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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 29-13318

(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: LAVA IRRIGATION COMPANY, LIMITED (THE)

Address: P.O. BOX 182 AKA LAVA IRRIGATION CO., INC.

LAVA HOT SPRING, ID 83246

Daytime Phone: 208-776-5365

Name & Address of Attorney, if any:

JERRY R. RIGBY

P.O. BOX 250

REXBURG, ID 83440

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

Name: PORTNEUF MARSH VALLEY CANAL CO LTD

Address: C/O DERYL PARRIS

18746 S. WASHINGTON AVE.

DOWNEY, ID 83234

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: _____

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): This is an attempt to expand the

season of use of Water Right 29-52 to 4-01 through 10-31. However,

claimant has not applied this water to a beneficial use for early and late

season and if claimant ever did, the right was lost through forfeiture and

abandonment.

F. **VERIFICATION** (Must be Completed)

State of IDAHO)
)ss.
County of MADISON)

LAVA IRRIGATION CO., INC, 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.

/S/ KIRK IRICK

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: _____

/S/ JERRY R. RIGBY

Notary Public for IDAHO

Residing at: REXBURG, ID

My Commission Expires: 11-09-2005

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 November 10, 2003 ~~/199/~~, 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: PORTNEUF MARSH VALLEY CANAL CO. LTD C/O DERYL PARRIS
Address: 18746 S. WASHINGTON AVE.
DOWNEY, ID 83234

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
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

/s/ JERRY R. RIGBY

Signature of Objector or attorney
mailing on Objector's behalf