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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

Case No. 39576

A. Subcase 73-02160
(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: Five E Group LLLP
Address: 3094 S. Abigail Way; Boise, Idaho 83706-5701

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 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.

Fredric W. Price
(Signature of person filing objection)

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

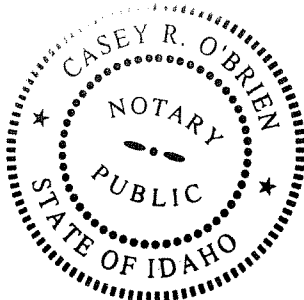
Subscribed and sworn to before me on: December 17, 2007

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: Five E Group LLLP
Address: 3094 S. Abigail Way; Boise, Idaho 83706-5701

Name:
Address: ;

Name:
Address: ;

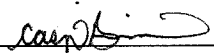
Name:
Address: ;

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

POST DIRECTOR'S REPORT NCAP

10/03/2007

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

RIGHT NUMBER: 73-2160

NAME AND ADDRESS: FIVE E GROUP LLLP
3094 S ABIGAIL WAY
BOISE ID 83706

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 2.620 CFS
717.50 AFY

PRIORITY DATE: 08/24/1966

POINT OF DIVERSION: T12N R23E S3 SENENE Lot 1 Within CUSTER County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	2.620 CFS 717.50 AFY

PLACE OF USE: IRRIGATION in CUSTER County

T12N R23E S03 Lot 1 NENE	24.00	T12N R23E S03 Lot 2 NWNE	37.00
Mixed T12N R23E S03 SWNE	1.30	T12N R23E S03 Lot 3 NENW	1.70
T13N R23E S34 NESW	40.00	T13N R23E S34 SESW	40.00
T13N R23E S34 NWSE	18.00	T13N R23E S34 SWSE	38.00
T13N R23E S34 SESE	5.00		

205 ACRES TOTAL

Right Nos. 73-12124, 73-12129, 73-12137 and 73-2160 are limited to the irrigation of a combined total of 378.2 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 - License

Mixed POU:

-The place of use recommended as T12N R23E S03 SWNE describes both private and public lands. Please clarify such that only private land is intended by inserting the following language under place of use:

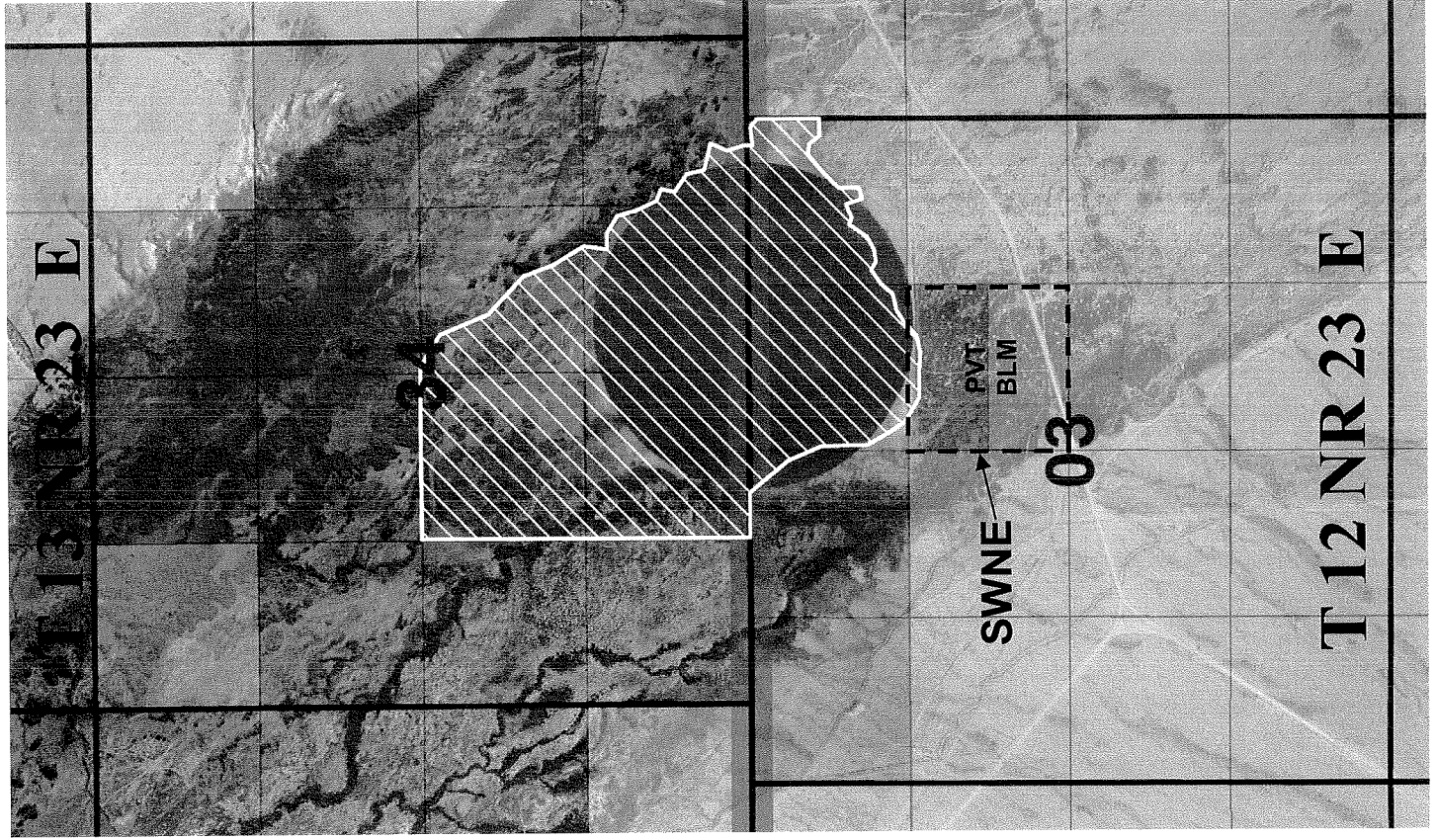
"Place of use does not include federal public lands."

73-02160
Five E. Group LLLP

Mixed POU:

-The place of use recommended as T12N R23E S03 SWNE describes both private and public lands. Please clarify such that only private land is intended by inserting the following language under place of use:

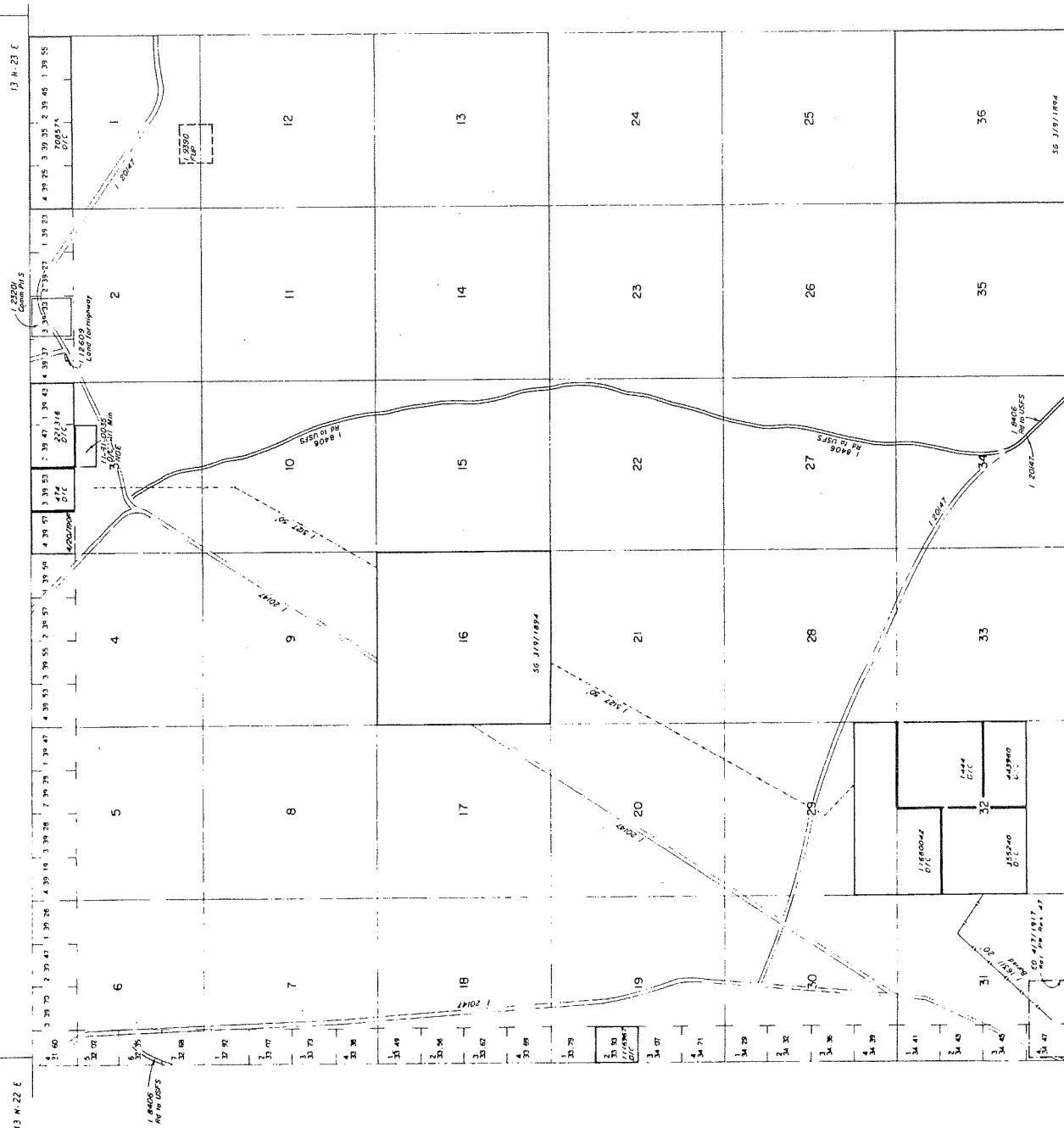
"Place of use does not include federal public lands."



STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

CUSTER COUNTY 037
SALMON DISTRICT SEC 3

13 N-24 € MT PLAT

[illegible]

2834 BLM O CI Mult Use
Custer County, Segr from Appropn under HE
DLE, 1A, & PS
Further Segr from Appropn under general mining laws
Double Springs Rec S
Sec 31: Lot 4

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

[illegible]

520	1721	1849
521	1722	1850

THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITH-

67860340 V.A. J. C. van der Vliet

SCALE IN CHOIRS

ORIGINAL DIRECTOR'S REPORT

01/23/2007

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

RIGHT NUMBER: 73-2160
NAME AND ADDRESS: BEREND FRIEHE
2498 RD S NE
MOSES LAKE WA 98837
CARLA FRIEHE
2498 RD S NE
MOSES LAKE WA 98837

SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 2.620 CFS
717.50 AFY
PRIORITY DATE: 08/24/1966
POINT OF
DIVERSION: T12N R23E S3 SENENE Lot 1 Within CUSTER County
PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	2.620 CFS 717.50 AFY

PLACE OF USE: IRRIGATION in CUSTER County

T12N R23E S03 Lot 1 NENE	24.00	T12N R23E S03 Lot 2 NWNE	37.00
<u>T12N R23E S03</u>	<u>SWNE 1.30</u>	T12N R23E S03 Lot 3 NENW	1.70
T13N R23E S34	NESW 40.00	T13N R23E S34	SESW 40.00
T13N R23E S34	NWSE 18.00	T13N R23E S34	SWSE 38.00
T13N R23E S34	SESE 5.00		

205 ACRES TOTAL

Right Nos. 73-4, 73-159, 73-193 and 73-2160 are limited to the irrigation of a combined total of 460.6 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 - License