

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)

Case No. 39576)

A. Subcase 73-12137
(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: Split from 73-00193 post Dir Rpt.
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

)

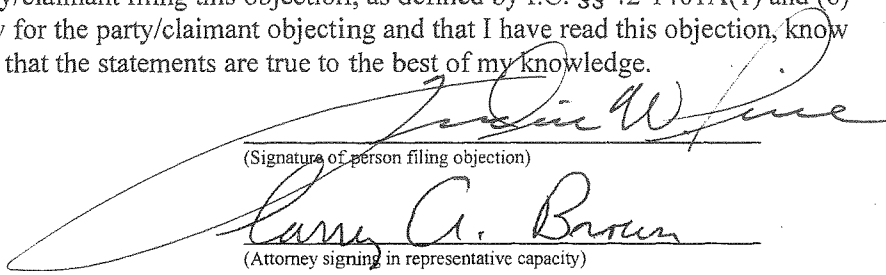
) ss.

County of ADA

)

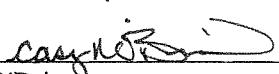
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.


(Signature of person filing objection)

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

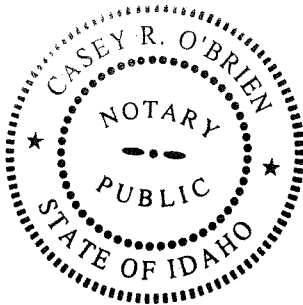
Subscribed and sworn to before me on: December 17, 2007


Casey R. O'Brien

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:

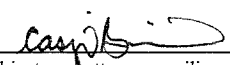
Name: Five E Group LLLP
Address: 3094 S. Abigail Way; Boise, Idaho 83706-5701
Name: Split from 73-00193 post Dir Rpt.
Address: ;
Name: ;
Address: ;
Name: ;
Address: ;

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: 73-12137

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

SOURCE: GOLDBURG CREEK

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 3.284 CFS

PRIORITY DATE: 04/02/1907

POINT OF
DIVERSION:

T13N R23E S35 SESE Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

3.284 CFS

PLACE OF USE: IRRIGATION in CUSTER County

Mixed	T12N R23E S03 Lot 1 NENE	24.00	T12N R23E S03 Lot 2 NWNE	38.00
	T12N R23E S03 SWNE	2.00	T12N R23E S03 Lot 3 NENW	33.00
	T13N R23E S34 SENE	12.00	T13N R23E S34 NESW	40.00
	T13N R23E S34 NWSW	20.00	T13N R23E S34 SWSW	20.00
	T13N R23E S34 SESW	40.00	T13N R23E S34 NESE	35.00
	T13N R23E S34 NWSE	34.00	T13N R23E S34 SWSE	38.00
	T13N R23E S34 SESE	35.00	T13N R23E S35 SWSW	7.20

378.2 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.

This right is limited to the irrigation of 164 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.

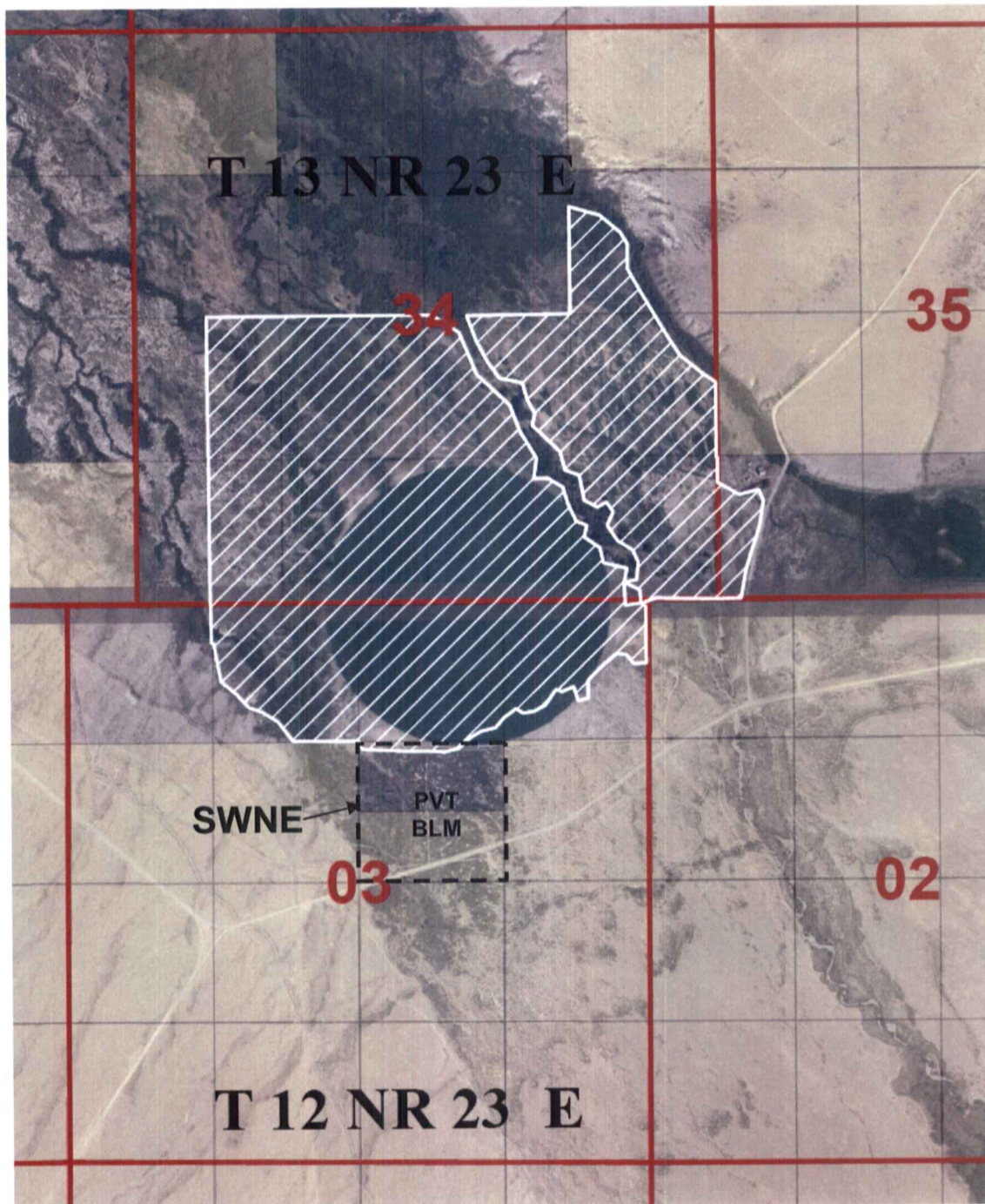
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a split from former right 73-193.

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."



73-12137 (split from 73-00193)
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."

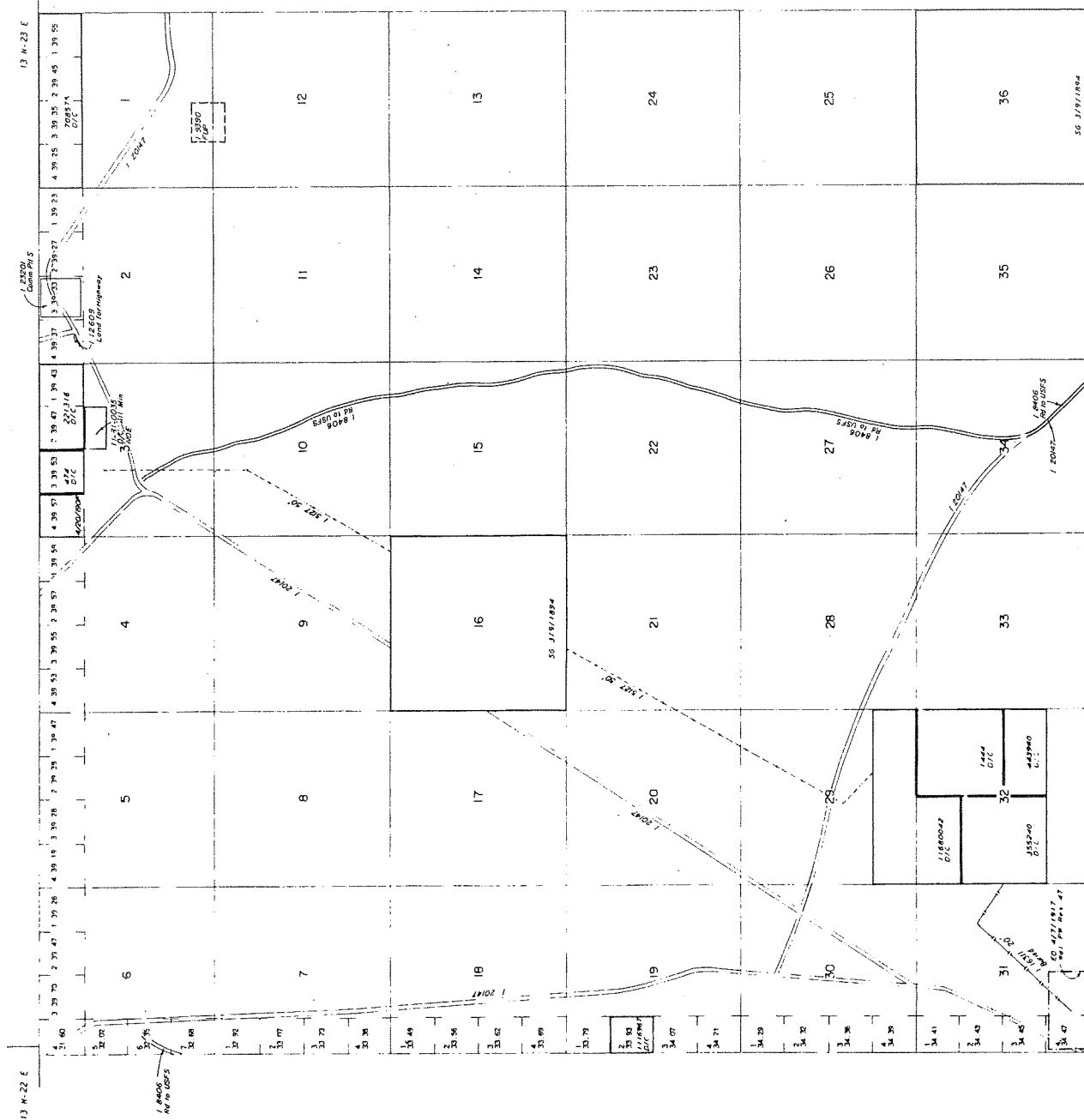
TOWNSHIP 12 NORTH RANGE 23 EAST OF THE POISE MERIDIAN, IDAHO

CUSTER COUNTY 037

SALMON DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

13 N-22 E 13 N-23 E MT PLAT



INDEX TO SEGREGATED TRACTS	
TRACT NO.	SEC.
1	1
2	2
3	3
4	4
5	5
6	6
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1. 2834 BLM O C1 Malt Use
Custer County, Segr from Appropn under HE,
OLE, 14, & PS
Further Segr from Appropn under general mining laws
Double Springs Rec S
Sec 31 Lot 4

FOR OWNERS EFFECTING DISPOSITION OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX IN
MISCELLANEOUS INCIDENTS

CURRENT TO	CURRENT TO
USE PLATS	USE PLATS

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-
DRAWAL ORDER

WARNING STATEMENT

SCALE in Chains
0 10 20 30 40

Bound Map
T 12N
R 23E

POST DIRECTOR'S REPORT NCAP

10/3/2007

IDAHO DEPARTMENT OF WATER RESOURCES CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
73-193	BEREND FRIEHE 2498 RD S NE MOSES LAKE WA 98837 CARLA FRIEHE 2498 RD S NE MOSES LAKE WA 98837	Disallowed/Parent	Split to 73-12137 and 73-12138

ORIGINAL DIRECTOR'S REPORT

01/23/2007

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

RIGHT NUMBER: 73-193
NAME AND ADDRESS: BEREND FRIEHE
2498 RD S NE
MOSES LAKE WA 98837
CARLA FRIEHE
2498 RD S NE
MOSES LAKE WA 98837

SOURCE: GOLDBURG CREEK TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 4.000 CFS

PRIORITY DATE: 04/02/1907

POINT OF DIVERSION: T13N R23E S35 SESE Within CUSTER County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	4.000 CFS

PLACE OF USE: IRRIGATION in CUSTER County

T12N R23E S03 Lot 1 NENE	24.00	T12N R23E S03 Lot 2 NWNE	38.00
T12N R23E S03 SWNE	2.00	T12N R23E S03 Lot 3 NENW	33.00
T12N R23E S03 Lot 4 NWNW	2.40	T13N R23E S33 NESE	40.00
T13N R23E S34 SENE	12.00	T13N R23E S34 NESW	40.00
T13N R23E S34 NWSW	40.00	T13N R23E S34 SWSW	40.00
T13N R23E S34 SESW	40.00	T13N R23E S34 NESE	35.00
T13N R23E S34 NWSE	34.00	T13N R23E S34 SWSE	38.00
T13N R23E S34 SESE	35.00	T13N R23E S35 SWSW	7.20

460.6 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.

This right is limited to the irrigation of 200 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 - Decreed