

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 74-01839
(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: Mark & Melissa McKinney
Address: P.O. Box 17; Lemhi, Idaho 83465

Name:
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 a portion of the use is claimed. The claimant's use of Federal land is unauthorized. Claimant's water right should not 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

)

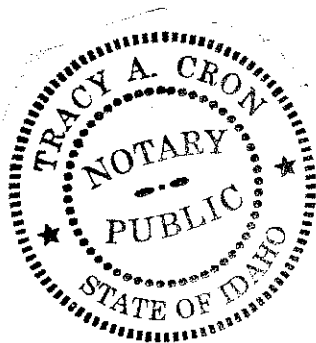
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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)

Larry G. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: June 28, 2006



Tracy A. Cron
Tracy A. Cron

Notary Public for State of Idaho

Residing at: Meridian, Idaho

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 6-29, 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: Mark & Melissa McKinney
Address: P.O. Box 17; Lemhi, Idaho 83465
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

01/19/2006

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

RIGHT NUMBER: 74-1839
NAME AND ADDRESS: MELISSA MC KINNEY
PO BOX 17
LEMHI ID 83466
MARK MC KINNEY
PO BOX 17
LEMHI ID 83466

Mixed POU:

-The place of use described below contains both private and public lands.
-Clarify such that it is clear only private land is intended.

SOURCE: YEARIAN CREEK TRIBUTARY: LEMHI RIVER
QUANTITY: 0.280 CFS
Not to exceed 4.5 cfs when combined with right 74-311

PRIORITY DATE: 01/01/1939
POINT OF DIVERSION: T16N R24E S35 SESE Within LEMHI County
PURPOSE AND PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	3/15 11/15	0.280 CFS
PLACE OF USE:	<u>IRRIGATION Within LEMHI County</u>		
	T17N R24E S02 Lot 3 NENW	1.00	T17N R24E S03 Lot 1 NENE 4.00
	T17N R24E S03 SESW	5.00	T17N R24E S03 SESE 4.00
	14 ACRES TOTAL		

Mixed

This right authorizes the irrigation of 14.1 total acres.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

TOWNSHIP 17 NORTH RANGE 24 EAST OF THE BOISE MERIDIAN, IDAHO

LEMHI COUNTY 059
GRANDFALLS DISTRICT SEC 3

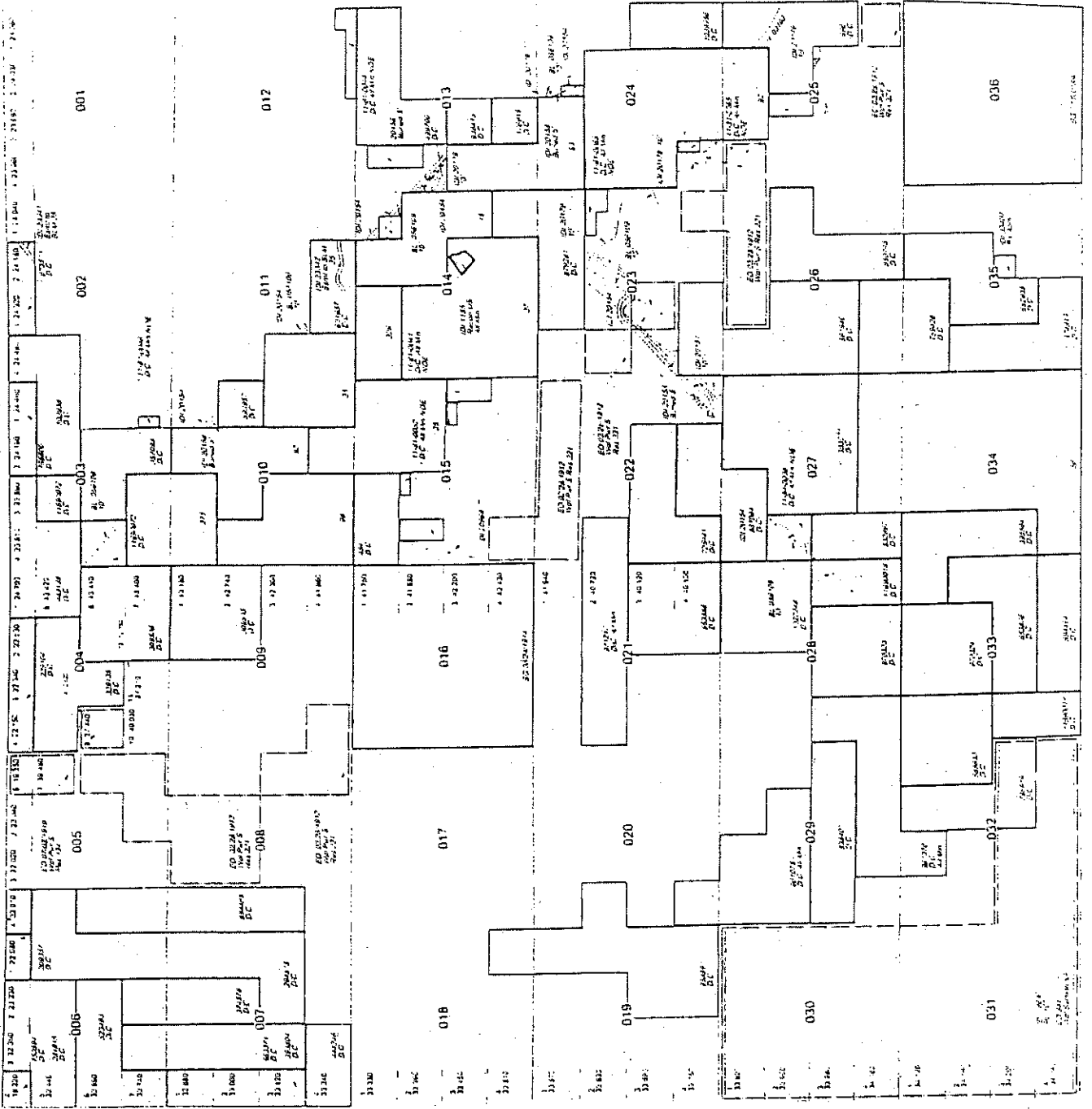
STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

18 N 30 E

18 N 30 E

18 N 30 E

18 N 30 E



INDEX TO SEGREGATED TRACTS

TRACT NO.	ORIGINAL SURVEY	DATE	REMARKS
144C 10	N 30 E	18 N 30 E	
144C 11	N 30 E	18 N 30 E	
144C 12	N 30 E	18 N 30 E	
144C 13	N 30 E	18 N 30 E	
144C 14	N 30 E	18 N 30 E	
144C 15	N 30 E	18 N 30 E	
144C 16	N 30 E	18 N 30 E	
144C 17	N 30 E	18 N 30 E	
144C 18	N 30 E	18 N 30 E	
144C 19	N 30 E	18 N 30 E	
144C 20	N 30 E	18 N 30 E	
144C 21	N 30 E	18 N 30 E	
144C 22	N 30 E	18 N 30 E	
144C 23	N 30 E	18 N 30 E	
144C 24	N 30 E	18 N 30 E	
144C 25	N 30 E	18 N 30 E	
144C 26	N 30 E	18 N 30 E	
144C 27	N 30 E	18 N 30 E	
144C 28	N 30 E	18 N 30 E	
144C 29	N 30 E	18 N 30 E	
144C 30	N 30 E	18 N 30 E	
144C 31	N 30 E	18 N 30 E	
144C 32	N 30 E	18 N 30 E	
144C 33	N 30 E	18 N 30 E	
144C 34	N 30 E	18 N 30 E	
144C 35	N 30 E	18 N 30 E	
144C 36	N 30 E	18 N 30 E	
144C 37	N 30 E	18 N 30 E	
144C 38	N 30 E	18 N 30 E	
144C 39	N 30 E	18 N 30 E	
144C 40	N 30 E	18 N 30 E	
144C 41	N 30 E	18 N 30 E	
144C 42	N 30 E	18 N 30 E	
144C 43	N 30 E	18 N 30 E	
144C 44	N 30 E	18 N 30 E	
144C 45	N 30 E	18 N 30 E	
144C 46	N 30 E	18 N 30 E	
144C 47	N 30 E	18 N 30 E	
144C 48	N 30 E	18 N 30 E	
144C 49	N 30 E	18 N 30 E	
144C 50	N 30 E	18 N 30 E	
144C 51	N 30 E	18 N 30 E	
144C 52	N 30 E	18 N 30 E	
144C 53	N 30 E	18 N 30 E	
144C 54	N 30 E	18 N 30 E	
144C 55	N 30 E	18 N 30 E	
144C 56	N 30 E	18 N 30 E	
144C 57	N 30 E	18 N 30 E	
144C 58	N 30 E	18 N 30 E	
144C 59	N 30 E	18 N 30 E	
144C 60	N 30 E	18 N 30 E	
144C 61	N 30 E	18 N 30 E	
144C 62	N 30 E	18 N 30 E	
144C 63	N 30 E	18 N 30 E	
144C 64	N 30 E	18 N 30 E	
144C 65	N 30 E	18 N 30 E	
144C 66	N 30 E	18 N 30 E	
144C 67	N 30 E	18 N 30 E	
144C 68	N 30 E	18 N 30 E	
144C 69	N 30 E	18 N 30 E	
144C 70	N 30 E	18 N 30 E	
144C 71	N 30 E	18 N 30 E	
144C 72	N 30 E	18 N 30 E	
144C 73	N 30 E	18 N 30 E	
144C 74	N 30 E	18 N 30 E	
144C 75	N 30 E	18 N 30 E	
144C 76	N 30 E	18 N 30 E	
144C 77	N 30 E	18 N 30 E	
144C 78	N 30 E	18 N 30 E	
144C 79	N 30 E	18 N 30 E	
144C 80	N 30 E	18 N 30 E	
144C 81	N 30 E	18 N 30 E	
144C 82	N 30 E	18 N 30 E	
144C 83	N 30 E	18 N 30 E	
144C 84	N 30 E	18 N 30 E	
144C 85	N 30 E	18 N 30 E	
144C 86	N 30 E	18 N 30 E	
144C 87	N 30 E	18 N 30 E	
144C 88	N 30 E	18 N 30 E	
144C 89	N 30 E	18 N 30 E	
144C 90	N 30 E	18 N 30 E	
144C 91	N 30 E	18 N 30 E	
144C 92	N 30 E	18 N 30 E	
144C 93	N 30 E	18 N 30 E	
144C 94	N 30 E	18 N 30 E	
144C 95	N 30 E	18 N 30 E	
144C 96	N 30 E	18 N 30 E	
144C 97	N 30 E	18 N 30 E	
144C 98	N 30 E	18 N 30 E	
144C 99	N 30 E	18 N 30 E	
144C 100	N 30 E	18 N 30 E	

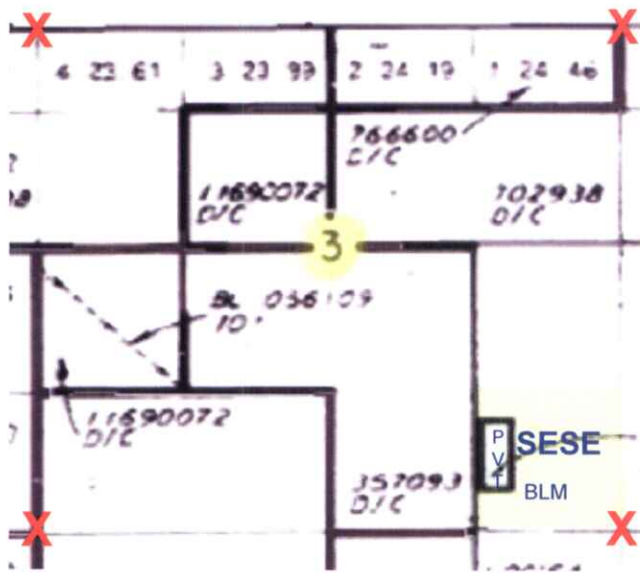
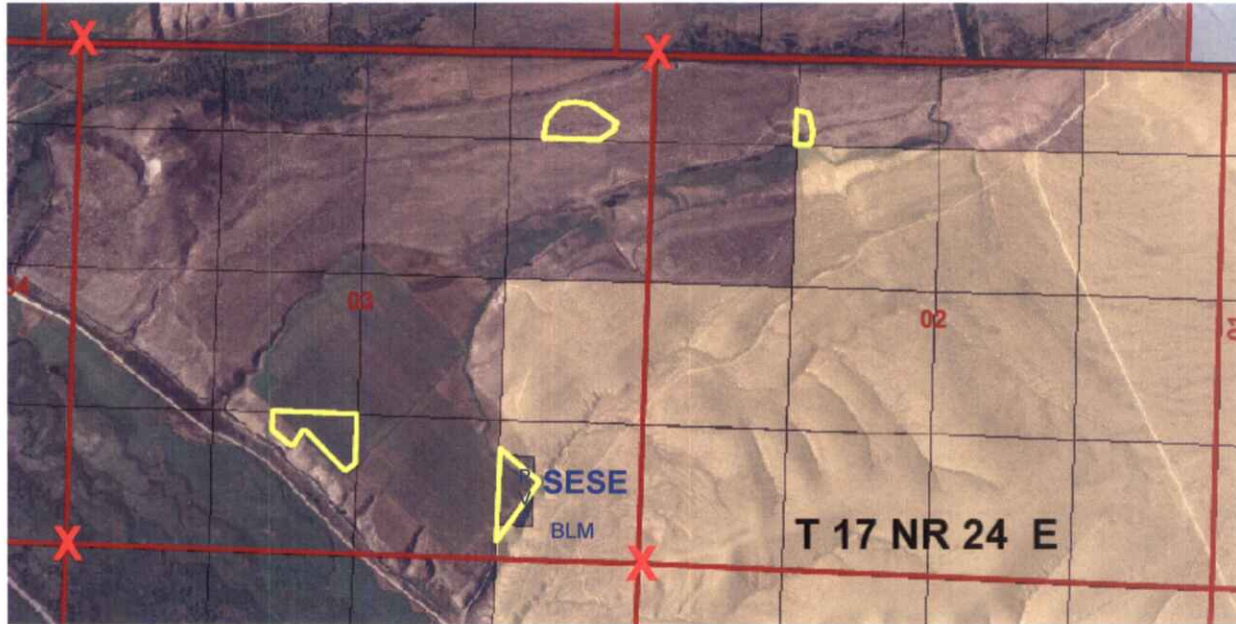
FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LAND REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

FILE REF. COUNTY RECORDS SECTION 349
CONVERTED TO 11/11/2003
LAST UPDATED 01/11/2003
PAGE 11
PRINTED TO PUBLIC RECORDS
MAY 25 2006

FILE CLERK SANDRA E. HARRIS
SAN GON-AL-IND
OTHER

18 N 30 E
18 N 30 E

74-01839



1. Since S03 SESE contains both private and public lands, please insert the following language under place of use to clarify these POUs such that only private land is intended:

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

2. Adjust Shapefile to exclude BLM Land within SESE S03.