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JUN 24 2005

DEPARTMENT OF
WATER RESOURCES

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)

A. Subcase 25-12923

(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: UNITED STATES OF AMERICA ACTING THROUGH
USDI FISH AND WILDLIFE SERVICE
DIVISION OF ENGINEERING
Address: 911 NE 11TH AVE
PORTLAND, OR 97232-4181
Daytime Phone: (503) 231-6251

Name & Address of Attorney, if any:

JAMES DUBOIS,
U.S. DEPARTMENT OF JUSTICE
999 18 STREET - N TOWER
DENVER, CO 80202

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: LOMBARD LAND & LIVESTOCK LLC
Address: 3590 N. BALLANTYNE LN
EAGLE, ID 83616

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: 3.45 CFS
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____

9. ☒ **Place of Use**
Should be: IRRIGATION Within BONNEVILLE County

T03S R43E S33 Lot 1 NENE	22.0	T03S R43E S33 Lot 2 NWNE	3.5
T03S R43E S34 NWNE	5.8	T03S R43E S34 SWNE	37.0
T03S R43E S34 SENE	2.8	T03S R43E S34 NENW	0.5
T03S R43E S34 NWNW	32.0	T03S R43E S34 Lot 1 SWNW	16.0
T03S R43E S34 SENW	34.0	T03S R43E S34 Lot 2 NESW	19.0
<u>172.6 ACRES TOTAL</u>			

- 10 ☐ **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 OBJECTIONS(S): Quantity: The Director's Report awarded a total of 174.6 acres under this claim. The total acres associated with this claim should be 172.6 acres. At the standard rate of 0.02 cfs per acre, the allowable rate should be 3.45 cfs. Place of Use: The Place of Use awarded in the DR includes 2 acres of land currently owned by the U.S. Fish and Wildlife Service. The 2 acres owned by U.S. Fish and Wildlife Service, located in T03S R43E S34 NWSE, should be excluded from the claim. See attached map. These acres are not irrigated as part of claim 25-12923, but are irrigated under claim 25-14096. These lands have been fenced off for use by the refuge. See attached map.

F.

VERIFICATION

State of Colorado)
)
County of Denver)

ss.

James J. DuBois, duly sworn, upon oath, deposes and says:

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.

KELLY A. JOHNSON
Acting Assistant Attorney General

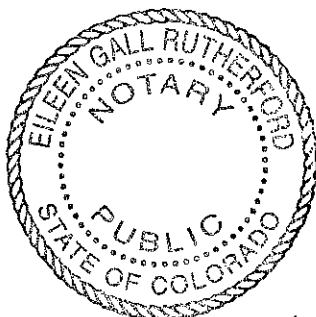
By:

James J. DuBois
JAMES J. DUBOIS, #13206
U.S. Department of Justice
Environment and Natural
Resources Division
General Litigation Section
999 18th Street, Suite 945
Denver, Colorado 80202
(303) 312-7341

ATTORNEY FOR THE
UNITED STATES OF AMERICA

Subscribed and sworn to before me on :

June 21, 2005



My Commission Expires 8/23/2008

Eileen G Rutherford
Notary Public for State of Colorado
Residing at: 1955 Keota Lane, Superior CO 80027
My Commission Expires: 8/23/2008

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 21, 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
Twin Falls, ID 83301

2. One copy to the claimant of the water right at the following address:

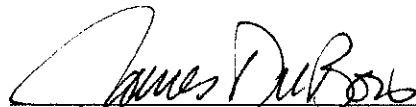
Lombard Land & Livestock LLC
3590 N. Ballantyne Ln.
Eagle, ID 83616

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO 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

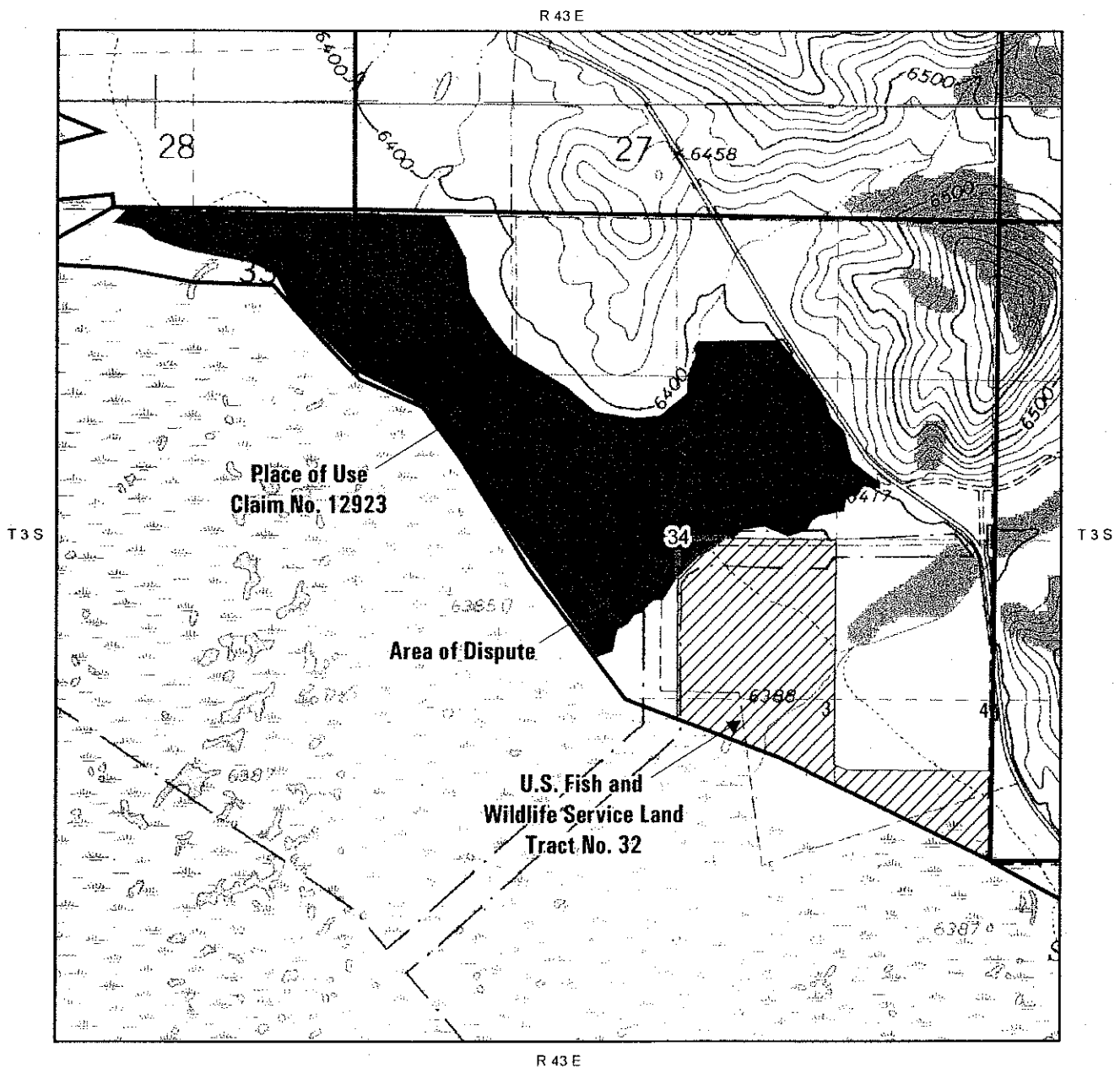


Signature of attorney mailing on
Objector's behalf



U.S. Fish & Wildlife Service
Grays Lake National Wildlife Refuge
Bonneville County, Idaho

U.S. Fish and Wildlife Service's Objection to Claim Number 25-12923



THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.

Claim25-12923_Objection.MXD, 5/30/05

0 0.1 0.2 Miles
0 0.1 0.2 Kilometers
1:15,000 BOISE MERIDIAN

Water Resources Branch
R1 Division of Engineering
911 NE 11th Avenue
Portland, OR 97232-4191
503-231-6261

