

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 63-32640
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Scott Bohme and Suzie Hegstad-Bohme

Address: 4389 W. Farm View Rd.

Boise, ID 83714

Daytime Phone: (208) 229-0023

Name & Address of Attorney, if any:
Scott L. Campbell & Dylan B. Lawrence
P.O. Box 829
Boise, ID 83701-0829

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

Name: Jim Cleary and Teresa Cleary

Address: 6029 Echanove Dr.

Boise, ID 83714

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: 0.086 cfs / 36 afa
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: 8 acres
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): Please see Exhibit A.

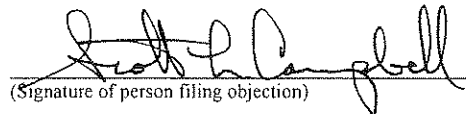
F.

VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Ada)

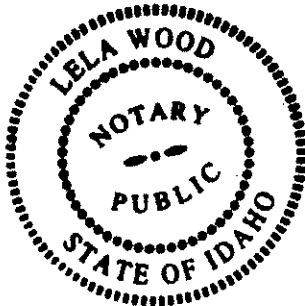
Scott L. Campbell, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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: 6-15-07



Lela Wood
Notary Public for Idaho
Residing at: Ada County
My Commission Expires: 5-31-2012

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 June 15, 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
PO Box 2707
Twin Falls, ID 83303-2707

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

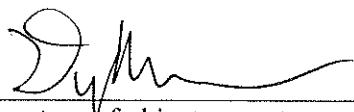
Name: Jim Cleary and Teresa Cleary
Address: 6029 Echanove Dr.
Boise, ID 83714

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

EXHIBIT A
to Objections Filed by Scott Bohme and Suzie Hegstad-Bohme to Water
Right Recommendations 63-32637, 63-32638, 63-32639, and 63-32640

IDWR incorrectly processed the split of water rights 63-32406 and 63-32415. These were primary and supplemental water rights, respectively, and accordingly had the same place of use. Prior to the split, those two water rights were used to irrigate 18 acres located within Lots 2 and 3 of Block 1 of the Echanove Ranch Subdivision No. 1. The Bohmes previously owned both of those lots and both water rights, but sold Lot 2 to the Clearys in 2006, which made the split necessary.

Each of these two lots consists of 10 acres. Lot 2 includes an approximately 2-acre development footprint, while Lot 3 is entirely bare ground. Accordingly, when IDWR split these water rights, it should have included 8 acres as the place of use for Lot 2 (63-32638 and 63-32640), and 10 acres as the place of use for Lot 3 (63-32637 and 63-32639). Instead, IDWR split the place of use equally between the two lots, 9 acres each. This also resulted in IDWR incorrectly splitting the diversion rates. And, IDWR incorrectly identified some of the place of use for 63-32637 as lying within the NWNE quarter-quarter section.

Here is a more detailed explanation of the reasons supporting the objections for each of the four water rights to which the Bohmes are objecting:

63-32637: As explained above, the place of use for this water right should be 10 acres, not 9 acres. In addition, all 10 acres lie within the NENW of T05N, R02E, S31. IDWR's recommendation improperly identifies some of the place of use as lying within the NWNE. Prior to its split, the diversion rate for 63-32406 was 0.36 cfs to irrigate 18 acres. This is a diversion rate of 0.2 cfs per acre. Because the place of use for 63-32637 should be 10 acres, its diversion rate should be 0.20 cfs, not 0.18 cfs.

63-32638: As explained above, the place of use for this water right should be 8 acres, not 9 acres. Based on this place of use, the diversion rate should be 0.16 cfs, not 0.18 cfs.

63-32639: As explained above, the place of use for this water right should be 10 acres, not 9 acres. Prior to the split of parent right 63-32415, the original parent water right for the Echanove Ranch (63-3162) allowed for the diversion of up to 1.5 cfs of groundwater to irrigate 139 acres. This is a diversion rate of 0.0108 cfs per acre. Because the place of use for 63-32639 should be 10 acres, its diversion rate should be 0.11 cfs, not 0.95 cfs. Similarly, the parent water right 63-32415 allowed for the diversion of up to 81 acre feet annually to irrigate 18 acres--a rate of 4.5 afa per acre. Because the place of use for 63-32639 should be 10 acres, its annual diversion volume should be 45 afa, not 40.5 afa.

63-32640: As explained above, the place of use for this water right should be 8 acres, not 9 acres. Based on this place of use, the diversion rate should be 0.086 cfs, not 0.095 cfs. Similarly, the diversion quantity should be 36 afa, not 40.5 afa.