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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 01-10393  
(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: Roger & Sybil Ferguson; c/o Bear Crest Limited, LLC.

Address: P.O. Box 413; Rexburg, Idaho 83440

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 legal description for element nine (POU) above may include Federal land. The description should be made to 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)

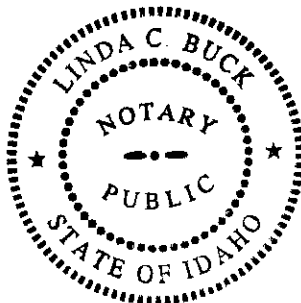
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price  
(Signature of person filing objection)

Larry G. Brown  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

04-16-07  
Linda C. Buck  
Linda C. Buck



Notary Public for State of Idaho

Residing at: Mountain Home, ID.

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 4-16, 2007, 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: Roger & Sybil Ferguson; c/o Bear Crest Limited, LLC.

Address: P.O. Box 413; Rexburg, Idaho 83440

Name:

Address: ;

Name:

Address: ;

Name:

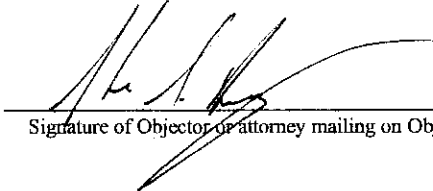
Address: ;

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

IDAH0 DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

|                                     |                                                                                                                                                                                                                                                                                              |                                                                         |                                     |                      |                 |               |             |                               |                |  |  |
|-------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|-------------------------------------|----------------------|-----------------|---------------|-------------|-------------------------------|----------------|--|--|
| RIGHT NUMBER:                       | 1-10393                                                                                                                                                                                                                                                                                      | <b>Mixed POU:</b>                                                       |                                     |                      |                 |               |             |                               |                |  |  |
| NAME AND ADDRESS:                   | ROGER FERGUSON<br>C/O BEAR CREST LIMITED LLC<br>PO BOX 413<br>REXBURG ID 83440                                                                                                                                                                                                               | -Place of Use identified below contain both<br>public and private land. |                                     |                      |                 |               |             |                               |                |  |  |
|                                     | SYBIL FERGUSON<br>C/O BEAR CREST LIMITED LLC<br>PO BOX 413<br>REXBURG ID 83440                                                                                                                                                                                                               | -Please clarify such that only private land in<br>intended.             |                                     |                      |                 |               |             |                               |                |  |  |
|                                     |                                                                                                                                                                                                                                                                                              |                                                                         |                                     |                      |                 |               |             |                               |                |  |  |
| SOURCE:                             | SNAKE RIVER                                                                                                                                                                                                                                                                                  | TRIBUTARY: COLUMBIA RIVER                                               |                                     |                      |                 |               |             |                               |                |  |  |
| QUANTITY:                           | 1.900 CFS                                                                                                                                                                                                                                                                                    |                                                                         |                                     |                      |                 |               |             |                               |                |  |  |
| PRIORITY DATE:                      | 06/01/1887                                                                                                                                                                                                                                                                                   |                                                                         |                                     |                      |                 |               |             |                               |                |  |  |
| POINT OF<br>DIVERSION:              | T04N R40E S6 SWSW Lot 7 Within MADISON County                                                                                                                                                                                                                                                |                                                                         |                                     |                      |                 |               |             |                               |                |  |  |
| PURPOSE AND<br>PERIOD OF USE:       | <table border="0" style="width: 100%;"> <tr> <td style="width: 33%;"><u>PURPOSE OF USE</u></td> <td style="width: 33%;"><u>PERIOD OF USE</u></td> <td style="width: 33%;"><u>QUANTITY</u></td> </tr> <tr> <td>IRRIGATION</td> <td>04/01 10/31</td> <td>1.900 CFS</td> </tr> </table>         |                                                                         | <u>PURPOSE OF USE</u>               | <u>PERIOD OF USE</u> | <u>QUANTITY</u> | IRRIGATION    | 04/01 10/31 | 1.900 CFS                     |                |  |  |
| <u>PURPOSE OF USE</u>               | <u>PERIOD OF USE</u>                                                                                                                                                                                                                                                                         | <u>QUANTITY</u>                                                         |                                     |                      |                 |               |             |                               |                |  |  |
| IRRIGATION                          | 04/01 10/31                                                                                                                                                                                                                                                                                  | 1.900 CFS                                                               |                                     |                      |                 |               |             |                               |                |  |  |
| PLACE OF USE:                       | <table border="0" style="width: 100%;"> <tr> <td colspan="3"><u>IRRIGATION in MADISON County</u></td> </tr> <tr> <td>T05N R39E S28</td> <td>NWNE 32.00</td> <td>T05N R39E S28 Lot 5 NWNE 8.00</td> </tr> <tr> <td colspan="3" style="text-align: center;">40 ACRES TOTAL</td> </tr> </table> |                                                                         | <u>IRRIGATION in MADISON County</u> |                      |                 | T05N R39E S28 | NWNE 32.00  | T05N R39E S28 Lot 5 NWNE 8.00 | 40 ACRES TOTAL |  |  |
| <u>IRRIGATION in MADISON County</u> |                                                                                                                                                                                                                                                                                              |                                                                         |                                     |                      |                 |               |             |                               |                |  |  |
| T05N R39E S28                       | NWNE 32.00                                                                                                                                                                                                                                                                                   | T05N R39E S28 Lot 5 NWNE 8.00                                           |                                     |                      |                 |               |             |                               |                |  |  |
| 40 ACRES TOTAL                      |                                                                                                                                                                                                                                                                                              |                                                                         |                                     |                      |                 |               |             |                               |                |  |  |

**Mixed**

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.

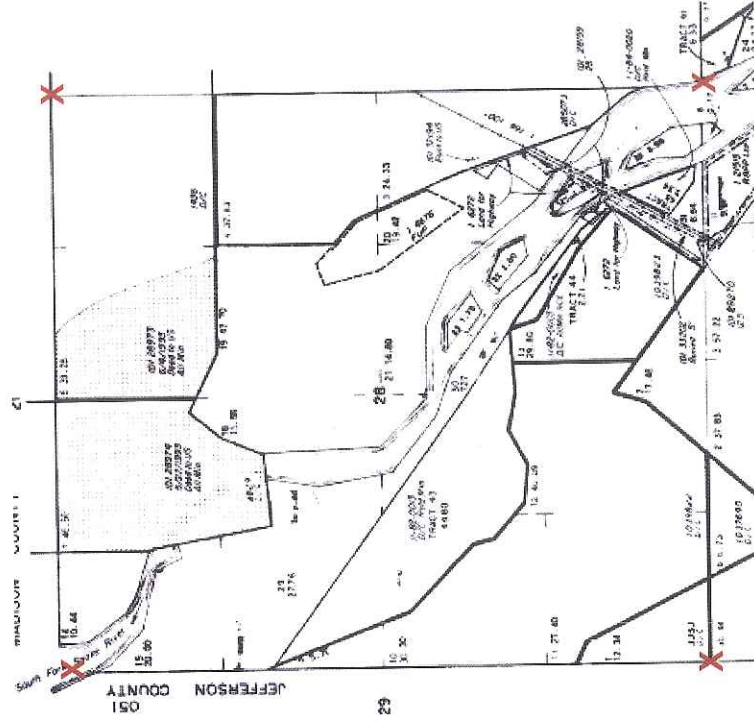
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a split from former right 1-49.

Use of this right is combined with water from Liberty Park Irrigation Co.

Water is delivered through Liberty Park Canal.

01-10393  
Roger & Sybil Ferguson



**Mixed POUs:**

-T05N R39E S28 Lot 6 (NWNE) contains both public and private lands. Please clarify such that only private land is intended by inserting the following language under the place of use in the Director's Report Recommendation:

*"Place of use does not include federal public land."*

# TOWNSHIP 5 NORTH RANGE 39 EAST OF THE BOISE MERIDIAN, IDAHO

IDAHO FALLS DISTRICT SEC 15

MADISON COUNTY

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