

COPY
RECEIVED
Nov 12 2003
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 29-13087

(Insert water right number)

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: Sidney C. Kent and Melanie F. Kent

Address: P.O. Box 143

Arimo, ID 83214

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 irrigation, stock water, and all other claimed uses
4. ☒ **Priority Date**
Should be: 4/28/1921
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 Tippets, John Worley, and Joseph O. Smith, dated April 28, 1921, Mr. Tippets 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 Kents are heirs of Mr. Smith. To the extent the Kents are entitled to a water right from the spring, 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 Idaho

Residing at: Pocatello 10 Bannock County

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 the 10th of November 2003 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: Sidney C. Kent and Melanie F. Kent

Address: P.O. Box 143

Arimo, ID 83214

3. Copies to:

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

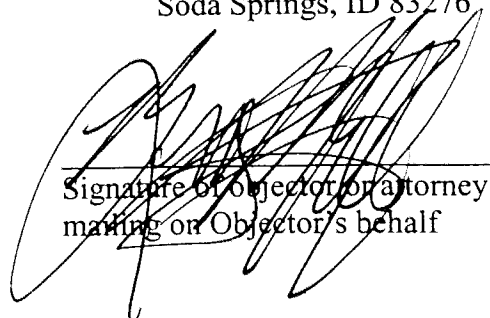
Merle & Wilson Tippetts
P.O. Box 46
Arimo, ID 83214

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