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FEB 03 2006

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

27-7261

27-10151

(insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B: NAME AND ADDRESS OF PERSON OBJECTING

Name:

RAY TOMIWAGA

Address:

515 W. 73 SO

BLACKFOOT, IDAHO 83221

Daytime Phone: 208-681-2017

Name & Address of Attorney, if any:

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

Name:

RAY TOMIWAGA, RICHARD TOMIWAGA, + JOANN TOMIWAGA

Address:

515 W 73 SO / 72 W. 100 N.

BLACKFOOT IDAHO 83221

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 27-7261 - 7.75 TOTAL COMBINED
Should be: 27-10151 ACRES
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: _____

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 ATTACHED

Ray Tominaga
515 West 73 South
Blackfoot, Idaho 83221

January 30, 2006

RE :Objection to27-10151

In reviewing the Idaho Department of Water Resources preliminary recommendation summary for water right 27-7261 does not match the Department's file records. Records will show the total combined acres should be 75 acres. The preliminary report summary shows total combined acres at 70.6. (see an attached report).

During the initial licensing exam it was determined that 68 acres was actual irrigated acres. (See an attached report.) . In September of 2003, a review was made and it was determined through satellite technology that an expansion claim of 7 acres was needed to record the correct number of irrigated acres. Water right 27-10151 should have been recorded as 7 acres. I don't know how this mix up occurred, but I would like to get his corrected.

Please call if you have any question.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ray Tominaga".

Ray Tominaga



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 26, 2006

RAY TOMINAGA
515 W 73 S
BLACKFOOT ID 83221

RE: Objection to 27-10151

Dear Ray:

In response to our telephone conversation I am sending you a Standard Form 1 for filing an objection with Snake River Basin Adjudication court, a copy of the report on water right 27-10151 and a colored layout illustrating the place of use in question.

My concern with this water right is the number of acres. Based on the information in the Department's file I believe you are entitled to a combined total of 75 acres not 70.6 acres. To make this correction you will first need to file the objection form. Once that has been done please call me at 525-7161 to schedule an appointment.

Naturally if you have any questions feel free to contact me.

Respectfully yours,

A handwritten signature in cursive script, reading 'Ernest Carlsen', is written in dark ink.

Ernest Carlsen
Water Right Supervisor

Enclosures (3)
emc

01/13/2006

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

RIGHT NUMBER: 27-10151

NAME AND ADDRESS: RAY TOMINAGA
515 W 73 S
BLACKFOOT ID 83221

RICHARD TOMINAGA
702 W 100 N
BLACKFOOT ID 83221

JOANN TOMINAGA
702 W 100 N
BLACKFOOT ID 83221

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.130 CFS

USE OF THIS RIGHT WITH RIGHT NO. 27-7261 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 1.32 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 247.1 AF.

PRIORITY DATE: 04/01/1983

This water right is subordinate to all water rights with a priority date
earlier than April 12, 1994, that are not decreed as enlargements pursuant
to Section 42-1426, Idaho Code. As between water rights decreed as
enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority
right is the superior right.

POINT OF DIVERSION:

T02S R37E S6 SWNWSE Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	4/01 11/01	0.130 CFS

PLACE OF USE: IRRIGATION Within BINGHAM County

T02S R37E S06	SWNE	0.30	T02S R37E S06	SENE	2.30
T02S R37E S06	NESW	3.60	T02S R37E S06	SESW	1.00
T02S R37E S06	NWSE	0.60			

7.8 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 27-7261 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 70.6 ACRES IN A SINGLE
IRRIGATION SEASON.

should be 75 acres.

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.

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 27-7261
PURSUANT TO SECTION 42-1426, IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

01/13/2006

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

RIGHT NO. 27-7261 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

THIS RIGHT IS FOR AN ENLARGEMENT OF 2.6 ACRES WITHIN THE PLACE
OF USE DESCRIBED FOR THIS RIGHT.

should be 7 acres.

27 7261
Inst. No.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant WOODROW PETERSON Phone 346-6090

Post office address FURTH, BOX 264 Rt. #1 83236

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is SE 1/4 of Section 5 Township 2S
Range 37E B.M. Bingham County, additional points of diversion if any: _____

4. Water will be used for the following purposes:
 Allow 1.36 cfs for:
 Amount 1.40 cfs for Irrigation purposes from 4/1 to 11/1 (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)

5. Total quantity to be appropriated:
 Allow 1.36 cfs for:
 a. 1.40 cfs, cubic feet per second and/or b. _____ acre feet per annum.

6. Proposed diverting works:
 Description of ditches, flumes, pumps, headgates, etc. Well, pump & sprinkler system

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

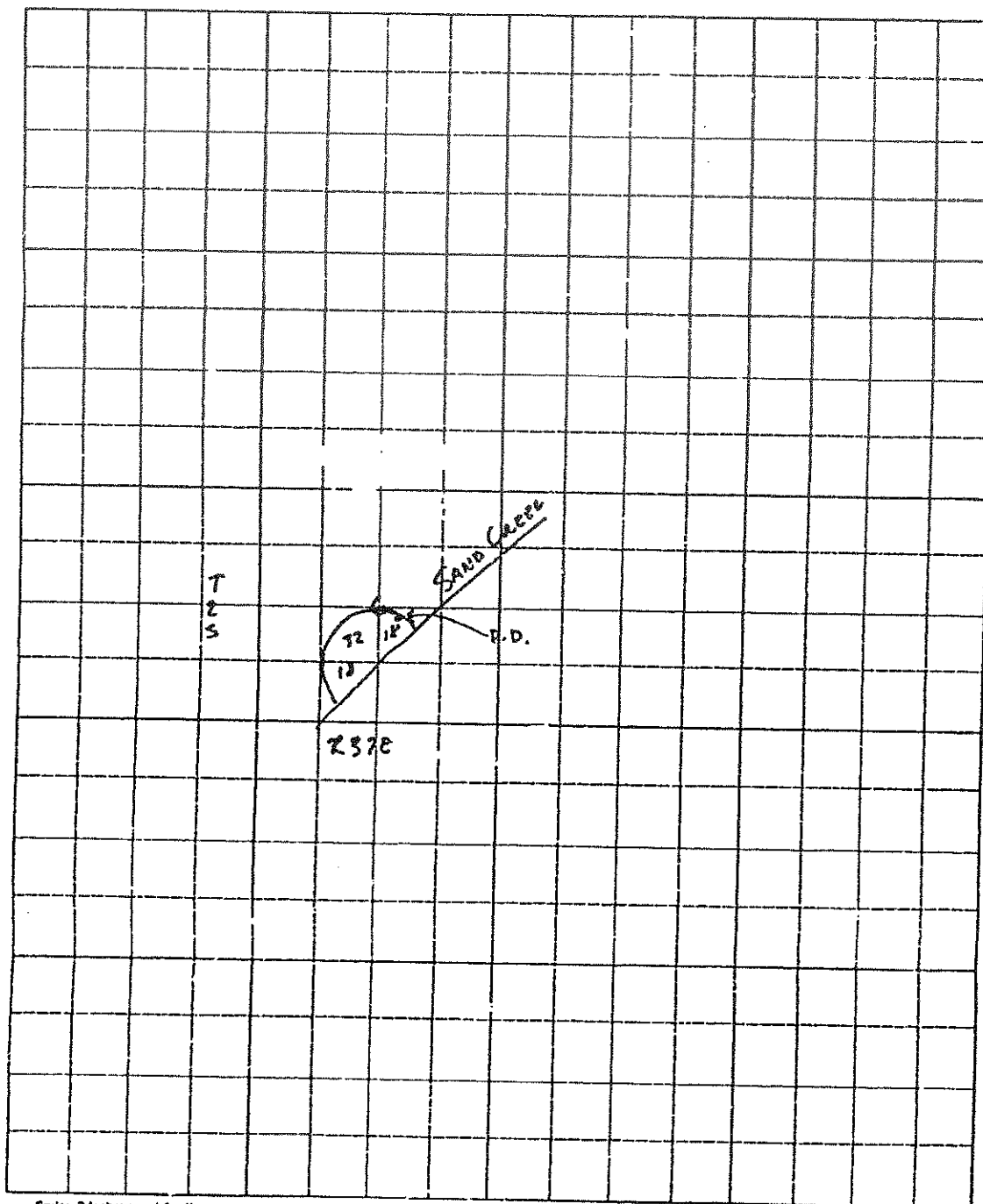
Period of year when water will be diverted to storage _____ (Month/Day) to _____ (Month/Day) inclusive.

c. Proposed well diameter is 12 inches; proposed depth of well is 80-100 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:
 a. If water is not for irrigation:
 (1) Give loc. place of use of water: _____ % of _____ % of Section _____ Township _____
 Range _____ B.M. _____
 (2) Amount of power to be generated: _____ horsepower under _____ feet of head.
 (3) List number of each kind of livestock to be watered _____
 (4) Name of municipality to be served _____ or number of families to be supplied with domestic water _____
 (5) If water is to be used for other purposes describe: _____

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

[Signature]
(Applicant)

F: VERIFICATION (Must be Completed)

State of Idaho)

County of Bingham)ss.

Ray Tomiyaga, 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.

Ray Tomiyaga
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: Jan 30 2006
T. Layne Van Orden

T. LAYNE VAN ORDEN
☆ NOTARY PUBLIC ☆
STATE OF IDAHO

Notary Public for Idaho
Residing at: Blackfoot Idaho
My Commission Expires: Nov 2010

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 31, ²⁰⁰⁶199, 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: _____

Address: _____

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