

**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 74-00909
(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: James Kruckeberg

Address: 411 18 Mile Road; Leadore, Idaho 83464

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 a portion of the use is claimed. The claimant's use of Federal land is unauthorized. Claimant's water right should not 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

)

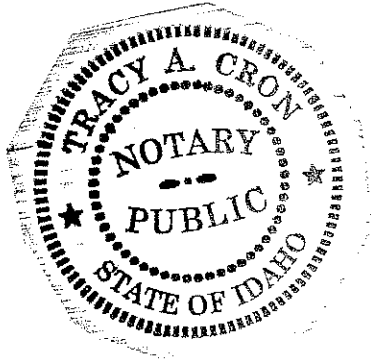
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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)

Larry G. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: June 28, 2006



Tracy A. Cron
Tracy A. Cron

Notary Public for State of Idaho
Residing at: Meridian, Idaho
My Commission Expires: 08-22-2009

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 6-29, 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: James Kruckeberg
Address: 411 18 Mile Road; Leadore, Idaho 83464
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

01/19/2006

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

RIGHT NUMBER: 74-909

NAME AND ADDRESS: JAMES KRUCKENBERG
411 16 MILE RD
LEADORE ID 83464

Mixed POU:

-The place of use described below contains both private and public lands and a portion is irrigated public land.

-Clarify such that it is clear only private land is intended.

SOURCE: SPRINGS

TRIBUTARY:

QUANTITY: 1.500 CFS

PRIORITY DATE: 04/01/1911

POINT OF

DIVERSION: T15N R27E S21 SWSW Within LEMHI County
T15N R27E S21 SESW Within LEMHI County
T15N R27E S29 SENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

3/15 11/15

1.500 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

Mixed	T15N R27E S20	SWNE	10.00	T15N R27E S20	SENE	14.00
	T15N R27E S20	NESW	26.00	T15N R27E S20	SESW	9.00
	T15N R27E S20	NWSE	15.00	T15N R27E S20	SWSE	36.00
	T15N R27E S29	NWNE	36.00	T15N R27E S29	NENW	3.00

169 ACRES TOTAL

This right authorizes the irrigation of 169 total acres.

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

Prosecution Diagram No 64 approved 1/22/1965

LEMHI COUNTY 059
SALMON DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

[illegible]

1 D8630 Det Pl 167 (AC: of Cong 7/23/1955)
completed 12/9/1960, All NF surface eqpt by USFS

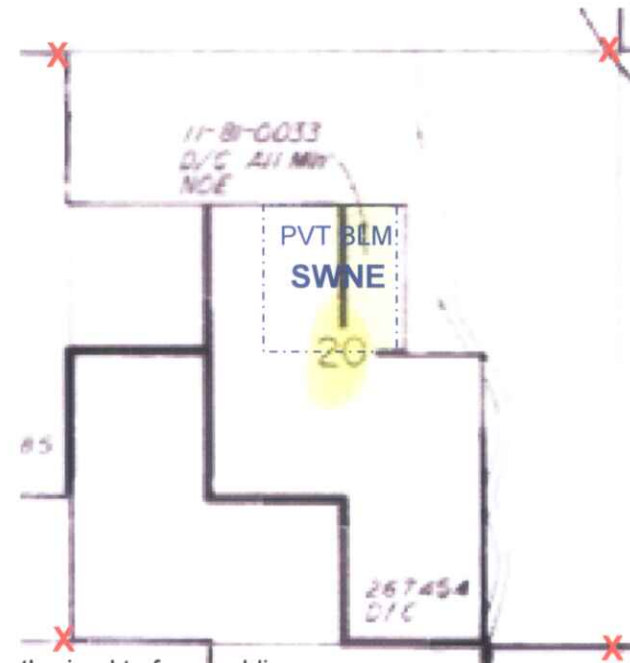
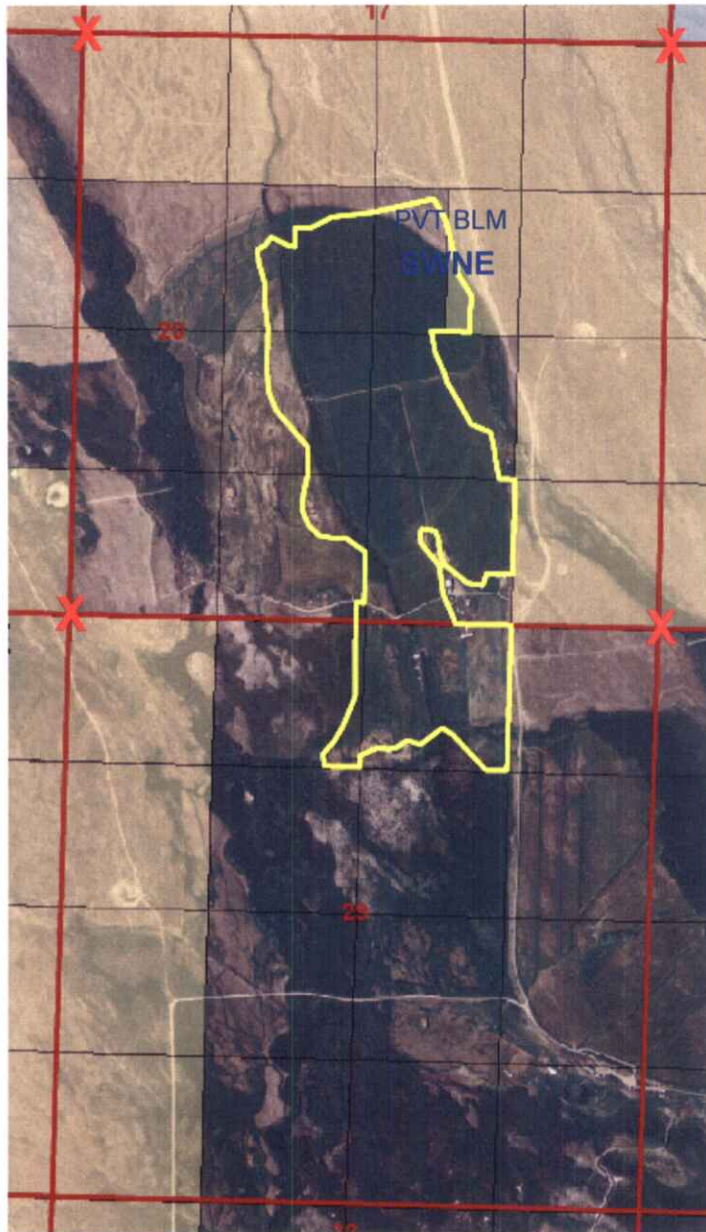
FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS.

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A. BO. 11 1303. 11303. 11303.

74-00909
T15N R27E



1. Claimant is not authorized to farm public land.

-Remove portion of T15N R27E S20 SWNE from recommendation.

-Adjust shapefile accordingly

2. Since T15N R27E S20 SWNE contains both private and public land, please insert the following language under place of use to clarify the POU such that only private land is intended:

"Place of use does not include federal public lands."