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JUN 19 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUN 18 2008

By _____

Clerk

Deputy Clerk

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 67-14896

(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: STEPHEN C. VANZANDT

Address: 176 MAURICE ST. N. #309

TWIN FALLS, ID 83301

Daytime Phone: (208) 736-2196

CELL (208) ~~736~~ 320-2252

Name & Address of Attorney, if any:

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

Name: STEPHEN C. VANZANDT

Address: (SAME AS ABOVE)

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: _____
5. ☒ **Point of Diversion**
Should be: 15N 01W 26 SE NE NE BEGINNING
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: (THIS WAS ORIGINAL WAY IT WAS CLAIMED)
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): THE TAX LOT
OWNERSHIP MAP LIES IN THE IDWR
ARVIA SYSTEM FOR THAT PART OF MY
PROPERTY ARE IN ERROR. SEE ATTACHMENT ①
I HAVE CONFIRMED THAT PROPERTY BOUNDARY
IS AS ORIGINAL CLAIM WITH
ADAMS COUNTY ASSESSOR'S OFFICE,
(CONTACT: KELLY CHRISTENSEN, IDWR)

F.

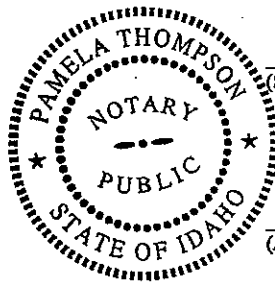
VERIFICATION (must be completed)

State of Idaho)

County of Jerome) ss.

Stephen C. VANZANDT, 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.



Stephen C. Vanzandt
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: JUNE 18, 2008

Pamela Thompson
Notary Public for State of Idaho
Residing at: Jerome, IDAHO
My Commission Expires: 1/31/2014

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 JUNE 18, 2008, 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:

STEPHEN C. VANZANDT

Address:

176 MARICA ST N. #309
TWIN FALLS, ID 83301

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

Stephen C. Vanzandt

Signature of objector or attorney
mailing on Objector's behalf

Attachment ①

Primarily at issue is what portion of the stream segment should be included within the recommended POU. The conflict was triggered by the tax lot ownership that the department has access to. The beginning point of diversion and first 1,000 ft of the claimed stream segment are shown as being owned by Kenneth Alder (see Tax Lot Ownership view on the next page). If you now own the Alder parcel or there is some other compelling reason to include that stream reach, then you should file an objection to have the recommendation reflect the claim. However if the Alder property should not be included in the recommendation for your stockwater use then the current recommendation probably should be correct.

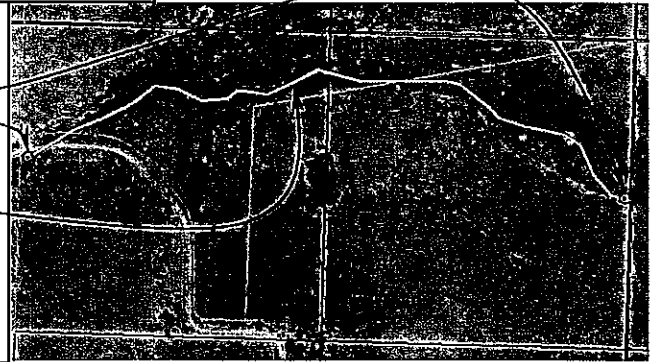
THIS IS
CORRECT

ORIGINAL CLAIM
WAS CORRECT

CLAIM SHAPES

The layout to the right shows what was claimed. The two green dots are the beginning point and ending point for the Points of diversion.

The light blue line represents the claimed stream segment.



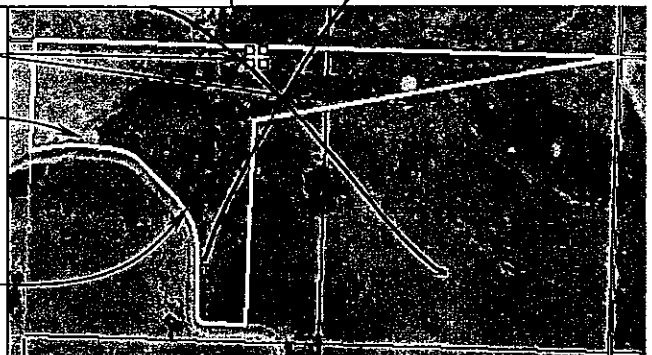
When the State office made the recommendation for this right they included a second unnamed stream segment (the highlighted beginning point of diversion). That stream segment is tributary to the original unnamed stream segment within your property boundary therefore it shares the same ending point of diversion. We did not discuss this segment but if this is acceptable to you then the second segment could be included in the recommendation. They also used the tax lot shape shown in your name as the place of use. That shape is not a big issue, rather more of an agent discretion issue. If the shapes as recommended are correct then no objection is necessary.

TAX SHAPE
IS INCORRECT

RECOMMENDED SHAPES

The current recommendation reflects the following;
Two beginning points of diversion for 2 stream segments and one ending point of diversion where the stream segment leaves the tax lot identified under your name.

The place of use is identified as the tax lot under your name (again, outlined in yellow)



Below is shown the ownership as shown on the Tax lot ownership layer that we use in Arc Map.

TAX LOT OWNERSHIP

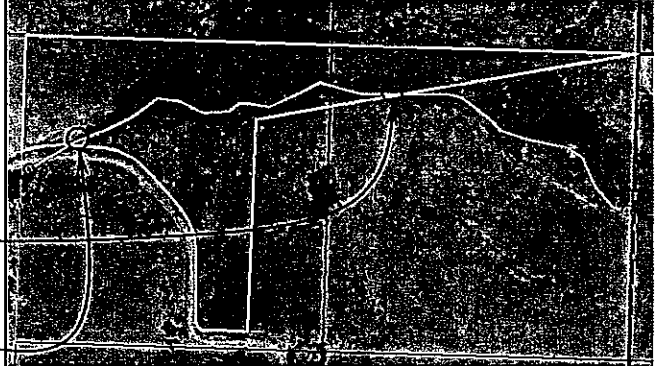
The yellow outlined area to the right represents the parcel identified in our tax lot layer as;

UPDATED 03/01/2005
PIN RP15N01W260075A
OWNER VAN ZANDT, STEPHEN C
ADDRESS1 176 MAURICE ST N #309
ADDRESS2
CITY TWIN FALLS
STATE ID
ZIPCODE 83301
P_ADDRESS
P_ZIPCODE 0
LEGAL1 T15N R1W SEC 26
LEGAL2 PT N2NE4
LEGAL3 30.47 AC

If this represents the extent of your ownership then the beginning POD and POU would be at this point.

The beginning point would then be the NWNENE. The ending point would also shift

slightly but would still retain the same legal description as previously described.

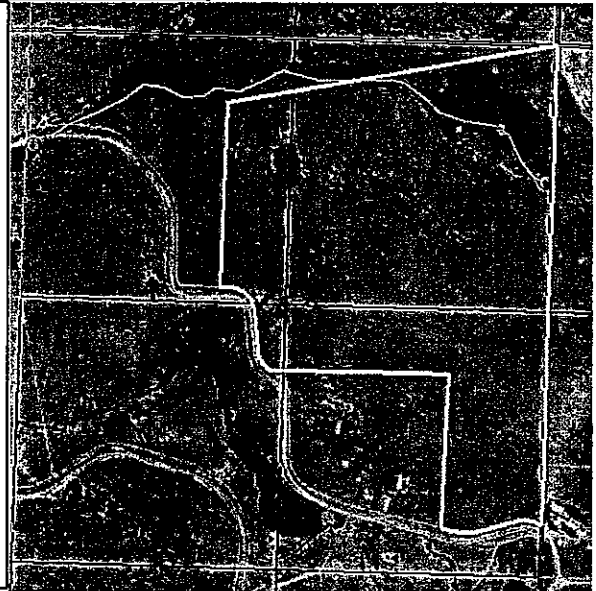


TAX LOT OWNERSHIP

The yellow outlined area to the right represents the parcel identified in our tax lot layer as;

UPDATED 03/01/2005
PIN RP15N01W260300A
OWNER ADLER, KENNETH PAUL
ADDRESS1 3000 GOLD CREEK ROAD
ADDRESS2
CITY SANDPOINT
STATE ID
ZIPCODE 83864
P_ADDRESS
P_ZIPCODE 0
LEGAL1 T15N R1W SEC 26
LEGAL2 PT NE4
LEGAL3 55.45 AC

If you now own the property then the recommendation should reflect the original claimed place of use.



VAN ZANDT property description

Exhibit A

Township 15 North, Range 1 West, Boise Meridian, Adams County, Idaho
Section 14: E $\frac{1}{2}$ SW $\frac{1}{4}$;

Section 23: E $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$;

Section 24: SW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;

Section 26: All that portion of the N $\frac{1}{2}$ NE $\frac{1}{4}$ lying North of the County road which intersects said N $\frac{1}{2}$ NE $\frac{1}{4}$,

EXCEPT the following described tract in the N $\frac{1}{2}$ NE $\frac{1}{4}$:

Commencing at the Section corner common to Sections 23, 24, 25 and 26;

thence South 00°06'03" West 705.444 feet to the point where the Grays Creek/Fall Creek Ditch intersects the section line common to Sections 25 and 26, the REAL PLACE OF BEGINNING;

thence Westerly along the center line of said ditch to a point from which the said Section corner bears North 78°58'51" East 1,670.692 feet;

thence South 00°52'36" West 975.797 feet to the North right of way of the county road;

thence Easterly along said county road right of way to a point where the right of way intersects the Section line for Sections 25 and 26;

thence North 00°04'57" East 1,686.812 feet to the PLACE OF BEGINNING.

EXCEPTING roads as now established.