

3-22

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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 72-16784
(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: Gary Ingram
Jackie Ingram
Address: HC 68 Box 320
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):**

The United States of America, through the Bureau of Land Management, is the owner of the land upon which a portion of the use is claimed. The claimant's use of Federal land is unauthorized. Claimant's water right should not include federal land. It appears the Place of Use (POU) on BLM (NENE, S12, T10N, R18E) is a typographical error and should be described in NENW, S12. The underlying shapefile intrudes onto federal land in Lot 3 (NENW), S01, T10N, R18E and needs to be trimmed off.

F.

VERIFICATION (Must be Completed)

State of Idaho

)

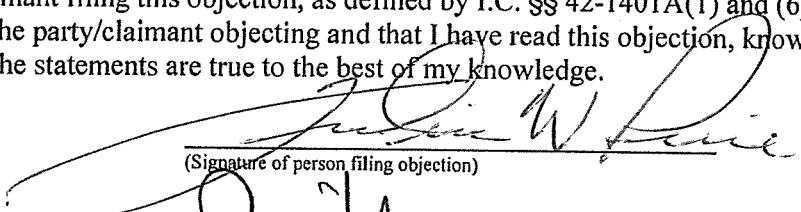
) ss.

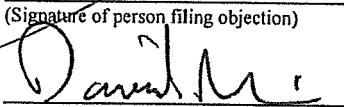
County of ADA

)

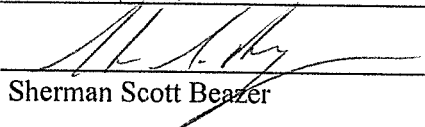
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

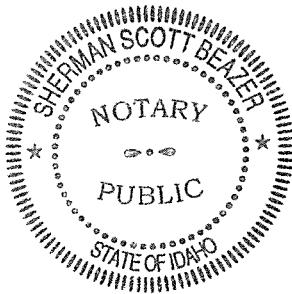
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(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: Gary Ingram
Jackie Ingram
Address: HC 68 Box 320
Clayton, ID 83227

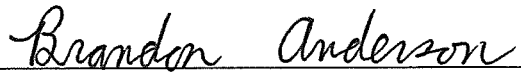
Name: Daniel V. Steenson (attorney for claimants)
Sawtooth Law Offices, PLLC
Address: P.O. Box 7985
Boise, ID 83707

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

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

RIGHT NUMBER: 72-16784

NAME AND ADDRESS: GARY INGRAM
HC 68 BOX 320
CLAYTON ID 83227

JACKIE INGRAM
HC 68 BOX 320
CLAYTON ID 83227

SOURCE: EAST FORK SALMON RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 17.700 CFS

Right nos. 72-226A, 72-227A and 72-16784 are limited to a maximum combined diversion rate of 8.21 cfs at the East Fork-3 Diversion in T10N, R18E, S12, SWNE.

Right nos. 72-226A, 72-227A and 72-16784 are limited to a maximum combined diversion rate of 14.60 cfs at the East Fork-4 Diversion in T10N, R18E, S13, SWSWNW.

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:

T10N R18E S12 SWNE Within CUSTER County
T10N R18E S13 SWSWNW Within CUSTER County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	17.700 CFS
PLACE OF USE: IRRIGATION in CUSTER County		
T10N R18E S01 Lot 4 NWNW	11.00	T10N R18E S01 SWNW 25.00
T10N R18E S01 SENW	10.00	T10N R18E S01 NESW 18.70
T10N R18E S01 NWSW	11.00	T10N R18E S01 SESW 13.00
T10N R18E S01 SWSE	3.70	T10N R18E S12 NENE 11.50

103.9 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 103.9 acres in a single irrigation season. Combined Right Nos.: 72-226A, 72-227A and 72-16784.

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.

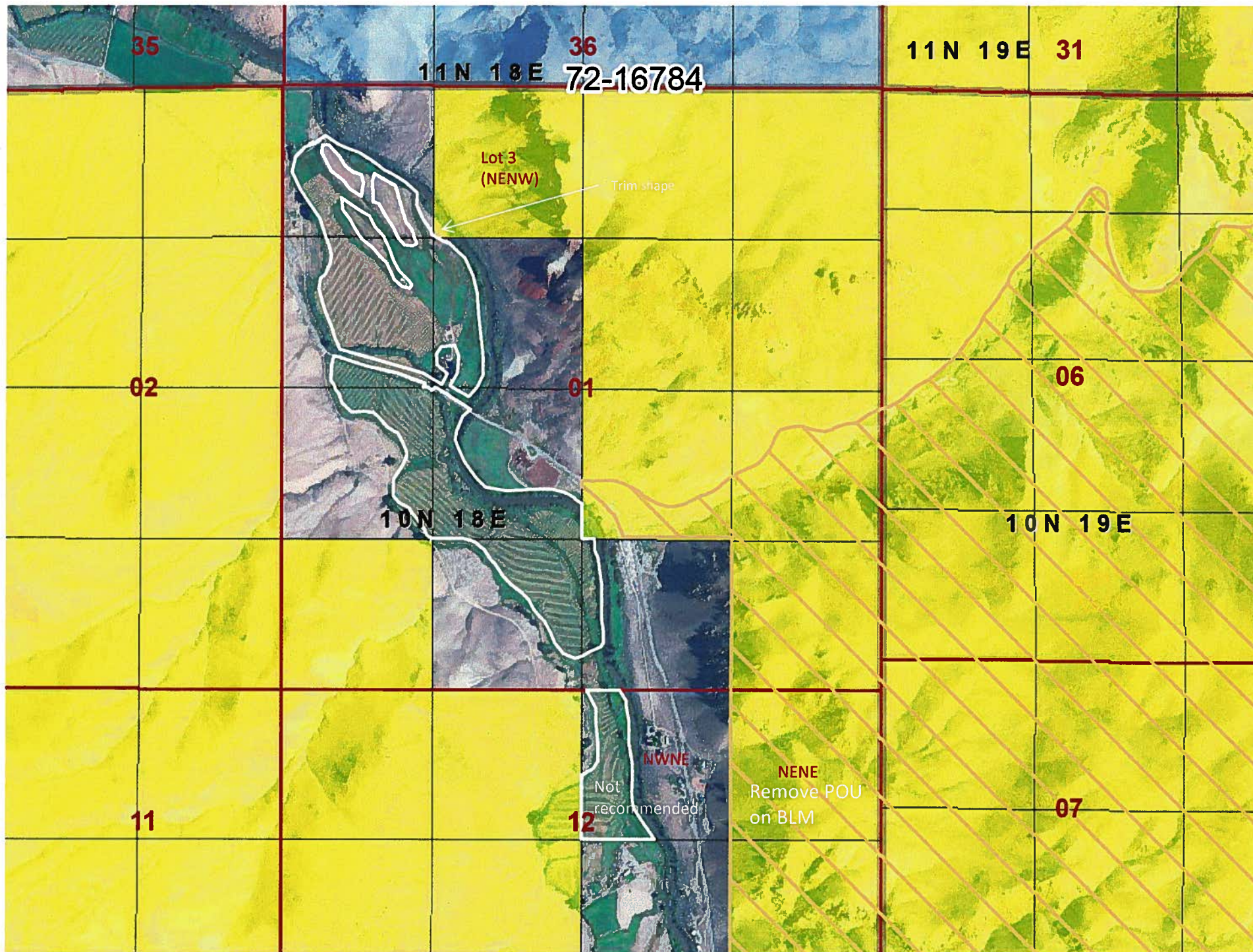
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

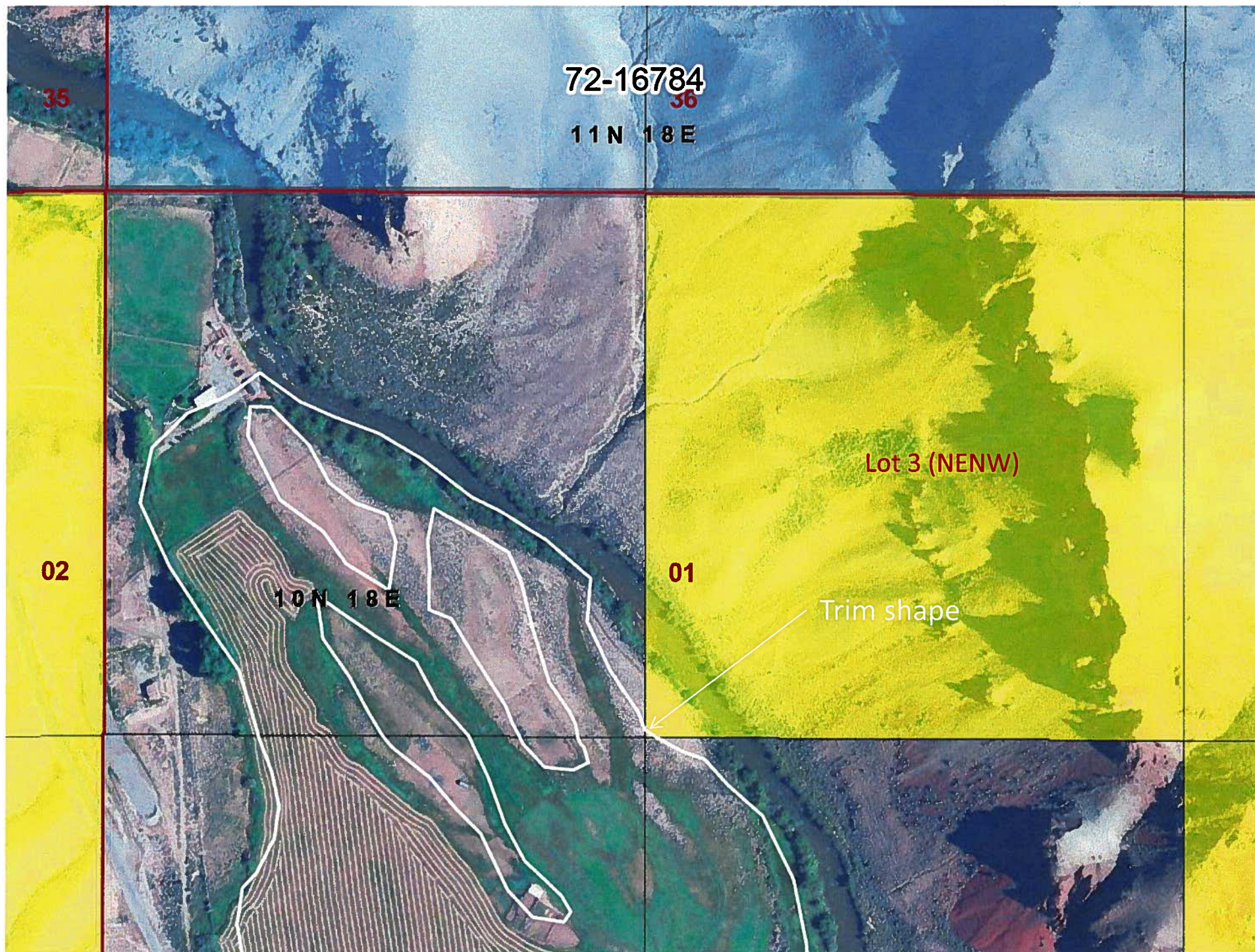
-Place of use on federal land
-claimant is not authorized

-POU on BLM is a typo
and should be NENW, S12
on private land.

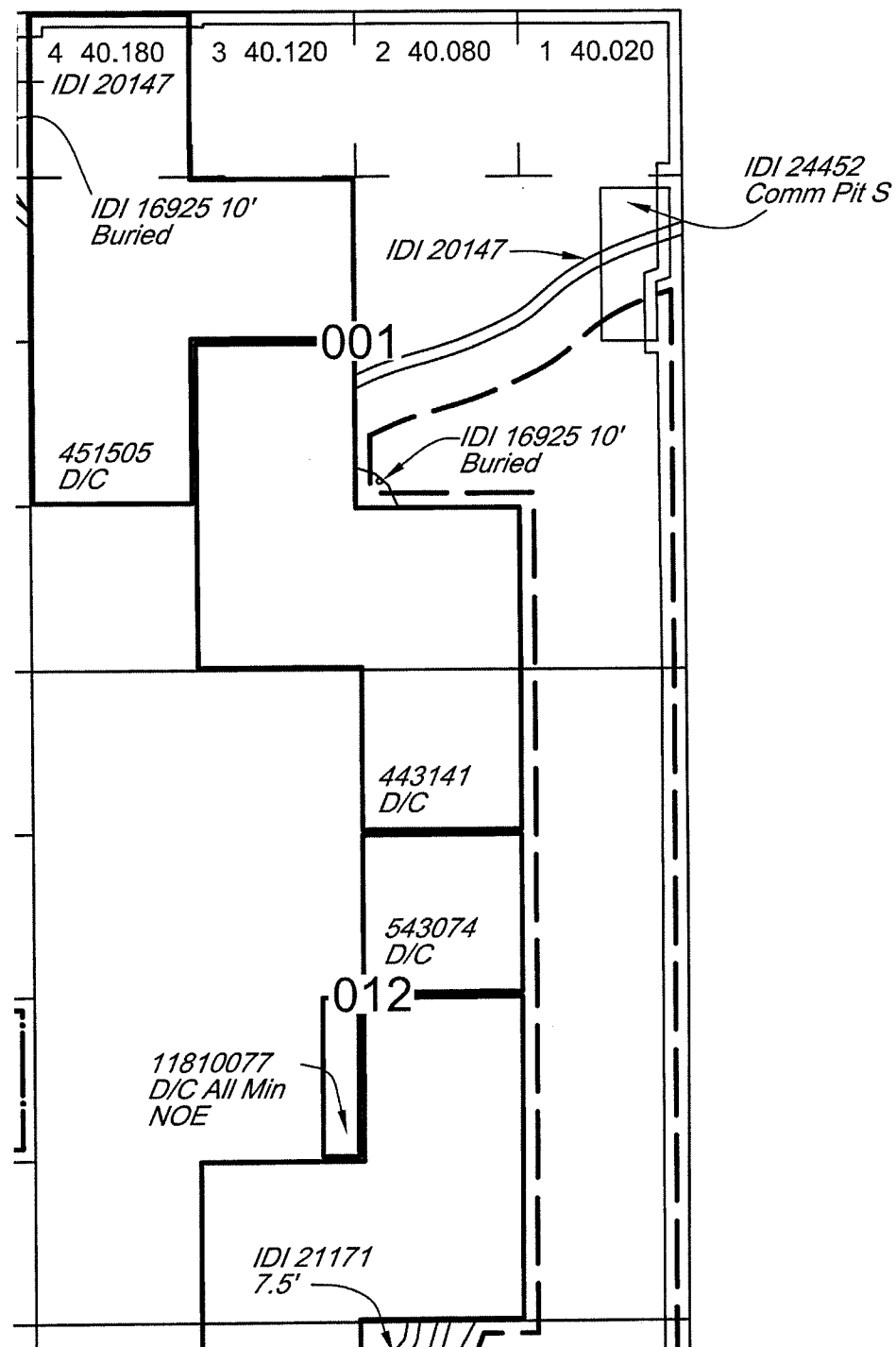
-Shape includes BLM in Lot 3
(NENW), S01, T10N, R18E, so
trim shape to exclude.

BLM-WSA -should be NENW (private land)





MTP, T10N, R18E



CUSTER COUNTY 037



MT PLAT

[illegible]

ID# 35073 PW Res 107 EO 04/17/1926 Withdraws Public
 Land containing a spring or waterhole from settlement,
 location, sale, or entry. US vs Idaho, 131 Idaho 468,
 959 P. 2d 449 (1998)

IDI 09800 Det PL 167 (Act of Cong 07/23/1955) completed
02/15/1960. All PD surface Mgmt by BLM

IDI 010034 Del PL 167 (Act of Cong 07/23/1955) completed
01/15/1962. All NF surface Mgmt by USFS.

IDI 2834 BLM O CI Multi Use.
Custer County. Segr from Approp under HE, DLE, IA, & PS
Further Segr from Approp under general mining laws
Jimmy Smith Lake Campground.

Sec 30 Lot 4

Ziegler's Hole Rec S
Sec 24: SESW

Pension Survey Group No. 1386

Partiel To

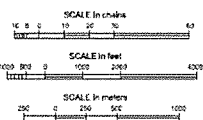
FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LAND REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

FILE REF: IC0901000105EAM100000.dwg	
CONVERTED TFF: 04/14/2008	BY: DT
LAST UPDATED: 07/11/2012	BY: LFM
QWAC #1:	QWAC #2:
POSTED TO PUBLIC RECORDS: July 11, 2012	
BY:	
FURIE LAND SURVEY SYSTEM (FLSS)	
BLM QCDN ACQUIRED:	04/26/2005
OTHER:	N/A
PROJECTED COORDINATE SYSTEM: UTM ZONE 11N, NAD 1983	
NOTES:	
USE PLATS:	

Boise Mer.
T. 10 N
R. 18 E



U.S. Bureau of Land Management - Idaho State
1387 S. Vinnell Way Boise, Idaho 83709
(208) 373-4000



DISCLAIMER:

This plot is only a graphic display of the Bureau of Land Management's (BLM) Record of Title and township survey data. Records hereon do not reflect the changes which may have been affected by lateral movements of river or other bodies of water. Refer to cadastral surveys for official information.

The notation shown on withdrawals represent the last action taken, but may not be the effective date. See the historical index for the date of original withdrawal order.

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.