

7-22
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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 72-16785
) (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: Archie Sherwood
Address: P.O. Box 163
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 federal land not recommended (SENW, S12 and NWNE, S13, T10N, R18E), therefore trim the shapefile to exclude federal land.

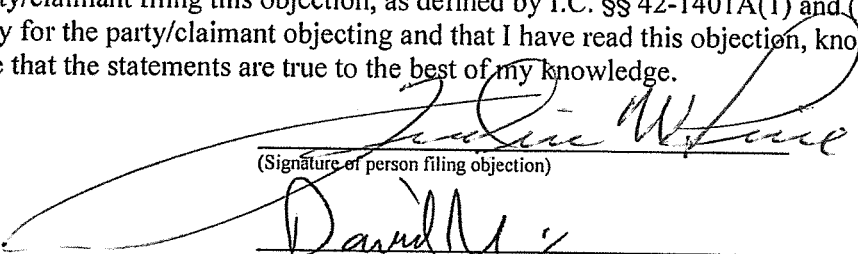
F.

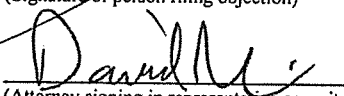
VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of ADA)

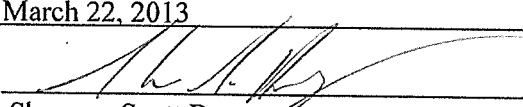
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

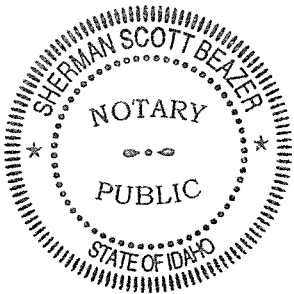

(Signature of person filing objection)


(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: Archie Sherwood
Address: P.O. Box 163
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: 72-16785

NAME AND ADDRESS: ARCHIE SHERWOOD
PO BOX 163
CLAYTON ID 83227

SOURCE: EAST FORK SALMON RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 6.540 CFS

Right nos. 72-228A, 72-229 and 72-16785 are limited to a maximum combined diversion rate of 8.10 cfs at the East Fork-4 Diversion in T10N, R18E, S13, SWSWNN.

The diversion rate listed is a peak measured value during maximum discharge periods. The actual diversion rate varies seasonally through the year and is 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 S13 SWSWNN Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	6.540 CFS

PLACE OF USE: IRRIGATION in CUSTER County

T10N R18E S12	SWNE	8.00	T10N R18E S12	NESW	3.20	Mix - BLM/Pvt
T10N R18E S12	SESW	6.50	T10N R18E S12	NWSE	20.00	
T10N R18E S12	SWSE	11.00	T10N R18E S13	NENW	14.00	

62.7 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 60 acres in a single irrigation season. Combined Right Nos.: 72-228A, 72-229 and 72-16785.

-Place of use does not include federal public lands.

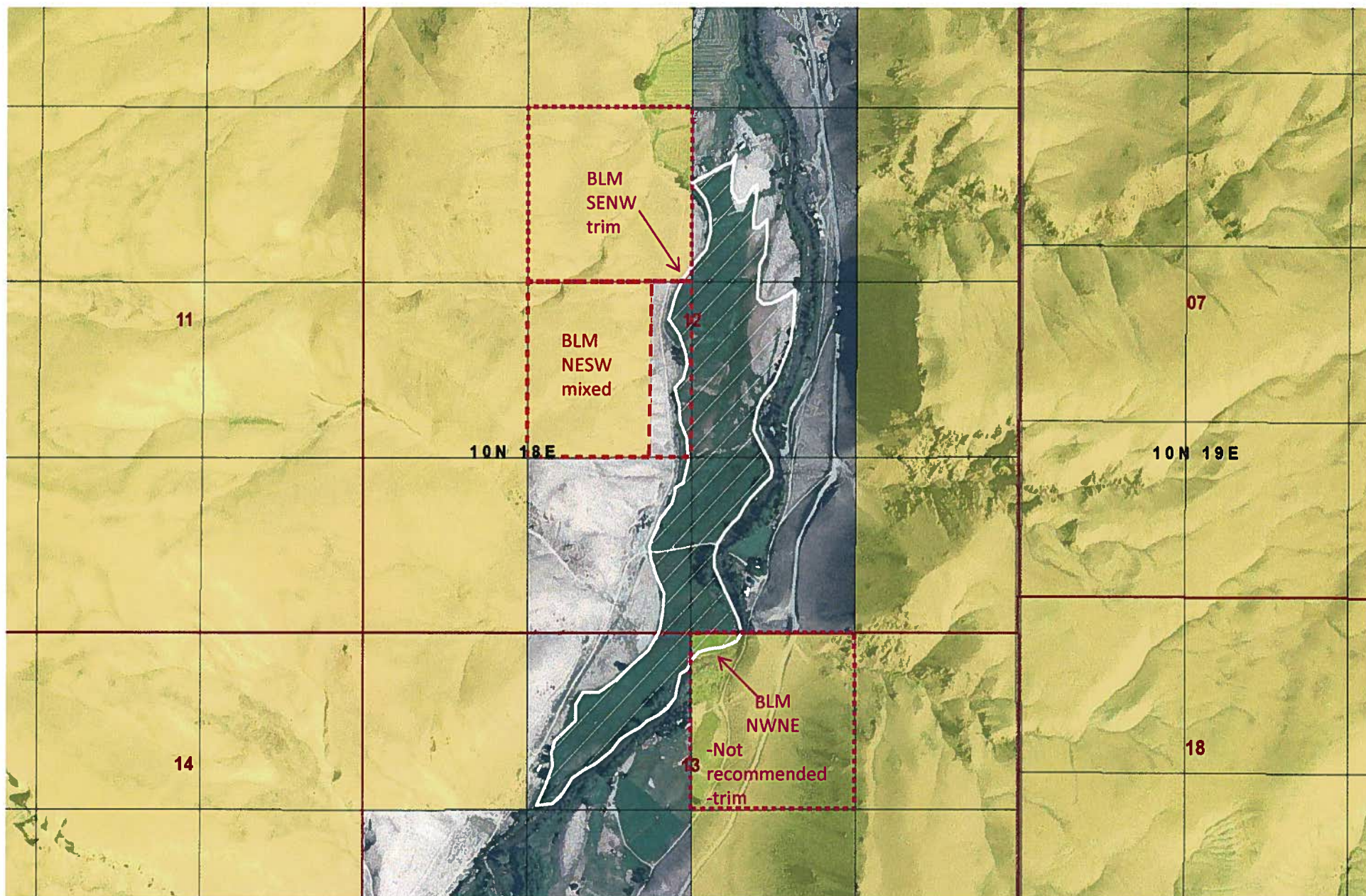
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

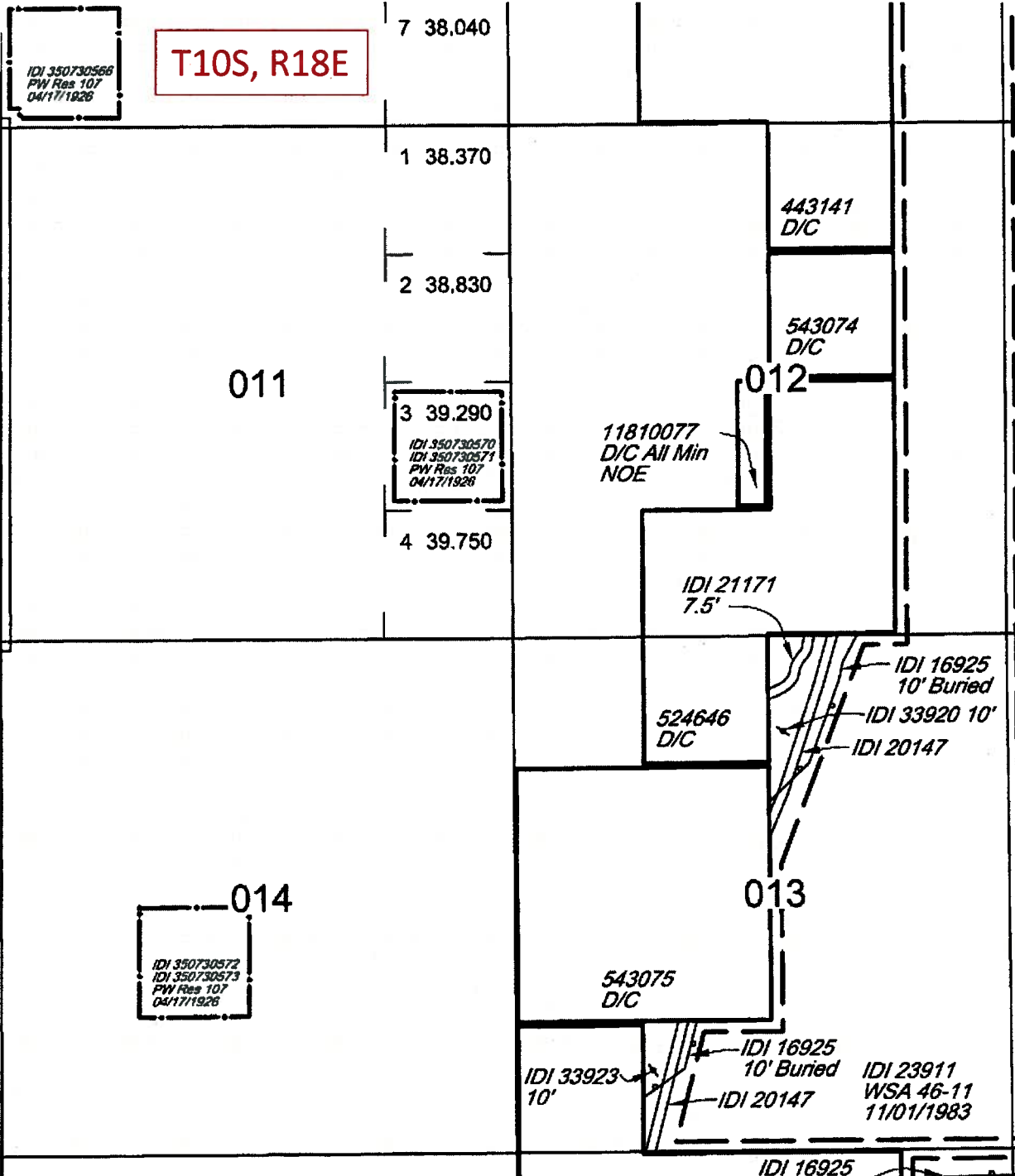
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

**-Place of use on Mixed land
needs clarification
-Shape includes legal
descriptions not recommended,
trim shape**

72-16785, Archie Sherwood





IDI 350730566
PW Res 107
04/17/1926

T10S, R18E

7 38.040

1 38.370

2 38.830

011

3 39.290

IDI 350730570
IDI 350730571
PW Res 107
04/17/1926

4 39.750

443141
D/C

543074
D/C

012

11810077
D/C All Min
NOE

IDI 21171
7.5'

524646
D/C

IDI 16925
10' Buried

IDI 33920 10'

IDI 20147

014

IDI 350730572
IDI 350730573
PW Res 107
04/17/1926

013

543075
D/C

IDI 33923
10'

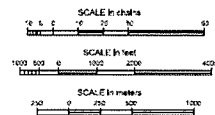
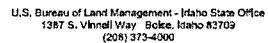
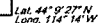
IDI 16925
10' Buried

IDI 20147

IDI 23911
WSA 46-11
11/01/1983

IDI 16925

CUSTER COUNTY 037



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.

FILE REF:	100A0100N0100E0100000.dwg	BY:	ST
CONVERTED TIF:	04/14/2006	BY:	ST
LAST UPDATED:	07/11/2012	BY:	JFM
QA/QC #1:	QA/QC #2:		
POSTED TO PUBLIC RECORDS:	July 11, 2012		
	BY:		
PUBLIC LAND SURVEY SYSTEM (PLSS)			
B/LM GCOS ACQUIRED:	04/26/2005		
OTHER:	N/A		
PROJECTED COORDINATE SYSTEM:	UTM ZONE: 11N, NAD 1983		
NOTES:			
USE PLATS:			

Bolse Mar.
T. 10 N
R. 18 E