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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 21-146

Case No. 35976

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: RLF I, LLC; RLF II, LLC; RLF III, LLC; RLF IV, LLC

c/o Richard D. Divine

Address: PO Box 2601

Crested Butte, CO 81224

Daytime Phone: 303-499-9964

Name & Address of Attorney, if any:

Robert L. Harris

Holden, Kidwell, Hahn & Crapo, PLLC

PO Box 50130, Idaho Falls, ID 83405-0130

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

Name RLF I, LLC; RLF II, LLC; RLF III, LLC; RLF IV, LLC;

c/o Richard D. Divine

Address: PO Box 2601

Crested Butte, CO 81224

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: 13.8 cfs when combined with water rights 21-93, 21-145, 21-12992 and 21-13013.

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Points 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: Larger based on historical irrigation.

10. **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 IDWR recommendation for the combined quantity of water rights 21-93, 21-13013, 21-145, 21-146, and 21-12992, is based upon the recommended combined acre limitation of 421.8 acres (421.8 acres times 0.02 cfs = 8.44 cfs). These water rights were previously owned by Mr. Richard Blanchard, and he is most familiar with the historical irrigation practices carried out on the property. The water right licenses for the above

water rights authorize an irrigated acreage of approximately 650 acres. According to Mr. Blanchard, the infrared aerial photo that IDWR relied upon to determine acreage does not represent what should be partially decreed. IDWR's place of use map has areas that appear on the infrared photo to be dark, and therefore not irrigated. According to Mr. Blanchard, these areas are the areas on the property that are the least productive on the property. When water availability has decreased, those acres were the acres that were not irrigated for the remainder of the year. According to Mr. Blanchard, had water been available under all of his water rights, those entire areas would have been irrigated. We are unsure what the acreage would be with these areas included, but it would certainly be more than 421.8 acres. Also, because of the porosity of some of the areas of the property, greater quantities of water are required to irrigate these areas. This is another reason why the quantity limitation on the water rights should not be allowed. In sum, the claimant objects to the conditions limiting the above water rights to a combined diversion rate of 8.44 cfs and a combined acre limitation of 421.8 acres. Individually these rights would allow diversion of 13.8 cfs and irrigation of 650 acres. The claimant believes this is how the water rights should be partially decreed.

VERIFICATION

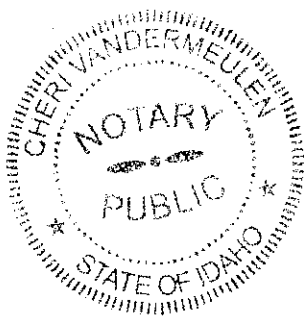
State of Idaho)
)ss.
County of Bonneville)

Robert L. Harris, duly sworn, upon oath, deposes and says:

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.

Robert L. Harris
Robert L. Harris

Subscribed and sworn to before me on: Nov. 14, 2006



Cheri Vandermeulen
Notary Public for Idaho
Residing at: Idaho Falls, ID
My Commission Expires: 7 July 2008

CERTIFICATE OF MAILING

I hereby certify that on the 14th day of February, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

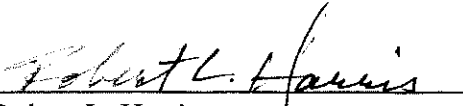
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. 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
Environmental and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Robert L. Harris

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