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DEPARTMENT OF
WATER RESOURCES

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. 35976

A. Subcase 21-4011

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Frank L. Vandersloot

Address: c/o Melaleuca, Inc., 3910 S. Yellowstone Hwy.
Idaho Falls, ID 83402

Daytime Phone: 208-522-0700

Name & Address of Attorney, if any:

Kent W. Foster

Holden, Kidwell, Hahn & Crapo, PLLC

PO Box 50130

Idaho Falls, ID 83405-0130

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

Name: Frank L. Vandersloot

Address: c/o Melaleuca, Inc., 3910 S. Yellowstone Hwy.
Idaho Falls, ID 83402

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: Frank L. Vandersloot
2. ☒ **Source**
Should be: Strong Creek, Tributary to Henry's Fork
3. ☒ **Quantity**
Should be: 1.250 cfs/30.00 acre feet per annum
4. ☒ **Priority Date**
Should be: May 1, 1957
5. ☒ **Points of Diversion**
Should be: NWNESE, Sec. 17, T9N., R43E. and SWNWSE, Sec. 17, T9N., R43E.
6. ☐ **Instream Flow Description**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: Irrigation, Irrigation Storage, Irrigation from Storage and Fish Propagation Storage and Recreation
8. ☒ **Period of Year**
Should be: Fish Propagation Storage - 1/1 to 12/31, Irrigation from Storage - 4/1 to 11/1, Irrigation - 4/1 to 11/1, Irrigation Storage - 1/1 to 12/31, Recreation - 5/1 to 10/31
9. ☒ **Place of Use**
Should be: _____

Use	Sec.	Township	Range	Acres	Quarter-Quarters
Irrigation	17	9N.	43E.	20	SWNE
				11	NWSW
				10	SWSW
				9	SESW
				10	NESE

				12	NWSE
				8	SWSE
				6	SESE
	20	9N.	43E.	12	NENW
				12	NWNW

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): The evidence indicates this dam, reservoir, storage and the uses have continued since the claimed priority date through the present time. Applicant does not understand why the Department concluded no beneficial use had been found.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.
 County of Bonneville)

Kent W. Foster, 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

Subscribed and sworn to before me on this _____ day of March, 2006.

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

DAM SUMMARY SHEET

November 22, 1996

HOWELL UPPER
21 - 4011

INVENTORY _____ A
BASIN _____ 21
DAM NUMBER _____ 4011
FED ID NUMBER _____
DAM NAME _____ HOWELL UPPER
COUNTY _____ FREMONT
STREAM _____ STRONG CREEK
REGION _____ E
PURPOSE _____ IH
RISK CATEGORY _____ 3
SIZE CATEGORY _____ 3
Q-Q SECTION _____ NWSE
SECTION _____ 17
TOWNSHIP _____ 09N
RANGE _____ 43E
LATITUDE DEC _____ 44.1059
LONGITUDE DEC _____ 111.2835
DAM TYPE _____ EARTH
STORAGE CAPACITY _____ 30.00 ACFT
HEIGHT _____ 14.70 FT
DRAINAGE AREA _____ 1.60 SQMI
RESERVOIR AREA _____ 5.00 AC
YEAR COMPLETED _____ 1962
CREST ELEVATION _____ 5,270.00 MSL
CREST LENGTH _____ 110.00 FT
SPILLWAY TYPE _____ GLHOLE
SPILLWAY DEPTH _____ 7.10 FT
SPILLWAY CAPACITY _____ 69.00 CFS
OUTLET TYPE _____ CMP
OUTLET SIZE _____ 12 IN
OUTLET CAPACITY _____ 7.00 CFS
IDF _____ Q50
IDF MAGNITUDE _____ 86.00 CFS
RELEASE CAPACITY _____ 69.00 CFS

CONDITION _____ FR
MAINTENANCE _____ ROUTINE
INSPECTION DATE _____ 0896 MO/YR
CERTIFICATE EXP DATE _____ 1197 MO/YR
LAST RISK EVALUATION _____ 0590 MO/YR
SURVEY DATE _____ 7/10/91 MO/DD/YR
CALL UP DATE _____ MO/DD/YR
CERT ISSUE DATE _____ 11/15/95 MO/DD/YR
INSPECTION INTERVAL _____ 2YR
PHASE 1 INSP DATE _____
OPERATION PLAN _____ N
SEISMIC ANALYSIS _____ N
RESTRICTED _____
JOINT INSPECTION _____
QUAD NUMBER _____ V97
QUAD NAME _____ ASHTON

DAM OWNER _____ FRANK VANDERSLOOT
ADDRESS - 1 _____
ADDRESS - 2 _____ P O BOX 305
CITY _____ IDAHO FALLS
STATE _____ ID
ZIP CODE _____ 83405
ZIP SUFFIX _____
PHONE _____ 0
AREA CODE _____ 208

GENERAL REMARKS : DAM RAISED AND ERCHAN SPILLWAY INSTALLED IN 1994. ERCHAN
SPILLWAY WILL ERODE IF IT IS EVER USED.

TECHNICAL REMARKS : AUX SPILLWAY IS 3.3' DEEP X 10' WIDE ERCHAN SPILLWAY ON LEFT
ABUTMENT. SPILLWAY CAP IS TOTAL THRU BOTH SPILLWAY WITH 2.0'
FREEBOARD. OUTLET & RELEASE CAP ARE WITH 2.0' FREEBOARD.

RESTRICTIONS :

ALTERNATE CONTACTS :



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

May 9, 2007

Robert L. Harris
PO Box 50130
1000 Riverwalk Dr, Suite 200
Idaho Falls, ID 83405

RE: Subcase No. 21-4011 - Vandersloot

Dear Mr. Harris:

Enclosed please find a document entitled "Standard Form 5 – Stipulated Elements of A Water Right" (commonly referred to as SF 5) which has a revised recommendation attached for this previously disallowed water right.

Please review the new recommendation with your client. If all meets with your approval, please sign and date the first page of the original and **initial** the page entitled "*Idaho Department of Water Resources Recommended Water Rights Acquired Under State Law*". After you have signed and initialed the originals, please file them with the SRBA Court. The next SRBA status hearing is scheduled for July 25, 2007 at 2:30 p.m.

If you have any questions regarding the enclosed documents, please do not hesitate to call Deputy Attorney General, Garrick Baxter at 287-4811.

Sincerely,

A handwritten signature in cursive script that reads "Becky J. Harvey".

Becky J. Harvey
Paralegal

/bh
Enclosures

cc via email: Trent Galbraith, IDWR Water Agent

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

RIGHT NUMBER: 21-4011

NAME AND ADDRESS: FRANK L VANDERSLOOT
C/O MELALEUCA INC
3910 S YELLOWSTONE HWY
IDAHO FALLS ID 83402

SOURCE: STRONG CREEK

TRIBUTARY: HENRYS FORK

QUANTITY: 1.250 CFS
30.00 AFY

PRIORITY DATE: 05/01/1967

POINT OF
DIVERSION:

T09N R43E S17 NESE Within FREMONT County
T09N R43E S17 NWSE Within FREMONT County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	1.250 CFS
IRRIGATION STORAGE	01/01 12/31	30.00 AFY
IRRIGATION FROM STORAGE	04/01 10/31	30.00 AFY
RECREATION STORAGE	01/01 12/31	30.00 AFY

PLACE OF USE:

IRRIGATION in FREMONT County

T09N R43E S17	SWNE	18.00	T09N R43E S17	NESW	30.00
T09N R43E S17	NWSW	11.00	T09N R43E S17	SWSW	11.00
T09N R43E S17	SESW	4.00	T09N R43E S17	NESE	17.00
T09N R43E S17	NWSE	9.00	T09N R43E S17	SWSE	5.00
T09N R43E S17	SESE	25.00			

IRRIGATION STORAGE in FREMONT County

T09N R43E S17 NESE T09N R43E S17 NWSE

RECREATION STORAGE same as IRRIGATION STORAGE
IRRIGATION FROM STORAGE same as IRRIGATION

130 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(5), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

SF5: 21-4011 Previously Disallowed

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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	)	Subcase No. 21-4011
	)	previously disallowed
	)	Standard Form 5
Case No. 39576	)	
	)	STIPULATED ELEMENTS
	)	OF A WATER RIGHT

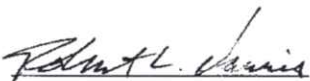
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right, which was previously disallowed, should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s)/OBJECTOR(s):

Frank L Vandersloot
c/o Melaleuca Inc

	<u>5/18/2007</u>
Robert L. Harris	Date
Attorney	

COPY

IDWR CONCURRENCE:



Trent Galbraith

IDWR Water Resource Agent

5-7-07

Date

IDWR CONCURRENCE:



Garrick L. Baxter

Deputy Attorney General

5/9/07

Date

CERTIFICATE OF MAILING

I certify that on May 18, 2007, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

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

2. Copy to:

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

3. Copies to all parties to the subcase (insert names and addresses):

Robert L Harris
Kent W Foster
1000 Riverwalk Dr, Suite 200
PO Box 50130
Idaho Falls, ID 83405



Signature of person mailing the form