

RECEIVED

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 02-10291
(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: Gingerich Brothers Farms

Address: 47589 State Hwy 78; Mountain Home, Idaho 83647-5081

Name:

Address: ;

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 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.

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.

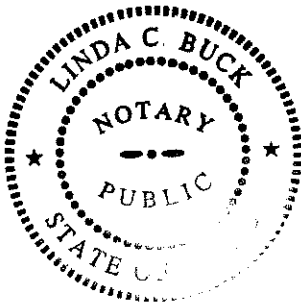
Fredric W. Price
(Signature of person filing objection)

Larry A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

December 4, 2007

Linda C. Buck
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, 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: Gingerich Brothers Farms
Address: 47589 State Hwy 78; Mountain Home, Idaho 83647-5081

Name:
Address: ;

Name:
Address: ;

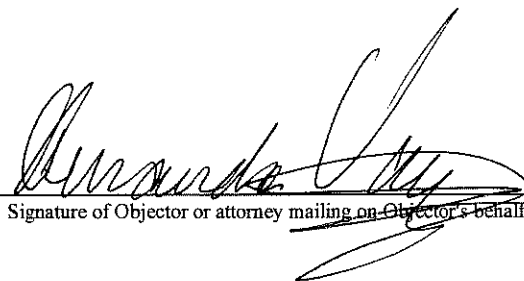
Name:
Address: ;

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: 2-10291 **POUs on BLM:**
NAME AND ADDRESS: GINGERICH BROTHERS FARMS
47589 STATE HWY 78
MOUNTAIN HOME ID 83647-5081
-The places of use on BLM are not authorized.

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER
QUANTITY: 1.000 CFS
184.00 AFY

Rights 02-2094A, 02-2094B, 02-2181, 02-2182A, 02-2182B, 02-2183,
02-2375A, 02-2375B, 02-10289 and 02-10291 when combined shall not
exceed a total diversion rate of 19.83 cfs.

Water shall not be diverted under this right unless the flow of the Snake
River at the U.S. Geological Survey stream gaging station at Murphy
exceeds 3,300 cfs and at Weiser exceeds 4,750 cfs.

This right when combined with all other rights shall provide no more than
0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for
irrigation of the lands above.

Rights 02-2181, 02-2094B, 02-2182B, 02-2183, 02-2284B, 02-2375B and
02-10291 when combined shall not exceed a total annual maximum diversion
volume of 5260.0 af at the field headgate.

PRIORITY DATE: 11/03/1978

POINT OF
DIVERSION: T06S R06E S4 NE1/4 Lot 3 Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/01 11/15

QUANTITY
1.000 CFS
184.00 AFY

PLACE OF USE: IRRIGATION in OWYHEE County

BLM	T06S R06E S03	NWSW	3.00	T06S R06E S03	SWSW	40.00	BLM
	T06S R06E S03	SESW	25.00	T06S R06E S04	SE1/4	1.90	
	T06S R06E S04	NESW	40.00	T06S R06E S04	NWSW	34.00	
	T06S R06E S04	SWSW	40.00	T06S R06E S04	SESW	40.00	
BLM	T06S R06E S04	NESE	16.00	T06S R06E S04	NWSE	29.00	
	T06S R06E S04	SWSE	40.00	T06S R06E S04	SESE	40.00	
	T06S R06E S05	SESW	0.70	T06S R06E S05	NESE	11.00	
	T06S R06E S05	SWSE	22.00	T06S R06E S05	SESE	40.00	
	T06S R06E S07	SENE	11.00	T06S R06E S08	NENE	40.00	
	T06S R06E S08	NWNE	40.00	T06S R06E S08	SWNE	40.00	
	T06S R06E S08	SENE	40.00	T06S R06E S08	NENW	31.00	
	T06S R06E S08	NWNW	4.20	T06S R06E S08	SWNW	37.00	
	T06S R06E S08	SE1/4	40.00	T06S R06E S08	NESW	40.00	
	T06S R06E S08	NWSW	39.00	T06S R06E S08	NESE	40.00	
	T06S R06E S08	NWSE	40.00	T06S R06E S09	NENE	39.00	
	T06S R06E S09	NWNE	40.00	T06S R06E S09	SWNE	40.00	
	T06S R06E S09	SENE	29.00	T06S R06E S09	NENW	40.00	
	T06S R06E S09	NWNW	40.00	T06S R06E S09	SWNW	40.00	
	T06S R06E S09	SE1/4	40.00	T06S R06E S09	NESW	40.00	
	T06S R06E S09	NWSW	40.00	T06S R06E S09	SWSW	40.00	
BLM	T06S R06E S10	NENW	3.20	T06S R06E S10	NWNW	19.00	

1315 ACRES TOTAL

Rights 02-2181, 02-2094B, 02-2182B, 02-2183, 02-2284B, 02-2375B and
02-10291 when combined shall not exceed the irrigation of 1315 acres.

This right is limited to the irrigation of 46 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

Claimed as part of Permit 2-7273.

The issuance of this right does not grant any right-of-way or easement across the land of another.

Rights 02-2094A, 02-2094B, 02-2181, 02-2182A, 02-2182B, 02-2183, 02-2375A, 02-2375B, 02-10289 and 02-10291 are diverted at the point of diversion described above.

02-02094B, 02-02181, 02-02182B, 02-02183, 02-02284B, 02-02375B, 02-10291
Gingerich Brothers Farms

POUs on BLM:

-The places of use on BLM are not authorized.

***Note:** Only 1 place of use was recommended in T06S R06E S07 (i.e. SENE, 11.00 acres, private land) but there is also BLM land in the NESE, S07 within the shapefile that was not recommended. Remove NESE, S07 from the shapefile.



BOISE DISTRICT SEC 3

No. 1
STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
MT PLAT
SUPPL Sec 4, 5

[illegible]

DOI 7322 WdI BLM Prop

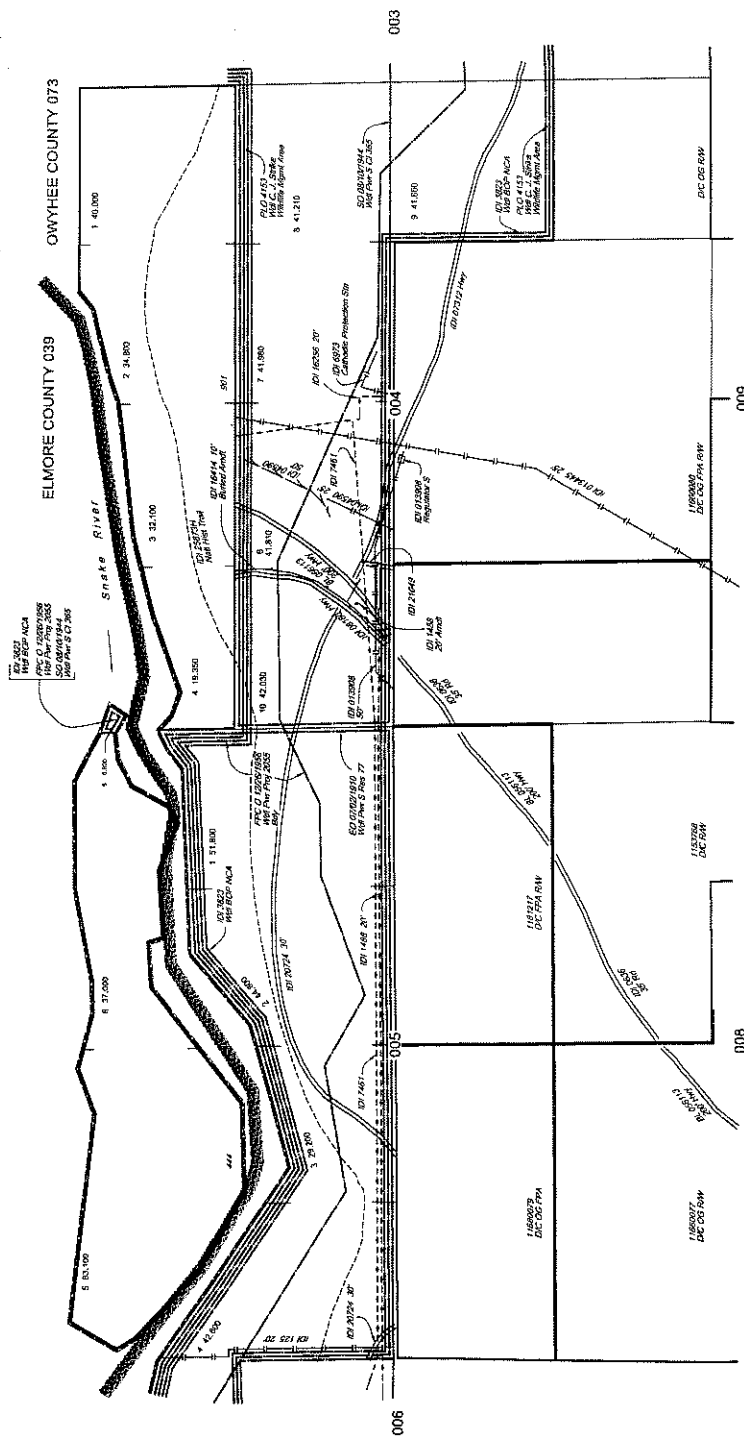
DI 23066 Sikes Act 08/19/1986
Sec 4: S2SE1/4, S2NESE
Sec 5: W2SW1/4

DI 258734 Natl Hist Trail
Historical information only, does not denote
public access

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

FILE REF: 125606530065AM120015-2mg	
CONVERTED TIF: 03/07/2008	BY: LHM
LAST UPDATED: 03/07/2008	BY: LHM
DAQS #1:	DAQS #2:
POSTED TO PUBLIC RECORDS:	
97:	
PUBLIC LAND SURVEY SYSTEM FILES	
BUT GULP ACQUIRED: 04/02/2005	
OTHER: N/A	
PROJECTED COORDINATE SYSTEM: UTM ZONE 11N, NAD 1983	
NOTES:	
USE PLANS:	

T. S E
R. S E
No. 1



• **OTHER USES**

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

The notation shown on withdrawal represents the last action taken, but may not be the effective date. See my historical index for the date of original withdrawal order.

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



U.S. Bureau of Land Management - Idaho State Office
1387 S. Vinnell Way Boise, Idaho 83709
(208) 373-4000



BOISE DISTRICT SEC 3

No. 2
STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

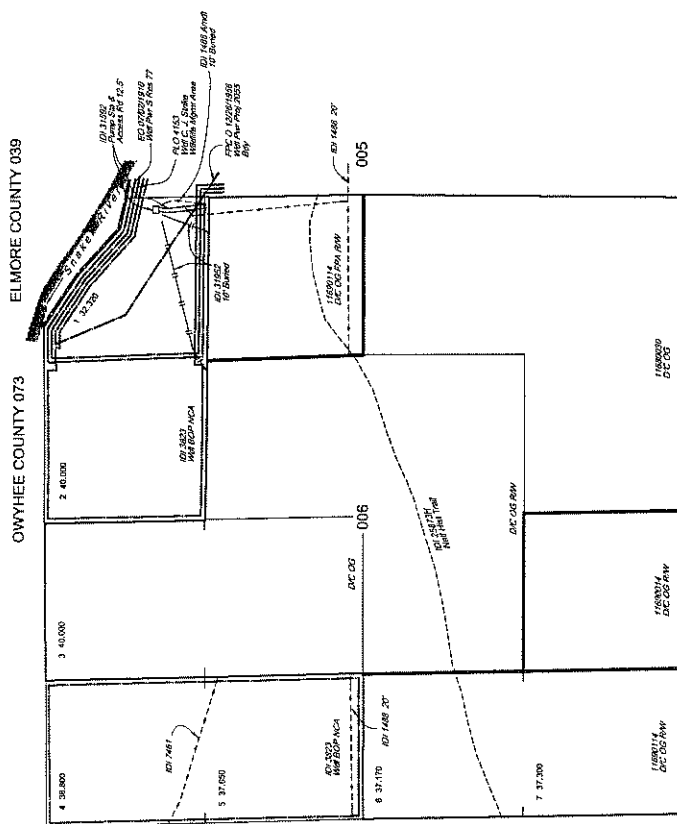
[illegible]

CD 7322 W&I BLM Prog
All NR land within 1/4 mile Bureau Power in Tp
DI 23086 Sierra Act 08/19/1986
Sec. 6: W2MWNE
DI 758734 Nail Nail Trail
Historical information only, does not denote
public access

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

FILE REF: E20050305000000020020.dmg	
CONVERTED TIF: D3005008	BY: UTM
LAST UPDATED:	BY:
QAGE #1:	QAGE #2
QUESTED TO PUBLIC RECORDS	
	BY:
PUBLIC LAND SURVEY SYSTEM (PLUS)	
BLK CODE ACQUIRED:	99999999
OTHER:	9999
PROJECTED COORDINATE SYSTEM: UTM ZONE 15N, MAD 1983	
NOTES:	
USER PLAYS:	

Edison Mfg.
T. 8 S
R. 6 E
No. 2



007

DISC 1/AMER



U.S. Bureau of Land Management - Idaho State Office
1387 S. Vinland Way Boise, Idaho 83709
(208) 373-4800



NORTH

