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SEP 02 2010

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 31-12181
(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: (208) 373-3831 (Fred Price)

Name & Address of Attorney, if any:
David L. Negri (208) 334-1936 phone, (208) 334-1414 fax
United States Department of Justice
Environment and Natural Resource Division
Natural Resources Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Mud Lake Water Users, Inc.
Address: P.O. Box 68
Terreton, ID 83450

Name: Robert L. Harris (attorney for claimant)
Holden, Kidwell, Hahn & Crapo, PLLC
Address: P.O. Box 50130
Idaho Falls, ID 83450

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. In 1969 the Army Corps constructed this facility for flood control purposes (not groundwater recharge) pursuant to Public Law 84-99. The local water district was then supposed to rehab after an event or maintain the facility and get all approvals necessary. The claimant's use of Federal land is unauthorized. See attached POU. Claimant's water right should not included federal public land.

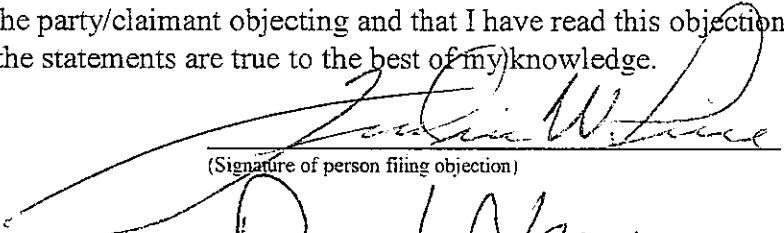
F.

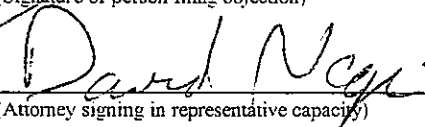
VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of ADA)

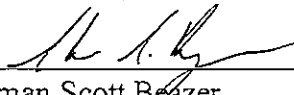
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

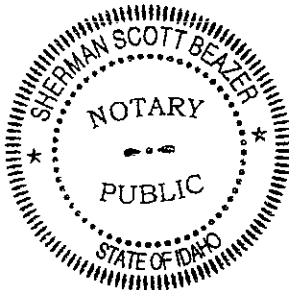
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)


(Attorney signing in representative capacity)

Subscribed and sworn to before me on: August 30th, 2010


Sherman Scott Beazer



Notary Public for State of Idaho
Residing at: Boise
My Commission Expires: 12-10-2015

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 September 1st, 2010, 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: Mud Lake Water Users, Inc.
Address: P.O. Box 68
Terreton, ID 83450

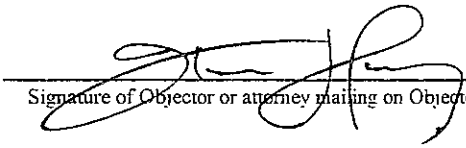
Name: Robert L. Harris (attorney for claimant)
Holden, Kidwell, Hahn & Crapo, PLLC
Address: P.O. Box 50130
Idaho Falls, ID 83450

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
Natural Resources Section
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: 31-12181

Ditch and Recharge activities are not
authorized on BLM.

NAME AND ADDRESS: MUD LAKE WATER USERS, INC
P O BOX 68
TERRETON ID 83450

SOURCE: CAMAS CREEK

TRIBUTARY: MUD LAKE

QUANTITY: 617.000 CFS

PRIORITY DATE: 05/05/1969

This water right is subordinated to all existing and future consumptive use
water rights.

POINT OF
DIVERSION:

T11N R38E S25 SESE Within CLARK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
GROUND WATER RECHARGE	01/01 12/31	617.000 CFS
Recharge is for the dispersal of surface water runoff which may threaten the structural integrity of the Mud Lake levee located downstream.		

PLACE OF USE: GROUND WATER RECHARGE in CLARK County

BLM

T10N R38E S01 Lot 1 NENE	T10N R38E S01 SENE
T10N R38E S13 NENE	T10N R38E S13 SENE
T10N R38E S13 NESE	T10N R38E S13 NWSE
T10N R38E S13 SWSE	T10N R38E S14 SESW
T10N R38E S14 SWSE	T10N R38E S14 SESE
T10N R38E S23 NENE	T10N R38E S24 NWNW
T10N R38E S24 NENW	T10N R38E S24 NWNW
T10N R38E S24 SWNW	T10N R38E S24 SENW
T10N R39E S05 Lot 2 NWNE	T10N R39E S05 SWNE
T10N R39E S05 SENE	T10N R39E S05 Lot 3 NENW
T10N R39E S05 Lot 4 NWNW	T10N R39E S05 SENW
T10N R39E S05 NESE	T10N R39E S05 SWSE
T10N R39E S05 SESE	T10N R39E S06 Lot 1 NENE
T10N R39E S06 Lot 2 NWNE	T10N R39E S06 SWNE
T10N R39E S06 SENE	T10N R39E S06 Lot 4 SENW
T10N R39E S07 SESE	T10N R39E S08 NWNW
T10N R39E S08 SWNE	T10N R39E S08 SWSW
T10N R39E S08 SESW	T10N R39E S08 NWSE

T10N R39E S08	SWSE
T10N R39E S18	NWNE
T10N R39E S18 Lot 2	SENE
T11N R38E S25	SESE
T11N R38E S36	NENW
T11N R38E S36	NESW
T11N R38E S36	SWSE

T10N R39E S18	NENE
T10N R39E S18 Lot 1	NENW
T11N R38E S25	SWSE
T11N R38E S36	NWNE
T11N R38E S36	SENE
T11N R38E S36	NWSE
T11N R38E S36	SESE

BLM

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

Water diverted under this right may not be considered as recharge which qualifies for compensation by groundwater users, surface water users, or other entities.

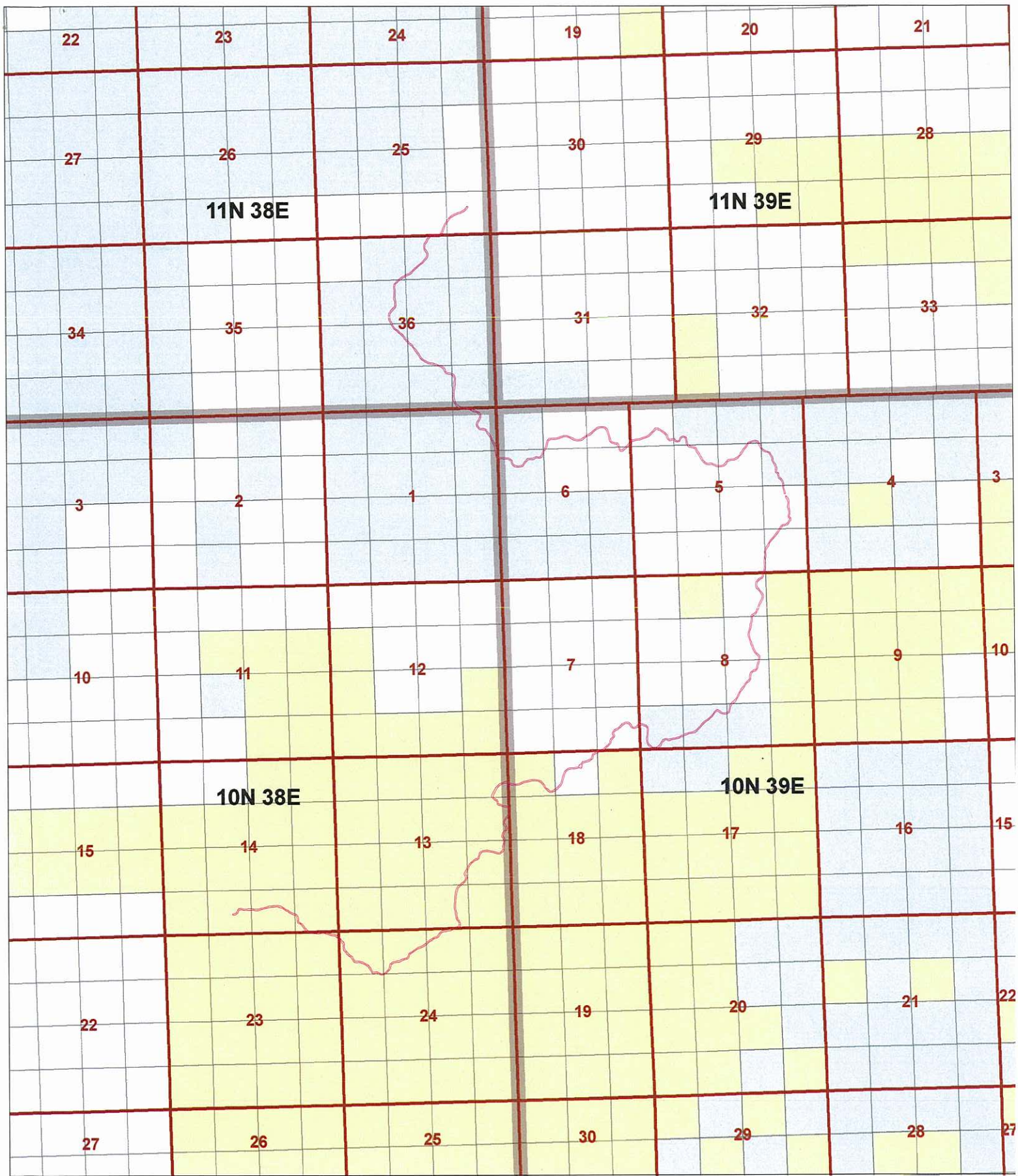
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Water diverted under this right may not be offered as mitigation for new appropriations of water.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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. 31.

Water is delivered through Lone Tree Diversion Canal.



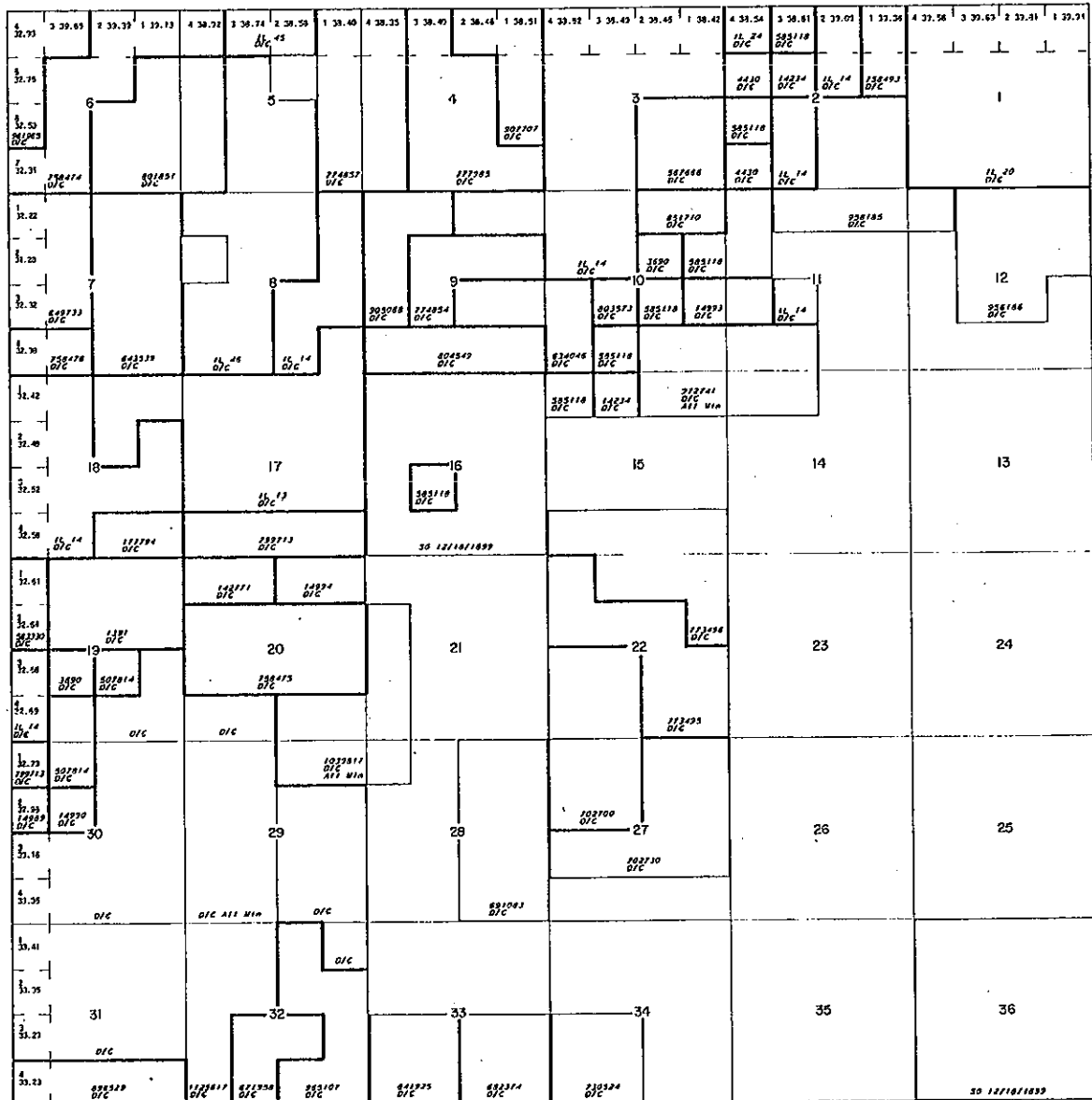
31-12181



TOWNSHIP 10 NORTH RANGE 38 EAST OF THE BOISE MERIDIAN, IDAHO

CLARK COUNTY 033

IDAHO FALLS DISTRICT SEC 3



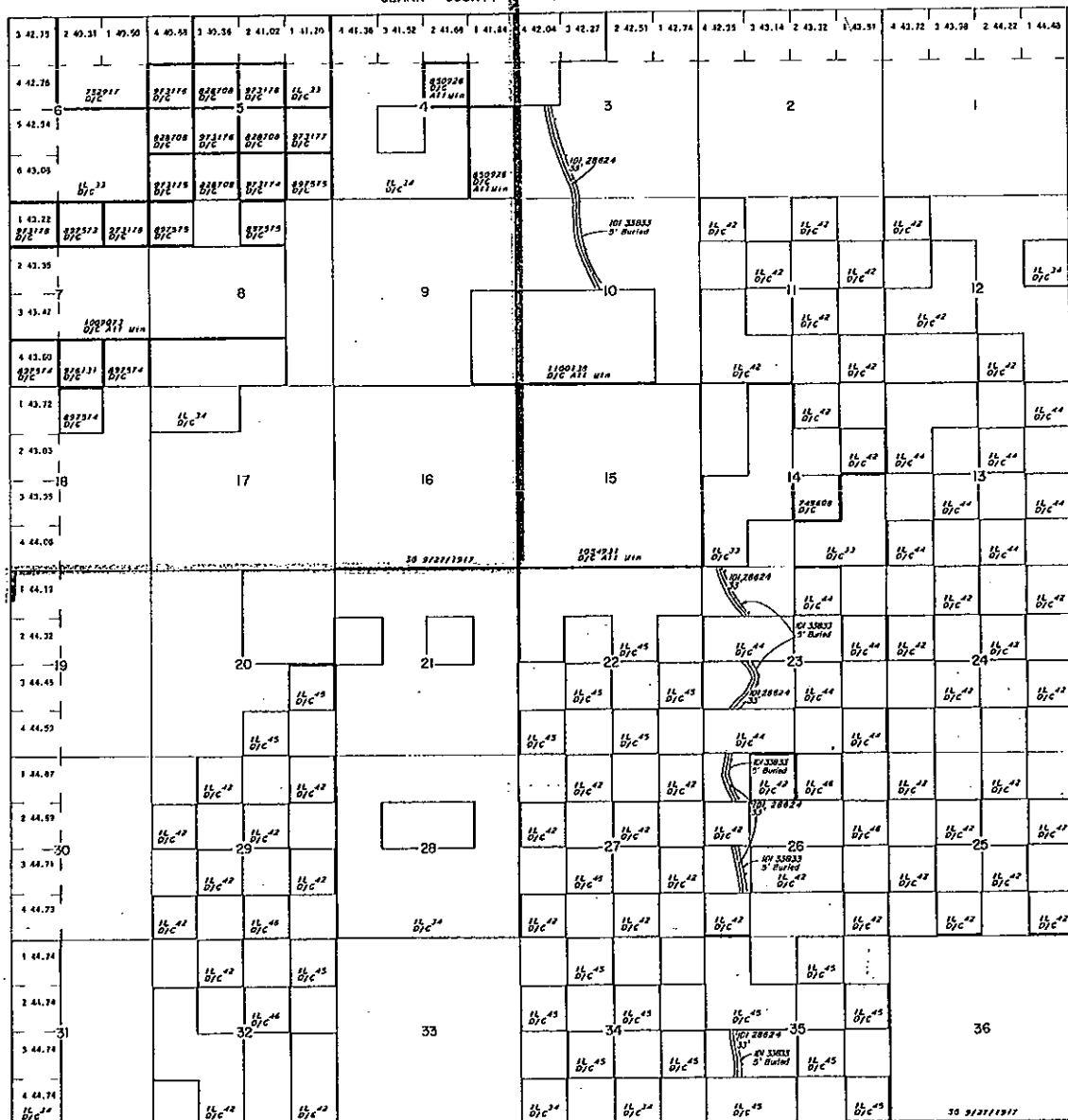
SCALE in Chains
0 5 10 20 30 40

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. It does not constitute a warranty of the accuracy of the data. It is not to be used for any purpose other than for reference. The historical index for the date of the original order.

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ALL
SEC
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FC
ON
MI

IDAHO FALLS DISTRICT SEC 3

CLARK COUNTY 033 FREMONT COUNTY 043



SCALE in Chains

0 10 20 30 40

1 inch = 40 chains
1 mile = 80 chains

WARNING STATEMENT

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

THE NOTATION SHOWN ON WITHDRAWALS REPRESENTS ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE HISTORICAL INDEX FOR THE DATE OF THE WITHDRAWAL ORDER

MT

RESJA
FRAC

153
All

**FOR
UNIVERSITY
MIS**

USE