

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 37-10343

(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: _____;

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)

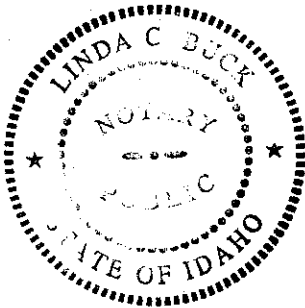
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

David Negi for LAB
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: *March 8, 2006*

Linda C. Buck
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: ;

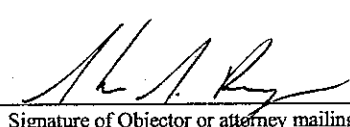
Name:
Address: ;

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: 37-10343
NAME AND ADDRESS: ELIZABETH J BURNETT
PO BOX 1045
SHOSHONE ID 83352-1045
MONIE S DAY
PO BOX 1045
SHOSHONE ID 83352

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: BIG WOOD RIVER TRIBUTARY: MALAD RIVER
Point of injection into the Jim Byrns Slough that flows into the Little Wood
River
Points of redirection from the Little Wood River

QUANTITY: 10.670 CFS
This right is subject to a 27% conveyance loss; 7.79 cfs may be
rediverted from the Little Wood River.

PRIORITY DATE: 05/27/1899

POINT OF
DIVERSION: I02S R18E S30 SENE Within GOODING County
T03S R19E S19 NENE Injection Within GOODING County
T04S R19E S25 NWSE Injection Within GOODING County
T05S R16E S25 SENE Rediversion Within GOODING County
I05S R16E S25 SENE Rediversion Within GOODING County
TWO POINTS OF REDIVERSION 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	10.670 CFS

PLACE OF USE: IRRIGATION Within LINCOLN County

T05S R16E S24	NESW	6.9	T05S R16E S24	SWSW	2.9	BLM
I05S 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	I05S 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	
I05S 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:

Director's Report Basin 37 Part 1 Surface Water

676

11/01/2005

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

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.

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 RICHFIELD CANAL AND THE MC FALL
HEADGATES, NUMBERS 76 AND 77.

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

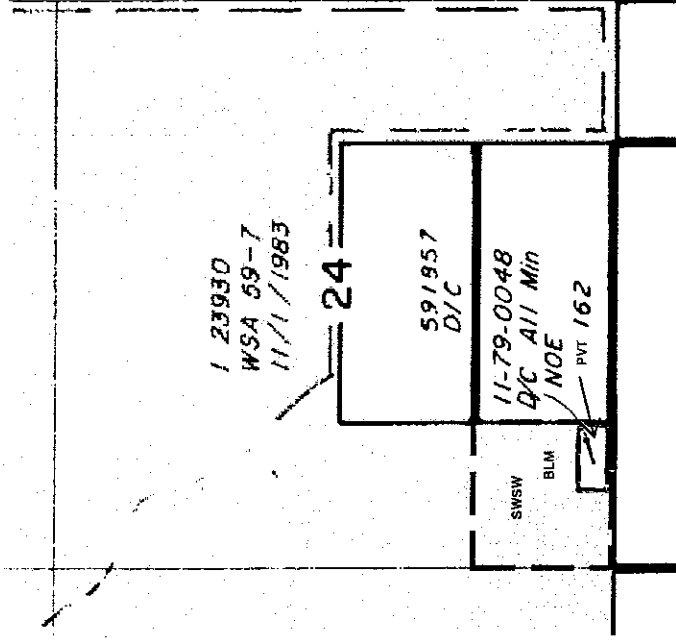
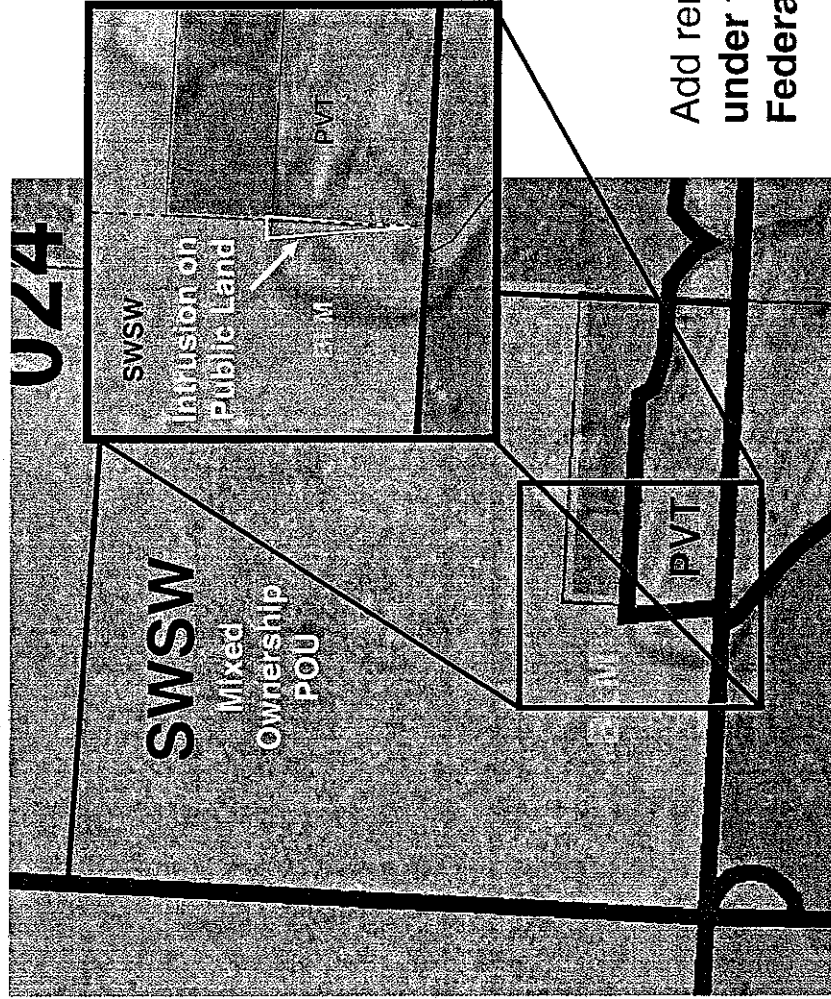
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

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

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

T05S, R16E, S24, SWSW

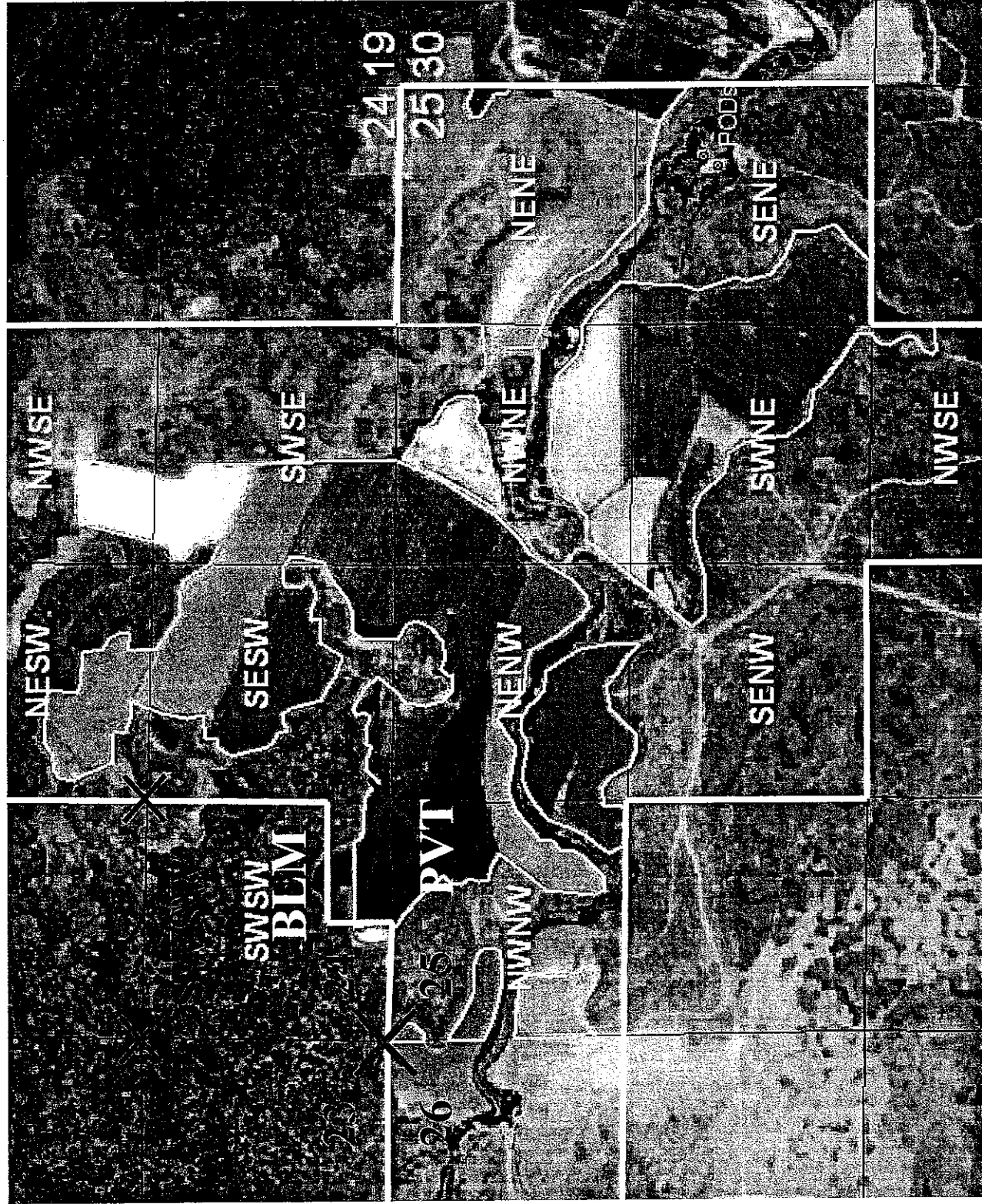
Town	Range	Subcase	Sect	QQ	Quar	Bas	Gov	Mix	PVT	BLM	FS	BOR	Other	Fed	State	Own Comment
05S	16E	37-00460	24	SW	SW	37		☒	☒	☒	☒	☐	☐	☐	☐	Mixed Ownership POU, Snapping Issue
05S	16E	37-00461	24	SW	SW	37		☒	☒	☒	☒	☐	☐	☐	☐	Mixed Ownership POU, Snapping Issue
05S	16E	37-10343	24	SW	SW	37		☒	☒	☒	☒	☐	☐	☐	☐	Mixed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



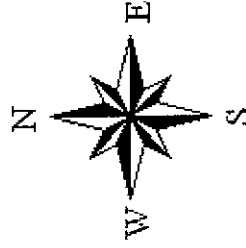
Add remark under Place of Use; "The use of water under this right does not include a use on Federal Public Land."

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



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

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

SNOWSHOE DISTRICT SEC 3

MT PLAT

[illegible]

DL 00352 American Falls Reser Dist No 2
(Act of July 17/1915) affects land in
secs 1 to 12 Inc 1
secs 15, 31

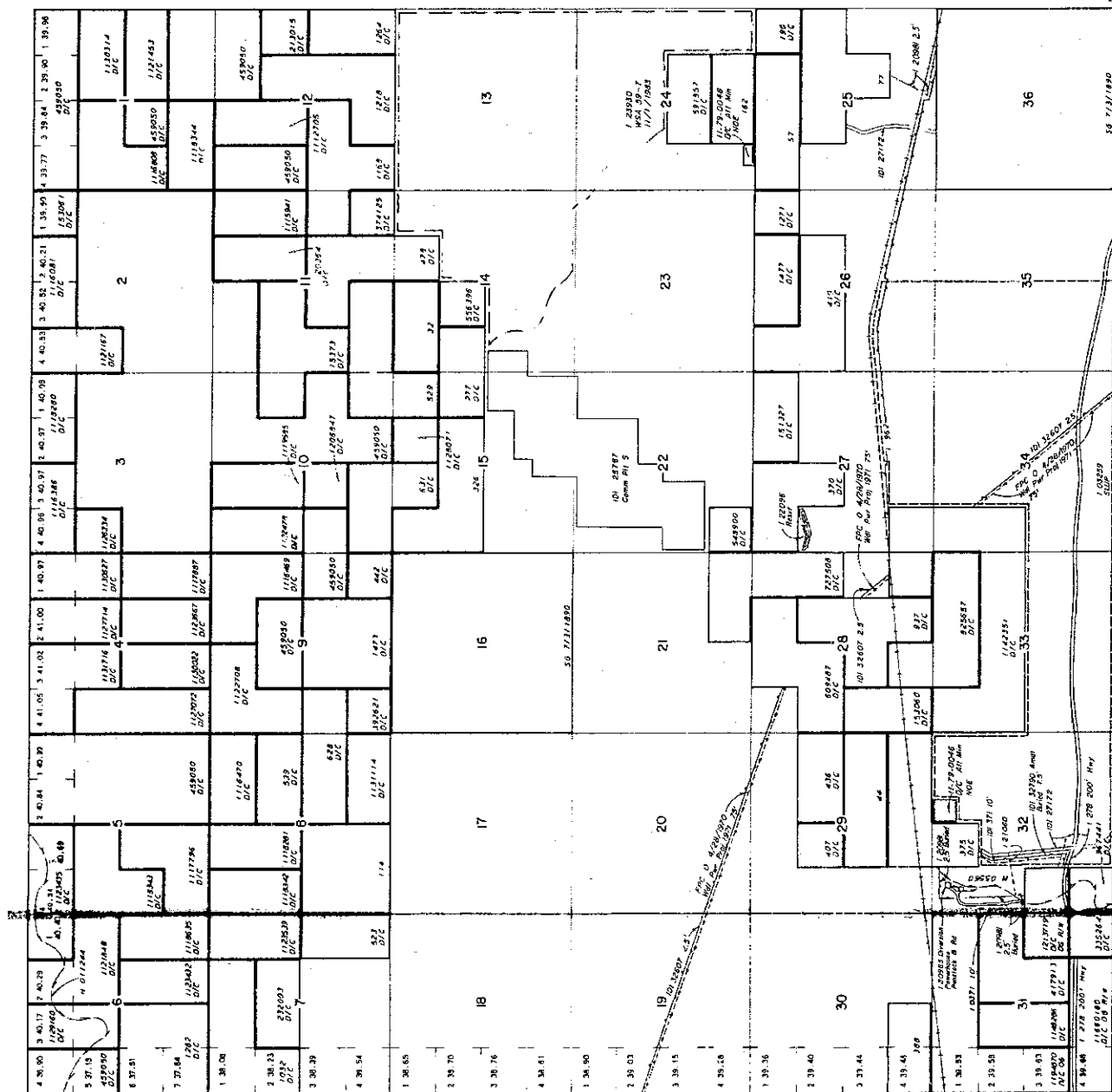
DL 015203 Sites Act 9/8/1918
Sec 32-NE1/4NE1/4, SE1/4NE1/4
Sec 32-NE1/4NE1/4, SE1/4NE1/4

DL 357025 Per
Sec 32-PR1/2NE1/4SE1/4

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

USE PLAYS:	CURRENT TO	CURRENT TO
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2073	2	

RAWALS REPRESENT THE LAST
DATE THE EFFECTIVE DATE. SEE
THE DATE OF THE ORIGINAL WITH-



047 GOODING COUNTY & LINCOLN COUNTY 063

SCALE in Chains

0 10 20 30 40

WARNING STATEMENT

This plot as the Bureau's Record of Traffic, and only as a graphic display of the township divide between do not reflect little changes which are reflected by lateral movements of rivers or other factors. Refer to the coordinated survey for official information.

THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE THE HISTORICAL INDEX FOR THE DATES OF THE ORIGINAL WITHDRAWAL ORDER