

Gilbert Dayley
264 North 4000 East
Rigby, ID 83442
Phone: 208-745-6059

January 3, 2006

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

Water right: 27-2152

Clerk of the District Court:

This objection is being filed not to object to a water right, but to correct errors in the recommended water right, 27-2152, dated 11/09/2005. An attempt was made to have the IDWR correct this IDWR error, however counsel for the IDWR requested that an objection be filed.

The following are correction needed:

Delete - paragraph 2 under Quantity "THE RATE OF DIVERSION FOR THIS WATER RIGHT SHALL BE MEASURED AT THE HEAD OF THE RESERVATION CANAL LOCATED IN SESWNE SEC 31 TWP 1N RGE 37E. B.M."

Reason – water Right 27-2152 is a ground water well. The above measurement requirement is for a surface water irrigation canal located about 5 miles to the North.

Change – Point of diversion

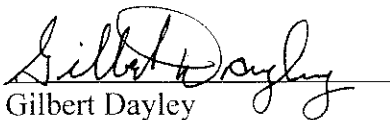
From - T01S R37E S19 SESW Lot 5 within Bingham county, 2 points of diversion are located within SESW, S19, T01s, R37E.

To – T01S R37E S19 NWSESW Lot 5 within BINGHAM County

T01S R37E S19 SWSESW Lot 5 within BINGHAM County

Reason – this change will more accurately reflect the location of the two points of diversion.

These needed corrections are also demonstrated in attachment **A** (erroneous recommendation 11/09/2005), and in attachment **B** (corrected recommendation 12/06/2005).


Gilbert Dayley

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

27-2152

(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: Gilbert Dayley

Address: 267 North 5000 East
Rigby, ID 83442

Daytime Phone: 208-745-6059

Name & Address of Attorney, if any:

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

Name: Idaho Supreme Potatoes, Inc

Address: PO Box 246
Firth, ID 83236

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: Delete 2nd Paragraph - see Attach ment A & B
4. ☐ **Priority Date**
Should be: _____
5. ☒ **Point of Diversion**
Should be: Add legal location for second POD - see Attachment A & B
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: _____
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):** (3) Rate of diversion point of measurement added in error by IDWR.
(5) To clarify POD for Added POD per Transfer No. 5326

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.

County of Jefferson)

Gilbert I Dayley, 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.

Gilbert I Dayley
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 1-3-2006

TAMI HOLMES
Notary Public
State of Idaho

Tami Holmes
Notary Public for Idaho
Residing at: Rigby
My Commission Expires: 3-9-06

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 3, 2006, 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:

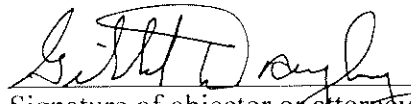
Name: Idaho Supreme Potatoes, Inc
Address: PO Box 246
Firth, ID 83236

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

Iron 2005 Recommendation 11/09/2005

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

RIGHT NUMBER: 27-2152

NAME AND ADDRESS: IDAHO SUPREME POTATOES INC
PO BOX 246
FIRTH ID 83236

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.070 CFS
774.70 AFY

The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

Delete* (THE RATE OF DIVERSION FOR THIS WATER RIGHT SHALL BE MEASURED AT THE HEAD OF THE RESERVATION CANAL LOCATED IN SESWNE SEC 31 TWP 1N RGE 37E B.M.)

The total instantaneous diversion of water from all points of diversion under Transfer 5326 shall not exceed 1.07 cfs, nor total combined annual volume of 774.7 af.

PRIORITY DATE: 10/03/1966

POINT OF
DIVERSION:

T01S R37E S19 SESW Lot 5 Within BINGHAM County

2 points of diversion are located within SESW, S19, T01S, R37E.

* Add Legal Location for second POD.

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
INDUSTRIAL

PERIOD OF USE
01/01 12/31

QUANTITY
1.070 CFS
774.70 AFY

PLACE OF USE:

INDUSTRIAL Within BINGHAM County

T01S R37E S19 Lot 5 SESW

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

Diversion volume is limited to that amount of water actually applied to beneficial use for the authorized industrial use.

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 - License

Corrected Recommendation

B

12/06/2005

IDAHO DEPARTMENT OF WATER RESOURCES PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-2152

NAME AND ADDRESS: IDAHO SUPREME POTATOES INC
PO BOX 246
FIRTH ID 83236

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.070 CFS
774.700 AFY

The total instantaneous diversion of water from all points of diversion under Transfer 5326 shall not exceed 1.07 cfs, nor total combined annual volume of 774.7 af.

The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

PRIORITY DATE: 10/03/1966

POINT OF DIVERSION:

T01S R37E S19 NWSESW Lot 5 Within BINGHAM County

T01S R37E S19 SWSESW Lot 5 Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	01/01 12/31	1.070 CFS 774.70 AFY

PLACE OF USE: INDUSTRIAL Within BINGHAM County

T01S R37E S19 Lot 5 SESW

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.

Diversion volume is limited to that amount of water actually applied to beneficial use for the authorized industrial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License