

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 2410700
(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: CARIBOU LANDS LLC

Address: 14400 N. 76th PLACE
SCOTTSDALE, AZ 85260

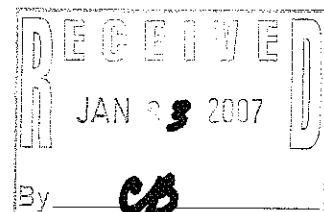
Daytime Phone: 480-368-5205

Name & Address of Attorney, if any:

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

Name: CARIBOU LANDS LLC

Address: 14400 N. 76th PLACE
SCOTTSDALE, AZ 85260



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: GROUSE CREEK
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☒ **Point of Diversion**
Should be: NENW-SEC 8, T5S, R46E, BOISE
MERIDIAN
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 OBJECTIONS(S):** IT WAS DISCOVERED AFTER RECENT PURCHASE THAT OUR SOURCE & P.O.D. WAS CHANGED IN 1981-1982. WE REQUEST THAT OUR SRBA RECOMMENDATION REFLECT THIS CHANGE. OUR P.O.U. HAS NEVER CHANGED.

F.

VERIFICATION (must be completed)

State of Arizona)

County of Maricopa)ss.

Craig Emmerson , 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]
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 1/12/07

Kim Overman
Notary Public for
Residing at: 34201 N. 45th St.
My Commission Expires: 10/30/09



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 18 Jan, 2007, 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
PO Box 2707
Twin Falls, ID 83303-2707

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

Name: CARIBOU LANDS LLC
Address: 14400 N. 76TH PLACE
SCOTTSDALE, AZ 85260

3. Copies to:

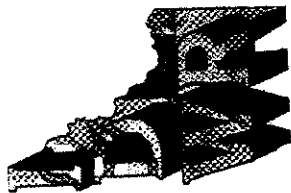
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449



Signature of objector or attorney
mailing on Objector's behalf



Idaho Department of Water Resources

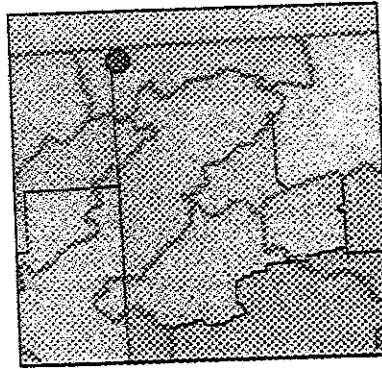
SRBA Recommendation:

24-10700

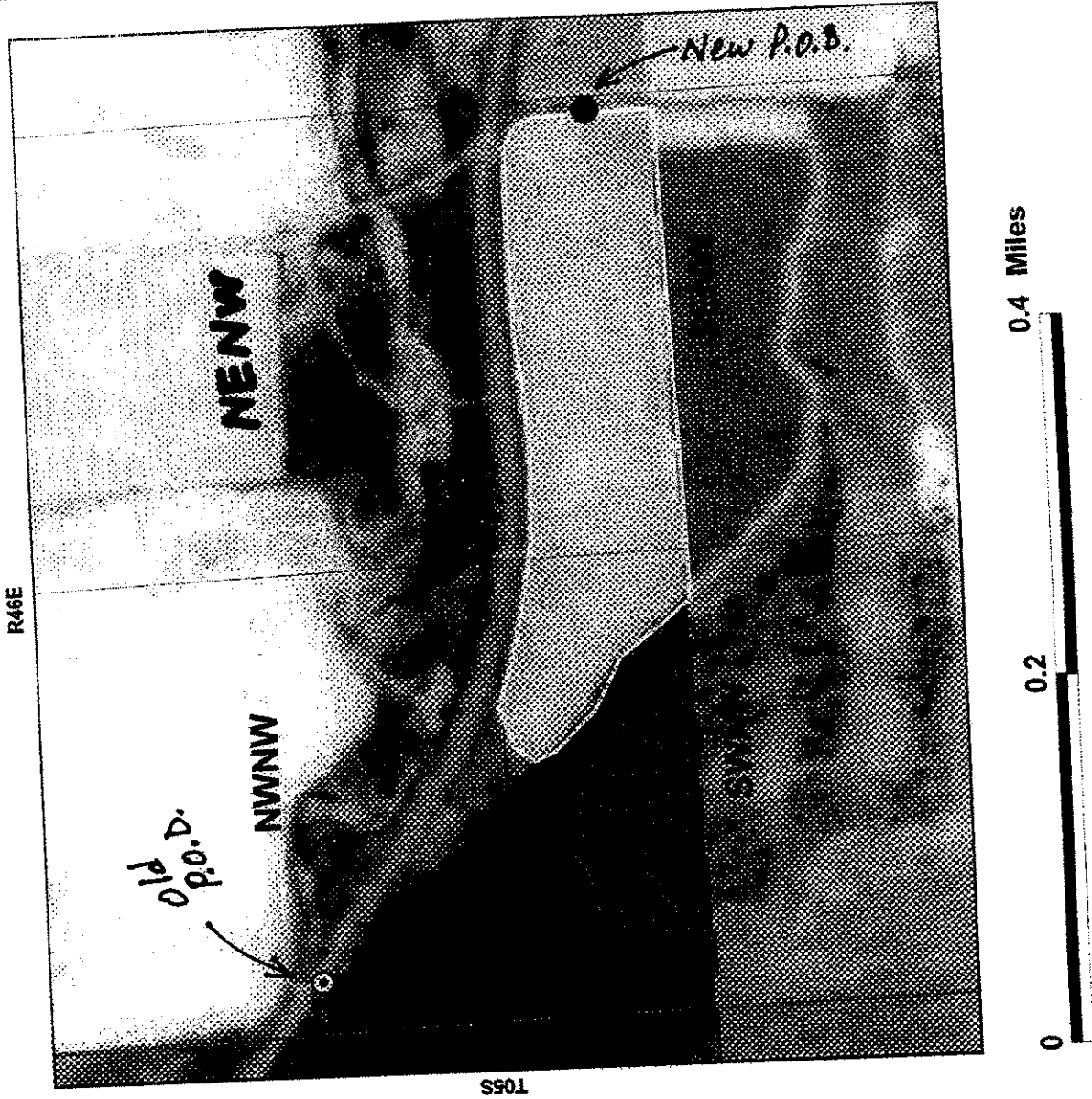
(Irrigation)

Legend

- ⊙ Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Caribou County
IDWR Basin 24



Prepared by C. BIRD
On Wednesday, August 2, 2006
1987/88 Aerial Photography

08/17/2006

NOTICE OF ERROR

REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 24-10700

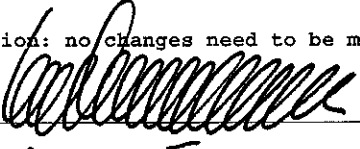
CARIBOU LANDS LLC
14400 N 76TH PLACE
SCOTTSDALE AZ 85260

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

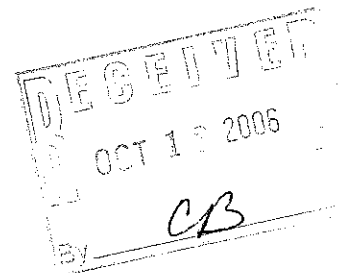
3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 10/9/06 SIGNATURE: 

Please print your name: Craig Emmerson, MGR

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161



Notes

8/2/06 The stock portion of this was not recommended under this claim because it was claimed in Sec. 9. This right and priority date only deals with the S $\frac{1}{2}$ NW of sect. 8. CB

Rec'd a copy of the 6-30-1989 photo from Ernie. added to the file. (AA50 NW)
8-17-1987 AA50 NW

8/4/06 Letter to Clyde Stock on sec. CB

8/17/06 Rec'd ownership change and processed it CB

Notes

1-3-06 Letter to claimant re appt BP

1-9-06 Clyde called and said Fred is gone this week, can they come next week? I said sure!

I told them to bring what water documents they have because we have several issues. CB

8-1-06 The 1974 Ortho quado for 2100 & AA50 do not show any irrigation on this ground. The statutory claim was filed in July of 1983 which states only the land north of the road is irrigated.

I know they are currently irrigating more than that with sprinklers but since this is a statutory claim they can't file for an enlargement. The enlargement has to be attached to a perfected right.

The land under the POM line created is under patent for Jacob Schess, 12/15/1902.

8/2/06 This claim was recommended for the land claimed in the N $\frac{1}{2}$ of the NW of Section 8. The S $\frac{1}{2}$ NW photo is actually June 30, 1989. Bryce's field exam ~~to~~ outlined only the N $\frac{1}{2}$ NW as the original POM. Bryce GPS'd the POM AS the original POM.

Notes

10-28-04 Assessor's Office:

Clyde W. Stock

Box 227

Freedom, WY 83120

10-28-04 Letter to claimant re evidence of priority. BP

12-6-05 Letter from claimant. BP

12-7-04 Letter to claimant re evidence of claimant's situation. BP

2-24-05 " " " " " " " 2nd

request. BP

3-22-05 Sent letter to Mr. Stock requesting clarification and more documentation. BP

5-19-05 Put a copy of the plat, topo & ortho maps in file. BP

1 Aug 05. Please see contact log in A24-04076

20 Aug 05 Please see A24-20008 for discussing Tinajero & tributaries common concerns. SAC copy in this file. 10-18-05. BP

1-28-05 Letter to claimant re evidence. BP

Issues:

1/3/06 - The 1976 orthoquad doesn't show much irrigation.

- Bryce suggests an enlargement claim for 24-4077.

- can't happen.

- priority date.

- Bryce has historical current shapes.

- Bryce's POD's are the same for both claims. 24-4076 & 4077. different sources?

- POD changed - when? where is pod?

- address update.

Sent claimant a letter that he needs to make an apt.



State of Idaho
DEPARTMENT OF WATER RESOURCES

15 W. Center St. Soda Springs, Idaho 83276

Phone: (208) 547-3993 FAX: (208) 547-3939 www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

August 4, 2006

COPY

Clyde Stock
P O Box 227
Freedom, WY 83120

REF: Snake River Basin Adjudication (SRBA) Claims
24-10696, 24-10697, 24-10698, 24-10699, 24-10700, 24-10701, 24-10702 and 24-10703

Subject: Establishing beneficial use prior to May 20th, 1971

Dear Clyde:

Claims 24-10696, 10697, 10698 and 10699 we created from the split of Statutory Claim 24-4076 in SRBA. Claims 24-10700, 10701, 10702 and 10703 we created from the split of Statutory Claim 24-4077. These statutory claims were both originally filed on in July of 1983 with the Department of Water Resources.

SRBA claims 24-10696, 24-10697, 24-10698, 24-10701 and 24-10702 have been disallowed in the preliminary SRBA process. SRBA claim 24-10696 was recommended for in stream stock watering from Schiess Creek. Claim 24-10699 was recommended for irrigation of 4.6 acres out of Schiess Creek.

Claims 24-10700 and 10703 were recommended for irrigation out of Tincup Creek but the acres were reduced to a total of 36.1 acres. There are several reasons for my decision and I will list a few of them. First, the 1976 Ortho Quad (photo) doesn't show irrigation on the ground you have claimed as irrigated. The 1987 photo shows some irrigation on parts of your ground. Any water that was developed after May 20th, 1971 requires that you go through the permitting process and make application for permit.

Secondly, the statutory claims you filed with us in 1983 didn't claim all the ground you claimed in your SRBA claim as irrigated. Finally, the points of diversion you claimed in your statutory claims couldn't irrigate all the ground you claimed in the SRBA. I realize that you have recently gone to sprinklers but the ground had to be irrigated prior to the 1971 date to qualify as a beneficial use claim.

We will consider during the Notice of Error process any evidence you might have demonstrating that the land was irrigated prior to May 20, 1971 and that the points of diversion could irrigate more ground than what was recommended. The priority dates would be based on when the water was first put to beneficial use and that it has been used continuously since that time. If you have any questions please don't hesitate to give me a call at 547-3993 or you can reach Nick Spencer, Deputy Attorney General for IDWR at 287-4813.

Respectfully,

COPY

Cindy E. Bird
Adjudication Bureau

Enclosure(s):

CC: Nicholas B. Spencer
Deputy Attorney General, IDWR

Clyde stock

8/2/06 CB

	10700	12-15-1902
24-4077	10701	11-5-1919
Tincup Crk	10702	6-3-1913
	10703	12-31-1930

POD TSS R46E Sec. 7 SENE



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

3 January 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Clyde W. Stock
P.O. Box 227
Freedom, WY 83120

Re: Snake River Basin Adjudication (SRBA)
Claim(s): 24-4076 and 24-4077

COPY

Subject: CLAIM CLARIFICATION

RESPONSE DATE: 17 JANUARY 2006

Dear Claimant(s):

We are in the process of reviewing the above referenced claimed. However, there are several issues that are unresolved. Please call our office and make an appointment with Cindy Bird to discuss these issues so that we can finalize processing your claims. Thank you.

Respectfully,

Barbara Payne

Cc: Fred Brog
1644 State Line Road
Freedom, WY 83120

Contacts Data Entry Form

A24-04077

Owner Type	Full Name	Address	City	State	Zip	Phone
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Current Owner _____

Name connector: and _____, or _____, and/or _____

Current Owner _____

Current Owner _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: Mr. Stock Phone Number: 0

Relationship to Claimant: Owner

Date of Field Exam: 22 July 05 Time: PM

Directions to Property (if different from above) and/or update owner information:

Reviewer: _____

Date: _____

Contacts Data Entry Form

Priority Date Data Entry Form

Claim Number: A24-04077

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: _____ Recommended Basis: _____

☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

We have several land patents on this propertySec. 8 S¹/₂NE & S~~E~~NW ¹²⁻¹⁵⁻~~1912~~, 1902Sec. 8 S~~E~~NW 9-1-1910 12-31-1930.Sec. 9 SWNW 5-13-1916.

Reviewer: _____

Date: _____

Point of Diversion and Source Data Entry Form

Claim Number: A24-04077

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____ County:_____

Source:_____ Tributary:_____

Claimed Point of Diversion: T____, R____, Sec.____,____,____,____ County:_____

Source:_____ Tributary:_____

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____ County:_____

Source:_____ Tributary:_____

____ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov	Lot	QQQ of Q	County	Source
05S	46E	9			SW SW NW	Carlson	Drap Creek
GPS Coordinates: <u>2735155 E 1315098 N</u> <u>DOTM83</u> <u>Waypoint 35</u>							
GPS Coordinates: _____							
GPS Coordinates: _____							
GPS Coordinates: _____							
GPS Coordinates: _____							
GPS Coordinates: _____							
GPS Coordinates: _____							
GPS Coordinates: _____							

Other rights from this POD? none

Document how the POD and Source were verified and/or Pump and Motor data:

(A24-10031)
 Field inspection, GPS. See Fred Brug exam for pump data (pump is owned by Brug, who operates this farm. Portable pump). Original POD was approx 50' N of Waypoint 34, 2736489E 1315456N DOTM83. Change occurred about 1980-1985 per Mr. Stok. Wac 1 Aug 05

Transfers Changing POD _____

Reviewer: _____

Date: _____

Purpose of Use Data Entry Form

Claim Number: A24-04077☐ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Document how the Purpose of Use was verified:

Irrigation seems reasonable in light of crop growth though pipes & pump were not here. No livestock seen but barn and fences suggest history of livestock. BAC 1 Aug 2005.

Transfers Changing Purpose of Use _____

Reviewer: _____

Date: _____

A24-04077 POLU. Tr } stock in all Q.Q.
All in Carbon County

SS 46 E 8	NENE	4.1	
	NWNE	2.5	Section acres
	SW NE	11	
	SE NE	35	57.1
	NE SE	4.5	

9	NW NW	0.2	Section acres
	SW NW	7.6	
	NW SW	5.4	13.2

Total acres 70.3

Per Mr. Stock original POLU also include some
lands south of the cement highway, which
are now in by an enlargement of
A24-4076. See shepsefile A24-04077 historic.

Bac 1 Aug 2005