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JUN 14 2007

DEPARTMENT OF  
WATER RESOURCES

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 No. 63-251; 63-301; 63-302; 63-373;  
 ) 63-2106; 63-2109; 63-2388  
Case No. 39576 ) STANDARD FORM 1  
 ) OBJECTION  
 )

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING:

Name: BOISE PROJECT BOARD OF CONTROL  
Address: P.O. Box 2139  
Boise, Idaho 83701

Name and Address of Attorney, if any:

Albert P. Barker  
Barker, Rosholt & Simpson, LLP  
P.O. Box 2139  
Boise, ID 83701  
Telephone: (208) 336-0700

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT:

Name: United States of America Acting Through  
Regional Director PN Region  
Bureau of Reclamation PN-3100  
Address: 1150 N. Curtis Rd., Ste. 100  
Boise, ID 83706-1234

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate boxes):

1. ☒ Name and Address

Should include remark as referenced in #10 below.

2. ☐ **Source**  
Should be:
3. ☐ **Quantity**  
Should be:
4. ☐ **Priority Date**  
Should be:
5. ☐ **Point(s) of Diversion**  
Should be:
6. ☐ **Instream Flow Beginning and Ending Point**  
Should be:
7. ☐ **Purpose(s) of Use**  
Should be:
8. ☒ **Period of Year**  
Should be: Modified to reflect that Lake Lowell storage under these rights is not subordinated to later storage rights.
9. ☐ **Place of Use**  
Should be:
10. ☒ **Other**  
Pursuant to United States of America v. Pioneer Irrigation Dist., et al, In Re SRBA Case No. 39576 (Subcase 91-63), Idaho Supreme Court Opinion No. 31790 (March 2007), the following remark should be included on the decree:

*The name of the United States of America acting through the Bureau of Reclamation appears in the Name and Address sections of this partial decree. However, as a matter of Idaho constitutional and statutory law title to the use of the water is held by the consumers or users of the water. The irrigation organizations act on behalf of the consumers or users to administer the use of the water for the landowners in the boundaries of the districts listed in the place of use remark for the benefit of the landowners entitled to receive distribution of this water from the respective irrigation organizations. The interest of the consumers or users of the water is appurtenant to the lands within the boundaries of or served by such irrigation organizations, and that interest is derived from law and is not based exclusively on the contracts between the Bureau of Reclamation and the irrigation organizations.*

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):

Period of year could be construed to provide that these storage rights are subordinated to storage in upstream reservoirs and Lake Lowell, when this right is prior to upstream storage rights and is used for storage in Lake Lowell.

Upon appeal, United States of America v. Pioneer Irrigation Dist., et al., was remanded to the SRBA District Court to substitute the remark set forth in #10 above, for that adopted by the SRBA Court. (This remark is slightly modified from the remark used for the storage rights in the Idaho Supreme Court decision.)

F.

VERIFICATION

State of IDAHO       )  
                                  ) ss.  
County of Ada        )

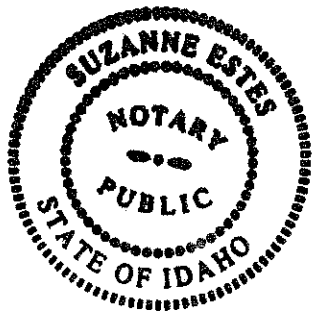
Albert P. Barker, duly sworn, upon oath, deposes and says:

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.

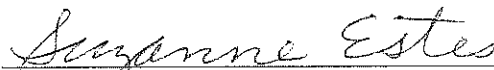


Albert P. Barker  
BARKER ROSHOLT & SIMPSON, LLP  
Attorney for Objector  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: June 13, 2007



(seal)



Notary Public for: Idaho  
Residing at: Boise  
My Commission Expires: June 1, 2012

## 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.

## CERTIFICATE OF MAILING

I certify that on June 13, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original mailed to:

Clerk of the District Court  
Snake River Basin Adjudication  
P.O. Box 2707  
Twin Falls, ID 83303-2707

2. One copy mailed to the claimant of the water right at the following address:

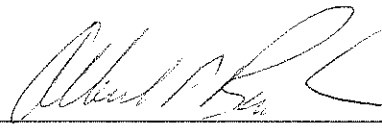
Name: United States of America Acting Through  
Regional Director PN Region  
Bureau of Reclamation PN-3100  
Address: 1150 N. Curtis Rd., Ste. 100  
Boise, ID 83706-1234

3. Copies mailed to:

IDWR Document Depository  
P.O. Box 83720  
Boise, ID 83720-0098

United States Department of Justice  
Environment & Natural Resources Division  
550 West Fort Street, MSC 033  
Boise, ID 83724

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P.O. Box 44449  
Boise, ID 83711-4449

  
\_\_\_\_\_  
Albert P. Barker