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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 63-16383
(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 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)

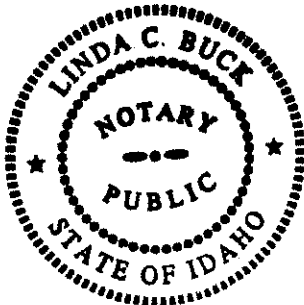
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

David Van F. LAD
(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:

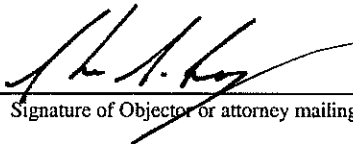
Name: Eureka Water Co.
Address: 7650 N. Star Road; Meridian, Idaho 83642
Name: c/o Mark Phillips
Address: ;
Name: ;
Address: ;
Name: ;
Address: ;

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: 63-16383
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: PHYLLIS SLOUGH TRIBUTARY: BOISE RIVER
QUANTITY: 2.310 CFS
The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/01/1865
POINT OF
DIVERSION: T04N R01W S22 SWNW Within ADA County
PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	2.310 CFS
STOCKWATER	01/01 12/31	0.240 CFS

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)(h). 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 SRRA 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:

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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 - Beneficial Use

WATER IS DELIVERED THROUGH THE EUREKA CANAL.

RightID579154

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										
		15	6	SESW										
			7	SWSE		8	SESE							
		16	3	NESW		4	NWSW		5	SWSW		6	SESW	
			7	SWSE										
		17	7	BLM		4	NWSW		5	SESW			SWSE	
			8	SESE										
		18	7	NESE		9	SWSE		8	SESE				
		19	6	NENE			NWNE			SWNE			SENE	
			5	NENW		4	NWNW		3	SWNW			SENE	
		20		NESW										
				NESE			NWSE							
				NENE			NWNE			SWNE			SENE	
				NENW		1	NWNW			SWNW			SENE	
				NESW			NWSW							
				NESE			NWSE							
		21	1	NENE			NWNE			SWNE			SENE	
				NENW			NWNW			SWNW			SENE	
				NESW			NWSW							
				NESE			NWSE							
		22		NENE		1	NWNE			SWNE			SENE	
				NENW			NWNW			SWNW			SENE	
		23	2	NWNE			SWNE		3	SENE				
				NENW			NWNW			SWNW			SENE	
		24	5	SWNW										
	02W	13	6	SESW										
			7	SWSE										
		24	1	NENE			NWNE			SWNE			SENE	
				NENW			SENE							
				NESE			NWSE							

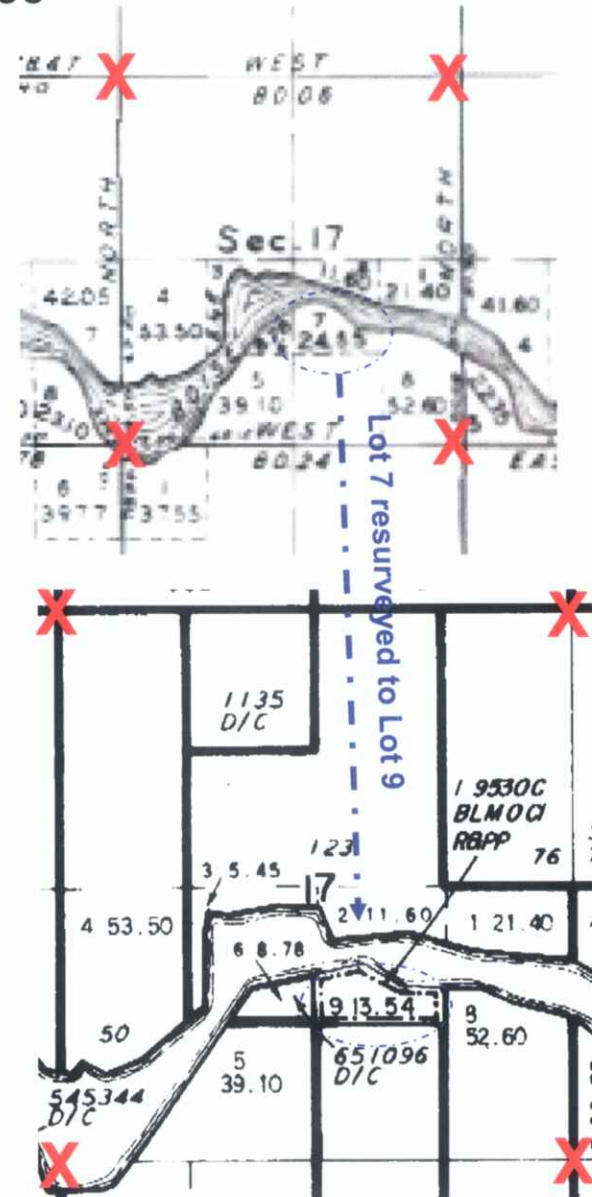
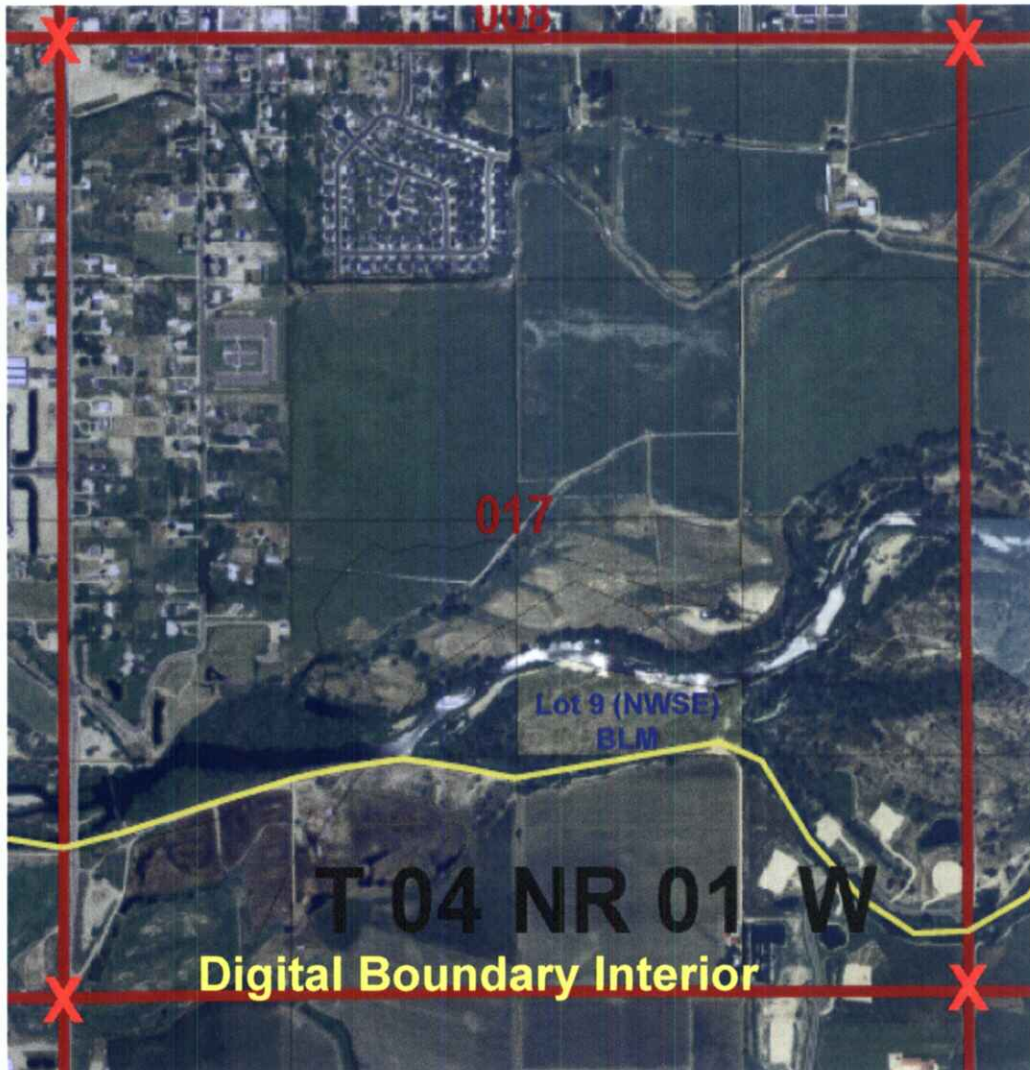
Place of Use Legal Description: STOCKWATER same as IRRIGATION

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

63-00145 & 63-16383



63-00145 & 63-16383



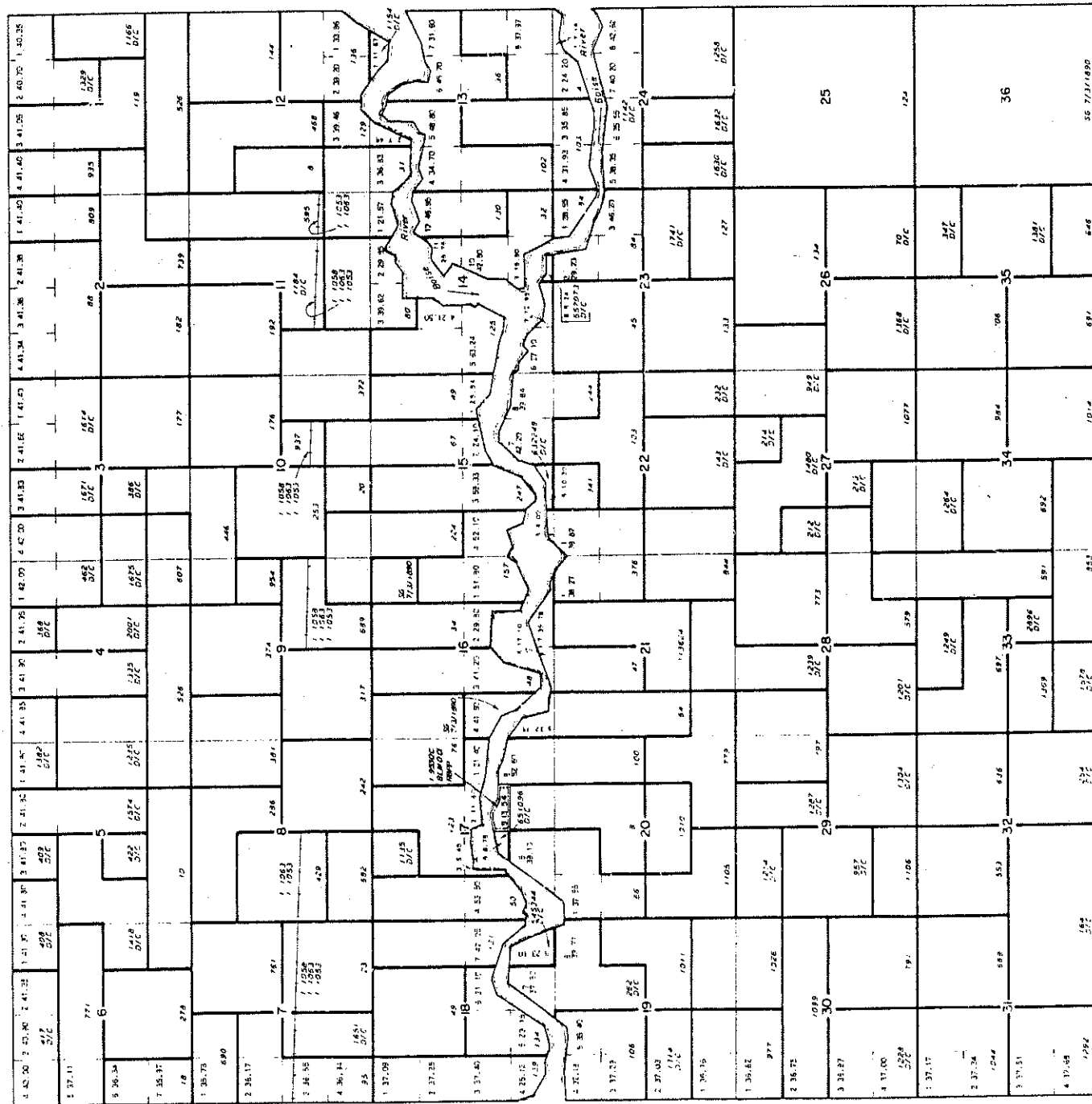
-Remove POU on BLM from data
and adjust digital boundary
accordingly.

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

[illegible]

Sec 17: Lot 7



WARNING STATEMENT

This plot is the Bureau's record of Tilt, and should be used only as a graphic display of the township survey data. Records herein do not reflect the changes which may have been effected by lateral movements of rivers or other bodies of water. Refer to the medical surveys for official survey information.

SCALE in Chains

Boys	4.4	1.4
Girls	4.4	1.4

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

CLIENTS NY TO	CURRENT TO

USE PLATS. DG

Lat. $43^{\circ} 39' 15''$
Long. $115^{\circ} 24' 15''$