

RECEIVED

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

A. Subcase 72-16786
(Insert water right number)

Case No. 39576

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: Richard Douglas Baker
Cheryl K. Baker

Address: HC 68 Box 350
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 (POU) element describe lands containing both public and private land (mixed ownership). The description should be specific enough to exclude Federal land. There is no underlying shapefile available for 72-16786, therefore one will need to be created so that we can ensure that the mixed ownership POUs do not include any acres on federal land.

F.

VERIFICATION (Must be Completed)

State of Idaho

)

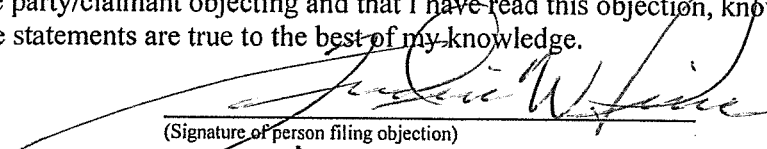
) ss.

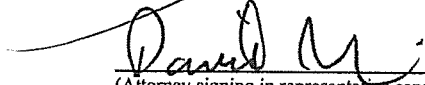
County of ADA

)

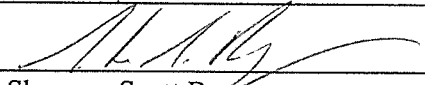
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

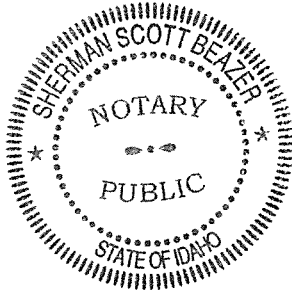

(Signature of person filing objection)


(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: Richard Douglas Baker
Cheryl K. Baker
Address: HC 68 Box 350
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: 72-16786

NAME AND ADDRESS: CHERYL K BAKER
HC 68 BOX 350
CLAYTON ID 83227

RICHARD DOUGLAS BAKER
HC 68 BOX 350
CLAYTON ID 83227

SOURCE: EAST FORK SALMON RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 5.910 CFS

Right nos. 72-193B, 72-2095 and 72-16786 are limited to a maximum combined diversion rate of 3.51 cfs at the East Fork-7/8 Diversion in T10N, R18E, S35, SWNESW.

Right nos. 72-193B, 72-194 and 72-16786 are limited to a maximum combined diversion rate of 8.50 cfs at the East Fork-9 Diversion in T09N, R18E, S03, SENWNW, Lot 4.

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 R18E S3 SENWNW Lot 4 Within CUSTER County
T10N R18E S35 SWNESW Within CUSTER County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	5.910 CFS

PLACE OF USE: IRRIGATION in CUSTER County

T09N R18E S03 Lot 1 NENE	0.80	T09N R18E S03 Lot 2 NWNE	7.90
T10N R18E S34 SESE	14.00	T10N R18E S35 SWNE	3.30
Mix -BLM/pvt T10N R18E S35 SENW	6.40	T10N R18E S35 NESW	3.90
T10N R18E S35 SWSW	10.00	T10N R18E S35 SESW	0.20

Mix -BLM/pvt

Mix -BLM (WSA)/pvt

46.5 ACRES TOTAL

Right Nos. 72-193B, 72-194, 72-16786 and 72-16786 are limited to the irrigation of a combined total of 55.3 acres in a single irrigation season.

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.

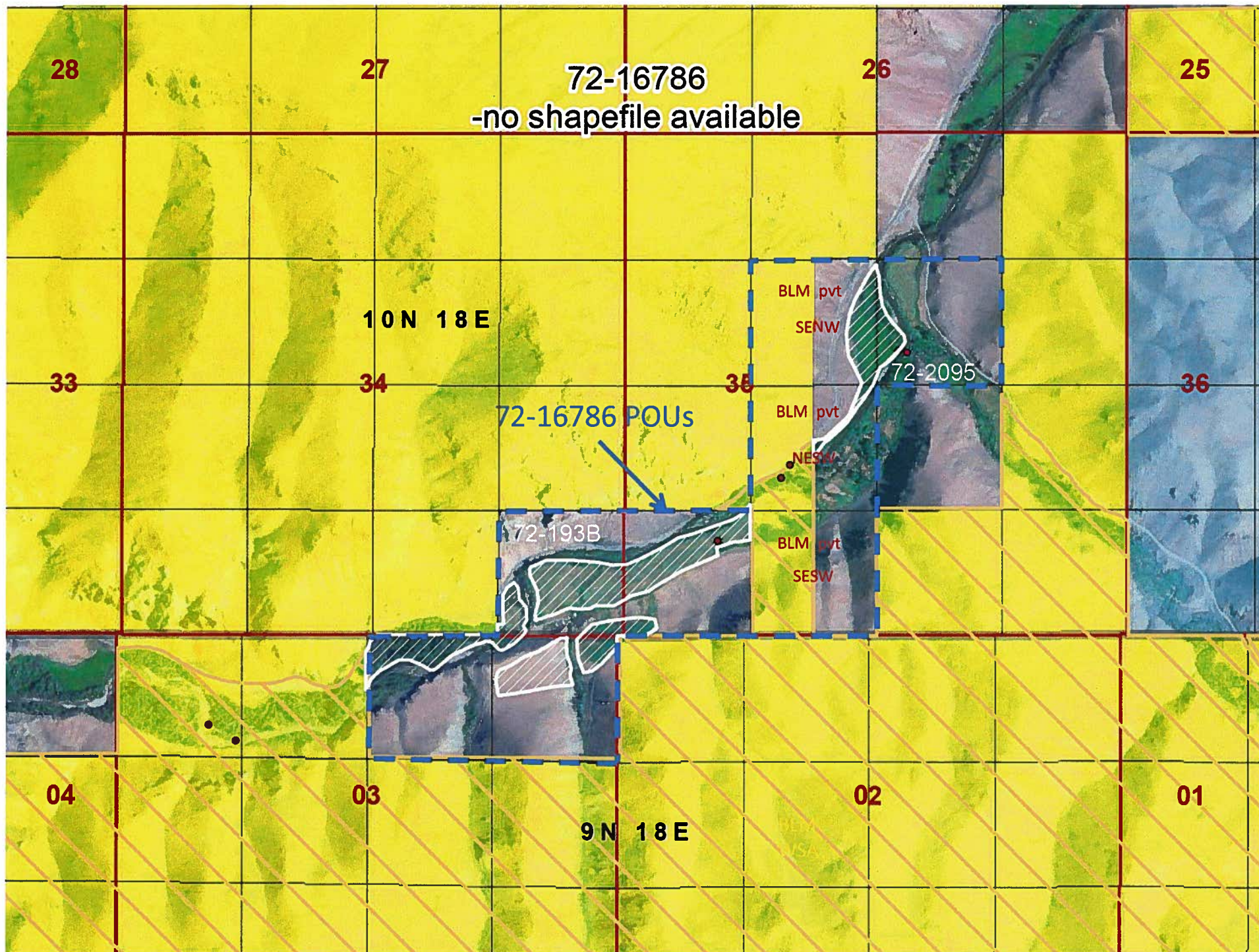
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Water is delivered through the East Fork #8 (EF-7/8) and East Fork #9 (EF-9) headgates.

-Place of use (POU) includes legal land descriptions that contain both public and private land (mixed ownership).

-Clarify POU element such that it is clear only private land is intended.

-There is no shapefile available, therefore one needs to be created so that we can ensure that the mixed ownership POUs do not include any acres on BLM land.



CUSTER COUNTY 037



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.

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MT PLAT

[illegible]

Pending Survey Group No 1386
Partial Tp

FILE REF: D08016094103EAM100000.cmg	
CONVERTED TYP: 6/41/2012	BY: ST
LAST UPDATED: 07/11/2012	BY: LPM
QA/QC #1:	QA/QC #2:
POSTED TO PUBLIC RECORDS: July 11, 2012	
BY:	
PUBLIC LAND SURVEY SYSTEM (PLSS)	
BLM COB ACQUIRED: 6/26/2005	
OTHER: N/A	
PROJECTED COORDINATE SYSTEM: UTM ZONE 11N, NAD 1983	
NOTES:	
USE PLATS:	

Boise Mar.
T. 10 N
R. 18 E