

COPY

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 Number: 21-04151

(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 Parks and Recreation
Address: PO Box 83720
Boise, Idaho 83720-0065
Daytime Phone: (208) 334-2400

Name and 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
DEPT OF PARKS & RECREATION
Address: Statehouse Mail
PO Box 83720
Boise, ID 83720-0065

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: See Attachment I.
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Points of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: Not applicable.
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: See Attachment I.

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 State of Idaho, Department of Parks & Recreation (hereinafter the "IDP&R"), claimed a direct diversion water right and a storage water right for water right no. 21-04151. The Idaho Department of Water Resources, hereinafter the "IDWR," did not recommend the direct diversion water right for this use at Harriman State Park. The IDWR should have recommended the direct diversion water right of 1.03 cfs.

The IDP&R also claimed as a place of use three forty-acre tracts that are partially inundated by Fish Pond. The IDWR did not recommend these three tracts of land. Since range cattle drink directly out of the impoundment area, these three forty-acre tracts need to also be designated as the place of use. Those tracts are identified as the NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, & SE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 6, Twp. 11 North, Rge. 43 East, B.M.

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

DAVID J. BARBER, Deputy Attorney General, duly sworn, upon oath, deposes and says:

That the State of Idaho, Department of Parks & Recreation, in its proprietary capacity is filing this objection and that I am a Deputy Attorney General authorized to represent the State of Idaho, Department of Parks & Recreation which is a party/claimant in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

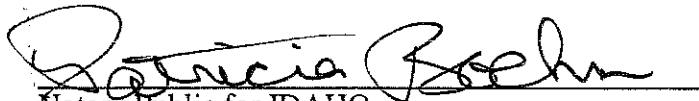
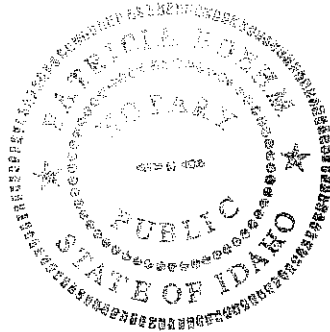
LAWRENCE G. WASDEN
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
DAVID J. BARBER
Deputy Attorney General



By Attorney signing in representative capacity

Subscribed and sworn to before me on: May 25, 2006

(Insert Date)



Notary Public for IDAHO
Residing at: BOISE, ID
My commission expires: 11/6/09

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 25, 2006, I caused the original and the copies of this objection, including all attachments, to be served on the following persons by the method designated:

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

HAND DELIVERY

2. One copy to the owner of the water right at the following address:

STATE OF IDAHO
DEPT OF PARKS & RECREATION
PO BOX 83720
Boise, ID 83720-0065

STATEHOUSE MAIL

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

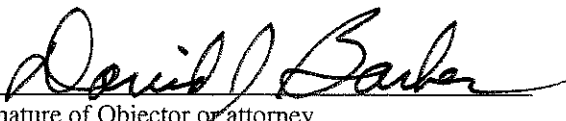
STATEHOUSE MAIL

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

U.S. MAIL

Chief of Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

(not applicable)



Signature of Objector or attorney
Mailing on Objector's behalf

ATTACHMENT I

RIGHT NUMBER: 21-04151

NAME AND ADDRESS: State of Idaho
Dept of Parks & Recreation
Statehouse Mail
PO Box 83720
Boise ID 83720-0065

SOURCE: Springs Tributary: Henrys Fork

QUANTITY: 1.030 CFS
59.40 AFY
The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

Right Nos. 21-37 and 21-4151 are limited to a total combined annual diversion volume of 85 AF.

PRIORITY DATE: 04/01/1959

POINT OF DIVERSION: T11N R43E S6 NWNE Within FREMONT County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>		<u>QUANTITY</u>	
Stockwater Storage	01/01	12/31	5.40	AFY
Stockwater from Storage	01/01	12/31	5.4	AFY
Stockwater	01/01	12/31	0.090	CFS
Irrigation Storage	01/01	12/31	54.00	AFY
Irrigation from Storage	04/01	11/01	54.00	AFY
Irrigation	04/01	11/01	1.030	CFS

PLACE OF USE:

IRRIGATION within FREMONT County

T11N R43E S06	NWNE	3.50	T11N R43E S06 Lot 1	NENW	16.00
T11N R43E S06 Lot 3	NWNW	2.00	T11N R43E S06 Lot 4	SWNW	27.00
T11N R43E S06	SEnw	3.00			

IRRIGATION FROM STORAGE same as IRRIGATION

51.5 ACRES TOTAL

STOCKWATER

T11N	R43E	S06		NENE	T11N	R43E	S06		SWNE
T11N	R43E	S06		SENE	T11N	R43E	S06		NWNE
T11N	R43E	S06	Lot 1	NENW	T11N	R43E	S06	Lot 3	NWNW
T11N	R43E	S06	Lot 4	SWNW	T11N	R43E	S06		SENE

STOCKWATER FROM STORAGE same as STOCKWATER

The rights listed below are limited to the irrigation of a combined total of 51.5 acres in a single irrigation season. Combined Rights Nos.: 21-4151, 21-81, 21-82.

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 41-1412(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

Spring Sources AKA: East Spring, Guy Spring, Middle Spring, Monot Spring, and Osborne Springs.