



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

April 27, 2006

David Barber, Deputy Attorney General
State House Mail

Re: Fish & Game Claims in Basin 69 and 75

Dear David:

The Director's Report for Basin 69 did not list tributaries to various of the claimed sources for four claims to water rights filed by the Idaho Department of Fish & Game. Enclosed are objections and SF5s to resolve those issues. If the forms meet with your approval, please sign and return to Ray Williams. Ray is temporarily assigned to Basin 69 during Becky Harvey's absence.

Also enclosed are title documents and a Deed of Conservation Easement associated with the Idaho Department of Fish & Game's claim to water right no. 75-4063. Water right no. 75-4063 was purchased by Fish & Game in 1996 from Bobby G. Jenkins with funds from the Bonneville Power Administration.

If you have any questions, please do not hesitate to contact me.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "C. Bromley", is written over a horizontal line.

Chris M. Bromley
Deputy Attorney General

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 69-10059
(Insert water right number)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: State of Idaho
Department of Fish & Game
Address: P.O. Box 25
Boise, ID 83707
Daytime Phone: (208) 334-3700

Name & Address of Attorney, if any:

Attorney Name: LAWRENCE G. WASDEN
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
DAVID J. BARBER (ISB # 2597)
Deputy Attorney General
Attorney Address: Office of the Attorney General
700 W. Jefferson, Room 210
P.O. Box 44449
Boise, ID 83711-4449
Attorney Phone No. (208) 334-2400

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

Name: State of Idaho
Department of Fish & Game
Address: P.O. Box 25
Boise, ID 83707

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 Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____

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): _____

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of _____)

_____, 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: _____

Notary Public for _____
Residing at: _____
My Commission Expires: _____

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 _____, 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. One copy to the claimant of the water right at the following address:

State of Idaho
Department of Fish & Game
P.O. Box 25
Boise, ID 83707

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

**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	)	Subcase No. 69-10059
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

David J. Barber Date
Attorney for Department of Fish & Game

IDWR Concurrence:

Michael Ciscell Date
IDWR Senior GIS Analyst

Chris Bromley Date
Deputy Attorney General
Attorney for IDWR

04/27/2006

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

RIGHT NUMBER: 69-10059

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

SOURCE: SPRING TRIBUTARY: CAVE CREEK
SPRINGS TRIBUTARY: SPRING CREEK
SPRINGS TRIBUTARY: WEST BROWNLEE CREEK
UNNAMED STREAM TRIBUTARY: CAVE CREEK
UNNAMED STREAM TRIBUTARY: WEST BROWNLEE CREEK

QUANTITY: 0.230 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/01/1958

POINT OF
DIVERSION:

T16N R05W S3 SWNESW Within WASHINGTON County
T16N R05W S3 SWNWSE Within WASHINGTON County
T16N R05W S4 SWNESW Within WASHINGTON County
T16N R05W S9 SESENE Within WASHINGTON County
T16N R05W S9 SENWSE Within WASHINGTON County
T16N R05W S10 NWNWSE Within WASHINGTON County
T16N R05W S15 NENWNW Within WASHINGTON County
T16N R05W S15 NWSSENW Within WASHINGTON County
T16N R05W S16 NENENW Within WASHINGTON County
T16N R05W S16 NESESW Within WASHINGTON County
T16N R05W S16 NWNWSE Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	1/01 12/31	0.230 CFS

PLACE OF USE: STOCKWATER Within WASHINGTON County

T16N R05W S03	NESW	T16N R05W S03	NWSE
T16N R05W S04	NESW	T16N R05W S09	SENE
T16N R05W S09	NWSE	T16N R05W S10	NWSE
T16N R05W S15	NWNW	T16N R05W S15	SENW
T16N R05W S16	NENW	T16N R05W S16	SESW
T16N R05W S16	NWSE		

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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
Stockwater use is for 1000 range cattle.

CERTIFICATE OF MAILING

I certify that on _____, 2006, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. Copies to:

State of Idaho
Department of Fish & Game
P.O. Box 25
Boise, ID 83703

Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

IDWR Repository
P.O. Box 83720
BOISE, ID 83720-0098

Signature of person or attorney mailing the form