

RECEIVED
APR 21 2006
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 63-00145
(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: Eureka Water Co.
Address: 7650 N. Star Road; Meridian, Idaho 83642
Name: c/o Mark Phillips
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.

F.

VERIFICATION (Must be Completed)

State of Idaho

)

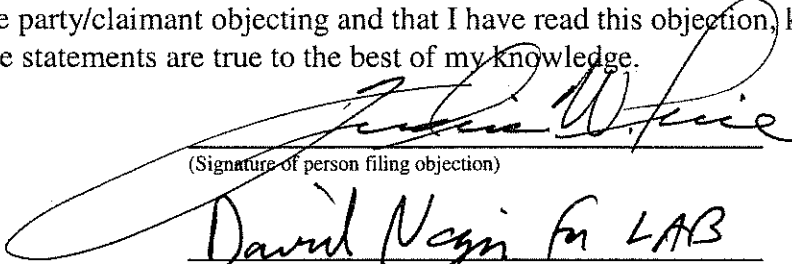
) ss.

County of ADA

)

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

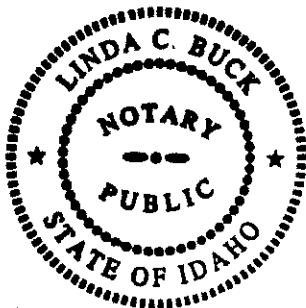
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)

David Noyin for LAB
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

April 19, 2006
Linda C. Buck
Linda C. Buck



Notary Public for 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 4-19-, 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:

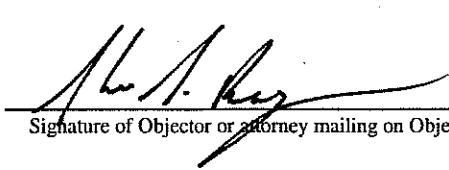
Name: Eureka Water Co.
Address: 7650 N. Star Road; Meridian, Idaho 83642
Name: c/o Mark Phillips
Address: ;
Name: ;
Address: ;
Name: ;
Address: ;

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

12/12/2005

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

RIGHT NUMBER: 63-145
NAME AND ADDRESS: EUREKA WATER CO
C/O MARK PHILLIPS
7650 N STAR RD
MERIDIAN ID 83642

POU on BLM:
-Claimant is not authorized to farm public land.

SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER
QUANTITY: 33.320 CFS

This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 06/01/1855
POINT OF
DIVERSION: T04N R01W S24 NWSENE Lot 6 Within ADA County
PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	33.320 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE:

1826 ACRES TOTAL
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)(b). 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.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1826 ACRES WITHIN THE BOUNDARY OF THE EUREKA WATER COMPANY.

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.

RightID574859

Place(s) of use:

Place of Use Legal Description: IRRIGATION ADA County

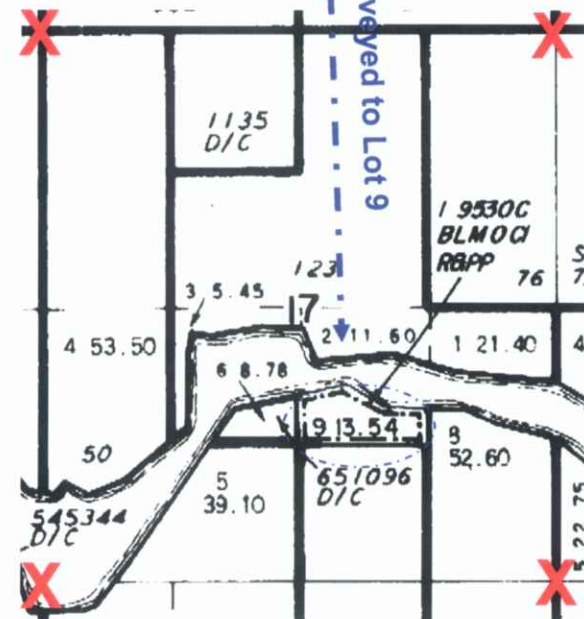
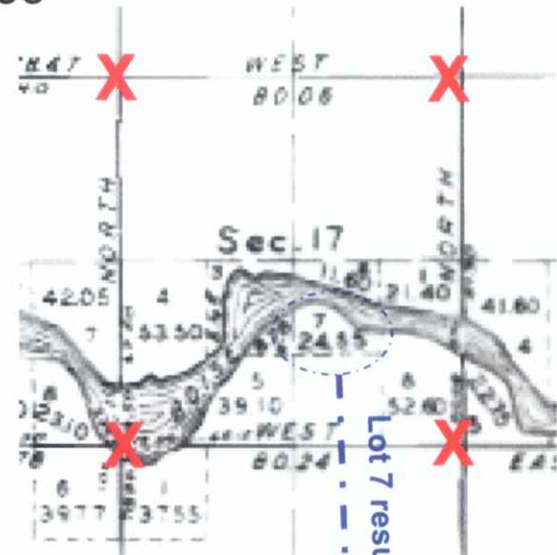
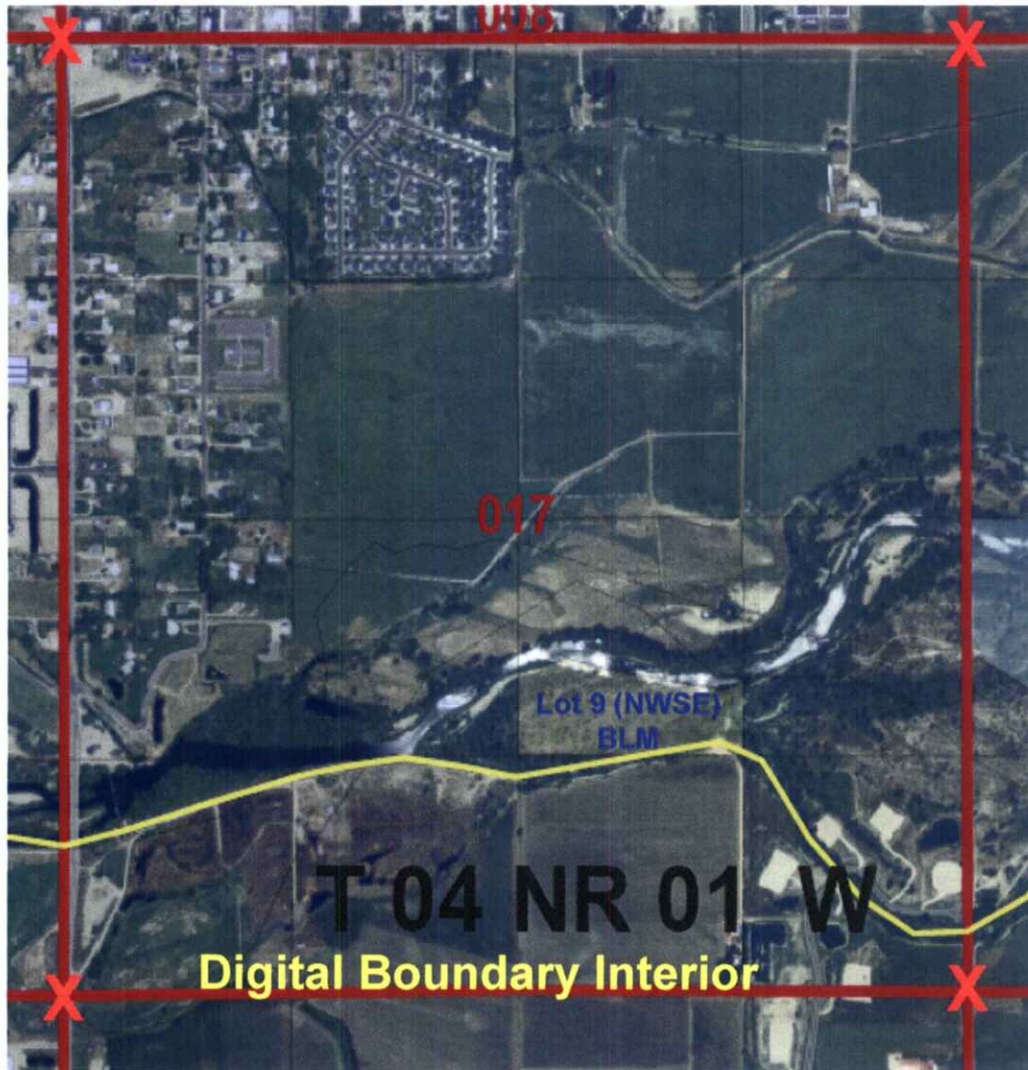
Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	01W	14	6	SWSW		7	SESW							
			8	SWSE										
			6	SESW										
		15	7	SWSE		8	SESE							
			3	NESW		4	NWSW		5	SWSW		6	SESW	
		16	7	SWSE										
			7	SWSE										
			7	SWSE		4	NWSW		5	SESW			SWSE	
		17	8	SESE										
			7	NESE		9	SWSE		8	SESE				
			6	NENE			NWNE			SWNE			SENE	
		18	5	NENW		4	NWNW		3	SWNW			SENE	
				NESW										
				NESE			NWSE							
				NENE			NWNE			SWNE			SENE	
				NENW		1	NWNW			SWNW			SENE	
				NESW			NWSW							
		19		NESE			NWSE							
				NENE			NWNE			SWNE			SENE	
				NENW			NWNW			SWNW			SENE	
		20		NESW			NWSW							
				NESE			NWSE							
				NENE			NWNE			SWNE			SENE	
		21		NENW			NWNW			SWNW			SENE	
				NESW			NWSW							
				NESE			NWSE							
		22		NENE			NWNE			SWNE			SENE	
				NENW		1	NWNW			SWNW			SENE	
				NESW			NWSW							
		23		NESE			NWSE							
				NENE			NWNE			SWNE			SENE	
				NENW			NWNW			SWNW			SENE	
		24		NESW			NWSW							
				NESE			NWSE							
				NENE			NWNE			SWNE			SENE	
	02W	13		NENW			SENE							
				NESE			NWSE							
		24		NESW			NWSW							
				NESE			NWSE							
		24		NENE			NWNE			SWNE			SENE	
				NENW			SENE							

Note: Lot 7 (NWSE) has been resurveyed to Lot 9 (NWSE)

63-00145 & 63-16383



63-00145 & 63-16383

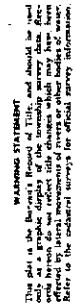


-Remove POU on BLM from data
and adjust digital boundary
accordingly.

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

ID# 26336 Sides Act 8/2/1988
Sec 17: Lot 7



SCALE in Chains

SCALE in Chains

Borse Mer
T. 4 N.
R. 1 W.