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Department of Water Resources
Adjudication Bureau

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 01-00353
(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: Burgess Canal & Irrigation Co.; c/o Chris Bolter, Sec
Address: P.O. Box 536; Rigby, Idaho 83442

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)

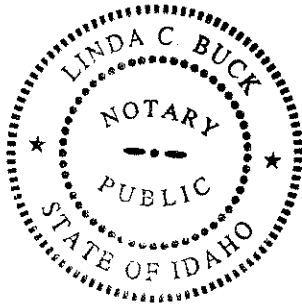
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

Larry A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

04-16-07
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 4/16, 2007, 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: Burgess Canal & Irrigation Co.; c/o Chris Bolter, Sec
Address: P.O. Box 536; Rigby, Idaho 83442

Name:
Address: ;

Name:
Address: ;

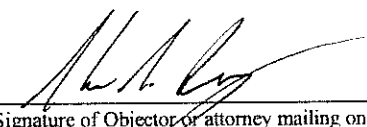
Name:
Address: ;

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

12/16/2006

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

RIGHT NUMBER: 1-353
NAME AND ADDRESS: BURGESS CANAL & IRRIGATING CO
C/O CHRIS BOLTER SEC
PO BOX 536
RIGBY ID 83442
POU:
-The Digital Boundary Place of Use describes BLM land that is not authorized for irrigation activities.

SOURCE: SNAKE RIVER
Water is delivered from the Dry Bed at the main canal heading located at T4N R40E S20 SESESW.
TRIBUTARY: COLUMBIA RIVER

QUANTITY: 100.000 CFS
PRIORITY DATE: 06/02/1919

POINT OF DIVERSION:
T03N R37E S13 NWSESW Within BONNEVILLE County
T04N R37E S23 SWSESW Lot 2 Within JEFFERSON County
T04N R37E S23 SESESW Lot 4 Within JEFFERSON County
T04N R37E S36 NWNWNW Lot 1 Within JEFFERSON County
T04N R37E S36 NBSWNW Lot 2 Within JEFFERSON County
T04N R37E S36 NWSESW Within JEFFERSON County
T04N R40E S20 SESESW Within JEFFERSON County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	100.000 CFS

PLACE OF USE:

19492 ACRES TOTAL

Place of use is within the area served by Burgess Canal & Irrigating Company.

**BLM land
inside
Digital
Boundary**

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.

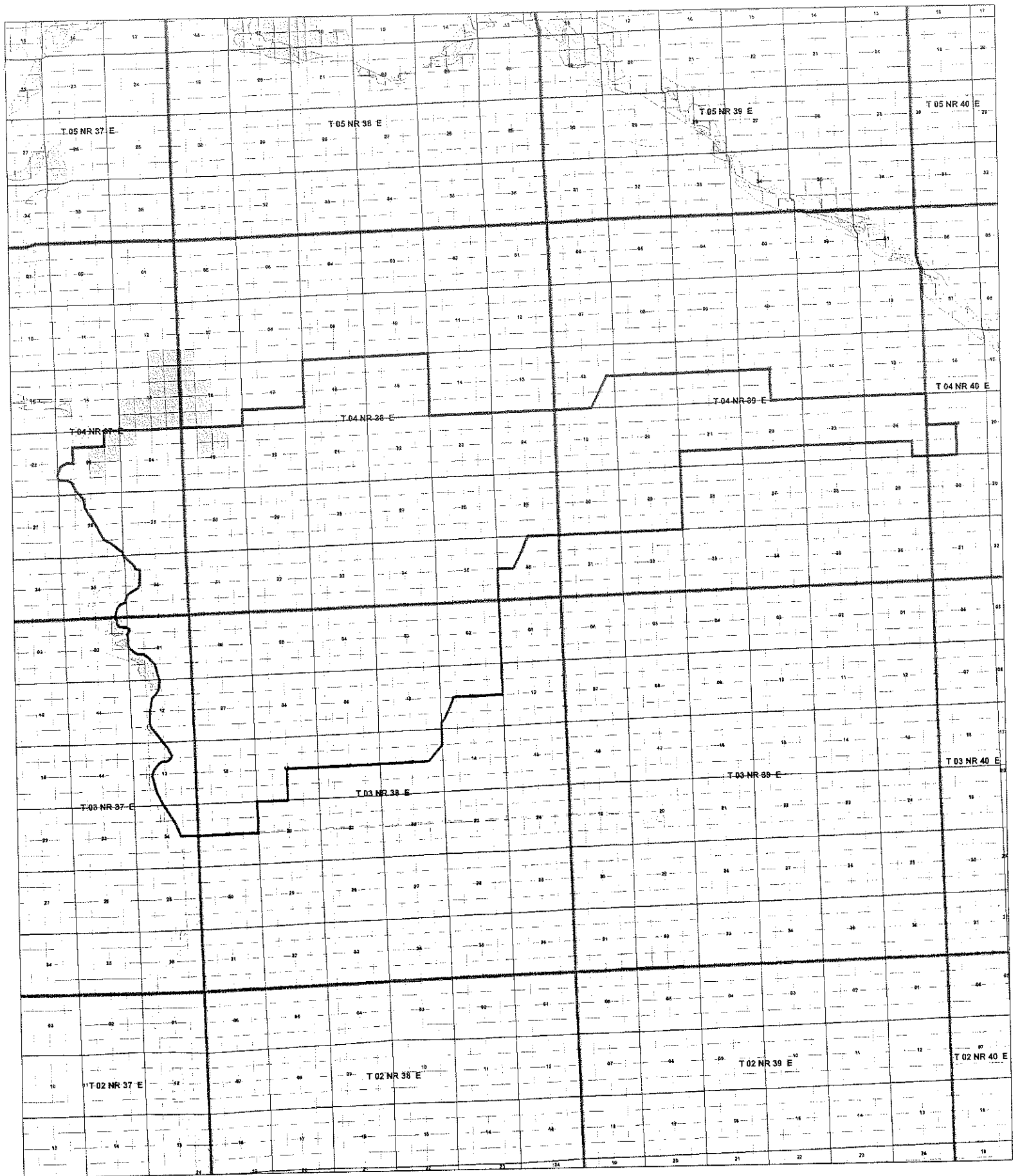
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

Water is delivered through Burgess Canal, Carlson north pump, Carlson south pump, Offutt pump, Hansen pump, Butikofer pump, and Idaho Canal. Water diverted into the Idaho Canal is reddiverted at the Cenell pump, the Yorgenson (Gray) pump, and the Mackay pump.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.



Legend

- SECTIONS_ID24_POLY
- BLM
- TOWNSHIPS_ID24_POLY
- burgess canal



0 0.5 1 2 3 4 Miles



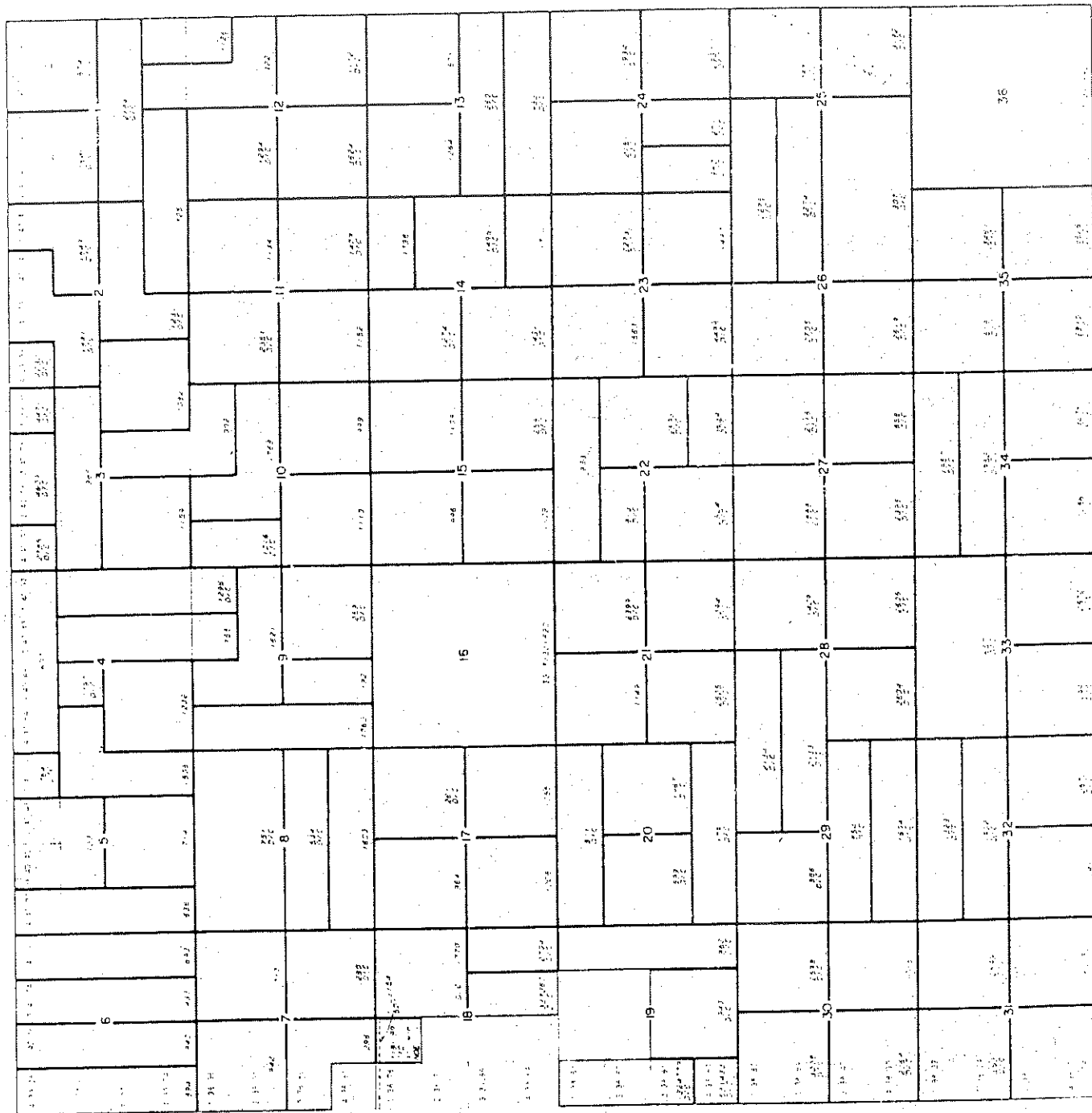
TOWNSHIP 41 NORTH RANGE 38 EAST OF THE BOISE MERIDIAN, IDAHO

JEFFERSON COUNTY 031

2ND 66' ELLS DISTRICT SEC 15

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT



INDEX TO SEGREGATED TRACTS

SOURCE: ORIGINAL SURVEY

TRACT NO. 1 1/2 SEC. 15

TRACT NO. 2 1/2 SEC. 15

TRACT NO. 3 1/2 SEC. 15

TRACT NO. 4 1/2 SEC. 15

TRACT NO. 5 1/2 SEC. 15

TRACT NO. 6 1/2 SEC. 15

TRACT NO. 7 1/2 SEC. 15

TRACT NO. 8 1/2 SEC. 15

TRACT NO. 9 1/2 SEC. 15

TRACT NO. 10 1/2 SEC. 15

TRACT NO. 11 1/2 SEC. 15

TRACT NO. 12 1/2 SEC. 15

TRACT NO. 13 1/2 SEC. 15

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TRACT NO. 32 1/2 SEC. 15

TRACT NO. 33 1/2 SEC. 15

TRACT NO. 34 1/2 SEC. 15

TRACT NO. 35 1/2 SEC. 15

TRACT NO. 36 1/2 SEC. 15

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

CURRENT TO
JUL 9 1971

USE PLATS

THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST
ACCT TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE

WARNING STATEMENT
FOR THE 1/2 SEC. 15 DISTRICT SEC. 15

SCALE IN CHAINS