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Department of Water Resources
Adjudication Bureau

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 37-08165
(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 Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

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

Name: Robert A. and Bernadine M. Erkins

Address: P.O. Box 108; Bliss, Idaho 83314

Name:

Address: ;

Name:

Address: ;

Name:

Address: ;

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: _____
9. ☒ **Place of Use**
Should be: See 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):

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant's use of Federal land is unauthorized. See attached POU. Claimant's water right should not include this POU.

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of ADA)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

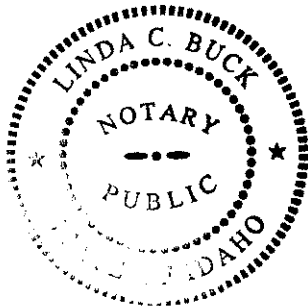
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

David Negin for LAB
(Signature of person filing objection)
Fredric W. Price
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: _____

March 9 2006
Linda C. Buck

Linda C. Buck
Notary Public in and for the State of Idaho
Residing at: Mountain Home
My Commission Expires: 12-21-2011



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 March 9, 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
P.O. Box 2707
Twin Falls, ID 83303-2707

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

Name: Robert A. and Bernadine M. Erkins
Address: P.O. Box 108; Bliss, Idaho 83314

Name:
Address: ;

Name:
Address: ;

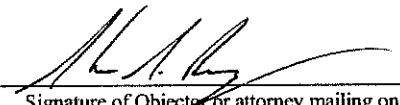
Name:
Address: ;

3. Copies to:

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

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. 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

11/01/2005

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

RIGHT NUMBER: 37-8165
NAME AND ADDRESS: ROBERT A ERKINS
PO BOX 108
BLISS ID 83314

BERNARDINE M ERKINS
PO BOX 108
BLISS ID 83314

POU on BLM

- Remove POUs that describe Public Land

Unauthorized Use

**- Claimant is Unauthorized for Irrigation,
Irrigation from Storage, and Fish Propagation**

SOURCE: WHITE ARROW HOT SPRING

TRIBUTARY: CLOVER CREEK

QUANTITY: 3.000 CFS

PRIORITY DATE: 06/30/1983

POINT OF
DIVERSION: T04S R13E S30 SENE Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 10/31	3.000 CFS
RECREATION	1/01 12/31	0.300 CFS
DOMESTIC	1/01 12/31	0.060 CFS
HEATING	1/01 12/31	3.000 CFS
FISH PROPAGATION	1/01 12/31	3.000 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T04S R13E S30	NESE	30.0	T04S R13E S30	SWSE	40.0
T04S R13E S30	SESE	30.0	T04S R13E S31	NENE	20.0
T04S R13E S31	NWNE	30.0	T04S R13E S31	SWNE	20.0 BLM
T04S R13E S31	SENE	20.0			

RECREATION same as IRRIGATION
DOMESTIC same as IRRIGATION
HEATING same as IRRIGATION
FISH PROPAGATION same as IRRIGATION

190 ACRES TOTAL

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

This right is conditioned upon completion of the appropriation in accordance with the statutory procedure for appropriation of water rights. This right remains subject to all conditions set forth in the permit upon which this right is based, and will be subject to all conditions set forth in the license issued by IDWR upon completion of the statutory appropriation process.

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.

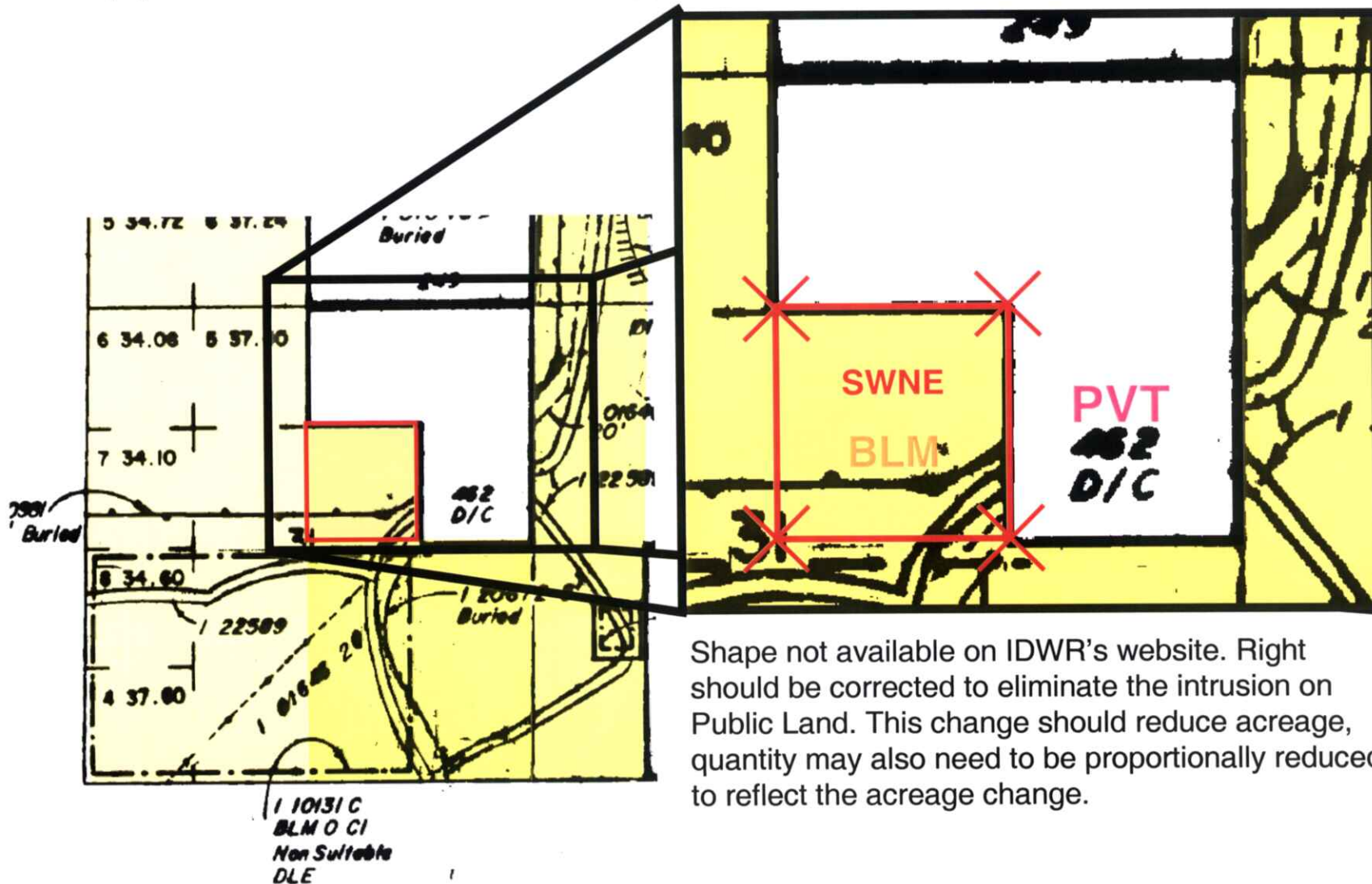
EXPLANATORY MATERIAL: BASIS OF CLAIM - Permit
Director's Report Basin 37 Part 1 Surface Water

667

No Irrigation is taking place on Public Land. Perhaps this is a typo.

37-08165 – Robert A. and Bernardine M. Erkins T04S, R13E, S31, SWNE

	Town	Rang	Subcase	Sect	QQ	Quar	Bas	Gov	Mix	PVT	BLM	FS	BOR	OtherFed	State	Own Comment
▶	04S	13E	37-08165	31	SW	NE	37		☐	☐	☒	☐	☐	☐	☐	Unauthorized Use



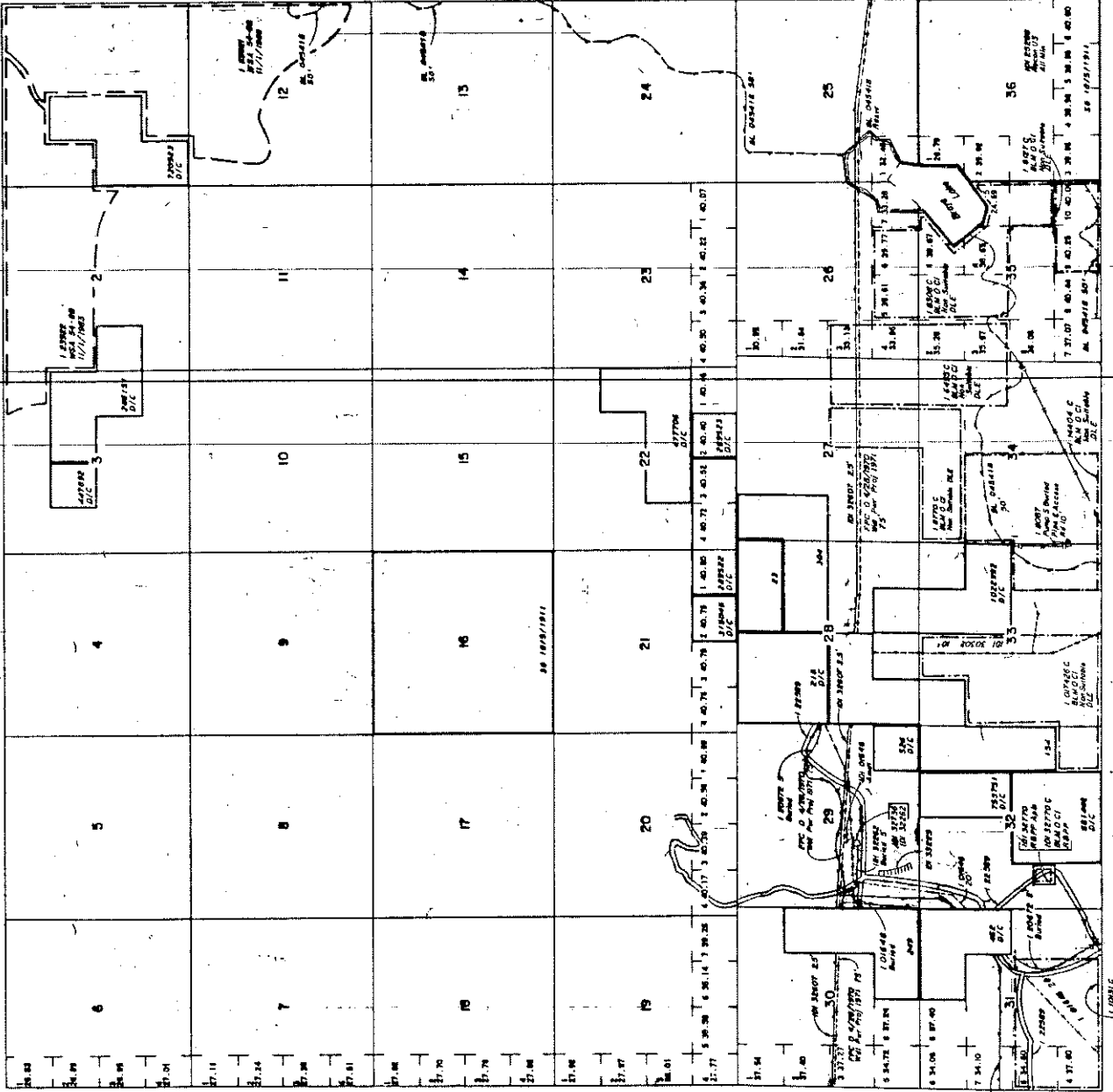
Shape not available on IDWR's website. Right should be corrected to eliminate the intrusion on Public Land. This change should reduce acreage, quantity may also need to be proportionally reduced to reflect the acreage change.

TOWNSHIP 4 SOUTH RANGE 13 EAST OF THE BOISE MERIDIAN, IDAHO

GOODING COUNTY 047
SANDWICH DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT



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FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

CURRENT TO	DATE
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1001.10.21	1001.10.21
1001.10.21	1001.10.21

Let 47-02.0 N
Long 112-51.0 W

SCALE IN CHAINS
0 10 20 30 40 50

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