

RECEIVED
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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

A: Subcase 29-12498 ^{LP}
(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: Ken Estep Commission / Chair
Address: 543 Bannock
American Falls, Idaho 83211
Daytime Phone: 208-226-7610

Name & Address of Attorney, if any:

Paul Laggis Prosecutor
543 Bannock
American Falls, Idaho
83211
208-226-2563

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

Name: County of Power
Address: 543 Bannock
American Falls, Idaho
83211

1st domestic well (SW SW NW)

Commencing at the NW
corner of Section 22. Thence
South 2,227' Thence East 1165'

2nd domestic well (NW NW SW)

Commencing at the NW
corner of Section 22. Thence
South 3,135' Thence East 1165'

3rd Irrigation well (NE SW NW)

Commencing at the NW corner
of Section 22. Thence South
1815' Thence East 1072'

**INSTRUCTIONS FOR FILING
OBJECTIONS TO WATER RIGHTS IN THE
SNAKE RIVER BASIN ADJUDICATION**

The attached form is for your use if you file an objection to a water right. You may copy or reproduce this blank form.

To object to more than one water right, you must use a **separate form for each objection** and there must be **only one objector** for each form.

Your objection must be **received** by the court on or before the deadline specified in the notice that the Idaho Department of Water Resources mailed to you. If you are filing 25 or more objections you must contact the Clerk of the SRBA court at least 14 days before the filing deadline and arrange an appointment for filing.

You may attach any explanation or documentation that you feel is necessary to support your objection.

INSTRUCTIONS FOR COMPLETING THE OBJECTION FORM

- A. **Subcase.** Fill in the water right number to which you are objecting at the top of the form in the blank following "Subcase." The water right number will become the Subcase Number.
- B. **Name and Address of Person Objecting.** Enter your name, address and daytime telephone in the blanks provided.
- C. **Claimant of Water Right As Listed in Director's Report.** Fill in the claimant/owner blank of the water right to which you are objecting as it is listed in the Director's Report.
- D. **Elements of the Water Right.** If you disagree with one or more of the elements in the Director's Report, check the appropriate box(es) and write in the space provided what you think the element "should be." If you are objecting because you do not think a water right should exist or because a water right was not recommended and should be recommended, mark the appropriate box under No. 11 and explain your reason in paragraph E.
- E. **Reasons supporting objection.** State the reason supporting your objection(s).
- F. **Verification.** You must sign the Objection form in front of a notary. By filing this objection form, you are certifying that the objection is well-grounded in fact; that it is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needlessly increase the cost of litigation.
- G. **Certificate of Mailing.** Fill in the appropriate blanks for the date and the owner of the water right, and sign the form. Remember that the original copy of this Objection must be mailed to the Clerk of the SRBA District Court with copies mailed to the parties listed in this section.

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 11/5, 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:

Address:

County of Power
543 Bannock
American Falls, Idaho 83211

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

D. S. Lager
Signature of Objector or attorney
mailing on Objector's behalf

Power County Prosecuting Atty

F:

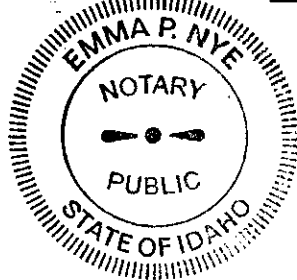
VERIFICATION (Must be Completed)

State of Idaho)County of Power)ss.Kenneth L. Estep Commission / Chair / Power County, Idaho
(Name of person filing objection), duly sworn, upon oath, deposes and says:

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.

Kenneth L. Estep
(Signature of person filing objection)P. I. S. Lagaris
(Attorney signing in representative capacity)Power County Prosecuting Attorney

Subscribed and sworn to before me on:

November 5, 2003Emma P. Nye
Notary Public for Idaho
Residing at: American Falls
My Commission Expires: 08-12-08

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: _____

Commencing at the NW Corner of Section 22 Thence South 1815' Thence East 1072'

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: _____

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): This is just a

correction on the location of the well. The
piece is correct, it just needs to be shown the
well is in a little different location.

BASIN 29 GENERAL PROVISIONS

The Director of the Idaho Department of Water Resources recommends to the Snake River Basin Adjudication District Court that the following general provisions be included in the decree determining rights to water from Basin 29.

The following water rights from the following sources of water in Basin 29 shall be administered separately from all other water rights in Basin 29 in accordance with the prior appropriation doctrine as established by Idaho law:

<u>Water Right No.</u>	<u>Source</u>
29-10011A	Spring tributary to Papoose Creek
29-10011B	Spring tributary to Papoose Creek
29-10103	Spring tributary to Papoose Creek

The following water rights from the following sources of water in Basin 29 shall be administered separately from all other water rights in the Snake River Basin in accordance with the prior appropriation doctrine as established by Idaho law:

<u>Water Right No.</u>	<u>Source</u>
None	None

Except as otherwise specified above, all other water rights within Basin 29 will be administered as connected sources of water in the Snake River Basin in accordance with the prior appropriation doctrine as established by Idaho law.

DEFINITIONS OF THE ELEMENTS OF YOUR WATER RIGHT

RIGHT NUMBER: Your water right is identified by a number assigned by IDWR. The first two digits identify IDWR's administrative basin number; for example, 29.

NAME AND ADDRESS: Your name and address should appear here. IDWR will use the most recent name and address in their records for the water right.

SOURCE: The name and/or type of the source where you divert your water. For example: "groundwater," "unnamed spring," "Common Creek."

QUANTITY: The amount of water recommended in either cubic feet per second (cfs) and/or the volume of water in acre feet per year (AFY).

PRIORITY DATE: The date used to determine the priority of your water right in relation to other water rights using water from the same source.

POINT OF DIVERSION: The legal location where you divert water from its source; generally described as 1/4 1/4 sections down to a 40-acre tract, or smaller. Other legal descriptions that might be used are: government lots, block, subdivision, parcel numbers, townsite names, mining claim information, homestead entry surveys and other survey information.

PURPOSE OF USE: The general category of the type of use you can make of your water. Typical purposes of use include irrigation, domestic, and stock watering.

PERIOD OF USE: The period of time during the year when you can use the water for your water right.

PLACE OF USE: The legal location where you use your water right; generally described as 1/4 1/4 sections down to a 40-acre tract. Other legal descriptions that might be used are: government lots, block, subdivision, parcel numbers, townsite names, mining claim information, homestead entry surveys and other survey information.

PLACE OF USE FOR IRRIGATION PROJECTS: Pursuant to Idaho Code Sections 42-219(2) and 42-1411(2)(b), IDWR has included GIS mapping for describing the place of use (digital boundary) for water rights meeting certain criteria (i.e. irrigation projects). The **PLACE OF USE** for irrigation projects is reported in digital format and uses GIS technology to particularly identify and display a geographic area encompassing the place of use with the aid of a computer. The GIS data is stored in digital format and contained on a CD-ROM and is properly marked for identification with the water right number. The CD-ROM will be retained by the SRBA Court. IDWR also retains a duplicate of the original CD-ROM. The electronic data contained on the CD-ROM is available for public use and is also accessible through the IDWR internet website (www.idwr.state.id.us). Upon request, IDWR will provide a copy of the CD-ROM with the electronic data to claimants.

BASIS OF CLAIM: The method that was used to establish your claim. Examples include prior decree, posted notice, beneficial use (historical) method, license, permit.

DUAL BASED CLAIMS: In some cases, the federal government has claimed one water right under two theories: a state basis and a federal law basis. Both theories will be reported on one form for that single water right. In most cases, the priority dates are different and will be listed separately. The federal law basis is separately indicated by a remark under the priority date that reads:

*4/17/1926 CLAIMED UNDER FEDERAL RESERVED WATER RIGHT *
THIS WATER RIGHT IS ALSO CLAIMED BASED ON FEDERAL LAW WITH AN APRIL 17, 1926,
DATE OF PRIORITY PURSUANT TO AN EXECUTIVE ORDER SIGNED THE SAME DATE AND
KNOWN AS PUBLIC WATER RESERVE 107.

IDWR does not investigate or make recommendations regarding federal law based claims.

How will I know about the proceedings on claims to federal reserved water rights to which objections were filed?

A notice will be mailed to you for court dates on those claims where you filed an objection or a response. You will not receive notice of court dates on any other claims to federal reserved rights for which you did not file an objection or response.

ADDITIONAL INFORMATION

If you have questions about the SRBA, public information brochures are available at any IDWR office. Maps and aerial photography of this reporting area, as well as assistance in using the maps and the photography, are available at the IDWR Eastern Region office in Idaho Falls. You are also welcome to call IDWR at any of its offices or the SRBA Court. You may also want to consider contacting an attorney to assist you. Again additional information regarding water right claims can be found on the SRBA Web Site at www.srba.state.id.us.

**Snake River Basin Adjudication
District Court**
253 Third Avenue North
P.O Box 2707
Twin Falls, Idaho 83303-2707
(208) 736-3011

Idaho Department of Water Resources
1301 North Orchard
Box 83720
Boise, Idaho 83720-0098
(208) 327-7906
(800) 451-4129

**Idaho Department of Water Resources
Western Region**
2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190

**Idaho Department of Water Resources
Northern Region**
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
(208) 765-1450

**Idaho Department of Water Resources
Southern Region**
1341 Fillmore, Suite 200
Twin Falls, Idaho 83301-3380
(208) 736-3033

**Idaho Department of Water Resources
Eastern Region**
900 North Skyline, Suite A
Idaho Falls, Idaho 83402-3653
(208) 525-7161

Bingham County Courthouse
501 N. Maple
Blackfoot, Idaho 83221

Caribou County Courthouse
159 S. Main
Soda Springs, Idaho 83276

Bannock County Courthouse
624 E. Centers Street
Pocatello, Idaho 83205

Franklin County Courthouse
39 W. Oneida Drive
Preston, Idaho 83263

Oneida County Courthouse
10 Court Street
Malad, Idaho 83252

Power County Courthouse
543 Bannock Street
American Falls, Idaho 83211

What do I do if I want to participate in the court case on someone else's water right?

If you want to be involved in the court case on any water right in the Director's Report, you must file either an objection or a response by the dates listed above.

What happens if there are no objections to a water right?

After the deadline for filing objections, IDWR will file a list of all water right recommendations with no objections. The SRBA Court will hear the uncontested recommendations on **January 20, 2004 at 1:30 P.M.** at the **SRBA Courthouse**. Partial decrees will be issued following this hearing.

How will I know about the proceedings on water right recommendations to which objections were filed?

A notice will be mailed to you for court dates on your water right or for those where you filed an objection or a response. You will not receive notice of court dates on any other water right recommendations.

Additional information regarding water right claims can be found on the SRBA Web Site at www.srba.state.id.us.

Note: The SRBA Court publishes a monthly Docket Sheet listing all objections and responses filed as well as when Director's Reports are filed. It does not list court dates for individual water right cases, but provides general information helpful to all participants in the SRBA.

The Docket Sheet is available at your county courthouse and all IDWR offices, or you may subscribe by contacting the SRBA Court or IDWR. The annual subscription fee is \$7.50. The Docket Sheet is also available on the SRBA Web Site at www.srba.state.id.us.

What if a water right is not in this report? What if a water right claim is filed late? How do I get notice of IDWR's recommendation for a late claim?

A water right for Basin 29 may not be included in this Director's Report if it was not filed in time for IDWR to investigate and report. These water rights will be reported at a later time in IDWR's *Director's Report for Late Claims*. This report may include recommendations for Basin 29 as well as other basins. As the Director files Director's Reports for any remaining water rights in Basin 29, he may also recommend additional general provisions that could also apply to your water rights. This report is issued once per year, usually in February. It is the responsibility of all parties to check with the SRBA court or IDWR to see when this report is filed. It is also the responsibility of all parties to check this report carefully for water rights to which they want to object. No special notice will be sent to you.

CHANGES OF ADDRESS OR OWNERSHIP DURING THE SRBA COURT CASE

You must contact your regional IDWR office with your address change or if the ownership of your water right changes. Failure to notify IDWR may result in the loss of your water rights.

**NOTICE OF FILING OF DIRECTOR'S REPORT FOR
BASIN 29 FOR IRRIGATION AND OTHER WATER RIGHTS
AND
NOTICE OF FILING OF FEDERAL RESERVED
WATER RIGHT CLAIMS IN BASIN 29**

The Director of the Idaho Department of Water Resources (IDWR) has filed with the Snake River Basin Adjudication (SRBA) District Court the Director's Report for Irrigation and Other Water Rights in Basin 29. A map of the area covered by this Director's Report is attached to this Notice. This Director's Report contains the Director's recommendation to the SRBA court as to how each of your claimed water rights should be decreed in the SRBA.

This Director's Report includes claims for irrigation and other uses, including some small domestic and stock water uses. The Director's Report for most small domestic and stockwater rights for IDWR Basin 29 was sent to the SRBA court and individual water users on January 30, 1998. Some small domestic and stockwater claims were withheld from the earlier report. If a claim for small domestic and stockwater was withheld from the 1998 report, it is reported in this Director's Report. The Director's Report also includes General Provisions for Basin 29 that may apply to your water right.

This Notice includes the Director's recommendation for your water rights claimed in the SRBA. IDWR is providing individual reports like this one to all claimants of irrigation and other water rights in your area. A complete copy of the Director's Report, listing all of these irrigation and other water rights claimed under state law and "dual based" claims by the federal government, is available at the SRBA courthouse in Twin Falls and the locations listed on the fifth page of this Notice. Copies of the report can be made, but you may be charged for copying and mailing.

INSTRUCTIONS FOR REVIEWING YOUR OWN WATER RIGHT

The enclosed description of your right, is only the Director's recommendation to the SRBA Court on your water right. The Court will decide how it will decree your water right. You are free to agree or disagree with the Director's recommendation. If you agree with the Director's recommendation you do not need to do anything, pending further notice as described below. If you disagree with the Director's recommendation, you need to file an objection as described below.

07/10/2003

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

RIGHT NUMBER: 29-12498

NAME AND ADDRESS: COUNTY OF POWER
543 BANNOCK ST
AMERICAN FALLS ID 83211

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.880 CFS
176.00 AFY

PRIORITY DATE: 05/01/1954

POINT OF
DIVERSION: T07S R31E S22 NWSWNW Within POWER CountyPURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.880 CFS 176.00 AFY

PLACE OF USE: IRRIGATION within POWER County

T07S R31E S22	NWNW	7.0	T07S R31E S22	SWNW	32.0
T07S R31E S22	NWSW	5.0			

44 ACRES TOTAL

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



DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO



(208) 736-3011
FAX (208) 736-2121

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

Dear Water Right Claimant:

To help you with your water right claim(s) in the Snake River Basin Adjudication, this letter of explanation is being sent to you along with information sent by the Idaho Department of Water Resources (IDWR). Included are the following important documents which I ask you to please read carefully because they give you the opportunity to save a great deal of time and money:

1. **Preliminary Recommendation.** This is IDWR's *initial* finding and conclusion about your water right and how it should be reported to the SRBA Court. This preliminary recommendation is not filed with the court, but is provided to you to help correct errors or resolve any disagreement you may have over its content. This document has been prepared following IDWR's investigation and may be different than the claim(s) you actually filed.

Therefore, please review this preliminary recommendation carefully to find any errors or disagreements you have with IDWR's findings.

2. **Error Correction/Settlement Process.** This preliminary recommendation is a special service provided to you by IDWR to help you correct errors and resolve any other disagreement you have before the actual recommendations are ultimately filed with the court.

A description of how to work with IDWR is included. Our experience in the SRBA shows that by working in cooperation with IDWR most errors and differences can be addressed before coming into court. It's well worth your time to take full advantage of IDWR's helpful service. If your disagreement cannot be resolved, you will be able to file an objection to IDWR's actual recommendation when it is filed in court and have the final decision made by the Presiding Judge.

This error correction service is an important opportunity for you to work together with IDWR to make sure your water right claim(s) are decreed accurately. There is no cost to you other than your time reviewing the preliminary recommendation and talking to IDWR about any problem you see. Of course, you may always employ the services of an attorney if you wish.

The goal of the SRBA is to see that your water right(s) are decreed by the court as accurately and fairly as possible. It is important to me that this is done efficiently in order to reduce your costs and present you with your decree.

I strongly encourage you to take full advantage of this opportunity to use the fine and courteous services provided by IDWR.

Sincerely yours,

Roger S. Burdick
Presiding Judge
Snake River Basin Adjudication



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 10, 2003

RE: Water Rights in Basin 29
Snake River Basin Adjudication (SRBA)

Dear Water Right Claimant(s):

Please find enclosed the Idaho Department of Water Resources recommendations for your water right(s) in Basin 29 for the Portneuf drainage. We have also enclosed instructions for reviewing your recommended water right(s), and other recommended right(s) in your area. Water rights for nearly all domestic and/or stockwater rights were recommended separately in an earlier report, and most of those now have been decreed by the SRBA Court.

Note that you have 120 days in which to review your water rights and those of other claimants and to file any objection to our recommendations. Information on other water rights can be found at the county courthouses in Blackfoot, Soda Springs, Pocatello, Preston, Malad and American Falls and at all the Idaho Department of Water Resources offices (see addresses in enclosures).

If the SRBA Court does not receive an objection to our recommendation from you and no other party objects to your water right, your water right will be decreed at the beginning of next year as recommended. You will receive your decree from the SRBA Court.

Completion of the SRBA is important for the future of water management in Idaho. We invite you to contact our regional offices with any questions you have about your water right(s) or this adjudication process (addresses and phone numbers enclosed).

Sincerely,

A handwritten signature in black ink, appearing to read 'Karl J. Dreher', is written over the word 'Sincerely,'.

Karl J. Dreher
Director

Enclosures