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JUL 07 2009

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

Case No. 39576

A. Subcase 74-15861
(Insert water right number)

STANDARD FORM 2
RESPONSE TO OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: United States of America acting through the Department of Interior,
Bureau of Land Management, Idaho State Office
Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657
Daytime Phone: (208) 373-3831

Name & Address of Attorney, if any:

David L. Negri (208) 334-1936 phone. (208) 334-9375 fax
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

**C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING**

Name: James E. Riggan
Address: 267 Hwy 28
Salmon, Idaho 83467

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

1. ☒ **Name and Address** .
2. ☒ **Source** .
3. ☒ **Quantity** .
4. ☒ **Priority Date** .
5. ☒ **Point(s) of Diversion** .
6. ☒ **Instream Flow Description**
7. ☒ **Purpose(s) of Use** .
8. ☒ **Period of Year** .
9. ☒ **Place of Use** .

11. Recommendation:

- ☐ This water right should not exist.
- ☒ This water right was not recommended, but should be recommended with the elements described above.

REASONS SUPPORTING RESPONSE:

The objection seeks to overcome IDWR's recommendation of disallowance in the Late & Miscellaneous Claims Director's Report, Spring 2009 (06-10-09) and obtain a recommendation of the elements as claimed. The Amended Notice of Claim filed with the SRBA court on 01-30-09 describes a place of use for irrigation within SENW, S25, T21N, R23E. This legal land description contains both public and private land. If the objector is successful in overcoming IDWR's disallowance, then this response seeks clarification of the place of use element such that it is clear the 1.0 acre of irrigation is limited to private land within this place of use. A remark decreed under the place of use element such as the following would resolve BLM's response: "Place of use does not include federal public lands."

E.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of ADA)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing response)

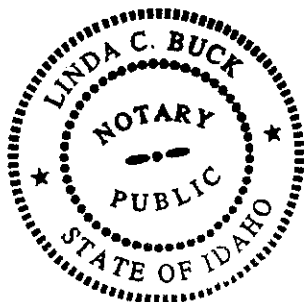
That I am the party/claimant filing this response, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing response)

David M.
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

July 16, 2009
Linda C. Buck
Linda C. Buck



Notary Public for State of Idaho

Residing at: Mountain Home, ID.

My Commission Expires: 12-21-2011

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, 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.

F.

CERTIFICATE OF MAILING

I certify that on July 6, 2009, I mailed the original and copies of this response, 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. One copy to the claimant of the water right at the following address:

James E. Riggan
267 Hwy 28
Salmon, Idaho 83467

3. One copy to the party who filed the objection at the following address:

James e. Riggan
267 Hwy 28
Salmon, Idaho 83467

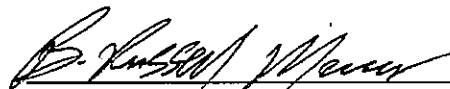
Jerry R. Rigby
Rigby, Andrus & Moeller, Chtd.
25 North 2nd East
P.O. Box 250
Rexburg, Idaho 83440
Attorney for objector

4. 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
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Your signature or signature of attorney mailing on your behalf

06/4/2009

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
27-12181	JOY G GOOD VOICE 580 N HANSON SHELLEY ID 83274	Disallowed	No lawful appropriation shown.
37-22329	Y 3 RANCH PO BOX 5405 BOISE ID 83705-5405	Disallowed	No lawful appropriation shown.
63-3422C	JONNA R STORER HC 33 BOX 2055 BOISE ID 83706	Disallowed	Recommended as Right No(s). 63-3422A & 63-3422B.
63-32910	W & H PARTNERSHIP LLC DBA MALLARD FARMS 504 N PHILLIPPI ST BOISE ID 83706	Disallowed	No beneficial use found.
63-33144	WILLIAM E SMITH PO BOX 2806 KETCHUM ID 83340	Disallowed	Recommended as Right No. 63-4005D.
74-10153	KENNETH H THACKER 1 SKINNER RANCH RD SALMON ID 83467 BONNIE L JAKUBOS 1 SKINNER RANCH RD SALMON ID 83467	Disallowed	Right not claimed in prior adjudication.
74-15861	JAMES E RIGGAN 267 HWY 28 SALMON ID 83467	Disallowed	No lawful appropriation shown.
75-2065	NANCY CONWAY 16133 HIGH VALLEY PL ENCINO CA 91436	Disallowed	Change in use; insufficient evidence of date of change.
84-4088	DENNIS M MC KITTRICK 2398 HARMONY HEIGHTS OROFINO ID 83544 G ELIZABETH MC KITTRICK 2398 HARMONY HEIGHTS OROFINO ID 83544	Disallowed	Recommended as Right No. 84-10541.

Late & Misc Claims Director's Report, Spring 2009

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Amended Notice of Claim
01-30-09 filed
02-02-09 granted

Ident. Number
74-15861

Date Received:

Receipt Nos:

Received By:

AMENDED
NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

James E. Riggan
267 Hwy 28
Salmon, Idaho 83467
(208)756-3710

2. Date of Priority: 05/20/1971

3. Source: Wimpey Creek Trib. to: Lemhi River

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
21N	23E	24	NE	SE	SW	LEMHI	
21N	23E	24	NE	SE	SW	LEMHI	
21N	23E	24	SE	SE	SW	Lemhi	
21N	23E	25	SW	NE	NW	Lemhi	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
Irrigation	03/15	11/15	1.24	

7. Total Quantity Appropriated is:
1.24 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:
Number of homes:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
21N	23E	24	SE	SW	Irrigation	7.2
					Section Acres	7.2
21N	23E	25	NE	NW	Irrigation	28
			SW	NW	Irrigation	15
Mixed ownership, BLM & private			SE	NW	Irrigation	01
			NW	SW	Irrigation	02
			NW	NW	Irrigation	3.3
					Section Acres	49.3
21N	23E	26	SE	NE	Irrigation	1.5
			NE	SE	Irrigation	15
					Section Acres	16.5
					Total Acres	73

11. Place of use in counties: LEMHI

12. Do you own the property listed above as place of use?

YES

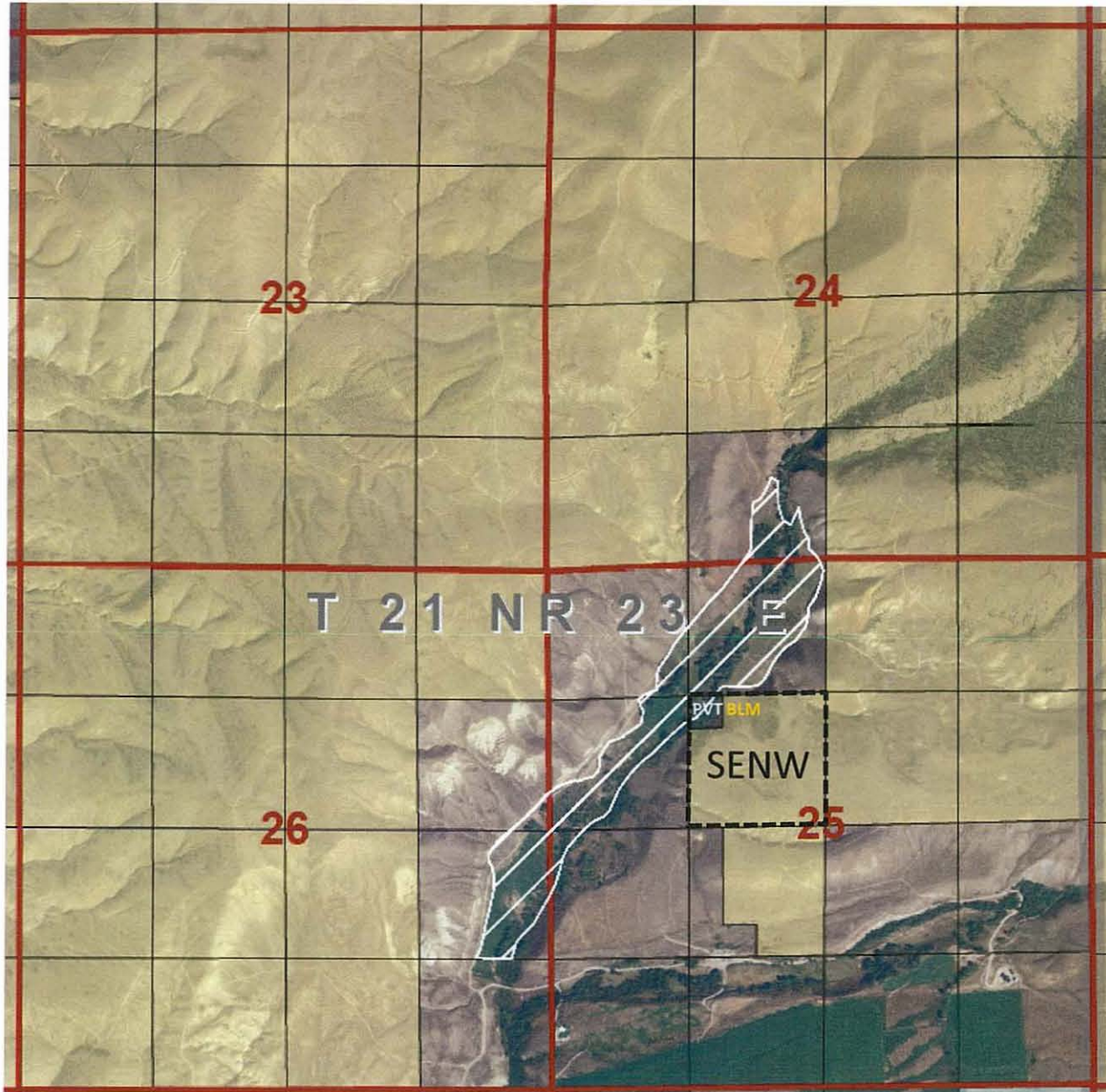
13. Other Water Rights Used:

74-15015

14. Remarks:

15. Basis of Claim: Beneficial Use

74-15861; James E. Riggan



Mixed POU:

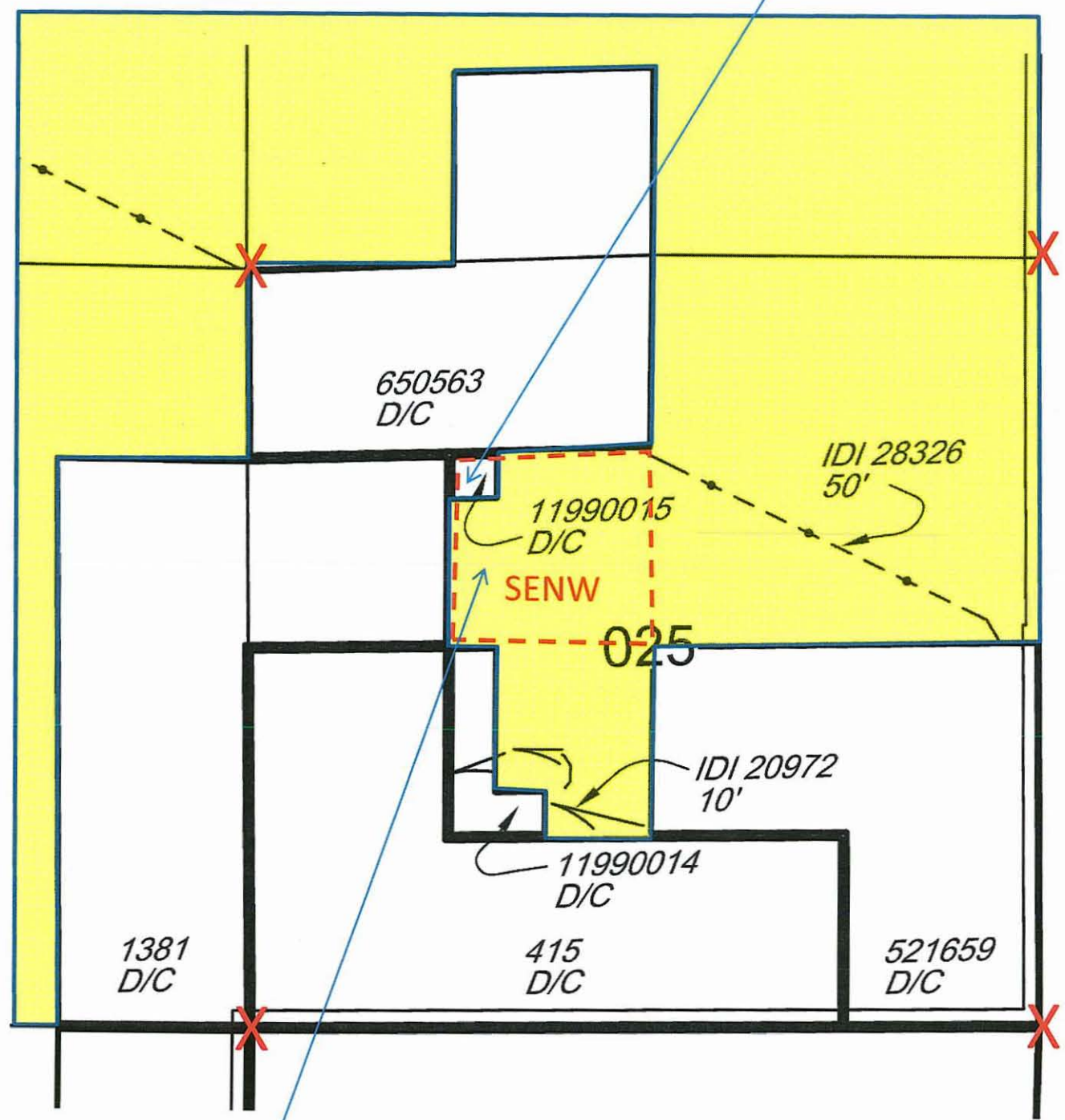
-The place of use contains both private and public land.

-Please clarify such that only private land is intended by inserting the following language under place of use:

"Place of use does not include federal public lands."

74-15861

Private land



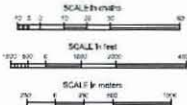
BLM Land

T21N R23E

LEMHI COUNTY 059
IDAHO FALLS DISTRICT SEC 3



U.S. Bureau of Land Management - Idaho State Office
1387 S. Virrell Way Boise, Idaho 83709
(208) 373-4000



NORTH

This plot is only a graphic display of the Bureau of Land Management's (BLM) Record of Title and townships survey data. Records herein do not reflect the changes which may have been affected by joint movements of river or other bodies of water. Refer to cadastral surveys for official information.

No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or aggregate use with other data is not guaranteed.

MT PLAT

[illegible]

DOI 08976 Del PL 167 (Act of Cong 07/23/1955)
completed 06/13/1962. All PD surface Mgmt by BL

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LAND REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

FILE REF: B06210N076W0800L09	
CORNER INFO: E1342026	PY: L&M
LAST UPDATED: 6/6/2013	PY: LFM
GAOZ ID:	GAOZ ID:
POSTED TO PUBLIC RECORDS:	PY: May 6, 2010
PUBLIC LAND SURVEY SYSTEM (PLSS)	
RANGE ACQUISITION: 40/10/2010	
OTHER: N/A	
PROJECTED COORDINATE SYSTEM: UTM ZONE 18N, NAD 1983	
NORTH:	
USE PLATS:	

Boja Mar.
T. 21N
R. 22E