

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 63-04603
(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: W.G. & Teresa J. Burkhart

Address: 10925 Netherland St.; Boise, Idaho 83709

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 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)

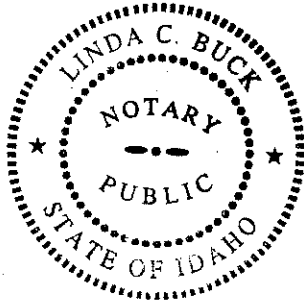
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

Lang A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

June 13, 2007
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 June 13th, 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: W.G. & Teresa J. Burkhardt
Address: 10925 Netherland St.; Boise, Idaho 83709

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

12/14/2006

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

RIGHT NUMBER: 63-4603
NAME AND ADDRESS: TERESA J BURKHART
10925 NETHERLAND ST
BOISE ID 83709
W G BURKHART
10925 NETHERLAND ST
BOISE ID 83709

Mixed POU:
-The place of use identified below contains both private and public lands.
-Please clarify such that only private land is intended.

SOURCE: SPRING
SPRING
TRIBUTARY: WILLOW CREEK
TRIBUTARY: NORTH FORK WILLOW CREEK

QUANTITY: 0.090 CFS
4.00 AFY

The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/01/1945

POINT OF DIVERSION:

T06N R01E S14 NWSWNE Within GEM County
T06N R01E S14 NENWNW Within GEM County
T06N R01E S14 SESWNW Within GEM County
T06N R01E S14 SESWNW Within GEM County
T06N R01E S14 NENNSW Within GEM County
T06N R01E S14 SWNWSE Within GEM County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.040 CFS
DOMESTIC	01/01 12/31	0.020 CFS
IRRIGATION	03/15 11/15	0.030 CFS 4.00 AFY

Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.

PLACE OF USE: IRRIGATION in GEM County

Mixed	T06N R01E S14	NWSW	0.50	T06N R01E S14	SWSW	0.50	Mixed
	STOCKWATER in GEM County						
Mixed	T06N R01E S14	SWNW					
	DOMESTIC in GEM County						
Mixed	T06N R01E S14	SWNW					

1 ACRES TOTAL

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

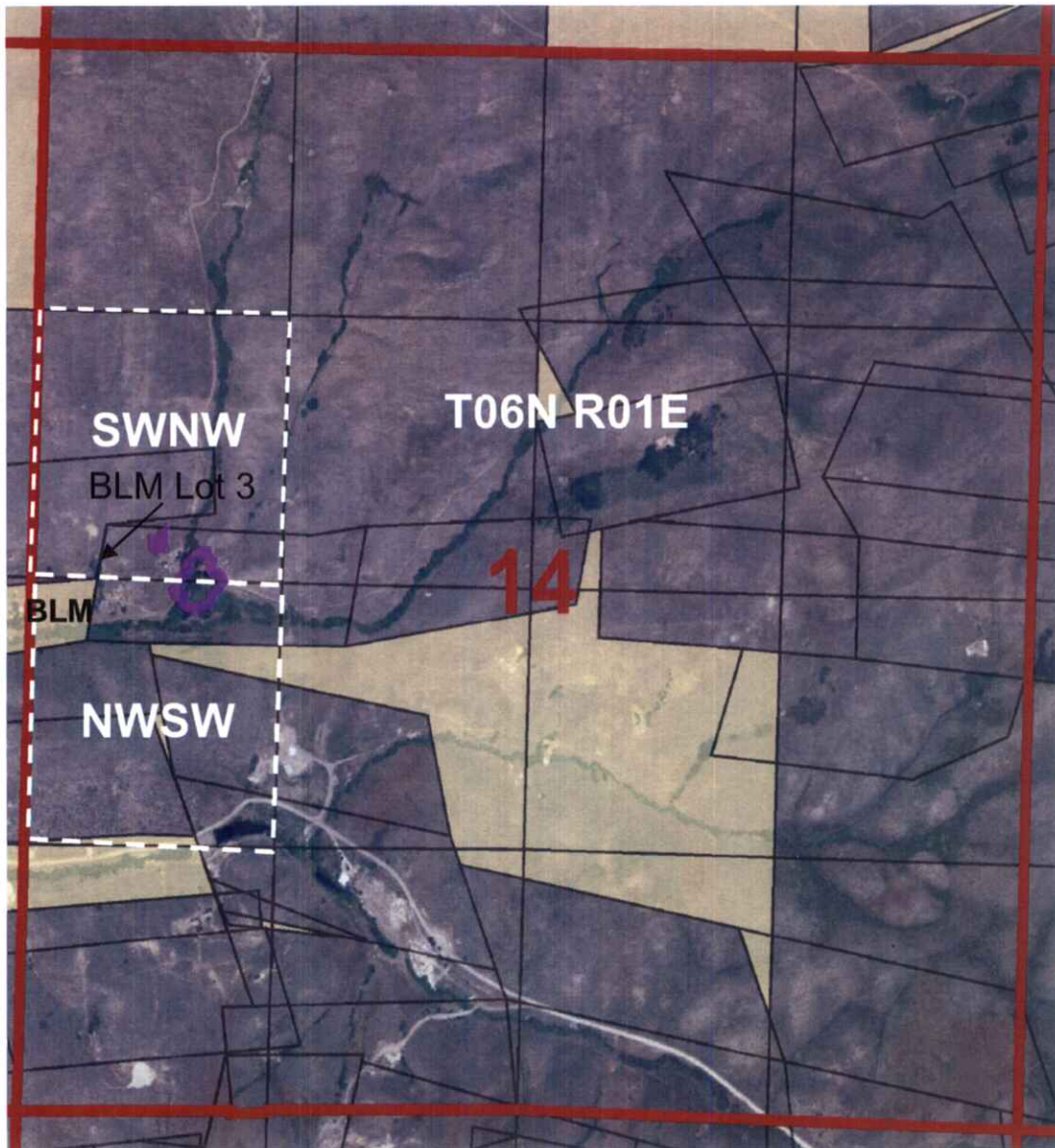
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The quantity of water decreed for this water right for domestic use and stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 50 range cattle and 30 sheep.

63-04603
Burkhart



Mixed POU:

- The places of use T06N R01E S14 SWNW & NWSW contains both private and public lands.
- Please clarify such that only private land is intended by inserting the following remark under place of use:

"The place of use does not include federal public land."

GEM COUNTY 045
BOISE DISTRICT SEC 1

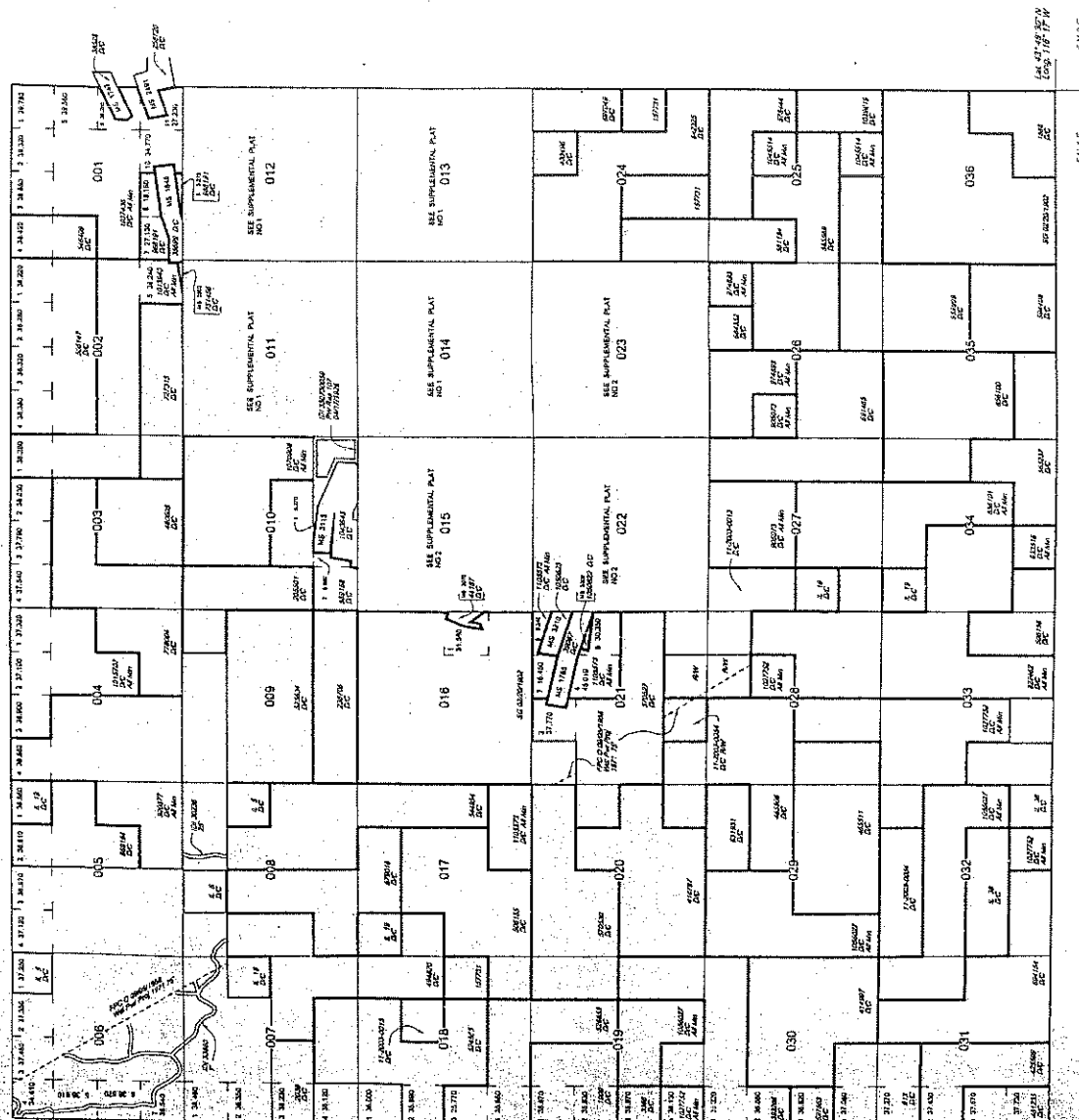
STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

[illegible]

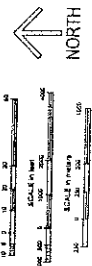
ID# 35073, PW Res 107, EO 04/17/1926, Withdraws Public Land
 containing a spring or waterhole from settlement
 location, size or entry. US vs. Idaho, 137 Idaho 458, 959
 P. 26 449 (1998)

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

[illegible]T. 6H
R. 1E

USGLAWER

The study was a purposive cluster of two clusters of Land Management's (LBM) Boards of Directors (BoD). Researcher noted that the BoD members of the two clusters had been identified by subject matter experts (SME) to be individuals with a wide range of experience and knowledge of the LBM. The SMEs were not administrative managers, but they had been the subject of a detailed study of the LBM by a research team. The SMEs were not administrative managers, but they had been the subject of a detailed study of the LBM by a research team. The SMEs were not administrative managers, but they had been the subject of a detailed study of the LBM by a research team.



U.S. Bureau of Land Management - Idaho State Office
1307 S. Verdes Way, Boise, Idaho 83709
(208) 373-4000

**GEM COUNTY 045
BOISE DISTRICT SEC 3**

Fig. 1
STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
MT PLAT
SUPPL Sec 11,12,13,14

[illegible]

DI 15072, PW Res 107, EO 04/17/1928; Widdians Public
and containing a spring or waterhole from settlement, location,
state or city, U.S. vs. Idaho, 131 Idaho 468, 939 P. 2d 449 (1998);

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

[illegible]

1010 Ma.
T. 6 N
R. 1 E



DISCLAIMER: **024** This study is a graphic survey of the Bureau of Land Management's (BLM) Bureau of the West and boundary survey data. Because persons are not asked to identify the changes which may have been affected by their responses, the results may not reflect the actual survey results.

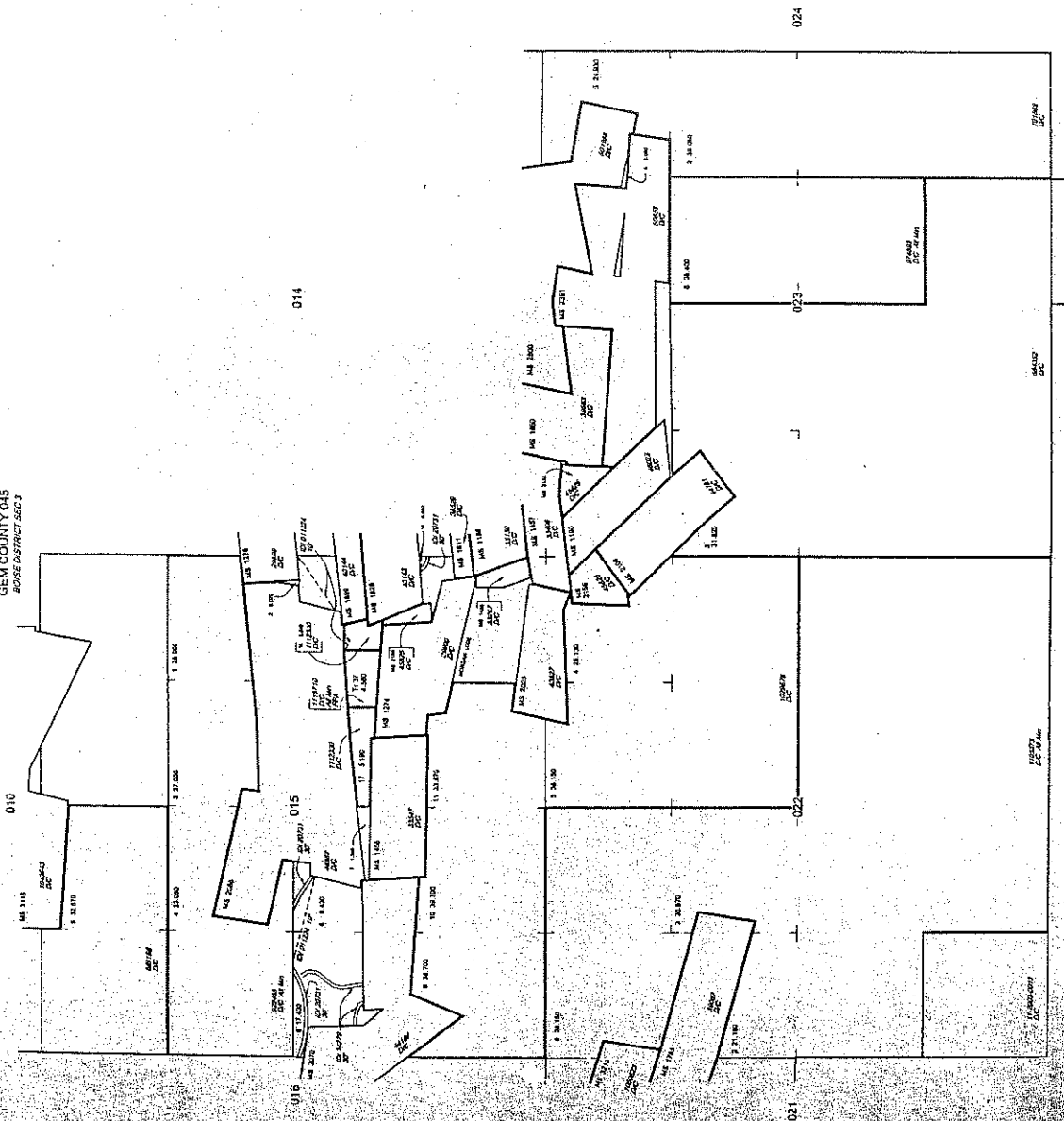
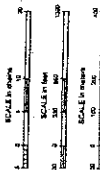
The relations between respondents' responses and the data shown herein, but may not be the effective data. See the national map for the data.

The survey is a study by the Bureau of Land Management. The accuracy, reliability, or completeness of these data is not guaranteed by the BLM.

Management - Idaho State Office
Way : Boise, Idaho 83709
(8) 373-4000

GEM COUNTY 045
BOISE DISTRICT SEC 3

No. 2
STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
MT PLAT
SUPPL Sec 15,22,23

[illegible][illegible]

U.S. Bureau of Land Management - Idaho State Office
1387 S. Vernal Way Boise, Idaho 83709
(208) 373-4009

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

[illegible]

T. 6 N
 R. 1 E
 No. 2