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JUL 26 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)
)
Case No. 39576)
)
)
)
)

A. **Subcase** 22-04020
(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: Earl Wilcox
Address: 9169 S 400 W; 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 United States of America, through the Bureau of Land Management, is the owner of the land upon which a portion of the use is claimed. The claimant's use of Federal land is unauthorized. Claimant's water right should not include federal public land. POUs also describe mixed ownership, therefore the claim should be clarified to make it clear only private land is intended.

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: July 24, 2007

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 July 24th, 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: Earl Wilcox
Address: 9169 S 400 W; 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

Amanda Sanya

Signature of Objector or attorney mailing on Objector's behalf

12/20/2006

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

Mixed POU:
-Places of Use described below contains both private and public land.
-Please clarify such that only private land is intended.
-See attached map for more details.

RIGHT NUMBER: 22-4020

NAME AND ADDRESS: EARL WILCOX
9169 S 400 W
REXBURG ID 83440

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

Point of injection into and point of rediversion from unnamed slough.

QUANTITY: 1.400 CFS

PRIORITY DATE: 05/01/1951

POINT OF DIVERSION:
T04N R39E S1 SWSWNE Lot 7 Within MADISON County
T04N R39E S1 SWSWNE Lot 7 Injection Within MADISON County
T04N R39E S1 SENENW Lot 6 Rediversion Within MADISON County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	1.400 CFS

PLACE OF USE: IRRIGATION in MADISON County

T04N R39E S01 Lot	7 SWNE	28.00	T04N R39E S01 Lot	6 NENW	39.00
Mixed T04N R39E S01 Lot	5 NWNW	2.50	T04N R39E S01	SENW	0.50

70 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 70 acres in a single irrigation season. Combined Right Nos.: 22-4020 and 22-7311.

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

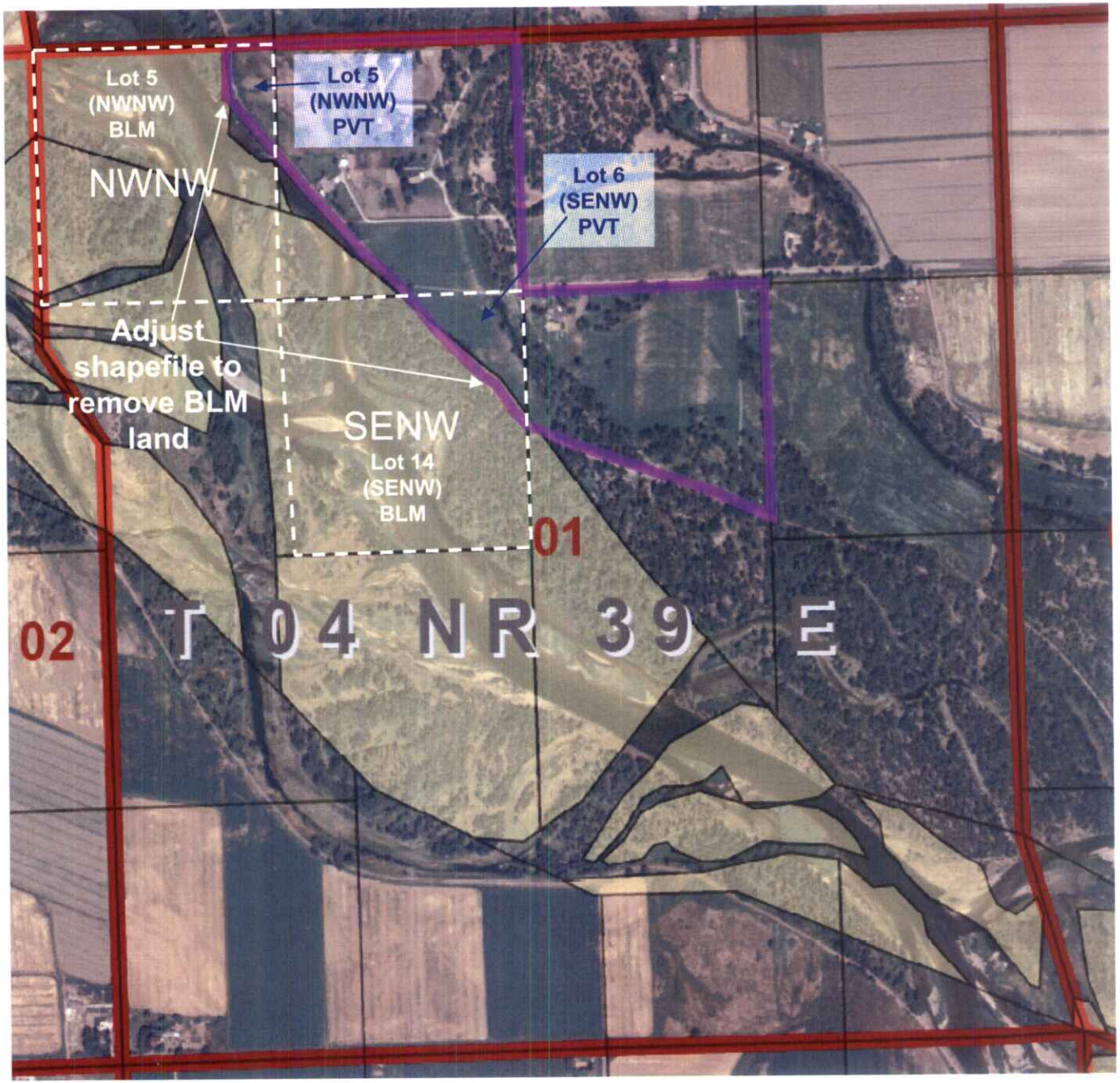
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Use of water under this water right will be regulated by the watermaster of State Water District No. 01.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right No. 22-7311 is also diverted through point of rediversion described above.

22-04020 & 22-07311; Wilcox



Mixed POU:

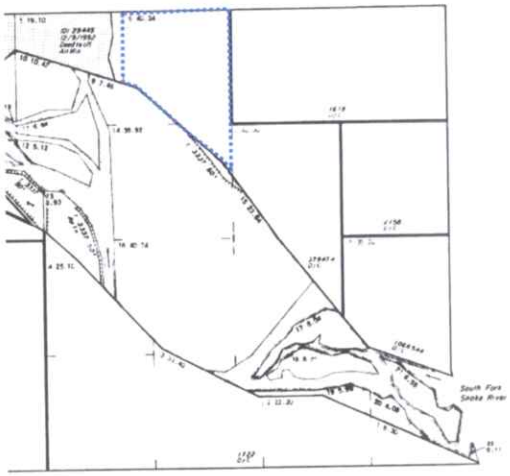
-The recommended Place of Use T04N R39E S01 SENW contains both private and public land.

-Please adjust shapefile and clarify such that only private land is intended by describing the Place of Use as T04N R39E S01 Lot 6 (SENW).

-The recommended Place of Use T04N R39E S01 Lot 5 (NWNW) contains both private and public land.

-Please adjust shapefile and insert the following language under Place of Use:

"Place of Use does not include federal public land."



LAND AND MINERAL TITLES
AND ACQUIRED LANDS

MTP

SUPPL Sec 1, 2

INDEX TO SEGREGATED TRACTS

RESURVEY | ORIGINAL SURVEY

TRACT NO. | T. | R. | SEC. | SUBDIVISION

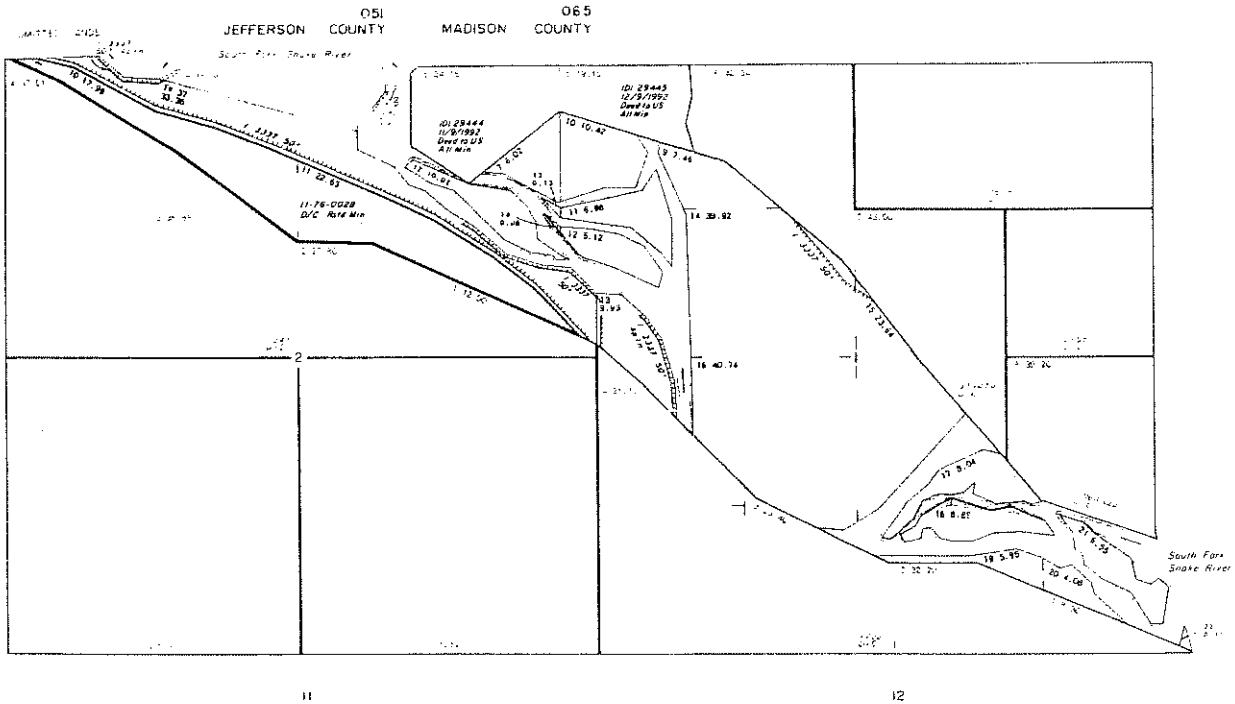
I. None Effect of Granting Lands to Indicated Right Claimants pursuant to Act of Cong 5/31/1962

Sec 2 lots 10, 11

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

CURRENT TO	CURRENT TO

USE PLATS



SCALE in Chains

WARNING STATEMENT

THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITHDRAWAL ORDER

Boise Mer

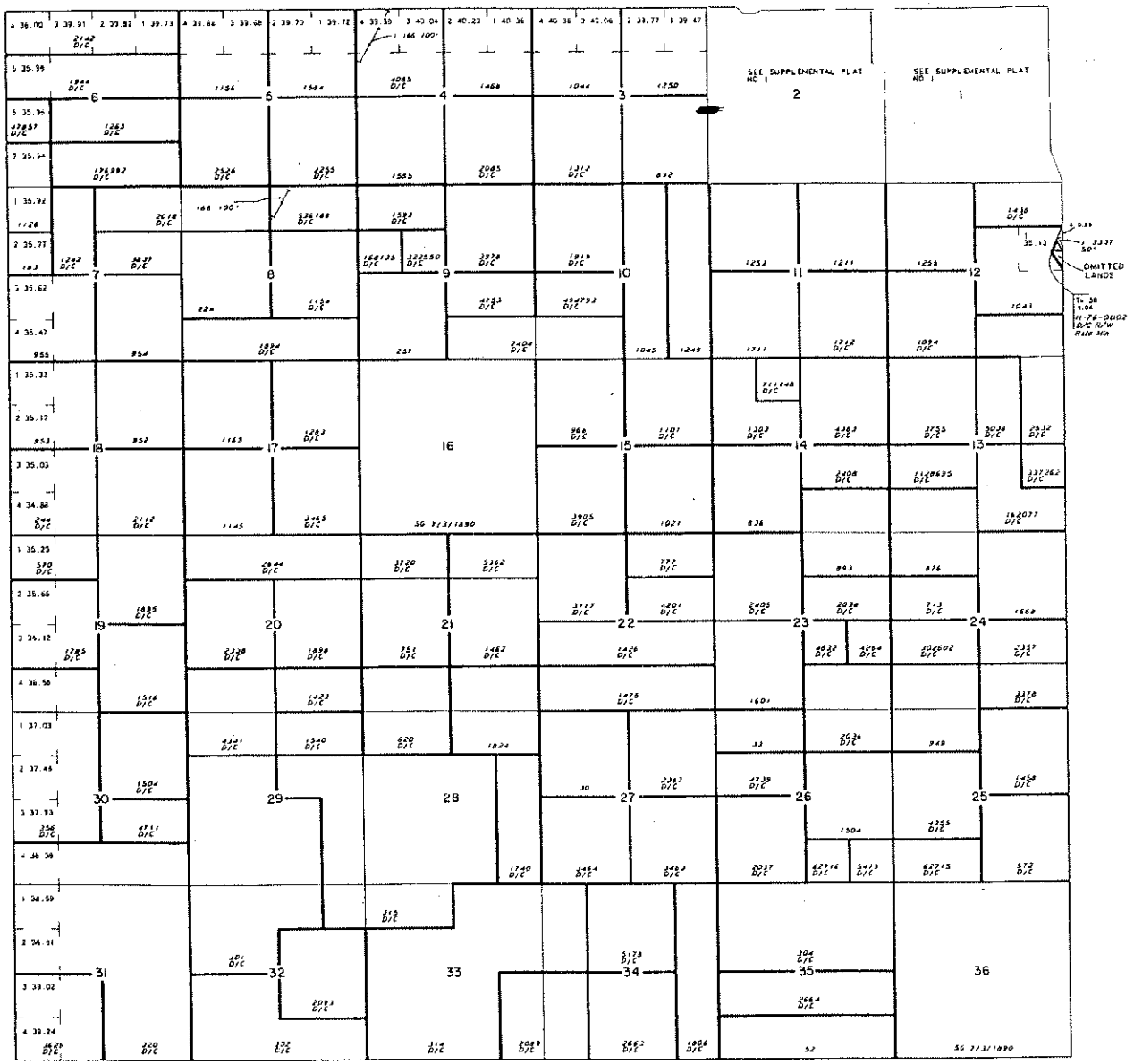
T. 4 N.

R. 39E.

IDAHO FALLS DISTRICT SEC 12

LAND AND MINERAL TITLES

MT PLAT



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

I 35CS Offer of Omitted Lands to Preference Right Claimants pursuant to Act of Cong 5/31/1962:
Sec 12: portion lot 2

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

CURRENT TO	CURRENT TO
JUL 22 1975	

USE PLATS:

SCALE in Chains

0 10 15 20 30 60

WARNING STATEMENT

This plat is the Bureau's Record of Title and should be used only as a graphic display of the township survey data. Records thereon do not reflect title changes which may have been effected by lateral movements of rivers or other bodies of water. Refer to the cadastral surveys for official survey information.

THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITHDRAWAL ORDER

Boise Mer

T. 4N.

R. 39E.