

RECEIVED

MAR 13 2006

Department of Water Resources
Adjudication Bureau

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 37-00460
(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: Montie S. Day and Elizabeth J. Burnett

Address: P.O. Box 1045; Shoshone, Idaho 83352

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. See attached POU. Claimant's water right should not include this POU.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of ADA)

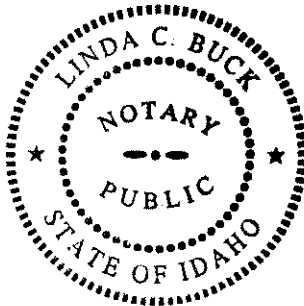
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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:



Linda C. Buck
Notary Public in and for the State of Idaho
Residing at: Mountain Home
My Commission Expires: 12-21-2011

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 March 9, 2006, 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:

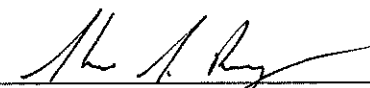
Name: Montie S. Day and Elizabeth J. Burnett
Address: P.O. Box 1045; Shoshone, Idaho 83352
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

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

11/01/2005

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

RIGHT NUMBER: 37-460
NAME AND ADDRESS: MONTIE S DAY
PO BOX 1045
SHOSHONE ID 83352

ELIZABETH J BURNETT
PO BOX 1045
SHOSHONE ID 83352-1045

Mixed POU
- Shape needs to be adjusted to
exclude Federal Land, to be
consistent with the "No Fed Land"
remark that is found under POU.

SOURCE: LITTLE WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 4.000 CFS

PRIORITY DATE: 06/03/1884

POINT OF
DIVERSION: T05S R16E S25 SENE Within LINCOLN County
T05S R16E S25 SENE Within LINCOLN County
TWO POINTS OF DIVERSION LOCATED IN T05S, R16E, S25, SENE.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	4.000 CFS

PLACE OF USE: IRRIGATION Within LINCOLN County

T05S R16E S24	NESW	6.9	T05S R16E S24	SWSW	2.9 BLM
T05S R16E S24	SESW	23.0	T05S R16E S24	NWSE	3.6
T05S R16E S24	SWSE	16.0	T05S R16E S25	NENE	37.0
T05S R16E S25	NWNE	23.0	T05S R16E S25	SWNE	22.0
T05S R16E S25	SENE	12.0	T05S R16E S25	NENW	31.0
T05S R16E S25	NWNW	17.0	T05S R16E S25	SENW	2.3
T05S R16E S25	NWSE	0.8			

197.5 ACRES TOTAL

* PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS *

RIGHT NOS. 37-460, 37-461 AND 37-10343 ARE LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 197.5 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.

Delivery of this right is subject to the water exchange provisions
contained in Bureau of Reclamation contract no. 14-06-W-73, executed
October 14, 1954, between the United States of America and American
Falls Reservoir District No. 2, as supplemented by Bureau of Reclamation

11/01/2005

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

contract no. 14-06-100-6031, executed June 1, 1962, between and
among the United States of America, American Falls Reservoir District
No. 2, and the Big Wood Canal Company.

11/01/2005

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

WATER IS DELIVERED THROUGH THE MC FALL HEADGATES, NUMBERS 76
AND 77.

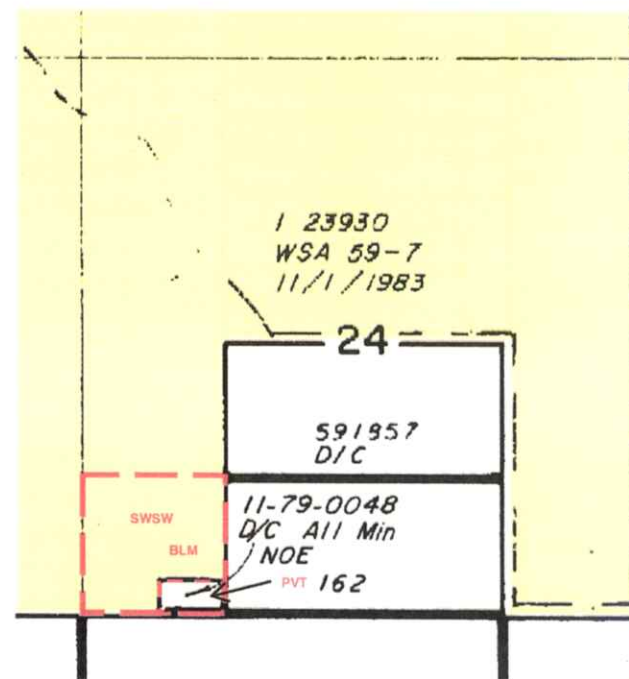
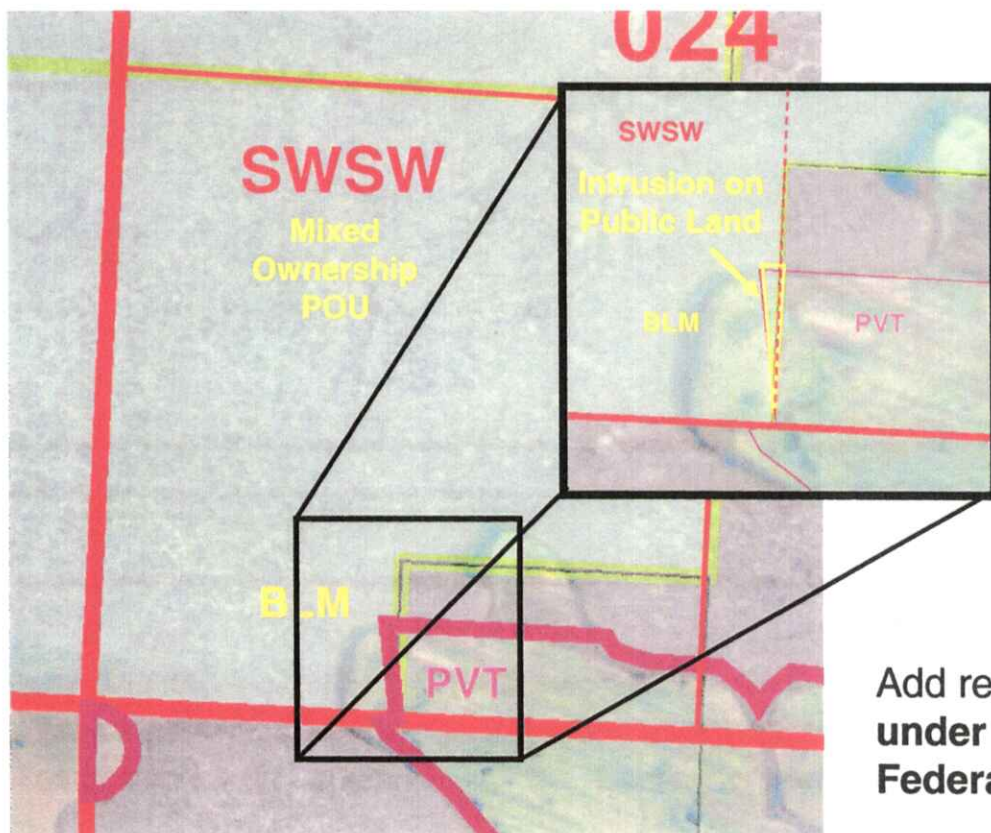
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL
CO.

37-00460, 37-00461, & 37-10343 - Montie S. Day

T05S, R16E, S24, SWSW

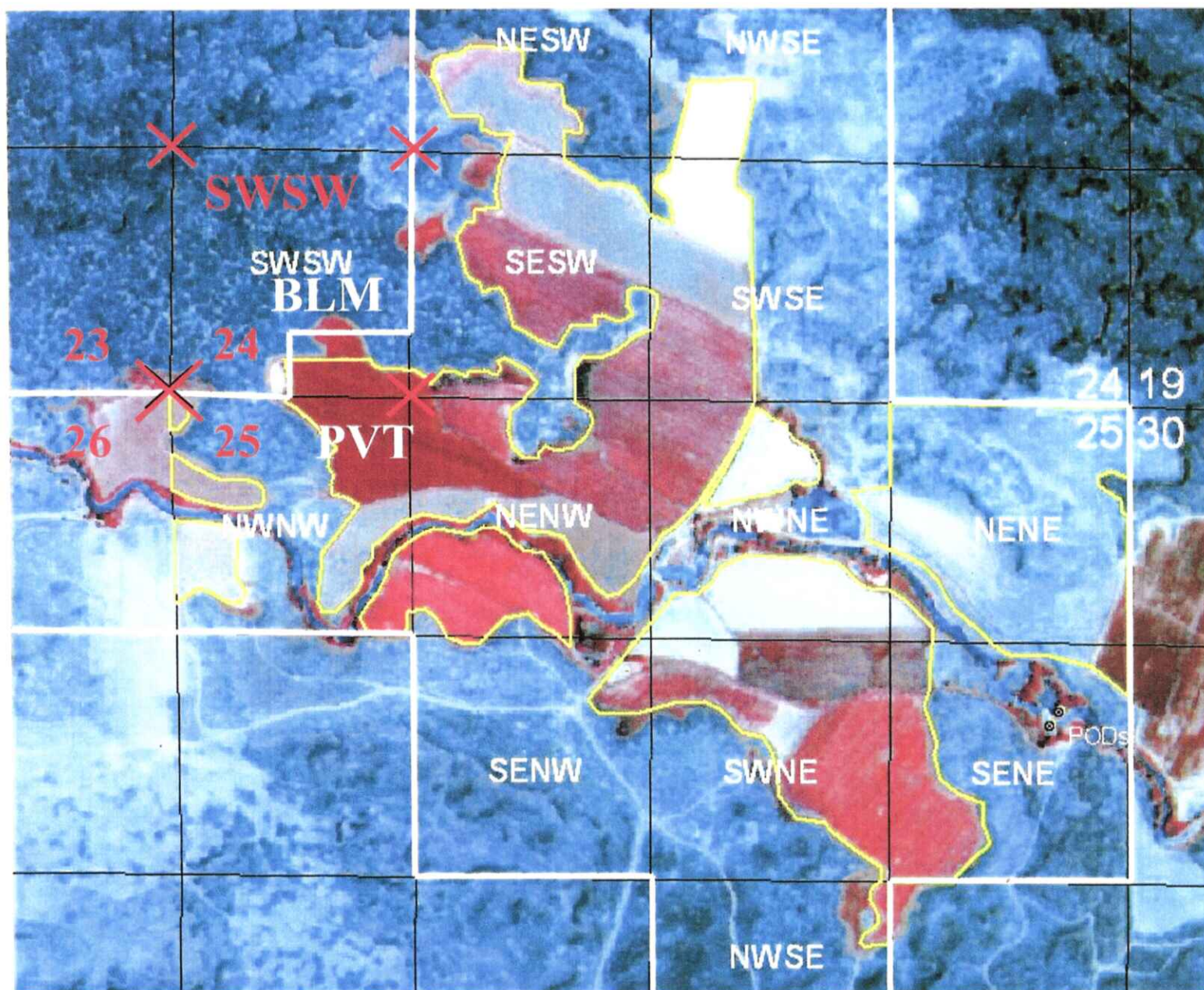
Town	Rang	Subcase	Sect	QQ	Quar	Bas	Gov	Mix	PVT	BLM	FS	BOR	OtherFed	State	Own Comment
05S	16E	37-00460	24	SW	SW	37		☒	☒	☒	☐	☐	☐	☐	Mixed Ownership POU, Snapping Issue
05S	16E	37-00461	24	SW	SW	37		☒	☒	☒	☐	☐	☐	☐	Mixed Ownership POU, Snapping Issue
05S	16E	37-10343	24	SW	SW	37		☒	☒	☒	☐	☐	☐	☐	Mixed Ownership POU, Snapping Issue



Add remark under Place of Use; **"The use of water under this right does not include a use on Federal Public Land."**

The preliminary recommendation already includes this remark, therefore this is a snapping issue. Shape should be corrected to eliminate the intrusion on Public Land.

37-460 37-461 & 37-10343



**T05S R16E
S24 & S25**

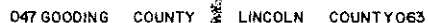


900 0 900 1800 2700 3600 4500 Feet

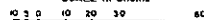
Map prepared by: Carter Fritschle
Date prepared: 09/23/03
1987-1988 NAPP photography
Idaho Department of Water Resources
Revised 12/16/03

SHOSHONE DISTRICT SEC 3

MT PLAT



SCALE in Chords



WARNING STATEMENT

This plot is the Bureau's Record of Title, and should be used only as a graphic display of the Intermingling survey data. Records hereon do not reflect title changes which may have been effected by lateral movements of rivers 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

[illegible]

BL 043052 American Falls Resrv Dist No 2
(Act of Cong 8/11/1915) affects land in
Secs 1 to 12 incl
Secs 15, 31

101 15243 Sings Act 9/18/1978
Sec 32: NENWNE, S2NWNE, NENE

DI 53705 Per
Sec 28: W2NESE 1.00 acre

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

CURRENT TO	CURRENT TO
123 10 100	

USE PLAYS:

Boire kar

T. ... 35
R 16E