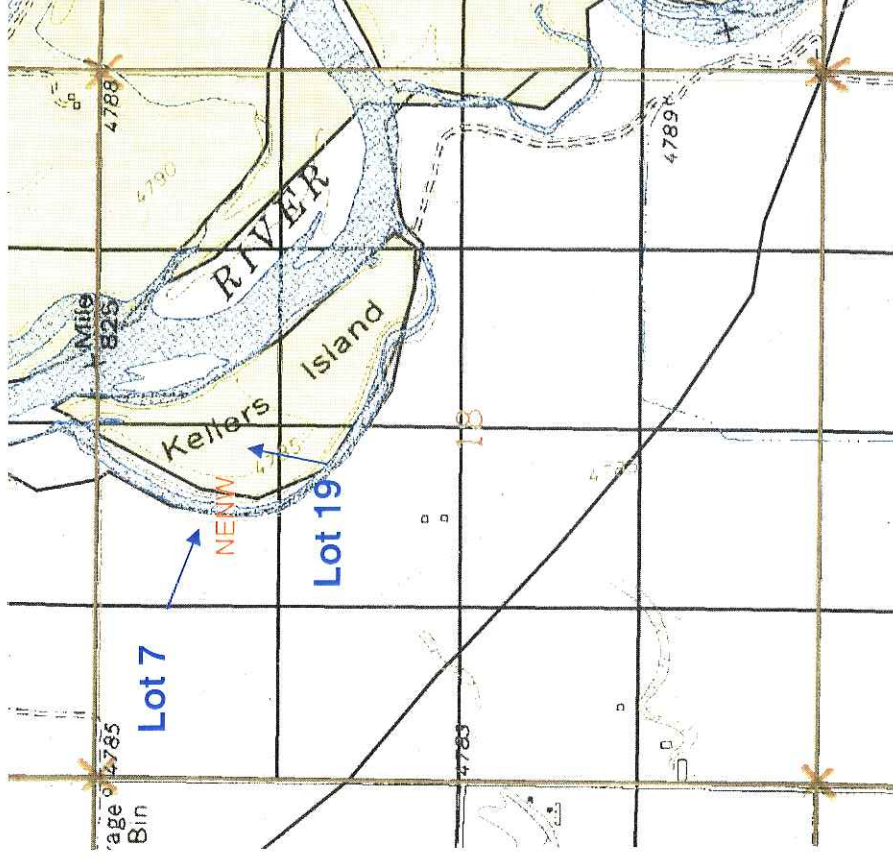
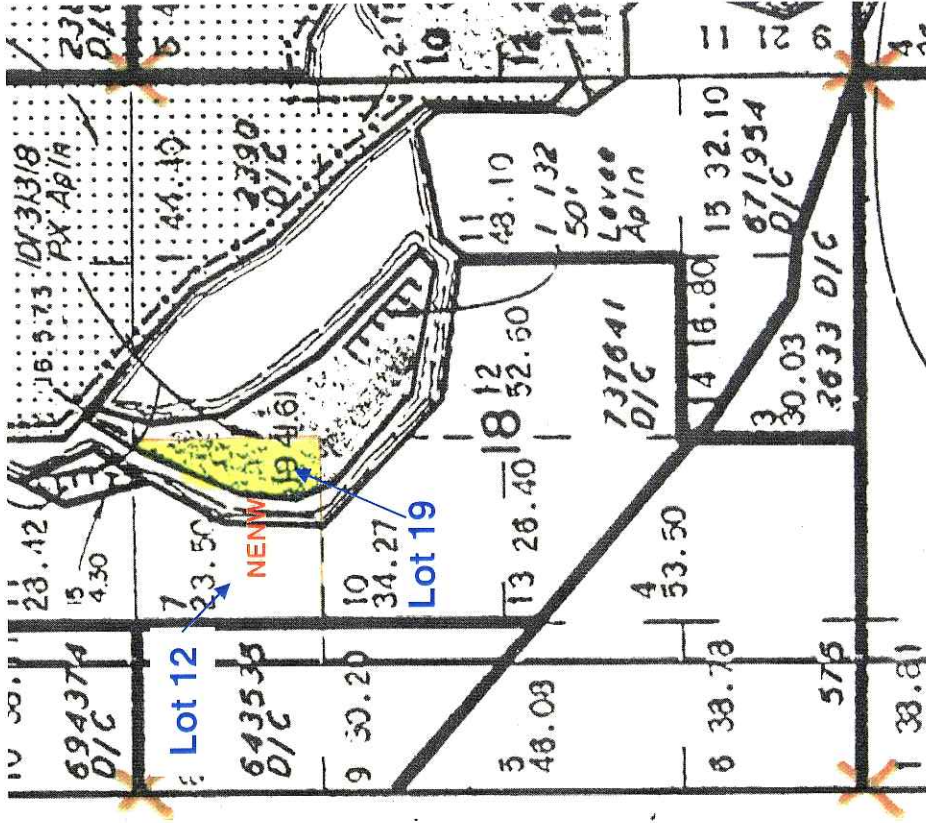
T05N R38E S18 SWNE



05N 38E	18 SW	NE	25-04085	☒	☒	Lot 12 (PVT) or Lot 19 (BLM)
05N 38E	18 SW	NE	25-04086	☒	☒	Lot 12 (PVT) or Lot 19 (BLM)

POU Hits

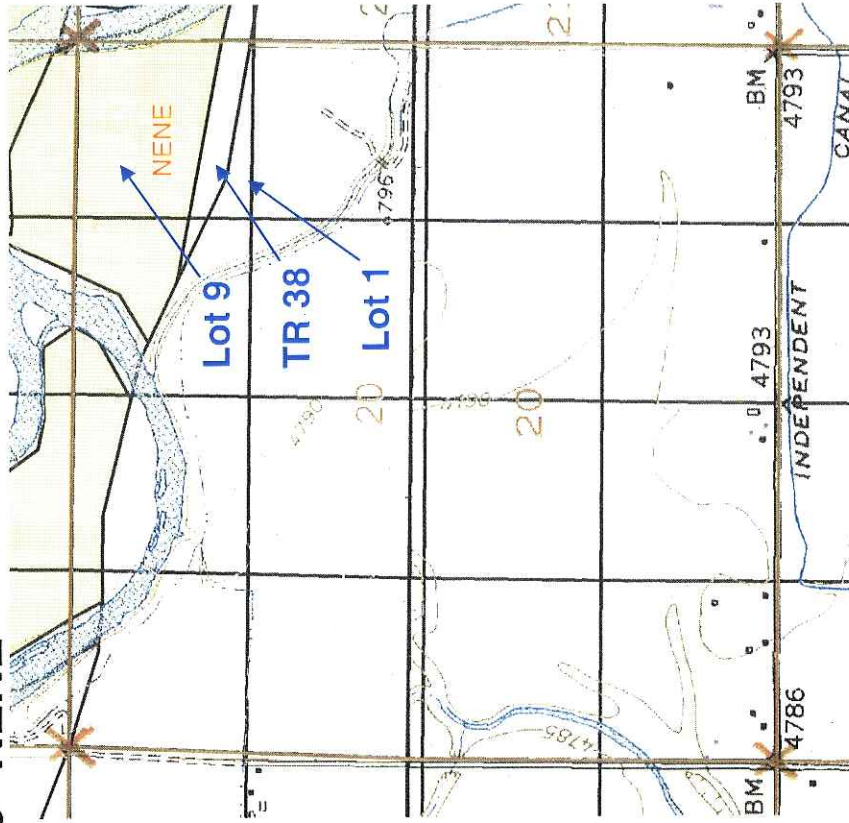
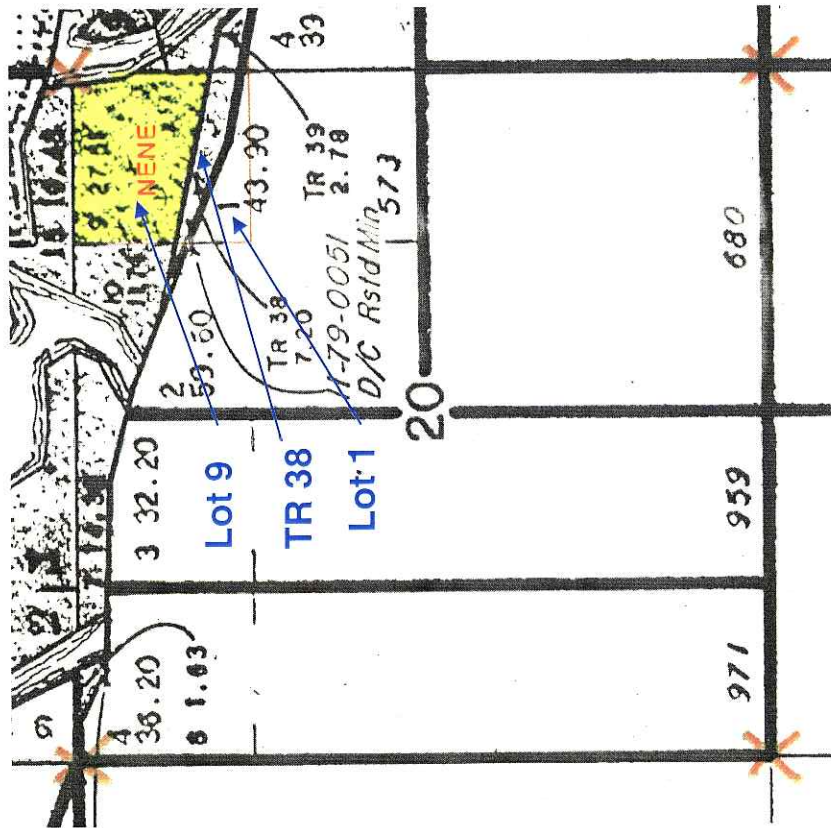
T05N R38E S18 NENW



05N 38E	18 NE	NW	25-04085	☒	☒	Lot 7 (PVT) or Lot 19 (BLM)
05N 38E	18 NE	NW	25-04086	☒	☒	Lot 7 (PVT) or Lot 19 (BLM)

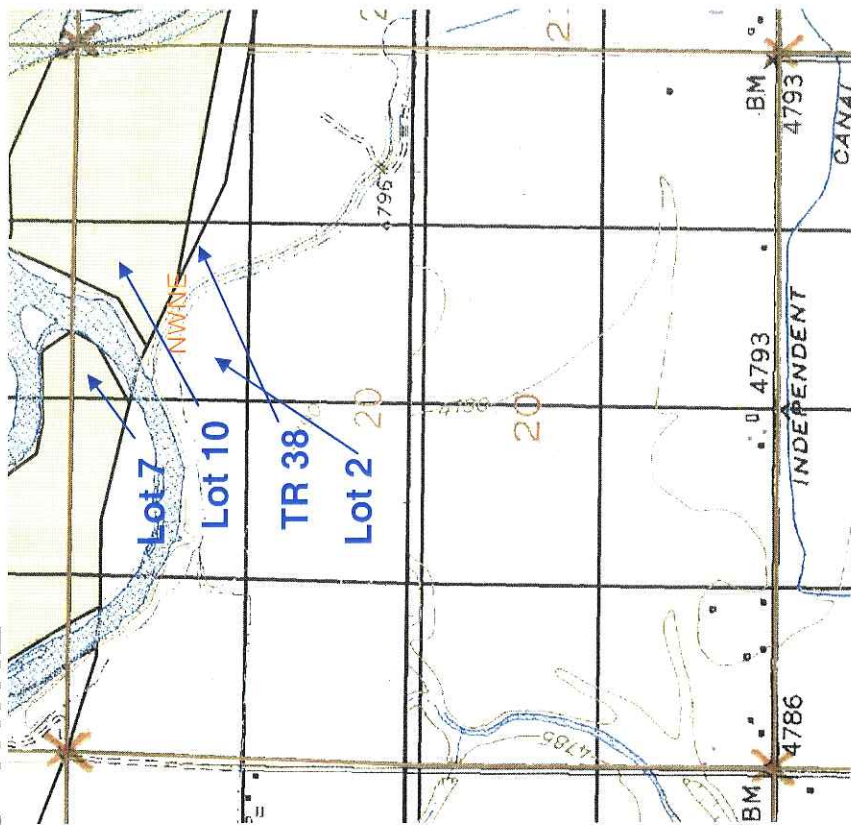
POU Hits

T05N R38E S20 NENE



05N	38E	20 NE	NE	25-04085	✓	✓	Lot 1, Tract 39 or Lot 9 (L9=BLM)
05N	38E	20 NE	NE	25-04086	✓	✓	Lot 1, Tract 39 or Lot 9 (L9=BLM)

T05N R38E S20 NWNE



Town	Range	Section	Q/Q	Qual	Gov	Subcase	Mix	PVT	BLM	FS	BOR	Other	Fed	State	Own Comment
05N	38E	20 NW	NE			25-04085	☒	☒	☒	☐	☐	☐	☐	☐	Lot 2, Tract 39, Lot 7or Lot 10 (L7/L10=BLM)
05N	38E	20 NW	NE			25-04086	☒	☒	☒	☐	☐	☐	☐	☐	Lot 2, Tract 39, Lot 7or Lot 10 (L7/L10=BLM)

TOWNSHIP 5 NORTH RANGE 37 EAST OF THE BOISE MERIDIAN, IDAHO
JEFFERSON COUNTY 051

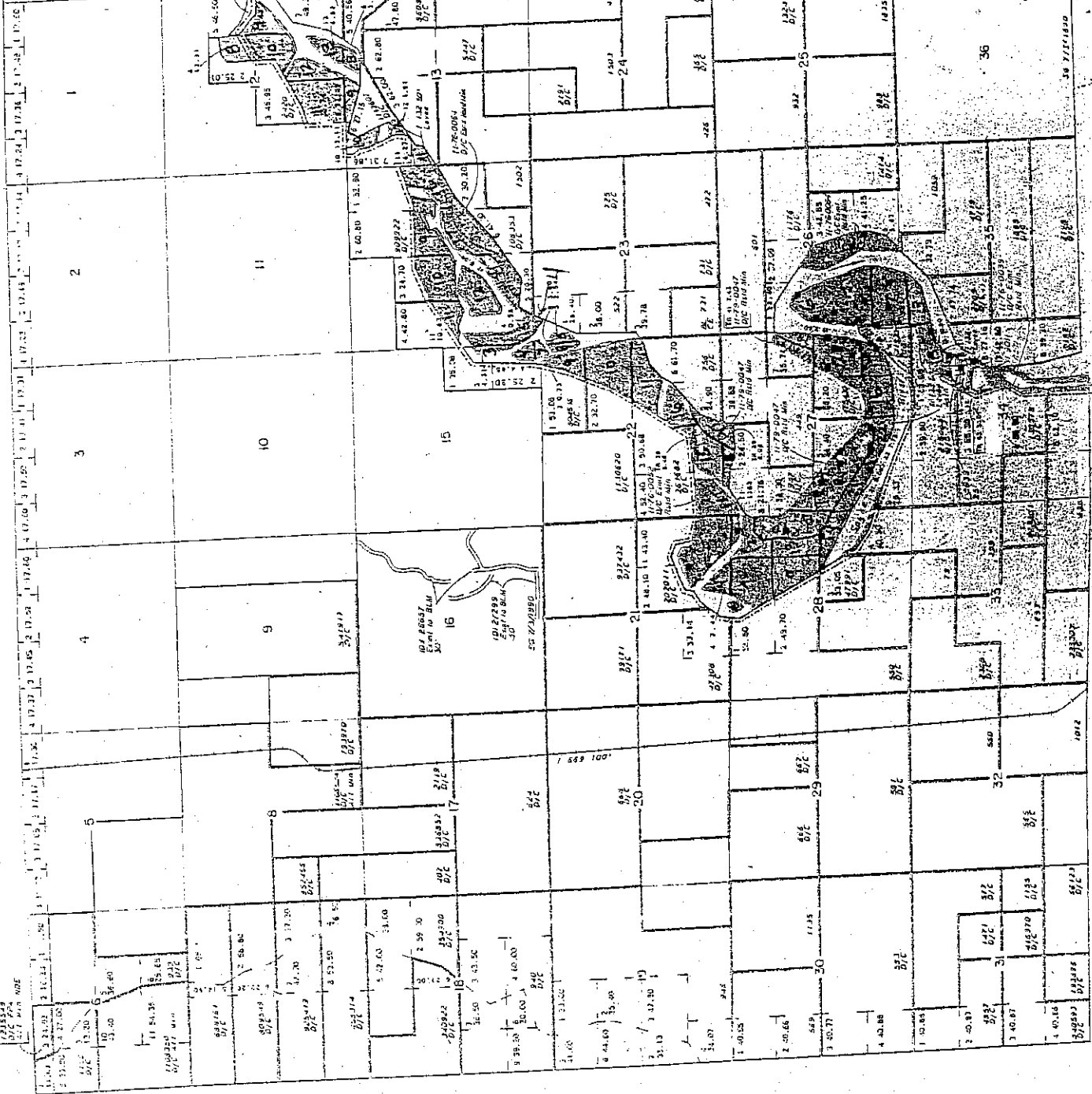
STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

6 4-38 E

6 4-37 E

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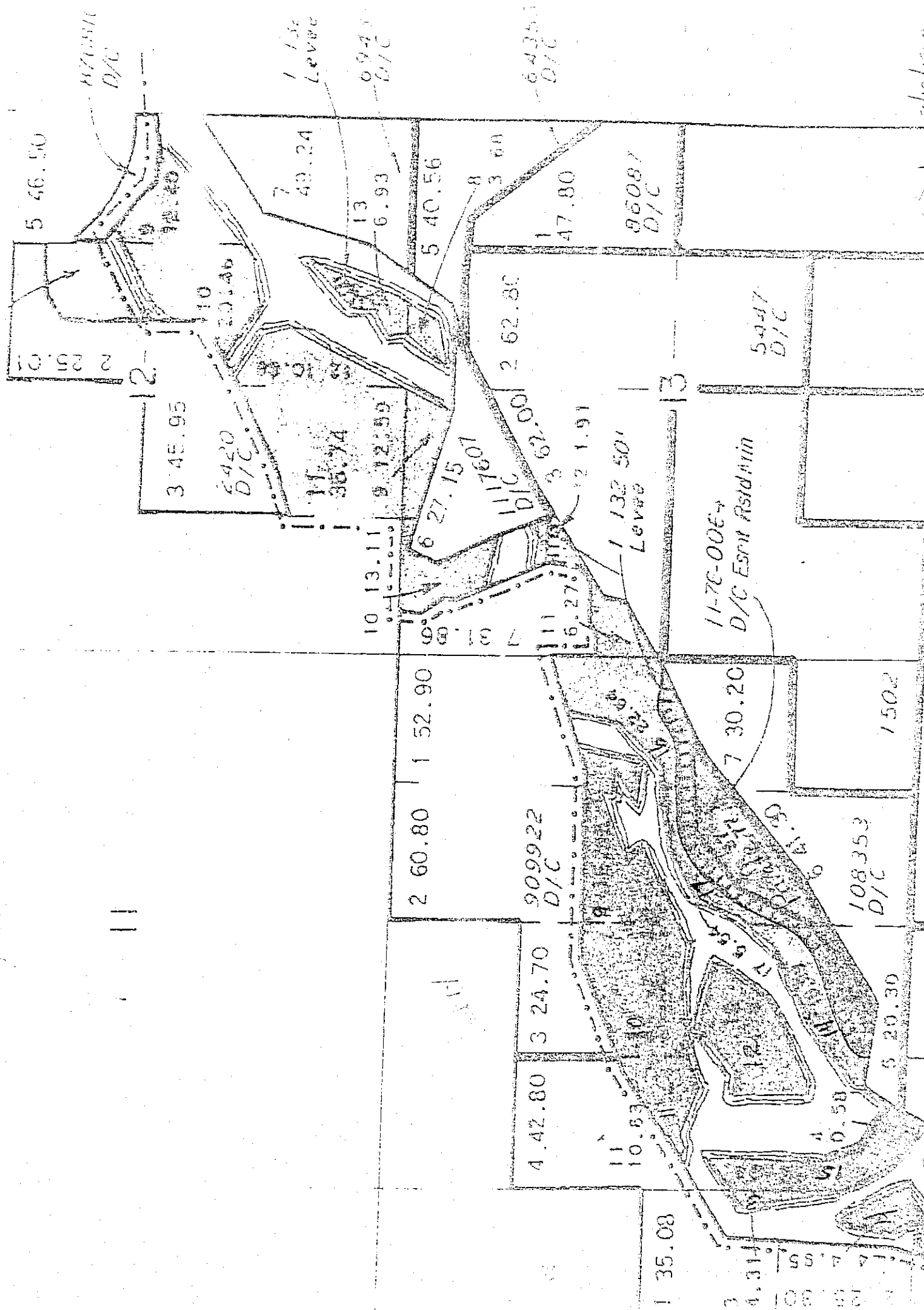
INDEX TO SEGREGATED TRACTS			
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1. 1063 BLVD. C. 1. 1/2 mile
Jefferson County, SESE, from appropriation under
C.E. M. 1A & 25
All unappropriated public land within
Secs 1 to 6 Inc 1
Secs 9 to 12 Inc 1
Sec 14: M
Sec 15
108 1382 Acres Sec 27/1973
All land in TP
101 32192 R/W Flood Control Levee
Sec 12: LOR 5, NESE, SESE, WESW
Sec 13: LOR 11, 12
Sec 14: LOR 9, 10, 11
Sec 21: LOR 5
Sec 27: LOR 16, 17, 19, 20
Sec 34: LOR 13, 14

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

CURRENT TO	CURRENT TO
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USE PLATE	

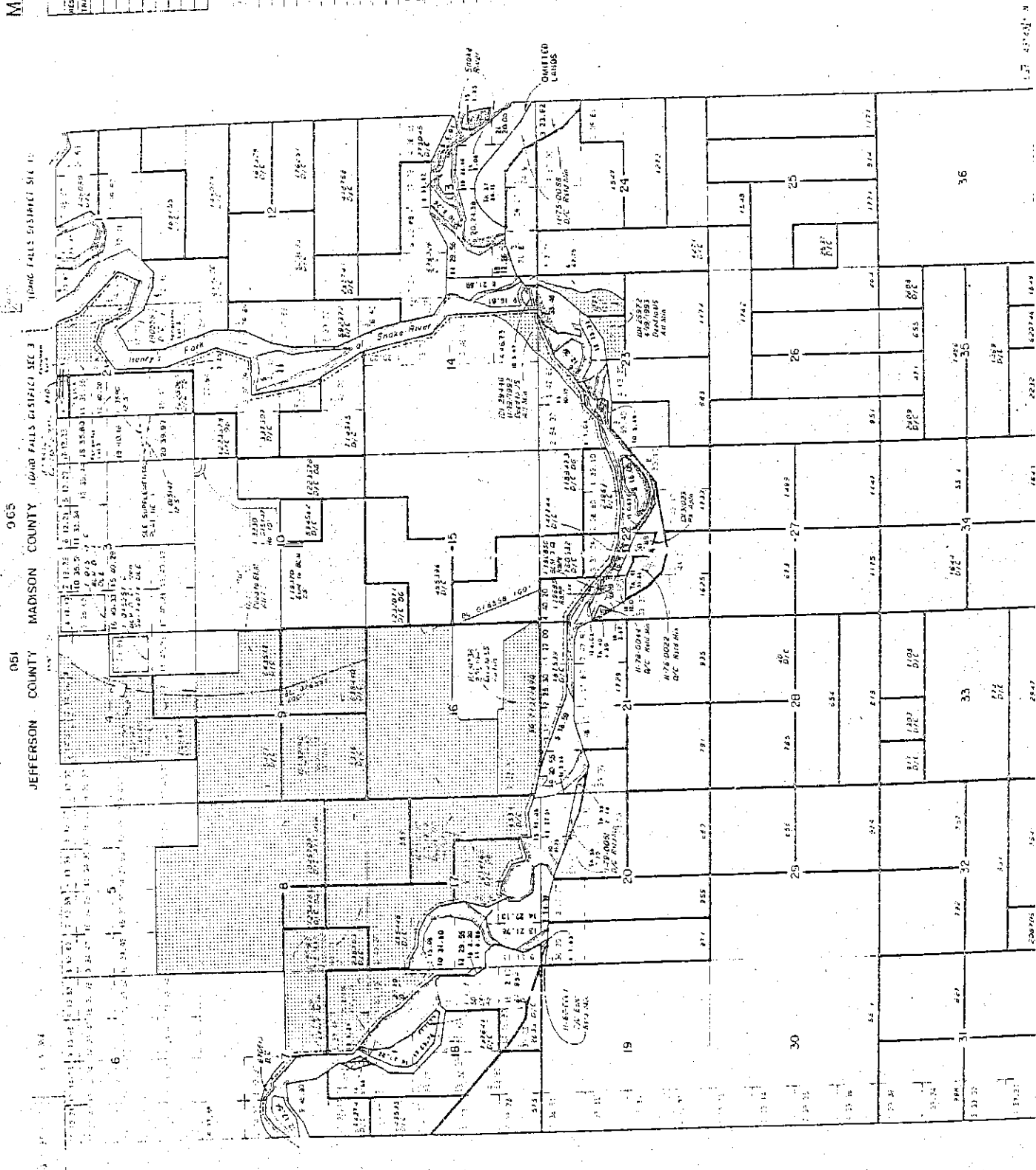
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STATUS OF PUBL. LAND AND MINERAL LES AND ACQUIRED LANDS

MT PLAT

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7 24.30 3 33.30 876810
D/C

12 17.54

9 45.90

1 132.50'
Levee Ap'n.

10132190
3/3/1999
Deed to US
All Min.

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104570
D/C A

10 38.11
694374
D/C

11 28.42
15 4.30

5 37.45

16 5.73 10131318
PX A/L

238703
D/C

3 33.07
643535
D/C

7 23.50

2390
D/C

475448
D/C

9 30.20

10 34.27

19 41.61

3 46.03

13 26.40

18 12 52.60

11 48
1 132
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Levee
Ap'n

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18 2.20
11 6.88

1234165
D/C 06

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14 16.30

15 32.10
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D/C

3 30.03
2633 D/C

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4 36.20

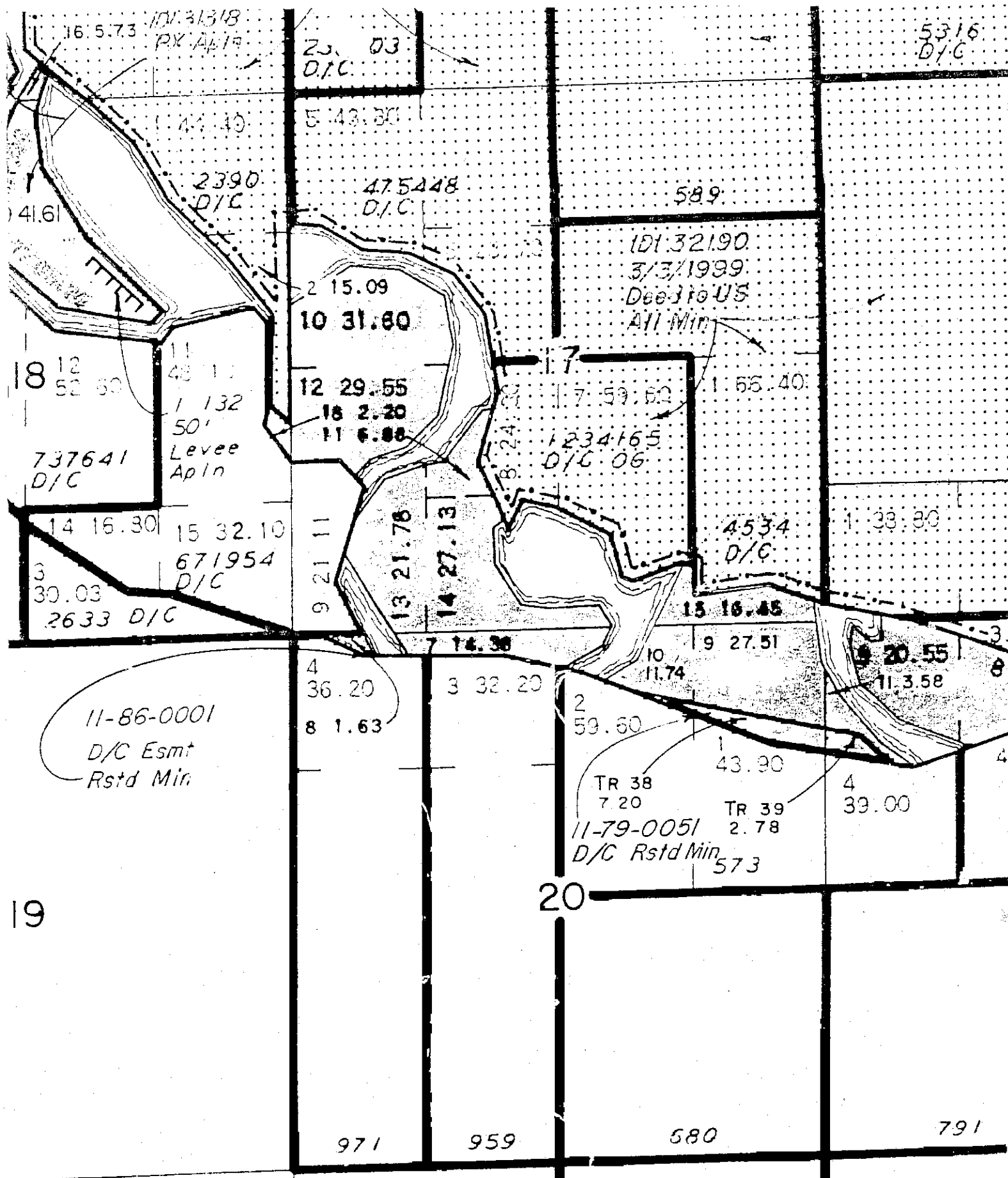
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11-86-0001

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36E



5N 38E