

RECEIVED

NOV 15 2007

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 37-04379
(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: Idaho Baptist Convention
Cathedral Pines
HC 64 Box 8296
Ketchum, Idaho 83340

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: «Text1»
2. ☒ **Source**
Should be: «Text2»
3. ☒ **Quantity**
Should be: «Text3»
4. ☒ **Priority Date**
Should be: «Text4»
5. ☒ **Point(s) of Diversion**
Should be: «Text5»
6. ☒ **Instream Flow Description**
Should be: «Text6»
7. ☒ **Purpose(s) of Use**
Should be: «Text7»
8. ☒ **Period of Year**
Should be: «Text8»
9. ☒ **Place of Use**
Should be: «Text9»

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 United States of America, through the Bureau of Land Management, is the owner of the mineral estate where the point of diversion for heating (geothermal) is located. Congress declared that hot water should be treated as a mineral. Claimant's use of U.S. minerals (hot water) has not been authorized pursuant to a Direct Use Lease.

F.

VERIFICATION (Must be Completed)

State of Idaho

)

) ss.

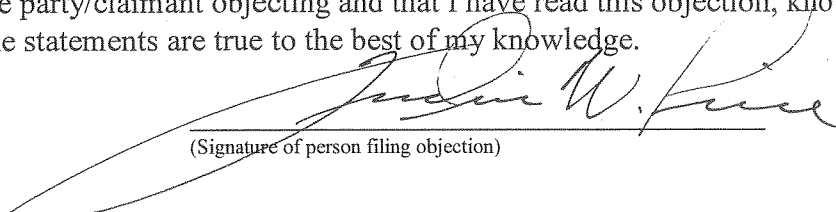
County of ADA

)

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

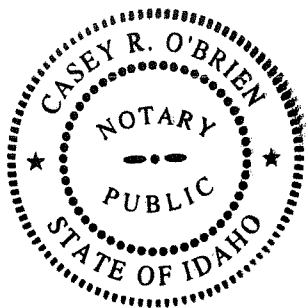
(Name of person filing objection)

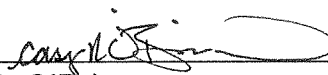
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: November 13, 2007




Casey R. O'Brien

Notary Public for State of «Nota2»

Residing at: Nampa, Idaho

My Commission Expires: 10-31-2009

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 Nov. 13, 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:

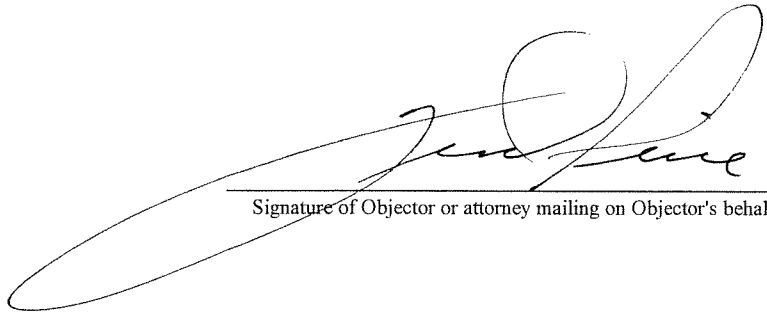
Name: Idaho Baptist Convention
Cathedral Pines
HC 64 Box 8296
Ketchum, Idaho 83340

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

02/20/2007

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

RIGHT NUMBER: 37-4379

NAME AND ADDRESS: IDAHO BAPTIST CONVENTION
CATHEDRAL PINES
HC 64 BOX 8296
KETCHUM ID 83340

SOURCE: EASLEY HOT SPRINGS

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.220 CFS

PRIORITY DATE: 06/01/1919

POINT OF

DIVERSION: T05N R16E S10 NENESW Within BLAINE County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

HEATING

1/01 12/31

0.040 CFS

RECREATION

1/01 12/31

0.220 CFS

PLACE OF USE: HEATING in BLAINE County

T05N R16E S10 NESW

RECREATION in BLAINE County

T05N R16E S10 NESW

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 - Beneficial Use

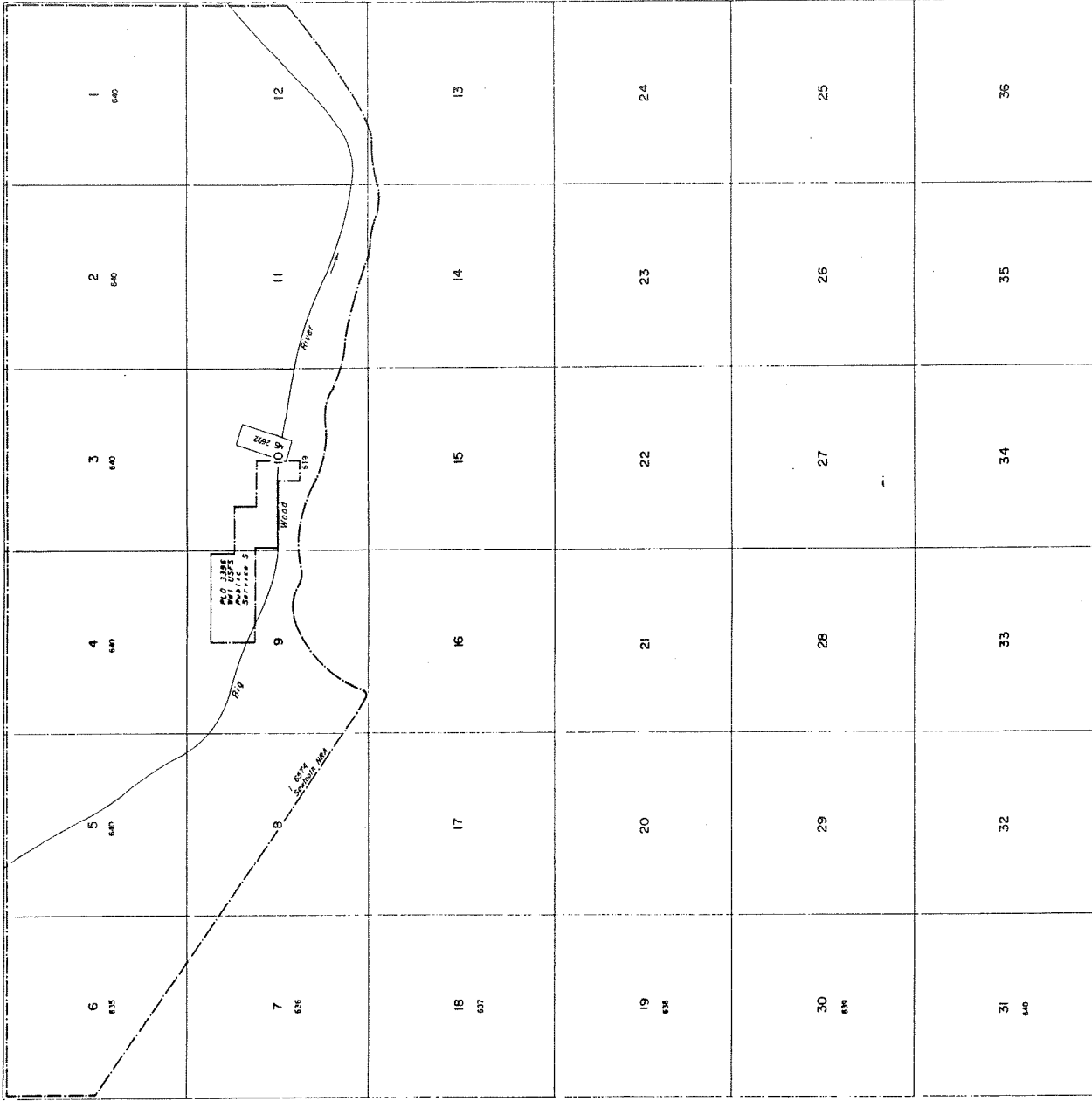
This right does not grant any right-of-way or easement across the land of another.

UNSURVEYED TOWNSHIP 5 NORTH RANGE 16 EAST OF THE BOISE MERIDIAN, IDAHO

Protraction Diagram No. 95 approved 4/1/1955
BLAINE COUNTY OIB
SHOSHONE DISTRICT SEC 15

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT



INDEX TO SEGREGATED TRACTS			
TRACT NO.	T	R	SEC.
1	5	N	16
2	5	N	16
3	5	N	16
4	5	N	16
5	5	N	16
6	5	N	16
7	5	N	16
8	5	N	16
9	5	N	16
10	5	N	16
11	5	N	16
12	5	N	16
13	5	N	16
14	5	N	16
15	5	N	16
16	5	N	16
17	5	N	16
18	5	N	16
19	5	N	16
20	5	N	16
21	5	N	16
22	5	N	16
23	5	N	16
24	5	N	16
25	5	N	16
26	5	N	16
27	5	N	16
28	5	N	16
29	5	N	16
30	5	N	16
31	5	N	16
32	5	N	16
33	5	N	16
34	5	N	16
35	5	N	16
36	5	N	16

All Tr. included in Mt. Sagoth NF Proc.
11/6/1906
30 3/3/1906 Mt. USFS Adm. S.
MAB Russian John's R. Site
MAB Boulder R. Site
USGS O. 8/10/1955 Mt. Per. S. C. 1 434, all land
lying at an elevation of less than 6600'
adjacent to Big Wood River
Secs 1, 9
Secs 10 to 12 Incl.
Secs 14, 15
All Tr. included in 1 09500 Det. PL 167 (Act of
Cong. 7/23/1955) completed 7/9/1962. All NF
surface Mont. by USFS
PL 1032 6/6/1966 Mt. USFS Rec. Area
Secs 5, 6, 7, 8 MAB

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

CURRENT TO	CURRENT TO
15	15

USE PLATS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given, that

Notice is hereby given that Idaho Baptist Convention (at Twin Falls) (church)
St. E. (Name of Claimant)
910 Shoshone, Twin Falls, Idaho Telephone No. 733-2936
 (Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) _____ 902

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Easley Hot Spring tributary to Wood River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, af)		(Domestic, Irrigation, Stock, Etc.)	(Mo., Day)		(Both dates inclusive)		(Mo., Day)	
Quantity	<u>.04</u>	Use	<u>Recreation</u>	Period of Use From	<u>Jan</u>	To	<u>Dec 31</u>	
Quantity	<u>.04</u>	Use	<u>Heating Facility</u>	Period of Use From	" "	To	" "	
Quantity		Use		Period of Use From		To		
Quantity		Use		Period of Use From		To		
Quantity		Use		Period of Use From		To		

(4) .08 TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)

NE ¼ SW ¼, Sec. 10 Twp. ~~5N~~ Rge. 16E B.M., County of Blaine

Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Spring Box, pump, pipeline thru facility

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

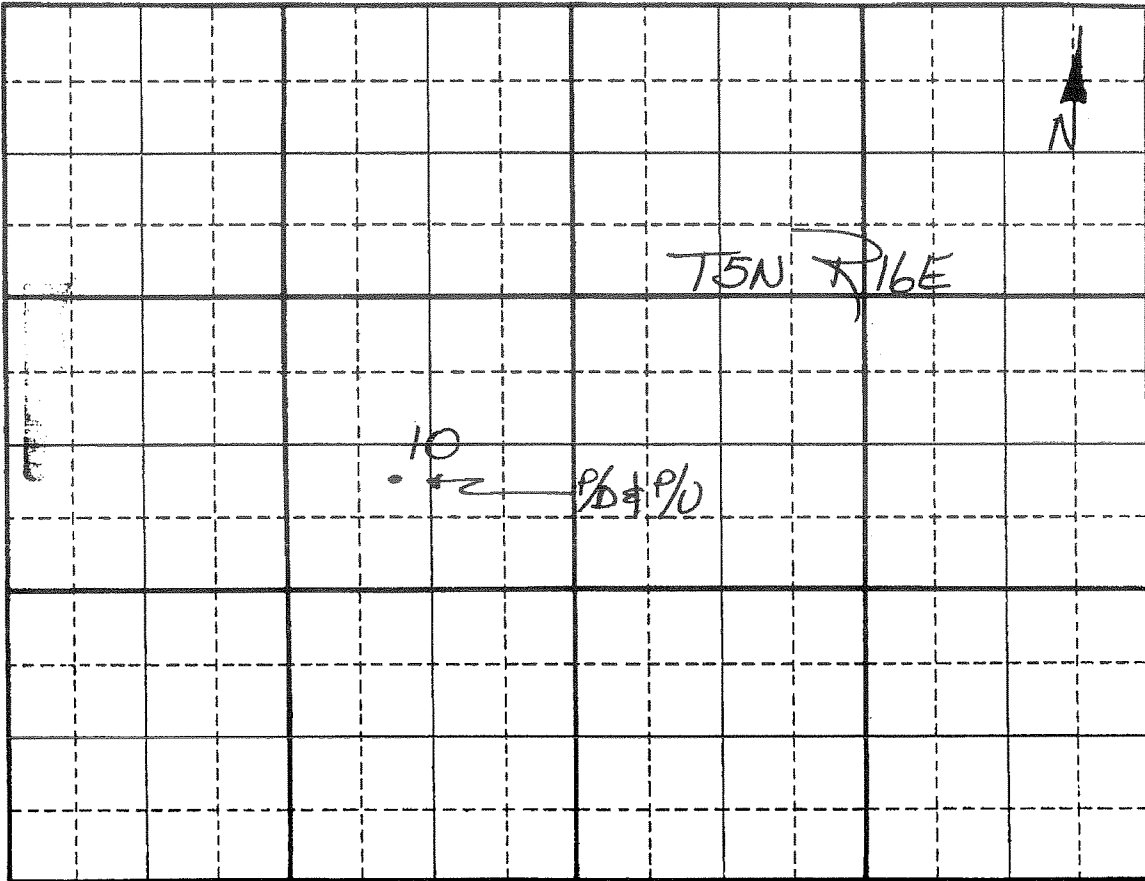
No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Recreation
Swimming Pool (Public) & Shower facility Heating of facility
by hot water

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization: Idaho Baptist Convention

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Ada) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Robert P. Bengard (member Idaho Camp Board)
(Claimant)

Sworn to before me this 29 day of June, 1983.

Jane M. Northway
Notary Public
Residing at Bosse

My commission expires Life

Received by marya RC Date 7/5/83 FOR DEPARTMENT USE ONLY
Prelim. check by ADN Date 6/29/83 Exception filed by: _____ Fowarded to _____ Date _____
\$30.00 fee received by EEB Date 29 June # 32262 claimant by: _____
Published in file of June Journal _____
Dates 7/1 + 18/83 _____