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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



Subcase

29-13425

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:



NAME AND ADDRESS OF PERSON OBJECTING

Name: SPARTAN PORTNEUF, LLC

Address: 639 UNIVERSITY DRIVE

POCATELLO, IDAHO 83201

Daytime Phone: (208) 251-5287

BY & THROUGH ITS MANAGER, THOMAS J.

Name & Address of Attorney, if any:

KATSILOMETES



CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: SPARTAN PORTNEUF, LLC

Address: 639 UNIVERSITY DRIVE

POCATELLO, IDAHO, 83201

29-13425

☒ 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: IRRIGATION, STOCKWATER, DOMESTIC

8. ☐ **Period of Year**

Should be: _____

9. ☐ **Place of Use**

Should be: _____

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.

☒ **REASONS SUPPORTING OBJECTION(S):** CLERICAL OVERSIGHT
OMITTED STOCKWATER AND DOMESTIC USES ON
ORIGINAL & SUBSEQUENT SRBA FILINGS, ATTACHED
COPY OF 1957 LICENSE CERTIFICATE SHOWS
ALL THREE USES LISTED ABOVE.

29-13425

VERIFICATION (Must be Completed)

State of IDAHO)

County of BANNOCK)ss.

THOMAS J. KATSILOMETES, 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.

Thomas J. Katsilometes
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

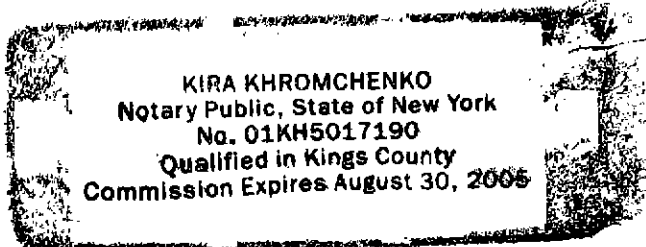
October 31, 2003

Kira Khromchenko

Notary Public for New York STATE

Residing at: 349 5TH AVE New York, NY 10016

My Commission Expires: 08/30/2005



29-13425
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.

 CERTIFICATE OF MAILING

I certify that on OCTOBER 31, ~~199~~²⁰⁰³, 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
PO Box 2707
Twin Falls, ID 83303-2707

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

Name: SPARTAN PORTNEUF, LLC
Address: 639 UNIVERSITY DRIVE
POCATELLO, IDAHO 83201

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
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Thomas J. Katsilometes
Signature of Objector or attorney
mailing on Objector's behalf

29-13425

State of Idaho

License and Certificate of Water Right

Water License No. G-22358 Priority September 5, 1951 Amount 2.88 c.f.s.

THIS IS TO CERTIFY that BLACK ROCK SHEEP COMPANY

of Pocatello, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated September 5, 1951; that Permit No. G-22358 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 2.88 second feet, was issued thereunder on October 31, 1957, showing that said works were completed on the 5th day of September, 1956; and that on the 5th day of September, 1956, BLACK ROCK SHEEP COMPANY of Pocatello, State of Idaho, By: William G. Katsilometes, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of a well a tributary of subterranean for the purpose of Irrigation, stockwater, domestic, use under Use Permit No. G-22358 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 10 of Licenses, at Page 6184, on the 31st day of October, 1957; The right hereby confirmed dates from September 5, 1951;

The Point of Diversion is located

in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16, Tp. 7 S., R. 35 E., B.M. Bannock County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.88 cubic feet per second.

Description and location of use:

TWP.	RANGE	SECTION	PORTY-ACRE TRACT	NO. ACRES DESCRIBED IN PERMIT	NO. ACRES ACTUALLY IRRIGATED
7 S.	35 E.	16	NW $\frac{1}{4}$ NW $\frac{1}{4}$	--	40
			SW $\frac{1}{4}$ NW $\frac{1}{4}$	40	40
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	40	10
			NE $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
			NW $\frac{1}{4}$ SW $\frac{1}{4}$	40	20
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	40	20
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	40	10
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
			NW $\frac{1}{4}$ NE $\frac{1}{4}$	10	20
			Total number of acres irrigated - - -		240
		21			

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho,