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MAR 26 2010
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: 74-15861
(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: United States of America
Address: 550 W. Fort St., MSC 033
Boise, ID 83724
Daytime Phone: (208) 334-1936

Name & Address of Attorney, if any:
David Negri, Trial Attorney
Bruce Bernard, Trial Attorney
United States Department of Justice
Environment and Natural Resources Division
550 W. Fort St., MSC 033
Boise, ID 83724
(208) 334-1936 phone
(208) 334-1414 fax

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

Name:	James E. Riggan	Jerry R. Rigby (attorney for Riggan)
Address:	267 Hwy 28	Rigby, Andrus & Rigby, Chtd.
	Salmon, ID 83467	P.O. Box 250
		Rexburg, ID 83440

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: See reasons.
2. ☒ **Source**
Should be: See reasons.
3. ☒ **Quantity**
Should be: See reasons.
4. ☒ **Priority Date**
Should be: See reasons.
5. ☒ **Point of Diversion**
Should be: See reasons.
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: See reasons.
8. ☒ **Period of Year**
Should be: See reasons.
9. ☒ **Place of Use**
Should be: See reasons.
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):** There has been no lawful appropriation of a water right under state law. I.C. § 42-1420 states that a decree entered in a general adjudication shall be conclusive as to the extent of all water rights in the adjudicated water system. This water use was subject to the Shennon Adjudication (1906) and also to the Lemhi Adjudication (1972) and is thus barred from asserting a beneficial use priority prior to their cut-off dates. According to IDWR Adjudication Memo #14, the cut-off date for the Lemhi Decree was 04-01-1972. The mandatory permitting statute for irrigation purposes from surface water was effective on 05-20-1971.

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Ada)

_____, 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.

(Signature of person filing objection)

David Negri
(Attorney signing in representing capacity)

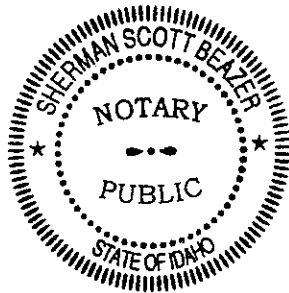
Subscribed and sworn to before me on: March 24th 2010

[Signature]

Notary Public for

Residing at: Boise, ID

My Commission Expires: 12-10-2015



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 3/25, 2010, 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
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, ID 83467

Jerry R. Rigby
Rigby, Andrus & Rigby, Chtd.
P.O. Box 250
Rexburg, ID 83440
Attorney for Riggan

3. Copies to:

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

Chief, Natural Resources Division
Office of Attorney General
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resources Division
Natural Resources Section
550 W. Fort St., MSC 033
Boise, ID 83724



Signature of objector or attorney mailing on Objector's behalf