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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 See Attachment Std Form 1 Objection
(Insert water right number)

STANDARD FORM 1 OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Marsh Valley Development Inc.
Address: 5203 South 11th East
Idaho Falls, Idaho 83404
Daytime Phone: 208-522-8069

Name & Address of Attorney, if any:

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

Name: See Attachment Standard Form 1 Objection
Address:

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 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:** See Item E attachment
   ☐ 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): _____
See Item E attachment

Attachment
SRBA Case No. 39576
Marsh Valley Development, Inc.

Item E Attachment:

Reasons supporting objections: We have operated a power plant that uses water before April 15 and after September 15, since 1993. We use this water under a written agreement with Portneuf Marsh Valley Canal Company and McCammon Ditch Company. This practice would be adversely affected by extended season of use if granted by these proposed rights. We would withdraw this objection if claimant agrees to allow Portneuf Marsh Valley and McCammon Ditch Company to use their share of water under 29-4060; 29-13311; 29-13317; 29-13318 and 29-13319,prority date August 07 1932, for use through our power plant per our agreement with Portnuef Marsh Valley Canal Company and McCammon Ditch Company dated February 4,1988 amended May 14,1992 .

F. **VERIFICATION** (must be completed)

State of Idaho)
)ss.
County of Bonneville)

Tod S. Sorenson, 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: November 12, 2003

PAMELA T. JONES NOTARY PUBLIC STATE OF IDAHO

Notary Public for Idaho
Residing at: Idaho Falls
My Commission Expires: 11-1-2006

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 Nov 12, 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: See mailed to all listed as
Address: current owner - Attachment
Standard Form 1 objection

3. Copies to:

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

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

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

Signature of objector or attorney
mailing on Objector's behalf

Attachment Standard form 1 objection

1. WATER RIGHT NO. 29-4364

Owner Type	Name and Address
Current Owner	I GLENN PERKINS
Current Owner	MARY D PERKINS
	PO BOX 683
	POCATELLO, ID 83204
	(208)232-4547

2. WATER RIGHT NO. 29-4467

Owner Type	Name and Address
Current Owner	LAVA IRRIGATION CO INC
	PO BOX 182
	LAVA HOT SPRINGS, ID 83246

3. WATER RIGHT NO. 29-10816

Owner Type	Name and Address
Current Owner	LAVA IRRIGATION CO INC
	PO BOX 182
	LAVA HOT SPRINGS, ID 83246

4. WATER RIGHT NO. 29-11277

Owner Type	Name and Address
Current Owner	PORTNEUF IRRIGATION CO
	C/O CONNIE MARIE JONS
	PO BOX 157
	ARIMO, ID 83214
	(208)254-3681

5. WATER RIGHT NO. 29-11681

Owner Type	Name and Address
Current Owner	COLLEEN L ANDRUS
Current Owner	JIM ANDRUS

Current Owner KENNETH D ANDRUS
6948 E OLD OREGON TRAIL RD
LAVA HOT SPRINGS, ID 83246
(208)776-5380

6. WATER RIGHT NO. 29-11773

Owner Type	Name and Address
Current Owner	DEMPSEY IRRIGATING CO C/O EARL SMITH PO BOX 235 LAVA HOT SPRINGS, ID 83246 (208)776-5348
Current Owner	TOPAZ IRRIGATION CO C/O GENE FAGNANT PO BOX 293 LAVA HOT SPRINGS, ID 83246 (208)776-5289

7. WATER RIGHT NO. 29-11774

Owner Type	Name and Address
Current Owner	FISH CREEK IRRIGATING CO C/O WALLACE WHITEHEAD PO BOX 152 LAVA HOT SPRINGS, ID 83246 (208)776-5253

8. WATER RIGHT NO. 29-11775

Owner Type	Name and Address
Current Owner	CARROLL AND IONE WILLMORE ESTATE C/O JIM WILLMORE 519 PARK ST

ST ANTHONY, ID 83445
(208)624-7692

Original Owner CARROLL E WILLMORE
C/O JIM WILLMORE
PO BOX 342
LAVA HOT SPRINGS, ID 83246
(208)776-5391

Original Owner IONE WILLMORE
C/O SHARON KNOWLES
PO BOX 342
LAVA HOT SPRINGS, ID 83246
(208)776-5391

9. WATER RIGHT NO. 29-13213

Owner Type	Name and Address
Current Owner	BARBARA W KEVAN
	3462 N 2500 E
	TWIN FALLS, ID 83301
	(208)733-5730

10. WATER RIGHT NO. 29-13279

Owner Type	Name and Address
Current Owner	CANDICE SYMONS
Current Owner	LYNDEN SYMONS
	PO BOX 604
	LAVA HOT SPRINGS, ID 83246
	(208)776-5316

11. WATER RIGHT NO. 29-13289

Owner Type	Name and Address
Current Owner	DAVID LEE LOSEE
	PO BOX 27

LAVA HOT SPRINGS, ID 83246
(208)776-5630

12. WATER RIGHT NO. 29-13299

Owner Type	Name and Address
Current Owner	MARGIE H STEWART 8574 BOB SMITH RD LAVA HOT SPRINGS, ID 83246 (208)776-9770
Current Owner	LYNN W STEWART 8574 S BOB SMITH RD LAVA HOT SPRINGS, ID 83246 (208)776-9770

13. WATER RIGHT NO. 29-13310

Owner Type	Name and Address
Current Owner	FAGNANT & OLSON RANCH LLC PO BOX 293 LAVA HOT SPRINGS, ID 83246 (208)776-5290
Original Owner	FRANCIS G FAGNANT PO BOX 293 LAVA HOT SPRINGS, ID 83246 (208)776-5289
Original Owner	RUTH ANN OLSON PO BOX 644 LAVA HOT SPRINGS, ID 83246 (208)776-5290

14. WATER RIGHT NO. 29-13320

Owner Type	Name and Address
Current Owner	CARL L PHILLIPS
Current Owner	NOLA RAE PHILLIPS 2884 W 1400 S

ABERDEEN, ID 83210
(208)397-4690

15. WATER RIGHT NO. 29-13321

Owner Type	Name and Address
Current Owner	CARL L PHILLIPS
Current Owner	NOLA RAE PHILLIPS
	2884 W 1400 S
	ABERDEEN, ID 83210
	(208)397-4690

16. WATER RIGHT NO. 29-13334

Owner Type	Name and Address
Current Owner	RONNIE D TILLOTSON
Current Owner	SHERRIL TILLOTSON
	PO BOX 261
	LAVA HOT SPRINGS, ID 83246
	(208)776-5267

17. WATER RIGHT NO. 29-13363

Owner Type	Name and Address
Current Owner	INDIAN FALLS WATER USERS ASSOC
	PHIL HUDGENS PRES
	PO BOX 134
	LAVA HOT SPRINGS, ID 83246
	(208)254-3062
Current Owner	INDIAN FALLS PROPERTY ASSN
	C/O EARL MAPES
	1061 SAGEWOOD PL

POCATELLO, ID 83201
(208)233-1713

18. WATER RIGHT NO. 29-13407

Owner Type	Name and Address
Current Owner	NATHAN CASPERSON 8789 E MAUGHAN RD LAVA HOT SPRINGS, ID 83246 (208)776-5519
Current Owner	BRETT CASPERSON 8893 E MAUGHAN RD LAVA HOT SPRINGS, ID 83246 (208)776-5428

19. WATER RIGHT NO. 29-13521

Owner Type	Name and Address
Current Owner	EVELEE HILL RUSH
Current Owner	ROBERT E RUSH PO BOX 129 LAVA HOT SPRINGS, ID 83246 (208)776-5800
Original Owner	MAX W HALL PO BOX 784 LAVA HOT SPRINGS, ID 83246 (208)776-5663

20. WATER RIGHT NO. 29-13535

Owner Type	Name and Address
Current Owner	AMBER HALL
Current Owner	JASON HALL 1302 AMMON ST POCATELLO, ID 83201 (208)232-0555

Original Owner MAX W HALL
PO BOX 784
LAVA HOT SPRINGS, ID 83246
(208)776-5663

21. WATER RIGHT NO. 29-13536

Owner Type	Name and Address
Current Owner	NATALIE GUNTER
Current Owner	RUSSELL GUNTER PO BOX 433 MC CAMMON, ID 83250 (208)221-4682
Original Owner	MAX W HALL PO BOX 784 LAVA HOT SPRINGS, ID 83246 (208)776-5663

22. WATER RIGHT NO. 29-13580

Owner Type	Name and Address
Current Owner	MAX W HALL PO BOX 784 LAVA HOT SPRINGS, ID 83246 (208)776-5663

23. WATER RIGHT NO. 29-13581

Owner Type	Name and Address
Current Owner	JEFFERY F HARRIS PO BOX 252 MC CAMMON, ID 83250 (208)254-3454

Original Owner MAX W HALL
PO BOX 784
LAVA HOT SPRINGS, ID 83246
(208)776-5663

24. WATER RIGHT NO. 29-13582

Owner Type	Name and Address
Current Owner	JEFFERY F HARRIS
	PO BOX 252
	MC CAMMON, ID 83250
	(208)254-3454

Original Owner MAX W HALL
PO BOX 784
LAVA HOT SPRINGS, ID 83246
(208)776-5663

25. WATER RIGHT NO. 29-13583

Owner Type	Name and Address
Current Owner	JEFFERY F HARRIS
	PO BOX 252
	MC CAMMON, ID 83250
	(208)254-3454

Original Owner MAX W HALL
PO BOX 784
LAVA HOT SPRINGS, ID 83246
(208)776-5663

26. WATER RIGHT NO. 29-13584

Owner Type	Name and Address
Current Owner	LANA NAEF
Current Owner	LARRY NAEF
	5812 E OLD OREGON TRAIL ROAD

LAVA HOT SPRINGS, ID 83246

Original Owner MAX W HALL
PO BOX 784
LAVA HOT SPRINGS, ID 83246
(208)776-5663

27. WATER RIGHT NO. 29-13586

Owner Type	Name and Address
Current Owner	ROBIN HULL 2142 ARBON VALLEY HWY POCATELLO, ID 83204 (208)234-1044
Original Owner	MAX W HALL PO BOX 784 LAVA HOT SPRINGS, ID 83246 (208)776-5663