

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 21-10023
(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: Schreiner Farms - Idaho, L.L.C.
Address: 1038 E. Butte Road; Menan, Idaho 83434-5122
Name: c/o Gary Kelly
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 legal description for element nine (POU) above may include Federal land. The description should be specific enough to exclude Federal land.

F.

VERIFICATION (Must be Completed)

State of Idaho

)

) ss.

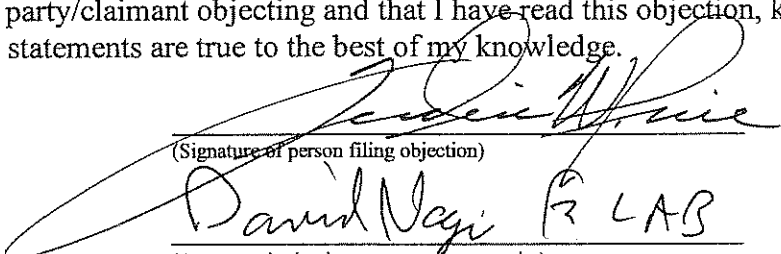
County of ADA

)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:

(Name of person filing objection)

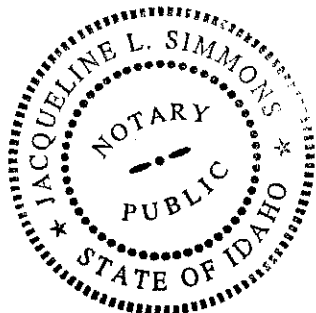
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)

David Nagy F LAB
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

23rd of May 2006



Jacqueline L. Simmons
Jacqueline L. Simmons

Notary Public for State of Idaho

Residing at: Boise, ID.

My Commission Expires: 04-07-2011

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 23, 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:

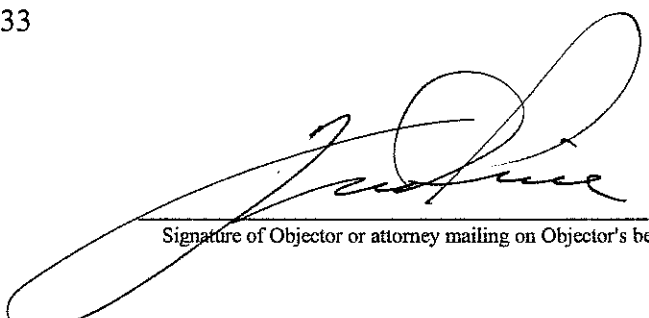
Name: Schreiner Farms - Idaho, L.L.C.
Address: 1038 E. Butte Road; Menan, Idaho 83434-5122
Name: c/o Gary Kelly
Address: ;
Name: ;
Address: ;
Name: ;
Address: ;

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

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

RIGHT NUMBER: 21-10023

NAME AND ADDRESS: SCHREINER FARMS IDAHO LLC
C/O GARY KELLY
1038 E BUTTE RD
MENAN ID 83434-5122

Mixed POUs:

-Place of Use identified below contains both public and private land.

-Clarify such that it is clear that only private land is intended.

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.360 CFS

Right Nos. 21-2109A and 21-10023 are limited to a total combined diversion rate of 3.08 cfs.

PRIORITY DATE: 03/24/1975

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: T05N R38E S11 SWNSW Within MADISON County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

04/01 10/31

0.360 CFS

PLACE OF USE:

IRRIGATION Within MADISON County

T05N R38E S02 SESW 0.20

T05N R38E S10 SENE 0.30

T05N R38E S10 NESE 8.10

T05N R38E S10 SESE 0.70

Mixed: T05N R38E S11 SWNE 6.00

T05N R38E S11 Lot 2 NENW 28.00

T05N R38E S11 NWNW 7.20

T05N R38E S11 SWNW 32.00

T05N R38E S11 Lot 3 SENW 18.00

T05N R38E S11 NESW 11.00

T05N R38E S11 Lot 6 NESW 27.00

T05N R38E S11 NWSW 40.00

T05N R38E S11 SWSW 22.00

T05N R38E S11 SESW 0.90

T05N R38E S11 Lot 7 SESW 27.00

T05N R38E S11 Lot 7 SWSE 2.00

230.3 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 230.3 acres in a single irrigation season. Combined Right Nos.: 21-2109A, 21-2109B, 21-10023

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

This right is based upon an enlargement of Right No. 21-2109A pursuant to Section 42-1426, Idaho Code.

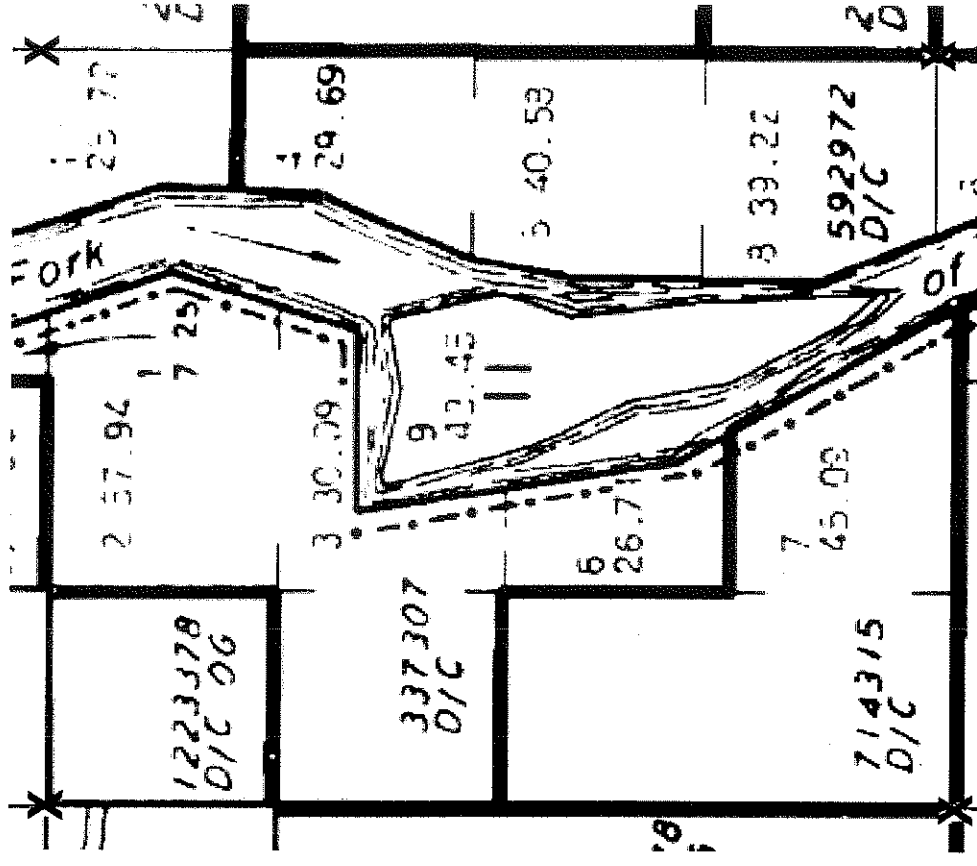
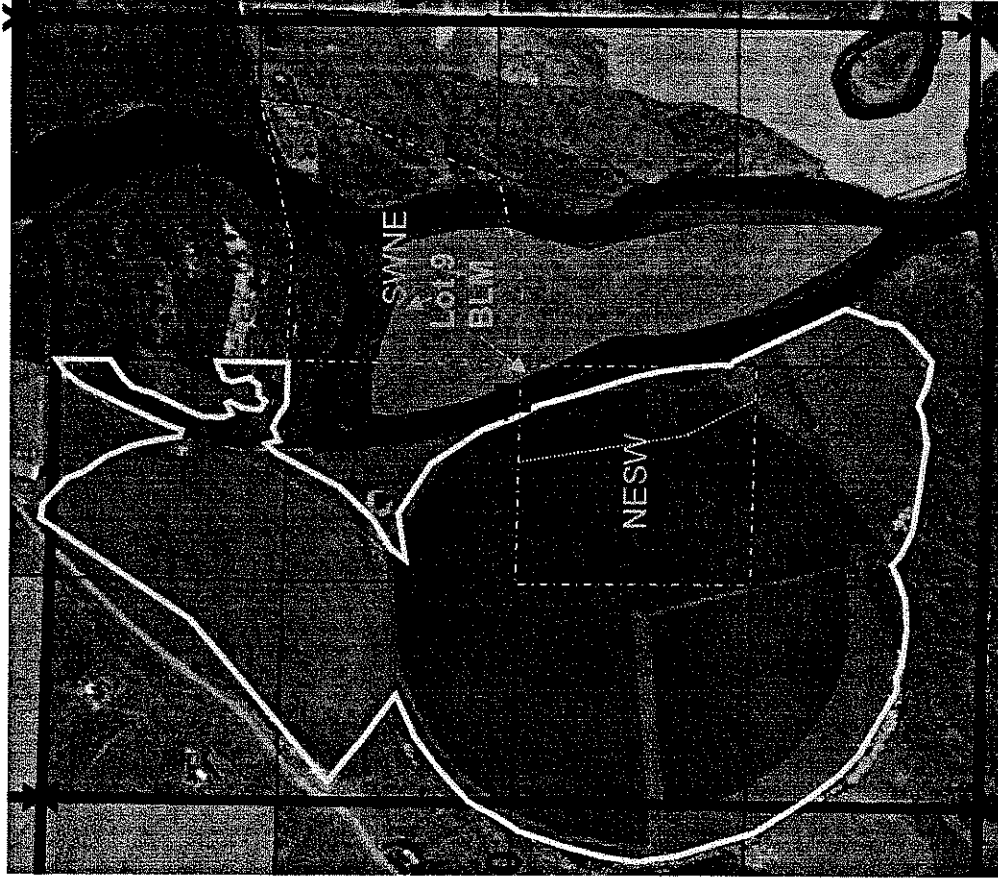
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(c), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is for an enlargement of 19 acres within the place of use described for this right.

21-02109A, 21-02109B, 21-10023

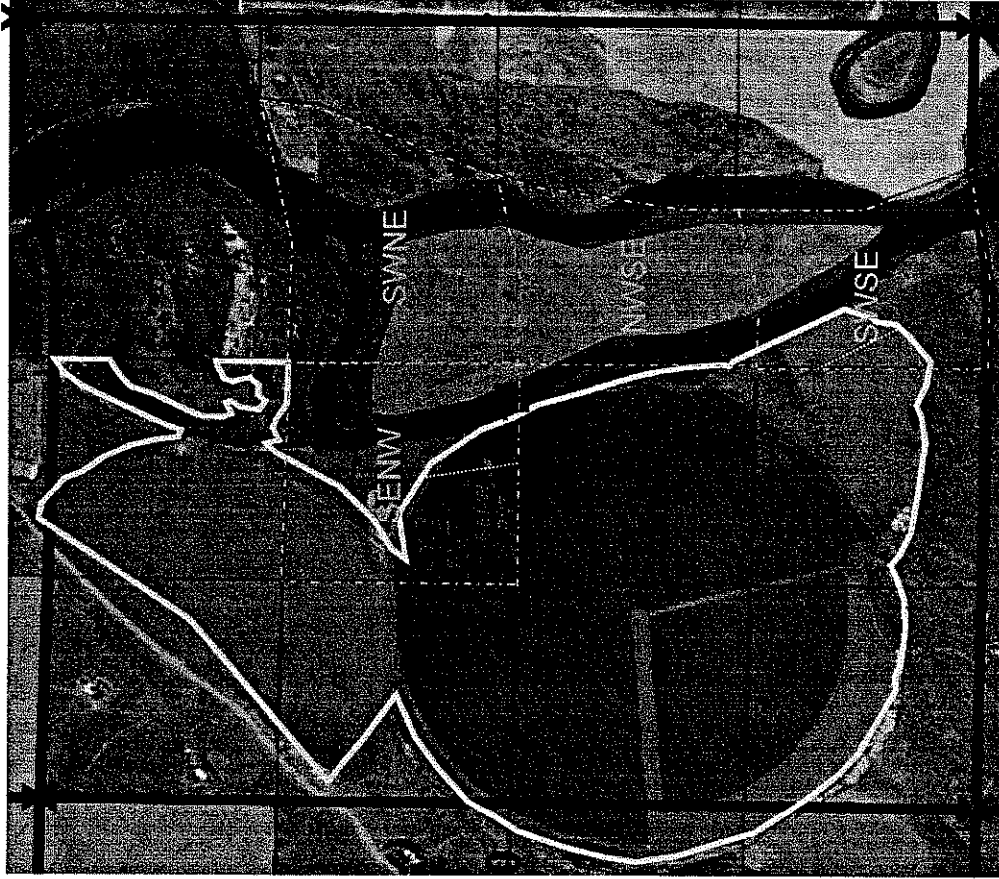
T05N R38E



2. Since the SWNE & NESW, S11 contain both private and public lands, please insert the following language under place of use to clarify this POU such that only private land is intended. The SWNE lies outside the irrigation boundary, perhaps this is a typographical error?

“The place of use does not include federal public lands.”

21-02109A, 21-02109B, 21-10023
T05N R38E



Non-objection talking points:

Since the SWNE 6.0 acres appears to be a typographical error, perhaps the acres need to be described as:

1. SENW (the part that is not Lot 3 (SENW)) is about 2.2 acres and since it is inside the irrigation boundary but has no Place of Use listed?
2. NWSE is about 0.2 acres and since it is inside the irrigation boundary but has no Place of Use listed?
3. SWSE (the part that is not Lot 7 (SWSE)) is about 3.4 acres and since it is inside the irrigation boundary but has no Place of Use listed?

**the acres of these three POUs that are not listed in the recommendation add up to about 6.0 acres

If the SENW, NWSE, and SWSE, S11 are included in the recommendation, then "The place of use does not include federal public lands" would need to be applied to those places of use since the $\frac{1}{4}$ $\frac{1}{4}$ descriptions contain both private and public land.

