

Aug. 4, 2004

To The Court of The Fifth Judicial District Of
The State of Idaho, In And For The County of Twin
Falls, Attn: Special Master Brigitte Bilyeu, I
Respectfully Request A Motion To File A Late
Objection.

After receiving the IDWR recommendation of
my water right, I filed an objection as I felt
it was recommended in error. In trying to resolve
this matter, I was advised by Mr. Ernest Carlsen
of IDWR on July 27, 2004 that I also needed to
file a late objection to another parties water right.
I am therefore submitting that late objection.

Thankyou !

Kenneth Andrus
6948 East old Oregon Trail Rd.
Lava Hot Springs, Idaho
83246

Ph. (208) 776-5380

2004 AUG -5 AM 9:49
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED *[Signature]*

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

AUG 25 2004

By _____ Clerk
Deputy Clerk

Lodged
2004 AUG -5 AM 9:49
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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 29-10320 VI
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Kenneth Andrews
Address: 6948 East Old Oregon Trail Rd.
Lava Hot Springs, Idaho 83246
Daytime Phone: 208 776-5380

Name & Address of Attorney, if any:

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

Name: CV Cattle Inc
Address: 3124 Nipper Road
Bancroft, Idaho 83217
208 648-7863

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: _____

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): The portion of this right -

29-234 should not exist or should not be a part of right
29-10320-Indian Rights-234 (66) and 252 (65) of 1.764 CFS
and 1.38 CFS respectfully total 3.144 CFS should not have
been split. They are a decreed right with also historical
use and should remain in their entirety as right # 29-10331
totaling 3.114 CFS belonging to Kenneth, Jim, and Colleen Andrews
for use on 378 Acres.

SF.1 - Objection
Amended 10/16/97

Page 2

* Also see attached letter.

F.

VERIFICATION (Must be Completed)

State of Idaho)

County of Bannock) ss.

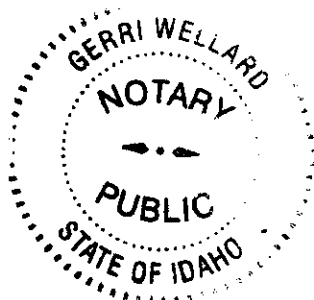
Kenneth Andrus . duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

Kenneth Andrus
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 8-4-04



Gerri Wellard
Notary Public for Idaho
Residing at: Lava Hot Springs
My Commission Expires: January 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 Aug 4, ²⁰⁰⁴~~199~~, 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: CV Cattle Inc.
Address: 3124 Nipper Road
Romero, Idaho 83217
(208) 648-7863

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

Kenneth Andrew
Signature of Objector or attorney
mailing on Objector's behalf

To whom it may concern:

I was born in Chesterfield, Idaho; on the ranch that was latter sold to Jim, Kenneth, and Colleen Andrus, in 1989. I bought this property from my father in 1978.

This letter is about my knowledge of the 1868 decree on Toponce Creek – the old decree #'s are #66 for 1.764 c.f.s. and #65 for 1.38 c.f.s.

In 1969 we started using sprinkler irrigation on part of this land with higher elevation and flooded the lower land. Then every year as the creek dropped and junior rights were cut we continued to use the 1868 water to the best beneficial use. Through out this long drought, even the "1868" decrees have been cut to a percentage of use. It is my belief that this water of "3.14 c.f.s.", was transferred to my father, by Water Resources, was transferred to myself, by Water Resources, was then transferred to Andrus', by Water Resources, and should remain there on Andrus property.

Steven Heddon

STATE OF Idaho COUNTY OF Bannock.

On this 29th day of April 29, 2003
before me, a Notary Public in and for said
State, personally appeared

Steven Heddon

Known to me to be the person whose name is
subscribed to the within instrument
and acknowledged to me that he is
the same.

Jeni Welland

NOTARY PUBLIC

Residing at Lava Hot Springs
Commission Expires January 2005

