

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 25-04086
(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

)

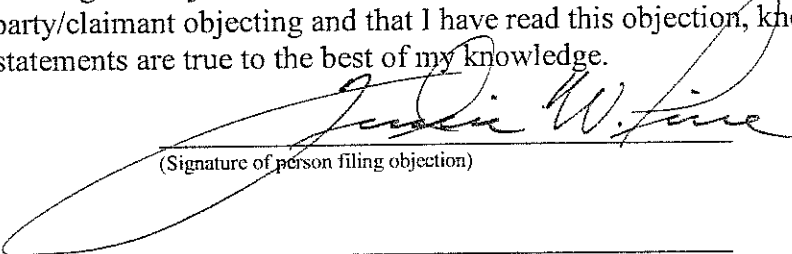
) ss.

County of ADA

)

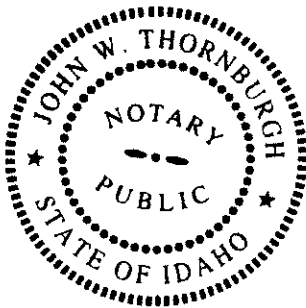
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

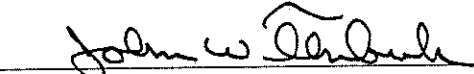
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(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:

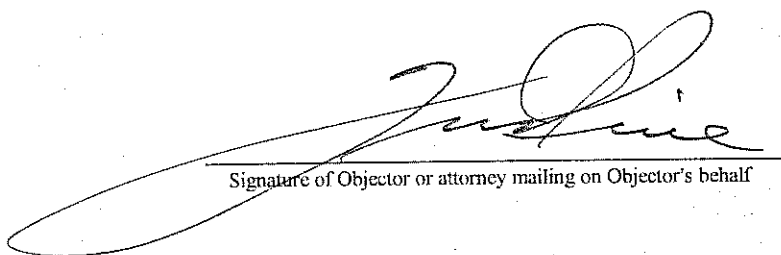
Name: Independent Irrigation Co.
Address: 755 N 3400 E; Menan, Idaho 83434
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

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: 25-4086

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

SOURCE: WASTE WATER

TRIBUTARY: SCOTTS SLOUGH

QUANTITY: 54.000 CFS

PRIORITY DATE: 06/01/1885

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	54.000 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.

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 - Beneficial Use

The source of this right is waste water originally diverted by Long Island Irrigation Co.

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.

Right No. 25-4085 is also diverted through point of diversion described above.

Stockwater use is for 600 range cattle.

25-04086

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

Land Ownership

<i>Twn</i>	<i>Rge</i>	<i>Sec</i>	<i>QQ</i>	<i>Qtr</i>	<i>Lot</i>	<i>Subcase</i>	<i>Mix</i>	<i>PVT</i>	<i>BLM</i>	<i>FS</i>	<i>BOR</i>	<i>Other</i>	<i>Fed</i>	<i>State</i>
05N	37E													
05N	37E													
05N	37E	14	NE	SE		25-04086	☒	☒	☒	☐	☐	☐	☐	☐ Lot 7, Tract 37, or Lot 16 (L16=BLM) - includes 0.6 ac in Lot 16=remove
05N	37E	14	NE	SE	16	25-04086	☐	☐	☒	☐	☐	☐	☐	☐
05N	37E	14	NW	SE		25-04086	☒	☒	☒	☐	☐	☐	☐	☐ 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	25-04086	☐	☐	☒	☐	☐	☐	☐	☐
05N	37E	14	NW	SE	17	25-04086	☐	☐	☒	☐	☐	☐	☐	☐
05N	37E	14	SE	SW		25-04086	☒	☒	☒	☐	☐	☐	☐	☐ Lot 5, Tract 37, Lot 12, or Lot 18 (L12/L18=BLM)
05N	38E													
05N	38E													
05N	38E	7	SE	SW		25-04086	☒	☒	☒	☐	☐	☐	☐	☐ Lot 11, Lot 15, or Lot 16 (L15/L16=BLM)
05N	38E	7	SE	SW	14	25-04086	☒	☒	☒	☐	☐	☐	☐	☐ Lot 11, Lot 15, or Lot 16 (L15/L16=BLM) No Lot 14
05N	38E	18	SW	NE		25-04086	☒	☒	☒	☐	☐	☐	☐	☐ Lot 12 (PVT) or Lot 19 (BLM)
05N	38E	18	NE	NW		25-04086	☒	☒	☒	☐	☐	☐	☐	☐ Lot 7 (PVT) or Lot 19 (BLM)
05N	38E	20	NE	NE		25-04086	☒	☒	☒	☐	☐	☐	☐	☐ Lot 1, Tract 39 or Lot 9 (L9=BLM)
05N	38E	20	NW	NE		25-04086	☒	☒	☒	☐	☐	☐	☐	☐ Lot 2, Tract 39, Lot 7 or Lot 10 (L7/L10=BLM)

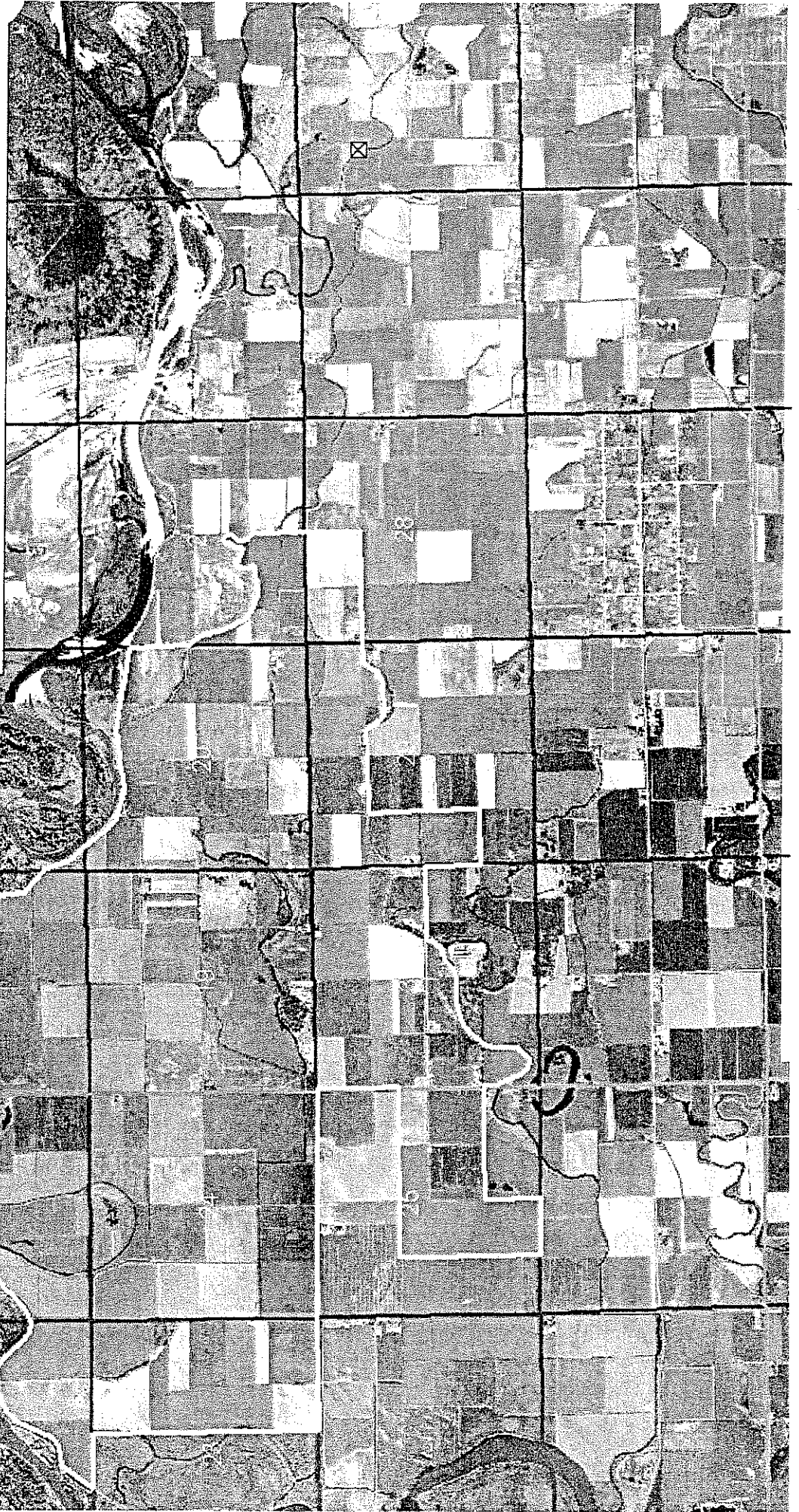
Boundary of Service Area for Independent Irrigation Co

Claim No.: 25-4085 - 4086

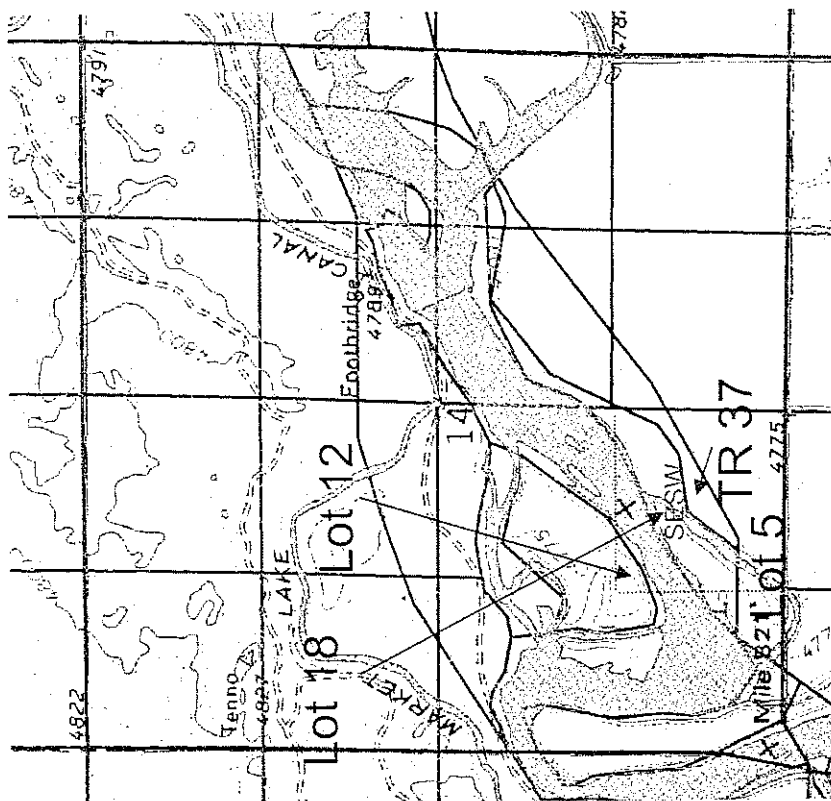
GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: E. Carlsen
Date: August 2004

Boundary
Township/Range
Section

0 1 2 Miles

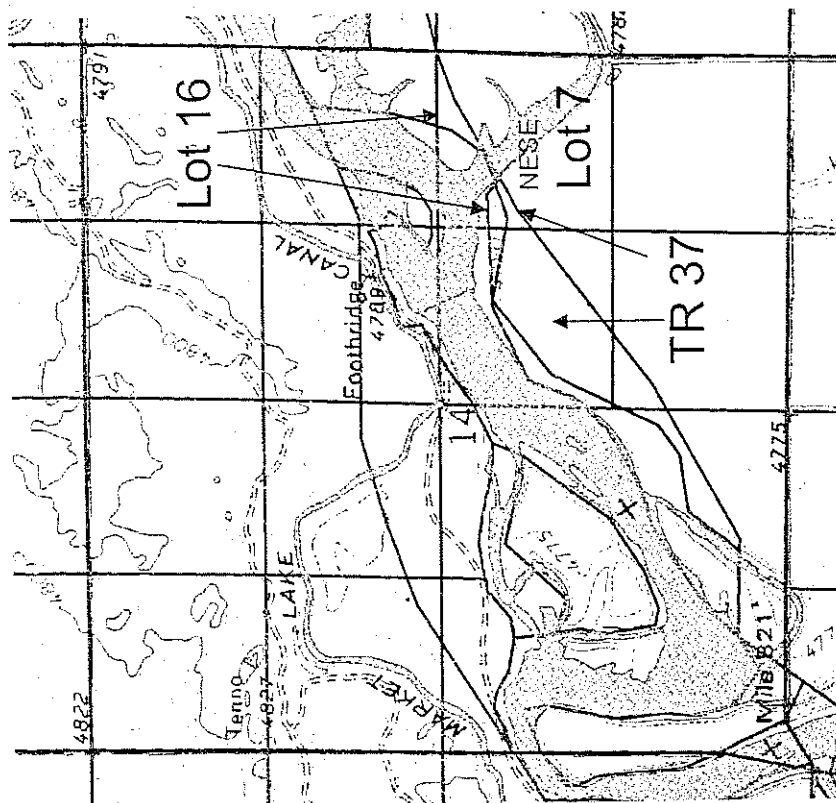
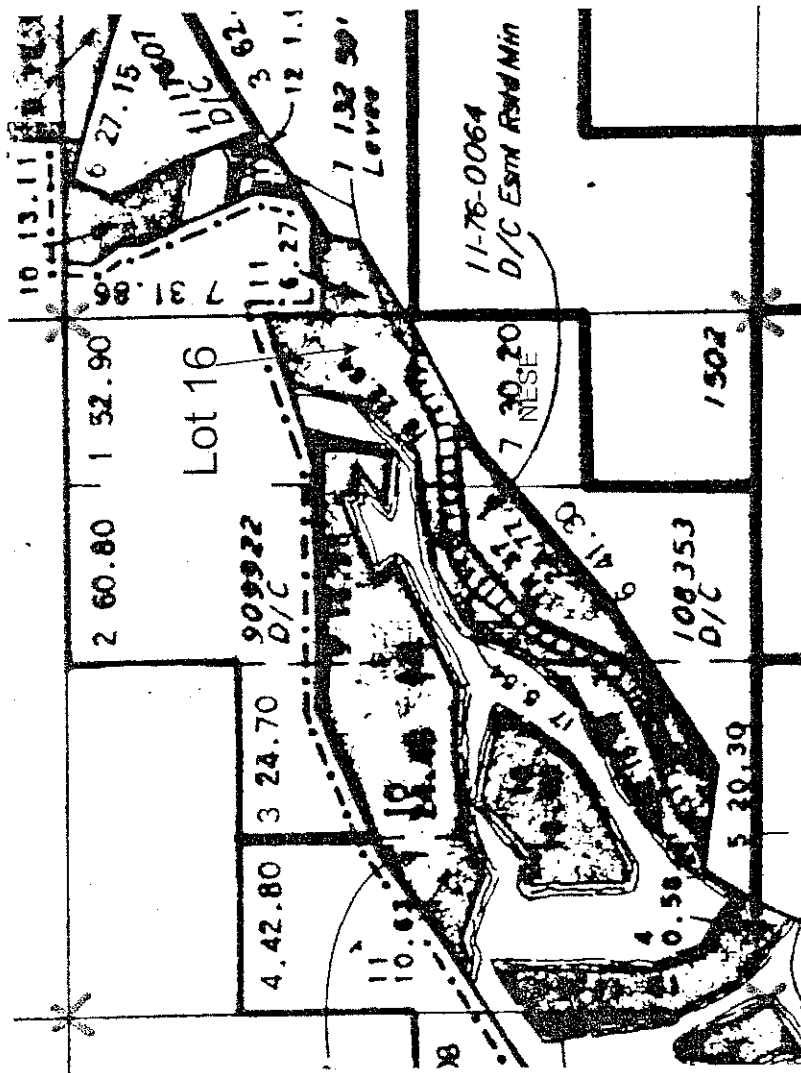


POU Hits



05N	37E	14 SE	SW	25-04085	☒	☒	Lot 5, Tract 37, Lot 12, or Lot 18 (L12/L18=BLM)
05N	37E	14 SE	SW	25-04086	☒	☒	Lot 5, Tract 37, Lot 12, or Lot 18 (L12/L18=BLM)

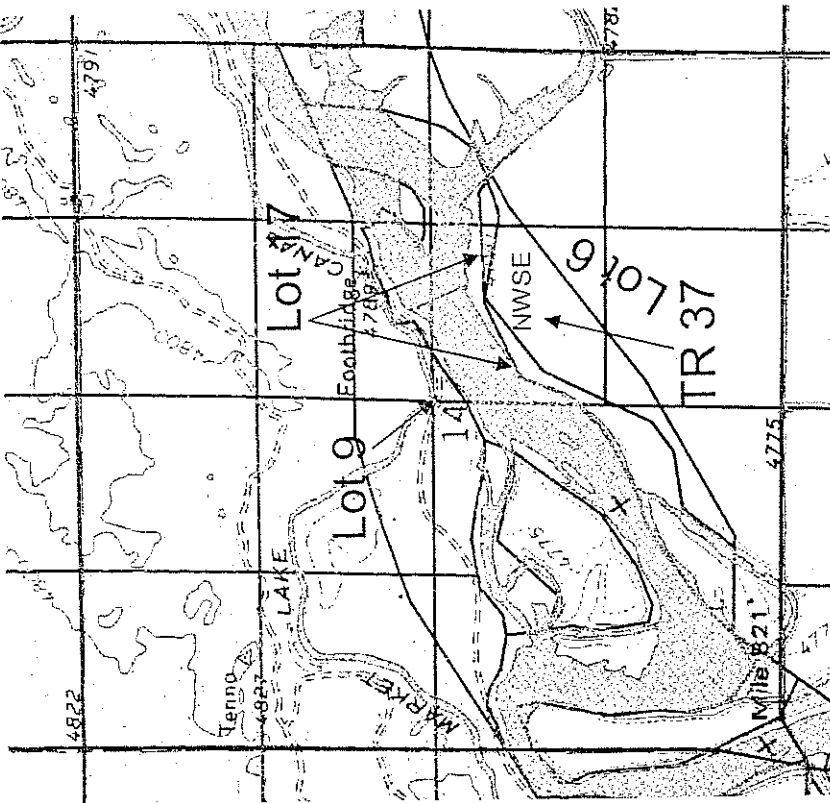
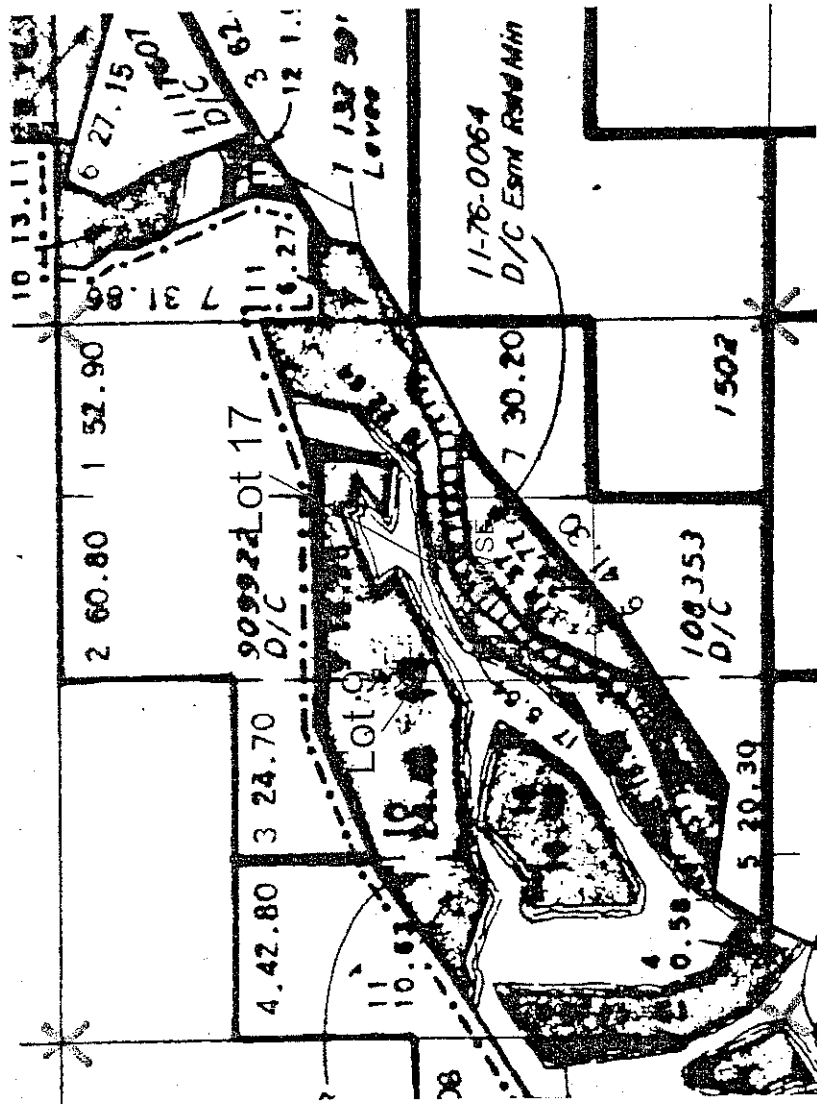
POU Hits



	37E	14 NE	SE	25-04085	☒	☒	☒	Lot 7, Tract 37, or Lot 16 (L16=BLM)
05N	37E	14 NE	SE		☒	☒	☒	Lot 7, Tract 37, or Lot 16 (L16=BLM)
05N	37E	14 NE	SE	25-04086	☒	☒	☒	Lot 7, Tract 37, or Lot 16 (L16=BLM)
05N	37E	14 NE	SE	16 25-04085	☐	☐	☒	
05N	37E	14 NE	SE	16 25-04086	☐	☐	☒	

POU Hits

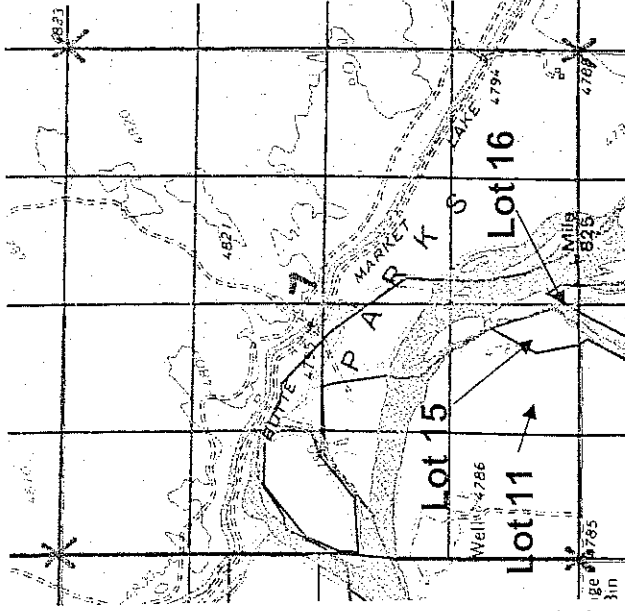
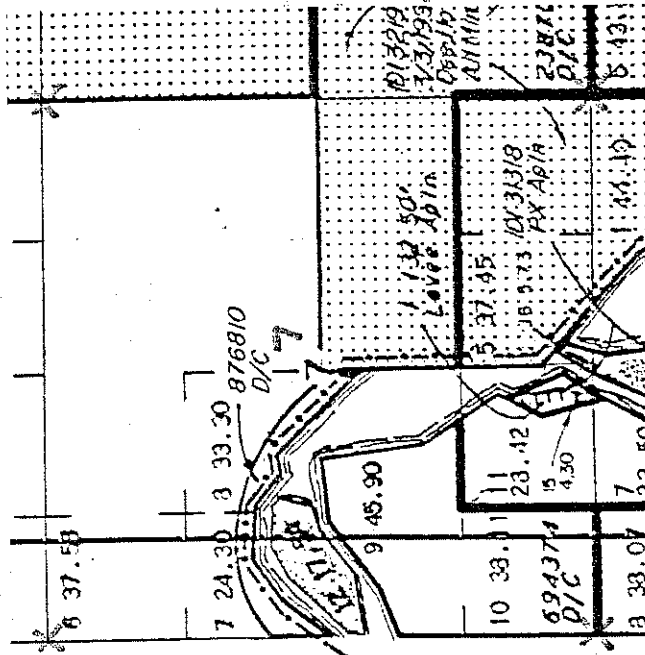
T05N R37E S14 NWSE



Town	Range	Section	Q	Quart	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	☐	☐	☐	

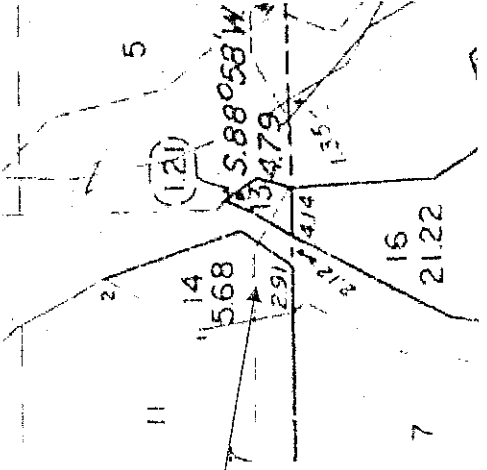
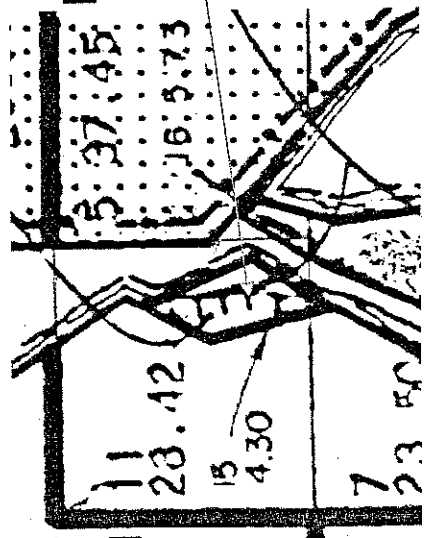
POU Hits

T05N R38E S07 SESW



Section	SW	SE	SW	SE
05N 38E	25-04085	7 SE	SW	25-04085
05N 38E	25-04086	7 SE	SW	25-04086
05N 38E	14/25-04085	7 SE	SW	14/25-04085
05N 38E	14/25-04086	7 SE	SW	14/25-04086

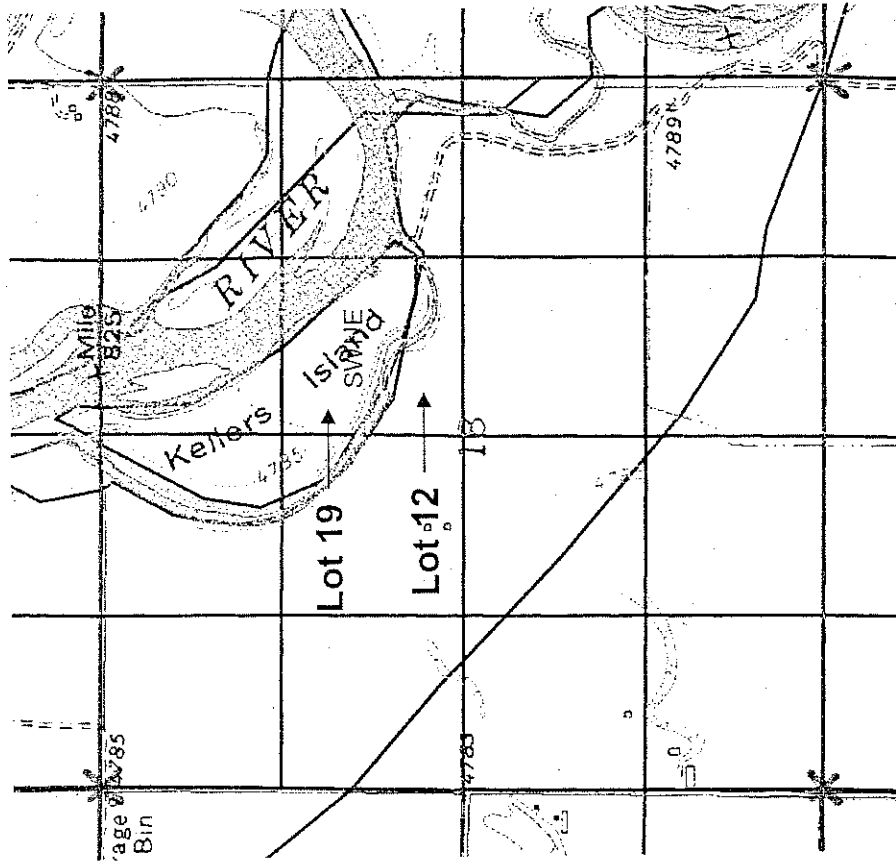
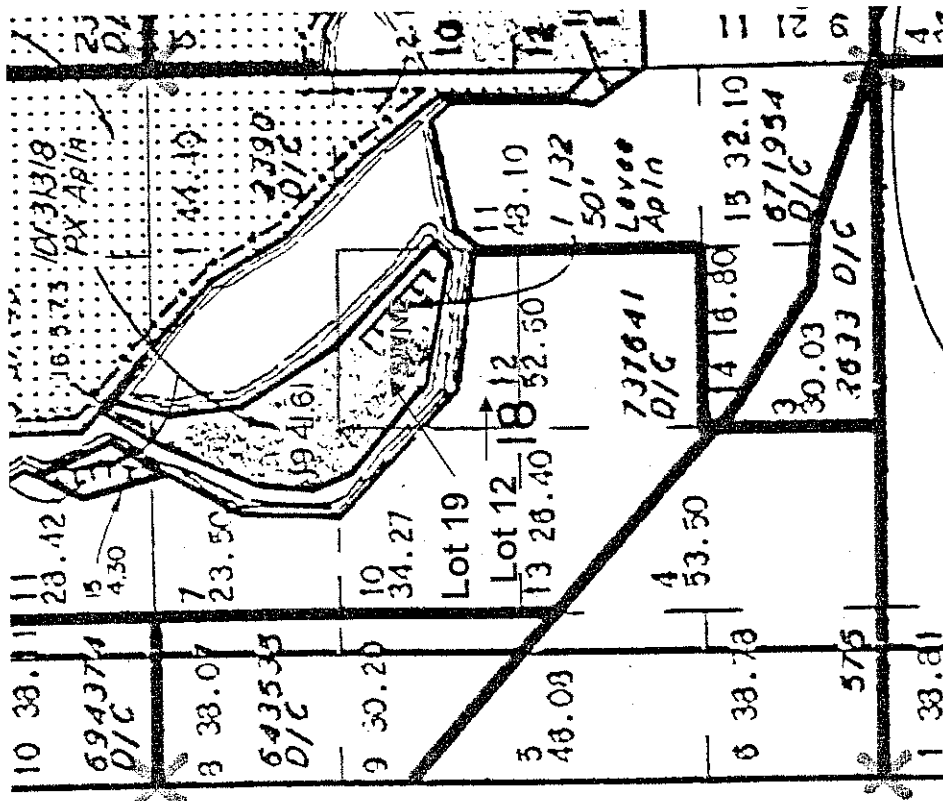
Lot 11, Lot 15, or Lot 16 (L15/L16=BLM)	✓
Lot 11, Lot 15, or Lot 16 (L15/L16=BLM)	✓
Lot 11, Lot 15, or Lot 16 (L15/L16=BLM) No Lot 14	✓
Lot 11, Lot 15, or Lot 16 (L15/L16=BLM) No Lot 14	✓



Lot 14 has been resurveyed to Lot 15

POU Hits

T05N R38E S18 SWNE



Lot 12 (PVT) or Lot 19 (BLM)
Lot 12 (PVT) or Lot 19 (BLM)

✓ ✓

✓ ✓

✓ ✓

25-04085 25-04086

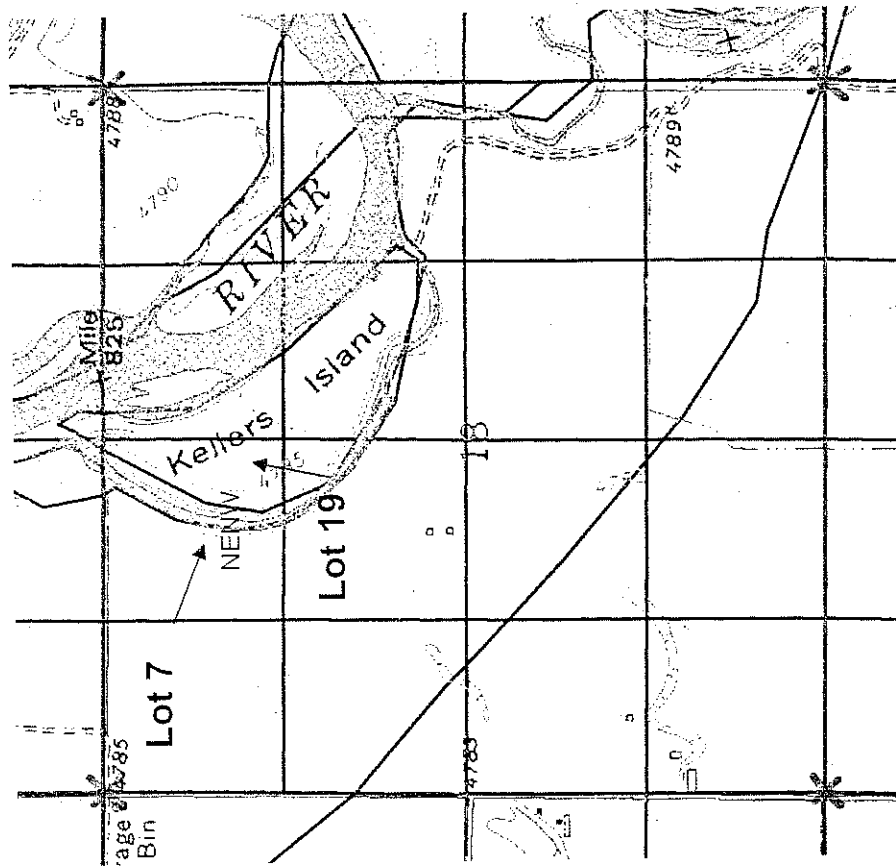
NE NE

18:SW 18:SW

38E 38E

05N 05N

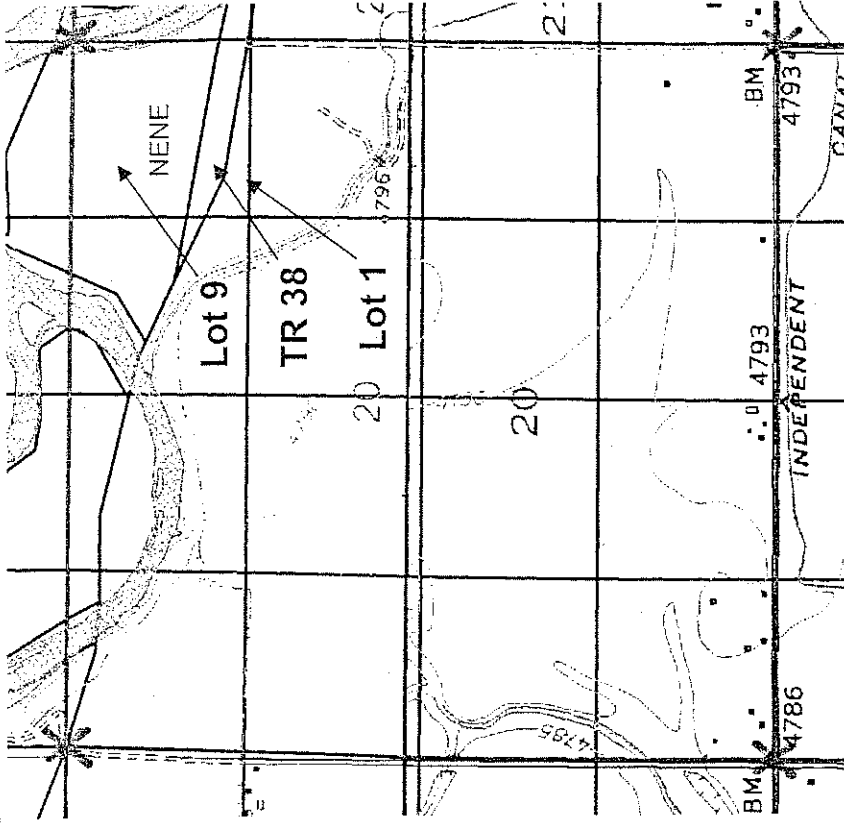
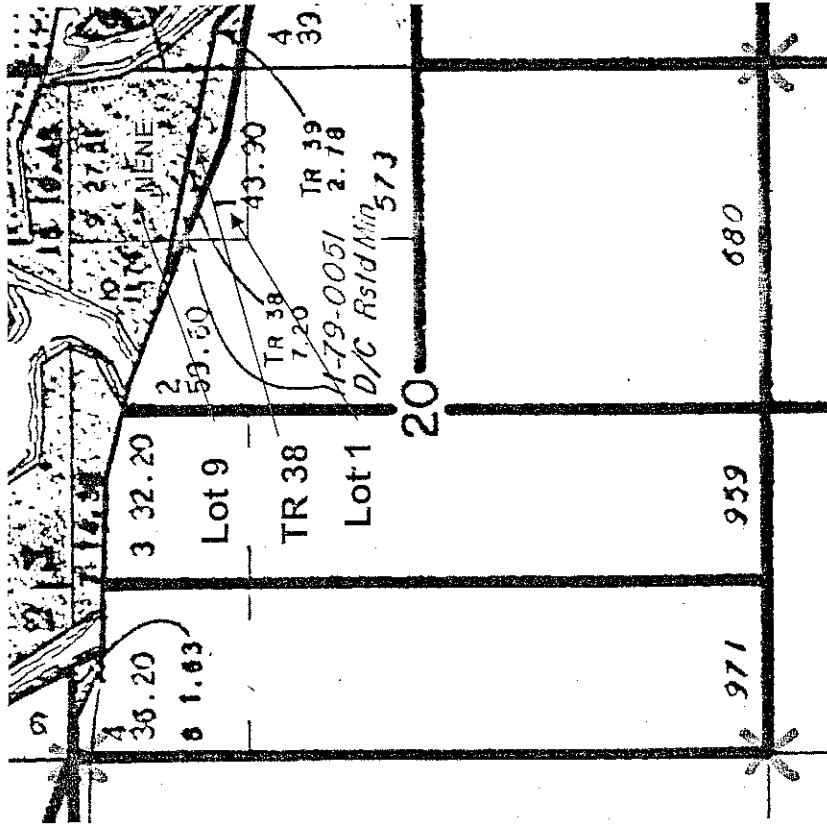
T05N R38E S18 NENW



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

POU Hits

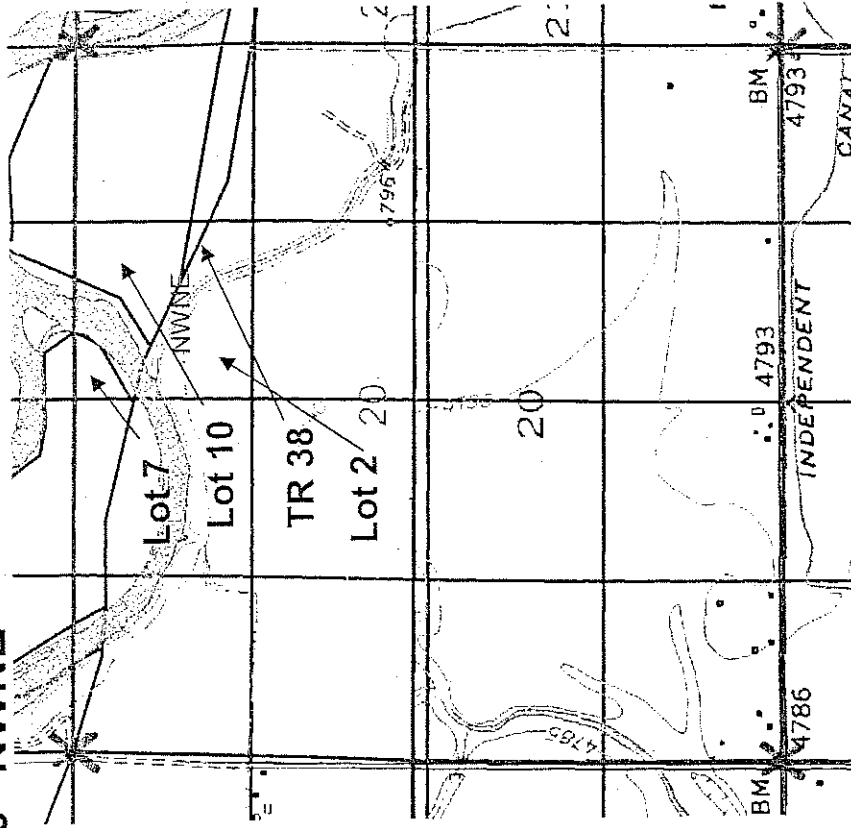
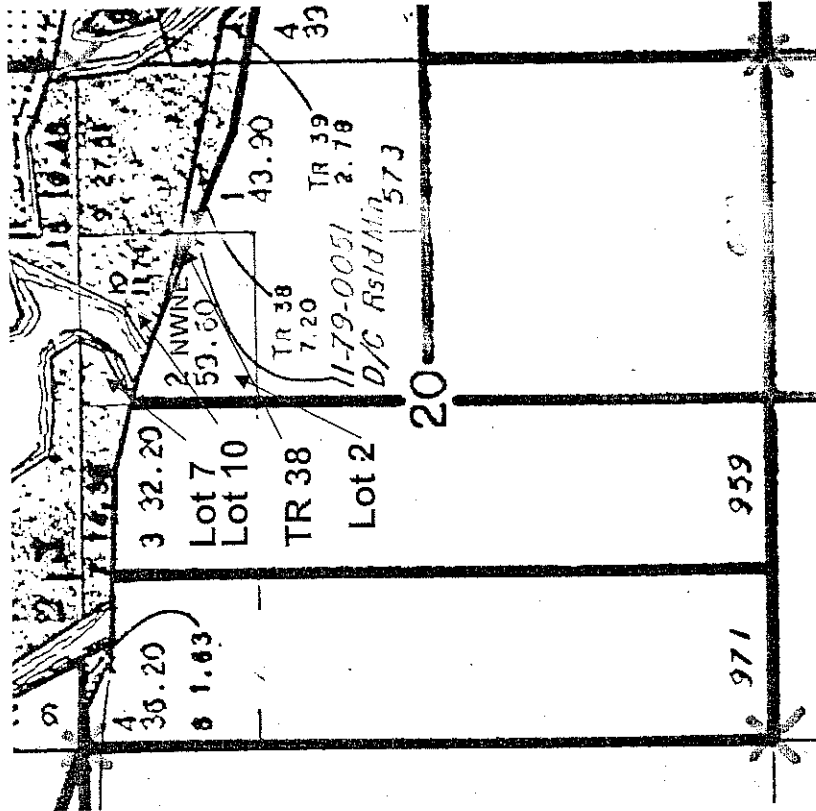
T05N R38E S20 NENE



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)

POU Hits

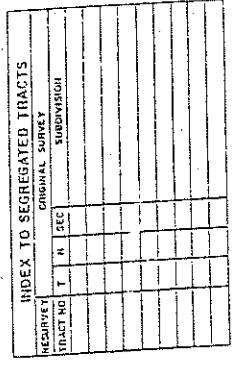
T05N R38E S20 NWNE



Town	Rang	Sec	QQ	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 7 or Lot 10 (L7/L10=BLM)
05N	38E	20	NW	NE		25-04086	☒	☒	☒	☐	☐	☐	☐	☐		Lot 2, Tract 39, Lot 7 or Lot 10 (L7/L10=BLM)

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MR. PLATT



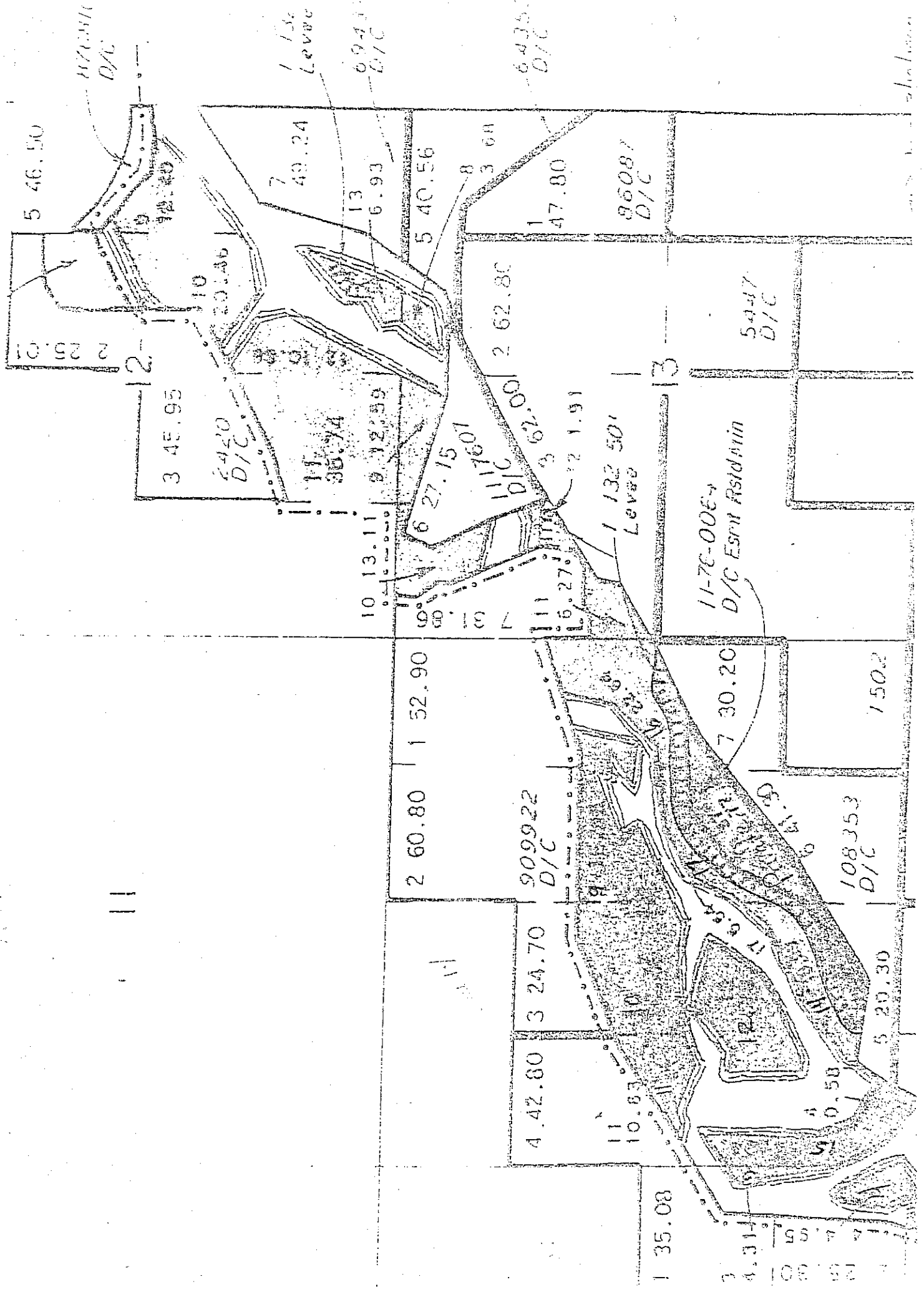
1 3653 BLVD. C1 Unit Use
Jefferson County, Sec 1 (can appropriate water
in E, NE, 1A & 5)
All unappropriated public land within
Sec 1 to 6, Inc 1
Sec 9, 10, 12, Inc 1
Sec 14, 9, 1
Sec 15
101 15392 Sites A51, 277/919
All first, in 1P
101 35132 R/V's Flood Control Levees
Sec 12, Lots 5, 9, 10, 11, 12, SE 1/4 W2SW
Sec 13, Lots 11, 12
Sec 14, Lots 9, 10, 11
Sec 21, 10, 5
Sec 27, Lots 6, 7, 19, 20
Sec 34, Lots 13, 14
Sec 34, Lots 13, 14

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

CURRENT TO	
CURRENT TO MAR 19 1959	
USE PLAYS:	

5 N. H. 7 E. 1/4

13 91



TOWNSHIP 5 NORTH RANGE 38 EAST OF THE BOISE MERIDIAN, IDAHO

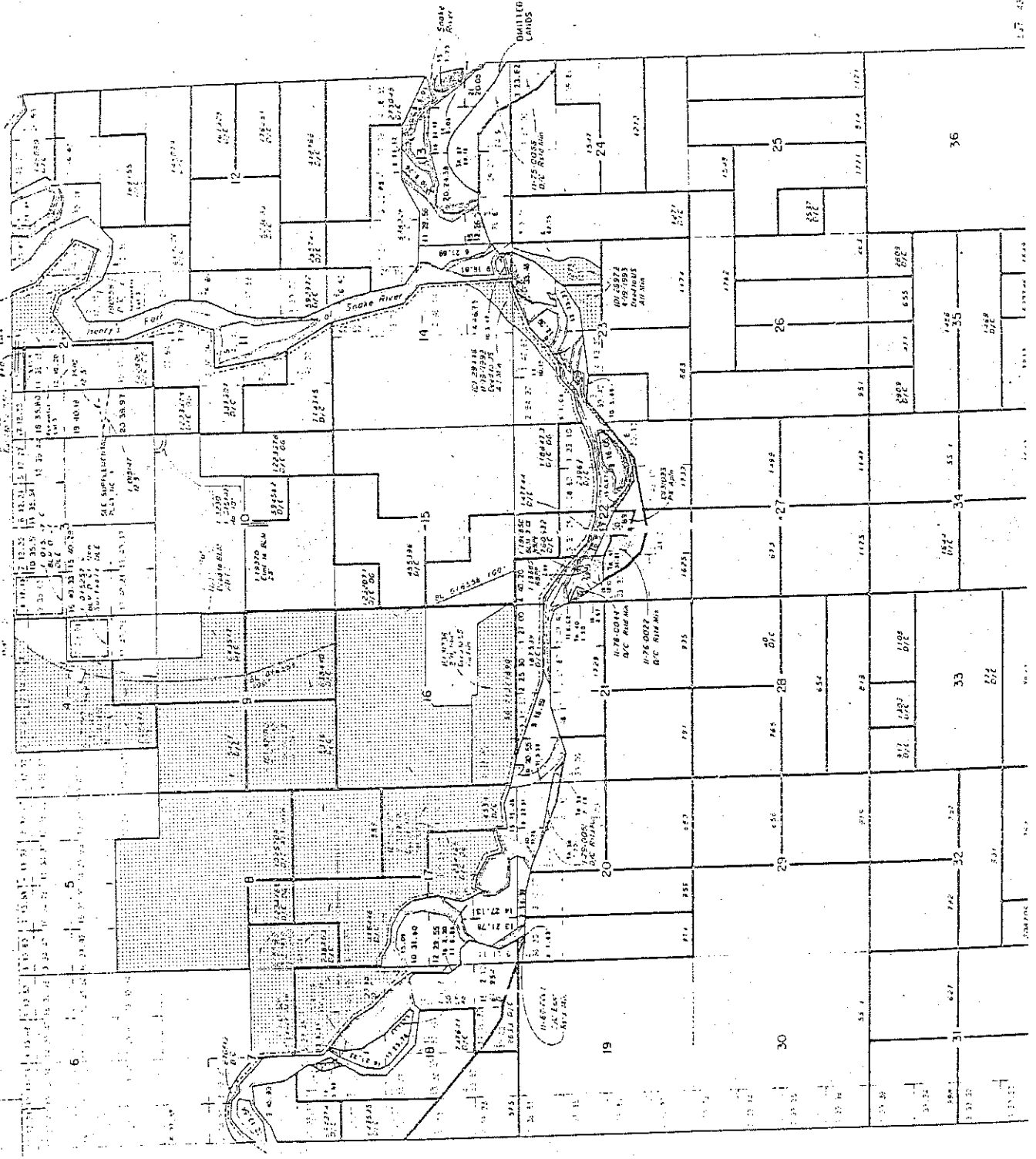
STATUS OF PUBLIC
LAND AND MINERAL
RESOURCES
AND ACQUIRED LANDS

MT PLAT

JEFFERSON COUNTY MADISON COUNTY

10000 FALLS DISTRICT SEC. 3

INDEX TO SEGREGATED TRACTS		
TRACT NO.	SEC.	SUBDIVISION
1	1	1
2	1	2
3	1	3
4	1	4
5	1	5
6	1	6
7	1	7
8	1	8
9	1	9
10	1	10
11	1	11
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31	1	31
32	1	32
33	1	33
34	1	34
35	1	35
36	1	36



CURRENT TO		CURRENT TO	
1	2	3	4
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9	10	11	12
13	14	15	16
17	18	19	20
21	22	23	24
25	26	27	28
29	30	31	32
33	34	35	36

17 47-47 N

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

Survey Pending Group No. 1121
Partial Pl.

Sec. 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36
3510 ac.

Sec. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36
3510 ac.

Sec. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36
3510 ac.

Sec. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36
3510 ac.

Sec. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36
3510 ac.

Sec. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36
3510 ac.

Sec. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36
3510 ac.

20 37 21 30 32 20 35 23 39.34

6 37.58

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
D/C in US
Admin.

1234165
D/C 06

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

6 33.07
643535
D/C

7 23.50

1 44.30

5 43.80

475448
D/C

5N
38E

9 30.20

10 34.27

19 41.61

2390
D/C

2 15.09
10 31.60

1013
3/3/
Dec-3
All M

5 46.03

13 26.40

8 12 52.60

11 48
1 112
50'
Levee
Ap'n.

12 29.55
18 2.20
11 6.68

1234165
D/C 06

4 53.50

737641
D/C

6 38.73

14 16.30

15 32.10
671954
D/C

9 21.11

13 21.76
14 27.13

3 24.30

17 7 59.50

575

3 30.03
2633 D/C

1 33.81

11-86-0001

4 36.20

3 32.20

2 59.60

8 1.63

