

3-22

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MAR 25 2013

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 72-16789
(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
Name & Address of Attorney, if any:

David L. Negri (208) 334-1936 phone, (208) 334-9375 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: LILAC Three, LLC
LILAC Six, LLC
Address: 1118 S. Braddock Ave (Rear)
Pittsburgh, PA 15218

Name: Daniel V. Steenson (attorney for claimants)
Sawtooth Law Offices, PLLC
Address: P.O. Box 7985
Boise, ID 83707

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 land. Remove Place of Use (POU) on federal land (NWNW, S25, T10N, R18E); reduce total acres by 4.5 acres; and reduce quantity proportionately. The underlying shapefile does not include a POU in the NWNW, S25 (BLM), so perhaps the recommendation included it in error.

F.

VERIFICATION (Must be Completed)

State of Idaho

)

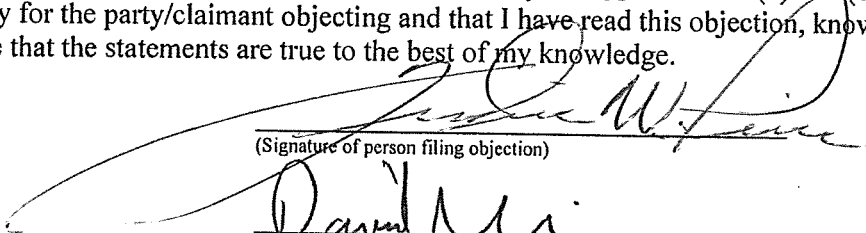
) ss.

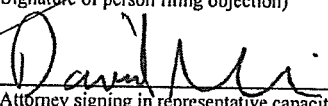
County of ADA

)

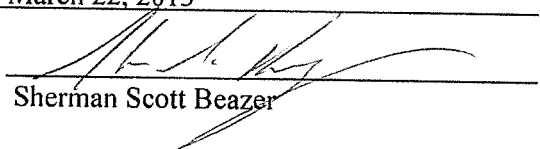
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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)

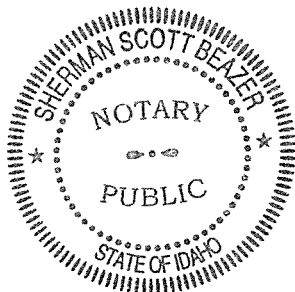
Subscribed and sworn to before me on: March 22, 2013


Sherman Scott Beazer

Notary Public for 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 3/22, 2013, 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: LILAC Three, LLC
LILAC Six, LLC
Address: 1118 S. Braddock Ave (Rear)
Pittsburgh, PA 15218

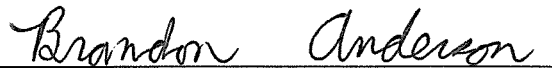
Name: Daniel V. Steenson (attorney for claimants)
Sawtooth Law Offices, PLLC
Address: P.O. Box 7985
Boise, ID 83707

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

12/20/2012

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

RIGHT NUMBER: 72-16789

NAME AND ADDRESS: LILAC THREE LLC/LILAC SIX LLC
C/O JOAN MARTINKO MGR
1118 S BRADDOCK AVE (REAR)
PITTSBURGH PA 15218

-Place of use on federal land
-Claimant is not authorized

SOURCE: SALMON RIVER EAST FORK

TRIBUTARY: SALMON RIVER

QUANTITY: 9.680 CFS

Right nos. 72-193A, 72-2142 and 72-16789 are limited to a maximum combined diversion rate of 12.49 cfs at the East Fork-7/8 Diversion in T10N, R18E, S35, SWNESW.

The diversion rate listed is a peak measured value during maximum discharge periods. The actual diversion rate varies seasonally through the year and is proportional to river stage. This right does not authorize diversion of greater quantities than have historically been diverted.

PRIORITY DATE: 04/01/1938

POINT OF
DIVERSION:T10N R18E S35 SWNESW Within CUSTER County **BLM/WSA**PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	9.680 CFS
PLACE OF USE:	<u>IRRIGATION in CUSTER County</u>		
BLM	T10N R18E S25	NWNW 4.50	T10N R18E S25 SWNW 16.00
	T10N R18E S26	SENE 2.60	T10N R18E S26 NESE 20.00
	T10N R18E S26	SWSE 7.60	T10N R18E S26 SESE 10.00
	T10N R18E S35	NWNE 8.80	
	69.5 ACRES TOTAL		

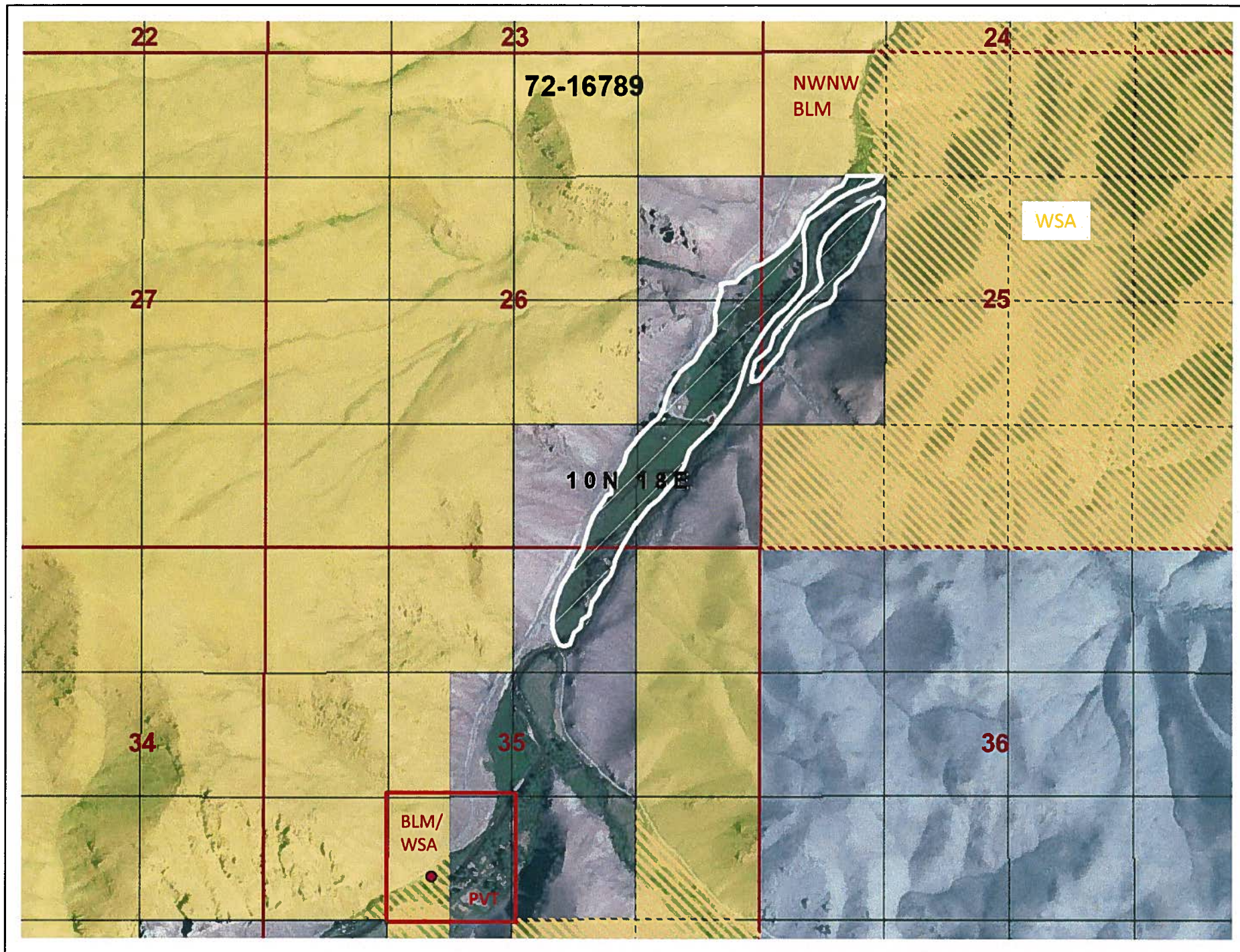
Right Nos. 72-193A, 72-2142 and 72-16789 are limited to the irrigation of a combined total of 70 acres in a single irrigation season.

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

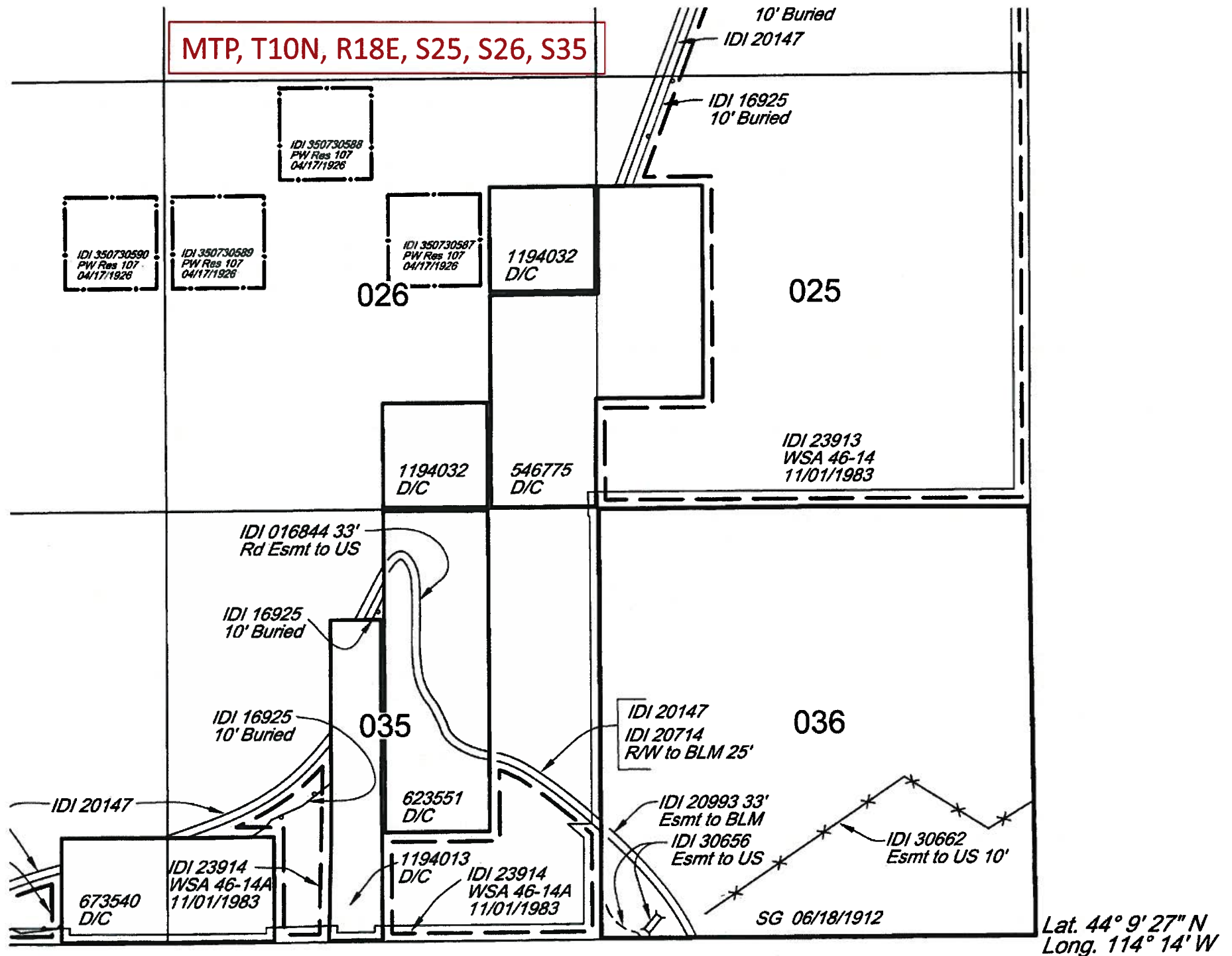
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

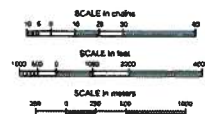
Water is delivered through the East Fork #8 (EF7/8) headgate.



MTP, T10N, R18E, S25, S26, S35



CUSTER COUNTY 037



The notation shown on withdrawals represent the last action taken, but may not be the effective date. See the historical index for the date of original withdrawal order.

No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or aggregate use with other data is not guaranteed.

MT PLAT

[illegible]

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

FILE REF: D080190ND-EDM4400000.dwg	
CORVERTED TFF: 06/14/2008	BY: BT
LAST UPDATED: 07/11/2012	BY: LFM
QACQ #1:	QACQ #2:
PASTED TO PUBLIC RECORDS:	July 11, 2012
BY:	
PUBLIC LAND SURVEY SYSTEM (PLSS)	
BLM GAO ACQUIRED:	04/26/2005
OTHER:	N/A
PROJECTED COORDINATE SYSTEM: UTM ZONE 11N, NAD 1983	
NOTES:	
USE PLAT#:	

Boba Mar.
T. 10 N
R. 18 E