

MAY 04 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 73-12052
(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 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 (Fred Price)

Name & Address of Attorney, if any:

David L. Negri (208) 334-1936 phone, (208) 334-1414 fax
United States Department of Justice
Environment and Natural Resource Division
Natural Resources Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

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

Name: Richard Kraatz
Address: P.O. Box 4420
Ketchum, Idaho 83340

Name: James P. Speck, attorney for Kraatz
Address: Speck & Aanestad, PC
120 East Avenue
P.O. Box 987
Ketchum, Idaho 83340

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(s) of Diversion**

Should be:

6. ☐ **Instream Flow Description**

Should be:

7. ☐ **Purpose(s) of Use**

Should be:

8. ☐ **Period of Year**

Should be:

9. ☒ **Place of Use**

Should be:

Claim should not include BLM land
within T13N, R24E, S18, SENW (2.0 acres).

11. **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 United States of America, through the Bureau of Land Management, is the owner of the land upon which a portion of the use is claimed. The claimant's use of Federal land within SENW (2.0 acres), S18, T13N, R24E is unauthorized. Claimant's water right should not include this POU. One who diverted water and put it to a beneficial use by aid of trespass, did not, pursuant to such trespass, acquire a water right. Bassett v. Swenson, 51 Idaho 256, 5 P.2d 722 (1931).

F.

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 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.

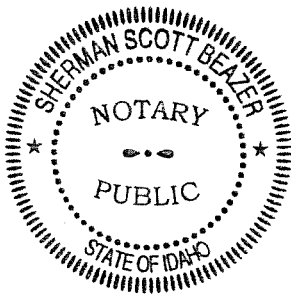
Fredric W. Price
(Signature of person filing objection)

David Negri
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

April 29th, 2011

Sherman Scott Beazer
Sherman Scott Beazer



Notary Public for State of Idaho

Residing at: Boise

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 May 2, 2011, 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:

Richard Kraatz
P.O. Box 4420
Ketchum, Idaho 83340

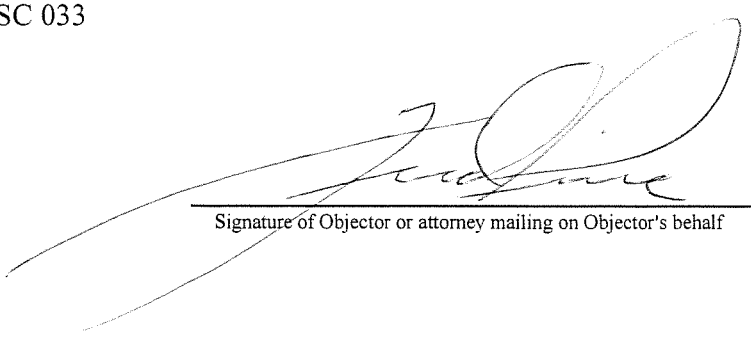
James P. Speck, attorney
Speck & Aanestad, PC
120 East Avenue
P.O. Box 987
Ketchum, Idaho 83340

3. 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
Natural Resources Section
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney mailing on Objector's behalf

Amended Director's Report filed 04-18-11

04/05/2011

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

RIGHT NUMBER: 73-12052

NAME AND ADDRESS: RICHARD KRAATZ
PO BOX 4420
KETCHUM ID 83340

SOURCE: STINKING CREEK

TRIBUTARY: BIG CREEK

QUANTITY: 0.120 CFS

PRIORITY DATE: 10/19/1903

POINT OF
DIVERSION:

T13N R24E S18 NENE Within LEMHI County

T13N R24E S18 NESW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.120 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	BLM T13N R24E S18	SENW 2.00	T13N R24E S18 NESW 15.00
	T13N R24E S18	SESW 2.10	

19.1 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 100.5 acres in a single irrigation season. Combined Right Nos.: 73-12049, 73-12052, 73-12055, 73-12058, 73-12090.

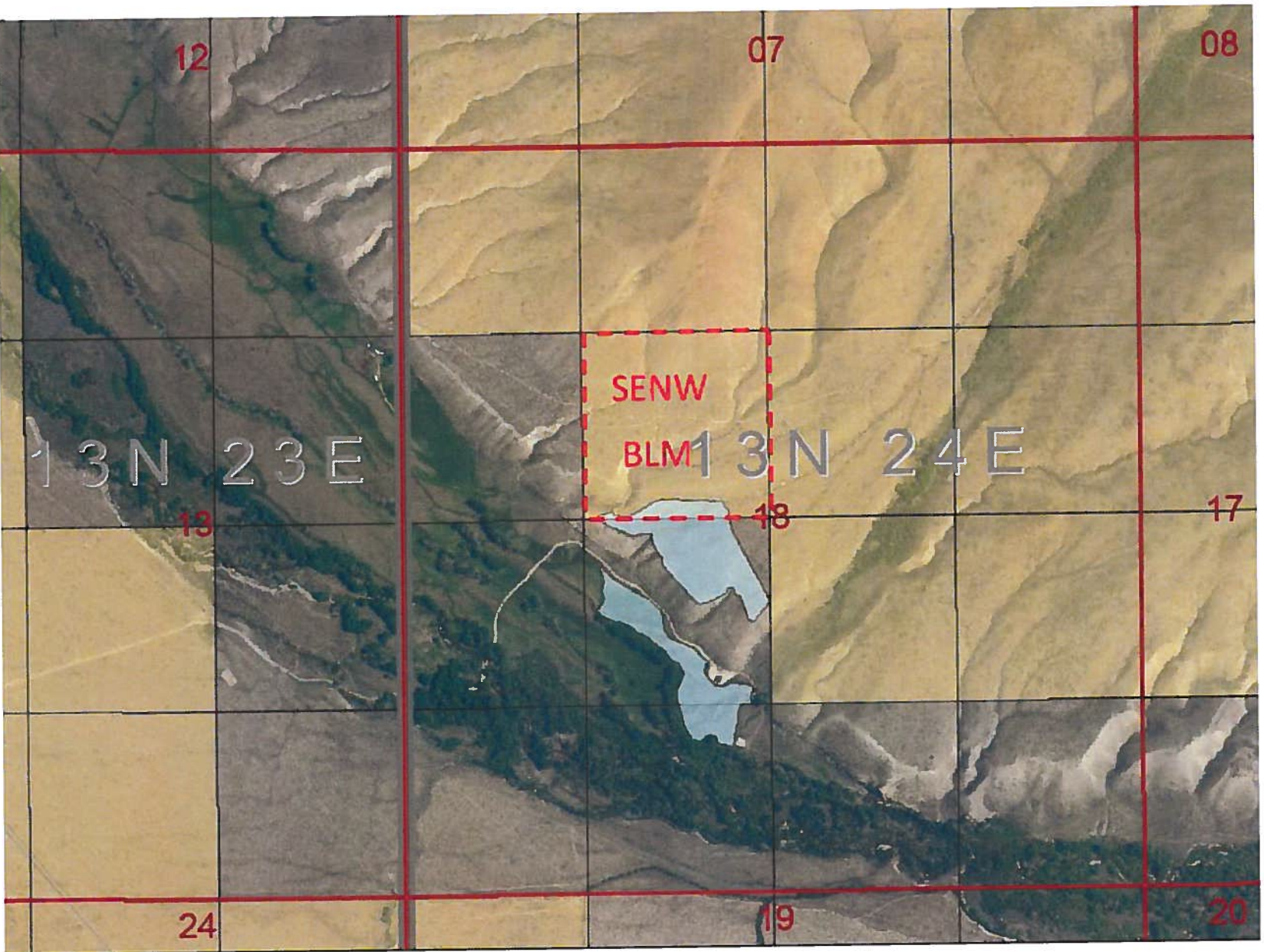
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a split from former right 73-181.

Amended Director's Report -shapefile



Amended Notice of Claim filed 03-30-11
-08-12-09 Oral Motion to Amend Claim
-08-12-09 Bench Order Granting Motion

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

Ident. Number 73-12052
Date Received:
Receipt No:
Received By:

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

1. Name of Claimant(s)

RICHARD KRAATZ Phone: (208) 727-1248
PO BOX 4420
KETCHUM ID 83340

2. Date of Priority: 10/19/1903

3. Source: STINKING CREEK Trib. to: BIG CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot		County	Type
13N	24E	18	NE	NE	LEMHI	
13N	24E	18	NE	SW	LEMHI	

5. Description of diverting works:

ROCK DAM DIVERSION TO EARTHEN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	12/01	0.12	

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

8. Non-irrigation uses:

;

9. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
13N	24E	18	NE	SW	IRRIGATION	15
			SE	SW	IRRIGATION	2.1
			BLM	NW	IRRIGATION	2
Section Acres						19.1
Total Acres						19.1

10. Place of use in counties: LEMHI

11. Do you own the property listed above as place of use? ☒ Yes

12. Other Water Rights Used: 73-12049, 73-12055, 73-12058 and 73-12090 also irrigate portions of the place of use.

13. Remarks:

This right is a split from former right 73-181

15. Basis of Claim: Decreed

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

For Individuals:

I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): J.P. Speck, attorney or Date: 3.25.11
record for Richard Knatz Date: _____

NCAP filed 03-29-11

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

RIGHT NUMBER: 73-12052

NAME AND ADDRESS: RICHARD KRAATZ
PO BOX 4420
KETCHUM ID 83340

~~ROBERT P BREWER~~
~~PO BOX 4917~~
~~KETCHUM ID 83340~~

SOURCE: STINKING CREEK

TRIBUTARY: BIG CREEK

QUANTITY: 0.120 CFS

PRIORITY DATE: 10/19/1903

POINT OF
DIVERSION:

T13N R24E S18 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.120 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T13N R24E S18

NESW 8.50

8.5 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(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a split from former right 73-181.

Original Director's Report issued 01-23-07

B73 Irr & Other Claims

01/23/2007

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

RIGHT NUMBER: 73-12052

NAME AND ADDRESS: ROBERT P DREYER
PO BOX 4917
KETCHUM ID 83340

SOURCE: STINKING CREEK TRIBUTARY: BIG CREEK

QUANTITY: 0.120 CFS

PRIORITY DATE: 10/19/1903

POINT OF
DIVERSION: T13N R24E S18 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.120 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T13N R24E S18	NESW	8.50
8.5 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(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a split from former right 73-181 .



Idaho Department of Water Resources

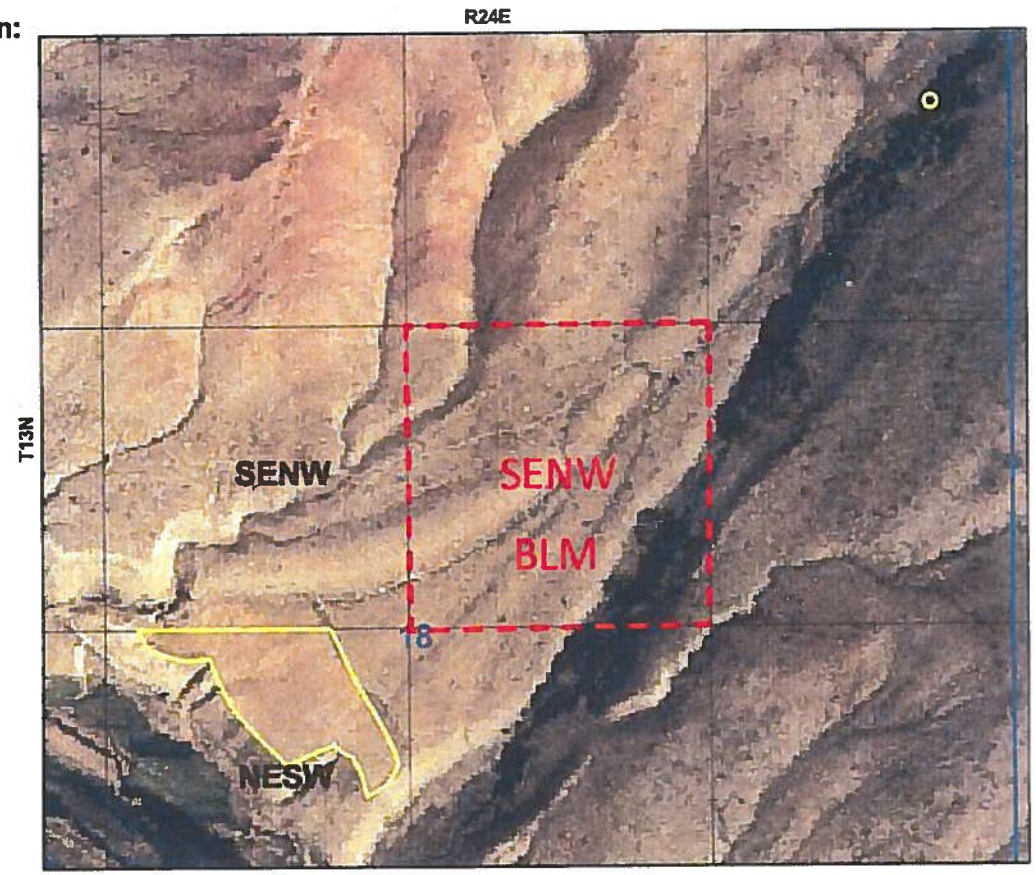
SRBA Recommendation:
73-12052

Legend

- ⊙ Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



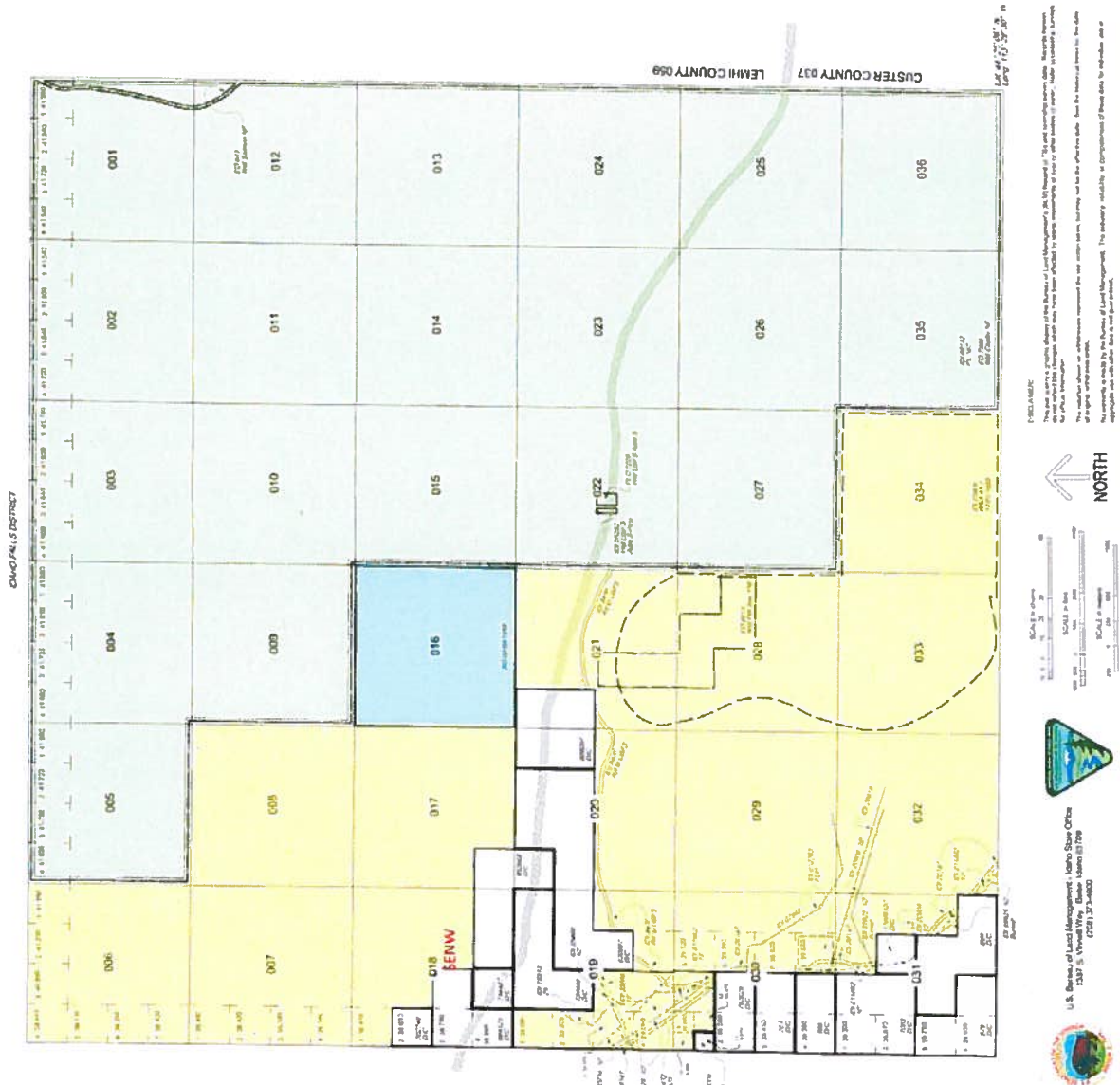
Lemhi County
IDWR Basin 73



Prepared by R. Brown
On Tuesday, August 22, 2006
1987/88 Aerial Photography

Original Director's Report - shape

TOWNSHIP 13 NORTH RANGE 24 EAST OF THE BOISE MERIDIAN, IDAHO



Master Title Plat -T13N, R24E

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

INDEX TO SEGREGATED TRACTS	
TRACT NO.	SECTION
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002	02
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TO BE FILED FOR THE 1/4 SECTION OF CORNER (73-12052)
RECORDED (2/10/1997) AT THE SURFACE SURVEY BY
JESSE S.

FOR RECORDS EFFECTING ORIGINAL OR USE OF
LOCALITY LAND REFER TO AREA OF
RECORDS IN THE RECORDS

LAST FILED FOR THE 1/4 SECTION OF CORNER (73-12052)
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