

RECEIVED

DEC 17 2007

DEPARTMENT OF
WATER RESOURCES

IN THE COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

A. Subcase 73-215B

Case No. 39576

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Richard Bergeman
Address: 2255 Pahsimeroi Rd.
May, ID 83253

Daytime Phone: (208) 876-4283

Name & Address of Attorney, if any:

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

Name: Richard Bergeman
Address: 2255 Pahsimeroi Rd.
May, ID 83253

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate boxes.)

1. ☐ Name and Address
Should be: _____
2. ☐ Source
Should be: _____
3. ☒ Quantity
Should be: sufficient to include conveyance losses in ditch
4. ☐ Priority Date
Should be: _____
5. ☒ Point(s) of Diversion
Should be: as shown on attached map
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: as shown on attached map
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 OBJECTION(S): See attachment

F. VERIFICATION (Must be completed)

State of Idaho)
County of CUSTER)ss.

_____, duly sworn, upon oath, deposes and says:

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

Richard B. Bingham

Subscribed and sworn to before me on: THIS 10TH DAY OF DECEMBER 2007

[Signature]

Notary Public for STATE OF IDAHO

Residing at: CHALLIS FORT

My Commission Expires: 01/20/10



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 12/13, 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:

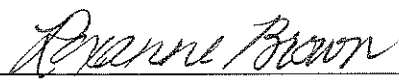
Name: Richard and/or Victoria Bergeman
Address: 2255 Pahsimeroi Rd.
May, ID 83253

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 person mailing form

Attachment – Response to Item E, Reasons Supporting Objection

There are two points of diversion used historically to irrigate the land claimed. The upper point of diversion (IDWR GPS Site Tag A0013403) has been used to deliver water under water right 73-12082 (a portion of original water right 73-213). The lower point of diversion (IDWR GPS Site Tag A0013407) has been used to deliver water under a portion of original water right 73-215 (claimed as 73-215B and 73-215C). The original claims did not describe the system adequately, resulting in errors in the recommendations of claims 73-215B, 73-215C and 73-12082.

The points of diversion and places of use should be recommended as shown on the attached map.

