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MAR 25 2013

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 72-16779
(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
Name & Address of Attorney, if any:

David L. Negri (208) 334-1936 phone, (208) 334-9375 fax
United States Department of Justice
Environment and Natural Resource Division
Natural Resources Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

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

Name: Eddie E. Baker
Eddie Baker, Jr.
Address: HC 68 Box 375
Clayton, ID 83227

Name: Daniel V. Steenson (attorney for claimants)
Sawtooth Law Offices, PLLC
Address: P.O. Box 7985
Boise, ID 83707

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):**

Certain legal land descriptions under the Place of Use element describe lands containing both public and private land. The description should be specific enough to exclude Federal land, perhaps through a remark. The underlying shapefile includes a portion of BLM land that is not recommended, therefore trim the shapefile to exclude federal land.

F.

VERIFICATION (Must be Completed)

State of Idaho

)

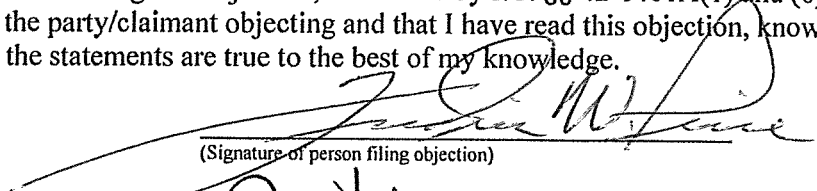
) ss.

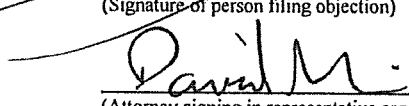
County of ADA

)

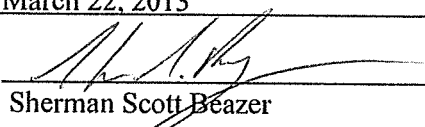
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

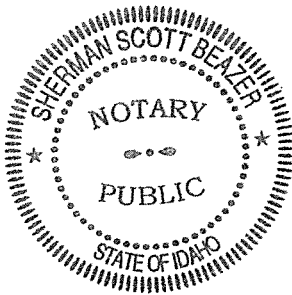

(Signature of person filing objection)


(Attorney signing in representative capacity)

Subscribed and sworn to before me on: March 22, 2013


Sherman Scott Beazer

Notary Public for Idaho
Residing at: Boise
My Commission Expires: 12/10/2015



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 3/22, 2013, 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: Eddie E. Baker
Eddie Baker, Jr.
Address: HC 68 Box 375
Clayton, ID 83227

Name: Daniel V. Steenson (attorney for claimants)
Sawtooth Law Offices, PLLC
Address: P.O. Box 7985
Boise, ID 83707

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
Natural Resources Section
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney mailing on Objector's behalf

12/20/2012

T09N R17E S15 Lot 6 NESE 5.40

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

364.6 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 394.5 acres in a single irrigation season. Combined Right Nos.: 72-204, 72-2048, 72-10302A, 72-10302B, 72-10302C, 72-10303, 72-10304, 72-16778, 72-16779 and 72-16780.

-Place of use does not include federal public lands.

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 - Beneficial Use

Other water rights used at the same place and for the same purposes as described above: The following rights are for irrigation from these diversions: 72-10302A, 72-10302B, 72-10302C, 72-10303, 72-10304, 72-204 and 72-2048.

-Place of use on federal land.

-Claimant is not authorized.

-Place of use also contains legal description containing both public and private land.

-Place of use on mixed land needs clarification.

RIGHT NUMBER: 72-16779

NAME AND ADDRESS: EDDIE E BAKER
HC 68 BOX 375
CLAYTON ID 83227

EDDIE BAKER JR
HC 68 BOX 375
CLAYTON ID 83227

SOURCE: EAST FORK SALMON RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 52.600 CFS

Right nos. 72-2048, 72-10303 and 72-16779 are limited to a maximum combined diversion rate of 9.60 cfs at the East Fork-14 Diversion located in T09N, R17E, S01, SWSWNE.

Right nos. 72-2048, 72-10302A, 72-10303, 72-10304 and 72-16779 are limited to a maximum combined diversion rate of 17.20 cfs at the East Fork-15 Diversion located in T09N, R17E, S11, NENWNE.

Right nos. 72-10302C, 72-10303, 72-10304 and 72-16779 are limited to a maximum combined diversion rate of 20.00 cfs at the East Fork-16 Diversion located in T09N, R17E, S11, NENESW.

Right nos. 72-10302A, 72-10303, 72-10304 and 72-16779 are limited to a maximum combined diversion rate of 10.20 cfs at the East Fork-17 Diversion located in T09N, R17E, S11, SESENW.

Right nos. 72-204, 72-10302B, 72-10304 and 72-16779 are limited to a maximum combined diversion rate of 9.00 cfs at the East Fork-18 Diversion located in T09N, R17E, S15, SWSE.

The diversion rates listed are peak measured values during maximum discharge periods. Actual diversion rates vary seasonally through the year and are proportional to river stage. This right does not authorize diversion of greater quantities than have historically been diverted.

PRIORITY DATE: 04/01/1938

POINT OF DIVERSION:

T09N R17E S1 SWSWNE Within CUSTER County
T09N R17E S11 NENWNE Within CUSTER County
T09N R17E S11 SESENW Within CUSTER County
T09N R17E S11 NENESW Within CUSTER County
T09N R17E S15 SWSE Within CUSTER County

PURPOSE AND PERIOD OF USE:

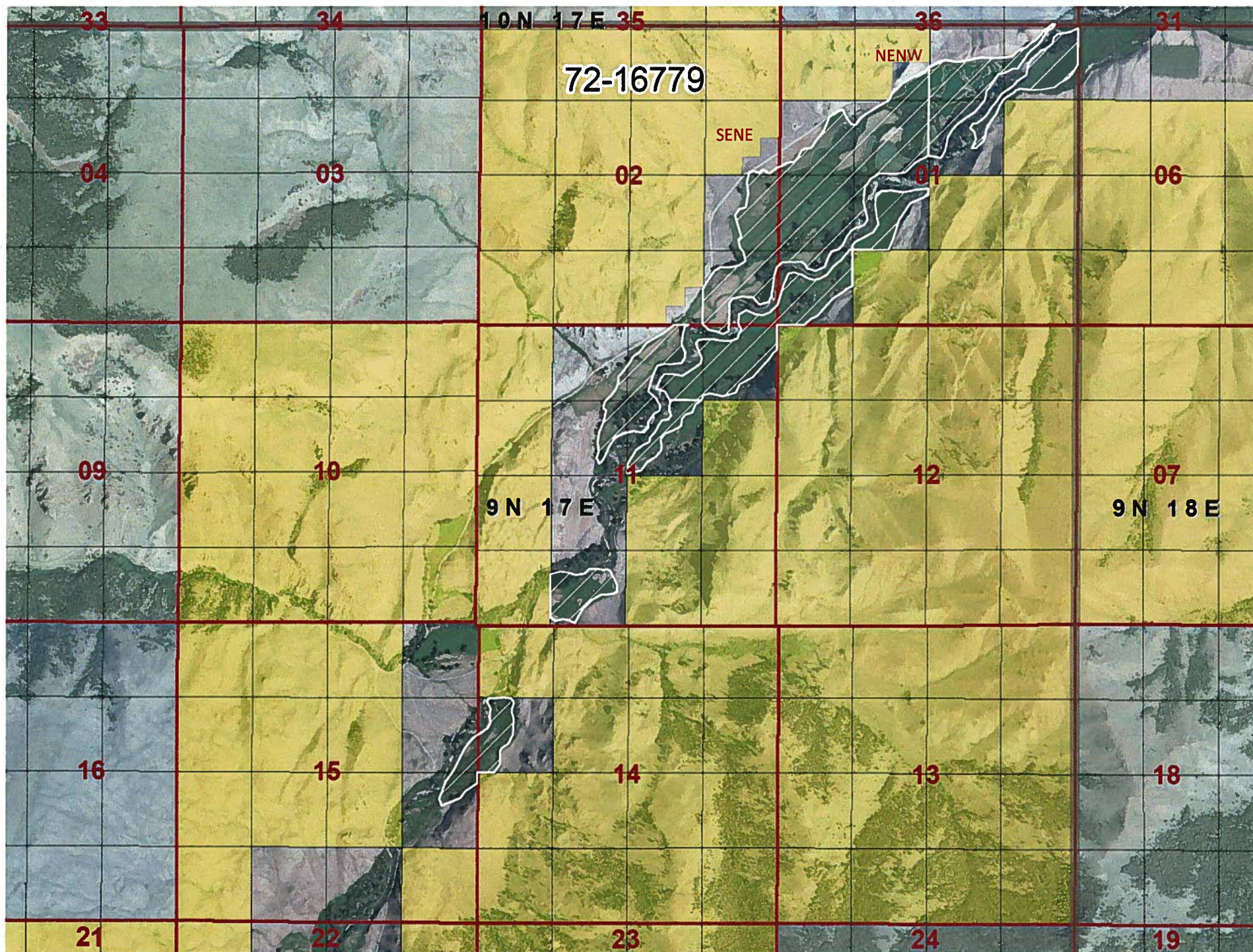
PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	52.600 CFS

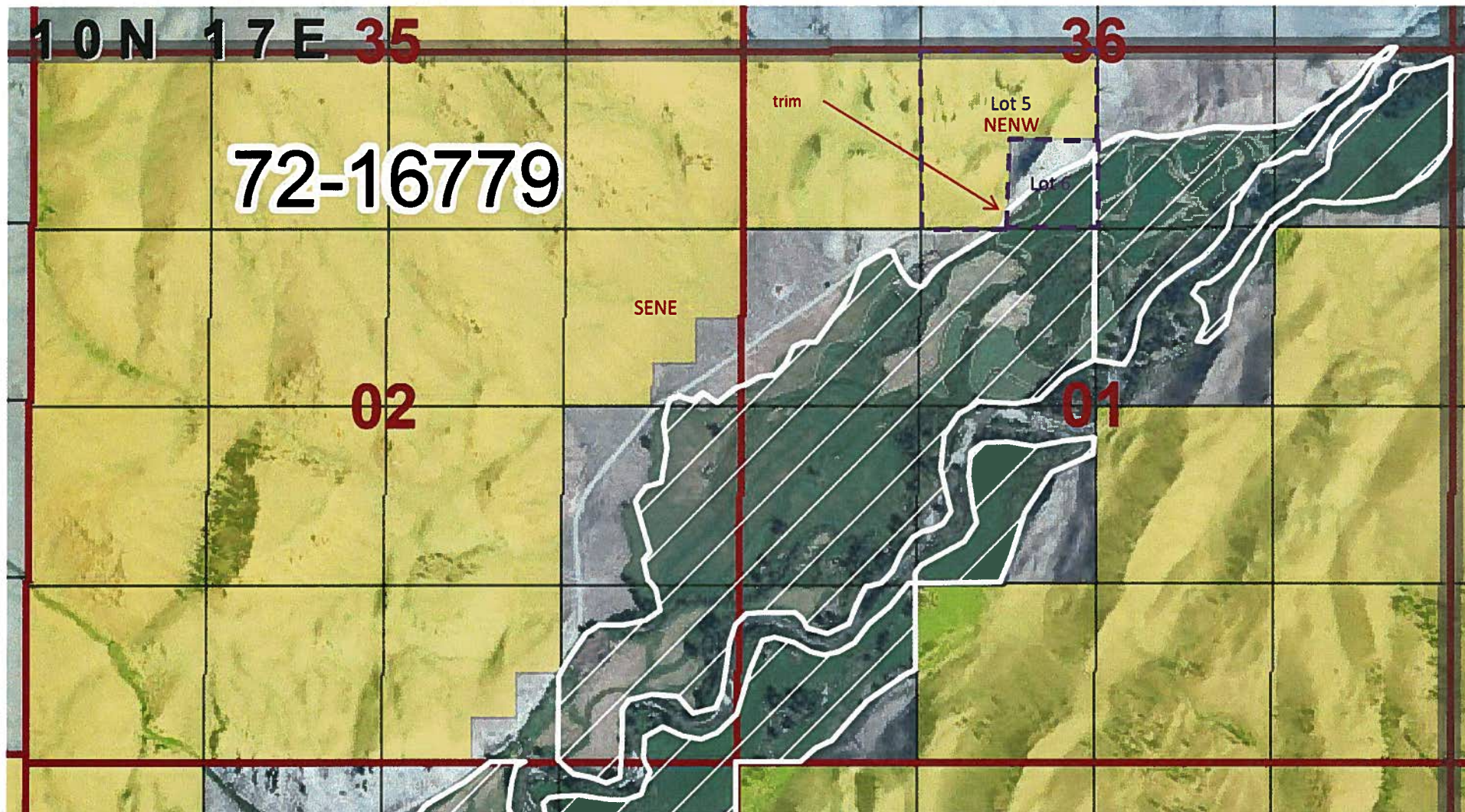
PLACE OF USE: IRRIGATION in CUSTER County

T09N R17E S01 Lot 1 NENE	20.00	T09N R17E S01 Lot 2 NWNE	19.00
T09N R17E S01 SWNE	16.00	T09N R17E S01 Lot 6 NENW	5.30
T09N R17E S01 SWNW	19.00	T09N R17E S01 SENW	35.00
T09N R17E S01 NESW	18.00	T09N R17E S01 NWSW	39.00
T09N R17E S01 SWSW	27.00	T09N R17E S02 SENE	0.80
T09N R17E S02 NESE	19.00	T09N R17E S02 SESE	28.00
T09N R17E S11 NENE	28.00	T09N R17E S11 NWNE	25.00
T09N R17E S11 SWNE	16.00	T09N R17E S11 NENW	2.20
T09N R17E S11 SENW	8.00	T09N R17E S11 SESW	17.00
T09N R17E S14 SWNW	13.00	T09N R17E S15 Lot 5 SENE	3.90

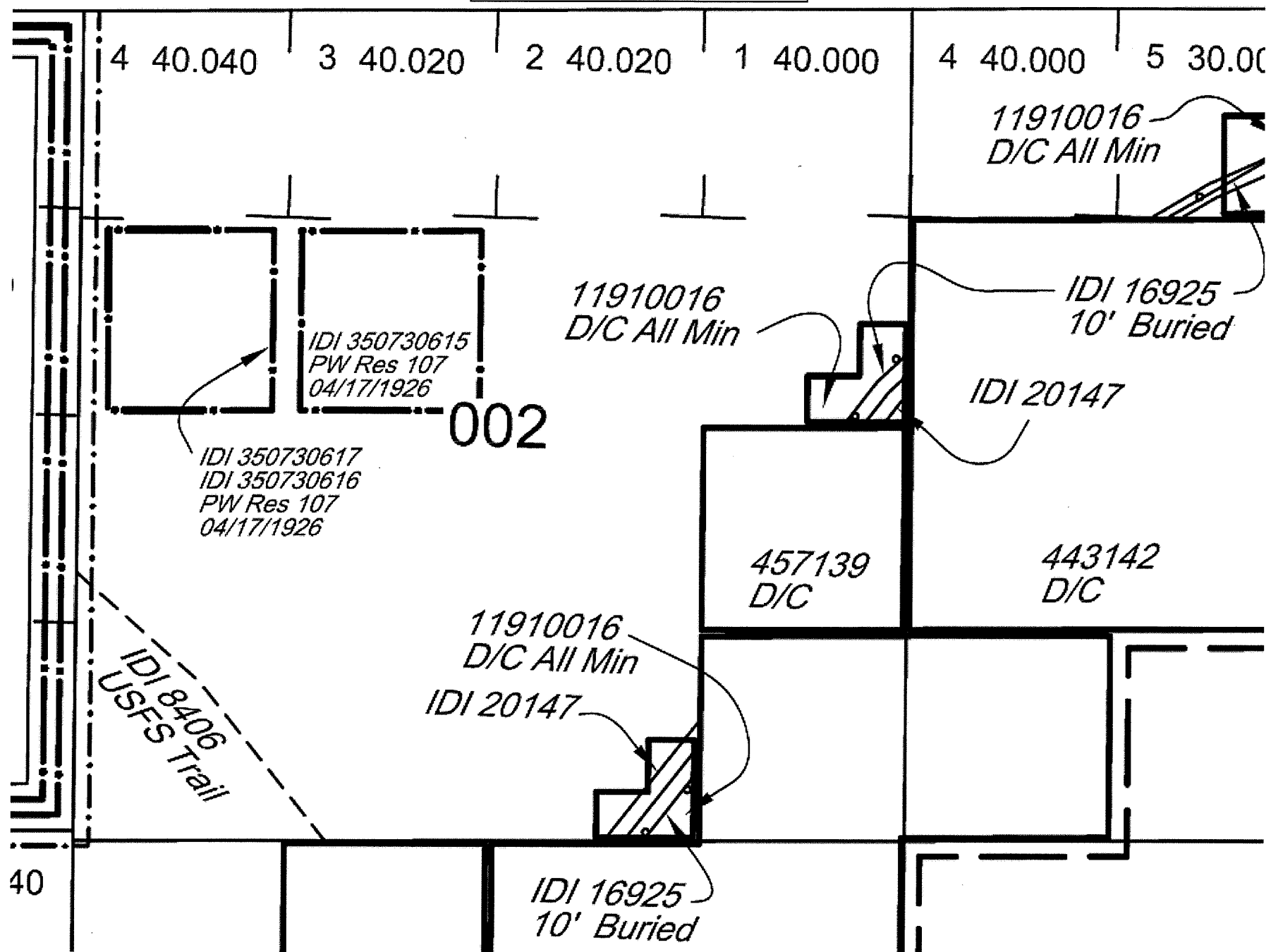
Lot 6 is pvt, but Lot 5 (NENW) is BLM, and shape intrudes into Lot 5

Mixed: BLM/PVT





MTP, T09N, R17E, S02



CUSTER COUNTY 037

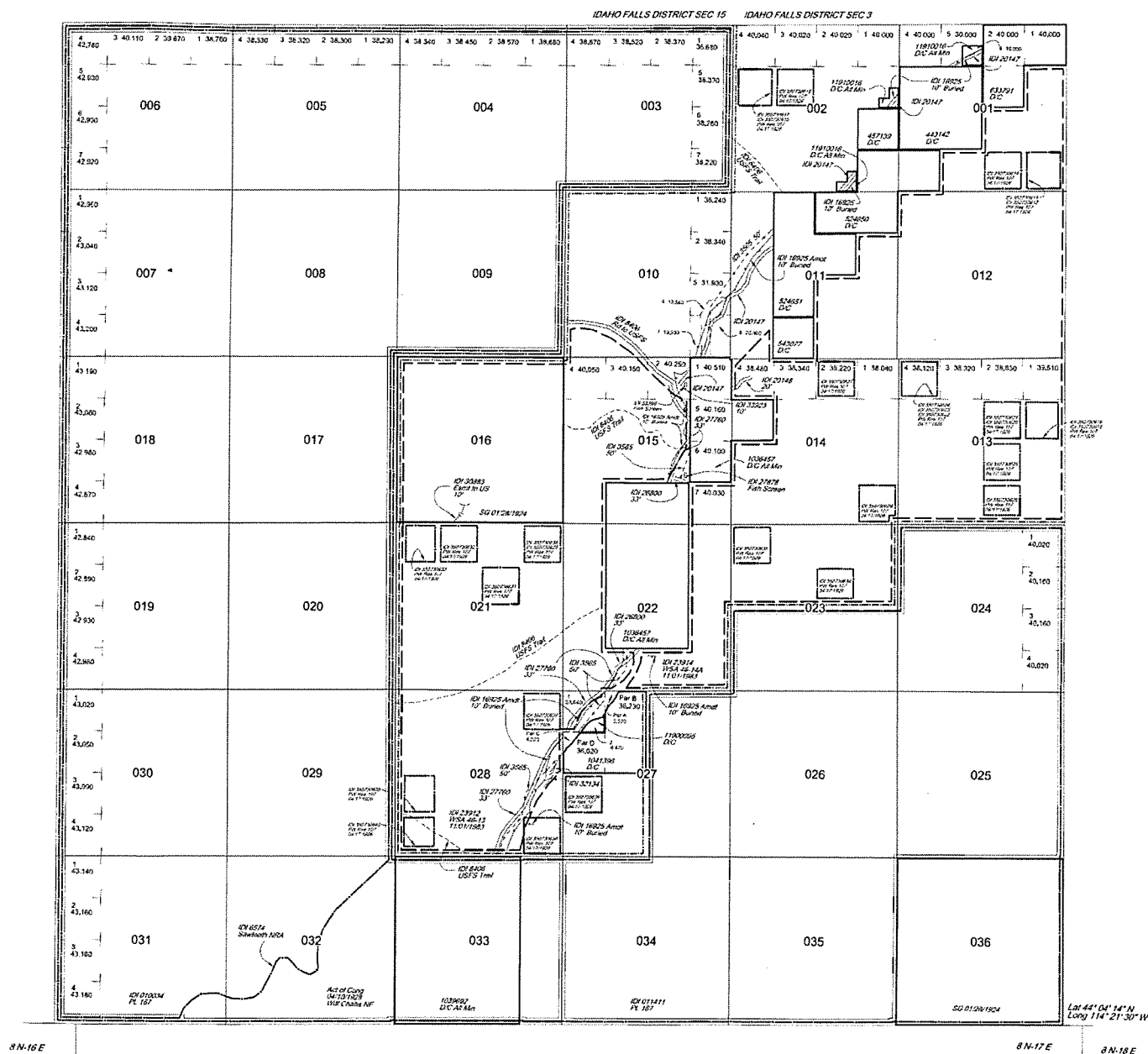
MT PLAT

[illegible]

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

FILE REF: ID303050NB17576M1003302mg	
CONVERTED T194: 04/17/2008	BY: LFM
LAST UPDATED: 03/15/2012	BY: LFM
GADC #1:	GADC #2:
POSTED TO PUBLIC RECORDS: July 11, 2012	
BY:	
PUBLIC LAND SURVEY SYSTEM (PLSS)	
BLM GCDR ACQUIRED:	04/26/2005
OTHER:	NA
PROJECTED COORDINATE SYSTEM: UTM ZONE 11N, NAD 1983	
NOTES:	
USE PLATS:	

Bolsh. Mav.
T. 9 N
R. 17 E



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
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