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JUL 25 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 22-07311
(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.

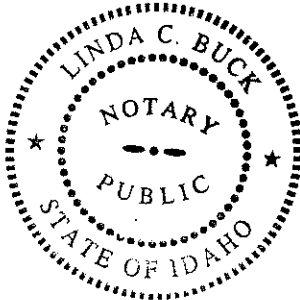
Fredric W. Price
(Signature of person filing objection)

Larry A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

July 24, 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 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:

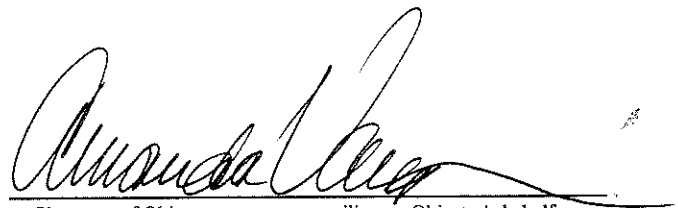
Name: Earl Wilcox
Address: 9169 S 400 W; Rexburg, Idaho 83440
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

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



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

RIGHT NUMBER: 22-7311 **Mixed POU:**
NAME AND ADDRESS: EARL WILCOX
9169 S 400 W
REXBURG ID 83440
-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.

SOURCE: UNNAMED SLOUGH

TRIBUTARY:

QUANTITY: 1.400 CFS

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 12/26/1979

POINT OF
DIVERSION: T04N R39E S1 SENENW Lot 6 Within MADISON County

PURPOSE AND
PERIOD OF USE:

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

PLACE OF USE: IRRIGATION in MADISON County

Mixed	T04N R39E S01 Lot 7 SWNE	28.00	T04N R39E S01 Lot 6 NENW	39.00
	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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This slough is normally tributary to the Snake River except during the irrigation season.

Right No. 22-4020 is rediverted through point of diversion described above.

22-04020 & 22-07311; Wilcox

Mixed POU:

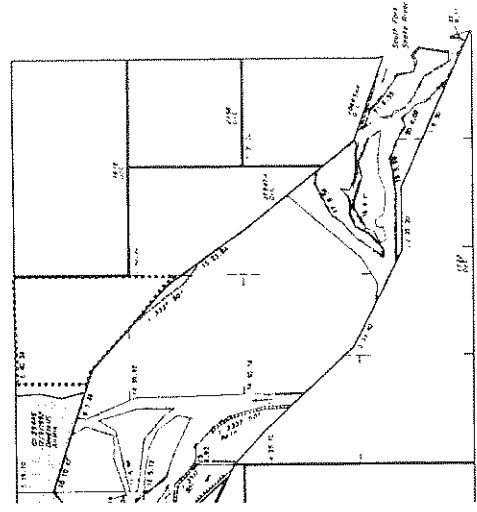
-The recommended Place of Use T04N R39E S01 SENW contains both private and public land.

-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."



State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 22-07311

Priority: December 26, 1979

Maximum Diversion Rate: 1.40 CFS
Maximum Diversion Volume: 245.0 AF

It is hereby certified that EARL WILCOX
9169 S 400 W
REXBURG ID 83440 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated December 26, 1979; and has
submitted Proof of Beneficial Use on December 17, 1984. An examination indicates that the works have
a diversion capacity of 3.0 cfs of water from:

SOURCE

UNNAMED SLOUGH

Tributary: SNAKE RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	04/01 to 10/31	1.40 CFS	245.0 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED SLOUGH L6 (SE $\frac{1}{4}$ NW $\frac{1}{4}$) Sec. 1, Twp 04N, Rge 39E, B.M. MADISON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 39E 1			29.0		32.0	2.0		7.0									70.0
			L 7		L 6			L 6									

Total Acres: 70

CONDITIONS OF APPROVAL

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. When water is not available to fill this right, the right holder shall cease diversion, shall rent water from Water District 01 Rental Pool, or shall otherwise mitigate the depletion of water caused by this water use.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

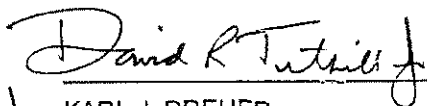
State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 22-07311

5. The right holder is entitled to use water from the proposed source when it is not tributary to the Snake River. When water from the slough is tributary the right holder must replace water diverted with storage water.
6. Some or all of the water use authorized by this right is claimed with an earlier priority date on Snake River Basin Adjudication Claim No. 22-4020. If Claim No. 22-4020 is decreed as it is claimed, then this right shall be eliminated or reduced by the amount necessary to avoid redundancy of water rights.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 1st day of August, 2005.


for KARL J. DREHER
Director