

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 21-12985
(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: Robert E. & Donna T. Fuchs
Address: 3857 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:
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 United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant's use of Federal land is unauthorized. See attached POU. Claimant's water right should not include this POU.

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 Neji G LAB
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

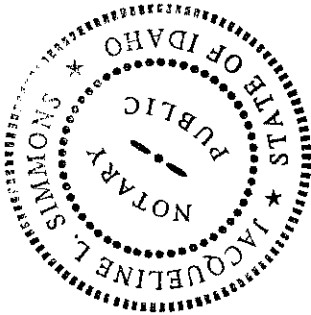
23rd of May 2006

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:

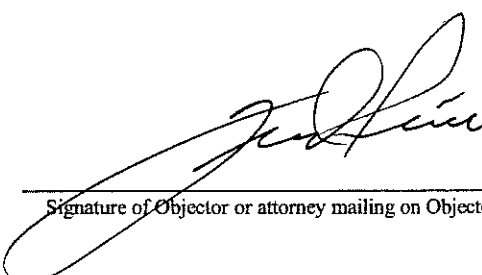
Name: Robert E. & Donna T. Fuchs
Address: 3857 E 500 N; Rigby, Idaho 83442
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

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

01/12/2006

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

RIGHT NUMBER: 21-12985
NAME AND ADDRESS: DONNA T FUCHS
3857 E 500 N
RIGBY ID 83442

ROBERT E FUCHS
3857 E 500 N
RIGBY ID 83442

POU on BLM:

-Claimant is not authorized to farm public land.

SOURCE: FALL RIVER TRIBUTARY: HENRYS FORK
QUANTITY: 3.500 CFS

The rights listed below are limited to a total combined diversion rate of 3.5 cfs.
Combined Right Nos.: 21-114C, 21-115A, 21-12991

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

PRIORITY DATE: 12/10/1949
POINT OF DIVERSION: T08N R43E S35 SEWSE Within FREMONT County
PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	3.500 CFS
STOCKWATER	01/01 12/31	0.040 CFS

PLACE OF USE: IRRIGATION Within FREMONT County

BLM

T08N R41E S12 Lot 1 SENE	31.00	T08N R42E S06 Lot 9 NESW	21.00
T08N R42E S06 Lot 8 SWSW	9.00	T08N R42E S06	SESSE
T08N R42E S06	NESE	39.00	T08N R42E S06 Lot 14 NWSE
T08N R42E S06	SWSE	40.00	T08N R42E S06
T08N R42E S07	NENE	40.00	T08N R42E S07
T08N R42E S07	NENW	40.00	T08N R42E S07 Lot 1 NENW
T08N R42E S07 Lot 2 SWNW	30.00	T08N R42E S07 Lot 3 NWSW	30.00
T08N R42E S07 Lot 4 SWSW	30.00		

STOCKWATER same as IRRIGATION

489 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 489 acres in a single irrigation season. Combined Right Nos.: 21-114C, 21-115A, 21-115B, 21-12985, 21-12991

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

This right is based upon an enlargement of Right No. 21-114C pursuant to Section 42-1416, Idaho Code.

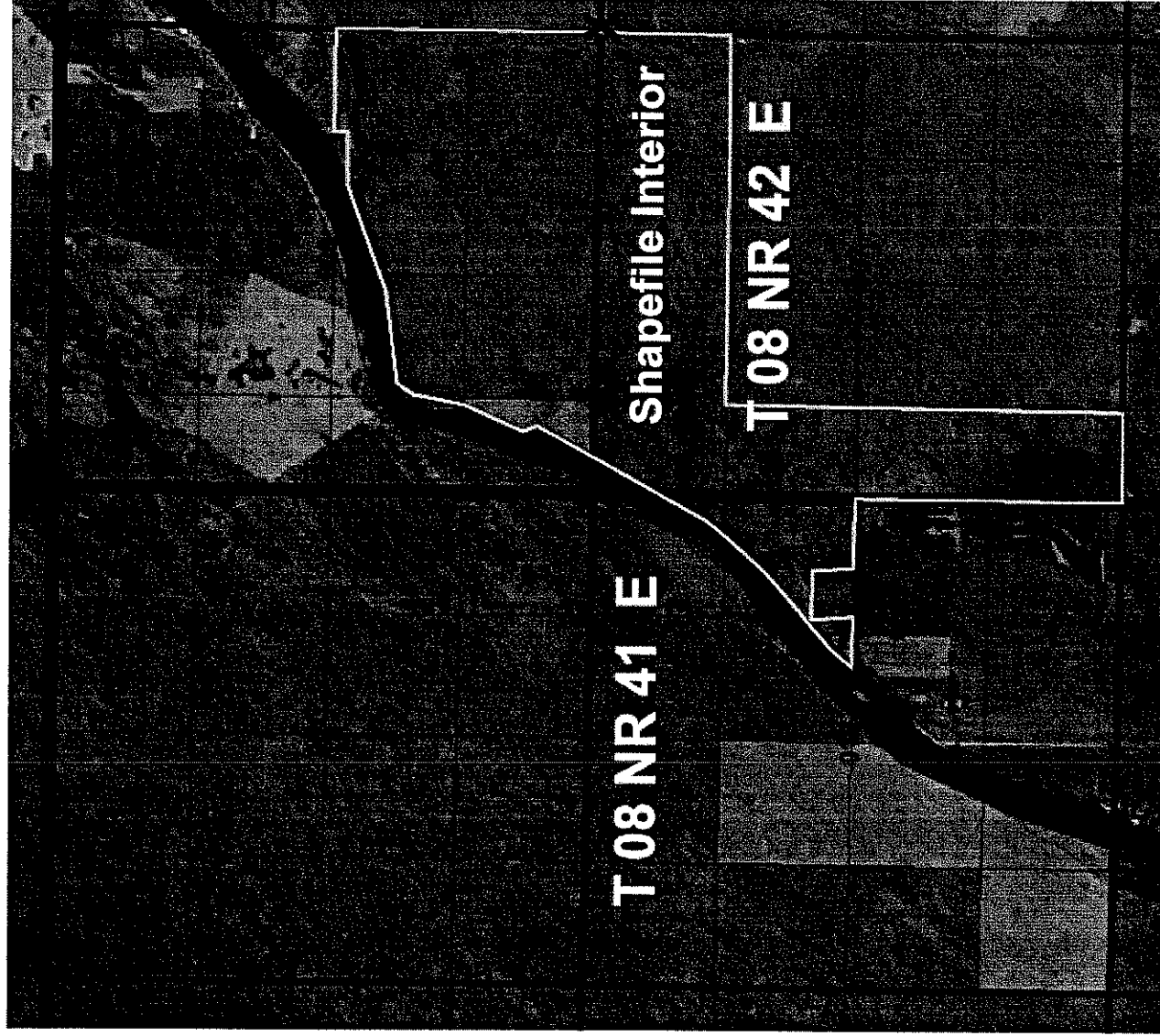
The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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.

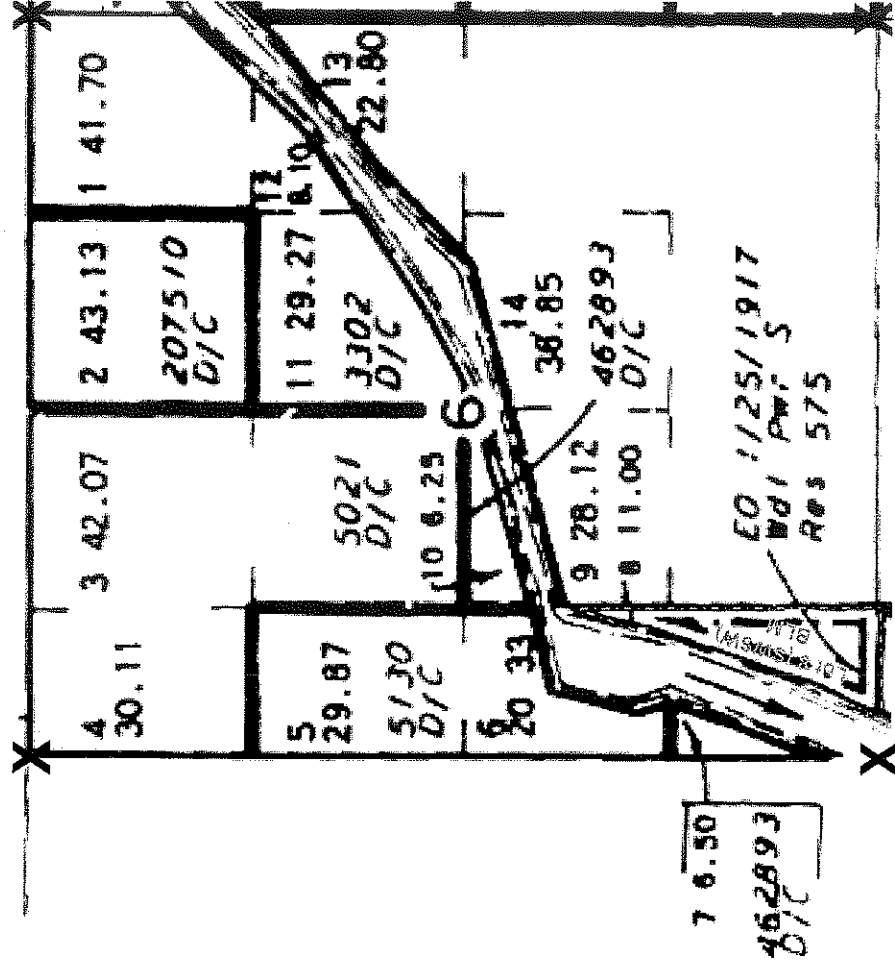
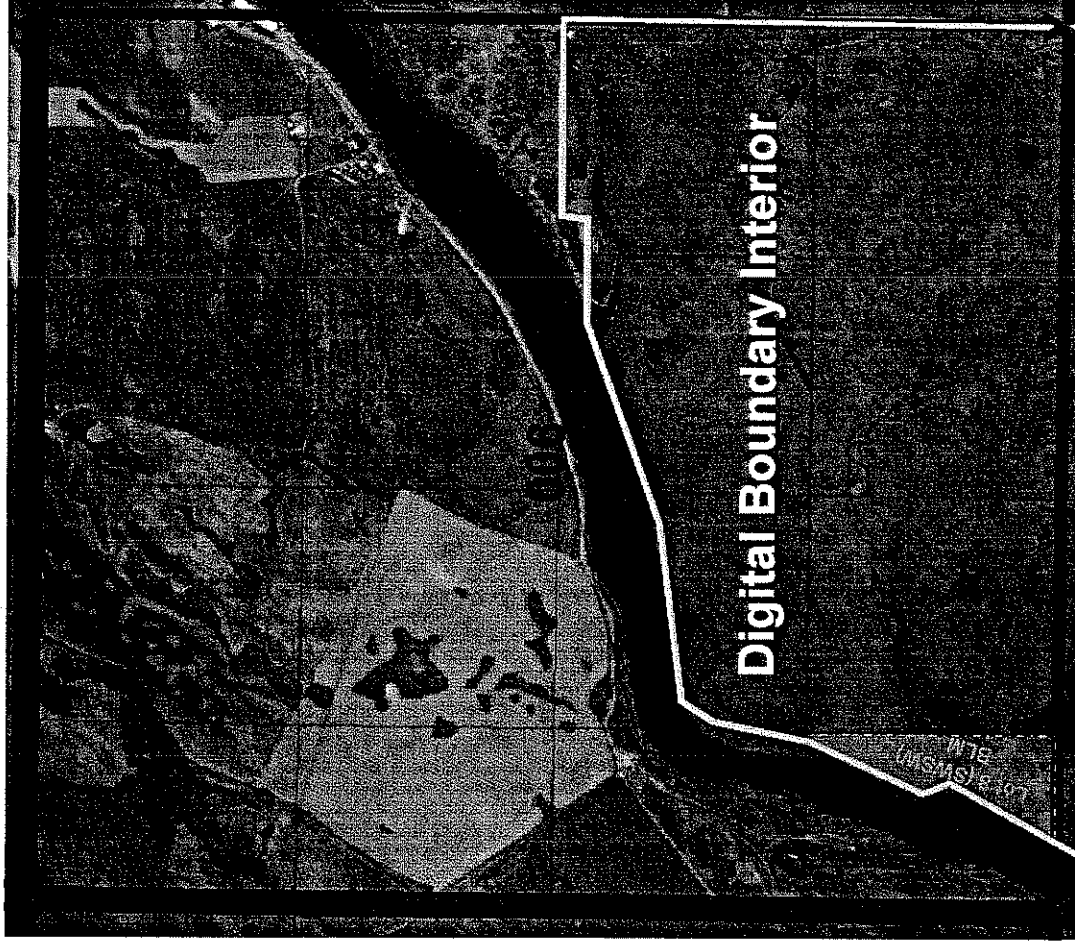
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is for an enlargement of 343 acres within the place of use described for this right.

21-00114C, 21-00115A, 21-00115B, 21-12985, 21-12991



21-00114C, 21-00115A, 21-00115B, 21-12985, 21-12991
T08N R42E



-Claimant is not authorized to farm public lands. Remove T08N R42E S06 Lot 8 (SWSW) from recommendation and adjust shapefile accordingly.

TOWNSHIP 8 NORTH RANGE 42 EAST OF THE BOISE MERIDIAN, IDAHO

FREMONT COUNTY 043

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

9 N. 42 E

1 N. 42 E

2400' 1000' 2000' 3000' 4000' 5000'

1000' 2000' 3000' 4000' 5000'

1000' 2000' 3000' 4000' 5000'

