

RECEIVED
DEC 19 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)

A. Subcase 73-00147C
(Insert water right number)

Case No. 39576)

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: Flying Joseph Ranch, LLC; c/o Judy Galfano or Joe Clark

Address: 7213 Perimeter Road S; Seattle, WA 98108-3812

Name: James P. Speck (attorney for claimant)

Address: P.O. Box 987; Ketchum, Idaho 83340

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. Other places of use describe both public and private land. Clarify the right such that it is clear only private land is intended.

F.

VERIFICATION (Must be Completed)

State of Idaho

)

) ss.

County of ADA

)

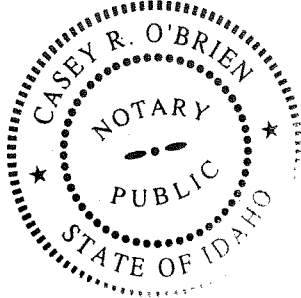
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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)

Casey R. O'Brien
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: December 17, 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 December 18, 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: Flying Joseph Ranch, LLC; c/o Judy Galfano or Joe Clark

Address: 7213 Perimeter Road S; Seattle, WA 98108-3812

Name: James P. Speck (attorney for claimant)

Address: P.O. Box 987; Ketchum, Idaho 83340

Name:

Address: ;

Name:

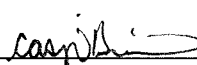
Address: ;

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: 73-147C

NAME AND ADDRESS: FLYING JOSEPH RANCH LLC
C/O JUDY GALFANO
7213 PERIMETER RD S
SEATTLE WA 98108

SOURCE: PAHSIMEROI RIVER

TRIBUTARY: SALMON RIVER

Diversion of water from the Pahsimeroi River is limited to those times water is available for diversion under this right and priority from Goldberg Creek.

QUANTITY: 4.800 CFS

PRIORITY DATE: 04/25/1886

POINT OF DIVERSION: T13N R23E S20 SWNESW Within CUSTER County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	4.800 CFS

PLACE OF USE: IRRIGATION in CUSTER County and LEMHI County

BLM	T13N R22E S01 Lot 4 NWNW	0.90	T13N R22E S01	SWNW	19.00	
	T13N R22E S01 NWSW	35.00	T13N R22E S01	SWSW	41.00	
	T13N R22E S02 Lot 1 NENE	29.00	T13N R22E S02 Lot 2 NWNE	8.80		
	T13N R22E S02 SWNE	8.20	T13N R22E S02	SENE	40.00	
	T13N R22E S02 NESE	40.00	T13N R22E S02	SESE	40.00	
	T13N R22E S11 NENE	37.00	T13N R22E S11	SENE	33.00	
	T13N R22E S11 NESE	26.00	T13N R22E S11	SESE	29.00	
	T13N R22E S12 NWNW	0.40	T13N R22E S12	SWNE	23.00	
	T13N R22E S12 NENW	2.30	T13N R22E S12	NWNW	41.00	
	T13N R22E S12 SWNW	40.00	T13N R22E S12	SENW	0.30	
	T13N R22E S12 NESW	41.00	T13N R22E S12	NWSW	31.00	
	T13N R22E S12 SWSW	30.00	T13N R22E S12	SESW	37.00	
	T13N R22E S12 NWSE	41.00	T13N R22E S12	SWSE	39.00	
	T13N R22E S13 NWNE	22.00	T13N R22E S13	SWNE	12.00	
	T13N R22E S13 NENW	10.00	T13N R22E S13	NWNW	37.00	
	T13N R22E S13 SWNW	9.50	T13N R22E S13	SENW	4.50	
	T13N R22E S13 NESW	0.20	T13N R22E S13	SWSW	9.80	
	T13N R22E S13 NWSE	23.00	T13N R22E S13	SESE	34.00	
		T13N R22E S14	SENE	0.20		
		T13N R22E S14	NWSE	19.00		
	T13N R22E S14	SESE	36.00			
	T13N R22E S23	NWNE	36.00			
	T13N R22E S23	SENE	40.00			
Mixed	T13N R22E S23	NESE	12.00			
	T13N R22E S24	NWNE	0.50			
	T13N R22E S24	SENE	12.00			
	T13N R22E S24	NWNW	40.00			
	T13N R22E S24	SENW	40.00			
	T13N R22E S24	NESW	36.00			
	T13N R22E S24	NWSW	27.00			
	T13N R22E S24	NESE	39.00			

Mixed

T13N R22E S24	NWSE	39.00	T13N R23E S19 Lot 4 SWSW	25.00
T13N R23E S19	NWNE	23.00	T13N R23E S19	SWNE 39.00
T13N R23E S19	SENE	26.00	T13N R23E S19	NENW 39.00
T13N R23E S19 Lot 1 NWNW		36.00	T13N R23E S19 Lot 2 SWNW	7.80
T13N R23E S19	SENE	38.00	T13N R23E S19	NESW 13.00
T13N R23E S19 Lot 3 NWSW		13.00	T13N R23E S19 Lot 4 SWSW	1.50
T13N R23E S19	NESE	39.00	T13N R23E S19	NWSE 40.00
T13N R23E S19	SWSE	7.90	T13N R23E S19	SESE 21.00
T13N R23E S20	NWSW	26.00		

1857.6 ACRES TOTAL

This right is limited to the irrigation of 240 acres within the place of use described above in a single irrigation season.

Right Nos. 73-147A, 73-147B, 73-147C, 73-150D, 73-189, 73-259, 73-2165, 73-10040 and 73-10041 are limited to the irrigation of a combined total of 1857.6 acres 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 - Decreed

Right Nos. 73-147A, 73-147C, 73-150D, 73-189 and 73-10040 are diverted through the point of diversion described above. Right No. 73-10041 is rediverted from the Pahsimeroi River through the point of diversion described above.

Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

POU on BLM:

-The place of use T13N R22E S01 Lot 4 NWNW is BLM land; use is not authorized.

-Remove from recommendation and adjust shapefile accordingly.

Mixed POUs:

-T13N R22E S14 NWSE and T13N R22E S23 NESE 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."

73-00147A
73-00147B
73-00147C
73-00150D
73-00189
73-00259
73-10040
73-10041

Flying Joseph Ranch LLC

POU on BLM:

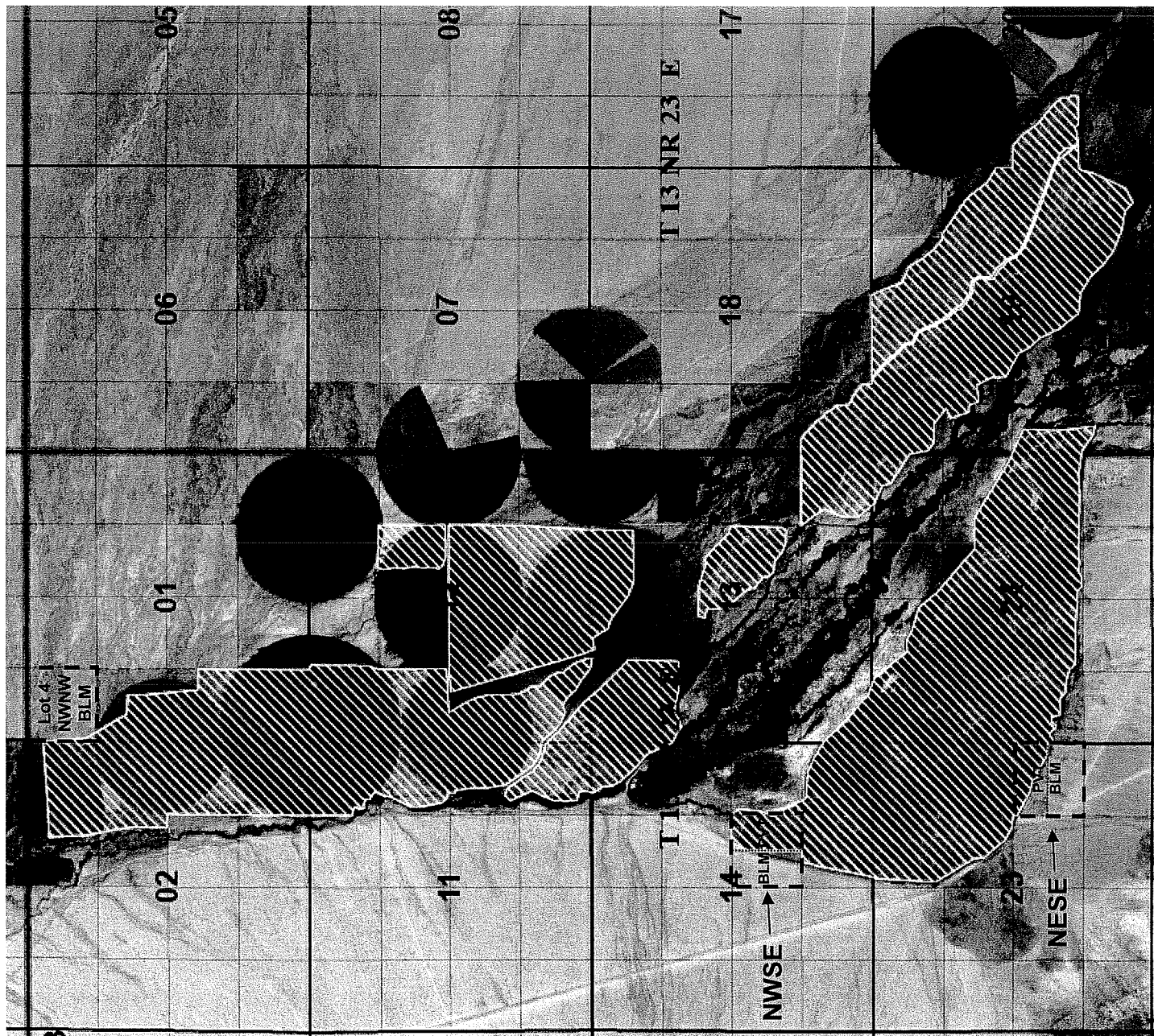
-The place of use T13N R22E S01 Lot 4 NWNW is BLM land; use is not authorized.

-Remove from recommendation and adjust shapefile accordingly.

Mixed POUs:

-T13N R22E S14 NWSE and T13N R22E S23 NESE 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."



IDAHO FALLS DISTRICT SEC 9

MT PLAT

[illegible]

DI 09142 Del PL 167 (Act of Cong 07/23/1955)
completed 12/10/1962. All NF surface Maint by USFS

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

FILE REF:	ID08019W020CMT7000Lung
COMPLETED BY:	BPT: LFM
DATE COMPLETED:	01/02/2006
DATE FILED:	BPT: LFM
FILED AT:	
CASE NO.	CA00042
REPORTED TO PUBLIC RECORDS:	
BY:	PC
PUBLIC LAW AND SURVEY SYSTEM (PL&S)	*
BLM GC03B ACQUIRED:	04/09/2006
OTHERS:	N/A
PREDICTED COORDINATE SYSTEM:	UTM ZONE 12N, UTM 18QD
NOTES:	
USE PLANTS:	

Boeing Mar.
T. 13 N
R. 22 E

