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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 02-02392
(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: James P. Mertz (Dir Rpt Addr)
Address: 14068 Sunny Slope Road; Caldwell, Idaho 83607-9358
Name: Richard A. Symms (Dir Rpt Addr)
Address: 14068 Sunny Slope Road; Caldwell, Idaho 83607-9358
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 the place of use element may include Federal land. The description should be specific enough to exclude Federal land. There is only 20 acres of private land within SESW, S15 and yet 21 acres were recommended. The additional ac

E

VERIFICATION (Must be Completed)

State of Idaho

County of ADA

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

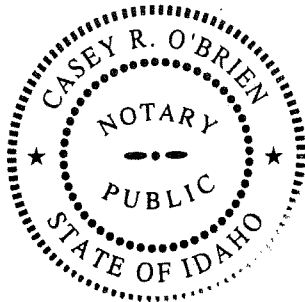
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

Lane A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: December 03, 2007

Casey R. O'Brien
Casey R. O'Brien



Notary Public for State of Idaho

Residing at: Nampa, 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:

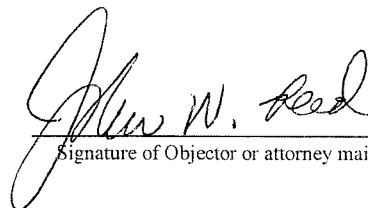
Name: James P. Mertz (Dir Rpt Addr)
Address: 14068 Sunny Slope Road; Caldwell, Idaho 83607-9358
Name: Richard A. Symms (Dir Rpt Addr)
Address: 14068 Sunny Slope Road; Caldwell, Idaho 83607-9358
Name:
Address: ;
Name:
Address: ;

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

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

RIGHT NUMBER: 2-2392

NAME AND ADDRESS: JAMES P MERTZ
14068 SUNNY SLOPE RD
CALDWELL ID 83605

RICHARD A SYMMS
14068 SUNNY SLOPE RD
CALDWELL ID 83605

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 7.700 CFS

Right Nos. 2-2392 and 2-7077 are limited to a total combined diversion rate of 7.7 cfs.

PRIORITY DATE: 05/16/1966

POINT OF

DIVERSION: T02N R04W S23 MENWNW Lot 1 Within OWYHEE County

PURPOSE AND

PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1/01 12/31	0.040 CFS
IRRIGATION	3/15 11/15	7.700 CFS

The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before March 15 and after November 15 under this remark 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 OWYHEE County

T02N R04W S15	NWNE	36.00	T02N R04W S15	SWNE	39.00	
T02N R04W S15	SENE	11.00	T02N R04W S15	NENW	39.00	
T02N R04W S15	SWNW	39.00	T02N R04W S15	SENW	23.00	
T02N R04W S15	NESW	33.00	T02N R04W S15	NWSW	38.00	
T02N R04W S15	SWSW	19.00	T02N R04W S15	SESW	21.00	Mixed
T02N R04W S15	NESE	27.00	T02N R04W S15	NWSE	39.00	
T02N R04W S15	SWSE	28.00	T02N R04W S15	SESE	7.00	
T02N R04W S16	SESE	16.00				

STOCKWATER same as IRRIGATION

415 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

The following rights are also diverted through point of diversion described above: 2-2392 and 2-7077.

Mixed POU:

-The Place of use recommended as T02N R04W S15 SWSW & SESW describes both private and public lands. Please clarify such that only private land is intended by inserting the following language under place of use:

"Place of use does not include federal public lands."

02-02392; James P. Mertz

Mixed POU:

-The Place of use recommended as T02N R04W S15 SWSW & SESW describes both private and public lands. Please clarify such that only private land is intended by inserting the following language under place of use:

"Place of use does not include federal public lands."

In the SESW, S15, there are 21 acres recommended where there is only 20 acres of private land. The additional acre will need to be removed as it would describe federal land.

