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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 63-3614

(Insert water right number)

STANDARD FORM 1
OBJECTION

COPY

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Farmers Union Ditch Company

Address: % Ron Schreiner

2153 Pollard Lane, Star, ID 83669

Daytime Phone: 208-286-7028

Name & Address of Attorney, if any:

Jerry A. Kiser

Stoppello & Kiser

620 W. Hays, Boise, ID 83702

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

Name: United States/Bureau of Reclamation

Address: 1150 N. Curtis Rd., Suite 100

Boise, ID 83706-1234

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: See Appendix attached
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: See Appendix attached
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: See Appendix attached
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: See Appendix 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):** See Appendix attached

F.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Ada)

Jerry A. Kiser, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

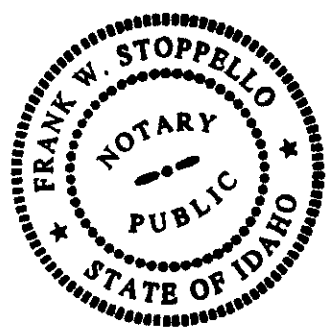
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Jerry A. Kiser
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

January 30, 2003
Frank W. Stoppello
Notary Public for Idaho
Residing at: Boise Idaho
My Commission Expires: 10/1/06



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 January 30, 2003, 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
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

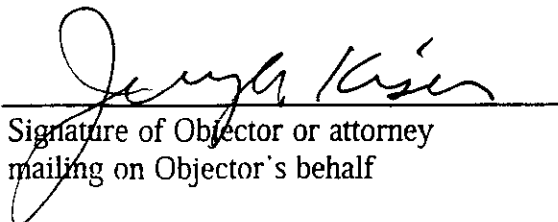
Name: United States Bureau of Reclamation
Address: 1150 N. Curtis Rd., Suite 100
Boise, ID 83706-1234

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO 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

**APPENDIX
63-3614**

Farmers Union Ditch Company ("Farmers") has a contract with the Bureau of Reclamation for irrigation storage water from Anderson Ranch Reservoir. Farmers has a right to use 5,727 acre feet of water from Anderson Ranch Reservoir to irrigate acres owned by landholders within Farmers' service area. The Idaho Department of Water Resources has recommended that Farmers' water right claim for that amount of water, 63-3613C, be disallowed.

Farmers has filed or will file an objection to that recommendation, and further objects to the recommendation for SRBA Claim Number 63-3614, because the Idaho Department of Water Resources has indicated that claim number 63-3614C has been recommended as 63-3614. Farmers asserts an ownership interest in 63-361e to the extent that water right, as recommended, includes 63-361eC. This ownership interest is a full ownership interest, in accordance with Idaho law, the Reclamation Act of 1902, 43 U.S.C. § 372 et seq, and the United States Supreme Court decision in *Ickes v. Fox*, 300 U.S. 82, 57 S.Ct. 412, 416-17 (1937). In the alternative, Farmers asserts a beneficial ownership interest.

If this claim is decreed, it must specifically provide that user of water for power purposes is subordinate to and subject to the use of water for irrigation purposes. This can be accomplished by the inclusion of the following language, taken directly from the quantity element on the license for this right:

493,161 ac. feet [acre feet] for irrigation and such power as may be generated by use of water for irrigation use.