

RECEIVED
MAR 16 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)
)
)
Case No. 39576)
)
)
)
)
_____)

A. Subcase Number: 27-07452
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: State of Idaho,
Department of Lands
Address: 954 W. Jefferson
P. O. Box 83720
Boise, Idaho 83720-0050
Daytime Phone: (208) 334-0200

Name and Address of Attorney, if any:

Attorney Name: LAWRENCE G. WASDEN
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
DAVID J. BARBER (ISB # 2597)
Deputy Attorney General
Attorney Address: Office of the Attorney General
700 W. Jefferson, Room 210
P.O. Box 44449
Boise, ID 83711-4449
Attorney Phone No. (208) 334-2400

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

Name: P4 Production LLC
Address: PO Box 816
Soda Springs, ID 83276

Name: State of Idaho
Department of Lands
Address: 954 W. Jefferson
P. O. Box 83720
Boise, ID 83720—0050

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: The State of Idaho, Department of Lands, should be the only owner for the land that it owns the mineral rights.
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: See Attachment I.
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Points of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: Not applicable.
7. ☒ **Purpose(s) of Use**
Should be: See Attachment I.
8. ☒ **Period of Year**
Should be: See Attachment I.
9. ☒ **Place of Use**
Should be: See Attachment I.
10. ☒ **Other Provisions**
Should be: See Attachment I.

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 recommendation of the Idaho Department of Water Resources added the lessee of the State of Idaho, Department of Lands, hereinafter the "IDL", to the description of the owner. IDL objects to this addition. The IDL should be the sole owner of the water right on State Land. Since the IDL owns only a portion of the place of use, the water right needs to be split to reflect this divided ownership. Attachment I describes the water right for the land owned by IDL. In addition, the "OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT" contains some provisions that the Snake River Basin District Court has not included in its description of water rights. This Objection requests the deletion of these provisions.

F.

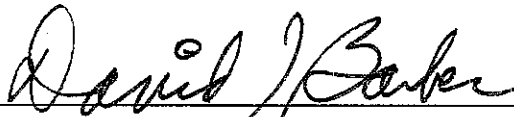
VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

DAVID J. BARBER, Deputy Attorney General, duly sworn, upon oath, deposes and says:

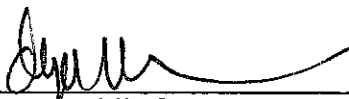
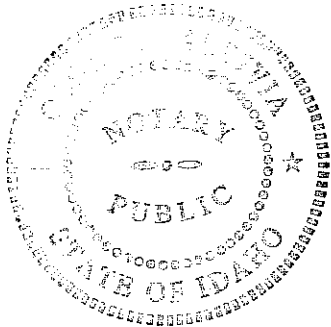
That the State of Idaho, Department of Lands, in its proprietary capacity is filing this objection and that I am a Deputy Attorney General authorized to represent the State of Idaho, Department of Lands, which is a party/claimant in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

LAWRENCE G. WASDEN
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
DAVID J. BARBER
Deputy Attorney General



By Attorney signing in representative capacity

Subscribed and sworn to before me on: March 15, 2006
(Insert Date)



Notary Public for IDAHO
Residing at: BOISE, ID
My commission expires: 2/8/2012

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 15, 2006, I caused the original and the copies of this objection, including all attachments, to be served on the following persons by the method designated:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

U.S. MAIL

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

State of Idaho,
Department of Lands
954 W. Jefferson
P. O. Box 83720
Boise, ID 83720—0050

STATEHOUSE MAIL

3. Copies to:

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

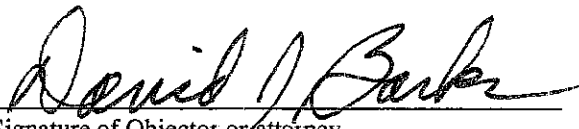
STATEHOUSE MAIL

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

U.S. MAIL

Chief of Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

(not applicable)



Signature of Objector or attorney
Mailing on Objector's behalf

ATTACHMENT I

RIGHT NUMBER: 27-7452A
 NAME AND ADDRESS: PR PRODUCTION LLC
 PO BOX 816
 SODA SPRINGS ID 83726

STATE OF IDAHO
 DEPT OF LANDS
 954 W. JEFFERSON
 PO BOX 83720
 BOISE ID 83720-0050

SOURCE GROUND WATER TRIBUTARY
 QUANTITY: 0.3000.200 CFS
 16.80 11.20 AFY
 PRIORITY DATE: 01/06/1989

POINT OF
 DIVERSION: T06S R43E S21 SWNE Within CARIBOU County

PURPOSE AND
 PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>		<u>QUANTITY</u>
MINING	03/01	10/01	0.3000.200 CFS 11.20 AFY

PLACE OF USE: MINING Within CARIBOU County

T06S	R43E	S16	NENE	T06S	R43E	S16	SWNE
T06S	R43E	S16	NENW	T06S	R43E	S16	NWNW
T06S	R43E	S16	SWNW	T06S	R43E	S16	SENW
T06S	R43E	S16	NESW	T06S	R43E	S16	NWSW
T06S	R43E	S16	SWSW	T06S	R43E	S16	SESW
T06S	R43E	S16	NESE	T06S	R43E	S16	NWSE
T06S	R43E	S16	SWSE	T06S	R43E	S16	SESE
T06S	R43E	S21	NENE	T06S	R43E	S21	NWNE
T06S	R43E	S21	SWNE	T06S	R43E	S21	SENE
T06S	R43E	S21	NENW	T06S	R43E	S21	SWSW
T06S	R43E	S21	SESW	T06S	R43E	S21	NESE
T06S	R43E	S21	NWSE	T06S	R43E	S21	SWSE
T06S	R43E	S32	NENE	T06S	R43E	S32	NWNE
T06S	R43E	S32	SWNE	T06S	R43E	S32	SENE
T06S	R43E	S32	NENW	T06S	R43E	S32	NWNW
T06S	R43E	S32	SWNW	T06S	R43E	S32	SENW
T06S	R43E	S32	NESW	T06S	R43E	S32	NWSW
T06S	R43E	S32	SWSW	T06S	R43E	S32	SESW
T06S	R43E	S32	NESE	T06S	R43E	S32	NWSE

OTHER PROVISIONS NECESSARY FOR DEFINITION OF ADMINISTRATION OF THIS WATER RIGHT:

~~The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.~~

~~The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.~~

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM – License

NOTE: Land not owned by the State of Idaho was completely deleted from the authorized place of use without strikeout notation