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DEC 18 2017
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 73-12049

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Robert P. Dreyer
Address: P.O. Box 4917
Ketchum, ID 83340
Daytime Phone: (208) 726-2874

Name & Address of Attorney, if any:
James P. Speck
SPECK & AANESTAD
A Professional Corporation
PO Box 987
Ketchum, ID 83340

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

Name: Robert P. Dreyer
Address: P.O. Box 4917
Ketchum, ID 83340

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: 0.31 cfs
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: The orange cross hatched area depicted on Exhibit A consisting of a total of 103.8 acres.
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 OBJECTION(S):

F. VERIFICATION (Must be completed)

State of Idaho)
) ss.
County of Blaine)

James P. Speck, being first duly sworn, upon oath, deposes and says:

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.

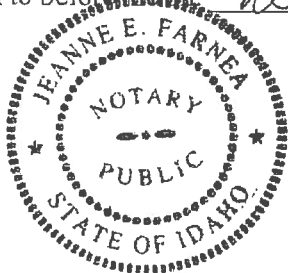
(Signature of person filing objection)

J. P. Speck

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

December 17, 2007



Jeanne Farnea
Notary Public for Idaho
Residing at Shoshone, Idaho
My Commission expires 05/05/09

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 of the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on December 18, 2007, I ~~mailed~~ ^{sent by courier} 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, Idaho 83303-2707

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

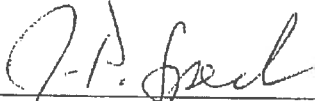
Name: Robert P. Dreyer
Address: P.O. Box 4917
Ketchum, ID 83340

3. Copies to:

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

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environment and Natural Resource
Division
550 West Fort Street, Box 33
Boise, Idaho 83734

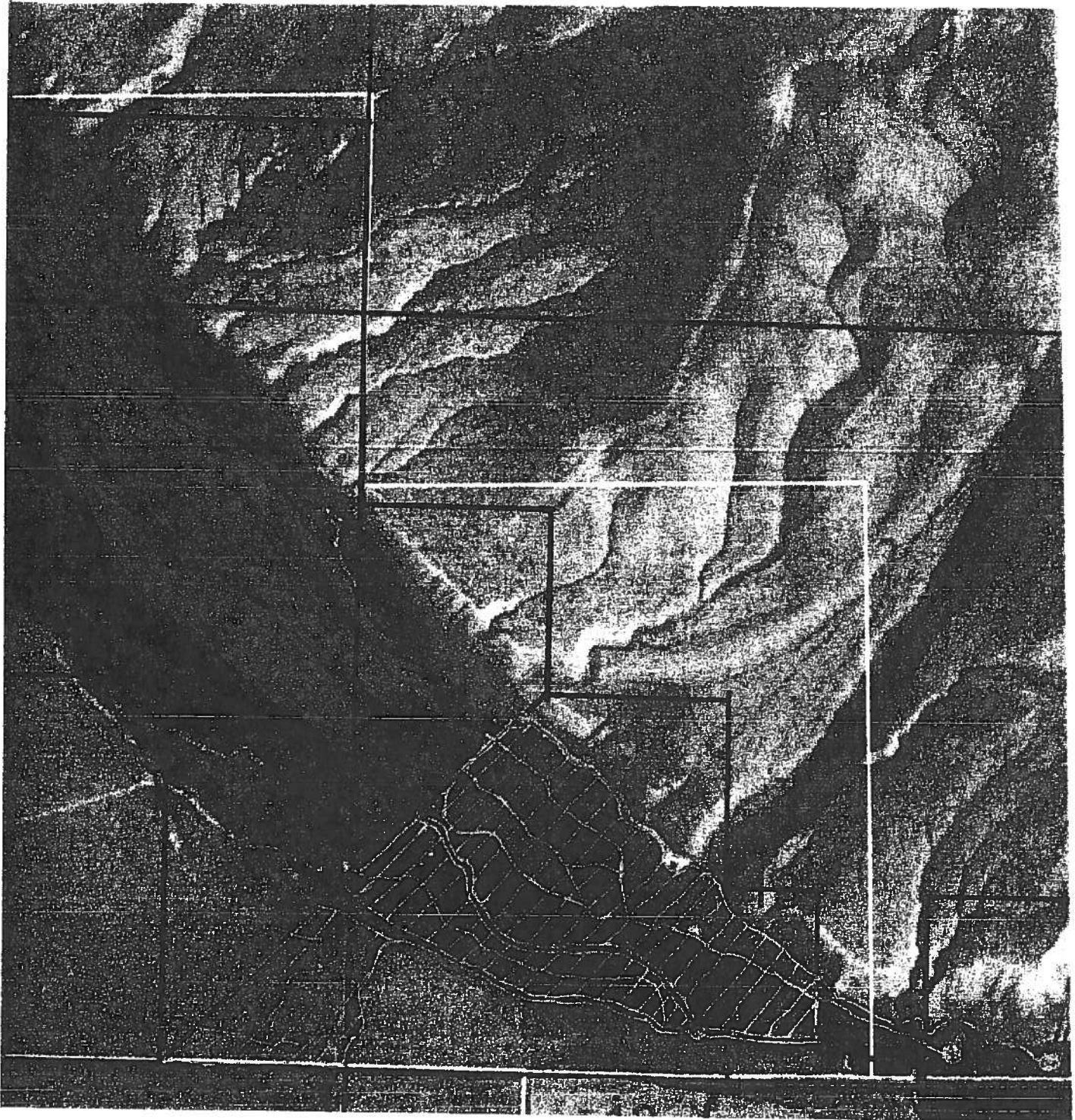


Signature of Objector or attorney mailing on
Objector's behalf

EXHIBIT A
OBJECTIONS TO 73-12049, 12055, 12058, 12061
AND 12090

BIG CREEK

③





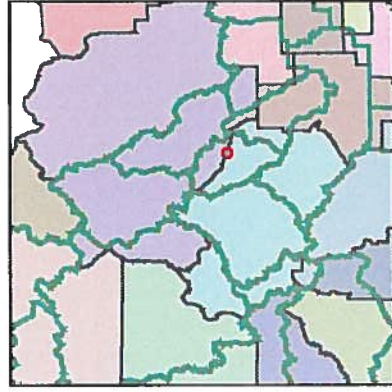
Idaho Department of Water Resources

SRBA Recommendation:

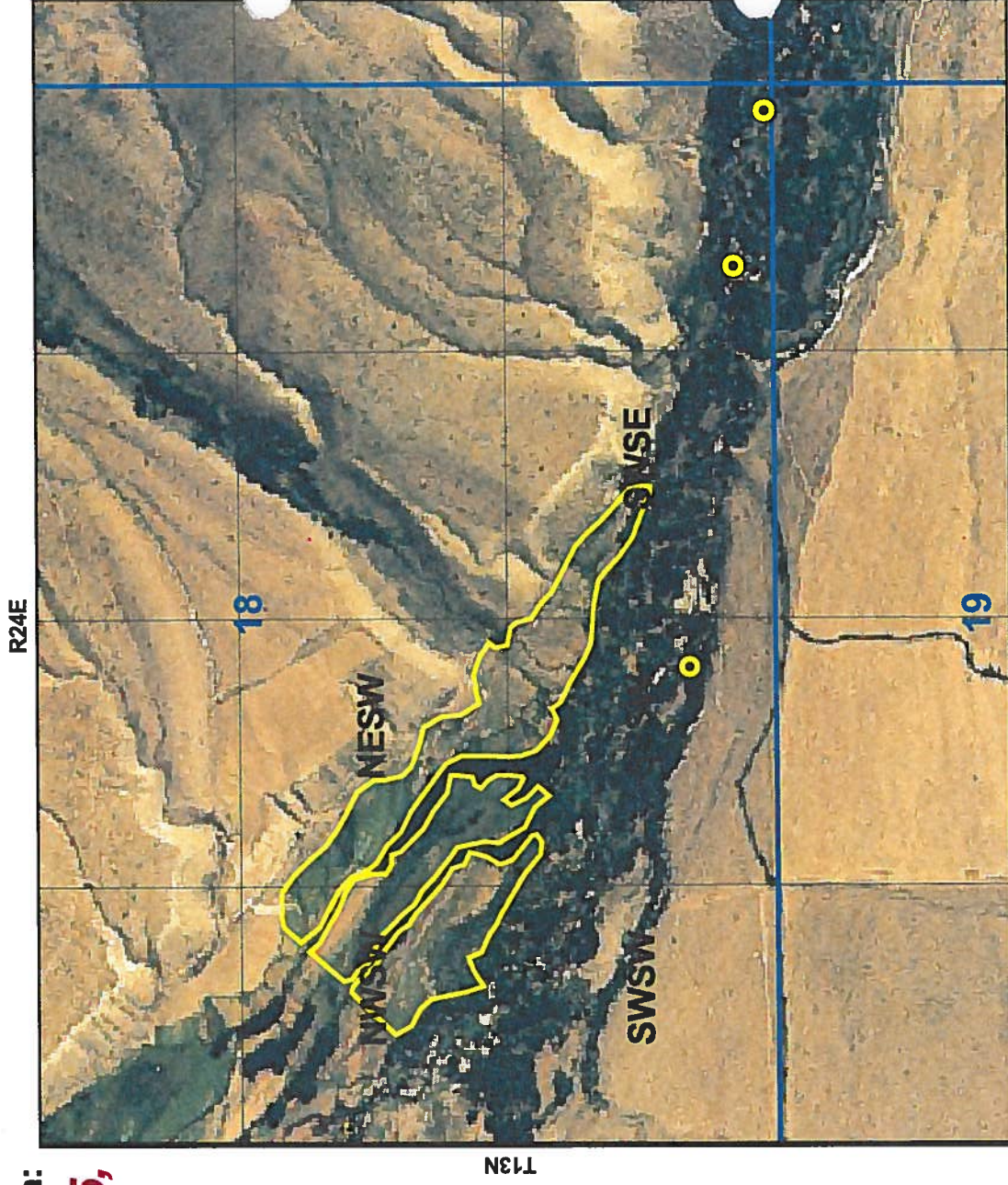
**73-12049, 73-12055,
73-12058**

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Lemhi, Custer Counties
IDWR Basin 73



Prepared by R. Brown
On Tuesday, August 29, 2006
1987/88 Aerial Photography

The place of use includes riparian ground as well as a small field which doesn't appear irrigated in any of the photography.

The ditch is above the riparian areas and the water has to flood across these grounds. This ground will still absorb its 11.03 cfs/acre and therefore should be recommended as part of the place of use. There are 2 main ditches which carry this water. One to the north with a length of 5132 ft, and the second is the south ditch which is 5103 ft in length. If these ditches have a 2 ft wide bottom with 1 ft seepage, the irrigation requirement with ditch loss would be 4.87 cfs. This is based upon 58.9 acres irrigated from the north ditch and 44.9 acres irrigated from the south ditch.

With respect to the small field in the west of the place of use off the south ditch doesn't appear to be irrigated from 1986 on. However, the claim was filed in 1989 and could have been irrigated in 1984 or 1985. The field is mapped as irrigated on the pahsimeroi decree map, which was late 70's early 80's. My inclination is to recommend

this field. As a result the rights should be recommended as follows.

73-12055	1.84 cfs	103.8 ac	06/01/1895
73-12049	0.31 cfs	103.8 ac	10/19/1903
73-12058	0.31 cfs	103.8 ac	12/07/1905
73-12061	<u>1.23 cfs</u>	103.8 ac	04/18/1910
	3.69 cfs		

The priority of 73-12061 needs to be advance to one day after Falls vs Wells and therefore would be recommended as above.

Finally water right 73-12090 is a high flow claim and is therefore a late priority water right. The practice in the Pahrump and the Lemhi is to use the maximum amount of water divertable during high water. As a result a manning's analysis, or a high flow measurement will be needed to determine the quantity. After high flow stops the remaining rights should be sufficient at 3.69 cfs to irrigate the acres. Tried to contact Jim Speck 1/30/09.

Need to determine if 73-12061 should have subject to Maczek - vs Smith ~~At~~ June 3, 1921 if so combine 73-12061 & 73-12090

CONVEYANCE LOSS - WORSTELL

NAME OF DITCH: BIG CREEK

BY: NLA

DATE: 0-Jan-1900

REACH	LENGTH (FT)	AVE WIDTH (FT)	SEEPAGE (FT/DAY)	WORSTELL LOSS (CFS)	DELIVERY (CFS)	DELIVERY LEFT (CFS)	LOSS FACTOR	DELIVERY LOSS (CFS)	FLOW (CFS)
1	5132	2.0	1.00	0.13	1.78	3.13	0.0414	0.07	3.39
2	5103	2.0	1.00	0.13	1.35	1.35	0.0955	0.18	1.48
3				0.00		0.00	0.0000	0.00	0.00
4				0.00		0.00	0.0000	0.00	0.00
5				0.00		0.00	0.0000	0.00	0.00
6				0.00		0.00	0.0000	0.00	0.00
7				0.00		0.00	0.0000	0.00	0.00
8				0.00		0.00	0.0000	0.00	0.00
9				0.00		0.00	0.0000	0.00	0.00
10				0.00		0.00	0.0000	0.00	0.00
11				0.00		0.00	0.0000	0.00	0.00
12				0.00		0.00	0.0000	0.00	0.00
13				0.00		0.00	0.0000	0.00	0.00
14				0.00		0.00	0.0000	0.00	0.00
15				0.00		0.00	0.0000	0.00	0.00
16				0.00		0.00	0.0000	0.00	0.00
17				0.00		0.00	0.0000	0.00	0.00
18				0.00		0.00	0.0000	0.00	0.00
19				0.00		0.00	0.0000	0.00	0.00
20				0.00		0.00	0.0000	0.00	0.00
TOTALS	10235			0.26	3.13			0.26	

REACH = SECTION OF CHANNEL

LENGTH = LENGTH OF REACH, THE CHANNEL CAN BE DIVIDED INTO EQUAL LENGTH REACHES
OR ACTUAL LENGTHS BETWEEN DELIVERY POINTS

AVE WIDTH = AVERAGE TOP WIDTH OF WATER SURFACE IN REACH

SEEPAGE = SOIL SEEPAGE RATE OF REACH

WORSTELL LOSS = CONVEYANCE LOSS IN REACH BASED ON WORSTELL METHOD

DELIVERY = TOTAL DELIVERIES IN REACH

DELIVERY LEFT = SUM(DELIVERIES OF CURRENT AND REMAINING REACHES)

LOSS FACTOR = WORSTELL LOSS/DELIVERY LEFT

DELIVERY LOSS = SUM(LOSS FACTORS OF CURRENT AND PREVIOUS REACHES) X DELIVERY;
REPRESENTS THE LOSSES ASSIGNED TO THE DELIVERIES IN THE REACH;
IF MULTIPLE RIGHTS WITHIN REACH, DELIVERY LOSSES SHOULD BE
PRORATED BASED ON SIZE OF DELIVERY FOR EACH RIGHT WITHIN REACH

FLOW = TOTAL FLOW AT BEGINNING OF EACH REACH

Notes:

- 1 Length and width of ditch determination based on GIS imagery.
- 2 Seepage factor based on California Department of Water Resources inspection manual's value for gravelly clay loam to silty loam types. Soil Type determined by field survey and SSURGO GIS data

01/19/2007

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

RIGHT NUMBER: 73-12049

NAME AND ADDRESS: ROBERT P DREYER
PO BOX 4917
KETCHUM ID 83340

SOURCE: BIG CREEK

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 0.180 CFS

PRIORITY DATE: 10/19/1903

POINT OF DIVERSION:

T13N R24E S18 SESESW Within CUSTER County

T13N R24E S18 SWSESE Within LEMHI County

T13N R24E S18 SESESE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.180 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T13N R24E S18	NESW	12.00	T13N R24E S18 Lot 3 NWSW	14.00
T13N R24E S18 Lot 4	SWSW	4.30	T13N R24E S18	SESW 14.00
T13N R24E S18	SWSE	3.90		

48.2 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 48.2 acres in a single irrigation season. Combined Right Nos.: 73-12049, 73-12055, 73-12058, 73-12090.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR 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 - Decreed

This right is a split from former right 73-180.

08/29/2006

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

RIGHT NUMBER: 73-12049

NAME AND ADDRESS: ROBERT P DREYER
PO BOX 4917
KETCHUM ID 83340

SOURCE: BIG CREEK

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 0.180 CFS

PRIORITY DATE: 10/19/1903

POINT OF DIVERSION:

T13N R24E S18 SESESW Within CUSTER County

T13N R24E S18 SWSESE Within LEMHI County

T13N R24E S18 SESESE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.180 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T13N R24E S18 NESW 12.00 T13N R24E S18 Lot 3 NWSW 11.00

T13N R24E S18 SESW 5.60 T13N R24E S18 SWSE 3.10

31.7 ACRES TOTAL

Right Nos. 73-12049, 73-12055 and 73-12058 are limited to the irrigation of a combined total of 31.7 acres in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR 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 - Decreed

This right is a split from former right 73-180 .