

RECEIVED
MAY 08 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	)	<u>A. Subcase</u> <u>22-07210</u>
	)	(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: 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: Val E. Schwendiman Farms, Inc.
Address: 9633 E. Hwy 33; Newdale, Idaho 83436

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 POUs. Claimant's water right should not include these POUs.

F.

VERIFICATION (Must be Completed)

State of Idaho)

) ss.

County of ADA)

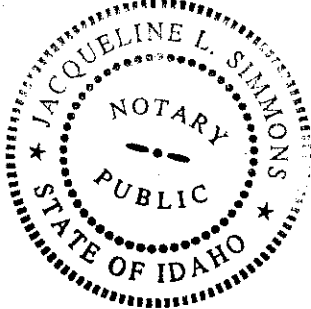
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

Fredric W. Price
(Signature of person filing objection)

Larry A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 8-4-06



Jacqueline L. Simmons
~~Linda C. Buck~~

Notary Public for State of Idaho
Residing at: Mountain Home, ID Boise, Idaho
My Commission Expires: ~~12-21-2011~~ 4-7-2011

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 May 4, 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:

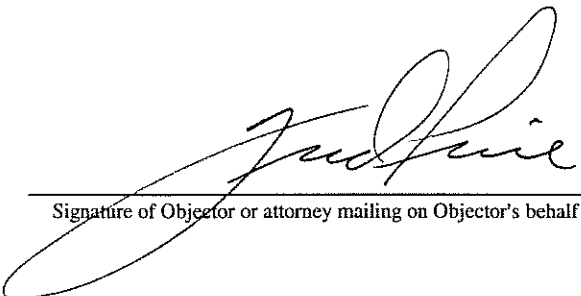
Name: Val E. Schwendiman Farms, Inc.
Address: 9633 E. Hwy 33; Newdale, Idaho 83436
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

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

02/24/2006

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

RIGHT NUMBER: 22-7210

NAME AND ADDRESS: VAL E SCHWENDIMAN FARMS INC
9633 E HWY 33
NEWDALE ID 83436

SOURCE: GROUND WATER

QUANTITY: 15.500 CFS
5,656.90 APY**Unauthorized use on BLM:**

-Portions of some POUs identified below have unauthorized acres on public land. Some POUs identified below are entirely unauthorized acres.

TRIBUTARY:

The rights listed below are limited to a total combined diversion rate of 56.36 cfs. Combined Right Nos.: 22-7205, 22-7210, 22-7265A, 22-7265B, 22-7313A, 22-7313B, and 22-7314.

Use of this right with Right Nos. 22-7210, 22-7271, 22-7313A, and 22-7313B is limited to a total combined diversion rate of 28.1 cfs and to a total combined annual diversion volume of 11,476.5 AF.

The combined rights listed above with Right No 22-7287 and 22-12656 are limited to a total combined diversion rate of 33.22 cfs and to a total annual diversion volume of 13,767.25 AF.

Mixed POUs:

POUs contain both private and public lands. Clarify such that it is clear that only private land is intended for those mixed POUs where the claimant is not authorized to farm.

PRIORITY DATE: 02/15/1977

POINT OF
DIVERSION:

T07N R41E S29 SESWNE Within FREMONT County

T07N R41E S29 NWNESE Injection Within FREMONT County

T07N R42E S23 SENWSE Rediversion Within FREMONT County

Water diverted under this right is exchanged by injecting water diverted under this right into Teton River at the points of injection described above, and diverting an equal amount from Teton River at the point of rediversion described above.

Three exchange wells are located at or near the point of diversion described above.

PURPOSE AND
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

04/15 10/15

15.500 CFS
5,656.90 APY

The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

IRRIGATION Within MADISON County

T06N R42E S02 Lot 1 NENE	39.00	T06N R42E S02 Lot 2 NWNE	39.00
T06N R42E S02 SWNE	39.00	T06N R42E S02 SENE	39.00
T06N R42E S02 Lot 3 NENW	39.00	T06N R42E S02 Lot 4 NWNW	39.00
T06N R42E S02 SWNW	39.00	T06N R42E S02 SENW	39.00
T06N R42E S02 NESW	39.00	T06N R42E S02 NWSW	39.00
T06N R42E S02 EWSW	39.00	T06N R42E S02 SESW	39.00
T06N R42E S02 NESE	39.00	T06N R42E S02 NWSE	39.00

T06N R42E S02	SWSE	39.00	T06N R42E S02	SESE	39.00
T06N R42E S10	NENE	40.00	T06N R42E S10	NWNE	40.00
T06N R42E S10	SWNE	35.00	T06N R42E S10	SENE	31.00
T06N R42E S10	NESW	40.00	T06N R42E S10	NWSW	40.00
T06N R42E S10	NESE	40.00	T06N R42E S10	NWSE	40.00
T06N R42E S11	NENE	39.00	T06N R42E S11	NWNE	39.00
T06N R42E S11	SWNE	39.00	T06N R42E S11	NENW	39.00
T06N R42E S11	NWNW	39.00	T06N R42E S11	SWNW	39.00
T06N R42E S11	SENW	39.00	T07N R42E S15	SWSW	1.20
T07N R42E S21	NENE	11.00	T07N R42E S21	SENE	34.00
T07N R42E S21	NESE	38.00	T07N R42E S22	NENE	20.00
T07N R42E S22	NWNE	17.00	T07N R42E S22	SWNE	4.20
T07N R42E S22	SWNE	35.00	T07N R42E S22	SENE	30.00
T07N R42E S22	SENE	9.30	T07N R42E S22	NENW	34.00
T07N R42E S22	NWNW	34.00	T07N R42E S22	SWNW	20.00
T07N R42E S22	SWNW	20.00	T07N R42E S22	SENW	40.00
T07N R42E S22	NESW	17.00	T07N R42E S22	NWSW	36.00
T07N R42E S22	NESE	39.00	T07N R42E S22	NWSE	39.00
T07N R42E S23	NWNW	3.90	T07N R42E S23	SWNW	31.00
T07N R42E S23	SENW	4.50	T07N R42E S23	NESW	15.00
T07N R42E S23	NESW	11.00	T07N R42E S23	NWSW	0.20
T07N R42E S23	NWSW	39.00	T07N R42E S23	SWSW	40.00
T07N R42E S23	SESW	3.40	T07N R42E S23	SESW	35.00
T07N R42E S23	SWSE	14.00	T07N R42E S26	NWNE	16.00
T07N R42E S26	NWNE	8.30	T07N R42E S26	SWNE	15.00
T07N R42E S26	SWNE	21.00	T07N R42E S26	SENE	2.90
T07N R42E S26	NENW	40.00	T07N R42E S26	NWNW	40.00
T07N R42E S26	SWNW	40.00	T07N R42E S26	SENW	40.00
T07N R42E S26	NESW	27.00	T07N R42E S26	NESW	9.80
T07N R42E S26	NWSW	40.00	T07N R42E S26	SWSW	40.00
T07N R42E S26	SESW	19.00	T07N R42E S26	SESW	20.00
T07N R42E S26	NESE	1.60	T07N R42E S26	NWSE	13.00
T07N R42E S26	NWSE	0.80	T07N R42E S26	SWSE	0.20
T07N R42E S26	SWSE	8.10	T07N R42E S27	NENE	40.00
T07N R42E S27	NWNE	40.00	T07N R42E S27	SWNE	40.00
T07N R42E S27	SENE	40.00	T07N R42E S27	NENW	40.00
T07N R42E S27	NWNW	40.00	T07N R42E S27	SWNW	40.00
T07N R42E S27	SENW	40.00	T07N R42E S27	NESW	40.00
T07N R42E S27	NWSW	40.00	T07N R42E S27	SWSW	40.00
T07N R42E S27	SESW	40.00	T07N R42E S27	NESE	40.00
T07N R42E S27	NWSE	40.00	T07N R42E S27	SWSE	40.00
T07N R42E S27	SESE	40.00	T07N R42E S28	NENE	38.00
T07N R42E S28	SWNE	40.00	T07N R42E S28	SENE	40.00
T07N R42E S28	SWSW	40.00	T07N R42E S28	SESW	40.00
T07N R42E S28	NESE	40.00	T07N R42E S28	NWSE	40.00
T07N R42E S28	SWSE	40.00	T07N R42E S28	SESE	40.00
T07N R42E S33	NENW	40.00	T07N R42E S35	NWNE	0.20
T07N R42E S35	NWNE	31.00	T07N R42E S35	SWNE	39.00

Portions of these ¼ ¼ s
are not authorized

These ¼ ¼ s are not
authorized.

These ¼ ¼ s are mixed ownership and
the irrigation on public land is not
authorized.

T07N R42E S35	SENE	0.60	T07N R42E S35	SENE	21.00
T07N R42E S35	NENW	40.00	T07N R42E S35	NWNW	40.00
T07N R42E S35	SWNW	40.00	T07N R42E S35	SENW	39.00
T07N R42E S35	NESW	39.00	T07N R42E S35	NWSW	39.00
T07N R42E S35	SWSW	39.00	T07N R42E S35	SESW	39.00
T07N R42E S35	NESE	38.00	T07N R42E S35	NWSE	39.00
T07N R42E S35	SWSE	39.00	T07N R42E S35	SESE	39.00
T07N R42E S36	NWSW	14.00	T07N R42E S36	SWSW	39.00

3934.2 ACRES TOTAL

Right Nos. 22-7210, 22-7271, 22-7287, 22-7313A, 22-7313B, and 22-12656 are limited to the irrigation of a combined total of 3,933.5 acres in a single irrigation season.

This right is limited to the irrigation of 2560 acres within the place of use described above in a single irrigation season.

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

This right is subject to regulation by the watermaster of Water District No 01.

The rate of diversion from the Teton River shall not exceed the rate of injection into the Teton River from the exchange wells.

The exchange wells must inject water into the Teton River whenever water is being diverted from the river under this license, and the injection must continue after the diversion from the Teton River ceases until the water not diverted reaches the point of injection.

No demand on upstream prior rights or existing prior exchanges can be made and no interference with prior rights located between the redirection pump and the exchange wells will be allowed even if the exchange wells are pumping water into the Teton River.

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.

Totalizing measuring devices shall be maintained at the exchange wells and redirection pumps from the Teton River.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

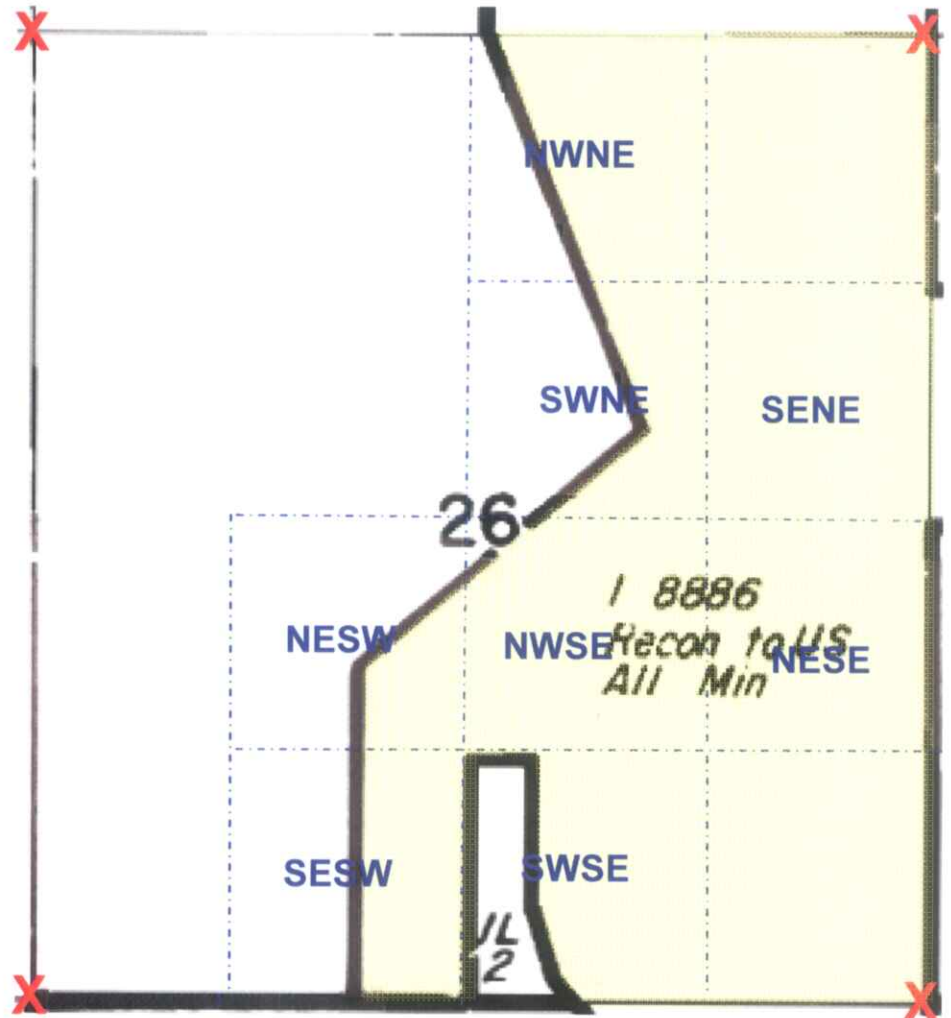
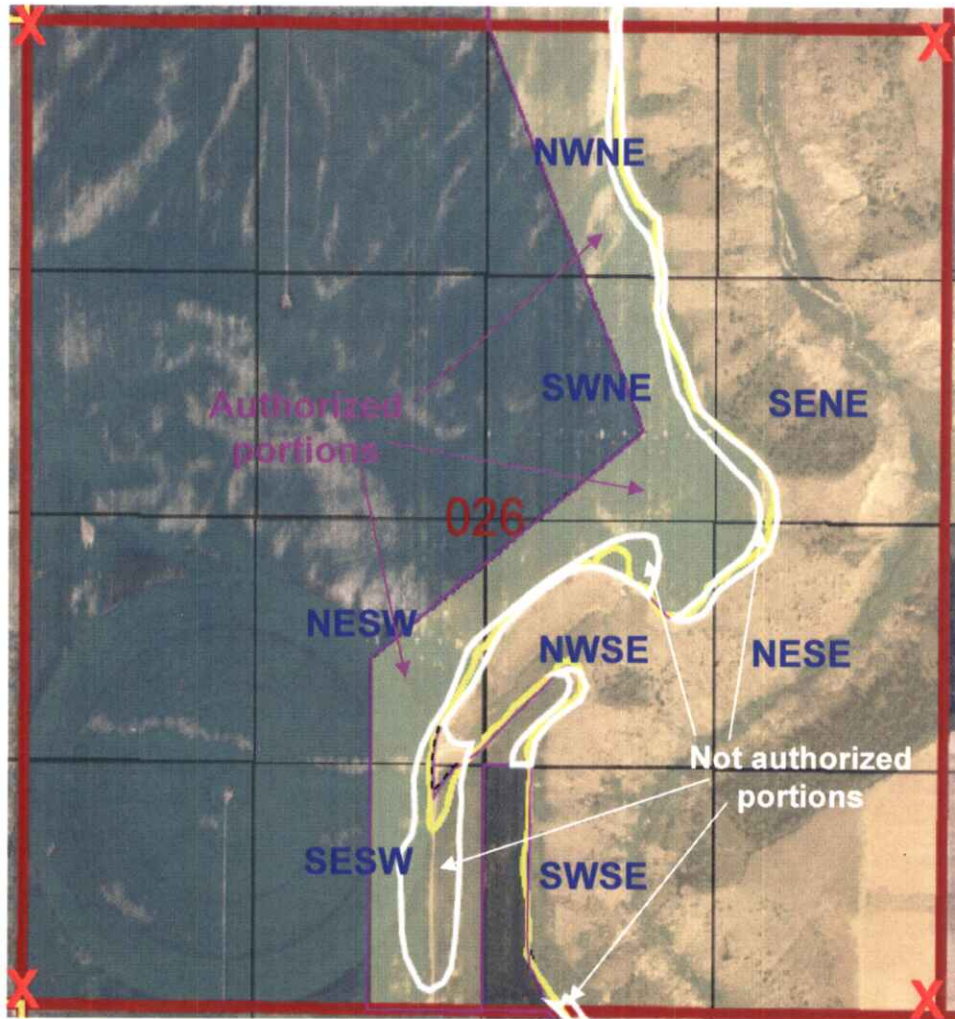
Right Nos. 22-7205, 22-7210, 22-7265A, 22-7265B, 22-7313A, 22-7313B, and 22-7314 are also diverted through points of diversion and injection described above.

Right Nos. 22-7210, 22-7270, 22-7313A, and 22-7313B are also diverted through point of redirection described above.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

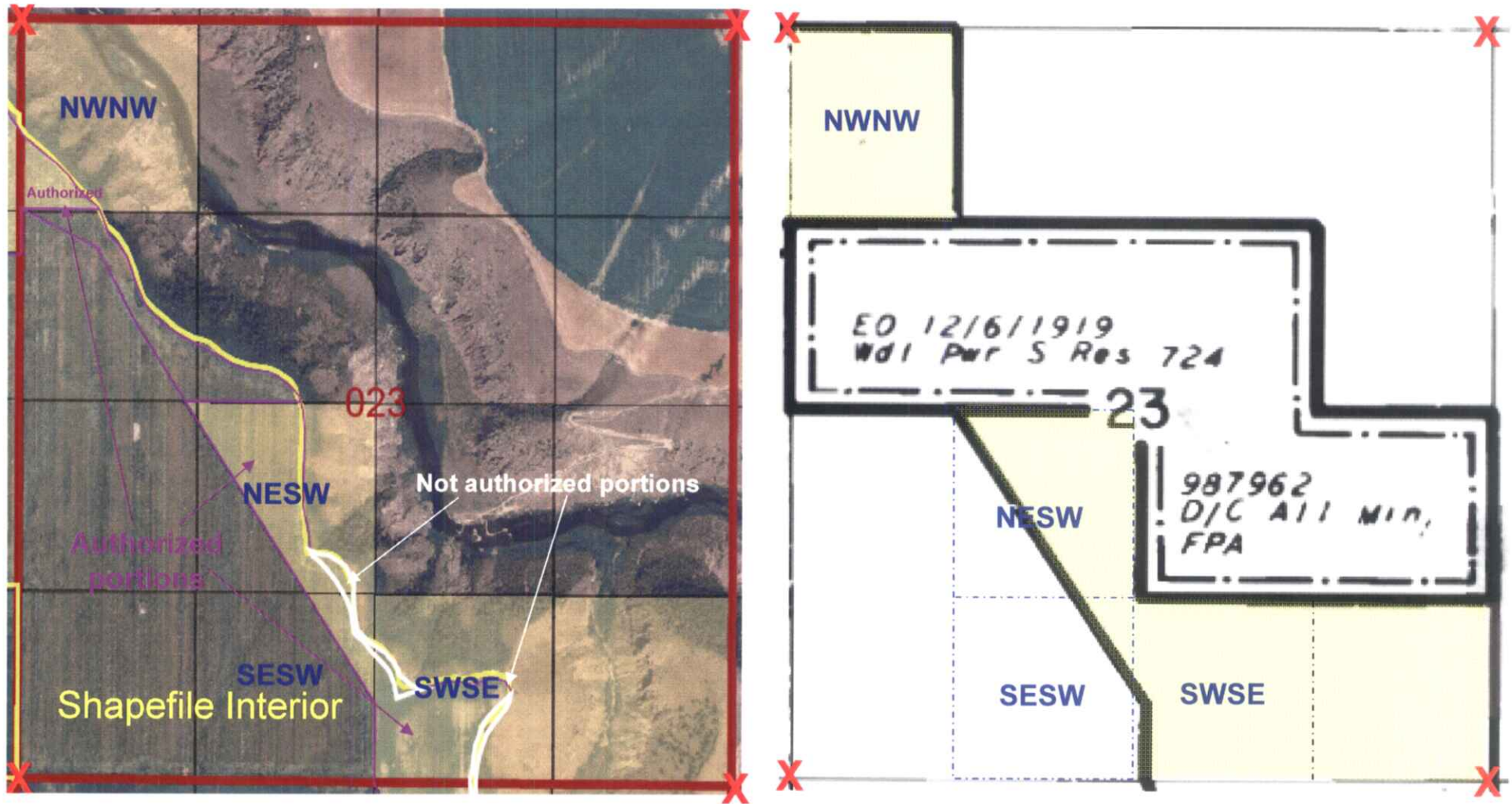
Exchange well diversion capacity is owned half by Schwendiman Farms and half by M & B Enterprises for a total capacity of 56.36 cfs.

22-07210; 22-07313A; 22-07313B
T07N R42E S26



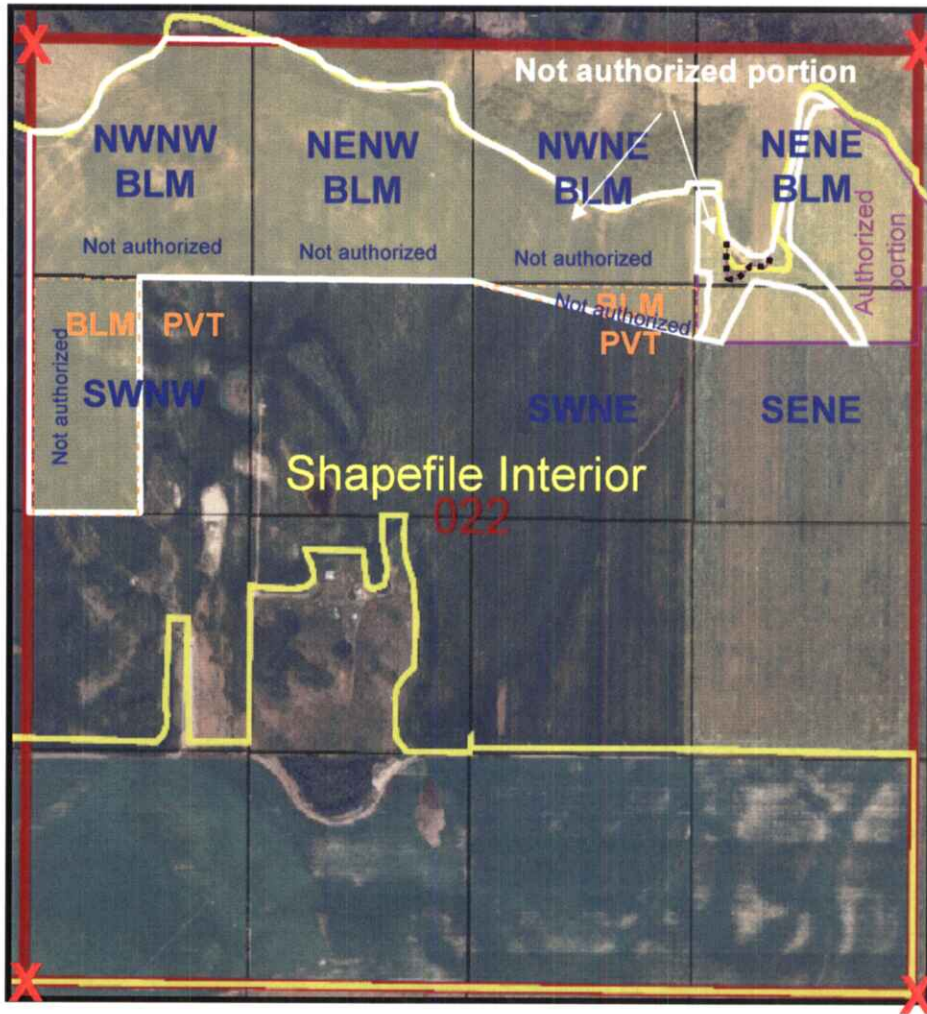
1. Within portions of the NWNE, SWNE, SENE, NESE, NWSE, NESW, and SESW, irrigated agricultural use of public land is authorized. Remove unauthorized portions and adjust shapfile and acres accordingly.

22-07210; 22-07313A; 22-07313B
T07N R42E S23

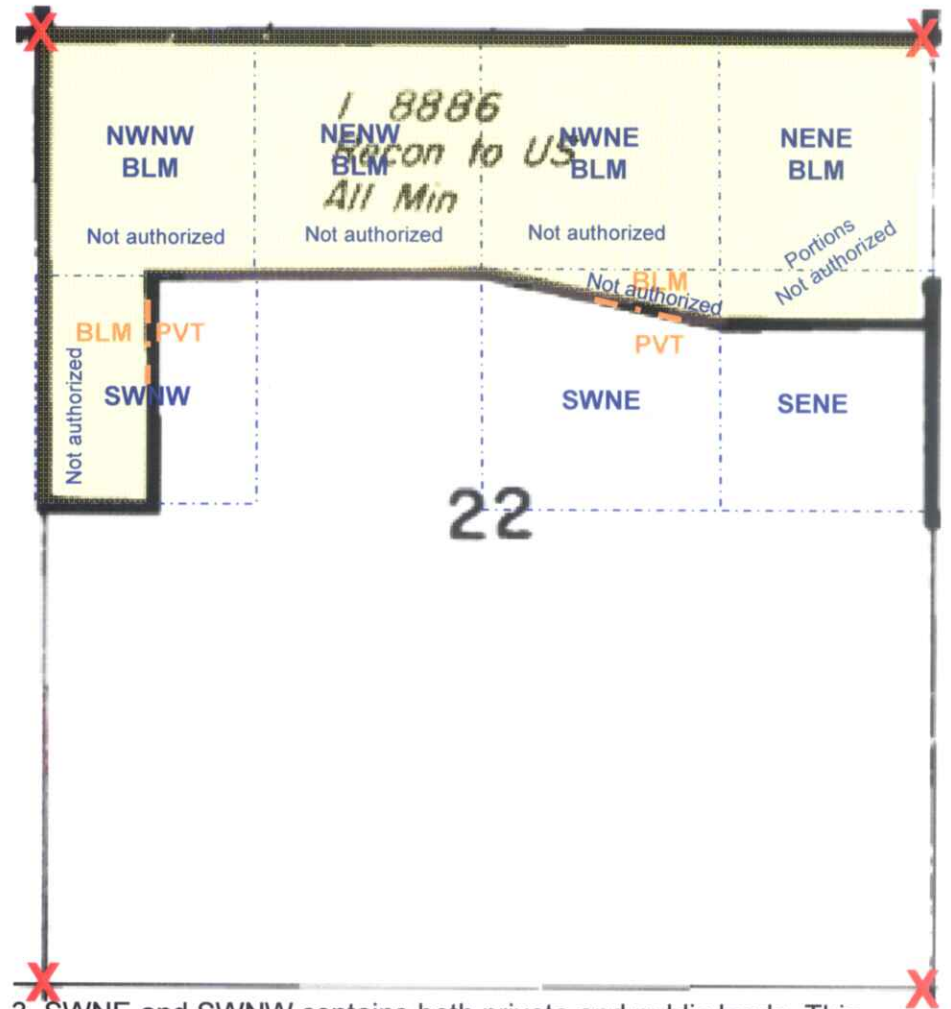


1. Within portions of the NESW, SESW, and SWSE, irrigated agricultural use of public land is authorized. Remove unauthorized portions and adjust shapfile and acres accordingly.

22-07210; 22-07313A; 22-07313B
T07N R42E S22



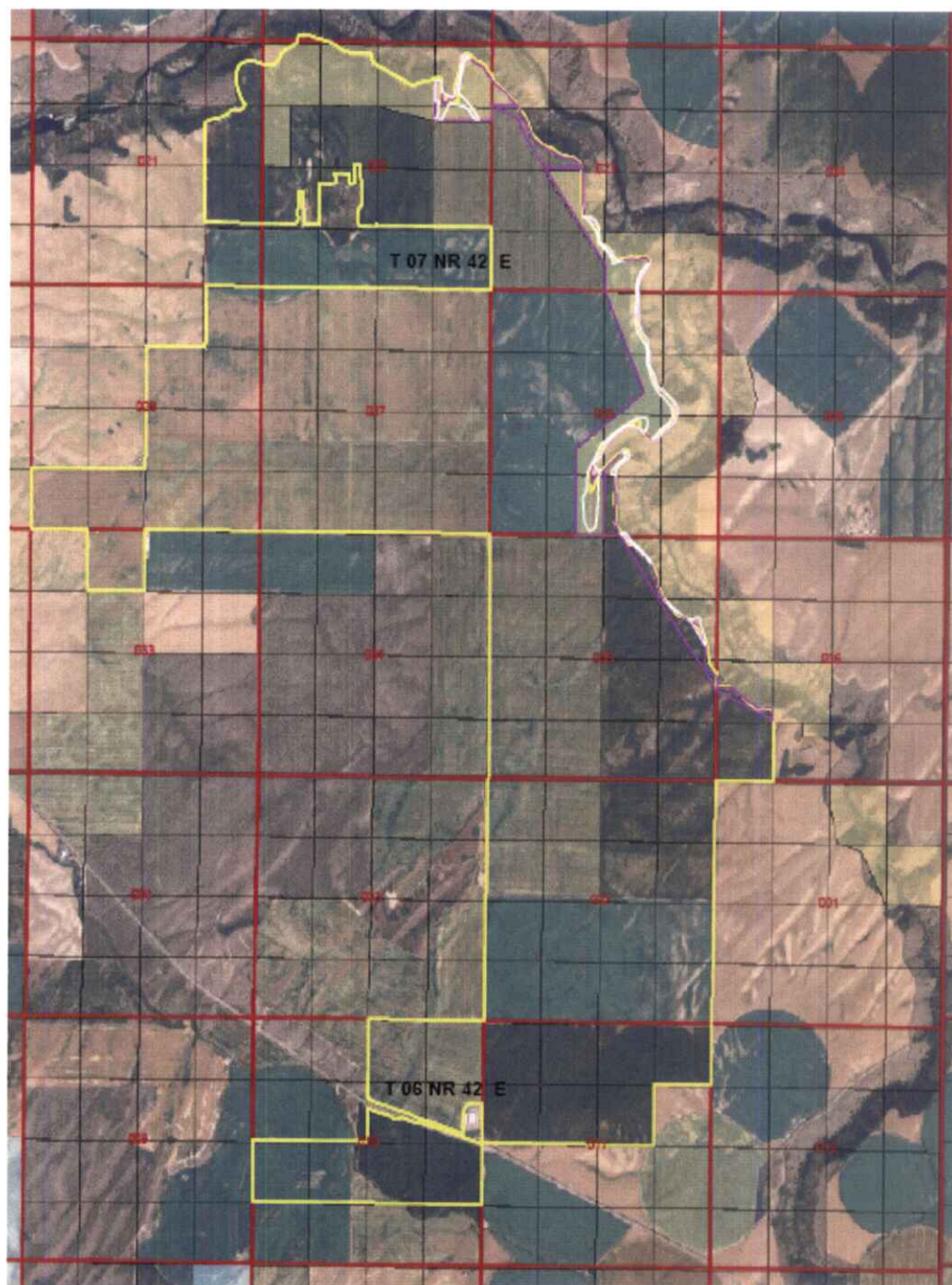
1. Within portions of the NENE and SENE, irrigated agricultural use of public land is authorized. Remove unauthorized portions and adjust shapfile and acres accordingly.
2. NWNE, NENW, and NWNW are entirely public land and this claimant is not is not authorized farm; remove from recommendation and adjust shapfile accordingly.



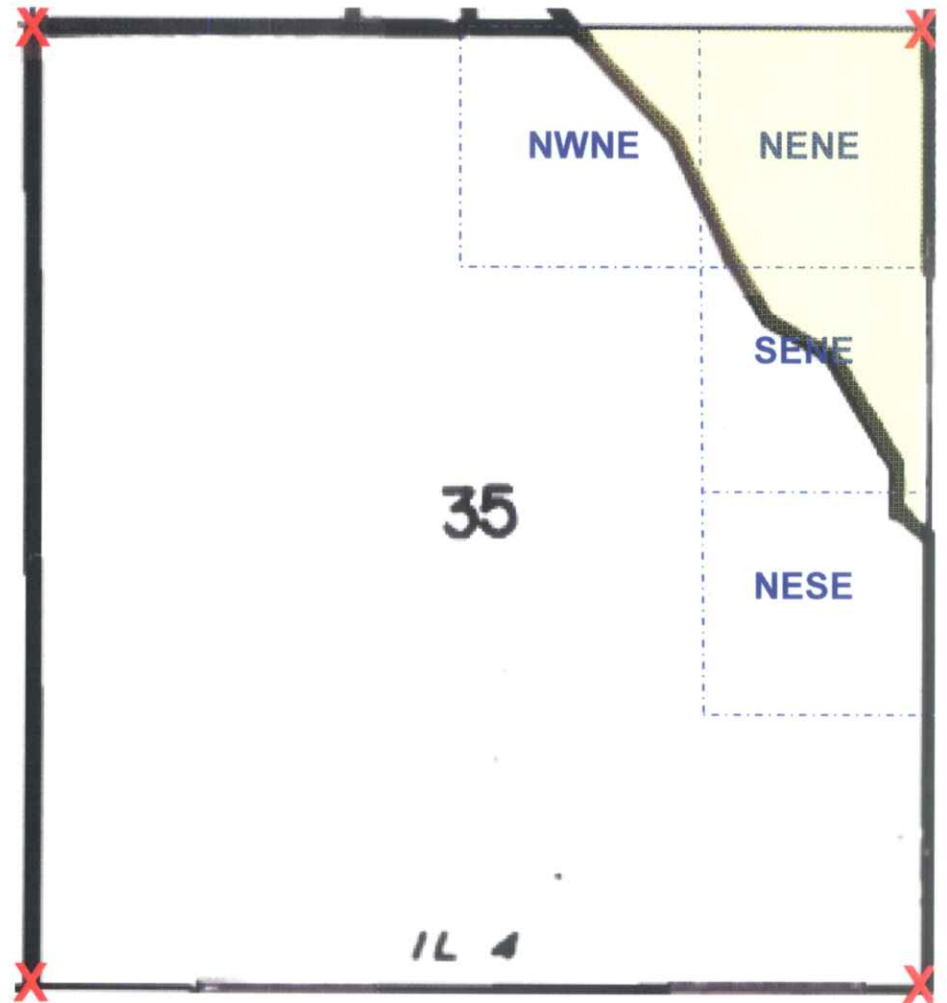
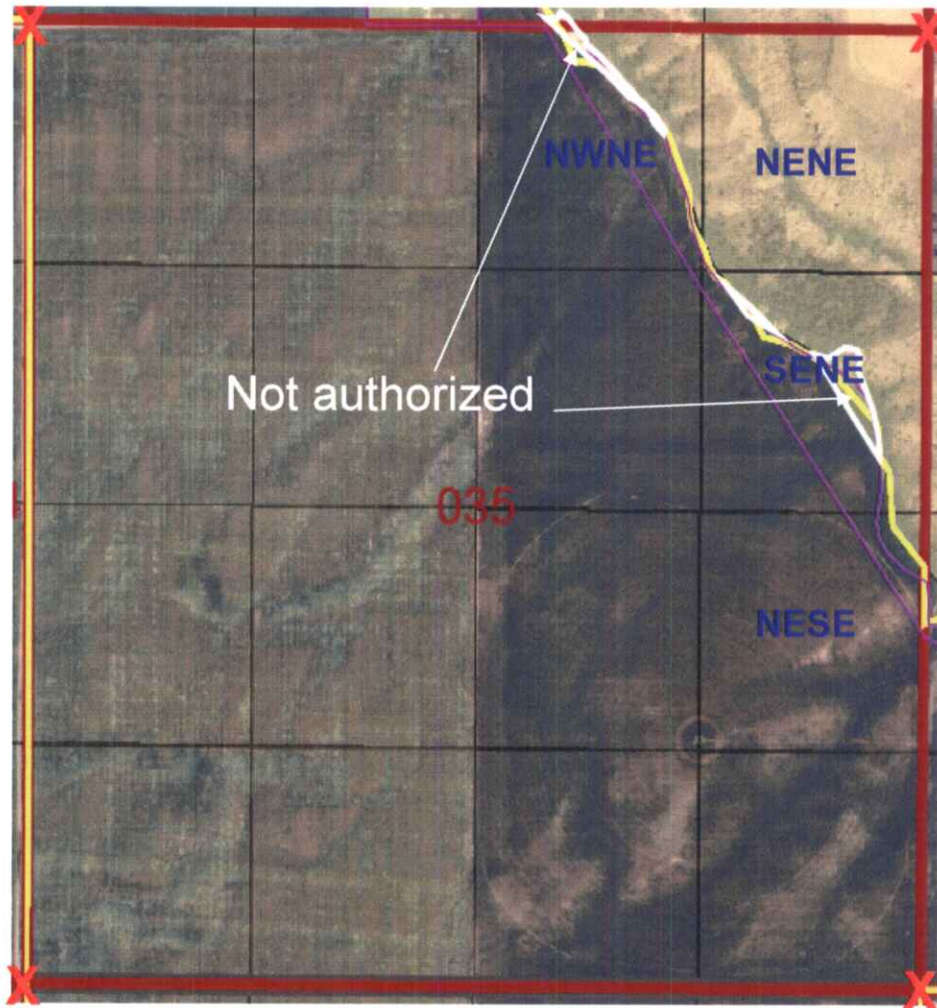
3. SWNE and SWNW contains both private and public lands. This claimant is not authorized to irrigate those public lands. Please insert the following language under place of use to clarify these POUs such that only private land is intended and adjust shapfile accordingly:

"The use of water within SWNE and SWNW, S22, T07N, R42E does not include federal public lands."

22-07210; 22-07313A; 22-07313B



22-07210; 22-07313A; 22-07313B
T07N R42E S35



Use on portions of BLM within NWNE and SENE is not authorized. Please adjust shapefile and acres accordingly.

