

**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 85-7098

Case No. 39576)

(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 Reclamation, Regional Director PN Code-3100

Address: 1150 N. Curtis Rd. Suite 100
Boise, Idaho 83706-1234

Daytime Phone: (208) 378-5306 E.Gail McGarry

Name & Address of Attorney, if any:

David W. Gehlert (303 312-7352)

Trial Attorney, General Litigation Section

Environment and Natural Resource Division

U.S. Department of Justice

999 18th Street, Suite N 945

Denver, CO 80202

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

Name: MARK A TATE JR
FLOYDENE M TATE

Address: 32690 WEBB RIDGE RD
LAPWAI ID 83540

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: 3/15 - 11/15

9. ☐ **Place of Use** Should be:

11. ☐ **I object because:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described.

E. REASONS SUPPORTING EACH OBJECTION(S):

The Director's Report recommendation appears to expand the Season of Use beyond a customary maximum of 3/15 - 11/15 which would allow (a) injury to the United States' water rights, (b) impairment of historic river conditions conducive to regular United States Bureau of Reclamation diversions to storage reservoirs, and (c) diminution of contract water reliability.

SF. 1 - Objection

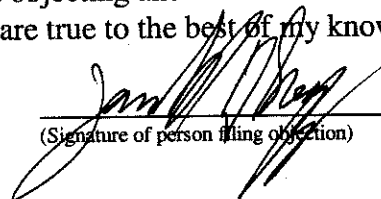
Amended 10/16/97

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

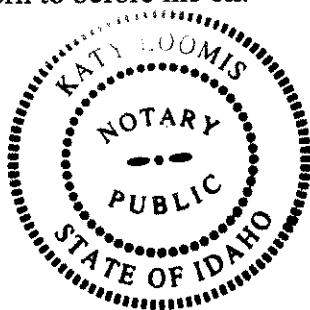
Jerrold D. Gregg, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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:



May 26, 2005
Katy Loomis

Notary Public for: Idaho
Residing at: Boise
My Commission Expires: 10/17/2009

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.

CERTIFICATE OF MAILING

I certify that on May 26, 2005 I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

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: MARK A TATE JR
FLOYDENE M TATE
Address: 32690 WEBB RIDGE RD
LAPWAI ID 83540

3. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

Signature of Objector or attorney mailing on Objector's behalf

SF. 1 – Objection
Amended 10/16/97