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OCT 17 2011

DEPARTMENT OF
WATER RESOURCES

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

75-13717

(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:

Bob Rowe

Address:

28 Gibbonsville Rd

Gibbonsville, IDAHO 83463

Daytime Phone:

208 768 7238

Name & Address of Attorney, if any:

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

Name:

BRIAN SOPATYK

Address:

913 SLATAH

BOISE, IDAHO 83705

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: Date of purchase, (19th day of Sept. 1997)

5. ☐ Point of Diversion

Should be: _____

6. ☐ Instream Flow Beginning and Ending Point

Should be: _____

7. ☒ Purpose(s) of Use

Should be: Domestic irrigation.

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): This property has not

④ had use on it for the last 20 (twenty) years, that we
know of.

⑦ This land has never had irrigation on it.

F.

VERIFICATION (must be completed)

State of IDAHO)

County of LEMHI) ss.

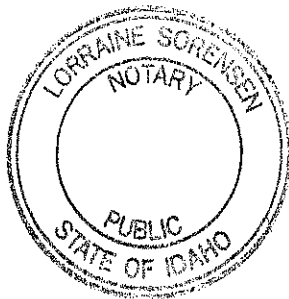
Bob Rowe, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

Bob Rowe
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: October 15, 2007



Lorraine Sorensen
Notary Public for Idaho
Residing at: Idaho
My Commission Expires: 4/10/12

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 Oct 15, 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:

Address:

BRIAN SOPATYK
913 S LAMAR
BOISE ID 83705

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

QUIT-CLAIM DEED

For Value Received, FLEET NATIONAL BANK, Successor to Connecticut Bank & Trust Company, N.A., and MERCIA P. LEE, as Co-Trustees, ^{of the Lawrence I. Lee Trust} under that Certain Trust Agreement dated June 22, 1973 and a First Amendment thereto dated March 2, 1978, the Grantor, does hereby Convey, Release, Remise and forever Quit Claim unto BRIAN D. SOPATYK, a married man dealing with his sole and separate property, whose address is 913 S. Latah, Boise, ID 83705, the Grantee, any and all interest which it may have in those premises in Lemhi County, Idaho, more particularly described on Exhibit "A" annexed hereto and by this reference made a part hereof, together with their appurtenances.

IN WITNESS WHEREOF, the Grantor have hereunto set their hands and seal this 19th day of September, 1997.

234793

Notarially acknowledged for record at the request of

Bill Allen Escrow

at 3:14 o'clock p.m. 10-9 1997

and duly filed and indexed in the records of Lemhi

County

Alberta Wieronick

Ex-Officio Recorder

By Patricia R. Rupp Deputy

Fee \$9.00

Remitted to Bill Allen Escrow

FLEET NATIONAL BANK,
Successor to Connecticut
Bank and Trust Company,
N.A., as Trustee of the Lawrence T.
Lee Trust

By: Margaret Peruggia

Mercia P. Lee
Mercia P. Lee, as Trustee

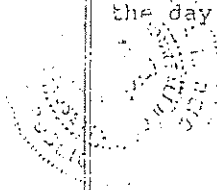


My Commission Expires Mar. 4, 1999

STATE OF)
)
) ss.
County of)

On this 19th day of Sept, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared MERCIA P. LEE, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

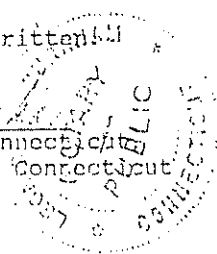
IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.


[Signature]
Notary Public for
Residing at
Commission Expires: 3/4/99

STATE OF CONNECTICUT)
)
) ss. Hartford
County of Hartford)

On this 19th day of September, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared Leahy/Hartford, known to me to be the Authorized Agent of FLEET NATIONAL BANK, the corporation that executed the above instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.


[Signature]
Notary Public for Connecticut
Residing at Hartford Connecticut
Commission Expires: 1997

LEONIDA A. GURNHAM
NOTARY PUBLIC
MY COMMISSION EXPIRES FEB 23, 2001

EXHIBIT "A"

Nos. 1, 2 and 3, Consolidated Placer Survey
#1170
Anderson Creek 1, and 2, Consolidated Placer,
Survey #1187
All situate in the Dahlenega Mining District,
in Lemhi county, State of Idaho

Together with all water, water rights,
ditches, ditch rights, minerals and mineral
rights and appurtenances situated thereon or
used in connection therewith

EXHIBIT "A"

Water Right No.	Current Owner Last, First	T G	Priority Date	Tributary	Basin: 75	STATE
					# Records	19
					Total	Use
					Diversion	Code Desc
A75-10000	SCARBOROUGH, WALTEN	J	10/01/1945	DAHLONEGA C	0.040	43 DOMEST
A75-04470	SCARBOROUGH, NORMA					
	SPLIT RIGHT,		01/01/1933	DAHLONEGA C	0.290	01 IRR
A75-04470A	USHER, LES	J	01/01/1933	DAHLONEGA C	0.040	43 DOMEST
A75-04470B	USHER, MILTON D	J	01/01/1933	DAHLONEGA C	0.040	43 DOMEST
	USHER, LES	J	01/01/1933	DAHLONEGA C	0.040	43 DOMEST
A75-04470C	USHER, LES	J	01/01/1933	DAHLONEGA C	0.040	43 DOMEST
A75-10172	USHER, MARLON D	J	12/31/1898	DAHLONEGA C	0.020	43 DOMEST
	ROWE, BOB					
A75-10577	ROWE, DELORES	J	11/30/1938	NORTH FORK,	0.040	43 DOMEST
	HAMMITT, KIM					
	HAMMITT, GARY					
A75-10487	BLOEMEKE, HARTMUT J	J	10/09/1901	DAHLONEGA C	0.060	43 DOMEST
	BLOEMEKE, JANET M					04 STOCK
A75-10946	JEMMETT, JEAN	J	12/31/1898	DAHLONEGA C	0.040	
A75-04041	GIBBONSVILLE IMPROV	D	10/09/1901	DAHLONEGA C	0.720	43 DOMEST
						01 IRR
A75-11001	JEMMETT, GEORGE		12/31/1900	DAHLONEGA C	0.300	43 DOMEST
	ROWE, BOB					01 IRR
	ROWE, DELORES					

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

RIGHT NUMBER: 75-13718

NAME AND ADDRESS: BRIAN SOPATYK
913 S LATAH
BOISE ID 83705

SOURCE: ANDERSON CREEK
DAHLONEGA CREEK

TRIBUTARY: DAHLONEGA CREEK
TRIBUTARY: SALMON RIVER

QUANTITY: 1.720 CFS

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

PRIORITY DATE: 04/24/1897

POINT OF
DIVERSION: T26N R21E S13 SWSE Begin of Stream Flow Within LEMHI County
T26N R21E S25 NESW Within LEMHI County
T26N R21E S25 NESW End of Stream Flow Within LEMHI County
T26N R21E S25 SESW Within LEMHI County
T26N R21E S25 NWSE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1/01 12/31	0.020 CFS

PLACE OF USE: STOCKWATER in LEMHI County

T26N R21E S13	SWSE	T26N R21E S24	NWNE
T26N R21E S24	SWNE	T26N R21E S24	SENW
T26N R21E S24	NESW	T26N R21E S24	SESW
T26N R21E S24	NWSE	T26N R21E S25	NENW
T26N R21E S25	SENW	T26N R21E S25	NESW
T26N R21E S25	SESW	T26N R21E S25	NWSE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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

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

RIGHT NUMBER: 75-13716

NAME AND ADDRESS: BRIAN SOPATYK
913 S LATAH
BOISE ID 83705

SOURCE: DAHLONEGA CREEK

TRIBUTARY: NORTH FORK SALMON RIVER

QUANTITY: 0.040 CFS

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

PRIORITY DATE: 04/24/1897

POINT OF
DIVERSION: T26N R21E S25 SENE Within LEMHI CountyPURPOSE AND
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

DOMESTIC

01/01 12/31

0.040 CFS

PLACE OF USE: DOMESTIC in LEMHI County

T26N R21E S25 SWNE

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 is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

