

RECEIVED

SEP 20 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 47-10261
(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 Irrigators, Inc.
Address: 716B E 4900 N; 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

)

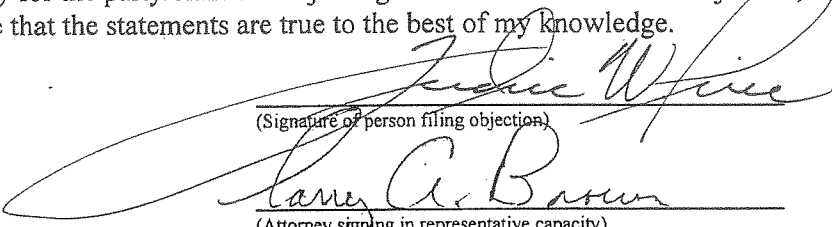
) ss.

County of ADA

)

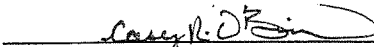
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

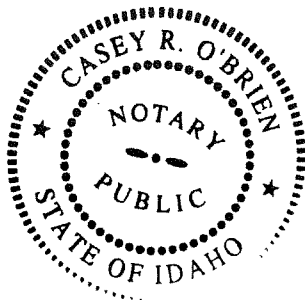
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)

Casey R. O'Brien
(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

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:

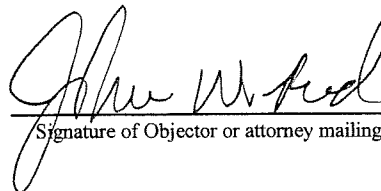
Name: Magic Irrigators, Inc.
Address: 716B E 4900 N; Buhl, Idaho 83316
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

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



Signature of Objector or attorney mailing on Objector's behalf

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

RIGHT NUMBER: 47-10261

NAME AND ADDRESS: MAGIC IRRIGATORS INC
716B E 4900 N
BUHL ID 83316**POUs on BLM:**

-The POU's on BLM are not authorized and are not being irrigated.
-Please remove those POU's on BLM from recommendation and
adjust shapefile accordingly.

SOURCE: SALMON FALLS CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 2.140 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: 03/15/1969

POINT OF
DIVERSION: T09S R13E S1 SWNESW Within TWIN FALLS CountyPURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	2.140 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	SENE	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	SENE	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	SENE	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	SENE	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	SENE	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	SENE	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	SENE	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	SENE	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 107 acres within the place of use described above in a single irrigation season.

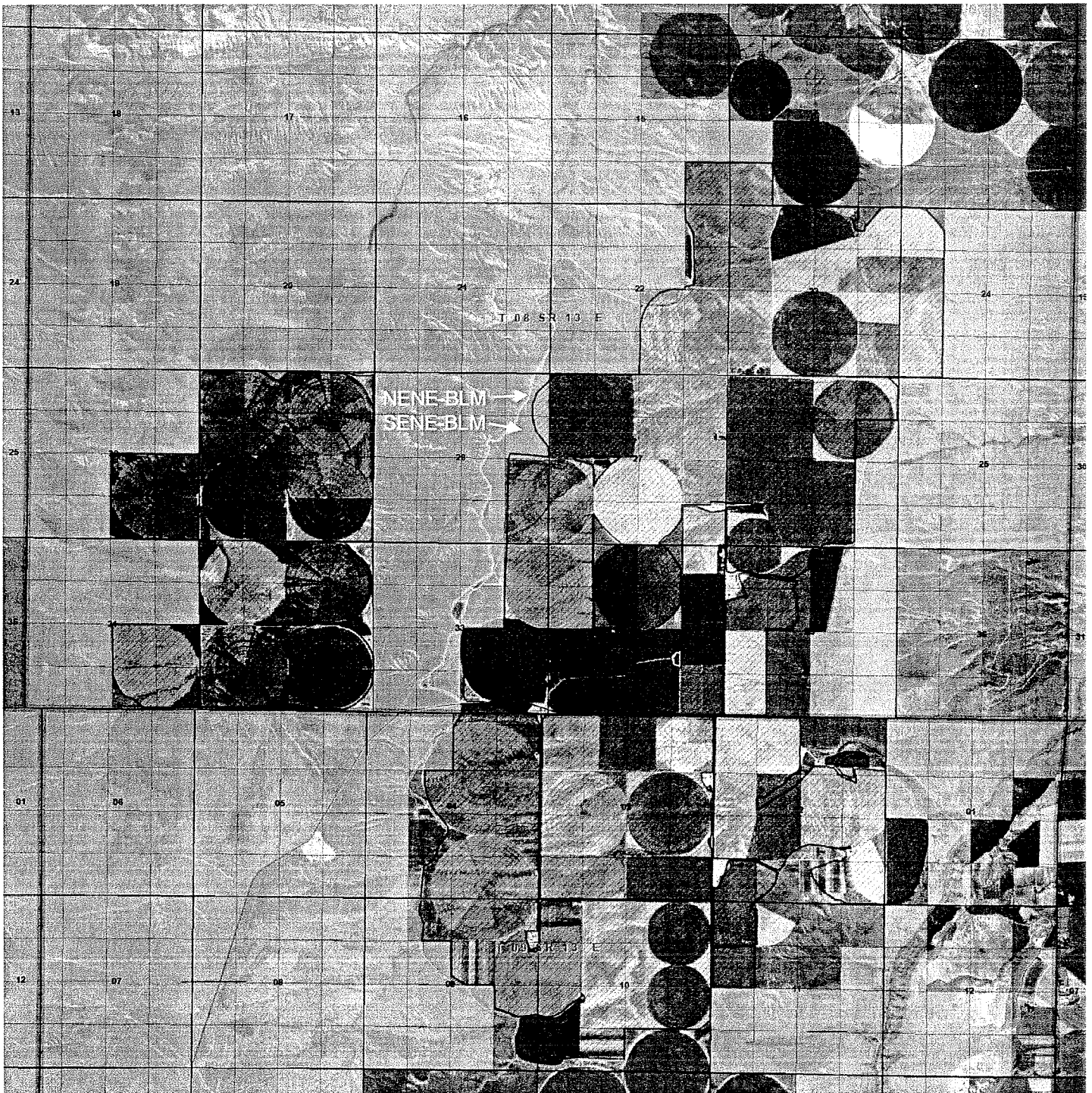
The rights listed below are limited to the irrigation of a combined total of 7403.6 acres in a single irrigation season. Combined Right Nos.: 47-2269, 47-2384, 47-2415, 47-10261

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 - Beneficial Use

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



POUs on BLM:

- The POU's on BLM are not authorized and are not being irrigated.
- Please remove those POU's on BLM from recommendation and adjust shapefile accordingly.

