

**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 63-04266
(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)

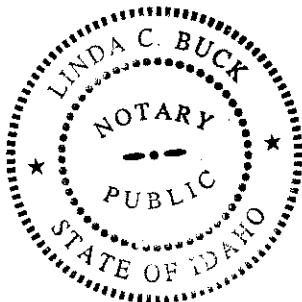
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

Larry A. Buck
(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 6-13-2007, 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. Burkhart
Address: 10925 Netherland St.; Boise, Idaho 83709

Name:
Address: ;

Name:
Address: ;

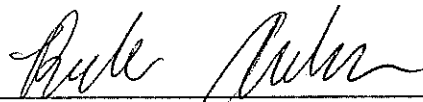
Name:
Address: ;

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: 63-4266
NAME AND ADDRESS: W G BURKHART
10925 NETHERLAND ST
BOISE ID 83709
TERESA J 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: POND
SPRING

TRIBUTARY: NORTH FORK 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 SWSNW Within GEM County
T06N R01E S14 SESWNW Within GEM County
T06N R01E S14 NENWSW Within GEM County
T06N R01E S15 NENESE Within GEM County
T06N R01E S15 SENESE Within GEM County

PURPOSE AND PERIOD OF USE:

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

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 S15 NESE 1.00

STOCKWATER in GEM County

Mixed T06N R01E S15 NESE

DOMESTIC in GEM County

Mixed T06N R01E S15 NESE

1 ACRES TOTAL

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

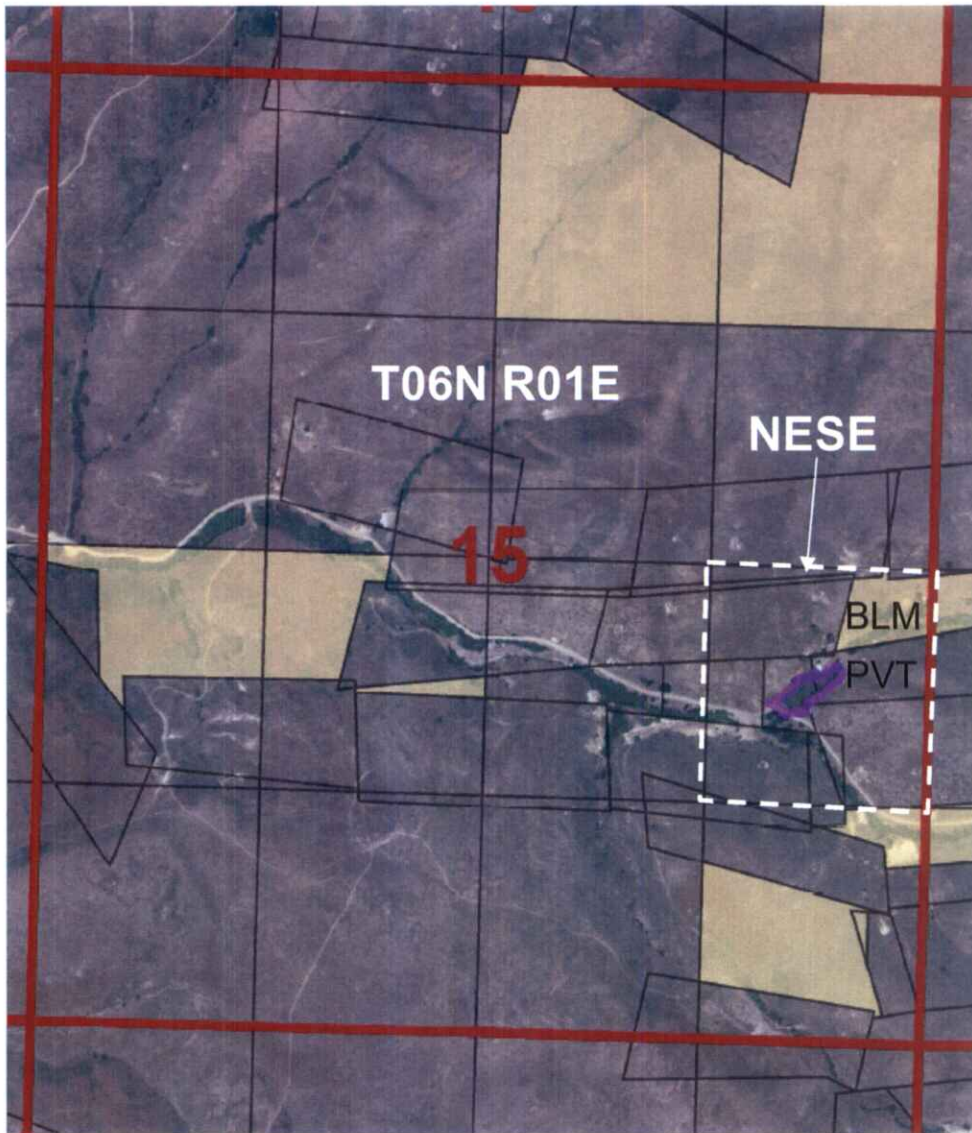
The quantity of water decreed for this water right for domestic use and stockwater use is not a determination of historical beneficial use.

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 - Beneficial Use

Stockwater use is for 50 range cattle and 30 sheep.

63-04266
Burkhart



Mixed POU:

- The places of use T06N R01E S15 NESE 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
90ISE DISTRICT SEC 1

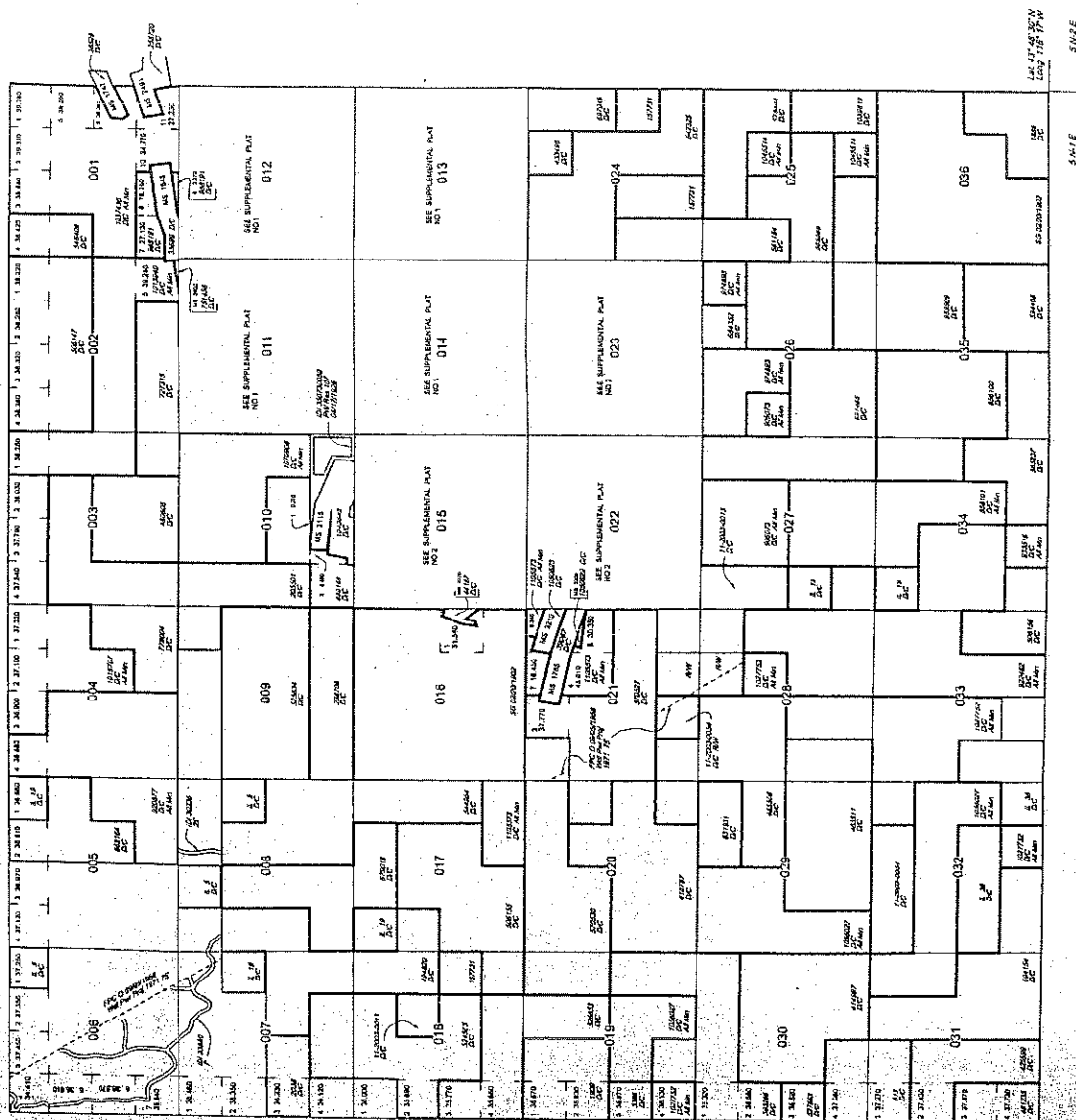
STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

[illegible]

On 3/5/73, PH Res 107, EO 04-17/1526, Withdraws Public Land containing a logging & sawlog or waste hole from some part location, sale or entry. US vs Idaho 131 Idaho 455, 952
p. 20 449 (1958)

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

[illegible]

• **Chronic**

[illegible]

J. S. Bureau of Land Management - Idaho State Office
1267 S. Vanns Way Boise, Idaho 83709
(208) 373-4000



T. 6 B
R. 1 F

TOWNSHIP 6 NORTH RANGE 1 EAST OF THE BOISE MERIDIAN, IDAHO

GEM COUNTY Q45
BOISE DISTRICT SEC. 3

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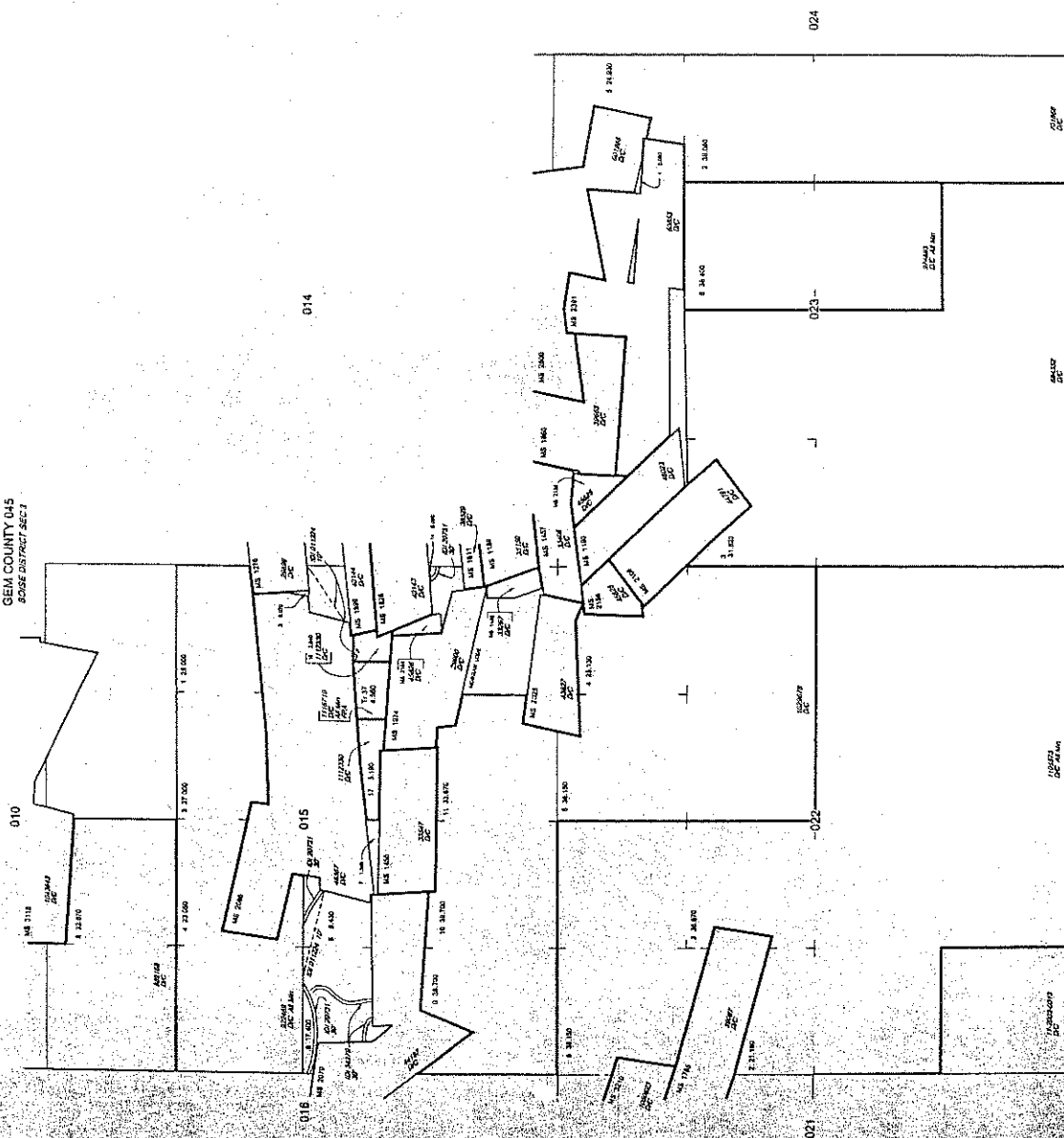
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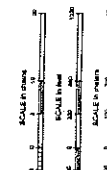
315

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]

NORTH



J.S. Bureau of Land Management - Idaho State Office
1307 S. Vernal Way Boise, Idaho 83729
(208) 373-4000

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

FILE #F: D0K096001010EAMT0022.Avg
CONVERTED TFF: 00231007
BY: BT
LAST UPDATED:
CANCELED BY: 8123
CANCELED BY: 8123
POSTED TO PUBLIC RECORDS
BY: MAR 14 2007
PUBLIC LAND SURVEY SYSTEM (PLSS)
LOCAL RECORD NUMBER
COORDINATE COORDINATE SYSTEM - UTM ZONE 18N AND 18Q
NOTES:
SEE PLSS

Sch. 1142
T. 6 N
R. 1 E
Mo. 2