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DEC 05 2007

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 02-02091
(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: Jerry Gingerich
Address: HC 85 Box 26; Mountain Home, Idaho 83647-9301
Name: Verlin Gingerich
Address: HC 85 Box 28; Mountain Home, Idaho 83647-9301
Name: Leland M. Shetler, Co-Trustee
Address: HC 85 Box 25; Mountain Home, Idaho 83647-9301
Name: Lucille Shetler, Co-Trustee
Address: HC 85 Box 25; Mountain Home, Idaho 83647-9301

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 United States of America, through the Bureau of Land Management, is the owner of the land upon which a portion of the use is claimed. The claimant's use of Federal land is unauthorized. Claimant's water right should not include federal public land.

E.

VERIFICATION (Must be Completed)

State of Idaho

)
) ss.
)

County of ADA

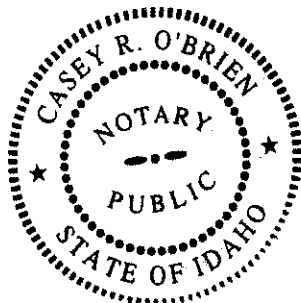
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

Jessie W. Price
(Signature of person filing objection)

Karen A. Brown
(Attorney, signing as representative counsel)

Subscribed and sworn to before me on: December 08, 2007



Casey R. O'Brien

Notary Public for State of Idaho

Residing at: Kampa, ID.

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 12-3, 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:

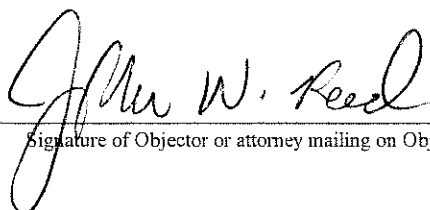
Name: Jerry Gingerich
Address: HC 85 Box 26; Mountain Home, Idaho 83647-9301
Name: Verlin Gingerich
Address: HC 85 Box 28; Mountain Home, Idaho 83647-9301
Name: Leland M. Shetler, Co-Trustee
Address: HC 85 Box 25; Mountain Home, Idaho 83647-9301
Name: Lucille Shetler, Co-Trustee
Address: HC 85 Box 25; Mountain Home, Idaho 83647-9301

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

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

RIGHT NUMBER: 2-2091

NAME AND ADDRESS: JERRY GINGERICH
BOX 26 HC 85
MOUNTAIN HOME ID 83647

LELAND M SHETLER CO-TRUSTEE
HC 85 BOX 25
MOUNTAIN HOME ID 83647

VERLIN GINGERICH
BOX 28 HC 85
MOUNTAIN HOME ID 83647

LUCILLE SHETLER CO-TRUSTEE
HC 85 BOX 25
MOUNTAIN HOME ID 83647

POU on federal public land:

-The Places of use recommended as T05S R06E S29 SESE 4.00 acres is not authorized.

-Please remove from recommendation and adjust shapefile accordingly.

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 7.180 CFS

PRIORITY DATE: 09/02/1956

POINT OF DIVERSION: T05S R06E S30 NWSENE Within ELMORE County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	7.180 CFS

The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in ELMORE County

**Federal
Public
Land**

T05S R06E S29	NWSW	13.00	T05S R06E S29	SWSW	40.00
T05S R06E S29	SESW	30.00	T05S R06E S29	SWSE	17.00
T05S R06E S29	SESE	4.00	T05S R06E S30 Lot 3	SWNE	5.00
T05S R06E S30	SENE	15.00	T05S R06E S30	NESE	26.00
T05S R06E S30	SESE	23.00	T05S R06E S31	NENE	9.00
T05S R06E S32	NENE	30.00	T05S R06E S32	NWNE	40.00
T05S R06E S32	SWNE	23.00	T05S R06E S32	SENE	35.00
T05S R06E S32	NENW	24.00	T05S R06E S32	NWNW	19.00
T05S R06E S32	NESE	6.00			

359 ACRES TOTAL

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 - License

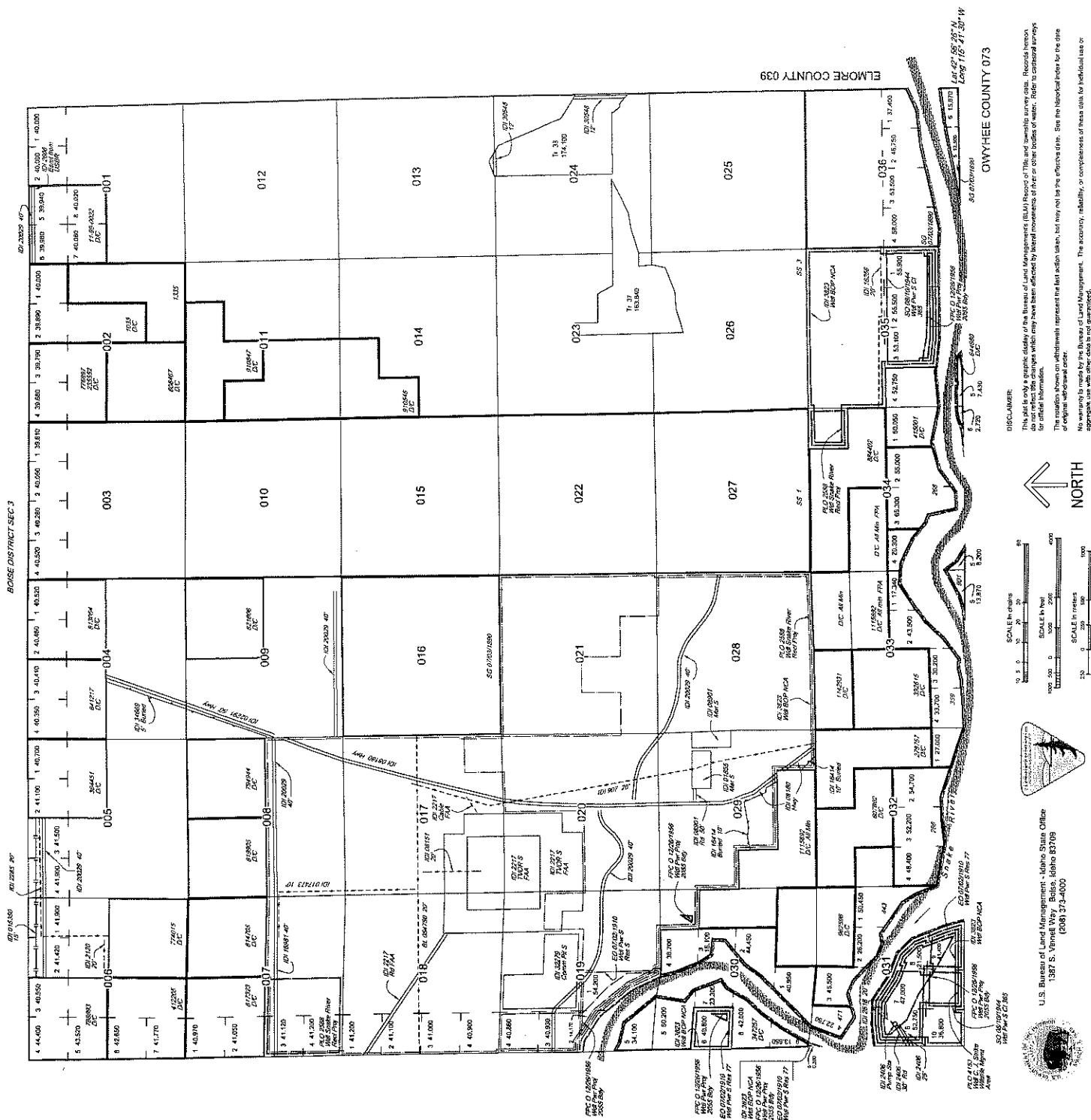
Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

BOISE DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES

MT PLAT

[illegible]

• **SCALP**

This plot is only a graphic display of the Bureau of Land Management's (BLM) Record of Title and Township survey data. Records hereon do not reflect title changes which may have been affected by lateral movements of river or other bodies of water. Refer to cadastral surveys or official information.

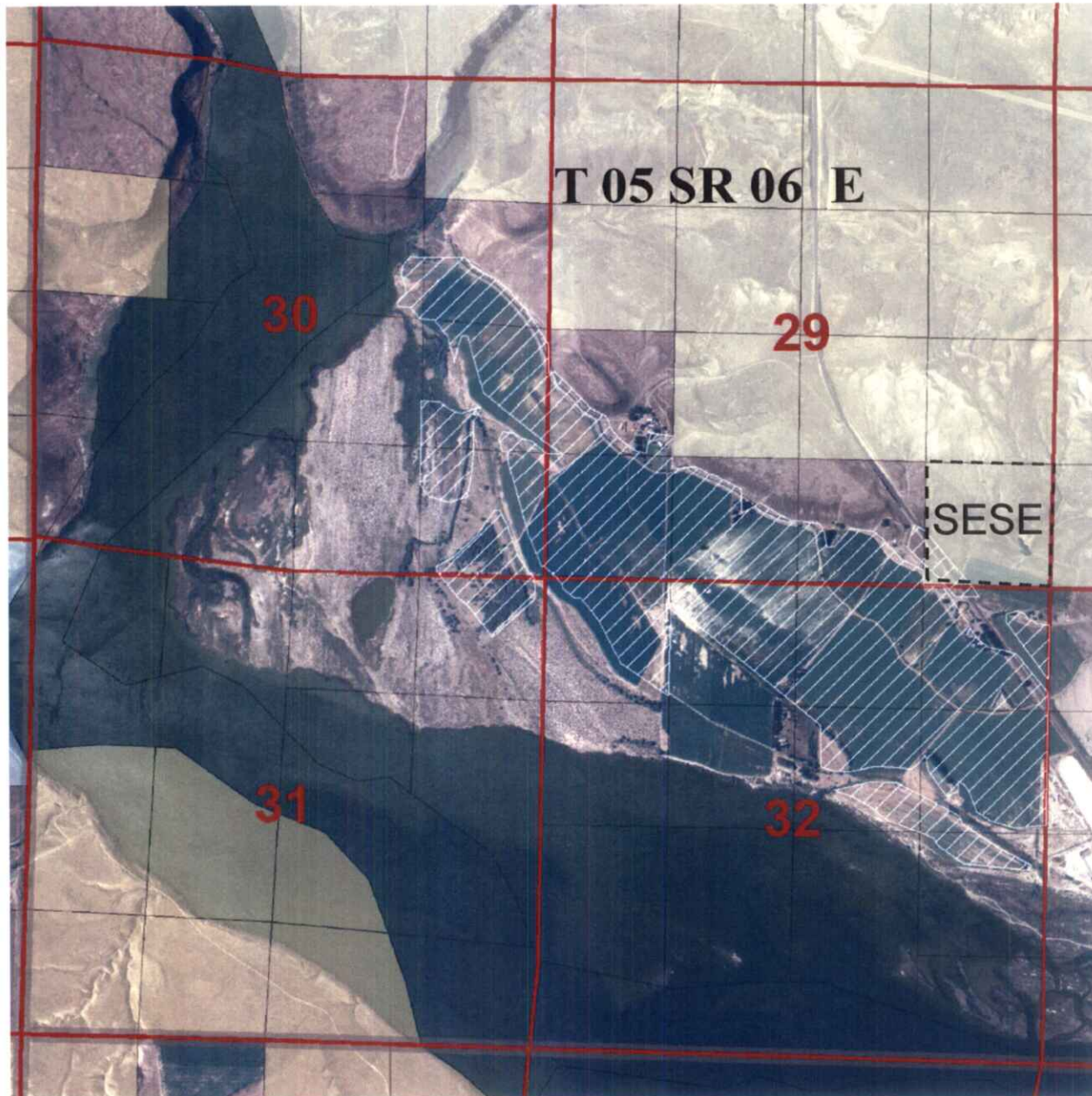
Abdominals represent the last action taken, but none had the effective rate. Since this historical index for the date

if original withdrawn order.

No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual state or comparable land with other data is not guaranteed.

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02-02091; Jerry Gingerich



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