

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 <u>21-12898</u>
	)	(Insert water right number)
Case No. 39576	)	
	)	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: Kenneth E. Abegglen
Address: 2445 E 244 N; St. Anthony, Idaho 83445

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:
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 nine (POU) above may include Federal land. The description should be specific enough to exclude Federal land.

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.

Fredric W. Price
(Signature of person filing objection)

David Negin for LAB
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 23rd of May 2006

Jacqueline L. Simmons
Jacqueline L. Simmons



Notary Public for State of Idaho

Residing at: Boise, ID.

My Commission Expires: 04-07-2011

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 May 23, 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:

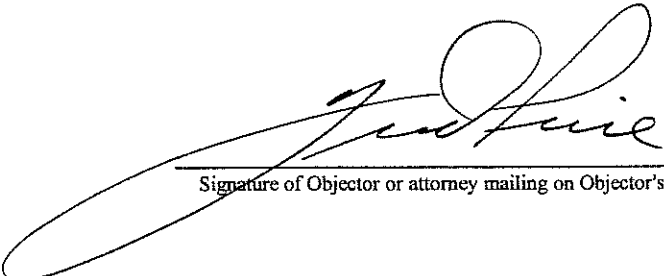
Name: Kenneth E. Abegglen
Address: 2445 E 244 N; St. Anthony, Idaho 83445
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

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

01/12/2006

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

RIGHT NUMBER: 21-12896
NAME AND ADDRESS: KENNETH E ABEGGLEN
2445 E 244 N
ST ANTHONY ID 83445
SOURCE: HENRYS FORK
QUANTITY: 1.720 CFS
PRIORITY DATE: 04/18/1896
POINT OF
DIVERSION: T07N R41E S6 SENE Within FREMONT County
PURPOSE AND
PERIOD OF USE:

Mixed POU:

-The place of use identified below contains both private and public land. Clarify such that it is clear that only private land is intended.
-S05 may be a typographical error and should be S06. Also, Lots 14 and 15 in S06 have been resurveyed to Lot 18.
TRIBUTARY: SNAKE RIVER

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	1.720 CFS

PLACE OF USE: IRRIGATION Within FREMONT County

Mixed	Lot	Acres	Section	Acres
T07N R41E S05 Lot 14 NWNW	14	16.00	T07N R41E S05 Lot 15 NWNW	1.00
T07N R41E S06 Lot 3 SWNE	3	2.10	T07N R41E S06 Lot 6 SWNW	6.70
T07N R41E S06 Lot 7 SENW	7	10.00		

42.1 ACRES TOTAL

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

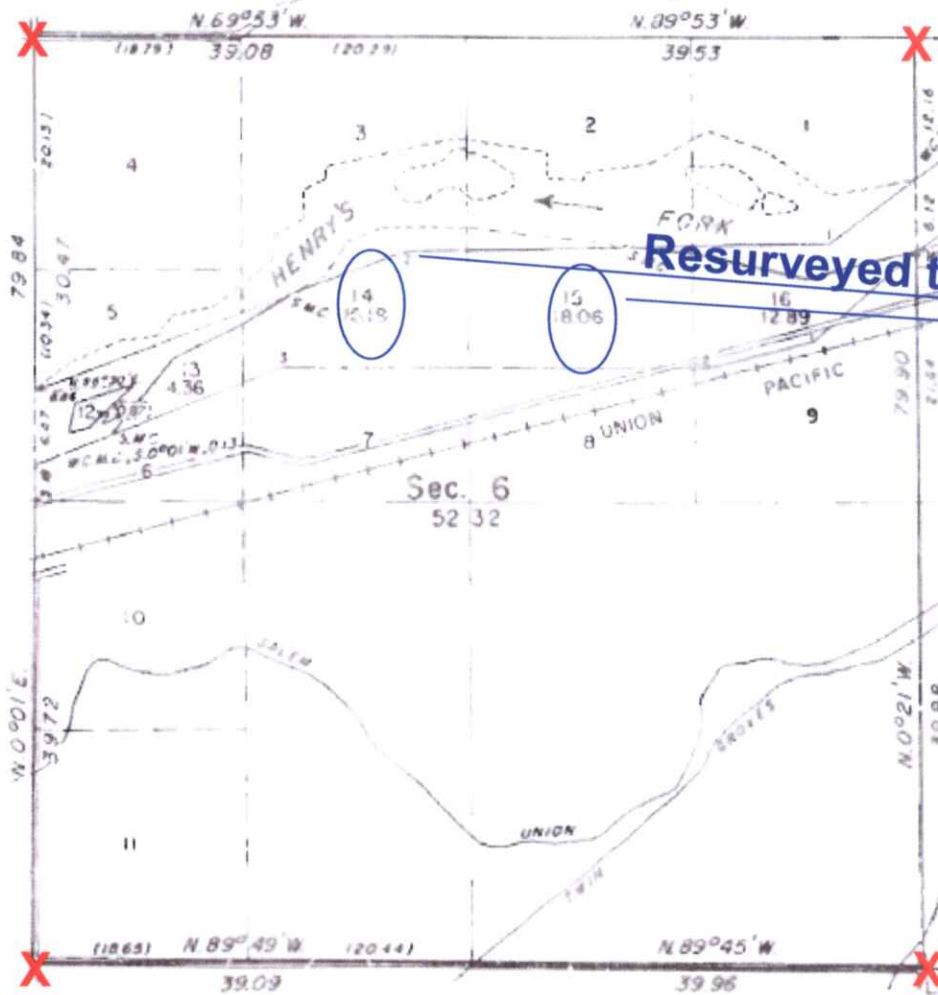
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

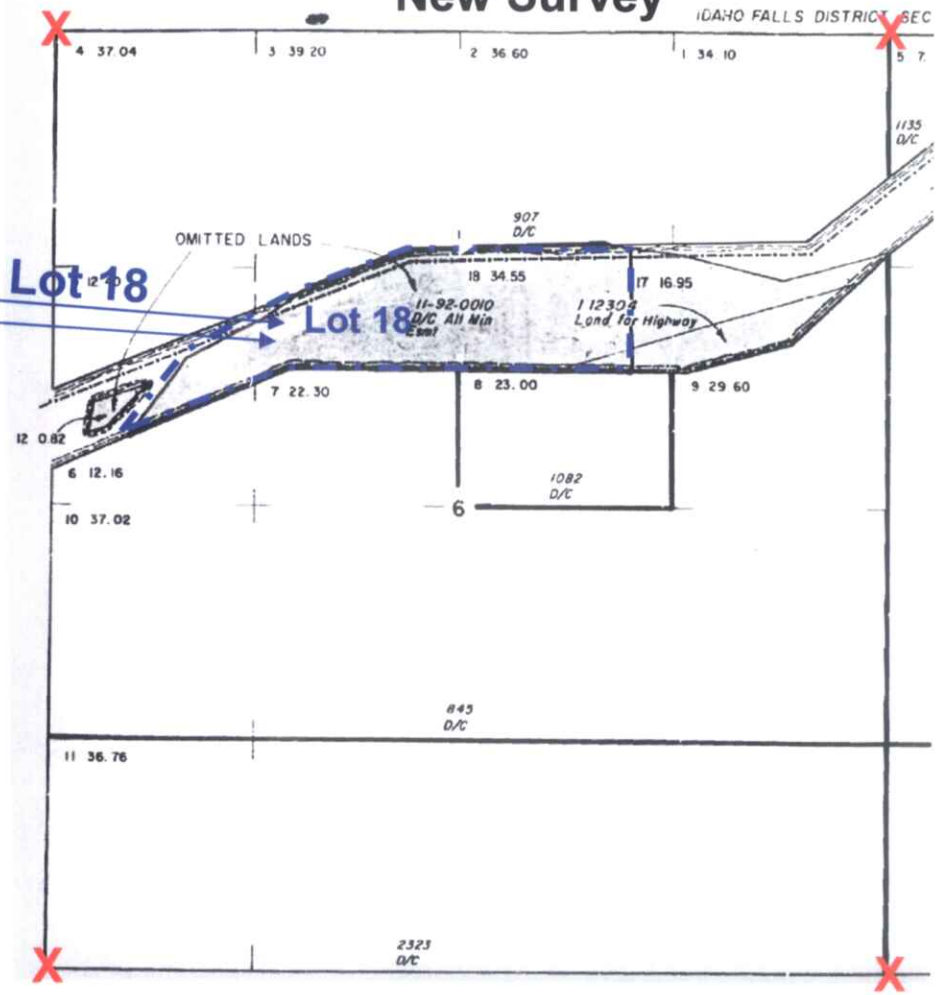
Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

21-12898
T07N R41E

Previous Survey



New Survey

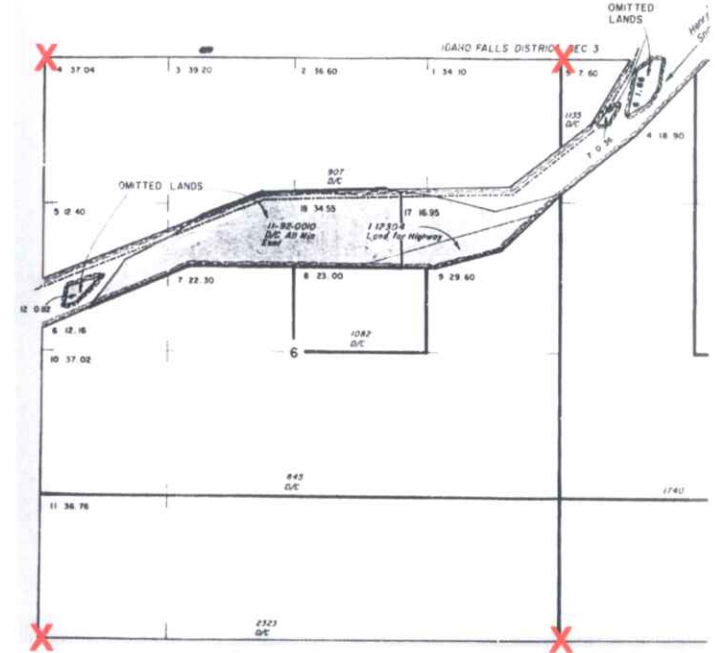


1. T07N R41E S05 Lot 14 does not exist and S05 lies outside the irrigation boundary. Perhaps S05 should be changed to S06. If true, then S06 Lot 14 has been resurveyed to S06 Lot 18.

1. T07N R41E S05 Lot 15 does not exist and S05 lies outside the irrigation boundary. Perhaps S05 should be changed to S06. If true, then S06 Lot 15 has been resurveyed to S06 Lot 18.

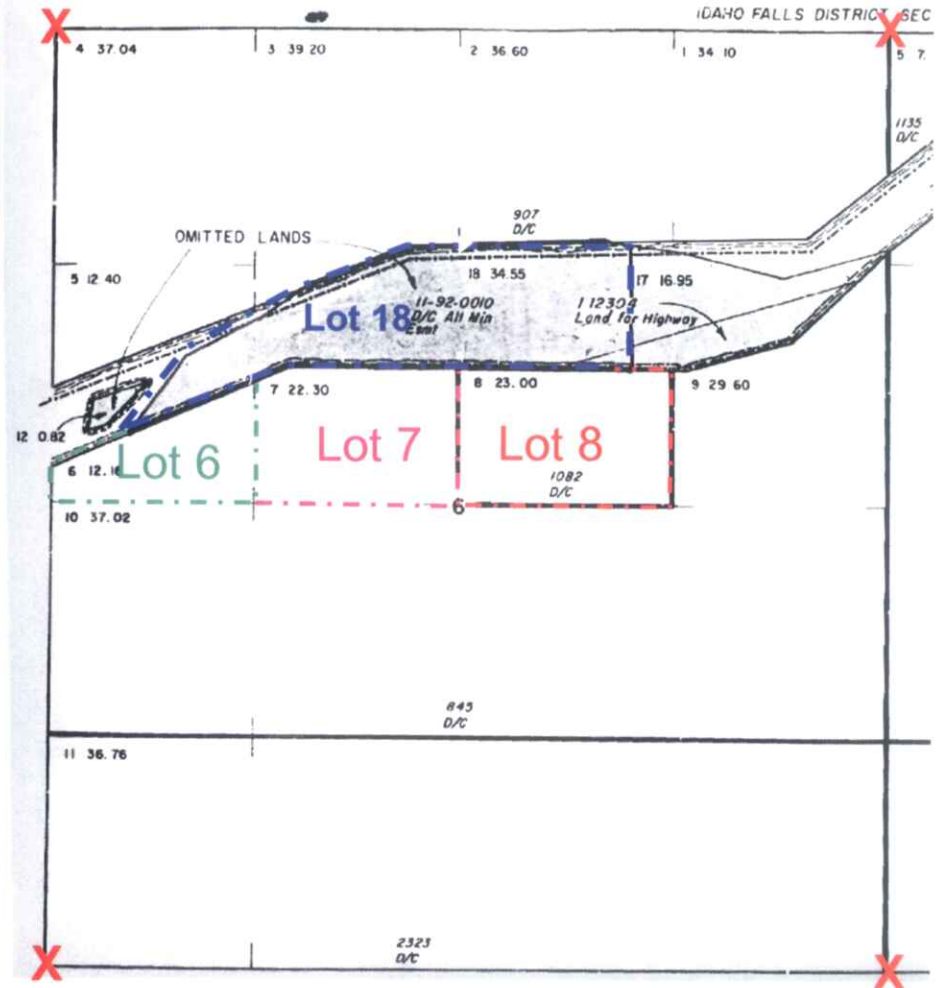
21-12898
T07N R41E

T07N R41E S05 NWNW



In the recommendation for 21-12898, T07N R41E S05 NWNW contains both private and public lands. Perhaps S05 is a typo and should be S06? Additionally, S05 lies outside the irrigation boundary. See blow-up version for more detail.

21-12898
T07N R41E



1. T07N R41E S05 Lot 14 does not exist and S05 lies outside the irrigation boundary. Perhaps S05 should be changed to S06. If true, then S06 Lot 14 has been resurveyed to S06 Lot 18.

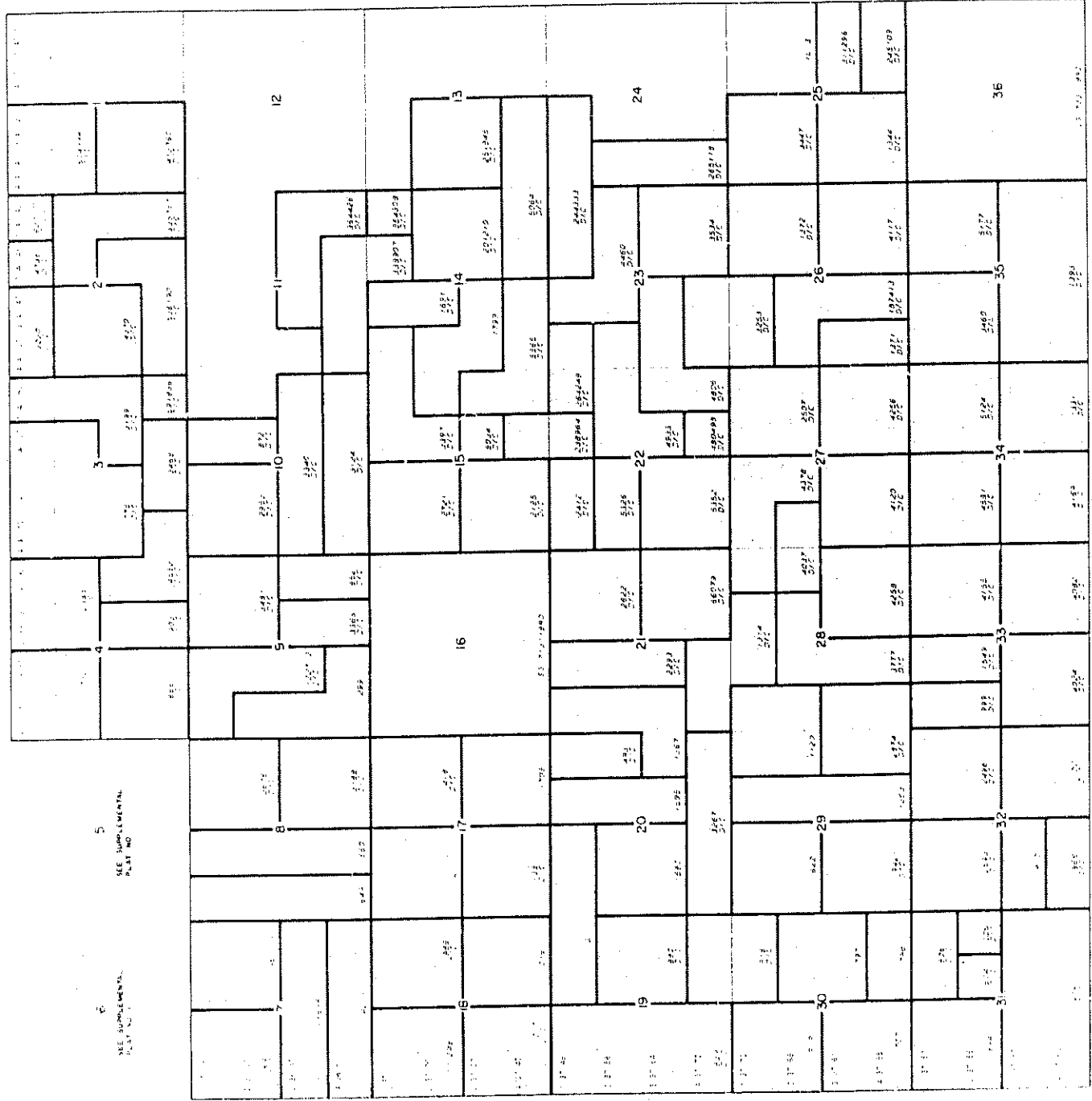
1. T07N R41E S05 Lot 15 does not exist and S05 lies outside the irrigation boundary. Perhaps S05 should be changed to S06. If true, then S06 Lot 15 has been resurveyed to S06 Lot 18.

TOWNSHIP 7 NORTH RANGE 41 EAST OF THE BOISE MERIDIAN, IDAHO

PREMONT COUNTY 043
 0540 5/25/85 27 SEC 15

STATUS OF PUBLIC DOMAIN
 LAND AND MINERAL TITLES

MT PLAT



INDEX TO SEGREGATED TRACTS

REGISTRY ORIGINAL SURVEY
 PLAT NO. 11 SEC 15

PP 8062-000 FERC Per Prod 461 Page

Sec 311 1115

FOR CHARGES EFFECTING DISPOSAL OR USE OF

UNIDENTIFIED LANDS REFER TO INDEX OF

WITTELANEUS DOCUMENTS

CURRENT TO CURRENT TO

USE PLAT

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