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FEB 23 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 73-9089
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: David R & Jeanne Ellis
Address: 159 Pahsimeroi Rd
Ellis ID 83235
Daytime Phone: 208 876-4465

Name & Address of Attorney, if any:
none

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

Name: David R & Jeanne Ellis
Address: 159 Pahsimeroi Rd
Ellis ID 83235

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: 1.5 cfs or 75 inches

4. ☐ **Priority Date**
   Should be: _____

5. ☐ **Point of Diversion**
   Should be: _____

6. ☐ **Instream Flow Beginning and Ending Point**
   Should be: _____

7. ☐ **Purpose(s) of Use**
   Should be: _____

8. ☐ **Period of Year**
   Should be: _____

9. ☐ **Place of Use**
   Should be: _____

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): I originally filed for 1.5 cfs or 75 inches of water from Pl6 Ellis-Shoupe ditch diversion. Director recommended 1 cfs. My objection is that because of soil composition of gravell loam, done by ASCS that

(over)

F. **VERIFICATION** (must be completed)

State of Idaho)
)ss.
County of Custer)

David R. Ellis, 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.

David R Ellis
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: February 17, 2009

Jane Bloxham
Notary Public for Idaho
Residing at: Challis, ID
My Commission Expires: 1-26-10

JANE BLOXHAM NOTARY PUBLIC STATE OF IDAHO

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 Feb 21, 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: David K Ellis
Address: 159 Persimmon Rd
Elko Id 83235

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

David K Ellis
Signature of objector or attorney
mailing on Objector's behalf

IRRIGATION FLOW RATE QUESTIONNAIRE

THIS INFORMATION IS REQUIRED FOR ANY ADJUDICATION CLAIM(S) FOR WHICH THE IRRIGATION FLOW RATE CLAIMED IS MORE THAN 0.02 CFS PER ACRE (ONE EXCEPTION IS THAT 0.03 CFS PER ACRE MAY BE ALLOWED FOR IRRIGATION OF UP TO 5 ACRES).

CLAIM NO(S). 73-4089 P6 Diversion Ellis-Shoupe Ditch

NAME David R & Jeanne Ellis

ADDRESS 159 Pahsimeroi Rd Ellis ID 83235

PHONE 208 876 4465

1. TOTAL IRRIGATED ACRES SHOWN ON CLAIM(S) REFERENCED ABOVE 25 ACRES.

2. SHOW THE NUMBER OF ACRES OF CROPS GROWN FOR YOUR IRRIGATION SYSTEM(S) DURING A TYPICAL SEASON

	Border	Furrow	Corrugation	Sprinkler	Contour Ditch	Other
Alfalfa						
Beans						
Field Corn						
Silage						
Spring Grain						
Winter Wheat						
Orchard						
Pasture grasses					25 Acre	
Potatoes						
Sugar Beets						
Other						

PLEASE COMPLETE ITEMS 3 THROUGH 8 FOR EACH OF THE IRRIGATION SYSTEM TYPES SPECIFIED ABOVE

3. BORDER (COMPLETE BELOW BASED ON PEAK USE)

inflow to border (cfs) | border width (feet) | border length (feet)

field slope (%) | set time (hours) | number of borders per set

frequency (days)

4. FURROW (COMPLETE BELOW BASED ON PEAK USE)

inflow to furrow (gpm) | furrow spacing (inches) | furrow length (feet)

field slope (%) | set time (hours) | number of furrows per set

frequency (days)

5. CORRUGATION (COMPLETE BELOW BASED ON PEAK USE)

inflow to corr. (gpm) | corr. spacing (inches) | corr. length (feet)

field slope (%) | set time (hours) | number of corrugations per set

frequency (days)

6. SPRINKLER (COMPLETE BELOW BASED ON PEAK USE)

average nozzle flow (gpm) | nozzle spacing (feet)

lateral length (feet) | lateral spacing (feet)

number of laterals per set | set time (hrs.)

frequency (days)

7. CONTOUR DITCH (COMPLETE BELOW BASED ON PEAK USE)

[redacted] 3 cfs — inflow to ditch (cfs)

2½-3 % - 4 % — field slope (%)

530 — ditch length (feet)

300 ft — distance between ditches (feet)

14 sets on 2 ditches — number of ditches per set

12 [redacted] hr — set time (hours)

7-6 days — frequency (days)

8. OTHER IRRIGATION SYSTEM TYPE (specify) _____
(COMPLETE BELOW BASED ON PEAK USE)

inflow (cfs) | total area irrigated per set (acres)

field slope (%) | set time (hrs.)

frequency (days)

9. CONVEYANCE FROM SOURCE TO FARM

UNLINED DITCH-SPECIFY SOIL TYPE Gravel Loam

8200' (6% slope) — length (feet)
12" to 3'ft — ave. depth from land surface (inches)
72" — ave. top width of water surface (inches)

LINED DITCH-SPECIFY TYPE OF LINING _____

_____ length (feet)
_____ ave. depth from land surface (inches)
_____ ave. top width of water surface (inches)

PIPELINE

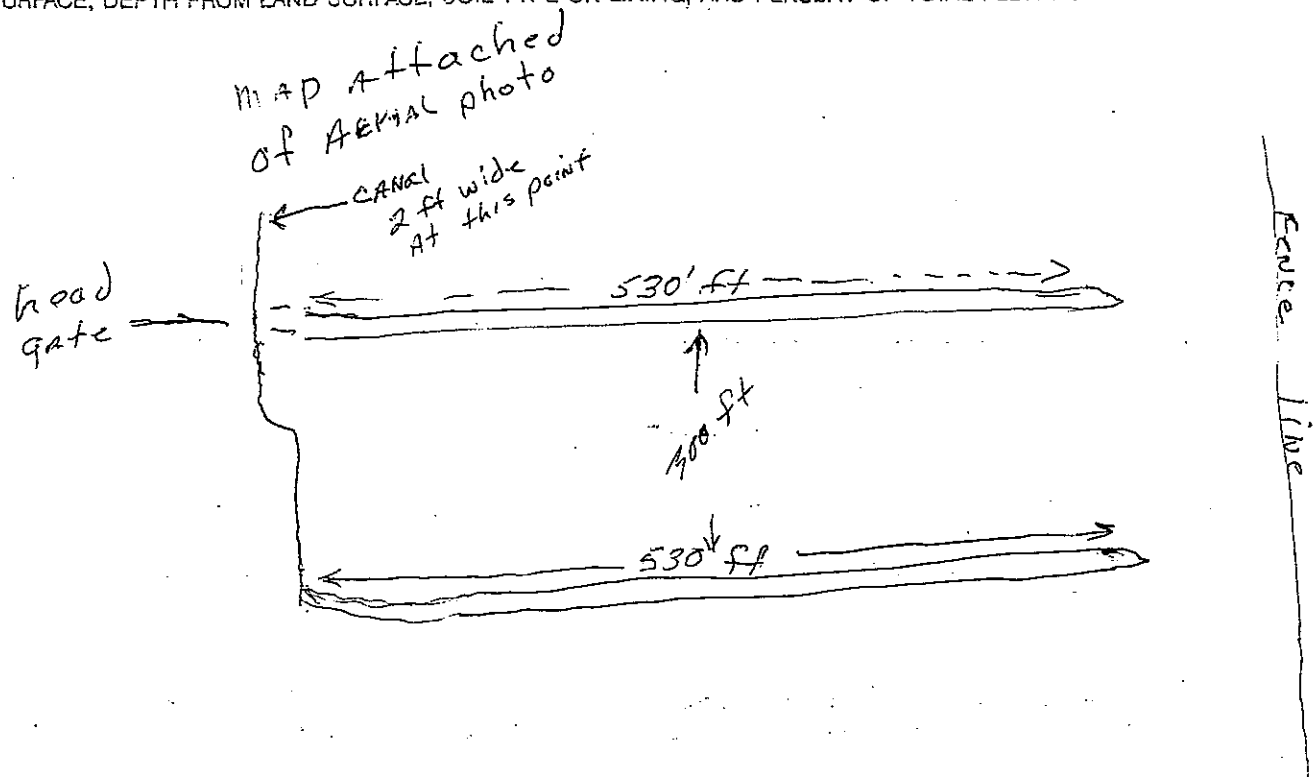
_____ length (feet)
_____ diameter (inches)

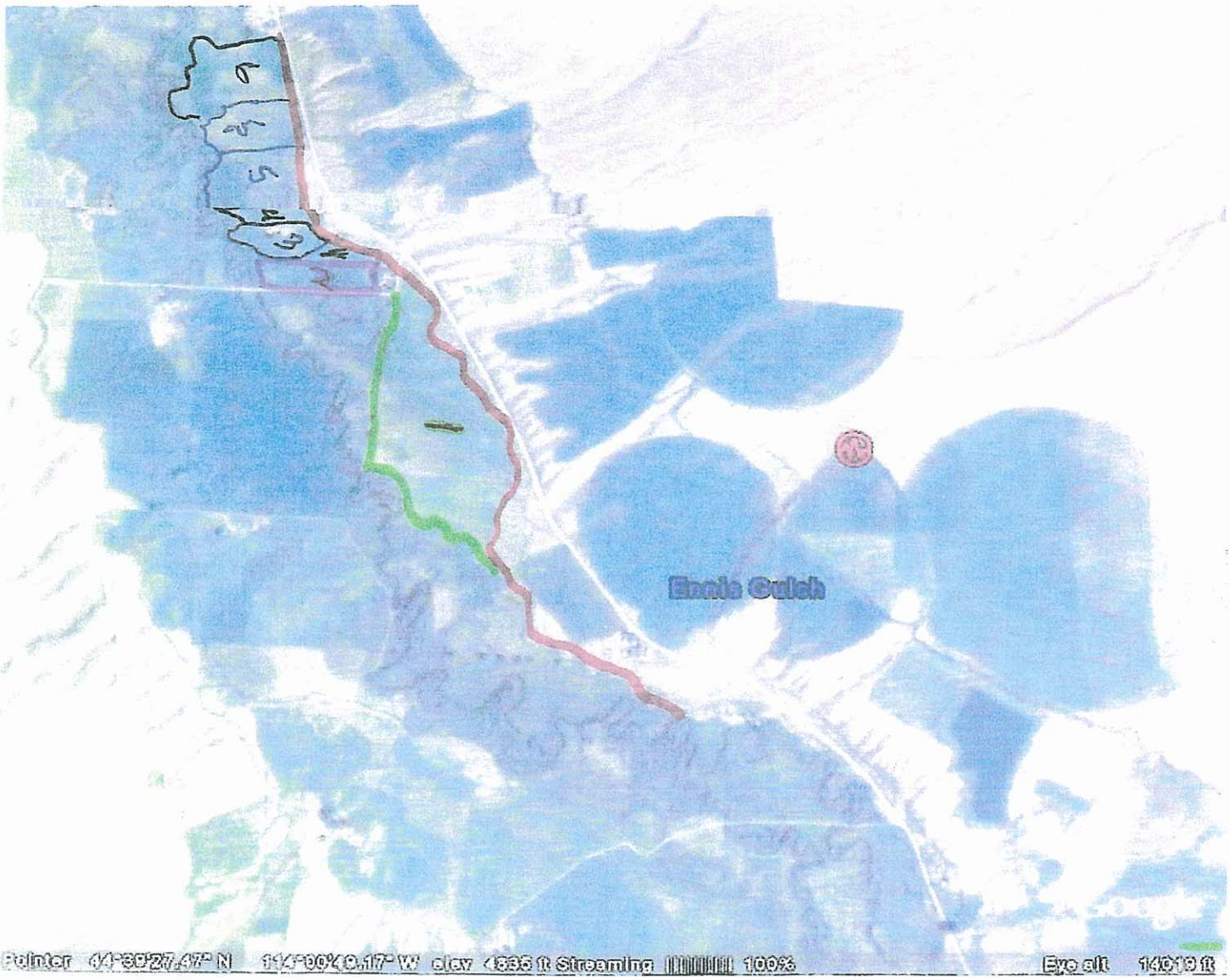
IS THIS CONVEYANCE SYSTEM SHARED BY OTHER WATER USERS? Yes
IF YES, PLEASE DESCRIBE OR SKETCH THE SYSTEM SHOWING THE NUMBER OF WATER USERS, LOCATION OF HEADGATES, LENGTHS ETC.

This ditch is 8200' ft Long and is shared by 6 users. User #1 (first out) uses a continuous flow of water while the rest of the users rotate the use of the remaining water.

(Aerial Photo attached)

10. ON-FARM DISTRIBUTION SYSTEM-DRAW A SIMPLE SKETCH OF YOUR ON-FARM WATER DISTRIBUTION SYSTEM. AN AERIAL PHOTO/FARM PLAN WITH THE IRRIGATION SYSTEM SKETCHED ON IT MAY BE USED. THIS SKETCH MUST INCLUDE THE FOLLOWING INFORMATION FOR EACH REACH: LENGTH, TOP WIDTH OF WATER SURFACE, DEPTH FROM LAND SURFACE, SOIL TYPE OR LINING, AND PERCENT OF TOTAL FLOW DURING USE.





- ditch
- user #1 Don Gregory
- user #2 Mike Noonan
- user #3 Preston Dixon
- user #4 Bruce Beasley
- user #5 Robert Chewning
- user #6 David Ellis

11. HAVE YOU CHANGED YOUR IRRIGATION SYSTEM FROM THE ONE HISTORICALLY USED? (FOR EXAMPLE, LAND LEVELING, CHANGING LENGTH OF RUNS, CHANGE FROM FURROW TO SPRINKLER, ETC.)

IF YES, PLEASE DESCRIBE: NO

12. HAVE YOU HAD ANY IRRIGATION SYSTEM DESIGN/EVALUATIONS OR FARM SOIL SURVEYS COMPLETED BY THE SOIL CONSERVATION SERVICE, PRIVATE CONSULTANTS, OR IRRIGATION EQUIPMENT DEALERS?
IF YES, PLEASE DESCRIBE OR ATTACH COPIES yes - Soil survey exists - gravelly loam soil done by ASCS

13. PLEASE INCLUDE ANY FURTHER COMMENTS WHICH WILL AID IN THE EVALUATION OF YOUR WATER REQUIREMENTS. The recommended 1.0 cfs of water at P6 (Ellis-Shoupe ditch) diversion allocated to claim 73-4089 will not reach my property because of the soil composition and the length of the canal. I am also last on the canal. The ASCS estimated from soil surveys that water loss would be 20% to 30%. There should be 30% more water adjudicated to all water rights on P6 Ellis-Shoup diversion to compensate for ditch loss and evaporation. My original claim was for 75 inches but was recommended for 1cf or 50 inches. There will not be sufficient water to continue to sustain an irrigated crop.

Therefore, I am objecting to the recommended allocation of 1 cfs or 50 inches AND request consideratio of the original claim for 75 inches of water

PLEASE RETURN FORMS TO:

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098