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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 47-02269
(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: Magic Water Co., Inc.
Address: 4795 N 700 E; Buhl, Idaho 83316
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.

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: September 18, 2007

Casey R. O'Brien

Notary Public for State of Idaho
Residing at: Nampa, ID.
My Commission Expires: 10-31-2009

CASEY R. O'BRIEN NOTARY PUBLIC STATE OF IDAHO

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 Sept. 18, 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: Magic Water Co., Inc.
Address: 4795 N 700 E; Buhl, Idaho 83316
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

John W. Reed

Signature of Objector or attorney mailing on Objector's behalf

01/29/2007

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

RIGHT NUMBER: 47-2269

NAME AND ADDRESS: MAGIC WATER CO INC
4795 N 700 E
BUHL ID 83316

POUs on BLM:
-The POUs on BLM are not authorized and are not being irrigated.
-Please remove those POUs on BLM from recommendation and adjust shapefile accordingly.

SOURCE: SALMON FALLS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 94.560 CFS

The rights listed below are limited to a total combined diversion rate of 101.7 cfs.
Combined Right Nos.: 47-2269, 47-2384, 47-2415, 47-10261

PRIORITY DATE: 02/11/1953

POINT OF DIVERSION: T10S R13E S2 NESENE Within TWIN FALLS County
T10S R13E S2 NESENW Within TWIN FALLS County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	94.560 CFS

PLACE OF USE: IRRIGATION in TWIN FALLS County

T08S R13E S14	SWSW	39.00	T08S R13E S15	SESE	41.00
T08S R13E S22	NENE	37.00	T08S R13E S22	SENE	33.00
T08S R13E S22	NESE	41.00	T08S R13E S22	NWSE	34.00
T08S R13E S22	SWSE	41.00	T08S R13E S22	SESE	41.00
T08S R13E S23	NENE	33.00	T08S R13E S23	NWNE	39.00
T08S R13E S23	SWNE	40.00	T08S R13E S23	SENE	40.00
T08S R13E S23	NENW	40.00	T08S R13E S23	NWNW	40.00
T08S R13E S23	SWNW	40.00	T08S R13E S23	SENW	40.00
T08S R13E S23	NESW	40.00	T08S R13E S23	NWSW	40.00
T08S R13E S23	SWSW	40.00	T08S R13E S23	SESW	40.00
T08S R13E S23	NESE	40.00	T08S R13E S23	NWSE	40.00
T08S R13E S23	SWSE	40.00	T08S R13E S23	SESE	40.00
T08S R13E S24	NWNW	35.00	T08S R13E S24	SWNW	40.00
T08S R13E S24	NWSW	40.00	T08S R13E S24	SWSW	40.00
T08S R13E S26	NENE	38.00	T08S R13E S26	NWNE	40.00
T08S R13E S26	SWNE	40.00	T08S R13E S26	NENW	40.00
T08S R13E S26	NWNW	40.00	T08S R13E S26	SWNW	40.00
T08S R13E S26	SENW	40.00	T08S R13E S26	NESW	40.00
T08S R13E S26	NWSW	40.00	T08S R13E S26	SWSW	33.00
T08S R13E S26	SESW	40.00	T08S R13E S26	NWSE	40.00
T08S R13E S26	SWSE	38.00	T08S R13E S27	NENE	41.00
T08S R13E S27	NWNE	41.00	T08S R13E S27	SWNE	41.00
T08S R13E S27	SENE	41.00	T08S R13E S27	NENW	41.00
T08S R13E S27	NWNW	40.00	T08S R13E S27	SWNW	40.00
T08S R13E S27	SENW	40.00	T08S R13E S27	NESW	35.00
T08S R13E S27	NWSW	39.00	T08S R13E S27	SWSW	41.00
T08S R13E S27	SESW	32.00	T08S R13E S27	NESE	41.00
T08S R13E S27	NWSE	41.00	T08S R13E S27	SWSE	34.00
T08S R13E S27	SESE	35.00	T08S R13E S28	NENE	9.80

BLM

BLM

T08S R13E S28		SENE	11.00	T08S R13E S28		NESE	38.00
T08S R13E S28		SESE	38.00	T08S R13E S29		NENE	37.00
T08S R13E S29		NWNE	39.00	T08S R13E S29		SWNE	40.00
T08S R13E S29		SENE	40.00	T08S R13E S29		NENW	37.00
T08S R13E S29		NWNW	40.00	T08S R13E S29		SWNW	40.00
T08S R13E S29		SENW	40.00	T08S R13E S29		NESW	40.00
T08S R13E S29		NWSW	41.00	T08S R13E S29		SWSW	41.00
T08S R13E S29		SESW	40.00	T08S R13E S29		NESE	40.00
T08S R13E S29		NWSE	40.00	T08S R13E S29		SWSE	40.00
T08S R13E S29		SESE	39.00	T08S R13E S30		NESE	41.00
T08S R13E S30		NWSE	41.00	T08S R13E S30		SWSE	40.00
T08S R13E S30		SESE	41.00	T08S R13E S31		NESE	40.00
T08S R13E S31		NWSE	40.00	T08S R13E S31		SWSE	32.00
T08S R13E S31		SESE	39.00	T08S R13E S32		NENE	30.00
T08S R13E S32		NWNE	40.00	T08S R13E S32		SWNE	40.00
T08S R13E S32		SENE	29.00	T08S R13E S32		NENW	40.00
T08S R13E S32		NWNW	40.00	T08S R13E S32		SWNW	40.00
T08S R13E S32		SENW	40.00	T08S R13E S32		NESW	40.00
T08S R13E S32		NWSW	40.00	T08S R13E S32		SWSW	38.00
T08S R13E S32		SESW	38.00	T08S R13E S32		NESE	33.00
T08S R13E S32		NWSE	40.00	T08S R13E S32		SWSE	38.00
T08S R13E S32		SESE	31.00	T08S R13E S33		NENE	39.00
T08S R13E S33		SENE	40.00	T08S R13E S33		NESE	40.00
T08S R13E S33		NWSE	36.00	T08S R13E S33		SWSE	36.00
T08S R13E S33		SESE	31.00	T08S R13E S34		NENE	35.00
T08S R13E S34		NWNE	36.00	T08S R13E S34		SWNE	34.00
T08S R13E S34		SENE	39.00	T08S R13E S34		NENW	35.00
T08S R13E S34		NWNW	41.00	T08S R13E S34		SWNW	41.00
T08S R13E S34		SENW	33.00	T08S R13E S34		NESW	41.00
T08S R13E S34		NWSW	40.00	T08S R13E S34		SWSW	34.00
T08S R13E S34		SESW	40.00	T08S R13E S34		NESE	39.00
T08S R13E S34		NWSE	38.00	T08S R13E S34		SWSE	40.00
T08S R13E S34		SESE	39.00	T08S R13E S35		NWNE	0.30
T08S R13E S35		NENW	33.00	T08S R13E S35		NWNW	32.00
T08S R13E S35		SWNW	34.00	T08S R13E S35		SENW	26.00
T08S R13E S35		NWSW	38.00	T08S R13E S35		SWSW	38.00
T09S R13E S01		NWSW	38.00	T09S R13E S01		SWSW	27.00
T09S R13E S02	Lot 1	NENE	13.00	T09S R13E S02	Lot 2	NWNE	7.80
T09S R13E S02		SWNE	39.00	T09S R13E S02		SENE	39.00
T09S R13E S02	Lot 3	NENW	52.00	T09S R13E S02	Lot 4	NWNW	52.00
T09S R13E S02		SWNW	40.00	T09S R13E S02		SENW	31.00
T09S R13E S02		NESW	38.00	T09S R13E S02		NWSW	39.00
T09S R13E S02		SWSW	32.00	T09S R13E S02		SESW	16.00
T09S R13E S02		NESE	40.00	T09S R13E S02		NWSE	27.00
T09S R13E S02		SWSE	18.00	T09S R13E S02		SESE	40.00

T09S R13E S03 Lot	1	NENE	51.00	T09S R13E S03 Lot	2	NWNE	53.00
T09S R13E S03		SWNE	40.00	T09S R13E S03		SENE	35.00
T09S R13E S03 Lot	3	NENW	53.00	T09S R13E S03 Lot	4	NWNW	52.00
T09S R13E S03		SWNW	39.00	T09S R13E S03		SENW	40.00
T09S R13E S03		NESW	40.00	T09S R13E S03		NWSW	39.00
T09S R13E S03		SWSW	39.00	T09S R13E S03		SESW	40.00
T09S R13E S03		NESE	39.00	T09S R13E S03		NWSE	40.00
T09S R13E S03		SWSE	40.00	T09S R13E S03		SESE	39.00
T09S R13E S04 Lot	1	NENE	53.00	T09S R13E S04 Lot	2	NWNE	53.00
T09S R13E S04		SWNE	41.00	T09S R13E S04		SENE	40.00
T09S R13E S04		SENW	24.00	T09S R13E S04		NESW	9.30
T09S R13E S04		SESW	26.00	T09S R13E S04		NESE	40.00
T09S R13E S04		NWSE	40.00	T09S R13E S04		SWSE	40.00
T09S R13E S04		SESE	40.00	T09S R13E S09		NENE	36.00
T09S R13E S09		NWNE	40.00	T09S R13E S09		SWNE	39.00
T09S R13E S09		SENE	38.00	T09S R13E S09		NENW	28.00
T09S R13E S09		NESE	31.00	T09S R13E S09		SESE	14.00
T09S R13E S10		NENE	38.00	T09S R13E S10		NWNE	39.00
T09S R13E S10		SWNE	40.00	T09S R13E S10		SENE	39.00
T09S R13E S10		NENW	40.00	T09S R13E S10		NWNW	39.00
T09S R13E S10		SWNW	40.00	T09S R13E S10		SENW	40.00
T09S R13E S10		NESW	40.00	T09S R13E S10		NWSW	37.00
T09S R13E S10		SWSW	31.00	T09S R13E S10		SESW	28.00
T09S R13E S10		NESE	38.00	T09S R13E S10		NWSE	40.00
T09S R13E S11		NENW	1.40	T09S R13E S11		NWNW	39.00
T09S R13E S11		SWNW	38.00				

7403.6 ACRES TOTAL

This right is limited to the irrigation of 6891.7 acres within the place of use described above in a single irrigation season.

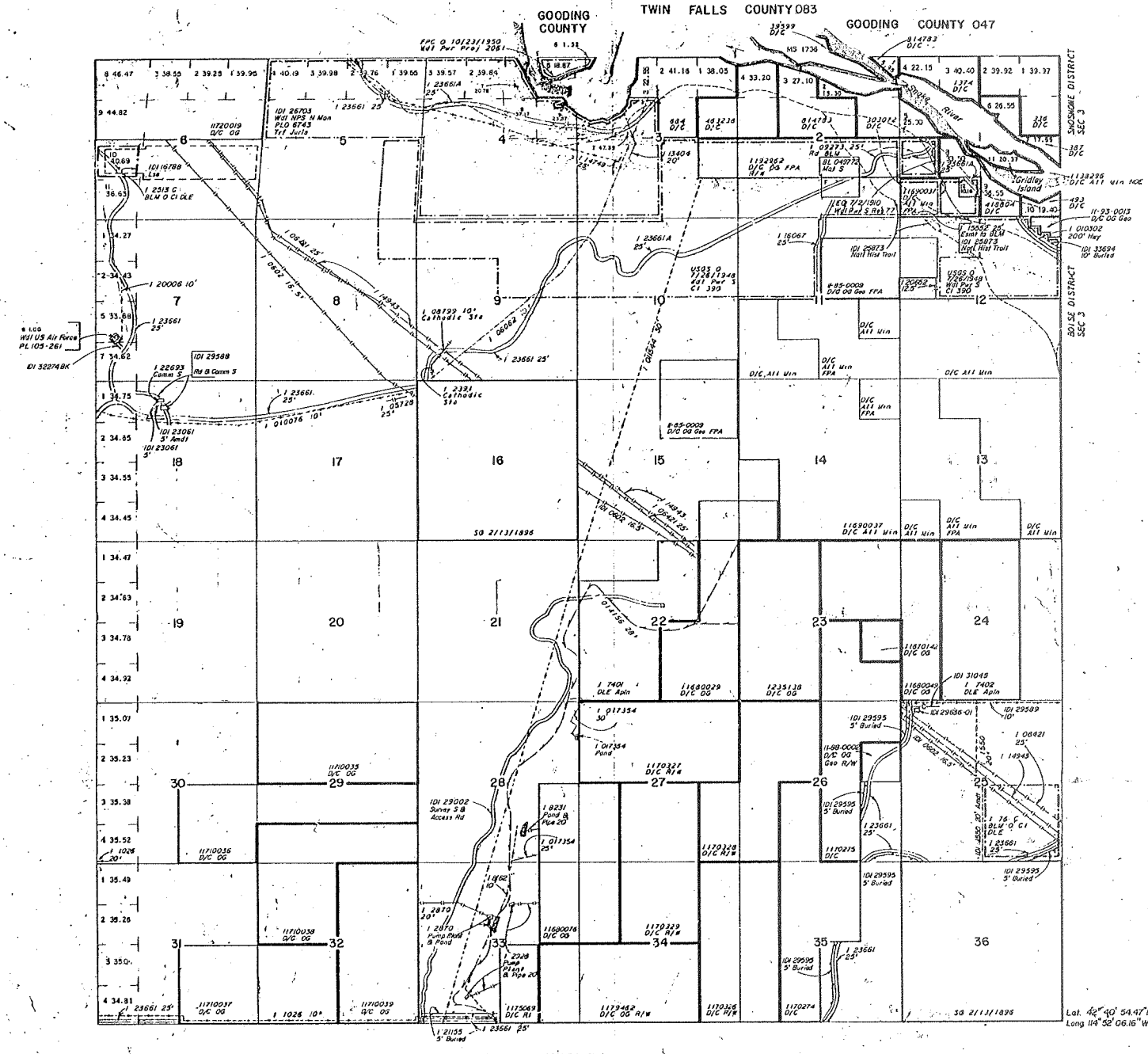
The rights listed below are limited to the irrigation of a combined total of 7403.6 acres in a single irrigation season. Combined Right Nos.: 47-2269, 47-2384, 47-2415, 47-10261

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

TOWNSHIP 8 SOUTH RANGE 13 EAST OF THE BOISE MERIDIAN, IDAHO



STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES

MT PLAT

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

EO 7/2/1910 Wdl Pur S Reg 77 affects Unsur part
Secs 3,4 lying N of Snake River

SO 5/6/1926 Wdl Pur S Cl 140, all lands lying within the Snake River
Secs 3,4

BLM O 12/21/1953 Open to Entry Subj to Sec 24 FPA Pur S Reg 77 EO 7/2/1910, Pur Proj 19 FPC O 12/11/1920, Pur Proj 282 FPC O 2/23/1922, Pur Proj 1449 FPC O 8/4/1937, Pur S Cl 390 USGS O 7/26/1948, Pur Proj 2061 BLM O 12/21/1953
Sec 1: NW¼SW¼, SE¼SW¼
Sec 2: N½SE¼, NE¼SW¼, SW¼SW¼
Sec 3: Lots 4,5, N½SW¼, SE¼

BLM O 9/27/1957 Open to Entry Subj to Sec 24 FPA Pur Proj 282 FPC O 2/23/1922, Pur Proj 1449 FPC O 4/8/1937, Pur S Cl 390 USGS O 7/26/1948
Sec 1: SW¼SW¼
Sec 2: NW¼SW¼, SE¼SW¼, S½SE¼
Sec 3: S½SW¼

PLO 2895 1/29/1963 Open to Entry Subj to Sec 24 FPA Pur Proj 1449 FPC O 8/4/1937; Pur S Cl 390 USGS O 7/16, 1948
Sec 11: W½NE¼NW¼, E½NW¼NW¼

I 2345 BLM O Cl Mult Use, Jarbidge Area: Segr from Appropn under HE, DLE, IA, PS, PLS, RAPP, & IS
All Unappropd public land within
Sec 17: N½
Sec 18: NW2

IDI 12610 Sikes Act 12/13/1976
Sec 14: NWSW
Sec 15: W2NW
Sec 17: NWSW
Sec 18: NESE
Sec 19: W2E2
Sec 21: SENE, NESE
Sec 26: E2SE
Sec 30: NWNE, E2W2
Sec 31: E2NE
Sec 33: W2SW
Sec 35: W2SE

Continued on Suppl Plat No 1

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

CURRENT TO	CURRENT TO
DEC 11 2002	

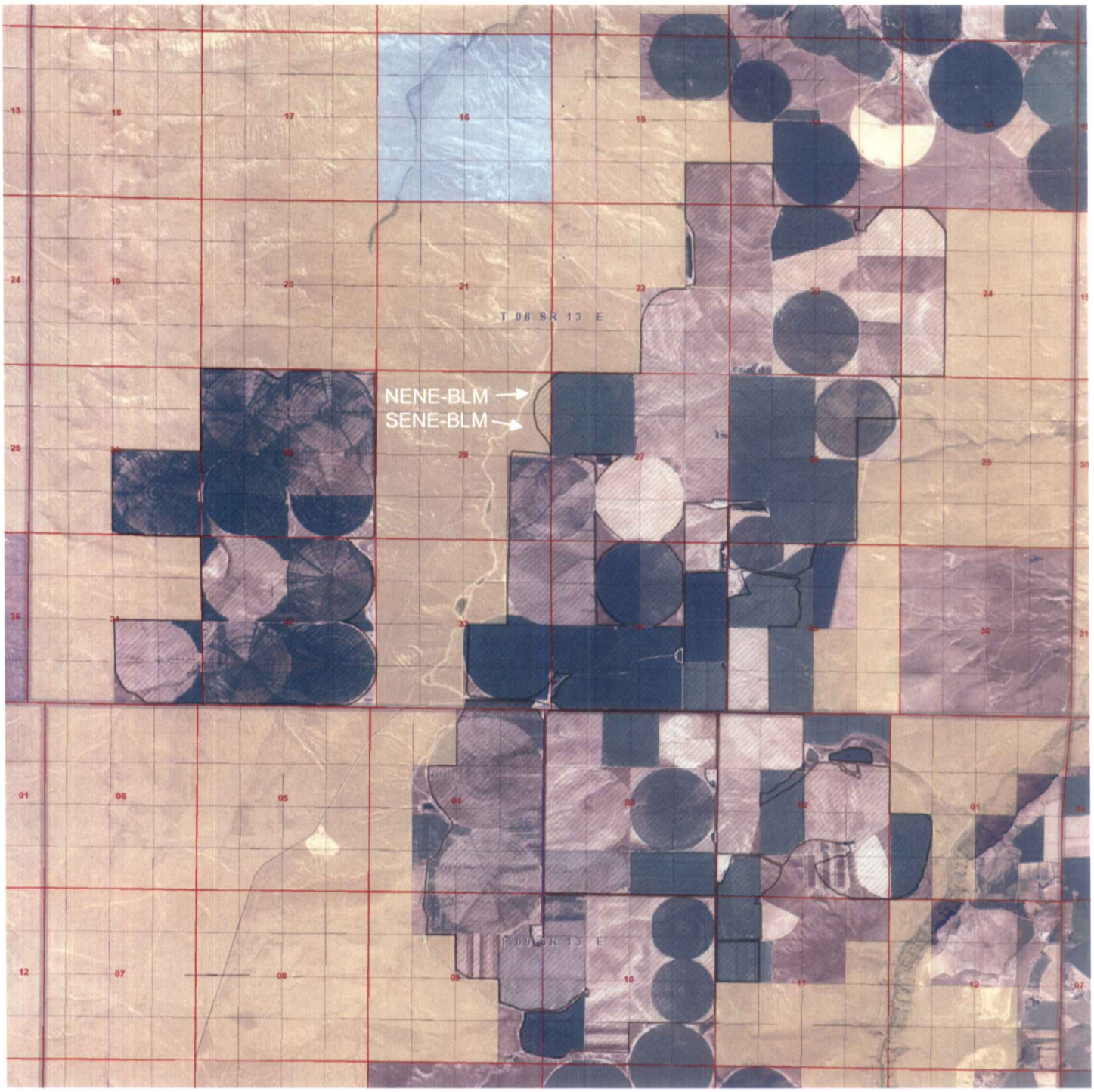
USE PLATS:

Lat. 42° 40' 54.47" N
Long 114° 52' 06.16" W

Boise Mer
T. 8S.
R. 13E.

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. Recorded lines hereon do not reflect title changes which may have been affected by lateral movements of rivers or other bodies of water. Refer to the cadastral surveys for official survey information

47-02269; Magic Water Co. Inc.
47-02384, 47-02415 & 47-10261; Magic Irrigators Inc.



POUs on BLM:

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