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MAY 29 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 73-12124
(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) 334-1414 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

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):**

There is a place of use (POU) described as SWNE, S03, T12N, R23E. This legal land description contains both public and private land. The description should be specific enough to exclude Federal public land.

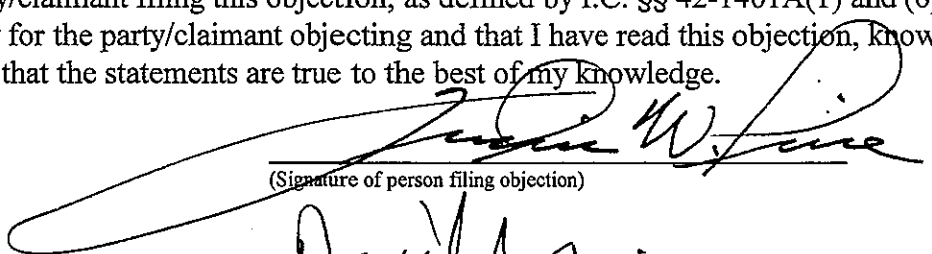
F.

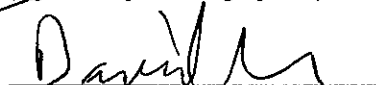
VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of ADA)

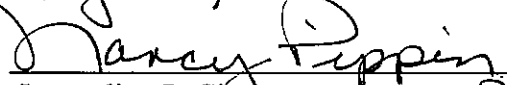
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

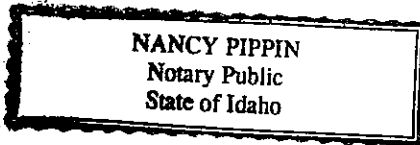
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)


(Attorney signing in representative capacity)

Subscribed and sworn to before me on: May 27th, 2009


~~Jacqueline L. Simmons~~ Nancy Pippin



Notary Public for State of Idaho
Residing at: Boise Mtn. Home
My Commission Expires: ~~4/7/2011~~ 9/6/2011

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 5/27, 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
P.O. Box 2707
Twin Falls, ID 83303-2707

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

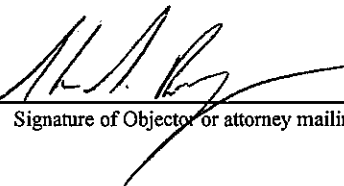
Name: Five E Group, LLLP
Address: 3094 S. Abigail Way;
Boise, Idaho 83706

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

RECEIVED

APR 09 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

APR - 8 2009

By _____

Clerk

Deputy Clerk

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

)

Water Rights: 73-12124

Case No. 39576

)

)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

☐ Address change

☐ Substitution of Party

☒ I.C. § 42-222 transfer 75114

☐ point of diversion ☒ place of use

☐ period of use ☐ nature of use

☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: April 7, 2009

Ernest Carlson

Signature of IDWR Representative

04/06/2009

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

RIGHT NUMBER: 73-12124

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

SOURCE: GOLDBURG CREEK

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 1.600 CFS

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 04/18/1905

POINT OF
DIVERSION:

T12N R24E S5 SWSW Lot 7 Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	1.600 CFS

PLACE OF USE:

IRRIGATION in CUSTER County

T12N R23E S03 Lot 1 NENE	21.00	T12N R23E S03 Lot 2 NWNE	39.00
MIXED T12N R23E S03 SWNE	2.40	T12N R23E S03 Lot 3 NENW	28.00
T12N R23E S03 Lot 4 NWNW	0.10	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	35.70
T13N R23E S34 NWSE	40.00	T13N R23E S34 SWSE	40.00
T13N R23E S34 SESE	40.00	T13N R23E S35 SWSW	12.00

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 80 acres within the place of use described above in a single irrigation season.

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

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."

Pursuant to Section 42-1412(5), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 73.

The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.

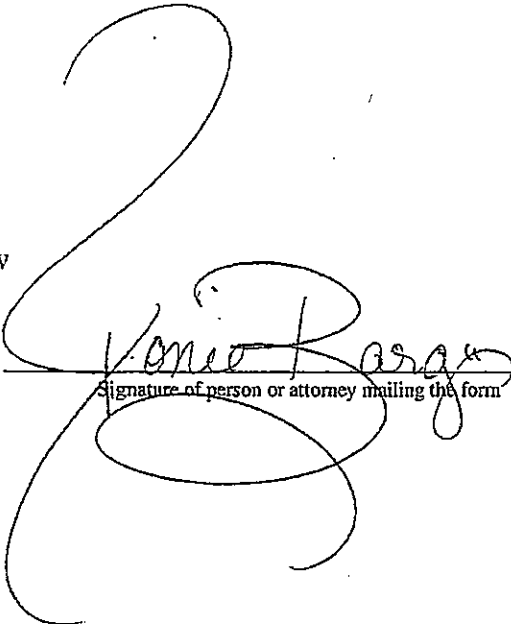
Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

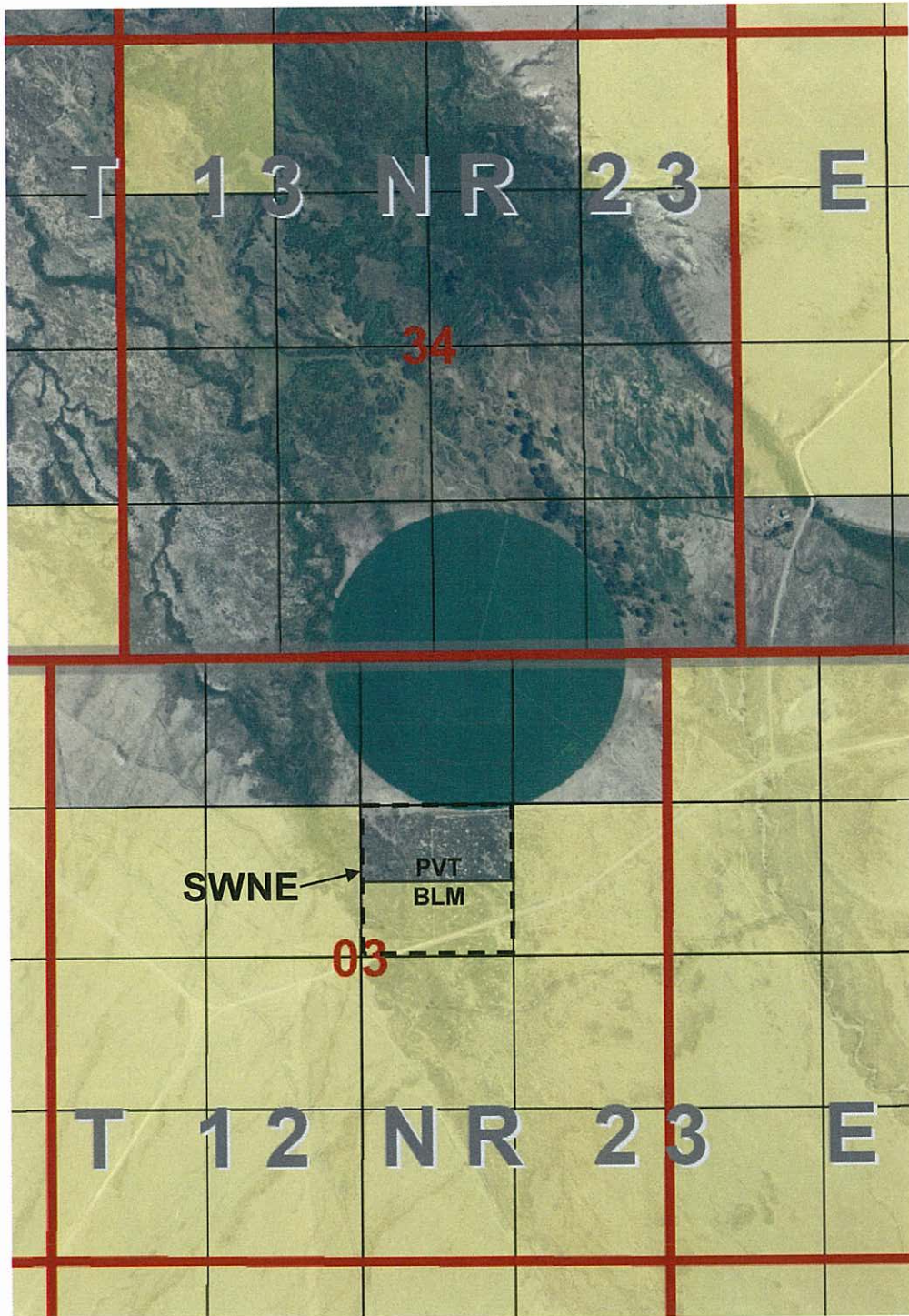
CERTIFICATE OF MAILING

I certify that on April 7, 2007, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Five E Group LLLP
3094 S Abigail Way
Boise ID 83706
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
4. One copy to:
Each party in the subcase, or attorney of record
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form



73-12124
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.”

IDAHO FALLS DISTRICT SEC 3

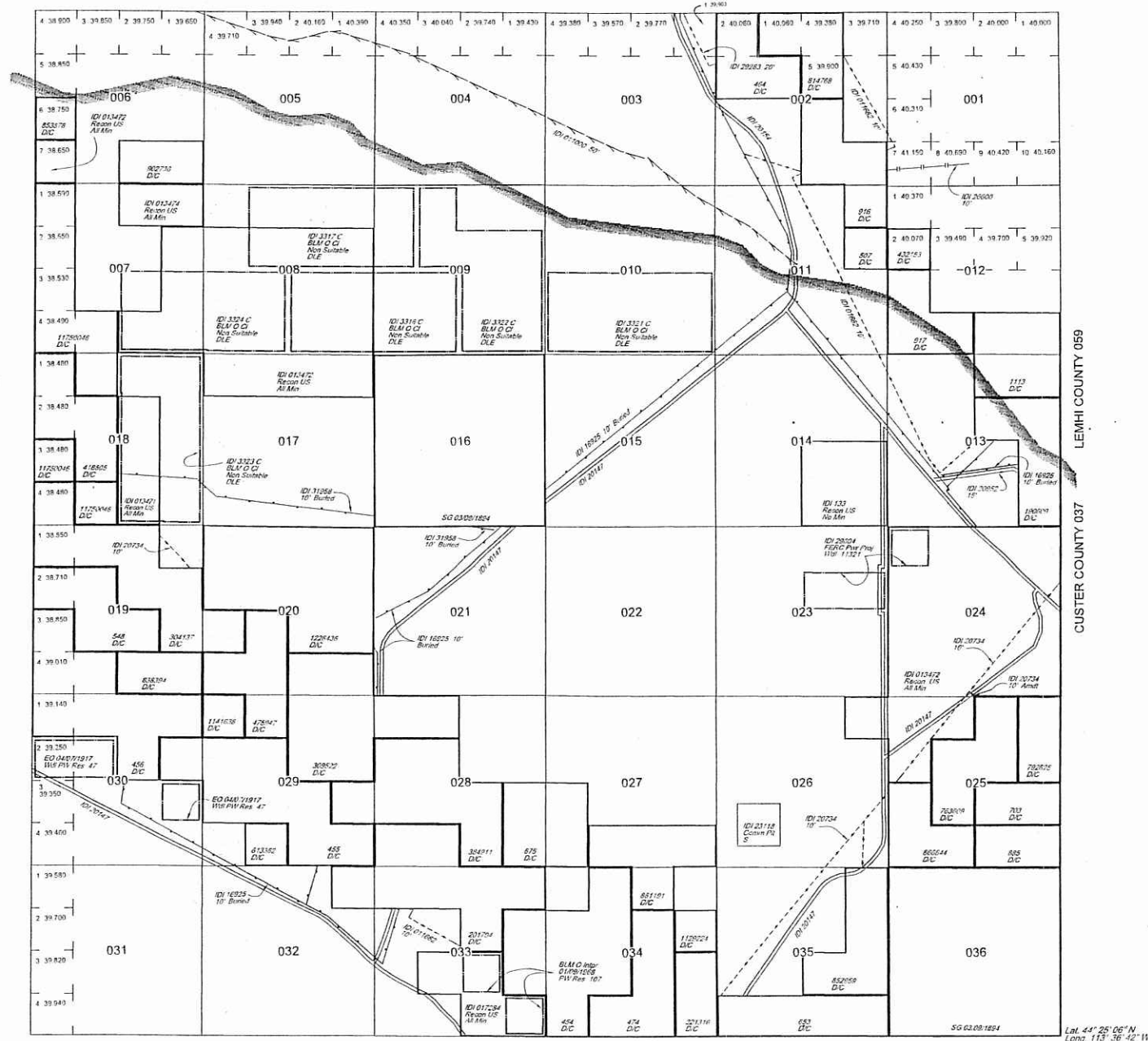
MT PLAT

[illegible]

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LAND REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

FILE REF: ID000130N020EAM100000.dwg	
CONVERTED TFF: 11/24/2008	BY: LFM
LAST UPDATED: 03/31/2009	BY: JCB
GAOIC #1:	GAOIC #2:
POSTED TO PUBLIC RECORDS: March 31, 2009	
BY:	
PUBLIC LAND SURVEY SYSTEM (PLSS)	
BLM GDSB ACQUIRED:	04/26/2005
OTHER:	N/A
PROJECTED COORDINATE SYSTEM: UTM ZONE 12N, NAD 1983	
NOTES:	
USE PLATS:	

Polina Mar.
T. 13 N
R. 23 E



DISCLAIMER:

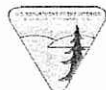
This plot is only a graphic display of the Bureau of Land Management's (BLM) Record of Title and township survey data. Records hereon do not reflect title changes which may have been affected by lateral movements of river or other bodies of water. Refer to cadastral surveys for official information.

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 original withdrawal order.

No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or aggregate use with other data is not guaranteed.



U.S. Bureau of Land Management - Idaho State Office
1387 S. Vinnell Way Boise, Idaho 83709.
(208) 373-4000



13 N - 22 E

13 N-25 E	13 N-24 E
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MT PLAT

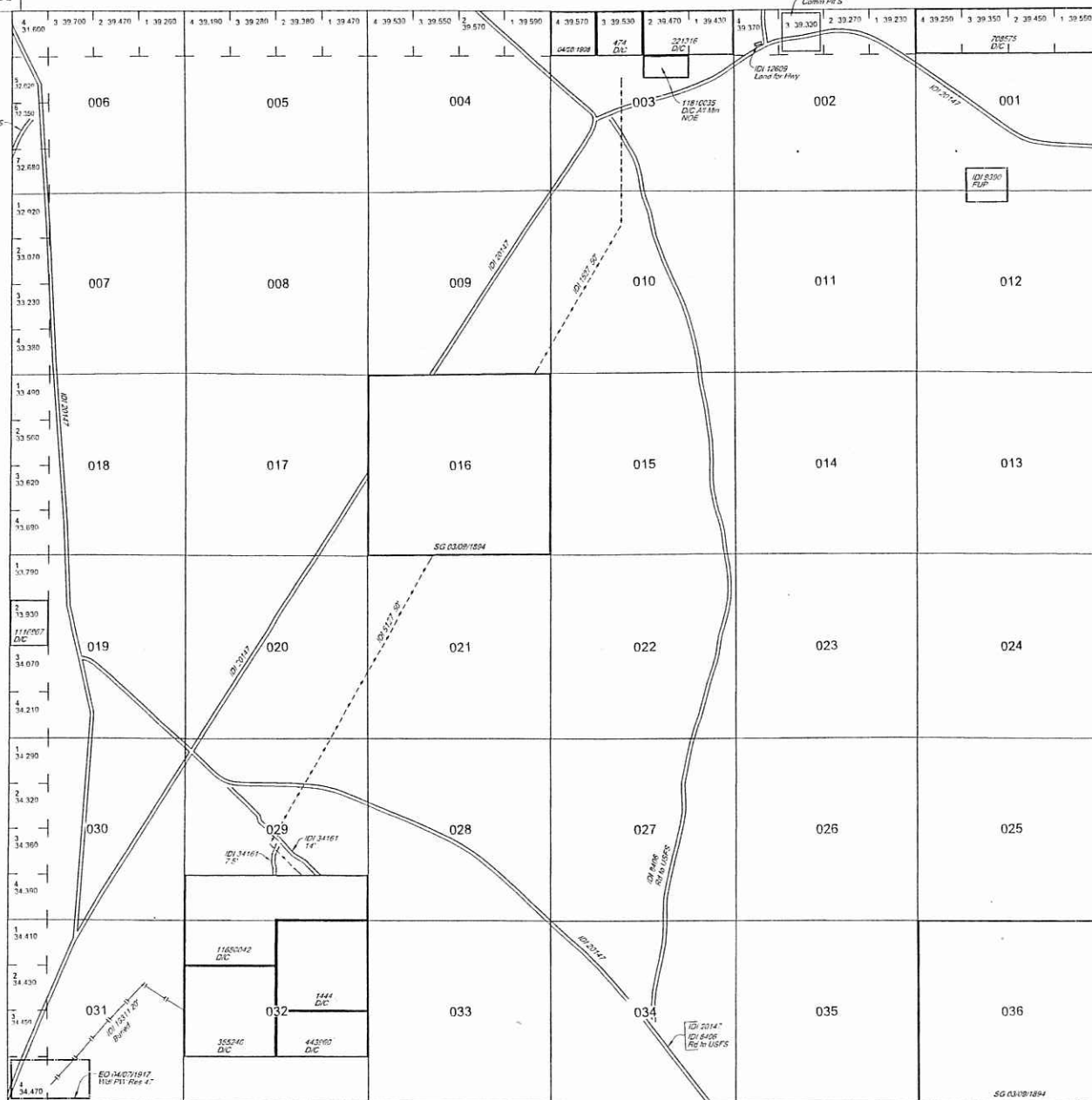
[illegible]

IDI 2834 BLM O Ci Mult Use
Custer County, Segr from Appropn under HE, DLE, IA, & PS
Further Segr from Appropn under general mining laws
Double Springs Rec S
Sec 31: Lot 4

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LAND REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

FILE REF: ID80120N2305E.M10003.dwg	
CONVERTED TFF: 03/12/2009	BY: JCB
LAST UPDATED: 03/18/2009	BY: JCB
QA/QC #1:	QA/QC #2
POSTED TO PUBLIC RECORDS: March 17, 2009	
BY:	
PUBLIC LAND SURVEY SYSTEM (PLSS)	
BLM GCSB ACQUIRED:	01/26/2005
OTHER:	N/A
PROJECTED COORDINATE SYSTEM: UTM ZONE 12N, NAD 1983	
NOTES:	
USE PLATS:	

Boing Mer.
T. 12 N
R. 23 E



Lat. 44° 19' 10" N
Long. 113° 40' 20" W

DISCLAIMER:

This plat is only a graphic display of the Bureau of Land Management's (BLM) Record of Title and township survey data. Records hereon do not reflect title changes which may have been affected by lateral movements of river or other bodies of water. Refer to cadastral surveys for official information.

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