

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 73-12129
(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 73-00159 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.

Fredric W. Price
(Signature of person filing objection)

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

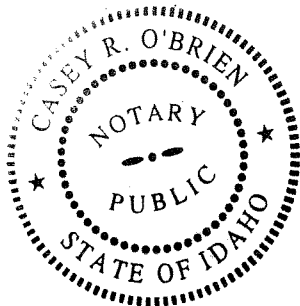
Subscribed and sworn to before me on: December 17, 2007

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:

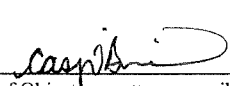
Name: Five E Group LLLP
Address: 3094 S. Abigail Way; Boise, Idaho 83706-5701
Name: Split from 73-00159 post Dir Rpt
Address: ;
Name: ;
Address: ;
Name: ;
Address: ;

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: 73-12129

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

SOURCE: PAHSIMEROI RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 3.954 CFS

PRIORITY DATE: 06/01/1897

POINT OF
DIVERSION:

T11N R24E S6 NENE Within CUSTER County
T12N R23E S2 NWNW Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

3.954 CFS

PLACE OF USE: IRRIGATION in CUSTER County

	T12N R23E S03 Lot 1 NENE	24.00	T12N R23E S03 Lot 2 NWNW	38.00
Mixed	T12N R23E S03 SWNE	2.00	T12N R23E S03 Lot 3 NENW	33.00
	T13N R23E S34 SESW	40.00	T13N R23E S34 NWSE	18.00
	T13N R23E S34 SWSE	38.00	T13N R23E S34 SESE	4.70

197.7 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.

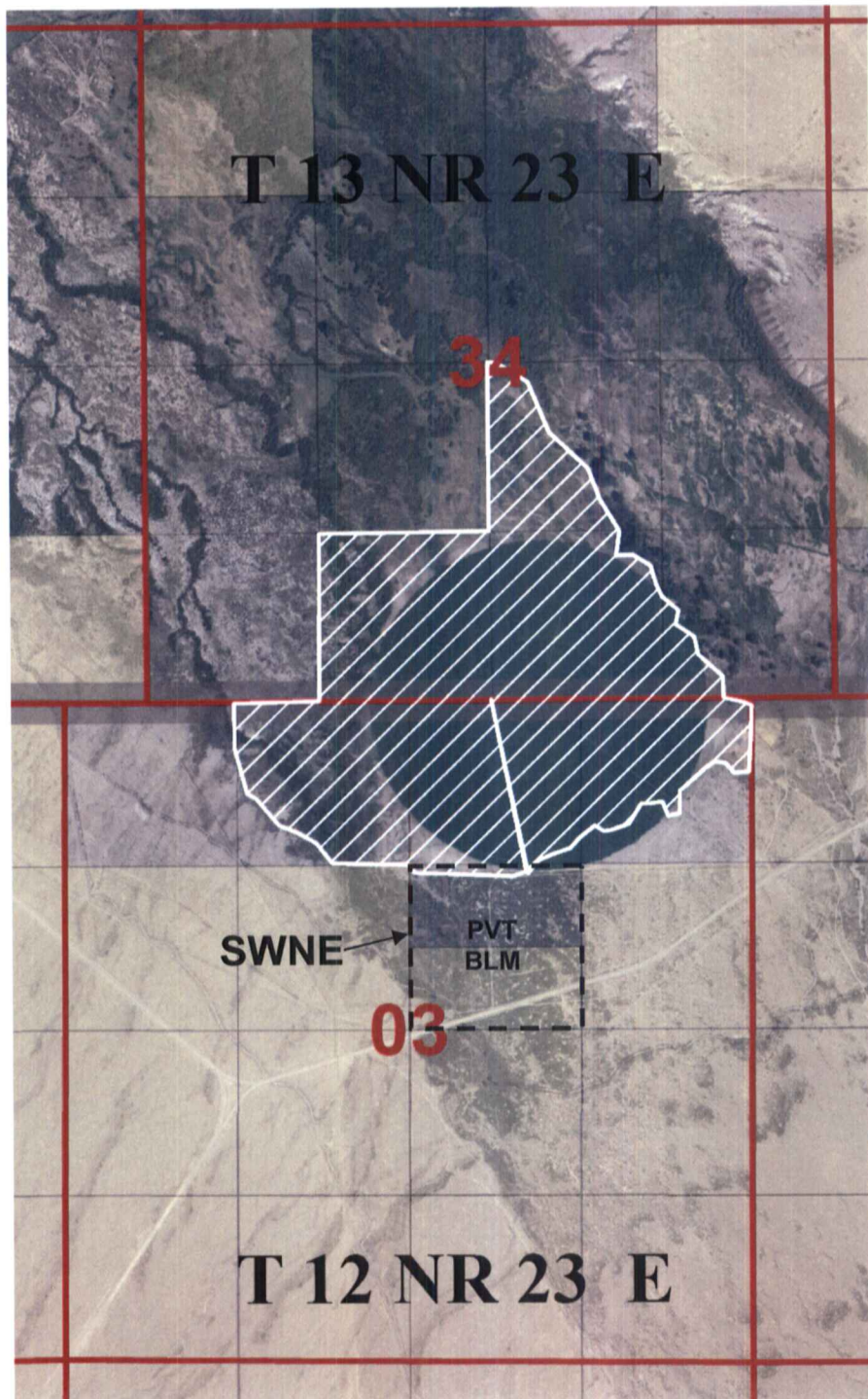
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a split from former right 73-159 .

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."



73-12129 (split from 73-00159)
Five E. Group LLLP

Mixed POU:

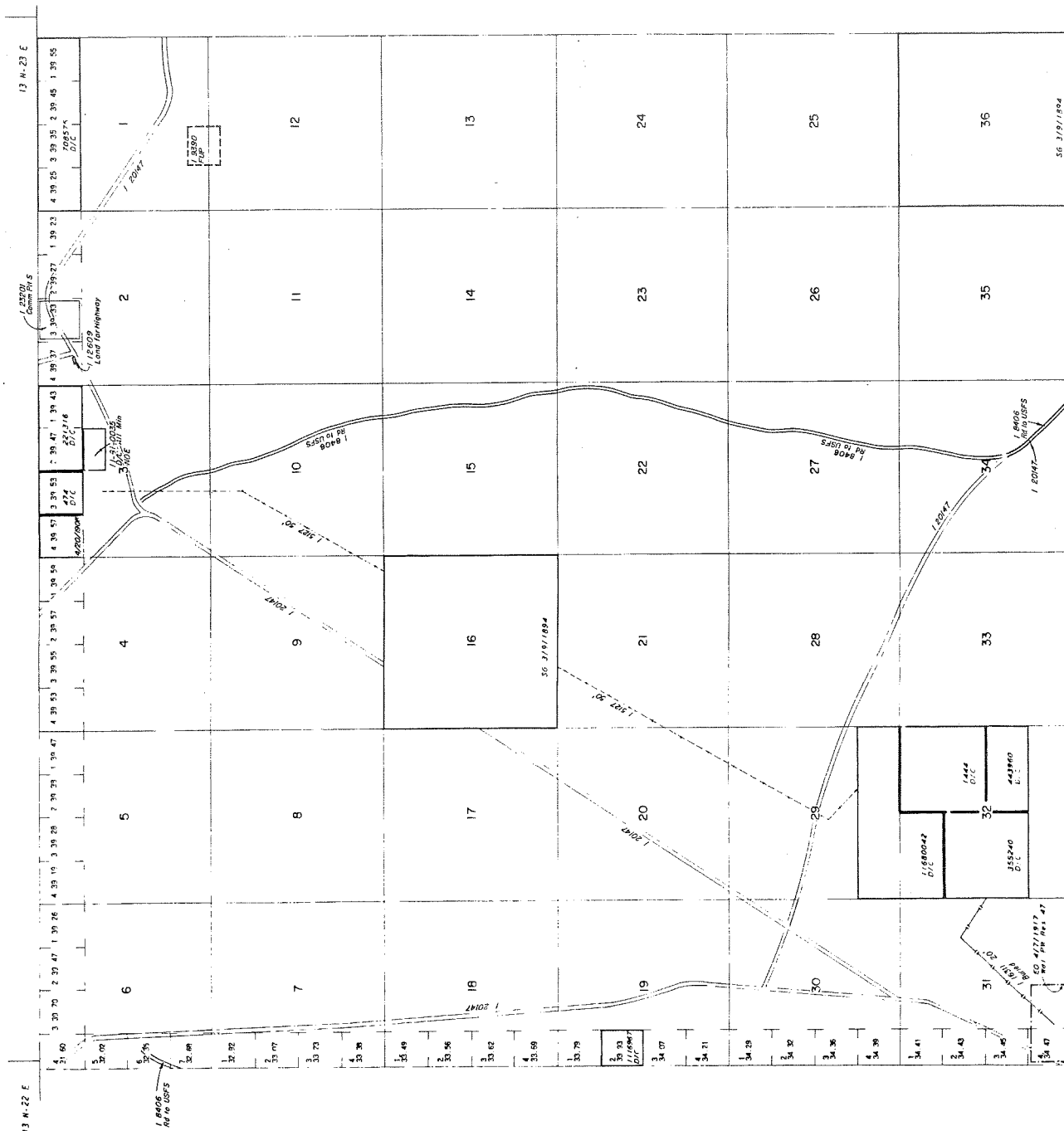
-The place of use recommended as T12N R23E S03 SWNE describes both private and public lands. Please clarify such that only private land is intended by inserting the following language under place of use:

“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 E MT PLAT



INDEX TO SEGREGATED TRACTS

SURVEY
 ACT NO
 DIVISION
 ORIGINAL SURVEY

2834 BLM O CI Muff Use
uster County, Segr from Apprpn under HE,
LE, IA, & PS
urther Segr from Apprpn 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

URGENT TO
CERNET TO

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 WITHDRAWAL ORDER

WARNING STATEMENT

SCALF in Chains

0	5	0	10	20	30	60
SCALF in Chains						

3000 2500 2000 1500 1000 500

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>
73-159	BEREND FRIEHE 2498 RD S NE MOSES LAKE WA 98837	Disallowed/Parent	Split to 73-12129 and 73-12130
	CARLA FRIEHE 2498 RD S NE MOSES LAKE WA 98837		

ORIGINAL DIRECTOR'S REPORT

01/23/2007

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

RIGHT NUMBER: 73-159

NAME AND ADDRESS: BEREND FRIEHE
2498 RD S NE
MOSES LAKE WA 98837

CARLA FRIEHE
2498 RD S NE
MOSES LAKE WA 98837

SOURCE: PAHSIMEROI RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 4.000 CFS

PRIORITY DATE: 06/01/1897

POINT OF

DIVERSION: T11N R24E S6 NENE Within CUSTER County
T12N R23E S2 NWNW 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	4.000 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	2.30	T13N R23E S34 SESW	40.00
T13N R23E S34 NWSE	18.00	T13N R23E S34 SWSE	38.00
T13N R23E S34 SESE	4.70		

200 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 - Decreed