

In Re SRBA	)	Subcase No. 78-07137
	)	
Case No. 39576	)	Standard Form 5
	)	
	)	AMENDED CLAIM
	)	FOR DOMESTIC & STOCKWATER RIGHTS
	)	

The parties agree that the Snake River Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

Garrick L. Baxter Deputy Attorney General	Date
--	------

CERTIFICATE OF MAILING

I certify that on September ___, 2007, I mailed the original and copies of this form, including all attachments, postage prepaid 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. Copies to:

Robert C Herman
Loretta J Herman
PO Box 253
Pollock, ID 83547

IDWR Document Depository
P O Box 83720
Boise, ID 83720-0098

US Department of Justice
Environment and Natural Resources Section
550 West Fort Street, MSC 033
Boise, ID 83724

Signature of person mailing the form

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

Right Number: 78-07137

Name and Address: LORETTA J HERMAN
ROBERT C HERMAN
PO BOX 253
POLLOCK, ID 83547

Source: GROUND WATER

Quantity: .02 CFS
1.20 AFY

Priority Date: 01-10-1980

Diversion Point: T23N R01E S32 SENE Within Idaho County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Domestic	01-01 TO 12-31	.02 CFS
			1.20 AFY

Place of Use: Domestic Within Idaho County
T23N R01E S32

~~SENE~~ SENE



Other Provisions Necessary for Definition / Administration of this Water Right:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL
PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR
FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS
MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN
TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE.
SECTION 42-1412(6), IDAHO CODE.

Explanatory Material: Basis of Claim - License

RECEIVED

MAY - 8 2007

Department of Water Resources
Adjudication Bureau

**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: _78-07137 _
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 USDA Forest Service
Address: 550 West Fort Street
MSC 033
Boise, Idaho 83724
Daytime Phone: (208) 331-5944

Name and Address of Attorney, if any:

David L. Negri
550 West Fort Street
MSC 033
Boise, Idaho 83724

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

Name: Robert C Herman
Address: Loretta J Herman
P.O. Box 253
Pollock, ID 83547

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. ☒ **Places of Use**

Should be: SENE Sec 32, T23N, R1E. See E below.

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):**

The place of use shown in the Directors Report Recommendation, SENW Sec 32, T23N, R1E, is National Forest System (NFS) land. The claimants are not authorized to occupy and use NFS land for this purpose. This appears to be a typographical error and the place of use should be the same as the point of diversion, SENE Sec 32, T23N, R1E.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Steven M. Spencer , 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.

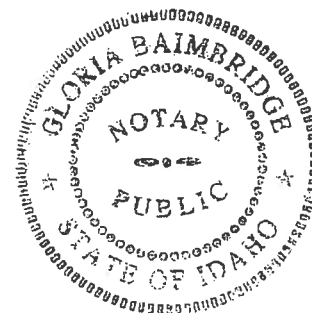
Steven M. Spencer
(Signature of person filing objections)

David Negri
(Attorney signing in representative capacity)

Subscribed and sworn before me on: May 7, 2007

Gloria Baimbridge
Gloria Baimbridge

Notary Public for: Idaho
Residing at: Boise, Idaho
Commission Expires: 10/17/2008



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 May 7, 2007, 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: Robert C Herman
Address: Loretta J Herman
P.O. Box 253
Pollock, ID 83547

3. Copies to:

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

Chief, Natural Resource Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

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

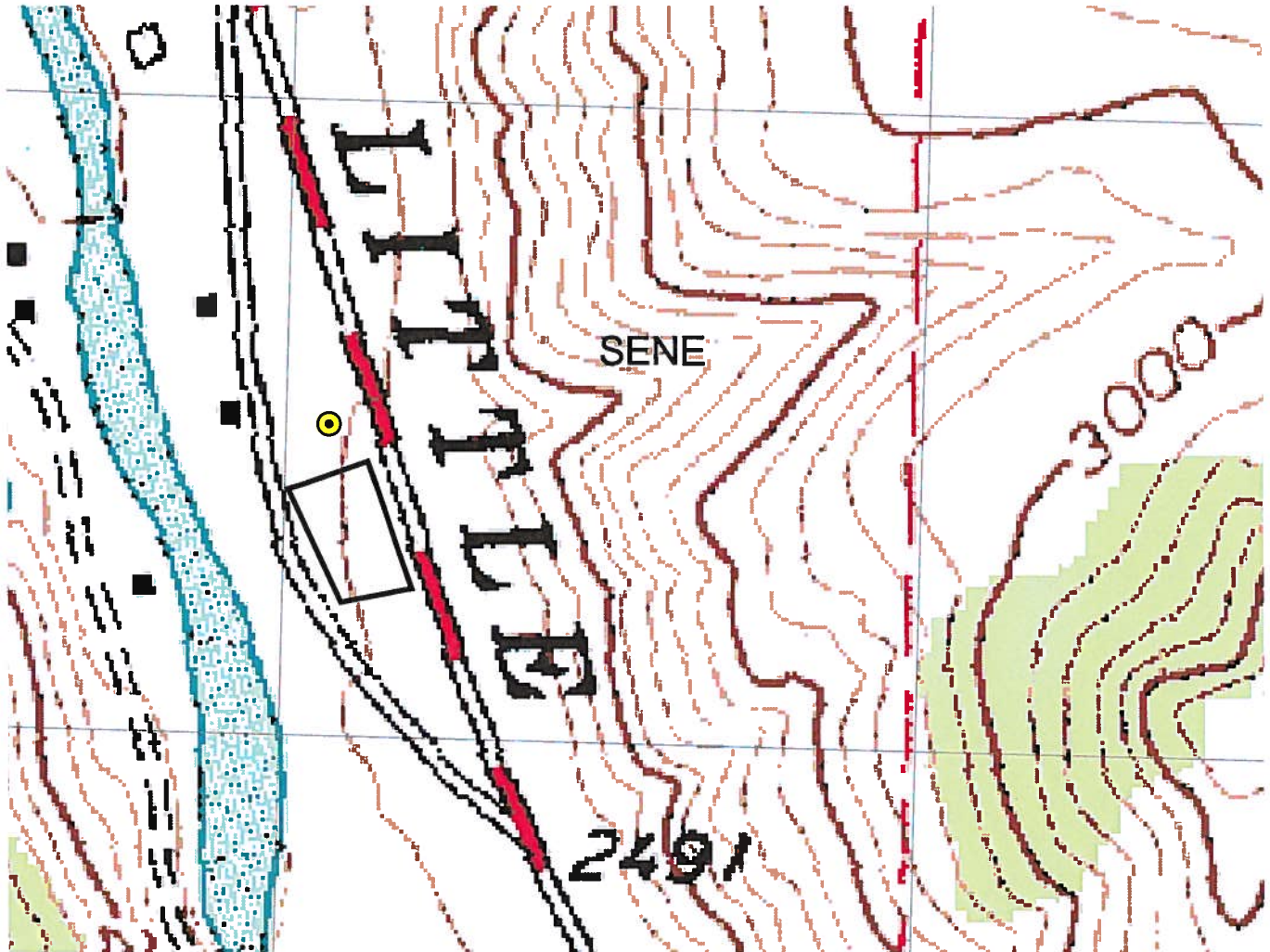


Signature of Objector or attorney
mailing on Objector's behalf

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

EXPLANATORY MATERIAL: License

78-7137



0 300 600 Feet

Section 32
T23N R1E



- Point of Diversion
- Place of Use

Map prepared on July 6, 2005
By Kenneth Knoblock
Idaho Department of Water Resources

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 78-07137

Priority: January 10, 1980

Maximum Diversion Rate:
Maximum Diversion Volume:¹

0.03 CFS
13.2 AF

This is to certify, that ROBERT C. HERMAN
LORETTA J. HERMAN

P.O. BOX 253

POLLOCK, ID 83547

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 10, 1980; and has submitted Proof of Beneficial Use on March 3, 1981. An examination indicates that the works have a diversion capacity of .030 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/01 to 12/01	0.03 CFS	12.0 AF
DOMESTIC	01/01 to 12/31	0.03 CFS	1.2 AF
	Totals	0.03 CFS	13.2 AF

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 32, Township 23N, Range 01E
IDAHO County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
23N 01E 32	SENE 3			3

Total number of acres irrigated: 3

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 4.0 afa per acre for the lands above.

MAR 16 1980

RECORDED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A78-07137
Date Received: 7/12/1988
Receipt No: W000491
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERT C. HERMAN
Address: BOX 253
POLLOCK, ID 83547

Name: LORETTA J. HERMAN
Address: BOX 253
POLLOCK, ID 83547

2. Date of Priority: SEP 01, 1979

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
23N	01E	32	NW	SE	NE		IDAHO

5. Description of diverting works:
2WELLS CONNECTED FOR USE AT SAME PLACE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.020		

7. Total Quantity Appropriated is:
0.020 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC USE FOR 2 HOMES W/LAWN & GARDEN.

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
23N	01E	32	SE NW		DOMEST	

11. Place of use in counties: IDAHO

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:
CLAIM BASED ON PERMIT # 78-7137. PRIORITY DATES DO NOT MATCH.

15. Basis of Claim: PERMIT

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39356

Ident. Number A78-07137

Date Received _____

Receipt Number W000 491 RBW

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
JUL 18 1988

Department of Water Resources
Western Regional Office

Please type or print clearly

- Name of Claimant (s) ROBERT C. and/or LORETTA J. HERMAN Phone (208) 628-3486
Mailing Address P.O. Box 253, Pollock ID. Zip 84483 83547
- Date of Priority (Only one (1) per claim) SEPT 1, 1979
- Source of water supply (a) GROUNDWATER
which is tributary to (b) —
- a. Location of existing point of diversion is: Township 1 EAST Range 23N Section 32,
NW 1/4 of SE SW 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of ADAMS, IDAHO
Additional points of diversion if any: _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
- Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. WELL & PUMP. (This system
consists of 2 wells. (interconnected) for the same place of use)

MICROFILMED

OCT 8 5 1992
Copyright, White State, Yellow-Claimant

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For DOMESTIC
IRRIGATION purposes from 01/01 to 12/31 amount 0.02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.02 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) DOMESTIC USE AT 2 HOMES + LAWN & GARDEN USE

10. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>23N</u> <u>1E</u>	<u>23N</u>	<u>32</u>							<u>D</u>	<u>D/2</u>									
<u>23N</u>	<u>1 East</u>																		

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? ADAMS. IDAHO

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
LICENSE # 78-7137 - (SAME) or None ()

14. Remarks:

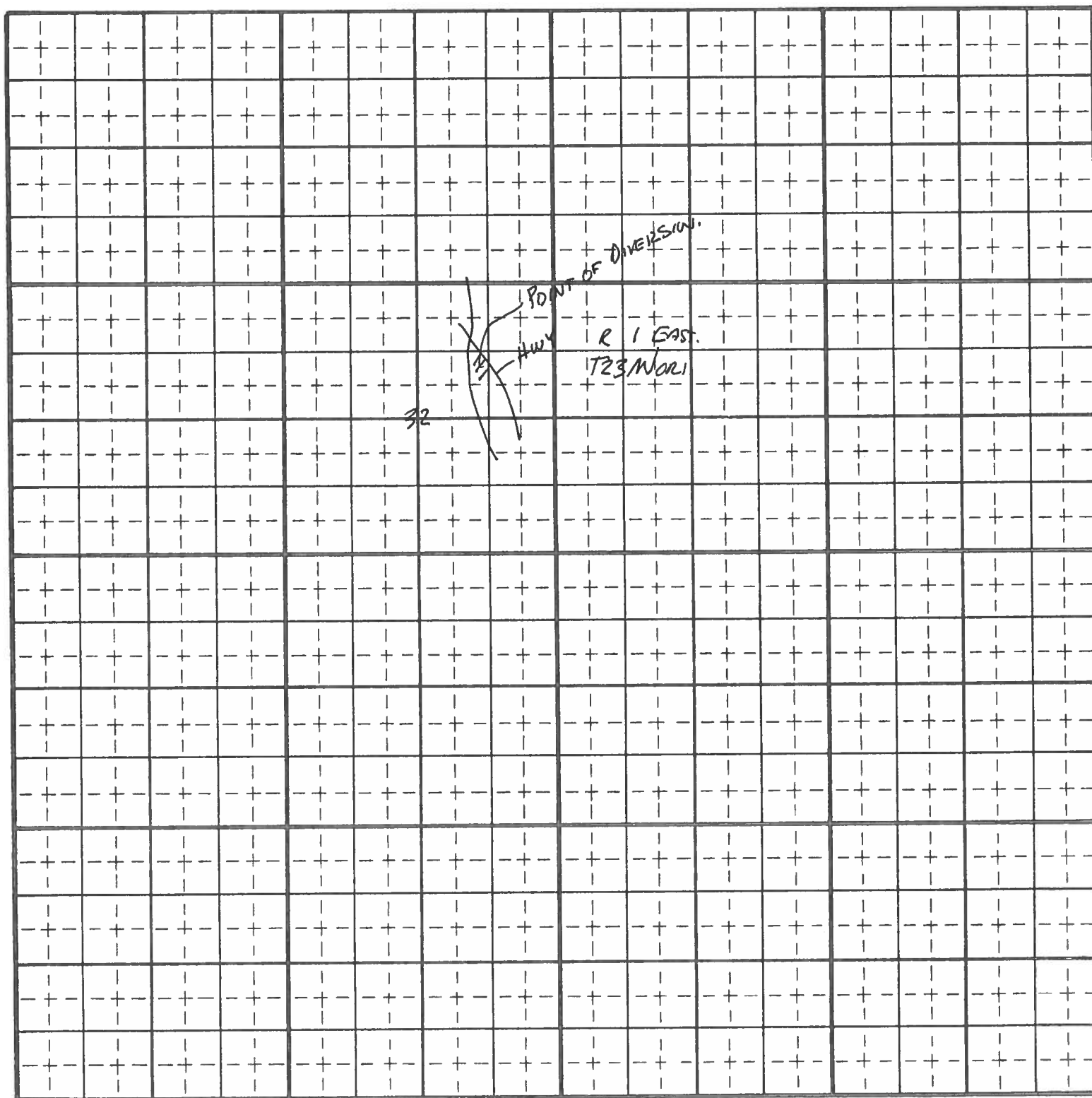
Last Name HERMAN Ident No. _____

MICROFILMED
Copies: State, National, Claimant

OCT 25 1992

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name

HERMAN

Ident No.

Copies: White State Yellow Permanent

MICROFILMED

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number N/A.
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) Loretta J. Herman Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho/or Idaho)
County of Idaho) SS.

Subscribed and sworn (or affirmed) before me this 31 day of May 19 88

SEAL

Notary Public Chris Jones

Residing at Paris

My Commission Expires 10-10-88

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____

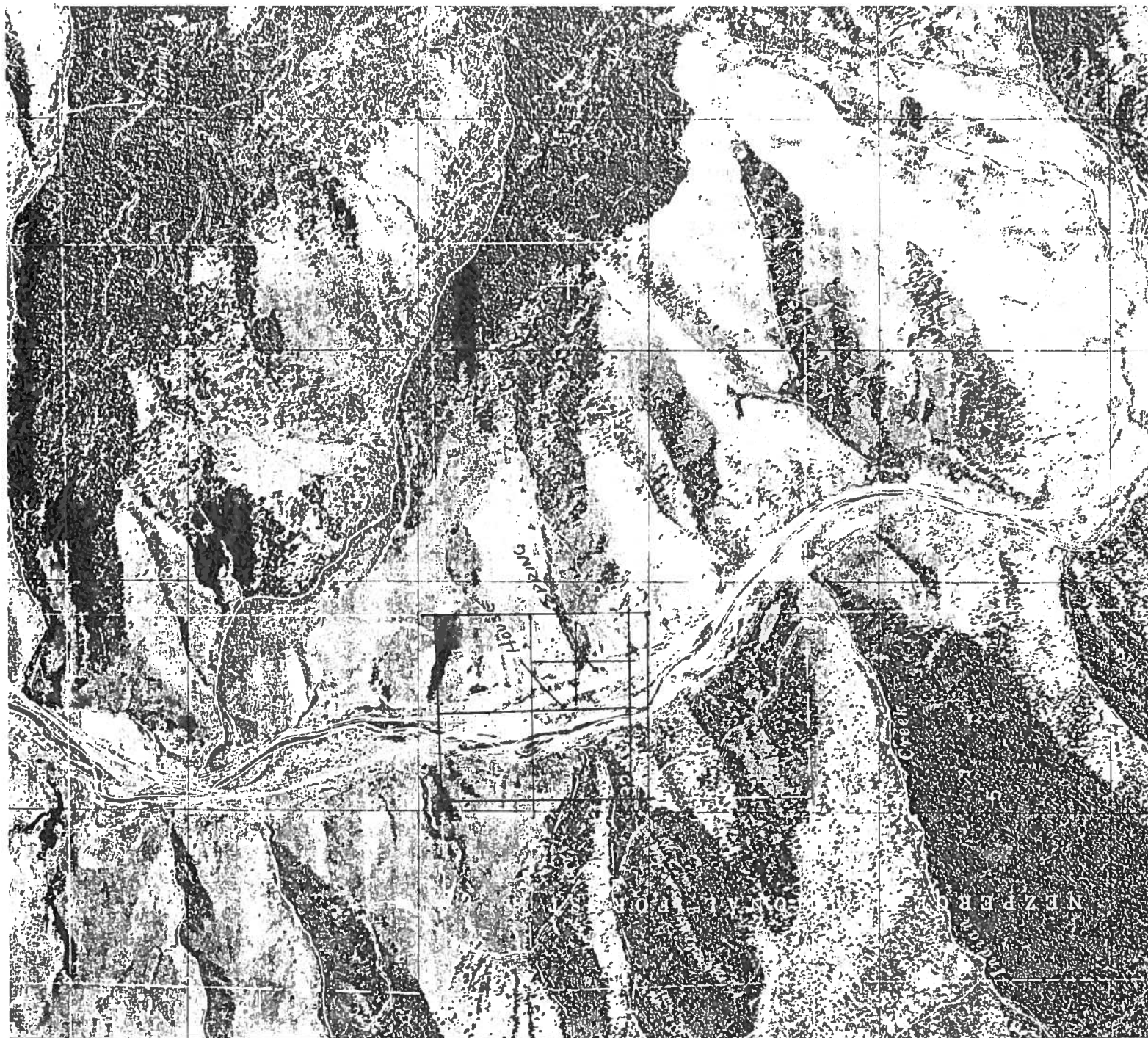
Address _____

Date _____

Last Name Herman Ident. Number _____

MICROFILMED

OCT 05 1992
Copies White-Date, Yellow-Claimant



T. 22 N.

MICROFILMED
OCT 05 1992

HERMAN

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
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Name: LORETTA J. HERMAN
Address: BOX 253
POLLOCK, ID 83547

2. Date of Priority: SEP 01, 1979

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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Purpose	From	To	C.F.S.	(or)	A.F.A.
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7. Total Quantity Appropriated is:
0.020 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

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DOMESTIC USE FOR 2 HOMES W/LAWN & GARDEN.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
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11. Place of use in counties: IDAHO

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:
CLAIM BASED ON PERMIT # 78-7137. PRIORITY DATES DO NOT MATCH.

15. Basis of Claim: PERMIT

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____
Notary Public

Seal

Residing at _____
My Commission Expires _____