

RECEIVED

DEC 28 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

A. Subcase 37-817

(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: Faulkner Hayhook Ranches, Inc.

Address: 755 US Highway 30

Bliss, ID 83314

Daytime Phone: (208) 352-4372

Name & Address of Attorney, if any:

C. Tom Arkoosh

Post Office Box 32

Gooding, ID 83330

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

Name: Faulkner Hayhook Ranches, Inc.

Address: 755 US Highway 30

Bliss, ID 83314

COPY

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: 3.2 cfs
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
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: see Exhibit A
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):** Quantity and place of use
resolved in error period, but not properly recommended
because Idaho Department of Water Resources lost claim.

F.

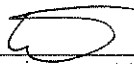
VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Gooding)

C. Tom Arkoosh , 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)

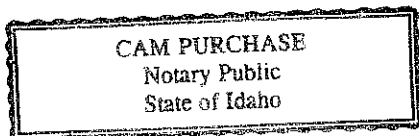


(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

December 27, 2006

Notary Public for Idaho
Residing at: Bliss
My Commission Expires: 7/16/10



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 DECEMBER 27, 20006 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: Faulkner Hayhook Ranches, Inc.
Address: 755 US Highway 30
Bliss, ID 83314

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

November 21, 2006

Faulkner Hayhook Ranches Inc.
C/o Jim Faulkner
755 US Hwy 30
Bliss, ID 83314

RE: Snake River Basin Adjudication claim 37-817

Dear Mr. Faulkner,

Attached is the amended Snake River Basin Adjudication (SRBA) water right claim for 37-817 that you requested at our meeting last week in Fairfield. The only change I made to the claim is an increase in the place of use from 60 acres to 133 acres. Please review the amended claim and if you feel it is correct, please sign it, have it notarized, and return it to me with \$146 (filing fee for the additional acres). Please note that this amended claim is not valid until I receive it signed and notarized with the filing fee.

Summary of water right 37-817:

- 37-817 originally decreed in 1920 for 3.2 cfs for Irrigation of eight quarter-quarter sections (320 acres).
- If amended claim 37-817 is returned, I plan to recommend that the SRBA Court decree water right claim 37-817 for 3.2 cfs for Irrigation of 133 acres.

Also attached is the new claim (37-21972) you requested for the storage of irrigation water in the pond on the north end of your ranch. Using the information you gave me (listed below), I calculated the volume of the pond to be 13 acre feet. Please note that the consumptive use requirement for irrigation in your area is 4.0 acre feet per acre, so this storage water would be limited to irrigation of 3.25 acres in one irrigation season. Also, I meant to discuss establishment of a priority date for this use during our meeting in Fairfield, but it slipped my mind. To be included the SRBA, you must document that storage of water in the pond for irrigation started before 5/20/1971. I have enclosed a pamphlet titled "Evidence of Priority" that discusses possible types of evidence of priority. If you cannot document that this use started before 5/20/1971, you should contact the IDWR - Twin Falls office (208-736-3033) to inquire about obtaining a license for this use.

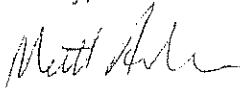
To make this new claim (37-21972) valid, you need to send me all of the following:

- Evidence documenting use started prior to 5/20/1971
- The claim signed and notarized (Please review it first to make sure it represents you water use)
- \$100 filing fee

You requested that I check to see if permit 37-8194 for the hot water well at the north end of your ranch needs to be included in the SRBA. Since the proof of beneficial use was submitted 9/27/1996, after the start of the SRBA in 1987, 37-8194 is not included in the SRBA.

If you have questions, feel free to contact me at (208) 287-4937.

Sincerely,

A handwritten signature in cursive script, appearing to read "Matt Anders".

Matt Anders
GIS Specialist – Snake River Basin Adjudication



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

November 21, 2006

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C/o Jim Faulkner
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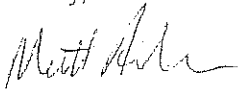
To make this new claim (37-21972) valid, you need to send me all of the following:

- Evidence documenting use started prior to 5/20/1971
- The claim signed and notarized (Please review it first to make sure it represents you water use)
- \$100 filing fee

You requested that I check to see if permit 37-8194 for the hot water well at the north end of your ranch needs to be included in the SRBA. Since the proof of beneficial use was submitted 9/27/1996, after the start of the SRBA in 1987, 37-8194 is not included in the SRBA.

If you have questions, feel free to contact me at (208) 287-4937.

Sincerely,

A handwritten signature in cursive script, appearing to read "Matt Anders".

Matt Anders
GIS Specialist – Snake River Basin Adjudication

6657

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-817
Date Received: 8/24/1988
Receipt No: S001688
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

FAULKNER HAYHOOK RANCHES INC
C/O JIM FAULKNER
755 US HWY 30
BLISS ID USA 83314

Phone: (208) 948-9104

2. Date of Priority: 04/01/1904

3. Source: CALF CREEK , CALF CREEK Trib. to: CLOVER CREEK , CLOVER CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04S	12E	26	SW NE	GOODING	
04S	12E	27	NE SE	GOODING	

5. Description of diverting works:

RESERVOIR, HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/01	11/01	3.2	

7. Total Quantity Appropriated is:
3.2 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04S	12E	26	NE	SW	IRRIGATION	6
			SW	NW	IRRIGATION	1
			NW	SW	IRRIGATION	18
			SW	SW	IRRIGATION	5
Section Acres						30
04S	12E	27	NE	SE	IRRIGATION	3
			SW	SE	IRRIGATION	9
			SE	SE	IRRIGATION	8
Section Acres						20
04S	12E	34	NE	NE	IRRIGATION	14
			SW	NE	IRRIGATION	10
			SE	NE	IRRIGATION	24
			NW	NE	IRRIGATION	35
Section Acres						83
Total Acres						133

11. Place of use in counties: GOODING

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

2 DIFFERENT TRIB OF CALF CREEK. WATER IS DIVERTED FROM TWO POINTS OF DIV. DECREE ORIGINALLY COVERED MORE ACRES. CLAIMANT IN PROCESS OF IMPROVING IRRIG SYSTEM FOR FUTURE ADDITIONAL ACRES. CURRENTLY IRRIGATING APPROX. 60 ACRES.

11/14/06 - claimant requested amended claim to increase POU acreage to represent irrigated acres.

15. Basis of Claim: Decreed

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 2

For Organizations:

I do solemnly swear or affirm that I am Pres. of
Faulkner Haybrook Ranches Inc Title
Organization that I have signed the foregoing
document in the space below as Pres. of
Faulkner Haybrook Ranches Inc Title
Organization and that the statements contained in the
foregoing document are true and correct. James E Faulkner
Signature of Authorized Agent
Faulkner Haybrook Ranches Inc
Title and Organization
11/28/06
Date

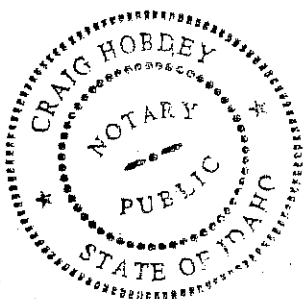
State of Idaho)
County of Gooding) SS.

Subscribed and sworn (or affirmed) before me this 28th
of November 2006

Craig Hobbey
Notary Public

Residing at Gooding

My commission Expires 10-24-12



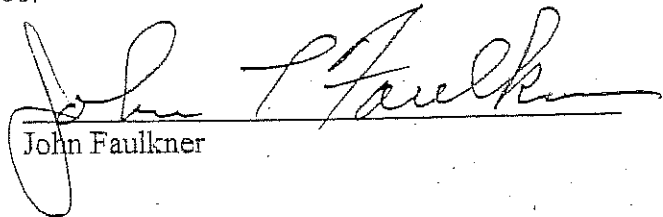
AFFIDAVIT

STATE OF IDAHO)
) SS.
County of Gooding)

JOHN FAULKNER, upon his oath being first duly sworn, deposes and says:

1. Affiant's name is JOHN FAULKNER, a resident of Gooding County, Idaho.
2. In 1956 RALPH FAULKNER LAND, INC. purchased a portion of Section 27 in Township 4 South, Range 12 EBM in Gooding County, Idaho, north of Bliss.
3. There was a storage pond on the west fork of Calf Creek at the time RALPH FAULKNER LAND, INC. purchased the property.
4. Affiant was twenty four years old when Ralph Faulkner Land, Inc. purchased the above described property, and storage reservoir. The above described reservoir was personally observed by your Affiant as being on the property in 1956.

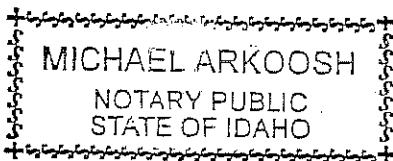
DATED THIS 28th day of November, 2006.


John Faulkner

STATE OF IDAHO)
) SS.
County of Gooding)

On this 28th day of November, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared JOHN FAULKNER, known to me to be the person whose name is subscribed to in the within and foregoing instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year in this instrument first above written.




NOTARY PUBLIC FOR IDAHO
Residing at: Gooding
Commission Expires: 08 / 07 / 2009

AFFIDAVIT

STATE OF IDAHO)
) SS.
County of Gooding)

WALT HOBDEY, upon his oath being first duly sworn, deposes and says:

1. Affiant's name is WALT HOBDEY, a resident of Gooding County, Idaho.
2. Prior to 1956 Affiant was working for Jay Farmer at his ranch north of Bliss. Part of the ranch included a portion of Section 27, Township 4 South, Range 12 EBM, Gooding County, Idaho.
3. While I was working on the ranch I personally observed a storage reservoir on the West Fork of Calf Creek. I know about the use of the reservoir/storage facility because it existed prior before and after 1956 based upon my personal observation.
4. I was over the age of twenty-five (25) years at the time Affiant worked for Jay Farmer and made these observations.

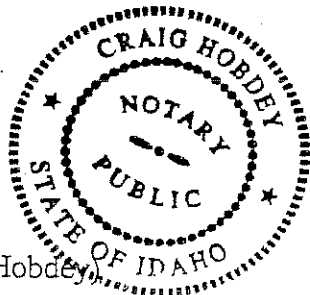
DATED THIS 28 day of November, 2006.

Walt Hobdey
Walt Hobdey

STATE OF IDAHO)
) SS.
County of Gooding)

On this 28 day of November, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared WALT HOBDEY, known to me to be the person whose name is subscribed to in the within and foregoing instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year in this instrument first above written.



Craig Hobdey
NOTARY PUBLIC FOR IDAHO
Residing at: Gooding
Commission Expires: 10-24-12

COPY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-21972
Date Received: 11/21/2006
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

FAULKNER HAYHOOK RANCHES INC
C/O JIM FAULKNER
755 US HWY 30
BLISS ID USA 83314

Phone: (208) 948-9104

2. Date of Priority:

3. Source: UNNAMED STREAM Trib. to: CALF CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04S	12E	27	NE NE SE	GOODING	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION STORAGE	01/01	12/31		13
IRRIGATION FROM STORAGE	03/15	11/15		13

7. Total Quantity Appropriated is:
13 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

Fish Propagation

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04S	12E	26	NE	SW	IRRIGATION FROM STORAGE	6
			SW	NW	IRRIGATION FROM STORAGE	1
			NW	SW	IRRIGATION FROM STORAGE	18
			SW	SW	IRRIGATION FROM STORAGE	5
Section Acres						30
04S	12E	27	NE	SE	IRRIGATION FROM STORAGE	3
			SW	SE	IRRIGATION FROM STORAGE	9
			SE	SE	IRRIGATION FROM STORAGE	8
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			SE	NE	IRRIGATION FROM STORAGE	24
			NW	NE	IRRIGATION FROM STORAGE	35
Section Acres						83
Total Acres						133

11. Place of use in counties: GOODING

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

Claim is for pond in NESE Section 27

Pond volume is calculated to be 13 acre feet. Consumptive use for irrigation in this area is 4.0 acre feet per acre. Therefore, Irrigation from Storage is limited to irrigation of 3.25 acres per season.

15. Basis of Claim: Beneficial Use

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Pres of
Title
Faulkner Haybrook Ranches Inc. that I have signed the foregoing
Organization
document in the space below as Pres. of
Title
Faulkner Haybrook Ranches Inc. and that the statements contained in the
Organization
foregoing document are true and correct. James E. Faulkner
Signature of Authorized Agent
Faulkner Haybrook Ranches Inc.
Title and Organization
11/28/06
Date

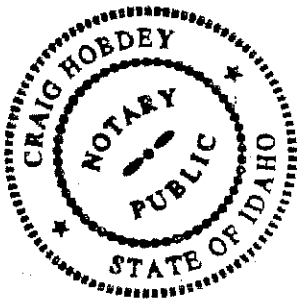
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Subscribed and sworn (or affirmed) before me this
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29th
Craig Hobdey
Notary Public

Residing at Gooding

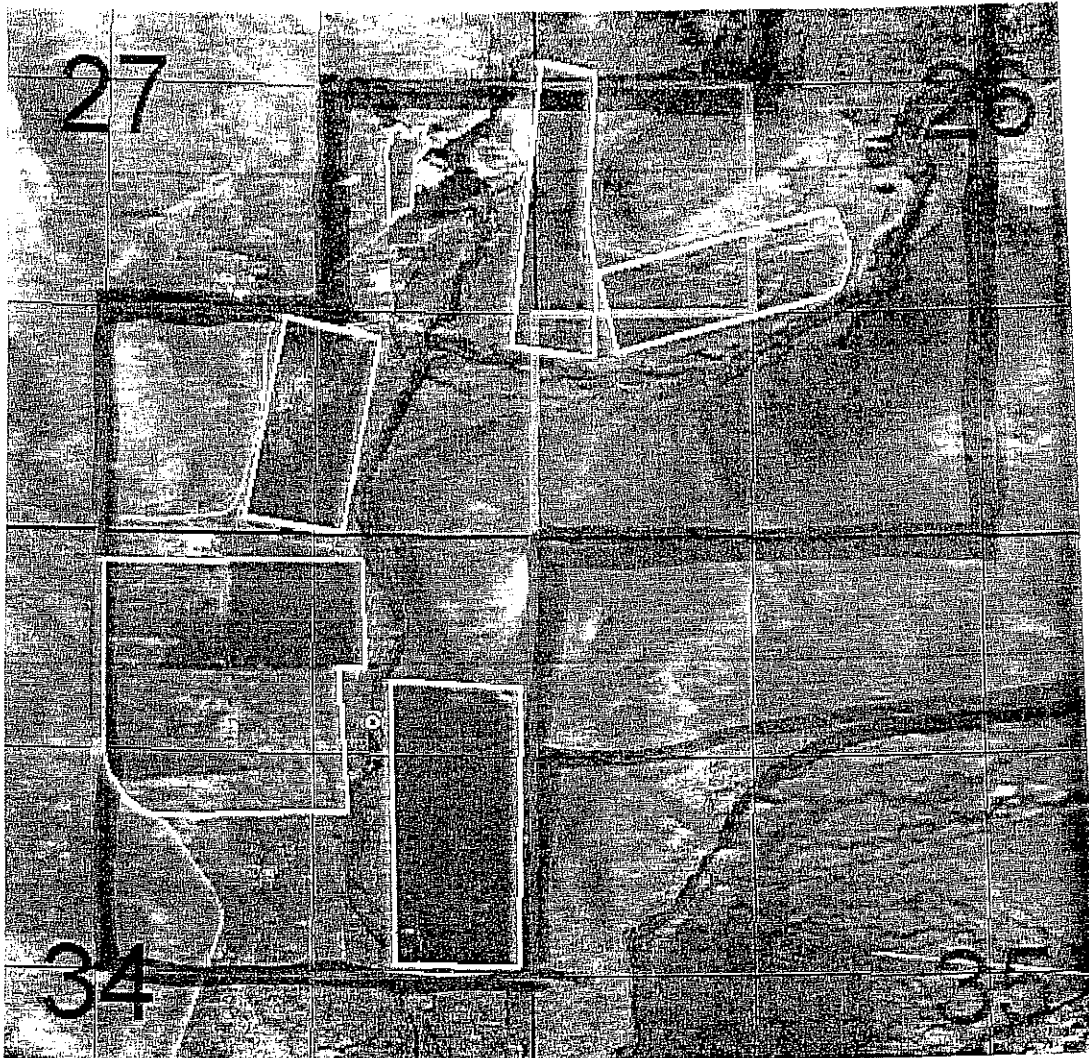
My commission Expires 10-24-12



Place Of Use Data: 37-817

Yellow line is the draft Place of Use created by IDWR based on historical data and records.
Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.
Green line is decreed POU (this represents the Quarter-Quarter sections listed in the decree)

2004 Aerial Photo



Irrigated Place of Use outlined in yellow is 133 acres.