

5-19

FAXED 5-19-11

1:00 PM

Please VERIFY Delivery

FAX 208 397-4047
phone 221-0341

Paul Behrend

RECEIVED
MAY 24 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

Case No. 39576

-) Subcase No: 00-91013
-) (Basin-Wide Issue 13)
-)
-) **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: Paul Behrend

Address: 2706 W 1800 S

Aberdeen ID 83210

Phone: (208) 221-0341

Name and Address of Attorney, if any:

Water Right Number for which I am objecting: 35-07954A

(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: * The well for this right was drilled and the money to buy the irrigation equipment was paid prior to Oct. 24, 1984. Pump was in the ground and operational on 10/10/84.

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

Signature: Paul Behnd

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

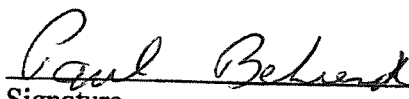
Burgess Canal, *et al.*
Represented by:
Jerry R. Rigby
Po Box 250
Rexburg, ID 83340-0250

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

FUNK IRRIGATION

Date 10-10-87

Job Location Aberdeen Flat Roof #2

Nick

[illegible]

PUBLIC NOTICES

NOTICE OF PUBLIC HEARING ON
PROPOSED ISSUANCE OF WATER
RESOURCE DEVELOPMENT
REVENUE BONDS

Notice is hereby given as required by the Tax Equity and Fiscal Responsibility Act of 1982, (H.R. 4961), that on Thursday, August 2, 1984, a public hearing will be conducted by the Idaho Water Resource Board and the Idaho Department of Water Resources to receive public comments on the issuance of a bond under the Idaho Water Resource Development Revenue Bond Program.

The bond proposed to be issued is a non-recourse, tax-exempt bond for a water project as authorized by Title 42, Chapter 17, Idaho Code, described as follows: purchase and installation of two (2) linear irrigation systems including power line pumping system, mainline and rock clearing for the purpose of irrigating 1320 acres of noncultivated land located on the south side of Vanderford Road beginning at a point 9 miles west of the intersection of Vanderford Road and State Highway 29 in Bingham County, Idaho by a partnership of Paul Behrend Farms, Inc. at Route 1 Box 13, Daniel C. Behrend at Route 1, and Charles M. Behrend at Route 1, Box 114 all located in the City of Aberdeen, Bingham County, Idaho. The maximum aggregate face amount of the bond will be \$1,000,000. The bond will be repaid by the water project developer and will not constitute an indebtedness of the Idaho Water Resource Board or the State of Idaho.

The hearing will be held on Thursday, August 2, 1984, at the hour of 2:00 p.m., at the Eastern Region Office of the Idaho Department of Water Resources located at 150 Shoup Avenue, Suite 15, Idaho Falls, Idaho.

DATED this 18th day of July, 1984.
A. KENNETH DUNN, Director
Idaho Department of Water Resources
July 18, 1984
No. 137

PRIMBS - POCATELLO

FUNK IRRIGATION

P. O. Box 359 - Phone 226-5049
AMERICAN FALLS, IDAHO 83211

Behrend Partnership

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INVOICE DATE <u>31 May 84</u>		CUSTOMER ORDER NO.	CUSTOMER I.D. NO.	CASH SALE	CHARGE SALE	C.O.D.	MDSE. RET'D.
SHIP VIA		TERMS	SALESMAN <u>MT</u>		X X	PAID OUT	ON ACCT.
ORDER	SHIP	DESCRIPTION		UNIT PRICE		AMOUNT	
	2	2 Immediate Enclosed Pipeline					
		26 Tower, 60' cable spring					
		Installation					
	2	2 Deep Well Turbine, 2400 GPM @ 675' TDH					
	2	2 Column, Tube and Shaft					
		10" x 2 3/4" x 3 1/2 x 20					
	4520	15" 125# PVC					
				SALES TAX			
				TOTAL THIS PAGE			
				TOTAL		832950.00	

14086

RECEIVED BY
Charles Behrend

Thank You

TERMS: NET 30 DAYS. ACCOUNTS OVER 30 DAYS CONSIDERED PAST DUE AND SUBJECT TO A FINANCE CHARGE OF 1 1/2% PER MONTH WHICH IS AN ANNUAL PERCENTAGE RATE OF 18%.