

AUG 02 1999

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

341-00347
Not Found

In Re SRBA) A. Subcase: See Exhibit A
)
Case No. 39576) STANDARD FORM 1a
) OBJECTION TO IRRIGATION SEASON
) AND/OR CONJUNCTIVE MANAGEMENT
) GENERAL PROVISIONS
)

Name: Mountain Springs
Ranch, LLC

Name & Address of attorney, if any:

Address: 5550 Barton Flat
Road, Mackay, Idaho 83251

Daytime Phone: (208) 588-3110

C. Claimant of Water Right As Listed
In Supplemental Director's Report

Name: Mountain Springs
Ranch, LLC

Address: 5550 Barton Flat
Road, Mackay, Idaho 83251

D. Elements Objected To :

8. Period (Irrigation Season) of Use
Should be: 4/01 - 11/01

12. General Provision

Number: 1,2,3, Reported n Basin:34
4,5,6,7

Comments: See Attached-Reasons
Supporting Objection

E. Reasons Supporting Objection: (if you have any additional reasons, please attach to this form)

This standard form is for the sole purpose of objecting to the Director's supplemental recommendations on irrigation season of use and general provisions. This form may not be used to object to any other elements of your water right.

If you have any evidence that the recommendations on irrigation season of use and/or conjunctive management adversely affect other elements of your water right, please contact the Snake River Basin Adjudication at 208-736-3011. A deputy clerk of the court will inform you of how to proceed.

EXHIBIT A

List of recommended water rights, Mountain Springs Ranch, LLC,
to be included within the Objection:

Water Right No.

34-00103
34-00139
34-00142
34-00145
34-00208B
34-00334
34-00347
34-00611B
34-00612B
34-00613B
34-10538
34-10553
34-10557
34-10558
34-10619
34-10620
34-10624
34-10635
34-12399

E. Reasons Supporting Objection:

8. Period of Use. Irrigation Season.

Reasons: Virtually every study of the groundwater resources of the Big Lost River valley has suggested that recharge of the groundwater above the Mackay Reservoir in the early spring season will benefit water supply both above and below the Mackay Reservoir. If the irrigation season above the reservoir begins on April 1 of each year, the recharge of the groundwater during this period will increase actual surface water delivery after May 1, both by reducing the amount of shrink and by recharge of the springs above the reservoir. The ultimate effect is to delay runoff and provide water at a time when it would otherwise be unavailable.

12. General Provision: In all instances, this change is necessary to reflect the hydrologic conditions existing when the rights were established, previous decrees, the historical use of the rights and the customs and practices which have been followed for more than 60 years.

12.1 Definitions:

Reasons: The language used to identify when the Mackay Reservoir is considered to be "full" is not specific. An exact elevation should be given.

Reasons: (1) The statement regarding the "Back Channel" is not true in its entirety and does not follow the language found in the previous decree. (2) It is an undisputed fact that the Back Channel is considered to be a part of the natural channel of the Big Lost River.

12.2 Storage/Non-Irrigation Season.

Reasons: This entire paragraph contains ambiguous language that requires further clarification. (2) Making all other water rights subordinate to right nos. 34-0012 and 34010873 is contrary to Idaho water law.

12.3. Rotation Storage.

Reasons: In General: Surface flow rights located above the Mackay Reservoir are adversely affected by the practice of rotation storage. Other factors must be given consideration,

such as historical use, changes to delivery system below the Mackay Reservoir, futile call doctrine, stockwater rights, and others.

12.4 Back Channel.

Reasons: The issue of constructing a control device on the Back Channel has been settled in the courts. Put simply, it is unpracticable.

12.5 Non-Connected Sources.

Reasons: Attachment "A" list is incomplete. There are other streams not physically connected to the Big Lost River that have existing decreed water rights not included on the list. Those streams omitted should be included.

12.6 Connected/Non-Connected River.

Reasons: (1) Separate administration is not sufficient to protect water rights above the Mackay Reservoir. (2) Attachment "B" list is incorrect. It includes water rights that should be administered as separate sources, i.e., they are not physically connected nor considered tributary to Big Lost River. Some water rights are duplicated on the list.

The term "rising stage" needs to be better defined.

Further clarity in this definition is needed.

12.7 Conjunctive Administration with Snake River Water Rights.

Reasons: Language regarding how calls for water delivery upon the Snake River, its tributaries, and streams it is tributary to, and the effect upon Basin-34 rights, should be included in this provision. Such language could provide a reasonable assurance to Basin-34 water rights that the rights in this decree have valid standing and they will not be affected when a call for water delivery in the Snake River system is made.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Custer)

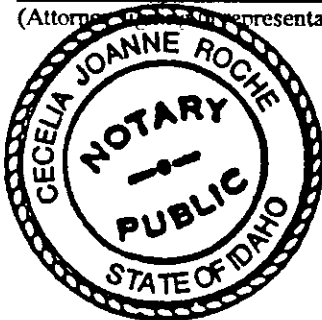
Shane Rosenkrance, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. 42-1401A(1) and (6) 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.

Shane Rosenkrance
(Signature of person filing objection)

Subscribed and sworn to before me on: 7/29/99

(Attorney in fact or representative capacity)



Cecelia Joanne Roche
Notary Public

for State of Idaho

Residing at: Mackay, Idaho

My Commission Expires: 3-11-2005

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 _____, 1999, 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:

Mountain Springs Ranch, LLC
5550 Barton Flat Road
Mackay, ID 83251

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 Resources Division
5550 West Fort Street, MSC 033
Boise, ID 83724

Shane Rosenkrance
Signature of Objector or attorney