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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)

Case No. 39576)

A. Subcase

73-11980

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: BARG FARM ENTERPRISES TRUST

Address: PO BOX 175

MAY IDAHO 83253

Daytime Phone: (208) 940-1907

Name & Address of Attorney, if any:

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

Name: BARG FARM ENTERPRISES TRUST

Address: PO BOX 175

MAY IDAHO 83253

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

SEE ATTACHED

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: _____

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):** HISTORICALLY AND

TRADITIONALLY THIS WATER RIGHT HAS BEEN USED
AS CLAIMED ON APPLICATION. AFFIDAVITS FILED
WITH IDWR SHOW THIS USAGE AND
SUPPORT THIS WATER RIGHT CLAIM.

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.

County of Idaho)

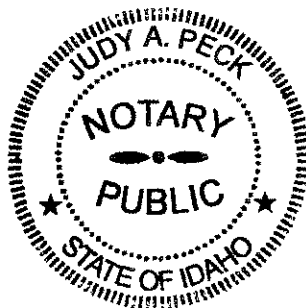
Billy Lavern Gydesen, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

Billy Gydesen
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: Nov. 5, 2007



Judy A. Peck
Notary Public for Idaho
Residing at: Carmen, Id.
My Commission Expires: 7-31-2012

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 11/7, 1997, 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: BARG FARM ENTERPRISES TRUST
Address: PO BOX 175
MAY IDAHO 83253

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO 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

Billy Hyman
Signature of Objector or attorney
mailing on Objector's behalf

HIGH WATER
73-91

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 73-11980 V1

WATER RIGHT NUMBER: 73-11980 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BAR G FARMS ENTERPRISES TRUST PO BOX 175 MAY, ID 83253 (208)876-4215

Priority Date: 01/01/1911
Basis: Beneficial Use
Status: Disallowed

<u>Source</u>	<u>Tributary</u>
WARM SPRING	PAHSIMEROI RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	1.400 CFS	
	<u>Total Diversion:</u>	1.400 CFS	

Location of Point(s) of Diversion

WARM SPRING	NE1/4NW1/4NE1/4	Sec. 3,	Twp 14N,	Rge 21E, B.M.
CUSTER County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	21E	34													20.0			30.0	50.0
15N	21E	35									5.0	32.0							37.0

Total Acres: 87

Conditions of Approval:

1. P03 NO BENEFICIAL USE FOUND.
2. P13 NO BENEFICIAL USE FOUND: This is included for a claim based on beneficial use that is PROPOSED to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

Remarks:Comments:

1. rbrown 7/15/2004 disallow
Comment: This is a claim to "high water" from a spring source. Recommendation of high water rights reflect the historical practice of diverting additional flows in streams during spring runoff events. No increased flows during spring runoff are expected from Warm Spring.