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APR 18 2007
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 01-10115
(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: Horace E. Hill
Address: 4263 W. 6800 S.; Rexburg, Idaho 83440
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 legal description for element nine (POU) above may include Federal land. The description should be made to 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.

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 04-16-07

Linda C. Buck

LINDA C. BUCK NOTARY PUBLIC STATE OF IDAHO

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: Horace E. Hill
Address: 4263 W. 6800 S.; Rexburg, Idaho 83440
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

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

Mixed POUs:
-Places of Use identified below contain both public and private land.
-Please clarify such that only private land is intended by describing either Lots or clarifying the nominal aliquot by including Tract numbers.

RIGHT NUMBER: 1-10115

NAME AND ADDRESS: HORACE E HILL
4263 W 6800 S
REXBURG ID 83440

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.240 CFS

PRIORITY DATE: 06/01/1888

POINT OF DIVERSION: T05N R39E S35 SESENW Within MADISON County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	0.240 CFS

PLACE OF USE: IRRIGATION in MADISON County

T05N R39E S27	SWSW	28.00		T05N R39E S27	SESW	16.00	
T05N R39E S28	SESW	1.60	Mixed	T05N R39E S34	SWNE	1.40	Mixed
T05N R39E S34 Lot 7	NENW	15.00		T05N R39E S34	NWNW	1.00	
T05N R39E S34 Lot 8	NWNW	7.10		T05N R39E S34 Lot 6	SENW	1.20	

71.3 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 71.3 acres in a single irrigation season. Combined Right Nos.: 1-34B, 1-10110, 1-10111, 1-10115, 1-10116, and 1-10113.

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

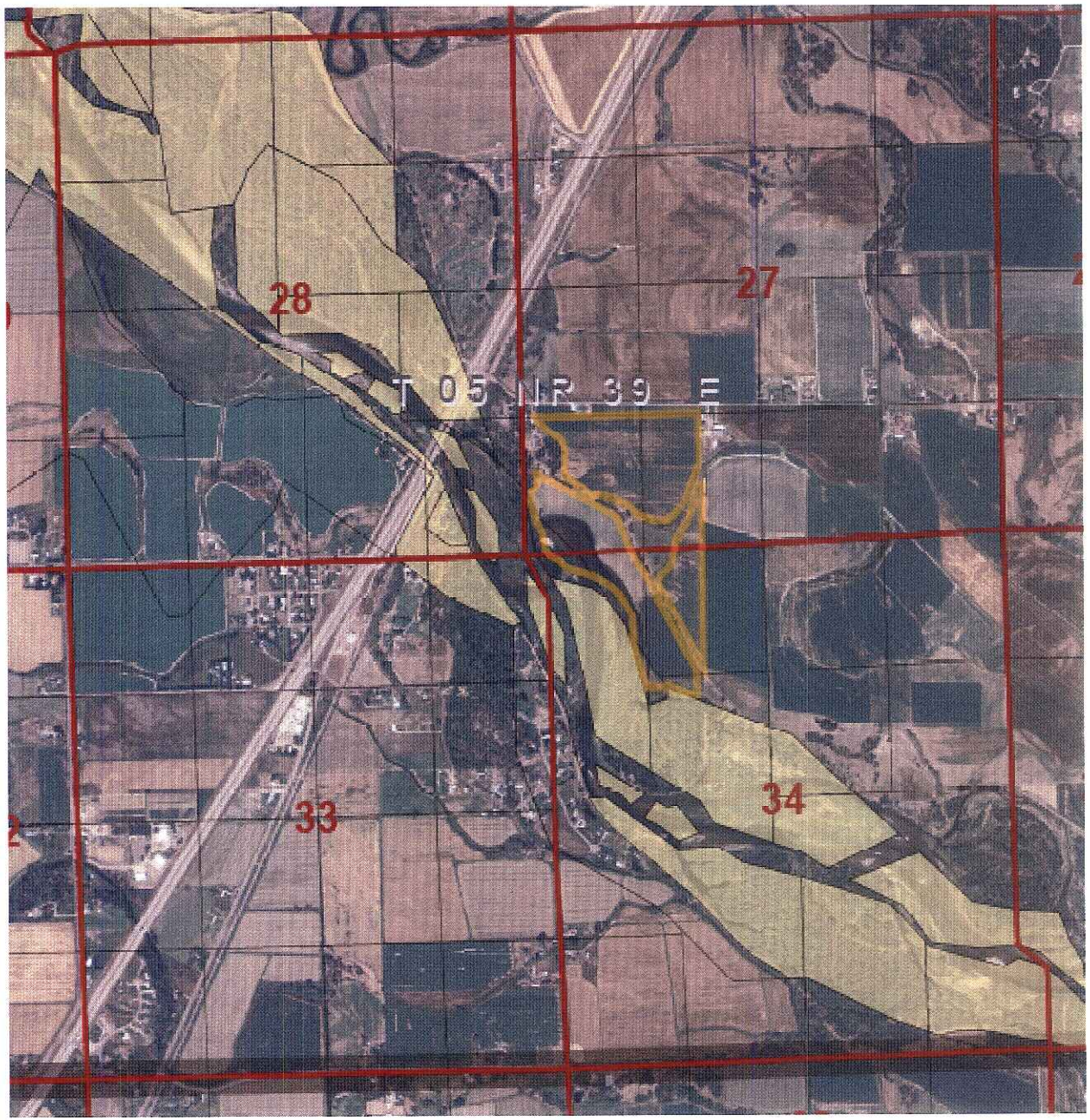
This right is a split from former right 1-117AB.

Water is delivered through Bannock Jim Canal to Hill Petinger Ditch.

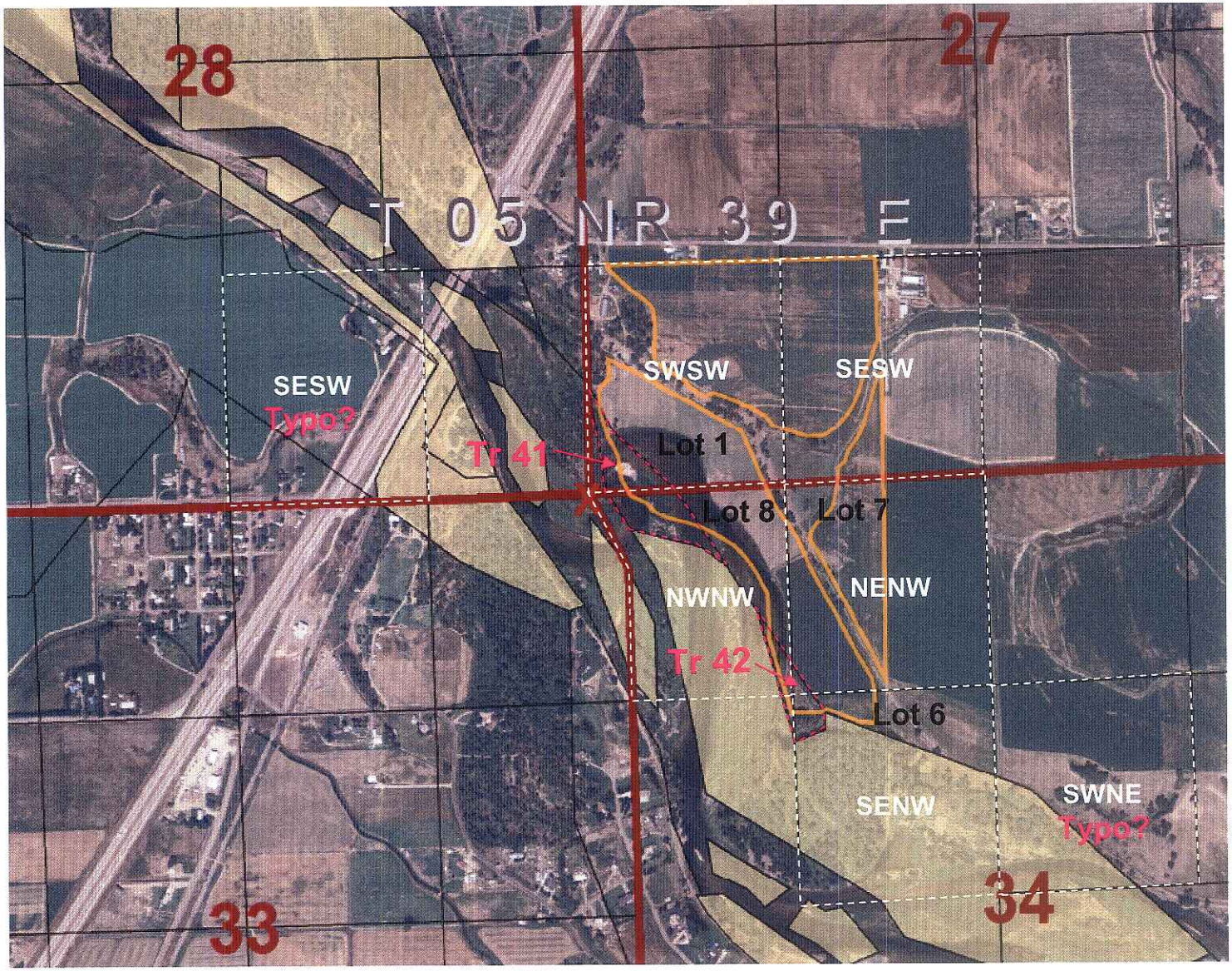
Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

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

01-00034B, 01-10110, 01-10111, 01-10113, 01-10115, 01-10116
Horace E. Hill



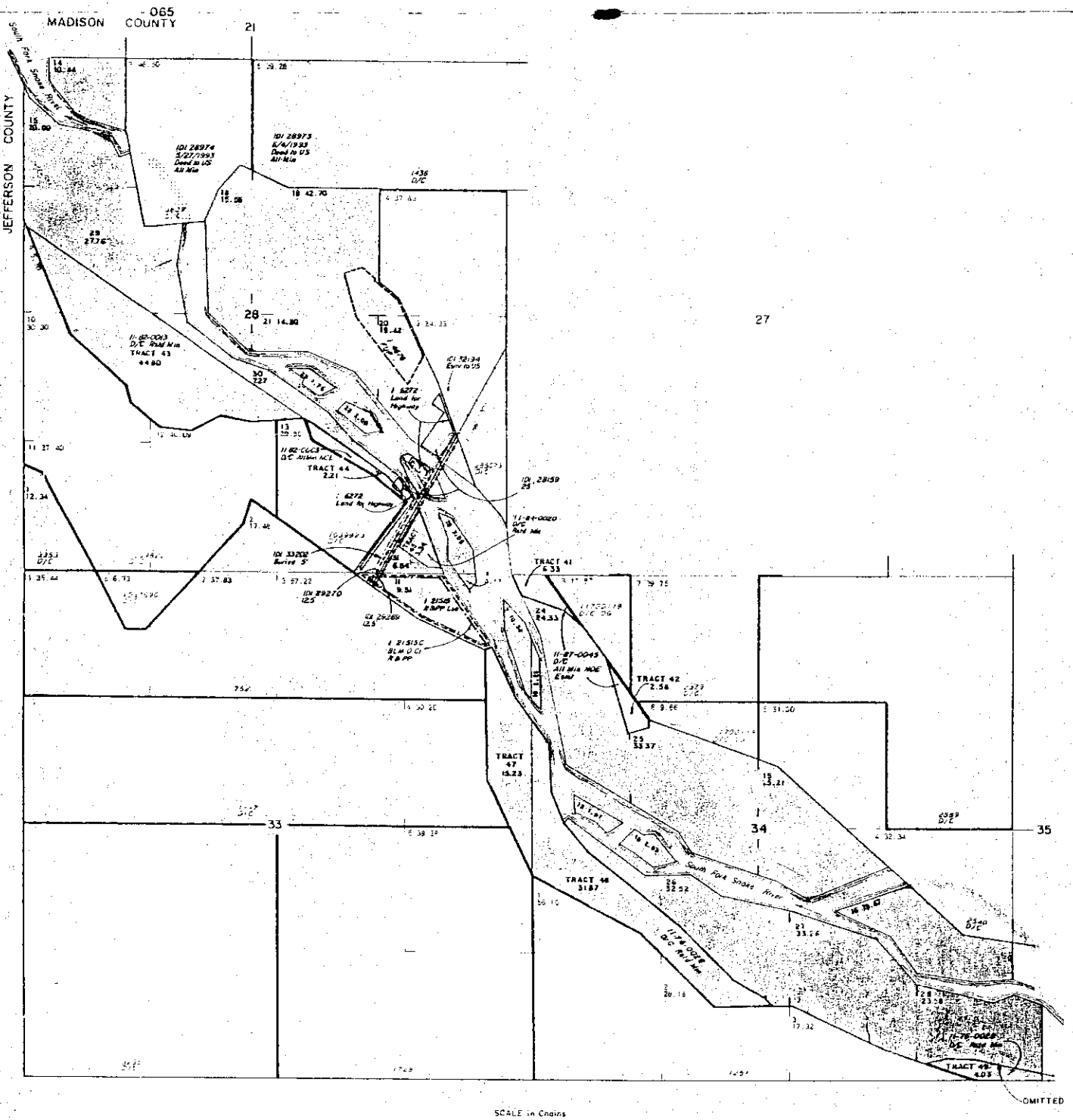
01-00034B, 01-10110, 01-10111, 01-10113, 01-10115, 01-10116
Horace E. Hill



Mixed POUs:

-This recommendation describes both private and public lands. The unlotted portions of Place of Use descriptions T05N R39E S27 SWSW and T05N R39E S34 NWNW, SWNW, and SENW could be described further under Place of Use as Tracts 41 and 42, which would satisfy BLM's objection. The POUs described as SESW, S28 and SWNE, S34 appear to be typographical erros.

TOWNSHIP 5 NORTH RANGE 39 EAST OF THE BOISE MERIDIAN, IDAHO



SCALE in Chains

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
AND ACQUIRED LANDS

MTP
SUPPL Sec 28, 33, 34

INDEX TO SEGREGATED TRACTS

RESURVEY			ORIGINAL SURVEY	
TRACT NO.	T.	R.	SEC.	SUBDIVISION

I 3868 Offer of omitted lands to Preference Rights Claimants pursuant to Act of Cong 5/31/1962
Sec 28: Part Lots 16, 17, 24, 25, 26
Sec 33: Part Lots 9, 10
Sec 34: Part Lots 9, 11, 13, 14, 17, 19, 21

ID 32192 R/W Flood Control Levees
Sec 28: Lots 29, 30

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

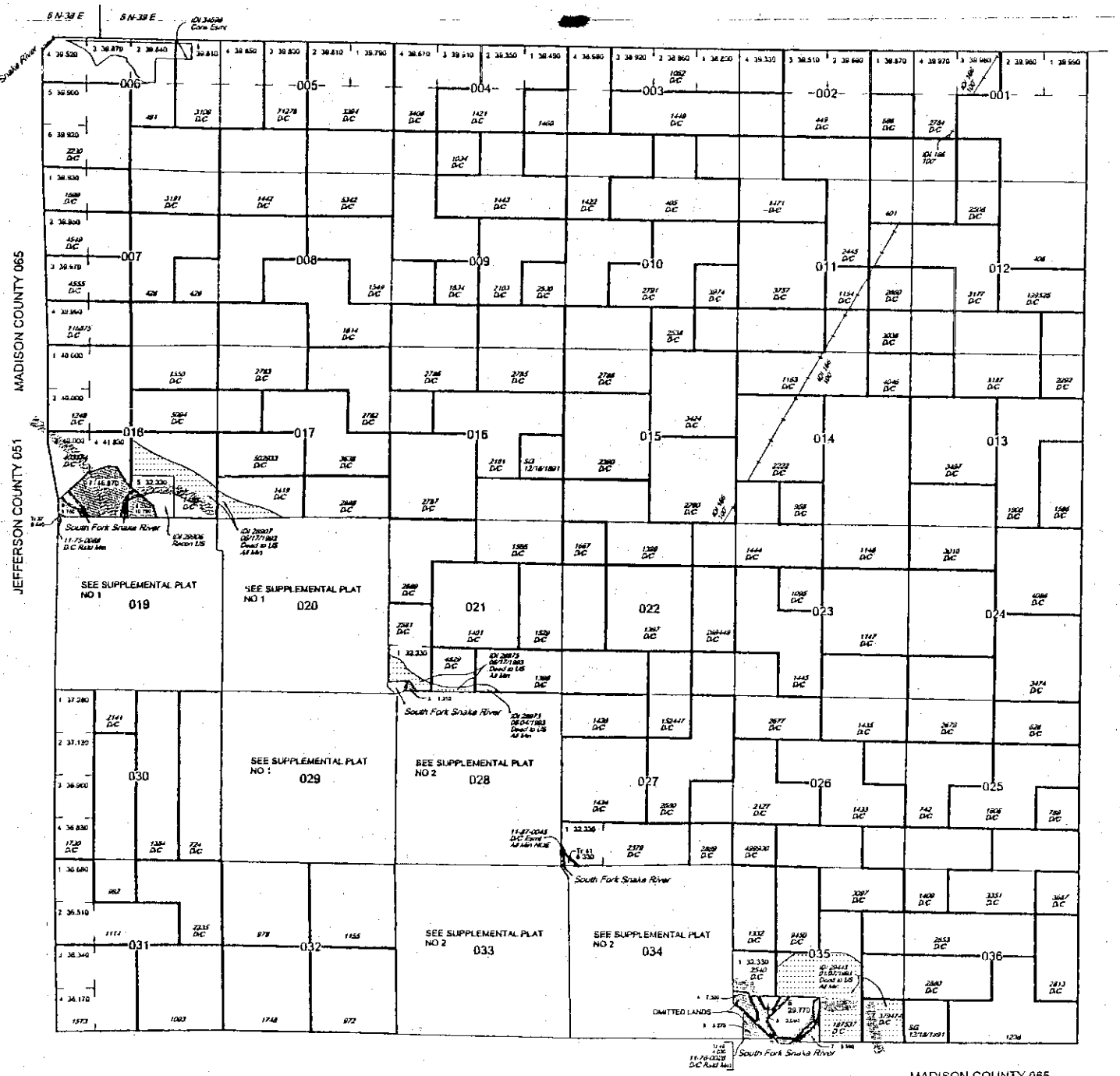
CURRENT TO	CURRENT TO
MAY 9, 2001	

USE PLATS:

Boise Mer

TOWNSHIP 5 NORTH RANGE 39 EAST OF THE BOISE MERIDIAN, IDAHO

IDAHO FALLS DISTRICT SEC 15



STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES AND ACQUIRED LANDS

MT PLAT

INDEX TO SEGREGATED TRACTS				
RESURVEY				ORIGINAL SURVEY
TRACT NO	T.	R.	SEC.	SUBDIVISION

IDI 3868 Offer of omitted lands to Preference Rights Claimants pursuant to Act of Cong 05/31/1962
- Sec 18: Part Lot 8
- Sec 19: Part Lots 19, 20, 21, 22
- Sec 20: Part Lot 14
- Sec 27: Lot 2
- Sec 28:Part Lots 16, 17, 24, 25, 26
- Sec 29: Part Lots 17, 18, Lots 19, 20, Part Lot 21
- Sec 33: Part Lots 9, 10
- Sec 34: Part Lots 9, 11, 13, 14, 17, 19, 21
- Sec 35: Part Lot 8

IDI 29908 FX WD to BLM OE on 12/30/1994
- Sec 18: Lot 5

IDI 32192 R/W Flood Control Levees
- Sec 17: S2SW
- Sec 18: Lot 9 E2SE, NWSE
- Sec 19: Lots 15,16,17,25,26,28
- Sec 20: Lot 18
- Sec 28: Lots 29,30
- Sec 29: Lot 22

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

FILE REF:	IDI80S39E05AMT0000a.dwg
CONVERTED TIFF:	05/10/2005 BY: LFM
LAST UPDATED:	05/10/2005 BY: LFM
LAST VERIFIED:	BY:
POSTED TO PUBLIC RECORDS:	
PUBLIC LAND SURVEY SYSTEM (PLSS):	OCT 0 6 2006
BLM GCDB ACQUIRED:	03/10/2005
USFS CFF ACQUIRED:	N/A
PROJECTED COORDINATE SYSTEM:	UTM ZONE 12N, NAD 1983
NOTES:	

USE FLATS:

U.S. Bureau of Land Management - Idaho State Office
1387 S. Vinnell Way Boise, Idaho 83709
(208) 373-4000

SCALE in chains

SCALE in feet

DISCLAIMER:

This plat is only a graphic display of the Bureau of Land Management's (BLM) Record of Title and township survey data. Records herein do not reflect title changes which may have been affected by natural movements of river or other bodies of water. Refer to cadastral surveys for official information.

The notations shown on well drawals represent the last action taken, but may not be the effective date. See the Historical Index for the date.