

RECEIVED
DEC 13 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 35-02444

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Robert Murdock

Address: 1473 W. Hoff Rd.

Blackfoot, Idaho

Daytime Phone: 208-680-4833

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: SAME AS ABOVE

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 of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: SAME AS LICENSE 640 ACRES
IDWR Reduced it unnecessarily
10. ☐ **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 OBJECTIONS(S):** See Attached Letter
And Documents

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Bingham)

Robert A. Muedack, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

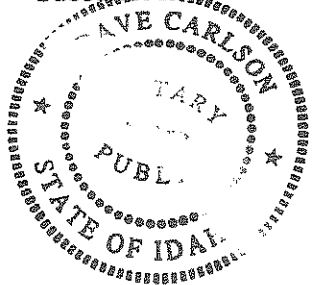
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Robert A. Muedack
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

12/5/2007



Dave Carlson
Notary Public for IDWR
Residing at: 2100 Y. RD
My Commission Expires: 2/26/2008

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 December 11, 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
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Robert Muedock
Address: 1473 W. Hoff Rd.
Blackfoot, Idaho 83221

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449



Signature of objector or attorney
mailing on Objector's behalf

RECEIVED

DEC 13 2007

DEPARTMENT OF
WATER RESOURCES

12/10/2007

To: The District Court of the Fifth Judicial District of the State of Idaho
From: Robert A. Murdock
1473 W. Hoff Rd
Blackfoot, ID 83221
Regarding: Water Right #35-02444

In November of 2007 I was in the Department of Water Resources office in Idaho Falls when it was brought to my attention that there was a problem on one of my fields with the water right. That field had been in a federal government acreage set-aside program when a photo was taken of it in 1987. It was a year to year set-aside program in which ground was set-aside and crops not grown on it. This was part of the Farm Bill program intended to reduce the amount of grain crops grown and had nothing to do with water usage. The photo of only one year of the farm's production history seems to be all that was looked at. Mr. Ruberry, formerly of the Department of Water Resources, seems to have mistakenly taken some of the set-aside ground out of our water right. Somehow in the adjudication claim the acreage was reduced. I didn't realize that this had been done until it was pointed out to me this November. We're asking the court to please look at this problem and give us back our full water right. Ground that is in a government program cannot have the water right taken away from it because of the program.

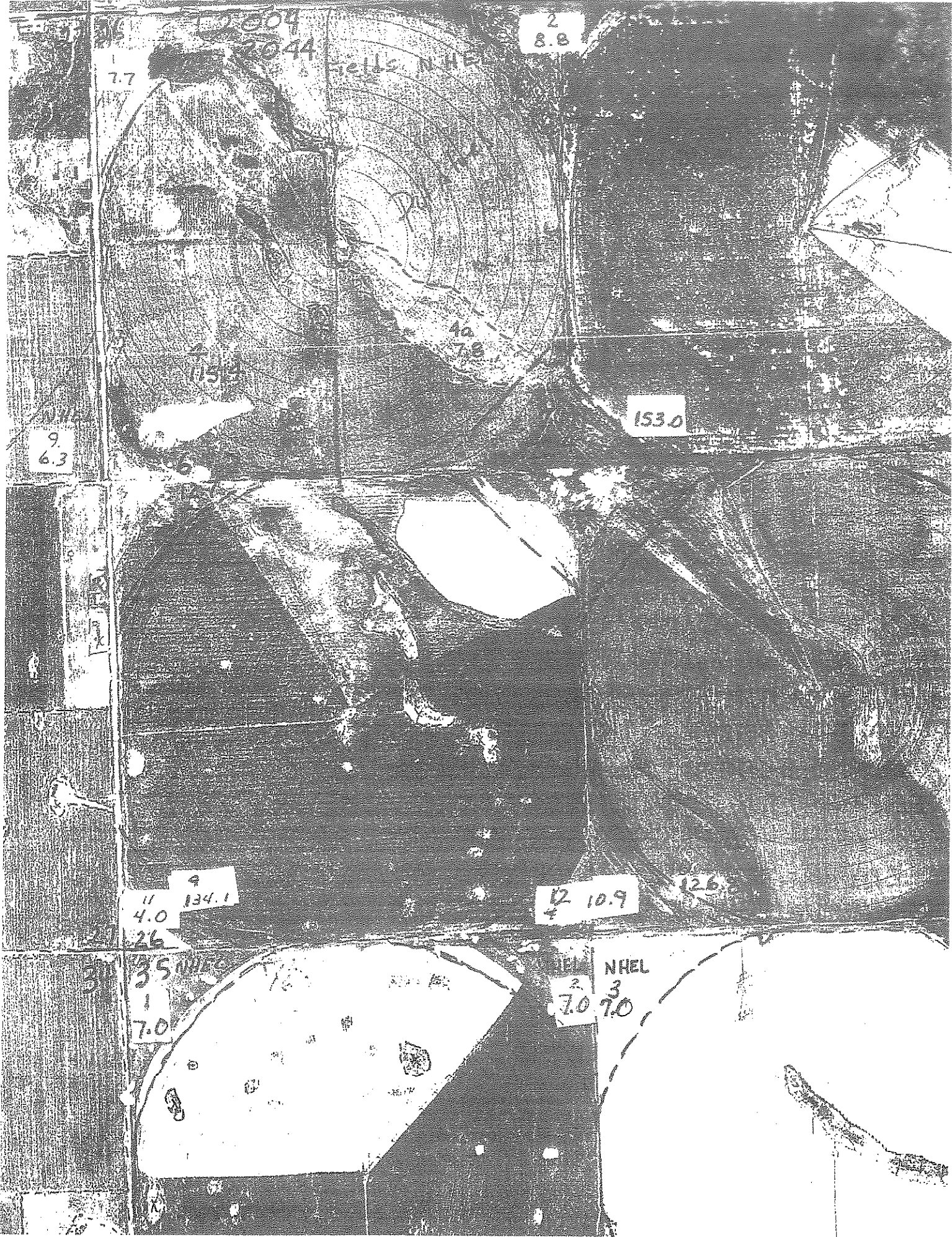
I will attach a copy of the Farm Service Agency photo taken in 1987. I will also attach a copy of the Department of Water Resources Water Right Report and a photo taken the same year. I will also attach a letter from the County Executive Director of the Farm Service Agency, Steve Fullmer, stating our participation in the program in 1987. I will also attach two documents from the Agricultural Stabilization and Conservation Service (now called the Farm Service Agency) and a copy of the original Certificate of Water Right which was for 640 acres, 9.2 cfs. My acres currently show as 615, with 9.2 cfs still.

Could you please expedite this matter? I have received no notices of violation so far and would like to avoid any problems.

Thank you.



Robert A. Murdock





United States
Department of
Agriculture

December 7, 2007

Bingham County
Farm Service
Agency

To: Fifth Judicial District Court

Blackfoot USDA
Service Center
725 Jensen Grove
Drive, Suite 2
Blackfoot, ID 83221

From: Steve Fullmer, CED

A handwritten signature in cursive script, reading "Steve Fullmer", is written next to the typed name "Steve Fullmer, CED".

208-785-2090
FAX 208-785-5847

Subject: Participation in USDA farm programs by Robert Murdock

According to USDA records printed in 1987 Robert Murdock participated in the USDA Agricultural Stabilization and Conservation Service's farm program. This program required participants to set-a-side a percentage of the crop acreage and leave it idle for the crop year. The purpose was to reduce the number of planted acres of Wheat, Barley, Oats and Corn to help supply and demand be more equable.

In participating in this program, setting aside the required acreage the farm would earn government payments. This farm had 49.8 acres that was set-a-side in 1987. Each year the set-a-side acreage was different. Participants were allowed to move the acreage set-a-side to different fields or tracts within the farm. This set-a-side acreage affected the irrigated acreage each year the producer participated in the program.

Notification of participation in the USDA farm program was sent to Robert on February 13, 1987. An advance payment from USDA was mailed to participant at the same time.



United States
Department of
Agriculture

Agricultural
Stabilization and
Conservation Service

BINGHAM COUNTY ASCS
765 West Judicial
Blackfoot, Idaho 83221

February 13, 1987

Dear Producer:

Enclosed is the advance payment for participation in the 1987
WHEAT AND FEED GRAIN PROGRAM.

This payment is based on the contract that you have filed with
the County Committee and you anticipated participation.

If either your participation or the farm operation is changing
from that shown on the contract please return this payment
and inform our office of the change.

Also it is assumed that you will conform to the program require-
ments as shown on the appendix given to you at the time of SIGN UP.

Thank you for your participation.

SINCERELY YOURS,
BINGHAM COUNTY ASCS OFFICE

Edward C. Cook

Edward C. Cook
Acting for Chairman

ECC;vt



DAHO
INGHAM

CCC-477B
(05-30-86)

U.S. DEPARTMENT OF AGRICULTURE FORM APPROVED-OMB NO. 0560-0092
AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE
1987 Participation Worksheet
01-08-87

** THIS IS NOT A CONTRACT TO PARTICIPATE **

Farm No. 0166

	WHEAT	BARLY	OATS
ROP			
Participating	Y	Y	Y
Drop Acreage Base	141.5	54.3	0.0
Drop Diversion		N	N

	WHEAT	COMBINED	OATS
Maximum Permitted	102.6	43.4	43.4
% of Permitted	8.2	3.5	3.5
2% of Permitted	94.4	39.9	39.9
0% of Permitted	51.3	21.7	21.7

	NI	IR	WHEAT	BARLY	OATS
PLANTED ACRES			0.0	0.0	0.0
			102.6	43.4	0.0

	NI	IR	WHEAT	BARLY	OATS
U for Payment Credit			0.0	0.0	0.0
			0.0	0.0	0.0

	NI	IR	WHEAT	BARLY	OATS
TOTAL ACR			38.9	10.9	0.0
CU for Diversion				0.0	0.0
CU for ARP for Planted Acres and Payment Credit			38.9	10.9	0.0

	NI	IR	WHEAT	BARLY	OATS
U for P&CP			0.0	0.0	0.0

	NI	IR	WHEAT	BARLY	OATS
TOTAL CU			38.9	10.9	0.0

	NI	IR	WHEAT	BARLY	OATS
Approved Prev. Plant.			0.0	0.0	0.0

	NI	IR	WHEAT	BARLY	OATS
ACP					
CU for P&CP			0.0	0.0	0.0
ONPC for P&CP			0.0	0.0	0.0
OTHER for P&CP			0.0	0.0	0.0
TOTAL for P&CP			0.0	0.0	0.0

	NI	IR	WHEAT	BARLY	OATS
TOTAL P&CP ACRES			141.5	54.3	0.0

	NI	IR	WHEAT	BARLY	OATS
AYMENT ACRES			0.0	0.0	0.0
			102.6	43.4	0.0

	NI	IR	WHEAT	BARLY	OATS
efficiency Yield			28	28	0

	NI	IR	WHEAT	BARLY	OATS
Additional Yield			88	79	0
			0	0	0

	NI	IR	WHEAT	BARLY	OATS
diversion Yield			0	0	0
Additional Yield			0	0	0

	NI	IR	WHEAT	BARLY	OATS
ADVANCE PAYMENTS					
efficiency					

	NI	IR	WHEAT	BARLY	OATS
Cash			\$3,792.10	\$761.15	\$0.00
Commodity Certificate			\$3,792.09	\$761.15	\$0.00
Additional Yield			\$0.00	\$0.00	\$0.00

	NI	IR	WHEAT	BARLY	OATS
diversion					
Cash				\$0.00	\$0.00
Commodity Certificate				\$0.00	\$0.00
Additional Yield				\$0.00	\$0.00

	NI	IR	WHEAT	BARLY	OATS
otal Advance			\$7,584.19	\$1,522.30	\$0.00
Cash			\$3,792.10	\$761.15	\$0.00
Commodity Certificate			\$3,792.09	\$761.15	\$0.00

	NI	IR	WHEAT	BARLY	OATS
ROJECTED FINAL PAYMENTS					
diversion Payments			\$0.00	\$0.00	\$0.00

	NI	IR	WHEAT	BARLY	OATS
efficiency Payments			\$18,960.48	\$3,805.75	\$0.00
Subject to Limit			\$13,814.06	\$2,537.16	\$0.00
Not Limited			\$5,146.42	\$1,268.59	\$0.00

	NI	IR	WHEAT	BARLY	OATS
otal Payments			\$18,960.48	\$3,805.75	\$0.00
Subject to Limit			\$13,814.06	\$2,537.16	\$0.00
Not Limited			\$5,146.42	\$1,268.59	\$0.00

OTE: P.L. 99-198 and 98-88 authorize the feed grain, rice, wheat, upland and ELS cotton programs. In order to administer the programs, the data requested to be provided on this form is necessary. The data will be used to determine eligibility for program payments. Furnishing this data is voluntary; however, without it assistance under the programs cannot be provided. The data may be furnished to any agency responsible for enforcing the provisions of these programs.

415.4

43.4

88 wheat

33 acre

70 spuds

50/92

47.1

74.0 wht

~~83.3~~

94.4 x 3793 = 35

141.5
958 ACR

-74.0

31.7 even use

115

70

43

11

202

\$2.10

State of Idaho

License and Certificate of Water Right

Water License No. G-26106

Amount 9.2 c.f.s.

Water District No. _____

Priority December 9, 1955

THIS IS TO CERTIFY that HARRY KITSELES - T. S. VANDERFORD, Assignee of Blackfoot, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated December 9, 1955; that Permit No. G-26106 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 9.2 second feet, was issued thereunder on August 26, 1957, showing that said works were completed on the 17th day of July, 1956; and that on the 17th day of July, 1956, T. S. VANDERFORD

of Aberdeen, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of 4 wells, a tributary of subterranean, for the purpose of Irrigation, under Use Permit No. G-26106 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 10 of Licenses at page 1077, on the 26th day of August, 1957; The right hereby confirmed dates from December 9, 1955;

The Point of Diversion is located in the centers of the NE₁, NW₁, SW₁, SE₁ in the 1/4 1/4, Sec. 26, Tp. 2 S., R. 33 E., B. M. County Bingham

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 9.2 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
2 S.	33 E.	26	NE NE	40	40
			NW NE	40	40
			SW NE	40	40
			SE NE	40	40
			NE NW	40	40
			NW NW	40	40
			SW NW	40	40
			SE NW	40	40
			NE SW	40	40
			NW SW	40	40
			SW SW	40	40
			SE SW	40	40
			NE SE	40	40
			NW SE	40	40
			SW SE	40	40
			SE SE	40	40
Total number of acres irrigated					640

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 26th day of August, 1957.

/s/ Mark E. Kulp
State Reclamation Engineer.

(SEAL)

35 244

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-2444

WATER RIGHT NUMBER: 35-2444

Owner Type Name and Address
Original Owner T S VANDERFORD

Current Owner ABERDEEN, ID 83210
TERESA MURDOCK
1473 W HOFF RD
BLACKFOOT, ID 83221
(208)684-4833

Original Owner HARRY KATSEANES

Current Owner BLACKFOOT, ID
ROBERT A MURDOCK
1473 W HOFF RD
BLACKFOOT, ID 83221
(208)684-4833

*-pic program
- d/s not released - further*

Priority Date: 12/09/1955

Basis: Decreed

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	9.200 CFS	2,460.00 AF
	<u>Total Diversion:</u>	9.200 CFS	2,460.00 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SE1/4SE1/4	Sec. 26, Twp 02S, Rge 33E, B.M.
BINGHAM County		
GROUND WATER	NE1/4SW1/4SW1/4	Sec. 26, Twp 02S, Rge 33E, B.M.
BINGHAM County		
GROUND WATER	NW1/4SE1/4NW1/4	Sec. 26, Twp 02S, Rge 33E, B.M.
BINGHAM County		
GROUND WATER	NW1/4SE1/4NE1/4	Sec. 26, Twp 02S, Rge 33E, B.M.
BINGHAM County		

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S 33E 26	39.0	40.0	39.0	39.0	40.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	29.0	39.0	38.0	615.0

Total Acres: 615

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 35-2444

Conditions of Approval:

1. C18 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.

Remarks:Comments:

1. VERNER 12/1/1992 COPIED FROM REMARKS

Comment: P/D CENTERS OF NE, NW, SW & SE1/4, S26, T2S, R33E. ITEM 5: THERE ARE 4 WELLS THAT SUPPLY WATER TO IRRIGATE THIS LAND. EACH WELL SUPPLIES CENTER PIVOTS W/ CORNER CATCHERS. THE WELLS ARE AROUND 200' DEEP W/ 16" CASINGS. NW1/4 AND SW1/4 WELL HAVE 80HP TURBINE PUMPS NE1/4 AND SE1/4 WELL HAVE 100HP TURBINE PUMPS

2. AJU10-EC 11/19/1998 AJU10 CONDITION UPDATE

Comment: CONDITION CODE(S) C12 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Dates and Other Information:

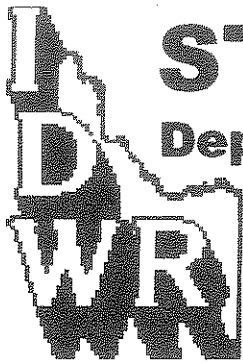
Licensed Date:
Decreed Date: 1/31/2002
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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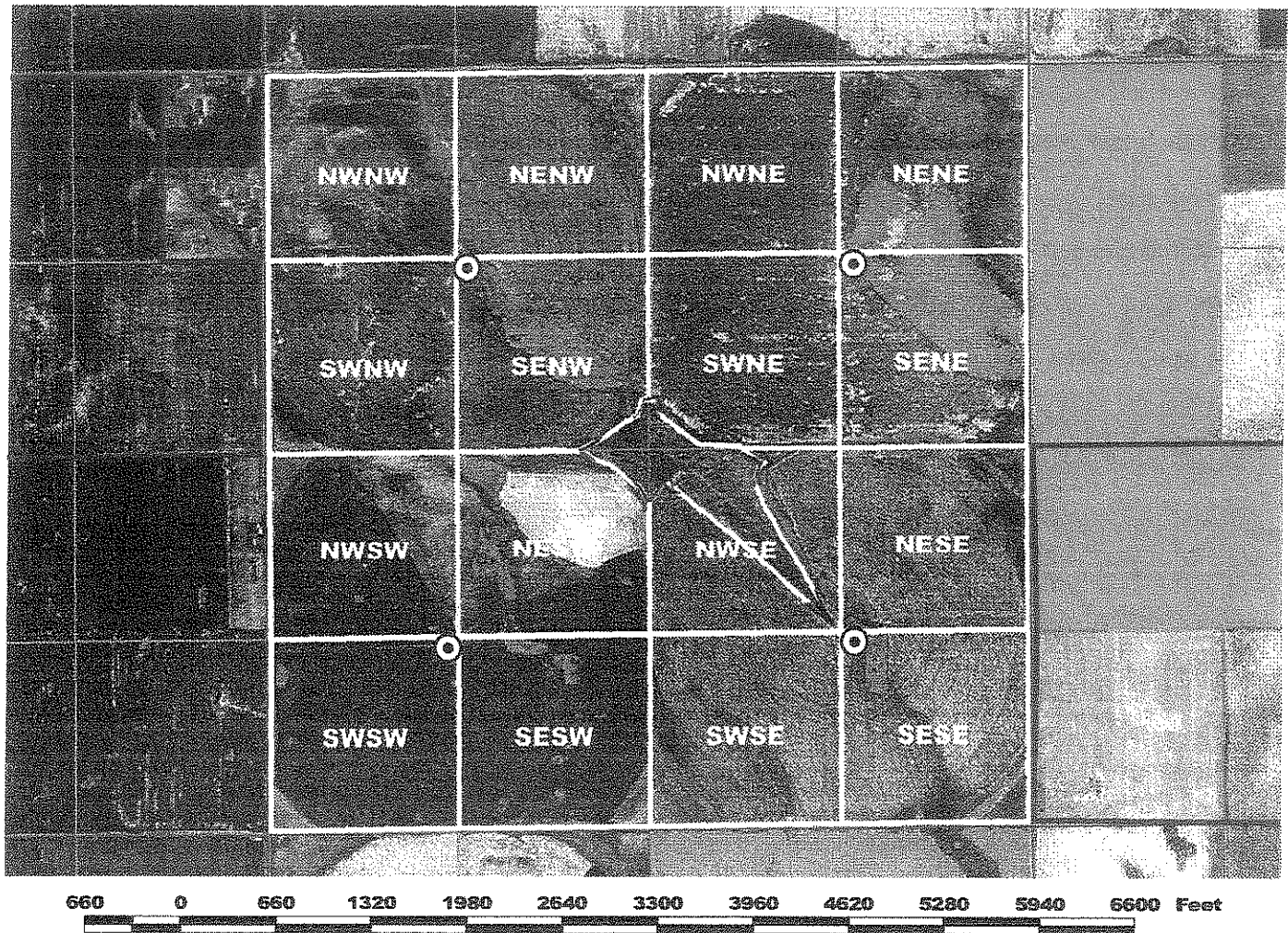
STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: Robert Murdock

Water Right(s): 35-02444



LEGEND

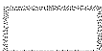


Point of Diversion

Place of Use



Section Line



Quarter-section line

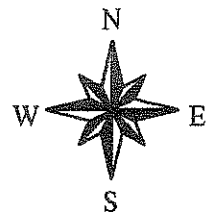
Legal Description:

T.2S., R.33E. Sec. 26 All

Point(s) of Diversion:

T.2S., R.33E., Sec.26

NWSENE, NWSENE,
NESWSW, NWSESE



GIS Place of Use illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: September 1998