

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 69-04012
(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: Darrell L. Brown
Address: 2260 Orchard Road; Council, ID. 83612

Name: Manilla A. Brown
Address: 2260 Orchard Road; Council, ID. 83612

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 legal description for element nine (POU) above may include Federal land. The description should be specific enough to exclude Federal land.

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)

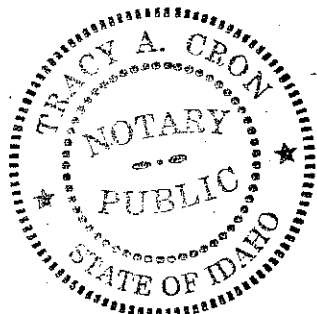
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

David Negri
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

5/24/06



Tracy A. Cron
Tracy A. Cron

Notary Public for State of Idaho

Residing at: Meridian, ID.

My Commission Expires: 08-22-2009

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 May 25, 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:

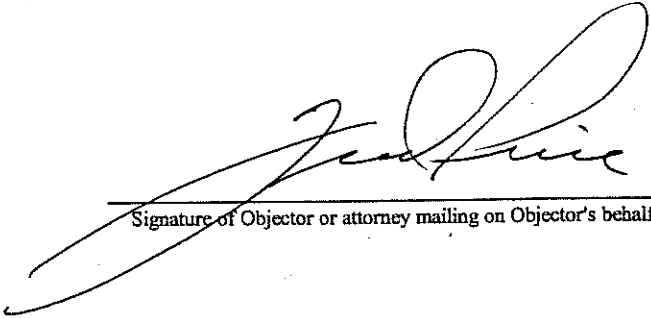
Name: Darrell L. Brown
Address: 2260 Orchard Road; Council, ID. 83612
Name: Manilla A. Brown
Address: 2260 Orchard Road; Council, ID. 83612
Name:
Address: ;
Name:
Address: ;

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

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

RIGHT NUMBER: 69-4012
NAME AND ADDRESS: DARRELL L BROWN
2260 ORCHARD RD
COUNCIL ID 83612

MANILA A BROWN
2260 ORCHARD RD
COUNCIL ID 83612

Mixed POUs:

-The Places of Use identified below contains both private and public lands.

-Clarify such that it is clear only private land is intended.

SOURCE: EMERY CREEK
WILDHORSE RIVER

TRIBUTARY: WILDHORSE RIVER
TRIBUTARY: SNAKE RIVER

QUANTITY: 2.520 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/01/1998

POINT OF

DIVERSION: T18N R03W S7 SWSWSW Lot 4 Within ADAMS County
T18N R04W S24 SWNENW Within ADAMS County
T18N R04W S24 SWNENW Rediversion Within ADAMS County
T18N R04W S24 SWNENW Injection Within ADAMS County
T18N R04W S24 SWNENW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
DOMESTIC	01/01 12/31	0.040 CFS
IRRIGATION	03/15 10/31	2.460 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T18N R03W S18 Lot 1 NWNW 2.40
T18N R04W S13 Lot 2 SENE 7.80
T18N R04W S13 SESW 9.20
T18N R04W S23 SENE 1.50
T18N R04W S24 NWNW 5.00

Mixed

54.3 ACRES TOTAL

DOMESTIC Within ADAMS County

T18N R04W S24 NWNW

STOCKWATER same as IRRIGATION

Mixed

T18N R04W S13 Lot 1 NENE	0.20	Should be Lot 10
T18N R04W S13 NESW	2.20	
T18N R04W S13 NWSE	9.70	
T18N R04W S24 NENW	10.00	
T18N R04W S24 SWNW	6.30	

Mixed

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

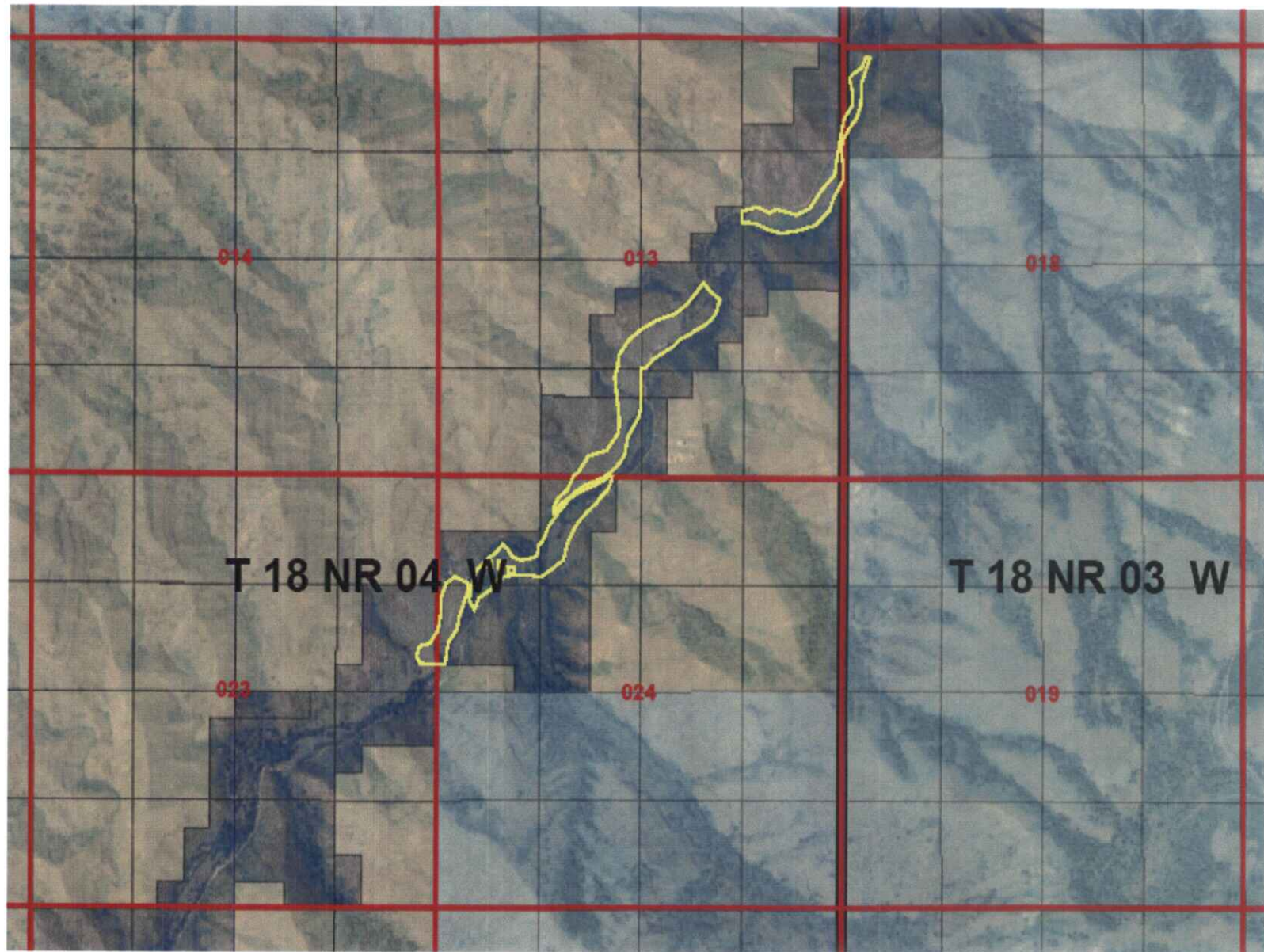
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

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

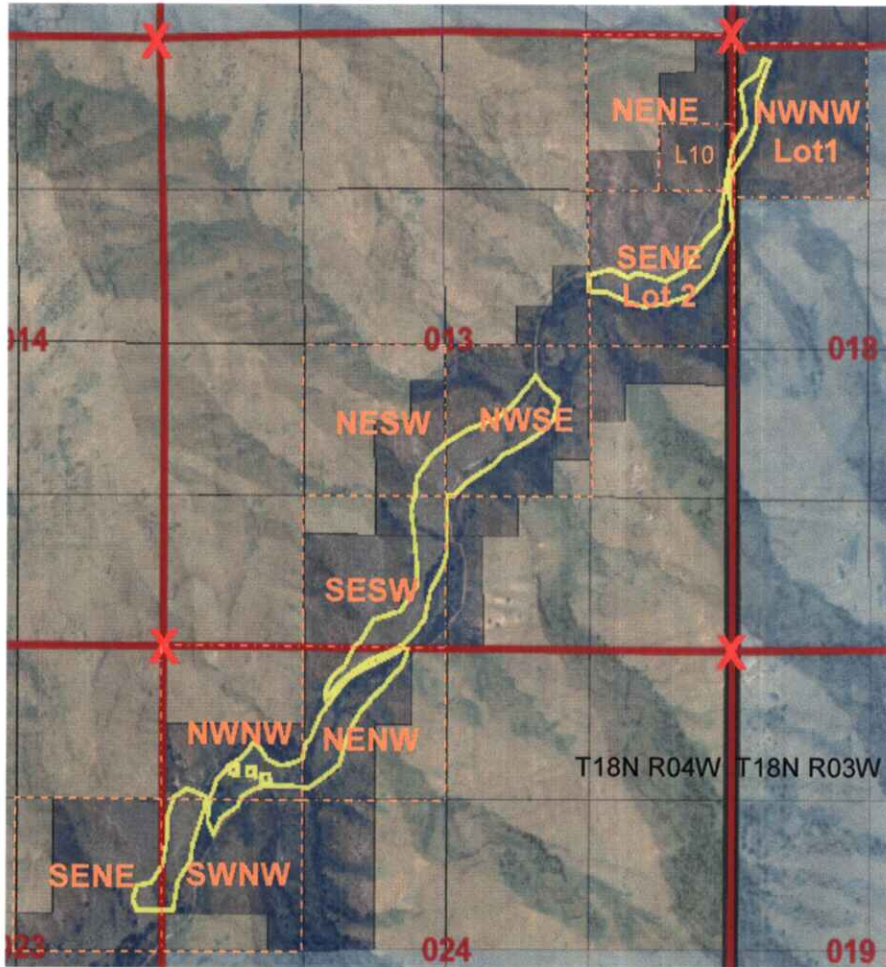
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 50 range cattle.

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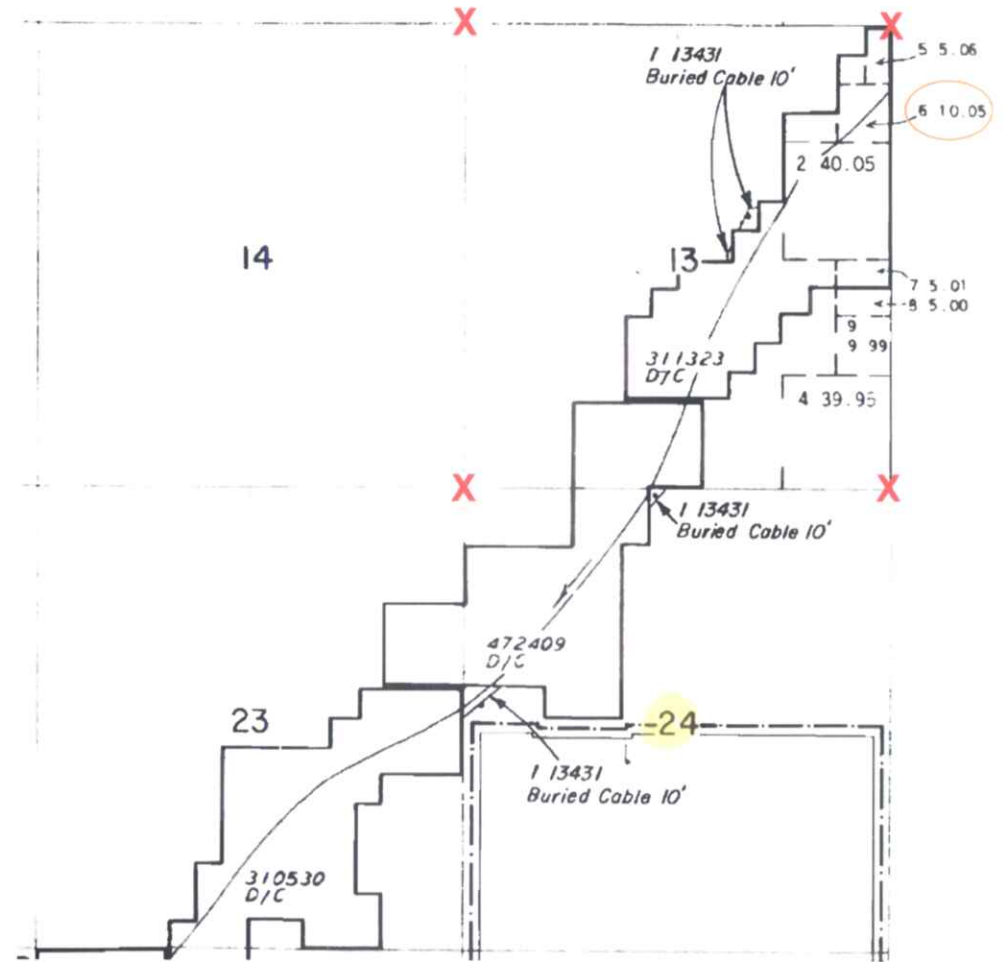


69-04012



1. Since the NESW, SESW, NWSE, S13, SENE, S23, and NENW, NWNW, SWNW, S24 contains both private and public lands, please insert the following language under place of use to clarify this POU such that only private land is intended:

“Place of use does not include federal public lands.”



2. In the recommendation, Lot 1 (NENE), S13 should be changed to Lot 10 (NENE), S13 to clarify that only private land is intended.

1 735 JINING 35108
E00 ALN03 SWADA

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

[illegible]

IFC O 6124/1941 Nd; Per Prop 1971
 Sec 30: Eagle Island (unsurveyed)
 1 00011 Def PL 167 (Act of Cong 7/23/1955)
 completed 8/22/1962 All Wf surface West by USFS

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

CURRENT TO	CREDIT TO
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[illegible]