

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 77-04089
(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: (208) 373-3831 (Fred Price)

Name & Address of Attorney, if any:

David L. Negri (208) 334-1936 phone, (208) 334-9375 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: Kenneth R. and Tammie Walters

Address: P.O. Box 31; Riggins, Idaho 83549

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 place of use includes both public and private lands where where some activities are authorized and some are not. The place of use element should contain the following remarks to clarify the use: "Place of use for irrigation does not include federal public lands unless authorized in writing by the managing federal agency."; "Place of use for stockwater does not include federal public lands." Places of use for stockwater should be listed in order to properly exclude public land.

F.

VERIFICATION (Must be Completed)

State of Idaho)

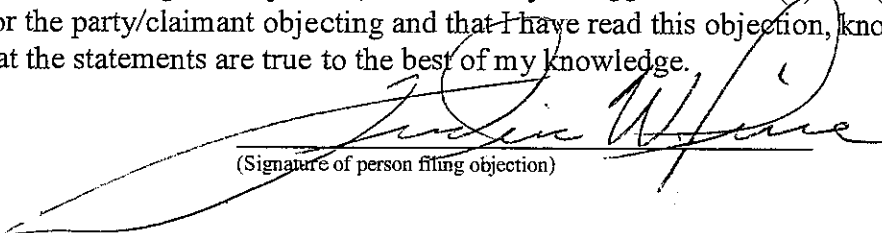
) ss.

County of ADA)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:

(Name of person filing objection)

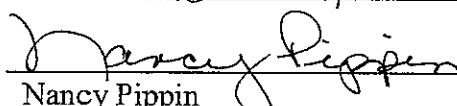
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

December 24, 2008


Nancy Pippin

NANCY PIPPIN
Notary Public
State of Idaho

Notary Public for State of Idaho

Residing at: Mountain Home, ID.

My Commission Expires: 09-06-2011

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 12-24-08, 2008, 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:

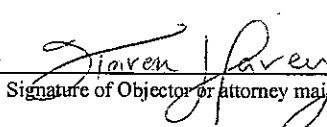
Name: Kenneth R. and Tammie Walters
Address: P.O. Box 31; Riggins, Idaho 83549
Name: Dana L. Hofstetter (attorney for claimant)
Address: 608 W. Franklin St.; Boise, Idaho 83702

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

10/27/2008

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

RIGHT NUMBER: 77-4089 -Places of use describe both Private and Public land.
-Please insert the following language under place of use.

NAME AND ADDRESS: DAMONIE WALTERS
PO BOX 31
RIGGINS ID 83549 "Place of use for irrigation does not include federal public lands
unless authorized in writing by the managing federal agency."

KEARNEY R WALTERS
PO BOX 31
RIGGINS ID 83549 -Place of use element should also include the remark:
"Place of use for stockwater does not include federal public lands."

SOURCE: SHORTS CREEK
TRIBUTARY: SALMON RIVER

QUANTITY: 1.250 CFS

The quantity of water under this right for stockwater use shall not exceed 15,000 gallons per day.

Right Nos. 77-4089 and 77-4219 are limited to a total combined diversion rate of 1.25 cfs for irrigation at the field headgate.

PRIORITY DATE: 03/01/1943

**POINT OF
DIVERSION:**

T24N R01E S03 NESE Within IDAHO County

**PURPOSE AND
PERIOD OF USE:**

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	1.230 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION in IDAHO County

	Section	Area	Section	Area	
Mixed	T24N R01E S13 SWNW	7.90	T24N R01E S13 NWSE	3.40	
	T24N R01E S14 SWNE	0.70	T24N R01E S14 SESE	4.10	
	T24N R01E S14 NESE	20.80	T24N R01E S14 NWSE	13.90	Mixed
BLM	T24N R01E S14 Lot 22 NWSE	1.00	T24N R01E S14 SWSE	4.20	
	T24N R01E S14 Lot 14 SWSE	1.60	T24N R01E S14 SESE	0.90	
	T24N R01E S14 Lot 13 SESE	0.70			

STOCKWATER SAME AS IRRIGATION

Places of use for stockwater will need to be listed to exclude T24N R01E S14 Lot 22 (NWSE).
61.2 ACRES TOTAL

Right Nos. 77-4089 and 77-4219 are limited to the irrigation of a combined total of 61.2 acres in a single irrigation season.

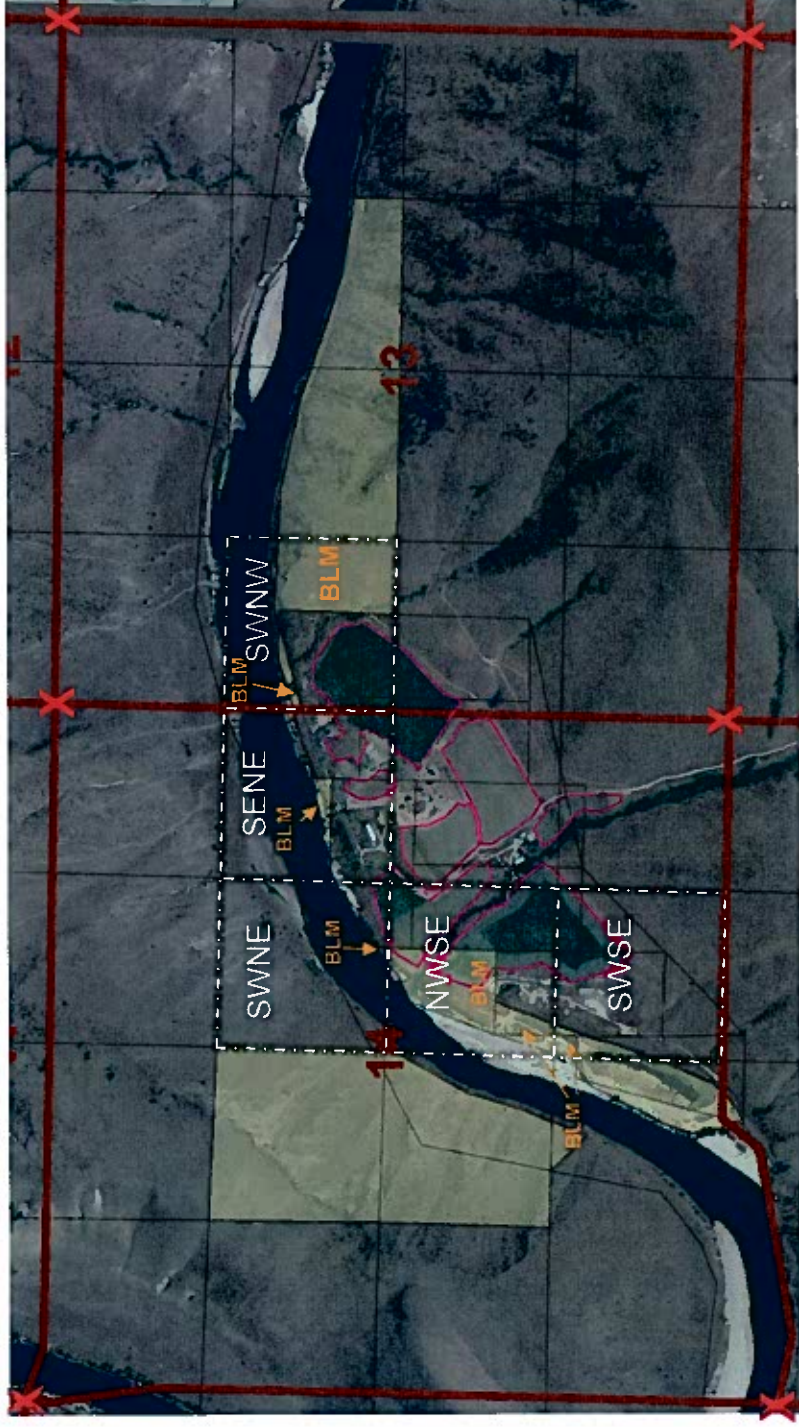
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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(5), Idaho Code.

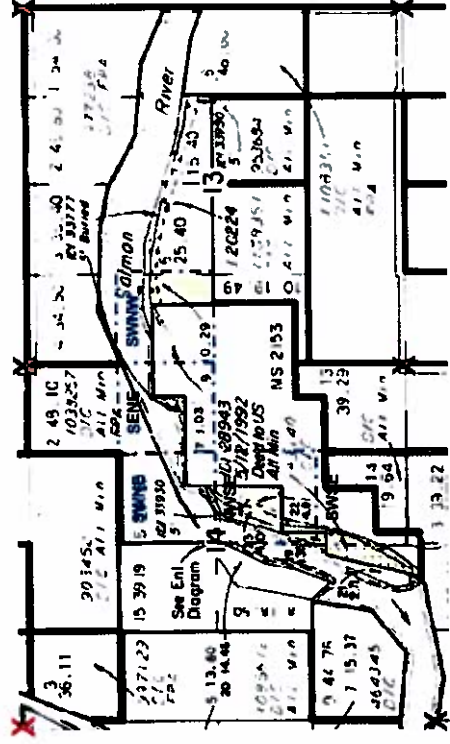
The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

77-04089 & 77-04219 – Irrigation Places of Use



T24N R01E



- Places of use describe both Private and Public land.
- Please insert the following language under place of use.
"Place of use for irrigation does not include federal public lands unless authorized in writing by the managing federal agency."
- 77-04089; Place of use element should also include the remark:
"Place of use for stockwater does not include federal public lands."

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