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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 73-12038

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: David A. Laatz and Natalie M. Laatz

Address: 704 Wenonah Av.
Oak Park, IL 60304

Daytime Phone: (708) 955-5626

Name & Address of Attorney, if any:

James P. Speck
SPECK & AANESTAD
A Professional Corporation
PO Box 987
Ketchum, ID 83340

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

Name: David A. Laatz and Natalie M. Laatz

Address: 704 Wenonah Av.
Oak Park, IL 60304

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: 3.2 cfs
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: T.13., R.24E., B.M., Custer County, Section 20: NENE - 20A, SENE -40A; Section 21: NWNW - 20A, SWNW - 30A; 110A total
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):

F.

VERIFICATION (Must be completed)

State of Idaho)
) ss.
County of Blaine)

James P. Speck, being first duly sworn, upon oath, deposes and says:

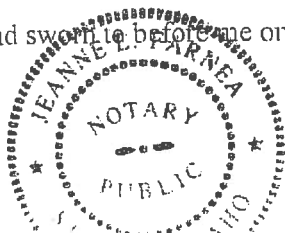
That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6), or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

J. P. Speck
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

December 17, 2007



Jeanne Farnea
Notary Public for Idaho
Residing at Shoshone, Idaho
My Commission expires 05/05/09

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 of the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on December 18, 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
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the claimant of the water right at the following address:

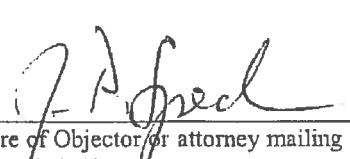
Name: David A. Laatz and Natalie M. Laatz
Address: 704 Wenonah Av.
Oak Park, IL 60304

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

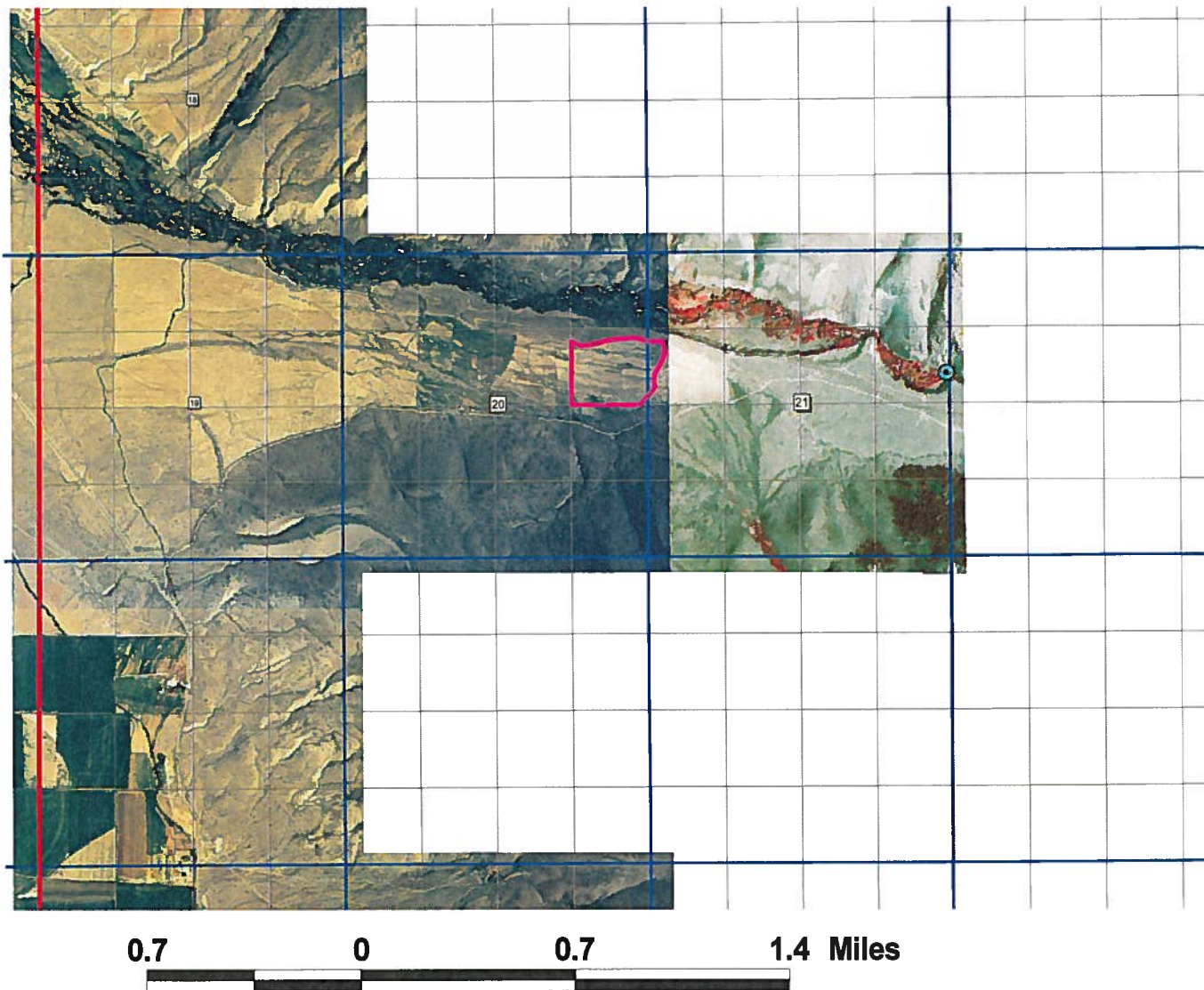
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environment and Natural Resource
Division
550 West Fort Street, Box 33
Boise, Idaho 83734



Signature of Objector or attorney mailing on
Objector's behalf

Water Right No. 73-12038



prepared by:

GIS/Remote Sensing
Idaho Department of Water Resources
322 East Front Street
Boise, Idaho 83702
- 208.327.4800 -

Roxanne Brown
February 24, 2005
1988 True Color Photography

● Point of Diversion
73-12038



Split/Overlap Analysis – Water Right No. 73-10014

Twp	Rng	Sec	Q-Q	Lot	Water Right Number				
					73-10014	73-12037	73-12038		
13N	24E	19	S0NE		40				
			SENE		40				
			NWSE		40				
		20	NENE		40				
			NWNE		40	1.4			
			S0NE		40	38			
			SENE		40		33		
			NENW		40	5.5			
			SUNW		40				
			SENW		40	40.0			
		21	NWNE		40				
			SUNW		40		3.8		
					480.0	84.9	36.8		

Claimed: $9.6 \text{ cfs} / (84.9 \text{ ac} + 36.8 \text{ ac}) = 0.08 \text{ cfs/acre}$

Decrees: 73-20 1.6 cfs decreed on 73-12038 land
 73-21 4.6 cfs decreed on 73-12037 land
 73-24 not associated with either parcel

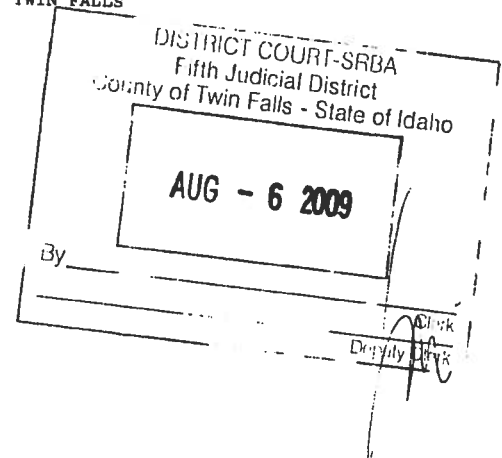
73-24 is not recommended under either of these rights.

Right No.	Rate of Diversion	Irrigated acres	Rec. Diversion (cfs)
73-10014	9.6	480	

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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 73-12038



NAME AND ADDRESS: DAVID A LAATZ
NATALIE M LAATZ
704 S WENONAH AV
OAK PARK, IL 60304

SOURCE: BIG CREEK TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 3.20 CFS

PRIORITY DATE: 05/10/1911

POINT OF DIVERSION: T13N R24E S21 SESENE Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	3.20 CFS

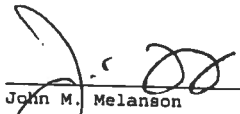
PLACE OF USE:	Irrigation		Within Custer County
	T13N R24E S20	NENE 16.0	SENE 40.0
	S21	NWNW 8.5	SWNW 32.0
	96.5 Acres Total		

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

Arave, Nathaniel

From: Arave, Nathaniel
Sent: Wednesday, February 04, 2009 11:46 AM
To: Shaff, Don
Cc: Cooley-Denney, Suzy
Subject: 73-12038
Attachments: 73-12038-SF5-V1.doc

Don,

This is another right from Big Creek and Mr. Laatz is being represented by Jim Speck. Originally we only recommended a small portion of the claimed field. Looking at the Pahsimeroi Decree map it appears that in the late 70's early 80's the whole thing was irrigated from this ditch. The field in section 21 also appears to be irrigated in the Landsat 1986 imagery P40 R29. I feel comfortable recommending a 96 acre place of use. The ditch which delivers to the place is about 2' feet wide and 6723' long. I used worstell with 1' of loss came up with a required 3.13 cfs to irrigate this place which is close to the 3.2 cfs which was requested in the objection. I've attached an SF5, if your comfortable with it I believe we should send it to Jim Speck and see if we can settle this one out.

Nate

This right was split from 73-10014 which was a combination of several MacZer vs. Smith decree rights. The total was 9.6 cfs. 73-12038 is 3.13 cfs, 73-12037 was 6.4 cfs, which would still combine for less than 9.6 cfs.

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

RIGHT NUMBER: 73-12038

NAME AND ADDRESS: DAVID A LAATZ
704 S WENONAH AV
OAK PARK IL 60304

NATALIE M LAATZ
704 S WENONAH AV
OAK PARK IL 60304

SOURCE: BIG CREEK

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 3.130 ~~1.6~~ CFS

PRIORITY DATE: 05/10/1911

POINT OF DIVERSION:

T13N R24E S21 SESENE Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	1 10/31	3.130 CFS

PLACE OF USE:

IRRIGATION in C		
T13N R24E	N R24E S20	SENE <u>40</u> ~~33~~
T13N R24E S	R24E S21	SWNW <u>32</u> ~~3.8~~

OTHER PROVISIONS NECESSARY FOR DEFINITION AND 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

02/24/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 73-12038
NAME AND ADDRESS: BIG CREEK RANCH LLC
PO BOX 3823
KETCHUM ID 83340
SOURCE: BIG CREEK TRIBUTARY: PAHSIMEROI RIVER
QUANTITY: 1.600 CFS
PRIORITY DATE: 05/10/1911
POINT OF DIVERSION:
T13N R24E S21 SESENE Within CUSTER County
PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.600 CFS

PLACE OF USE: IRRIGATION Within CUSTER County

T13N R24E S20	SENE	33.0	T13N R24E S21	SWNW	3.8
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36.8 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: Decreed

73-20

-73-10014

→ 73-12137

→ 73-12036

Based on

Smith vs Maester