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JAN 07 2009

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

79-4285

(Insert water right number)

STANDARD FORM 1  
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name:

Ken Gortsema, Public Works Dir.

Address:

225 W. North St.  
Grangeville ID. 83530

Daytime Phone:

983-1380

Name & Address of Attorney, if any:

Adam Green

401 W. North St.

Grangeville, ID 83530

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name:

City of Grangeville

Address:

225 W. North St.  
Grangeville ID. 83530

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: City of Grangeville 225 W. North St.  
Grangeville, ID. 83530
2. ☒ **Source**  
Should be: Johns Creek Trib to: Rock Creek
3. ☒ **Quantity**  
Should be: 0.76 cfs
4. ☒ **Priority Date**  
Should be: 4/1/61
5. ☒ **Point of Diversion**  
Should be: 30N 02E 25 SW 1/4 of NW 1/4
6. ☐ **Instream Flow Beginning and Ending Point**  
Should be: \_\_\_\_\_
7. ☒ **Purpose(s) of Use**  
Should be: Irrigation
8. ☒ **Period of Year**  
Should be: 4/1 to 10/31
9. ☒ **Place of Use**  
Should be: 30N 02E 25 SW 1/4 of NW 1/4 - 26 AC  
30N 02E 26 SE 1/4 of NE 1/4 - 12 AC
10. ☒ **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 OBJECTIONS(S): \_\_\_\_\_

\_\_\_\_\_  
See attached page  
\_\_\_\_\_

#### E. REASONS SUPPORTING OBJECTIONS:

Water Right #79-4285 was disallowed and recommended as Right #79-4288 which is a partially decreed groundwater source. 79-4285 is an original right that was filed and approved as a surface water source in the late fifties with a priority date of 1/1/1959 and a diversion rate of 0.76 cfs.

During the adjudication filing process in the late 80's the then Public Works Director for the City of Grangeville combined water Right's #79-4288 and #79-4285 in error. I do not know the reason that he combined these two separate rights when he filed the adjudication form; however the fact remains that he did. In doing so the diversion rate as filed was listed as only 0.76 cfs which is half the total of the original diversion rates for the two separate rights. Originally each water right had a diversion rate of 0.76 cfs.

When this error was discovered the City filed a late claim for #79-4285 in hopes of restoring this original right with a diversion rate of 0.76 cfs. The motion to file the late claim was granted by the Court on July 16, 2008. The Department then disallowed the claim and recommended that the City file documents for a transfer of Water Right #79-4285 from Right #79-4288. During the process of filling out the transfer forms it became apparent to me that I was requesting a transfer of a greater diversion rate (0.76 cfs) than was available in the partially decreed Right #79-4288 which has a diversion rate of (0.65 cfs.).

At this point I decided to object to the disallowance of Water Right #79-4285 in hopes that the Department will review this case and look favorably at restoring Water Right #79-4285 as a stand alone surface source from Johns Creek. I have not been able to find evidence supporting the 1/1/1959 priority date, however, I am enclosing with this letter documentation of a 4/1/61 priority date based on power company records for the pond irrigation pump.

In summary the purpose of this objection is to remove Johns Creek as a surface water source on Right #79-4288 thereby leaving groundwater as the only source for this right and restore Right #79-4285 as the Johns Creek surface water source with a diversion rate of 0.76 cfs. This action will restore the two original water rights that the City had for the Grangeville Country Club property and correct the error made in 1988 during the adjudication filing process.

F.

VERIFICATION (must be completed)

State of Idaho )  
 )ss.

County of Idaho )

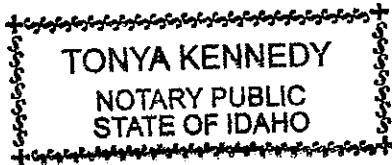
Ken Gortsema, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

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.

Ken Gortsema  
(Signature of person filing objection)

\_\_\_\_\_  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 1/2/09



Tonya Kennedy  
Notary Public for Grangeville, Id  
Residing at: Grangeville, Id  
My Commission Expires: 3/31/12

## 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 January 5, 2009, 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  
PO Box 2707  
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

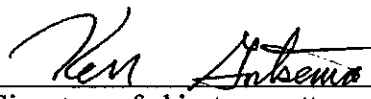
Name: City of Grangeville  
Address: 225 W. North St.  
Grangeville, ID. 83530

3. Copies to:

IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

United States Department of Justice  
Environment & Nat'l Resources Div  
550 W Fort Street, MSC 033  
Boise, ID 83724

Chief, Natural Resources Division  
Office of Attorney General  
PO Box 44449  
Boise, ID 83711-4449

  
\_\_\_\_\_  
Signature of objector or attorney  
mailing on Objector's behalf

| DATE              | AMOUNT | DATE | AMOUNT | DATE  | AMOUNT  | DATE      | AMOUNT |
|-------------------|--------|------|--------|-------|---------|-----------|--------|
| JAN.              |        |      |        |       |         |           |        |
| FEB.              |        |      |        |       |         |           |        |
| MAR.              |        |      |        |       |         |           |        |
| APRIL             |        |      |        |       |         |           |        |
| 0401 - 4-15-61    |        |      |        |       |         |           |        |
| MAY               |        |      |        |       |         |           |        |
| 1,149             | 748    |      | 11.66  |       |         | JUN 15'61 | 11.66* |
| JUNE              |        |      |        |       |         |           |        |
| 1,898             | 749    |      | 11.67  | 11.66 |         | JUN 15'61 | 23.33* |
|                   |        |      |        | 23.33 | 23.33 - | JUN 19'61 | .00*   |
| JULY 2718 - 7/30  |        |      |        |       |         |           |        |
| 2,718             | 820    |      | 12.27  |       |         | JUL 31'61 | 12.27* |
|                   |        |      |        | 12.27 | 12.27 - | AUG 18'61 | .00*   |
| AUG.              |        |      |        |       |         |           |        |
|                   |        |      | 11.73  |       |         | OCT 10'61 | 11.73* |
| 3,475             | 757    |      |        |       |         |           |        |
| SEPT.             |        |      |        |       |         |           |        |
| 4,232             | 757    |      | 11.73  | 11.73 |         | OCT 10'61 | 23.46* |
| OCT. 4990 - 10/10 |        |      |        |       |         |           |        |
| 4,990             | 758    |      | 11.74  | 23.46 |         | OCT 10'61 | 35.20* |
|                   |        |      |        | 35.20 | 35.20 - | OCT 27'61 | .00*   |
| NOV.              |        |      |        |       |         |           |        |
| 5,947             | 957    |      | 13.43  |       |         | DEC 28'61 | 13.43* |
| DEC. 6904 - 12/29 |        |      |        |       |         |           |        |
| 6,904             | 957    |      | 13.43  | 13.43 |         | DEC 28'61 | 26.86* |
|                   |        |      | 97.66  |       |         |           |        |

| CURRENT YEAR'S BILLING | METER NO.  | SIZE | DATE SET | DATE REMOVED |
|------------------------|------------|------|----------|--------------|
|                        | 16 268 117 | 240  | 4-15-61  |              |
|                        |            |      |          |              |
|                        |            |      |          |              |

IDAHO COUNTY LIGHT & POWER  
Cooperative Association, Inc.  
Grangeville, Idaho

IDAHO COUNTY FREE PRESS-STAR-1M

15 CSP  
R T & E - Double Bushing  
Bank of 2 trans. 180

Irrigation Pump  
(Pond)