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DEPARTMENT OF
WATER RESOURCES

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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 22-4157

Case No. 35976

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Elliot Creek Ranch, LLC

Address: 1025 S. Cook St.

Denver, CO 80209

Daytime Phone: 406-585-1484

Name & Address of Attorney, if any:

Kent W. Foster, Holden, Kidwell, Hahn & Crapo

PO Box 50130

Idaho Falls, ID 83405-0130

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

Name: Elliot Creek Ranch, LLC

Address: 1025 S. Cook St.

Denver, CO 80209

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: Elliot Creek Ranch, LLC, 1025 S. Cook St., Denver, CO 80209
2. ☒ **Source**
Should be: Swamp Creek, Johnson Spring 1 and Johnson Spring 2
All tributary to Fox Creek
3. ☒ **Quantity**
Should be: 1.6 cfs, Irrigation; 0.04 cfs Stockwater
4. ☒ **Priority Date**
Should be: May 25, 1916
5. ☒ **Points of Diversion**
Should be: T4N., R45E., Sec. 22, SW; T4N., R45E., Sec. 21, NE¼
6. ☐ **Instream Flow Description**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: Irrigation, Stockwater
8. ☒ **Period of Year**
Should be: O4/15 to 10/15 - Irrigation; 01/01 to 12/31 - Stockwater
9. ☒ **Place of Use**
Should be: 80 total acres; 40 in NENE, Section 21, and 40 in NWNW, Section 22, T4N., R45E.
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.

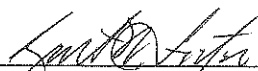
E. **REASONS SUPPORTING OBJECTION(S):** IDWR recommended disallowance of this claim claiming no beneficial use was found, but there has been a long history of beneficial use.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Bonneville)

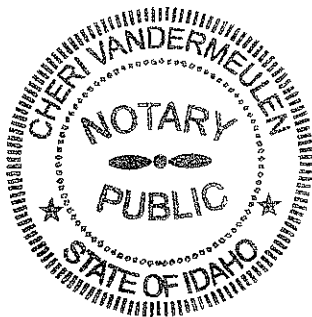
Kent W. Foter, duly sworn, upon oath, deposes and says:

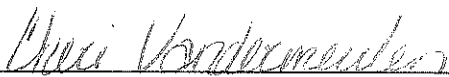
That I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.



Kent W. Foster, Attorney

Subscribed and sworn to before me this 6th day of July, 2007.





Notary Public for Idaho
Residing at: Idaho Falls, ID
My Commission Expires: July 7, 2009

G.

CERTIFICATE OF MAILING

I hereby certify that on the 7th day of July, 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
P.O. Box 2707
Twin Falls, ID 83303-2707

2. 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
Environmental and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Kent W. Foster, Attorney

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