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DEC 05 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 02-02129
(Insert water right number)

Case No. 39576)

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: James C. Hilliard
Address: 4401 S. Ocean Blvd #7; Highland Beach, FL 33487

Name: Barbara G. Hilliard
Address: 4401 S. Ocean Blvd #7; Highland Beach, FL 33487

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 legal description for the place of use element may include Federal land. The description should be specific enough to exclude Federal land.

E

VERIFICATION (Must be Completed)

State of Idaho

County of ADA

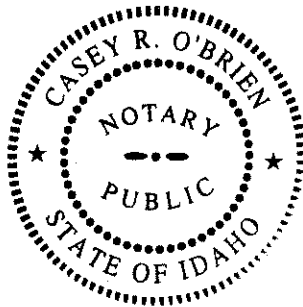
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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)

Casey R. O'Brien
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: December 03, 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 12-3, 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:

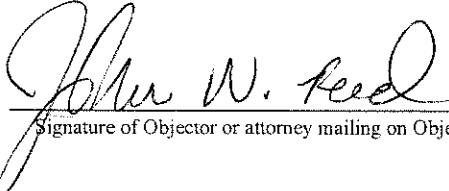
Name: James C. Hilliard
Address: 4401 S. Ocean Blvd #7; Highland Beach, FL 33487
Name: Barbara G. Hilliard
Address: 4401 S. Ocean Blvd #7; Highland Beach, FL 33487
Name:
Address: ;
Name:
Address: ;

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: 2-2129

NAME AND ADDRESS: JAMES C HILLIARD
4401 S OCEAN BLVD #7
HIGHLAND BEACH FL 33487

BARBARA G HILLIARD
4401 S OCEAN BLVD #7
HIGHLAND BEACH FL 33487

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 3.540 CFS
860.00 APY

USE OF THIS RIGHT WITH RIGHT NO. 7025 IS LIMITED TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 2185 AF.

PRIORITY DATE: 05/21/1956

POINT OF
DIVERSION: T05S R05E S28 SENWNE Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	3.540 CFS 860.00 APY

The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in OWYHEE County

Mixed	T05S R05E S28	SWSW	8.00	T05S R05E S28	SESW	40.00
	T05S R05E S28	SWSE	40.00	T05S R05E S33	NWNE	40.00
	T05S R05E S33	NENW	39.00	T05S R05E S33	NWNW	33.00

200 ACRES TOTAL

This right is limited to the irrigation of 172 acres within the place of use described above in a single irrigation season.

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

Rights 2-57, 2-2130, 2-2406, 2-7025, and 2-7350 are also diverted through the point of diversion described above.

Mixed POU:

-The Place of use recommended as T05S R05E S28 SWSW describes both private and public land. Please clarify such that only private land is intended by inserting the following language under place of use:

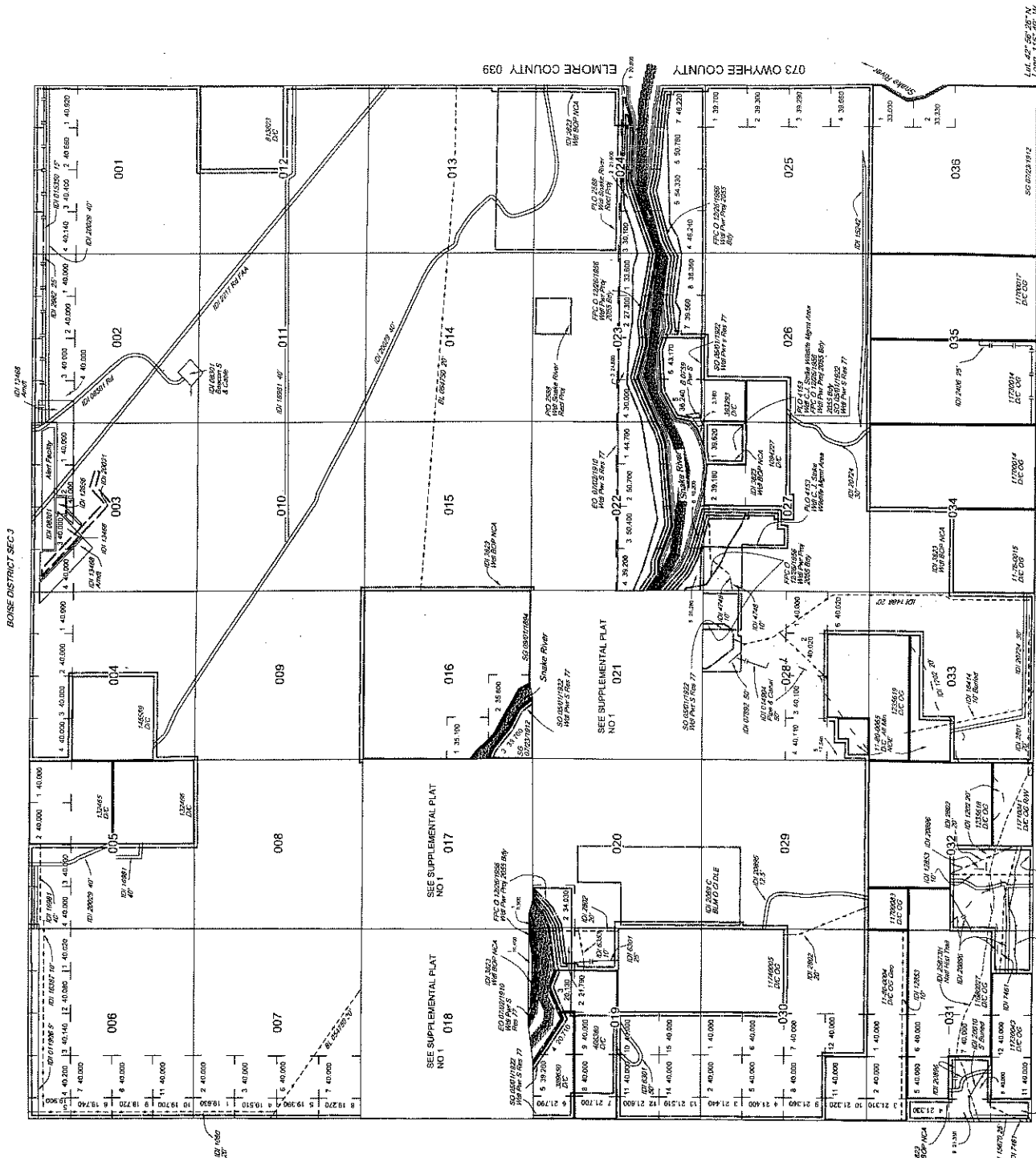
"Place of use does not include federal public lands."

STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES

[illegible]

EO 02/26/1912 Mod Pwr S Res 77 EO 07/02/1910	
EO 08/01/1922 to permit Passy Post	
EO 02/11/1915 Mod Pwr S Res 405 10/29/1913	
to permit RWT Time line	
EO 25/83 Shires Act 01/21/1988	
Sec 37 Lons 4, 9, 10	
Soc 32 SW	
EO 25/83 H Natl Hist Trail	
Historical information only, does not divide public access	
EO 30634 Pwr	
Soc 32 ALIO NMSW	

073 OWYHEE COUNTY
ELMORE COUNTY 039



DISC 2 AMER

This plot is only a graphic display of the Bureau of Land Management's (BLM) Record of Title and Township survey data. Records from these surveys are not always complete, and some changes when they have been detected by aerial reconnaissance or other or other bodies of water. Refer to complete surveys for a complete description of the data. The data are not intended to be used for a legal or official description.

The relation shown in this figure represents the land action history, but may not be the effective data. See the historical logs for the date of the effective date.

The accuracy, reliability, or completeness of these data for individual use or for warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or for warranty is not guaranteed.

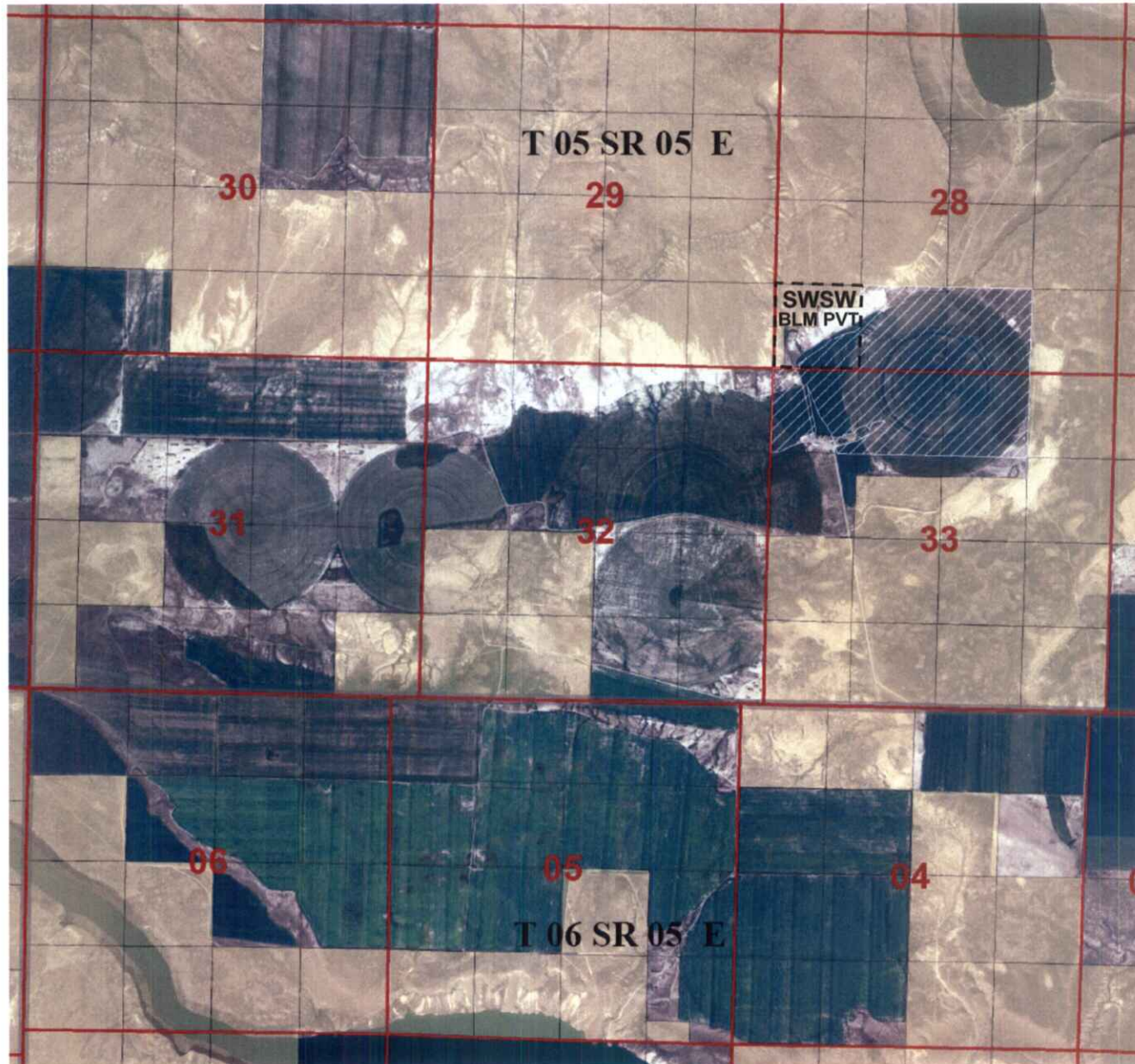


U.S. Bureau of Land Management - Idaho State Office
1387 S. Vinell Way Boise, Idaho 83709
(208) 373-4000

Way Boise, ID
2009) 373-4000

place Mr.
T. S. S.
R. S. S.

02-02129; James C. Hilliard



Mixed POU:

-The Place of use recommended as T05S R05E S28 SWSW describes both private and public land. Please clarify such that only private land is intended by inserting the following language under place of use:

“Place of use does not include federal public lands.”