

**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 01-00023A
(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: Southwest Irrigation Dist.
Address: P.O. Box 668; Burley, Idaho 83318

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 public 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)

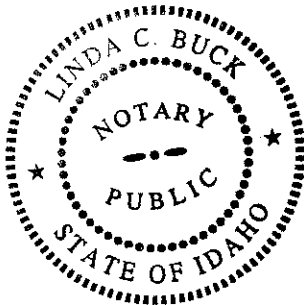
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

Larry A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

October 5, 2006
Linda C. Buck
Linda C. Buck



Notary Public for State of Idaho
Residing at: Mountain Home, ID.
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 Oct. 5, 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:

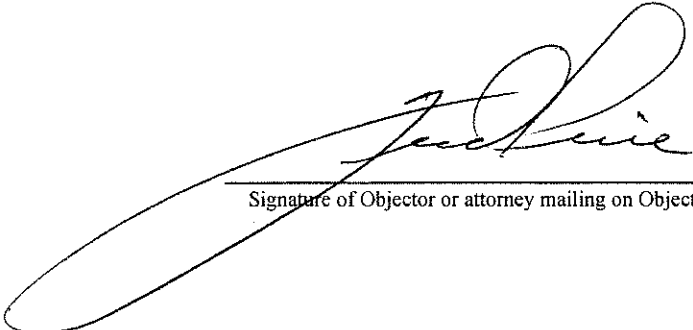
Name: Southwest Irrigation Dist.
Address: P.O. Box 668; Burley, Idaho 83318
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

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

05/11/2006

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

RIGHT NUMBER: 1-23A

POU: Digital Boundary includes BLM

NAME AND ADDRESS: SOUTHWEST IRRIGATION DIST
PO BOX 668
BURLEY ID 83318

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 77.900 CFS
6,725.00 AFY

The annual volume diverted under this right is limited to 6725 acre feet except that any water diverted during flood control operations that result in a release of water past Milner Dam shall not be charged against the seasonal volume limitation.

PRIORITY DATE: 02/06/1895

Use of this right shall be subordinate to all water rights having a priority date earlier than March 21, 1997 diverting from Snake River in the Neeley to Milner reach except to the extent that water available under this right at the Aberdeen Springfield Canal diversion is specifically identified and shown to be delivered in the Neeley-Milner reach.

POINT OF
DIVERSION:

T09S R25E S1 SWSESW Within CASSIA County
T10S R21E S29 SWNESE Lot 8 Within TWIN FALLS County
T10S R21E S29 NESESE Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	77.900 CFS 6,725.00 AFY

PLACE OF USE:

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 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.

Place of use is within the boundary of Southwest Irrigation District pursuant to Section 43-323, Idaho Code.

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

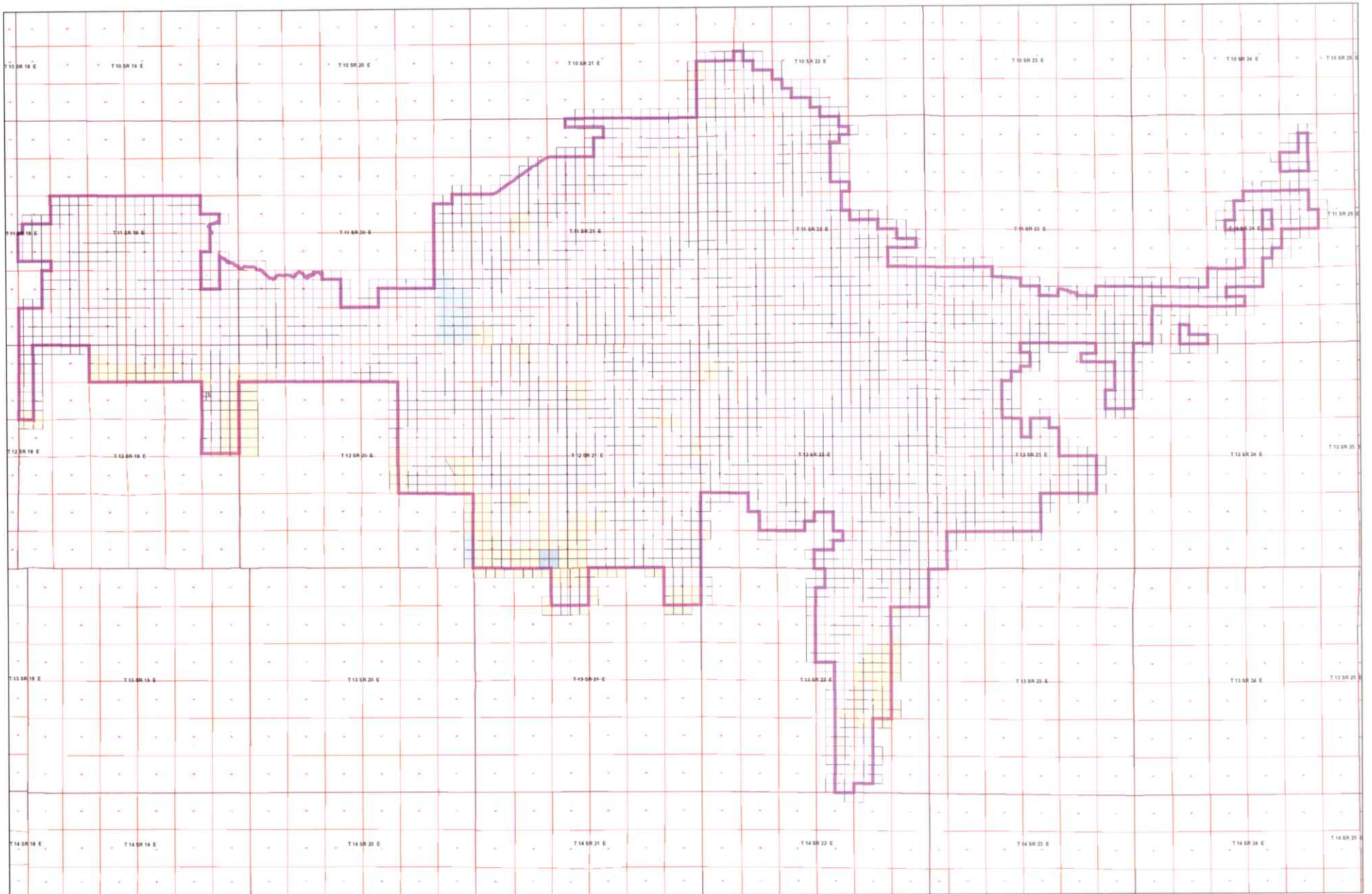
The Director of the Department of Water Resources retains jurisdiction to determine and assess a delivery loss to prevent injury to existing water rights in Water District 01.

This right does not grant any easement or right-of-way to use diversion and delivery facilities owned by persons other than the right owner.

Water is delivered through Minidoka South Side Canal, Twin Falls Canal, and Milner Irrigation Pumps.

Diversion and use of water under this right shall be regulated by the watermaster of State Water District 01 (Upper Snake River).

01-00023A

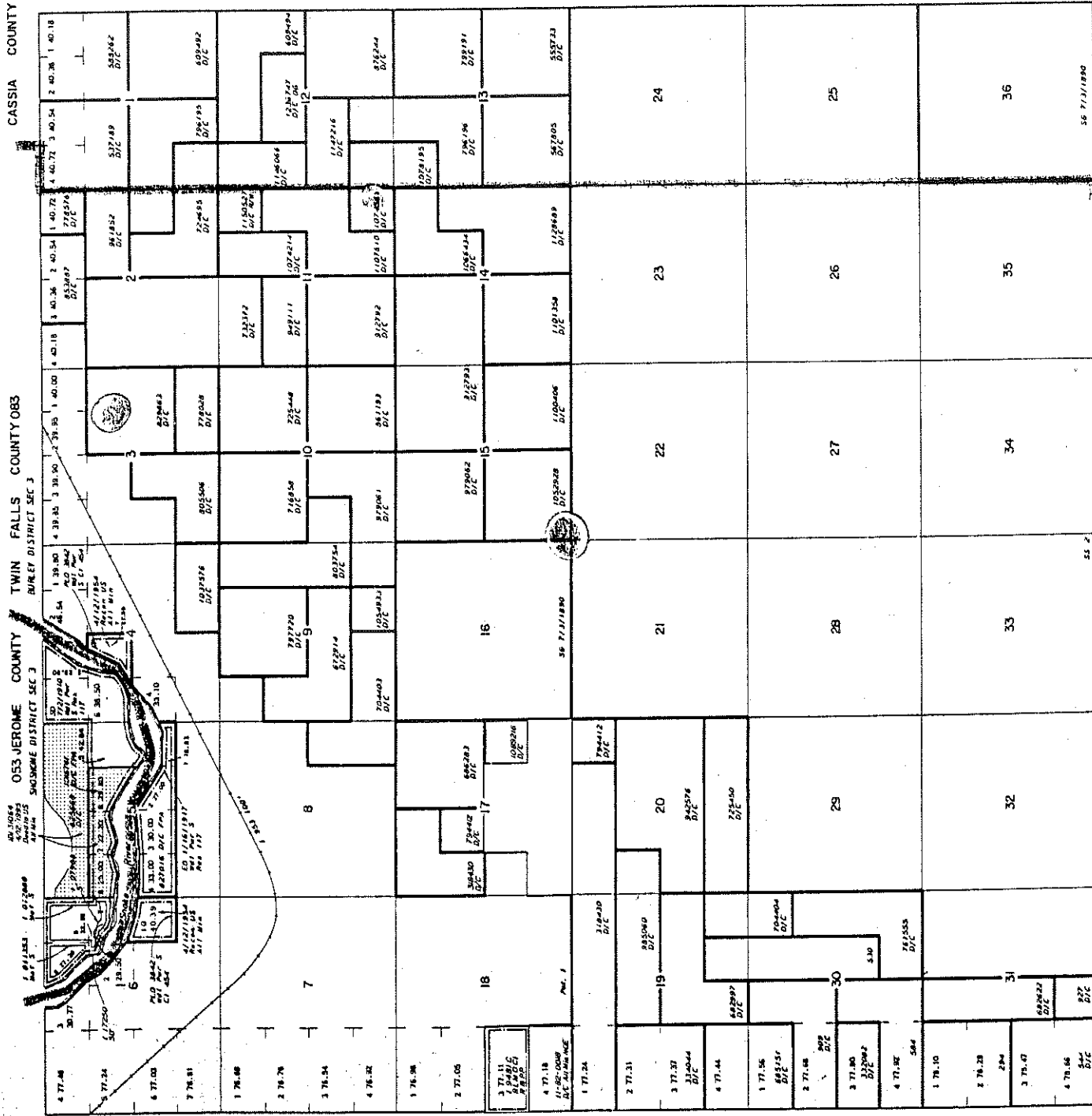


Year	Population (millions)
1950	15
1960	20
1970	25
1980	30

TOWNSHIP 11 SOUTH RANGE 20 EAST OF THE BOISE MERIDIAN, IDAHO

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
AND ACQUIRED LANDS

MT PLAT



INDEX TO SEGREGATED TRACTS			
TRACT NO.	T.	R.	SEC.
1	11	20	1
2	11	20	2
3	11	20	3
4	11	20	4
5	11	20	5
6	11	20	6
7	11	20	7
8	11	20	8
9	11	20	9
10	11	20	10
11	11	20	11
12	11	20	12
13	11	20	13
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30	11	20	30
31	11	20	31
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34	11	20	34
35	11	20	35
36	11	20	36

R. 03242 Winner Lower Lift Irrigation Dist.
Act of Cong. 8/11/1916 affects land in
Secs 2, 3, 9, 10, 11, 15, 19, 20

PLD 2097 5/24/1960 Per S Res 117 Open to Entry
Subj to Sec 24 FPA
Sec 4: Lots 5, 6, 10, 11, 15, 19, 20
Sec 5: Lot 5

1 2316 BLM O C Malt Use
Twin Falls County: Sage from appropriation under
General Mining Laws
Cauldon, Linn
Sec 4: Lot 3
D/T Town
Sec 6: Lot 1

1 3004 Intelligibility Per: All Cops of Int. Lands in
Cassia County

1 9717 & 1 9462 Recon to US B open for BPP only
Sec 19: Lots 3, 4

1 11816 Siter Act 3/11/76
Sec 4: Lot 3
Sec 6: Lot 1

1 12843 Siter Act 9/10/1978
Sec 4: NW 1/4, Lots 5, 6
Sec 6: Canyon run to river

101 29455 R/W Working Signs
Sec 5: NE (portion)
Sec 9: NE (portion)

101 29455 And R/W Working Signs
Sec 4: Lot 5 (portion)
Sec 5: Lot 5 (portion)
Sec 6: Lot 9 (portion)

FOR OWNERS EFFECTING DISPOSAL ON USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

CURRENT TO	CURRENT TO
JAN 13 1959	JAN 13 1959
USE PLATS	USE PLATS

THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST
ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE T. 11S.
THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITH-
DRAWAL ORDER. R. 20E.

SCALE IN CHAINS
0 10 20 30 40

WARNING STATEMENT
This plat is a duplicate of the original survey data. It is not a substitute for the original survey data. It is not a substitute for the original survey data.

CASSIA COUNTY 031
BURLEY DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLESMT PLAT[illegible]

By 6-5877 Burley Irrigation Dist (Act of Cong
5/11/1916) affects land in
Sec 14

[illegible]

Lat 42°25' N
Long 113°49' W

WARNING STATEMENT
This plot is a summary of the knowledge derived from the historical data. It should be used as a guide only and should not be used as a basis for decision making. The notation shown on withdrawalals represent the last action taken but may not be the effective date. See the historical index for the date of the original withdrawal.

SCALE in Chords

Year	1990	1995	2000	2005	2010	2015	2020	2025	2030	2035	2040	2045	2050
Population (millions)	5.5	6.0	6.5	7.0	7.5	8.0	8.5	9.0	9.5	10.0	10.5	11.0	11.5
GDP (trillion USD)	1.5	2.0	2.5	3.0	3.5	4.0	4.5	5.0	5.5	6.0	6.5	7.0	7.5
Life expectancy (years)	50	55	60	65	70	75	80	85	90	95	100	105	110

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

[illegible]

EA 046877 Burley Irrigation Dist (Act of Cong
 8/11/1946) affixed - land in
 Sec 5, 12, 25, 26

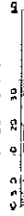
FOR OWNERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

CLARENCE TO CLARENCE TO

[illegible]

THE ACTION SHOWN ON WITHDRAWALS REPRESENT THE LAST ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITH-

SCALE in Chinese



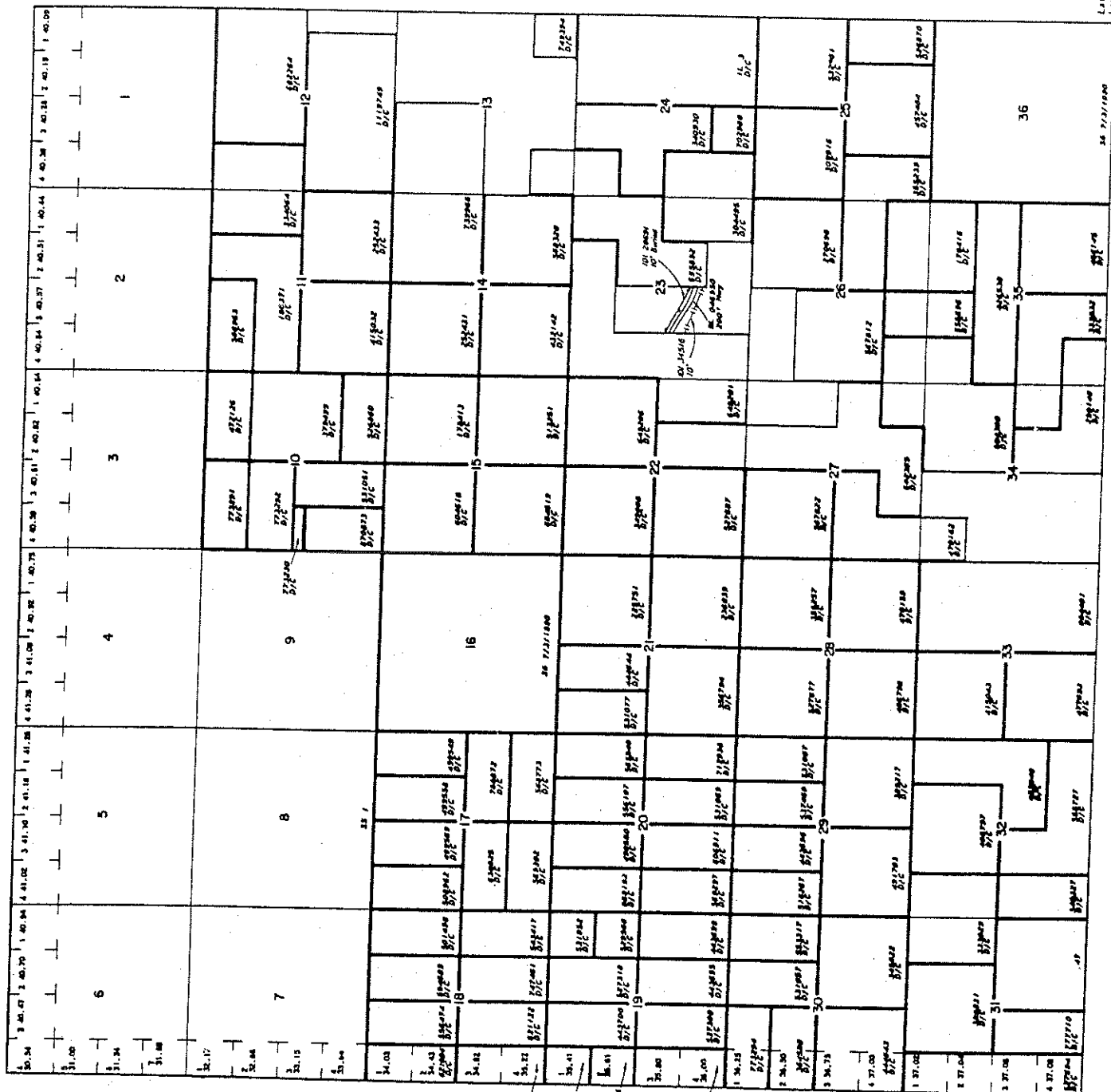
5/20/68
 Y
 R

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLESSTATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

INDEX TO SEGREGATED TRACTS

[illegible]

里 9-5877 Burley Irrigation Dist (Act of Cong
2/11/1916) affords land in Sec 18



Lat. 42° 25' N
Long. 113° 35' W

WARNING STATEMENT

SCALE in Ounces

SCALE in Ounces

THE NATIONAL BOARD OF INVESTIGATORS REPORTS THE LAST

Doing More

CASSIA COUNTY 031
TWIN FALLS DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

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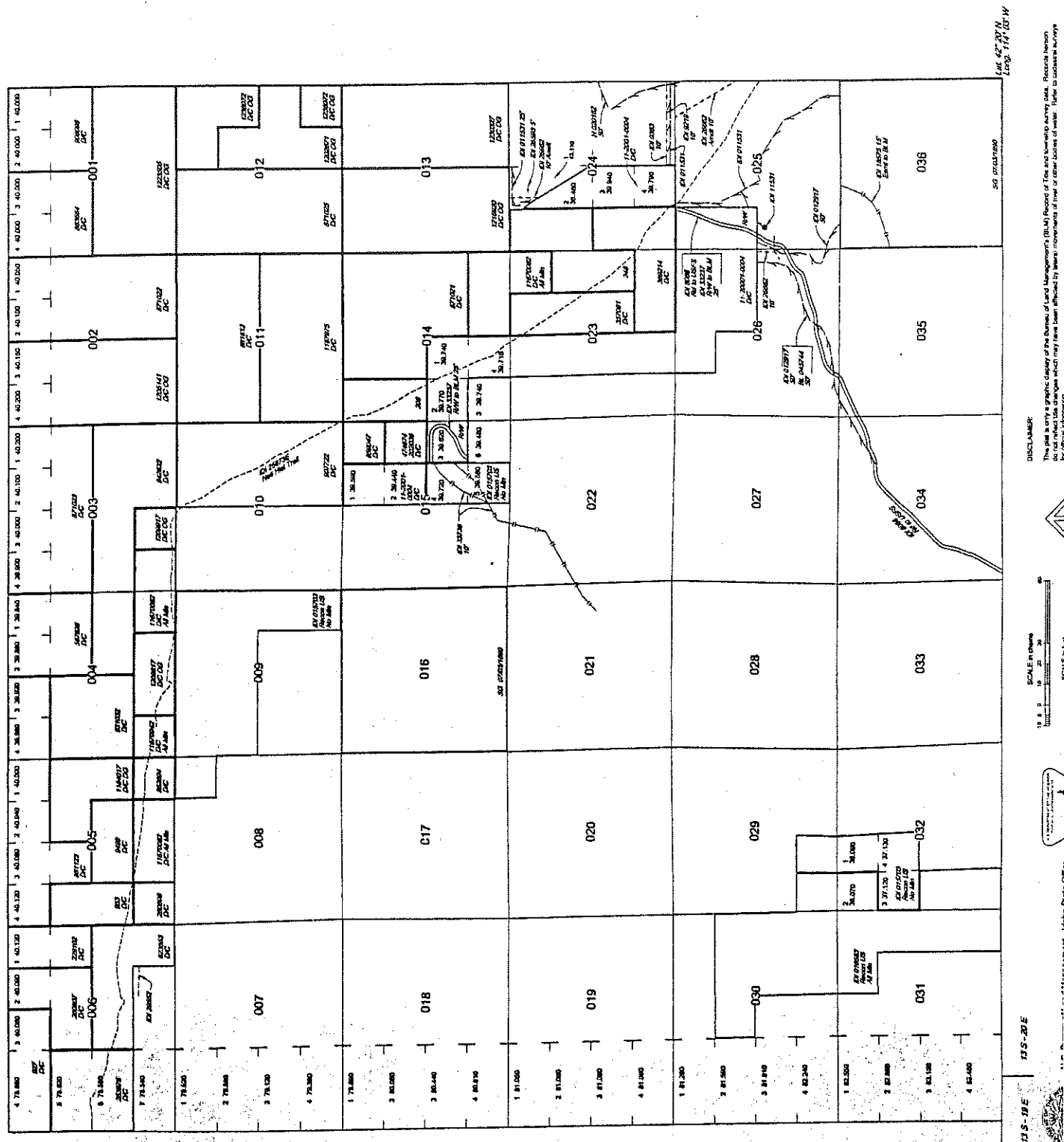
FL 0 5368 Agents received prior to 10:00 AM 08/30/1973
considered Slim Med
Sec 25 N2ME

100% 11827 Wall Carey Act Prop
Spec 24: E2, E2HW, E2SW

UIC 25873E (New) / Not Trial
 Historical information only, does not denote public access

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

FILE REF: 200011020200CAN100000-000
 CONVERTED FRF: 50/240000
 LAST UPDATED: 01/24/2008
 DATE #1: 5/2
 DATE #2: DWS
 POSTED TO PUBLIC RECORD
 BR: MAY 2 6 2008
 PUBLIC LAND SURVEY SYSTEM (PLS)
 BLM GCSN ACQUAIDCE
 OTHER: N/A
 PROJECTED COORDINATE SYSTEM: UTM ZONE 11N, UTM 1983
 NOTES:
 10/2/2008



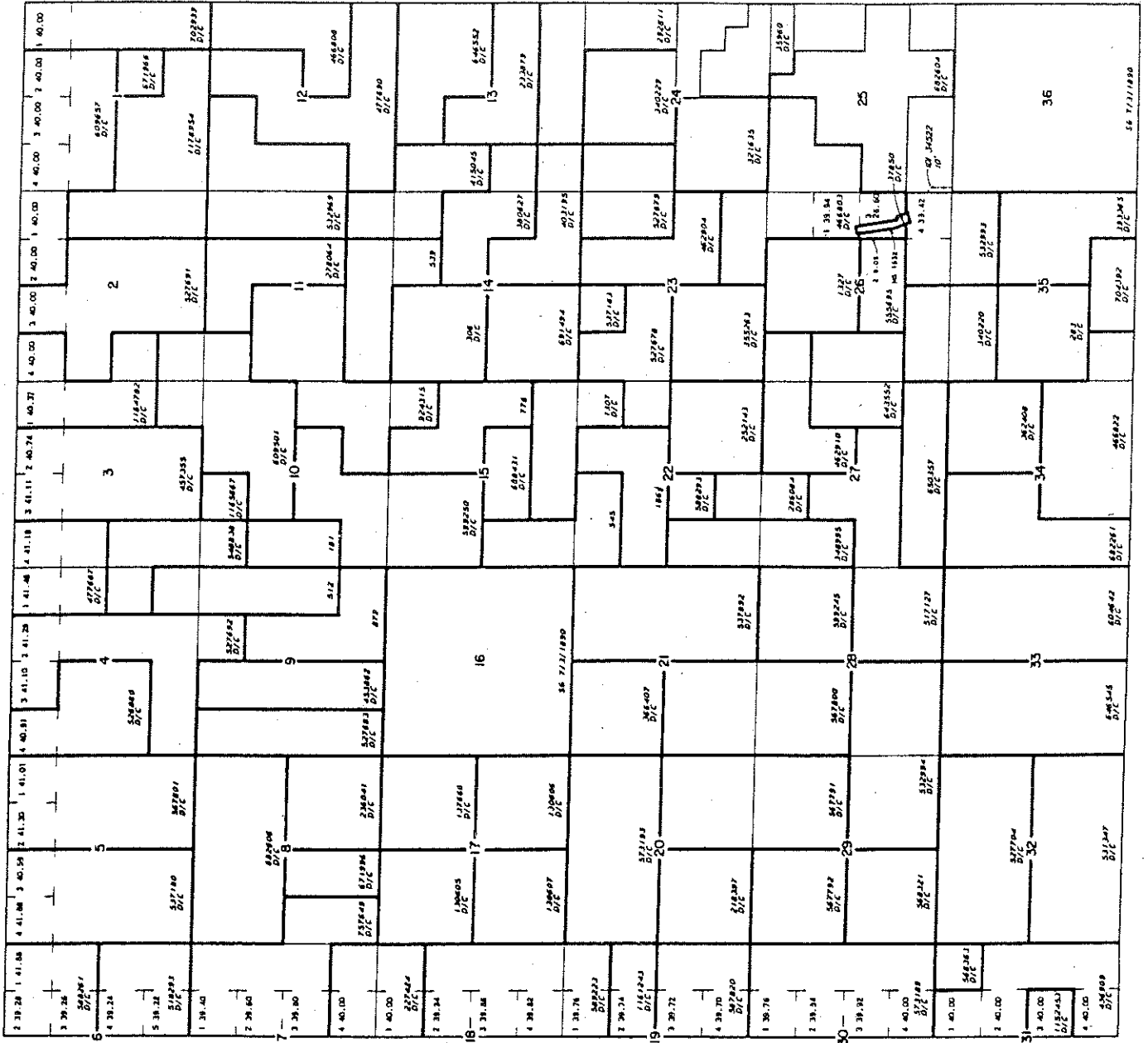
TOWNSHIP 12 SOUTH RANGE 23 EAST OF THE BOISE MERIDIAN, IDAHO

CASSIA COUNTY 031

MURLEY DISTRICT SEC. 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT



INDEX TO SEGREGATED TRACTS			
TRACT NO.	T.	R.	SEC.
1	12	23	1
2	12	23	2
3	12	23	3
4	12	23	4
5	12	23	5
6	12	23	6
7	12	23	7
8	12	23	8
9	12	23	9
10	12	23	10
11	12	23	11
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34	12	23	34
35	12	23	35
36	12	23	36

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

COMMENT TO	CURRENT TO
SEP 29 2004	
USE PLATS	

CASSIA COUNTY 031
BURLEY DISTRICT SEC 3

[illegible]

I RING SIGN AT 301/76

Sect 1N SW 1

Sect 8 NW 1/4 Sec 1

Sect 9 NW 1/4 Sec 1

Sect 10 NW 1/4 Sec 1

Sect 11 NW 1/4 Sec 1

ID# 28197 Trepspass Landfill Team 1/31/1996

Sec 27 NW SE (not here)

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

CURRENT TO FEB 23 1988	USE PLATS. (SEE INSTRUCTIONS)
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Boone Mer
T. 13S
R. 22E

THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITHDRAWAL ORDER.

WARNING STATEMENT

This plot is the Bureau's record of Title, and should be used primarily as a graphic display of the township survey data. Records between do not reflect title changes which may have been effected by lateral movements of rivers or other bodies of water. For most survey information

SCALE in Chains

0 10 20 30 40

