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APR 13 2005

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 85-2173A

(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: Don A. Kerby

Address: 19315 Kerby Lane
Lenore ID 83501

Daytime Phone: (208) 746-9891

Name & Address of Attorney, if any:

N/A

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

Name: Cherrylane Ranches, Inc.

Address: 19022 Kerby Lane
Lenore ID 83501

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: 2.67 CFS (see attached explanation)
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: Legal description OK, Acres should be 74
10. ☒ **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 OBJECTIONS(S): Attached

E) Reasons supporting Objections:

Upon reviewing the recommendations for this water right, I found two items that are inadequate for our continued use of this water right, based on historical use.

The first element is the quantity of water used. The recommended usage is 1.29 CFS, which equates to 580 GPM. For many years, we have irrigated with hand-lines and wheel-lines, running up to 120 heads, each putting out 7.5 GPM. This equates to 900 GPM. In addition, at times we ran either one or two big guns, each of which were rated at about 150 GPM. Our historical peak use was about 1,200 GPM. In recent years, this field has been irrigated with center pivots. With the pivots, peak water usage was approximately 1,250 GPM. On that basis the quantity of water should be 1,200 GPM or 2.67 CFS

The second element is the acreage shown under place of use. Based upon decades of history, the FSA program tillable acres on the field that this right covered is 67.8 acres. In addition to the tillable acres, there are about 6 more acres of non-tillable land at the back of the field, utilized as pasture that benefits from the irrigation. Included is a copy of the FSA aerial with the irrigated area delineated in pink. Thus, under place of use, the acres should be amended to approximately 74 acres in total.

27 26
34 35

1835
T1702

123.8

244.0

85-2173A

Cherrylane Ranches Inc.

Official FSA ~~acreage~~ ^{tillable} acreage

67.8 acres; irrigated pasture
along back side ~ 6 ac

Total irrigated 74 acres

Corrected Map

irrigated area in Pink

F.

VERIFICATION (must be completed)

State of Idaho)

County of Nez Perce)ss.

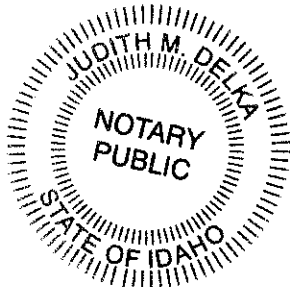
Don A. Kerby, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

Don A. Kerby
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: April 11, 2005



Judith M. Delka
Notary Public for Idaho
Residing at: Lewiston
My Commission Expires: 03-06-06

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 April 11, 2005, 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:

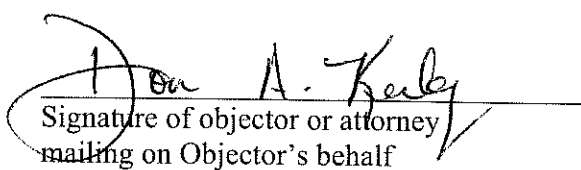
Name: Cherry Lane Ranches, Inc
Address: 19022 Kerby Lane
Lenore ID 83501

3. Copies to:

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

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449


Signature of objector or attorney
mailing on Objector's behalf