

RECEIVED
JUN 18 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 63-2109
) (Insert water right no.)
Case No. 39576)
)
)
)
)
)
)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: NAMPA & MERIDIAN IRRIGATION DISTRICT

Address: 1503 First Street South
Nampa, Idaho 83651

Daytime Phone: 208-466-7861

Name & Address of Attorney, if any:
Daniel V. Steenson
S. Bryce Farris
Ringert Clark Chartered
P.O. Box 2773
Boise, ID 83701

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

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

D. I object to the following elements as recommended in the Director's Report. (Please check the Appropriate box(es)).

1. X **Name and Address**
 Should be: See below.
2. X **Source**
 Should be: See below.
3. X **Quantity**
 Should be: See below.
4. X **Priority Date**
 Should be: See below.
5. X **Point(s) of Diversion**
 Should be: See below.
6. ☐ **Instream Flow Description**
 Should be: N/A
7. ☐ **Purpose(s) of Use**
 Should be: _____
8. ☐ **Period of Year**
 Should be: _____
9. X **Place of Use**
 Should be: See below.
10. ☐ **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):** This water right provides that the place of use includes acres/lands within the boundaries of Nampa & Meridian Irrigation District (NMID). However, on information and belief, the source of this water is water delivered from the New York Canal to NMID's Burke Lateral. Therefore, NMID contends that there is no separate source for this water right in Mason Creek.

In addition or in the alternative, this water right is appurtenant to the lands of NMID and was perfected and/or continues to exist because of the beneficial use on NMID's lands. Pursuant

to and in accordance with the recent decision of the Idaho Supreme Court in *United States v. Pioneer Irrigation Dist.* (In re SRBA Case No. 39576, Subcase No. 91-63), 2007 Ida. LEXIS 57, 157 P.3d 600 (2007), it is appropriate to include a remark in this water right which recognizes the beneficial use interest of NMID and its landowners and that the water right is appurtenant to NMID's lands.

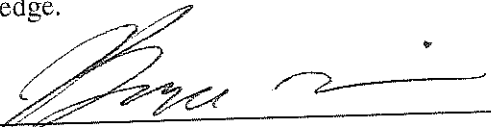
F.

VERIFICATION (must be completed)

State of Idaho)
) ss.
County of Ada)

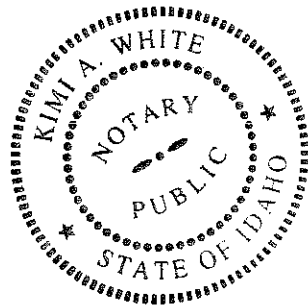
S. Bryce Farris, duly sworn, upon oath, deposes and says:

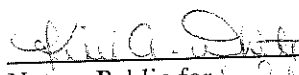
That I am the party/claimant filing this objection, as defined by I. C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.



S. Bryce Farris

Subscribed and sworn to before me on: June 15, 2007





Notary Public for Idaho
Residing at: 24100 Boise, Idaho
My Commission Expires: 2/15/10

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will no 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 15, 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
PO Box 2707
Twin Falls, ID 83303-2707

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

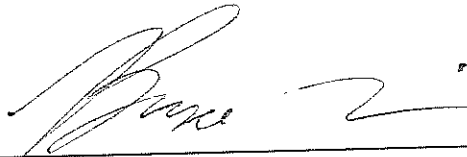
Name: United States of America Acting Through
Regional Director PN Region
Bureau of Reclamation PN-3100
Address: 1150 N. Curtis Road, Suite 100
Boise, Idaho 83706-1234

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

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



Signature of Objector or attorney
mailing on Objector's behalf