

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 25-10973
(Insert water right number)

**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: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

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

Name: Errol W. Tibbitts
Address: 4190 E 500 N; Rigby, Idaho 83442

Name: _____
Address: _____ ;

Name: _____
Address: _____ ;

Name: _____
Address: _____ ;

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: See attached.
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):

The legal description for element five and nine (POD & POU) above may include Federal land. The description should be specific enough to exclude Federal land. Lots 18 and 20 no longer exist as they have been resurveyed as Tract 46.

F.

VERIFICATION (Must be Completed)

State of Idaho

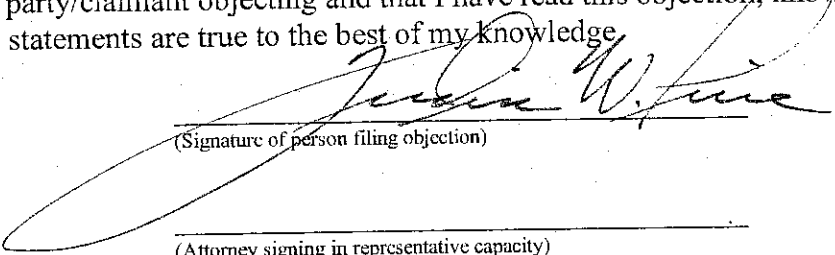
)
) ss.

County of ADA

)

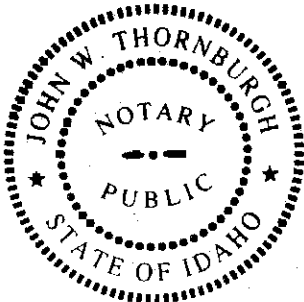
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

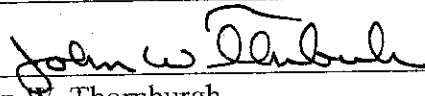
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 6-21-05




John W. Thornburgh

Notary Public for Idaho
Residing at: Boise
My Commission Expires: 5/16/2009

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 June 22, 2005, 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:

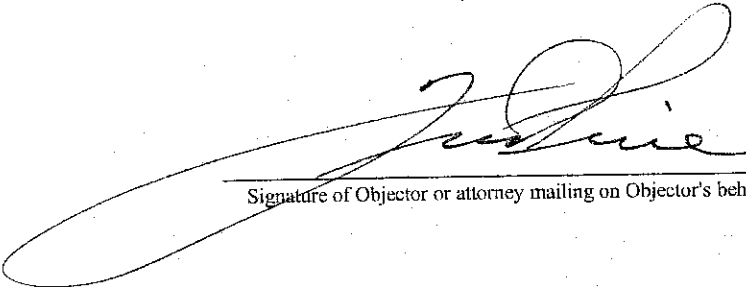
Name: Errol W. Tibbitts
Address: 4190 E 500 N; Rigby, Idaho 83442
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

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
550 West Fort Street, MSC 033
Boise, ID 83724


Signature of Objector or attorney mailing on Objector's behalf

01/17/2005

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

RIGHT NUMBER: 25-10973

NAME AND ADDRESS: ERROL W TIBBITTS
4190 E 500 N
RIGBY ID 83442

SOURCE: UNNAMED SLOUGH

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.560 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 07/10/1910

POINT OF
DIVERSION:

T05N R39E S29 NWNE Lot 18 ^{BLM/PVT} Within JEFFERSON County
T05N R39E S29 SWNE Lot 20 Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.560 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE:

IRRIGATION Within JEFFERSON County

T05N R39E S29 Lot 18 NWNE ^{BLM/PVT} 30.0	T05N R39E S29 Lot 9 SWNE	9.2
T05N R39E S29 Lot 20 SWNE 25.0	T05N R39E S29 Lot 12 NWNE	14.0

STOCKWATER Within JEFFERSON County

T05N R39E S29 Lot 18 NWNE ^{BLM/PVT}	T05N R39E S29 Lot 20 SWNE
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78.2 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.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

SLOUGHS ARE BACKED UP AT P/D IN ORDER TO RAISE WATER TABLE FOR SUB-IRRIGATION.

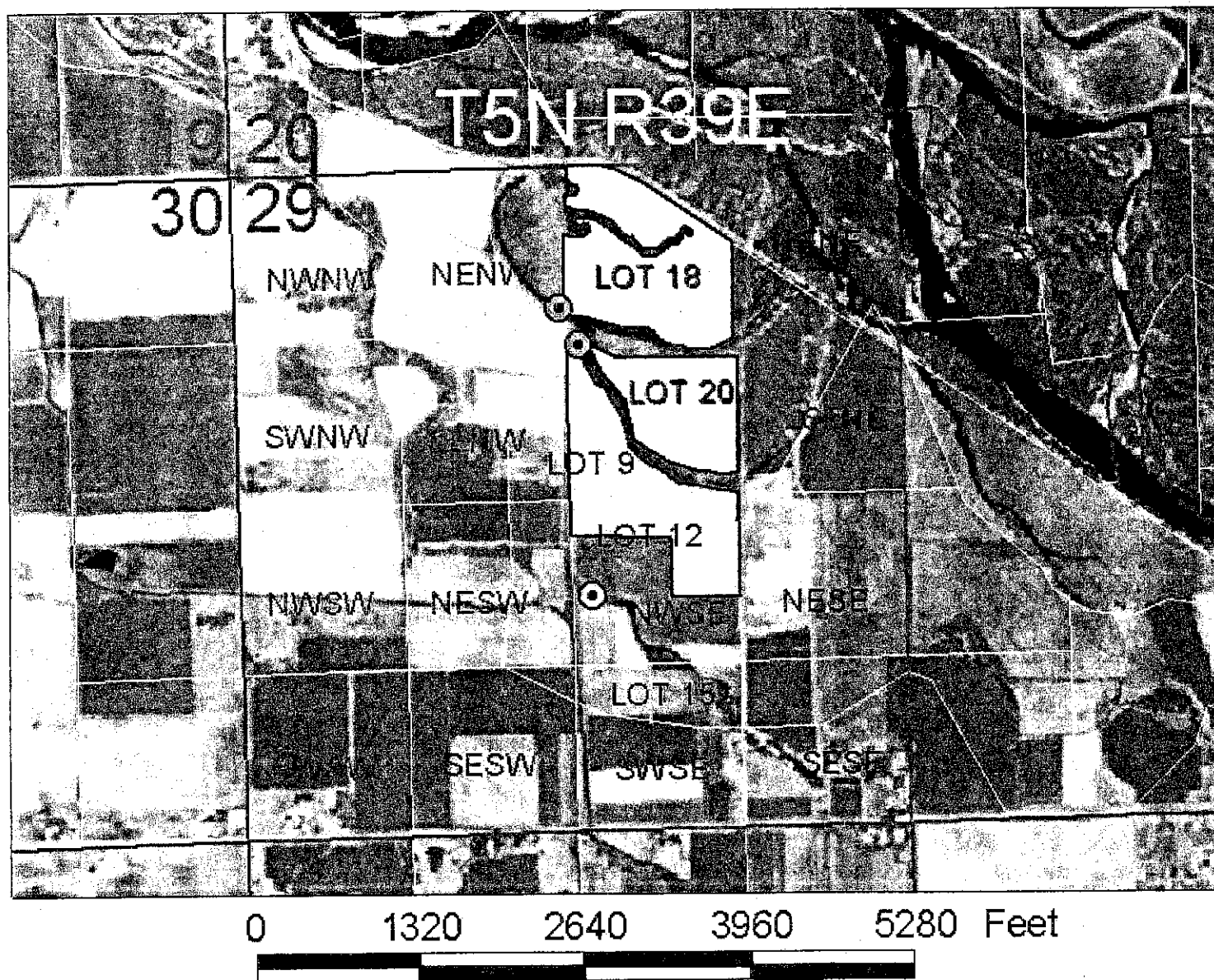
USE OF THIS RIGHT IS COMBINED WITH WATER FROM ISLAND IRRIGATION CO.

Stockwater use is for 200 range cattle.

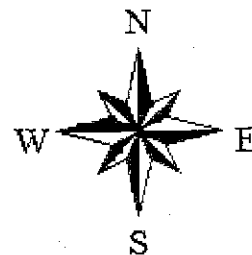


Department of Water Resources

Claim No.: 25-10973

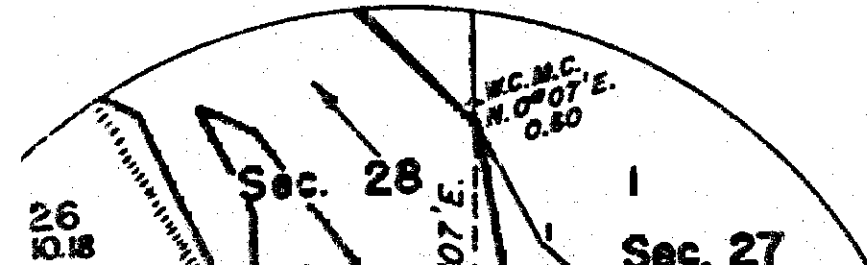
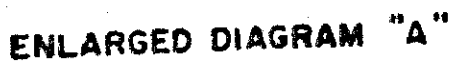


-  Point of diversion
-  Place of Use
-  Sections
- QQ



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by M. Holliday
Date: May 2004

Se
S. 1° 52' E. 0.2

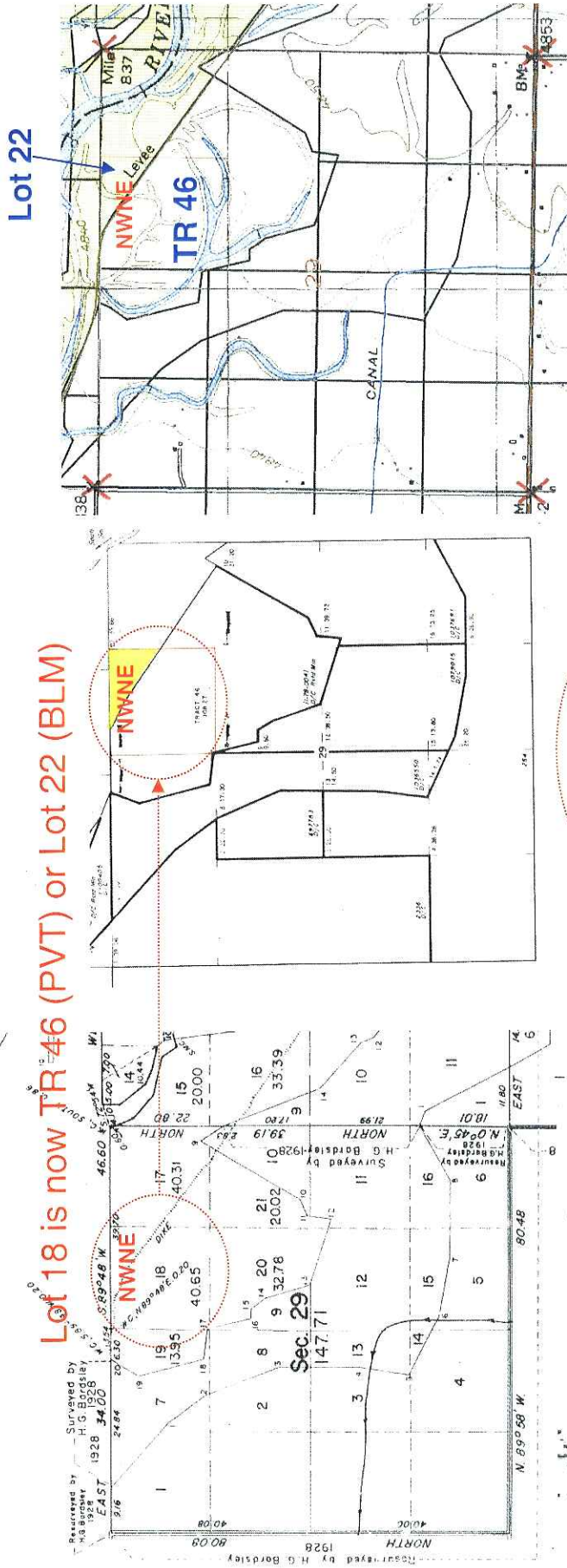


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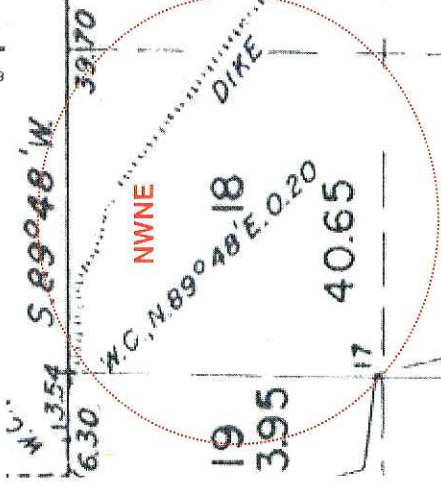
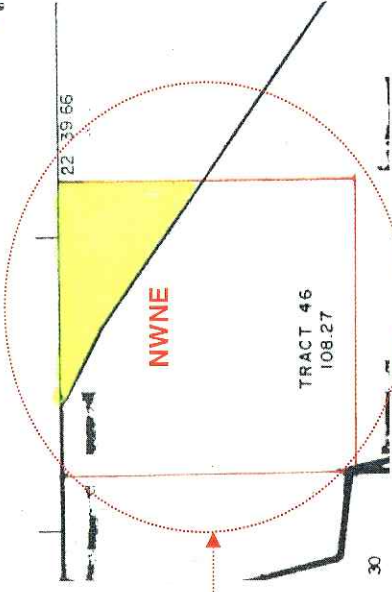
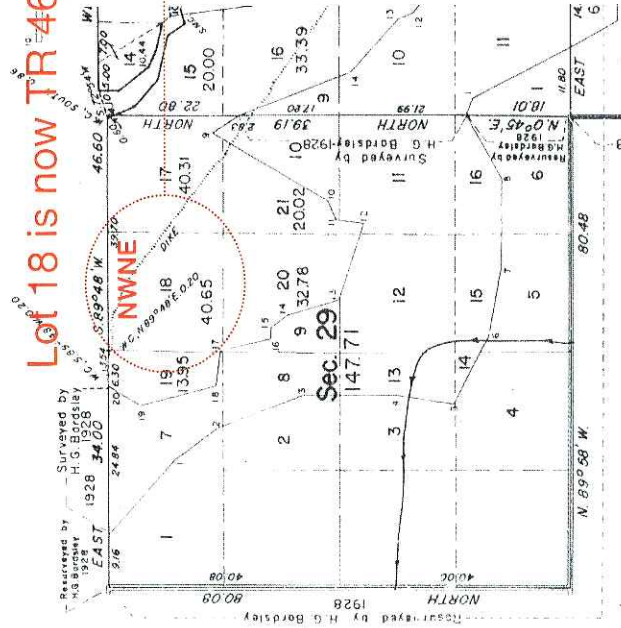
11

POU Hits

T05N R39E S29 NWNE



Lot 18 is now TR 46 (PVT) or Lot 22 (BLM)



Town	Range	Section	Q	Qual	Govt	Subcase	Mix	PVT	BLM	FS	BOR	Other	Fed	State	Own Comment
05N	39E	29	NW	NE	18 25-10973	✓	✓	✓	✓	✓	✓	✓	✓	✓	Lot 18 now is Tract 46 (PVT) and Lot 22 (BLM)
05N	39E	29	NW	NE	18 25-10973	✓	✓	✓	✓	✓	✓	✓	✓	✓	Lot 18 now is Tract 46 (PVT) and Lot 22 (BLM)