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DEC 07 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 02-10275
(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: Ark Properties, L.L.C.

Address: 11204 N. Bar 21 Drive; Glens Ferry, Idaho 83623-5033

Name: Bruce M. Smith (attorney for claimant)

Address: 950 W. Bannock, Ste. 520; Boise, Idaho 83702

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.

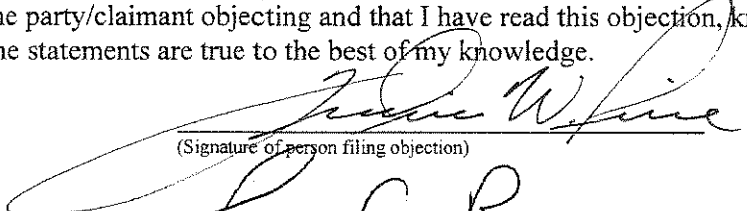
F.

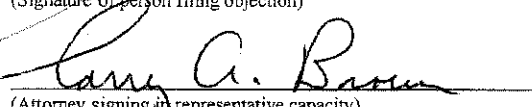
VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of ADA)

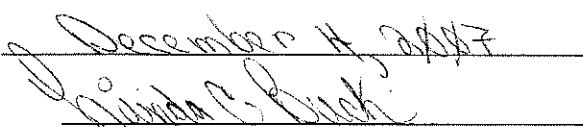
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

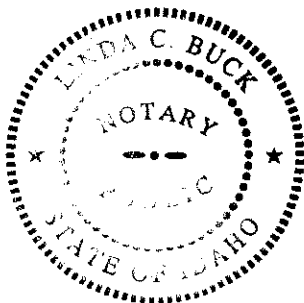
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)


(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

December 4, 2007

Linda C. Buck



Notary Public for State of Idaho
Residing at: Mountain Home, ID
My Commission Expires: 12/21/2011

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 12/5/07, 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:

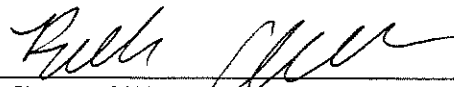
Name: Ark Properties, L.L.C.
Address: 11204 N. Bar 21 Drive; Glenns Ferry, Idaho 83623-5033
Name: Bruce M. Smith (attorney for claimant)
Address: 950 W. Bannock, Ste. 520; Boise, Idaho 83702
Name:
Address: ;
Name:
Address: ;

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

12/28/2006

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

RIGHT NUMBER: 2-10275
NAME AND ADDRESS: ARK PROPERTIES LLC
11204 N BAR 21 DR
GLENN'S FERRY ID 83623-5033
SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER
QUANTITY: 1.400 CFS
315.00 APY
PRIORITY DATE: 10/23/1968
POINT OF
DIVERSION: T05S R10E S23 SENW Lot 2 Within ELMORE County
PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/15	1.400 CFS 315.00 APY

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

Mixed	T05S R10E S14	NESW	6.50	T05S R10E S14 Lot 6	NESW	2.20
	T05S R10E S14	SESW	4.00	T05S R10E S14 Lot 6	SESW	19.00
	T05S R10E S14	NWSE	2.50	T05S R10E S14 Lot 7	NWSE	26.00
	T05S R10E S14	SWSE	21.00	T05S R10E S23	NWNE	4.60
	T05S R10E S23 Lot 1	NENW	21.00	T05S R10E S23 Lot 2	SENW	0.20

107 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 107 acres in a single irrigation season. Combined Right Nos.: 2-10275, 2-10277, and 2-10279.

Place of use in NESW and SESW of Section 14 is unsurveyed accretion land adjacent to Lot 6.

This right is limited to the irrigation of 70.0 acres within the place of use described above in a single irrigation season.

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

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Mixed POU:

-The recommended nominal aliquot place of use T05S R10E S14 NESW describes both private and public lands. Please clarify such that only private land is intended by inserting the following remark under place of use:

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

02-10275, 02-10277, 02-10279; Ark Properties LLC

Mixed POU:

-The recommended nominal aliquot place of use T05S R10E S14 NESW describes both private and public lands. Please clarify such that only private land is intended by inserting the following remark under place of use:

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



