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MAY 19 2011

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	) Subcase No: 00-91013
	) (Basin-Wide Issue 13)
Case No. 39576	)
	) OBJECTION RE: STATE OF
	) IDAHO'S SECOND AMENDED
	) MOTION TO INCLUDE
	) SUBORDINATION LANGUAGE ON
	) WATER RIGHTS AFFECTED BY THE
	) SWAN FALLS AGREEMENT

Please Print or Type the Following Information:

NAME AND ADDRESS OF PERSON OBJECTING:

Name: Gordon G King & Rose M King
Address: P.O. Box 36
Murphy, Idaho 83650
Phone: 208-834-2051

Name and Address of Attorney, if any:

Water Right Number for which I am objecting: 57-7266
(Please use one *Objection* form per water right)

Please Check Applicable Box:

- ☒ I have reviewed the State of Idaho's *Second Amended Motion*.
- ☐ I wish to object to my water right not being included on the list of water rights on Attachment A.

OBJECTION RE: STATE OF IDAHO'S SECOND AMENDED MOTION TO INCLUDE
SUBORDINATION LANGUAGE ON WATER RIGHTS AFFECTED BY THE SWAN FALLS
AGREEMENT

☐ The reason(s) I believe my water right should be included on Attachment A are as follows: *

☒ I wish to object to my water right being included on the list of water rights on Attachment B.

☐ The reason(s) I believe my water right should not be included on Attachment B are as follows: *

Not all of the land under the license were developed after 1984, per FDWR memo attached - Approximately 37 acres of the 301 acres on this license were undeveloped in 1985, we agree with this assessment.

☒ I have included proof with this Objection supporting that beneficial use was made under the right prior to October 25, 1984.

Copy of FDWR memorandum-dated 6-22-89

Signature:

Gordon H. King
Rose M. King

Dated:

5-18-11

* Attach additional sheets of paper as necessary to provide complete explanation.

OBJECTION RE: STATE OF IDAHO'S SECOND AMENDED MOTION TO INCLUDE SUBORDINATION LANGUAGE ON WATER RIGHTS AFFECTED BY THE SWAN FALLS AGREEMENT

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19 day of May, 2011, a true and correct copy of the foregoing was mailed with sufficient first-class postage to the following:

DIRECTOR OF IDWR
P.O. Box 83720
Boise, Idaho 83720

Faulkner Land & Livestock Co.
North Snake Ground Water District
Represented by:
Thomas J. Budge
PO Box 1391
Pocatello, ID 83204-1391

Basin and Range Resource
Interested Water Users
Jeff & Jackie Harper
Represented by:
Dana L. Hofstetter
608 W Franklin St
Boise, ID 83702

Idaho Ground Water Appropriators
Represented by:
Randall C. Budge
PO Box 1391
Pocatello, ID 83204-1391

United States Department of Justice
Environment & Natural Resources Division
550 W Fort Street, MSC 033
Boise, ID 83724

Burgess Canal, *et al.*
Represented by:
Jerry R. Rigby
Po Box 250
Rexburg, ID 83340-0250

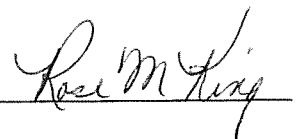
Clear Spring Foods Inc.
Idaho Power Company
Represented by:
John K. Simpson
PO Box 2139
Boise, ID 83701-2139

City of Pocatello
Represented by: Josephine P. Beeman
409 W Jefferson St
Boise, ID 83702

STATE OF IDAHO
Office of Attorney General
Attn: Clive Strong / Shasta Kilminster-Hadley
P.O. Box 83720
Boise, ID 83720

SRBA DISTRICT COURT
P.O. Box 2707
Twin Falls, Idaho 83303-2707

Signature



CERTIFICATE OF MAILING

I certify that a true and correct copy of the PROCEDURAL ORDER GOVERNING STATE OF IDAHO'S SECOND AMENDED MOTION TO INCLUDE SUBORDINATION LANGUAGE was mailed on April 12, 2011, with sufficient first-class postage to the following:

FAULKNER LAND & LIVESTOCK CO
NORTH SNAKE GROUND WATER

Represented by:
BUDGE, THOMAS J
201 E CENTER ST
PO BOX 1391
POCATELLO, ID 83204-1391
Phone: 208-232-6101

BASIN AND RANGE RESOURCE
INTERESTED WATER USERS
JEFF & JACKIE HARPER

Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702
Phone: 208-424-7800

BURGESS CANAL
EGIN BENCH CANALS INC
ENTERPRISE IRRIGATION DISTRICT
HARRISON CANAL
IDAHO IRRIGATION DISTRICT
NEW SWEDEN IRRIGATION DISTRICT
NORTH FREMONT CANAL SYSTEMS
PEOPLES CANAL & IRRIGATION
PROGRESSIVE IRRIGATION DIST
SNAKE RIVER VALLEY IRRIGATION

Represented by:
JERRY R. RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

CLEAR SPRINGS FOODS INC
IDAHO POWER COMPANY

Represented by:
JOHN K SIMPSON
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

CITY OF POCATELLO

Represented by:
JOSEPHINE P BEEMAN
409 W JEFFERSON ST
BOISE, ID 83702
Phone: 208-331-0950

STATE OF IDAHO

Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

IDAHO GROUND WATER

Represented by:
RANDALL C BUDGE
201 E CENTER, STE A2
PO BOX 1391
POCATELLO, ID 83204-1391
Phone: 208-232-6101

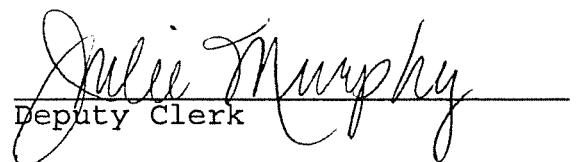
USDI BLM

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

TO WHAT EXTENT IF ANY SHOULD
THE SWAN FALLS AGREEMENT BE
ADDRESSED IN THE SRBA OR BE
MEMORIALIZED IN A DECREE

 Julie Murphy

MEMORANDUM

TO: FILE

FROM: TIM LUKE

RE: SWAN FALLS PROCESSING
PERMIT NO. 57-7266

DATE: 6-22-89

The department has recieved the trust water questionnaire and readvertisement fee for this permit. The permit owner also called me directly before submitting the information.

Our overlap analysis shows that there are a number of earlier decreed and licensed rights appurtenant to the lands described under the permit. The overlap of water rights in this area is somewhat messy to say the least. It is difficult to determine from inspection of the overlap analysis the number of new and/or supplemental acres. The permittee submitted an undated and unsigned aerial photo photocopy from the ASCS. It appears to be the same photo as that submitted with the original application. The photo also appears to match the departments 1974 orthophoto quad for this area. The quality of both photos submitted by the permittee is poor. They seem to show tracts of both developed and undeveloped land. The permitte stated to me over the phone and in the questionnaire that there are some 40 acres under the permit which remain undeveloped, but which they wish to soon irrigate.

As an alternative to the sketchy information above, I reviewed the department's remote sensing report for Owyhee County. The report lists the number of acres of irrigated agriculture per quarter-quarter section and is based on 1986 landsat imagery. Assuming that the landsat irrigated acres overlap the permitted acres, the report shows that perhaps only 37 acres out of the 301 acres remain undeveloped or non-irrigated.

Since the 1986 data is the only available and reliable data the department has, I recommend that we readvertise the permit showing that 264 of the 301 acres were developed prior to July 1, 1985. We should count the remaining 37 acres as trust water acres.

MICROFILMED

JUN 23 1989