

RECEIVED

AUG 03 2007

DEPARTMENT OF
WATER RESOURCES

a

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

67-4148

(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: SANDRA J. JAMES

Address: P.O. BOX 413

Council, ID. 83612

Daytime Phone: 208-253-4729

Name & Address of Attorney, if any:

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

Name: SANDRA J. JAMES

Address: P.O. BOX 413

Council, ID. 83612

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: 140 acres
4. ☒ **Priority Date**
Should be: 06/02/1882
5. ☐ **Point of Diversion**
Should be: _____
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):** See attached documents
10 pages

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Adams)

Sandra J. James, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

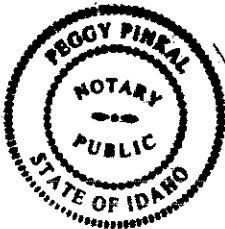
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Sandra J. James
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

August 2, 2007
Peggy Pinkal
Notary Public for Idaho
Residing at: Council
My Commission Expires: 9-28-12



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 August 2, 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:

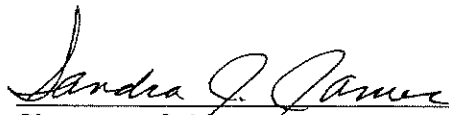
Name: NA
Address: _____

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

SRBA
Case No. 39576
Subcase 67-4148

E. REASONS SUPPORTING OBJECTIONS(S):

3. Quantity & 4. Priority Date:

On 09/13/2005 I responded to a form sent by the Idaho Department of Water Resources Adjudication Claim Report 67-4148. On that form it stated Total Acres 140 and under Remarks: This is a flood water right with a priority date of 06/02/1882, one day after Priority Date (above) (copy attached with mailing Attn: C. Saxton). Then on correspondence from Idaho Department of Water Resources Preliminary Recommendation Of Water Rights Acquired Under State Law, sent 11/14/2006, there was a Priority Date of 05/10/1918 and 129 Acres Irrigated (copy attached). I responded with Notice of Error Reply dated 12/11/2006 (copy attached). The following letters from Woody Jones, Jack Frasier & myself were sent as attachments, and were for irrigated acres and not Priority Date (copies attached). Then on 12/21/2006 I received Idaho Department of Water Resources Recommended Water Rights Acquired Under State Law with acreage of 129 acres, and priority date of 01/01/1960.

I object to the priority date of 01/01/1960 because date of use of water has already been established by decreed water right 67-309 dated 06/01/1882, and letters establish irrigated acreage.

Attachments re: Water Right Number: 67-4148: Idaho Department of Water Resources Adjudication Claim Report 67-4148 and mailing returned 9/13/2005, 2 pages, Idaho Department of Water Resources Preliminary Recommendation Of Water Rights Acquired Under State Law, dated 11/14/2006, 1 page, Notice of Error Reply dated 11/14/2006, 1 page, Letter from Jack Frasier, 1 page, Letter from Woody Jones, 1 page, Letter from Sandra J. James, 1 page, Idaho Department of Water Resources Recommended Water Rights Acquired Under State Law dated 12/21/2006, 1 page.

Returned 9/13/05

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-4148

WATER RIGHT NUMBER: 67-4148

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JOSEPH D JAMES PO BOX 413 COUNCIL, ID 83612
Current Owner	SANDRA J JAMES PO BOX 413 COUNCIL, ID 83612 (208)253-4729

Priority Date: 06/01/1882

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
COTTONWOOD CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.070 CFS	
IRRIGATION	4/01 to 7/31	5.000 CFS	
	<u>Total Diversion:</u>	5.070 CFS	

<u>Location of Point(s) of Diversion</u>		
COTTONWOOD CREEK ADAMS County	NW1/4NE1/4NE1/4	Sec. 34, Twp 16N, Rge 01W, B.M.
COTTONWOOD CREEK ADAMS County	SE1/4SE1/4SE1/4	Sec. 27, Twp 16N, Rge 01W, B.M.
COTTONWOOD CREEK ADAMS County	NW1/4NW1/4	Sec. 36, Twp 16N, Rge 01W, B.M.

Place of Use
IRRIGATION Within ADAMS County

T16N R01W S27	SWSE	38.0	T16N R01W S27	SESE	39.0
T16N R01W S34	NENE	25.0	T16N R01W S34	NWNE	38.0

Total Acres: 140
STOCKWATER same as IRRIGATION.

Conditions of Approval:

Remarks:
This is a flood water right with a priority date of 06/02/1882 one day after priority date (above).



BUSINESS REPLY MAIL

FIRST-CLASS MAIL PERMIT NO. 1148 BOISE ID

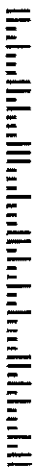
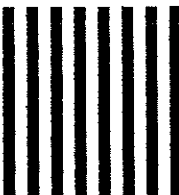
POSTAGE WILL BE PAID BY ADDRESSEE

SRBA STATE

IDAHO DEPARTMENT OF WATER RESOURCES
PO BOX 83720
BOISE ID 83707-9815

Attn: C. Saxton

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



11/14/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 67-4148

NAME AND ADDRESS: SANDRA J JAMES
PO BOX 413
COUNCIL ID 83612

SOURCE: COTTONWOOD CREEK TRIBUTARY: WEISER RIVER

QUANTITY: 0.750 CFS

PRIORITY DATE: 05/10/1918

POINT OF DIVERSION:
T16N R01W S26 SWSWSW Within ADAMS County
T16N R01W S34 NWNENE Within ADAMS County
T16N R01W S36 NENWNW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.070 CFS
IRRIGATION	03/15 11/15	0.680 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T16N R01W S27	SWSE	37.00	T16N R01W S27	SESE	38.00
T16N R01W S34	NENE	17.00	T16N R01W S34	NWNE	37.00

STOCKWATER same as IRRIGATION

129 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 92.0 acres in a single irrigation season. Combined Right Nos.: 67-309 & 67-4148

This right is limited to the irrigation of 92.0 acres within the place of use described above in a single irrigation season.

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 - Beneficial Use
Stockwater use is for 330 range cattle.

11/14/2006

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: December 8, 2006

Water right number: 67-4148

SANDRA J JAMES

PO BOX 413

COUNCIL ID 83612

Telephone Number: (208)253-4729

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

Irrigation acreage and water amount.

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

Change irrigated acreage from 92.0 acres to 140 acres.
Water amount for 140 acres.

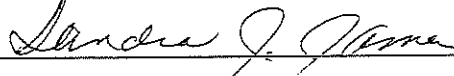
3. Give a brief explanation as to why you disagree with these portions:

Irrigated land is around 140 acres. See attached letters from
Woody Jones, Jack Fraiser & myself.

____ I AGREE with this proposed recommendation, no changes need to be made.

DATE: 12/11/2006

SIGNATURE:



Please print your name: Sandra J. James

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

December 5, 2006

Jack Fraiser
2123 Airport Road
Council, ID 83612
(208) 253-4758

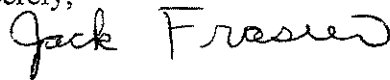
Department Of Water Resources
Adjudication Bureau
P.O. Box 83720
Boise, ID 83720-0098

Re: Sandra J. James – Right Numbers 67-309 & 67-4148

To Whom It May Concern;

My parents, John and Cleone Fraiser, started ranching on Cottonwood in 1954. From the conversations I heard my parents have regarding the surrounding places, the Snow place then and now the James place had first water rights on the creek and irrigated around 140 acres out of 160.

Sincerely,

A handwritten signature in cursive script that reads "Jack Fraiser". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Jack Frasier

December 5, 2006

Woody Jones
1493 W Slope Road
Emmett, ID 83617-9788
(208) 398-7696

Department Of Water Resources
Adjudication Bureau
P.O. Box 83720
Boise, ID 83720-0098

Re: Sandra J. James – Right Numbers 67-309 & 67-4148

To Whom It May Concern;

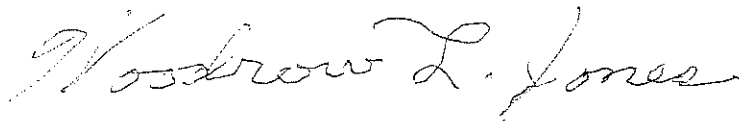
I moved to my ranch, the old Johnson place, on Cottonwood Creek in 1956 and then started leasing the Snow place in 1960 and leased it for 12 years until it was bought by Joseph and Sandra James in 1972.

At the time I started leasing all the land was irrigated (140 acres) except for around 20 acres of dry & waste land and all the ditches were well established.

In my conversation with the Snows, prior to leasing, we visited about the place and I was led to believe that the irrigated land had been that way for many years. They purchased the land from Beiers in 1946 or 1947.

Sincerely,

Woody Jones

A handwritten signature in cursive script that reads "Woodrow L. Jones". The signature is written in dark ink and is positioned to the right of the typed name "Woody Jones".

December 11, 2006

Sandra J. James
P.O. Box 413
Council, ID 83612

Department Of Water Resources
Adjudication Bureau
P.O. Box 83720
Boise, ID 83720-0098

Re: Water Rights - # 67-309 & # 67-4148
James Ranch
2255 Cottonwood Road
Council, ID 83612

To Whom It May Concern;

When my husband and I bought this place in 1972 I remember having talks with my Grandpa Shaw (William Shaw) about the history of this place. He was about 70 years old at the time and had grown up around this area so he had knowledge of the history of our place. He said that this was the best place on Cottonwood because of the water right and that most of the place was good irrigated farm and pasture ground.

Sincerely,

Sandra J. James

12/21/2006

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

RIGHT NUMBER: 67-4148

NAME AND ADDRESS: SANDRA J JAMES
PO BOX 413
COUNCIL ID 83612

SOURCE: COTTONWOOD CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 1.490 CFS

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

PRIORITY DATE: 01/01/1960

POINT OF
DIVERSION: T16N R01W S26 SWSWSW Within ADAMS County
T16N R01W S34 NWNENE Within ADAMS County
T16N R01W S36 NENWNW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.070 CFS
IRRIGATION	03/15 11/15	1.420 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T16N R01W S27	SWSE	37.00	T16N R01W S27	SESE	38.00
T16N R01W S34	NENE	17.00	T16N R01W S34	NWNE	37.00

STOCKWATER same as IRRIGATION

129 ACRES TOTAL

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.

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

Stockwater use is for 330 range cattle.