

COPY
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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)

A. Subcase 29-13085

(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: Merle C. Tippetts, et. al.

Address: P.O. Box 46

Arimo, ID 83214

Daytime Phone: Please refer to attorney 208-233-0132

Name & Address of Attorney, if any:

Bron M. Rammell

P.O. Box 370

Pocatello, ID 83204

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

Name: James L. and Arlene Burnham

Address: 330 Skyline Dr.

Pocatello, ID 83204

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: .020 CFS for both irrigation and stock water (If any water right exists at all)
4. ☒ **Priority Date**
Should be: 4/28/1921 (If any water right exists at all)
5. **Point of Diversion**
Should be: _____
6. **Instream Flow Beginning and Ending Point**
Should be: _____
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): By virtue of an agreement between Mr. James Tippetts, John Worley, and Joseph O. Smith, dated April 28, 1921, Mr. Tippetts authorized a .020 CFS (one inch) permissive use of the spring water that is the subject of this claim. The agreement was binding upon each parties' heirs, executors, administrators, and assigns. The same parties agreed that any additional use, above the .020 CFS, would require the payment of "additional consideration" for "such additional water desired." The Burnhams are not heirs of

Mr. Worley or Mr. Smith, but are subsequent purchasers of a portion of property that uased water from the spring under the agreement. The Burnhams do not have any valid basis for a claim to water from the spring other than through the agreement, if it applies to them. To the extent the Burnhams may have a right to the spring water, it should be limited to .020 CFS as set forth in the agreement.

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.

County of Bannock)

Bron M. Rammell, 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)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

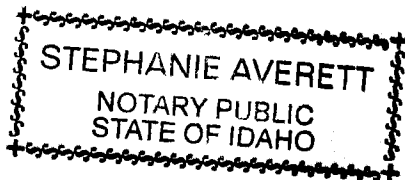
10th day of November, 2003

Stephanie Averett

Notary Public for Bannock County Idaho

Residing at: Pocatello, ID

My Commission Expires: 10-17-08



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 _____, 200__, 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: James L. and Arlene Burnham
Address: 330 Skyline Dr.
Pocatello, ID 83204

3. Copies to:

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

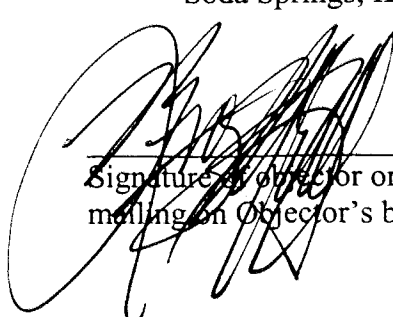
Merle & Wilson Tippetts
P.O. Box 46
Arimo, ID 83214

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Ned Tippetts
939 Park Ln
Pocatello, ID 83201

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

Glade W. Tippetts
P.O. Box 203
Soda Springs, ID 83276



Signature of objector or attorney
mailing on Objector's behalf