

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- 7479
(Insert water right number)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: GENE M. AND JENNIFER A. WISE
Address: 2712 SOUTH MARSH CREEK ROAD
MC CAMMON, IDAHO
Daytime Phone: (208) 254 - 3133

Name & Address of Attorney, if any:

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

Name: SAME AS ABOVE
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: .03 CFS PER ACRE, NOT .02 CFS PER ACRE
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):** _____

SEE ATTACHED SHEET

E. Reasons supporting objections.

The six acres irrigated under this water right is classified with soil described as Hondoho Arbone gravelly silt loam, and has very low water holding capacity. In fact, the Soil Conservation Service has recommended that an increase of 50% (.02 cfs to .03 cfs) is needed to adequately irrigate this property. The enclosed letter (1) from David L. Curtis, District Conservationist, is provided for your review. A map from the Soil Conservation Service is also enclosed, which includes the acres irrigated by this water right. (enclosure 2)

The court should also consider that the IDWR allowed an increase from .02 cfs to .03 cfs to Curtis Dunn under right no. 29-4101A, based upon the same soil conservation evaluation, letter and map. (enclosure 3)

All of the Walker Creek water users, including Mr. Dunn, are within the boundaries of the map provided by the Soil Conservation Service, and all have the same type soil described above.



United States
Department of
Agriculture

Soil
Conservation
Service

250 South 4th--Suite 112
Pocatello, Idaho 83201

March 14, 1988

Keith Henrichs
2526 S. Marsh Creek Rd.
McCammon, Idaho 83250

Dear Keith:

As a follow-up to your question on the Hondoho gravelly silt loam, this soil has a lower water holding capacity than the average silt loam soil in Bannock County. As stated in our letter dated March 2, 1988, its water holding capacity is 4.8 to 6.6 inches, while the average silt loam is 11.4 to 12.6 inches of water.

Thus, if the State of Idaho, Department of Water Resources typical allocation per acre is .02 cfs per acre on average soils, then to have adequate water as stated above, an increase of 50% is needed.

The above information applies to all soils in your area labeled Honodaho gravelly silt loam.

Sincerely,

David L. Curtis
District Conservationist

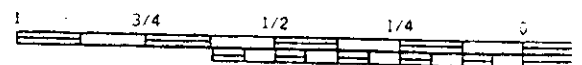
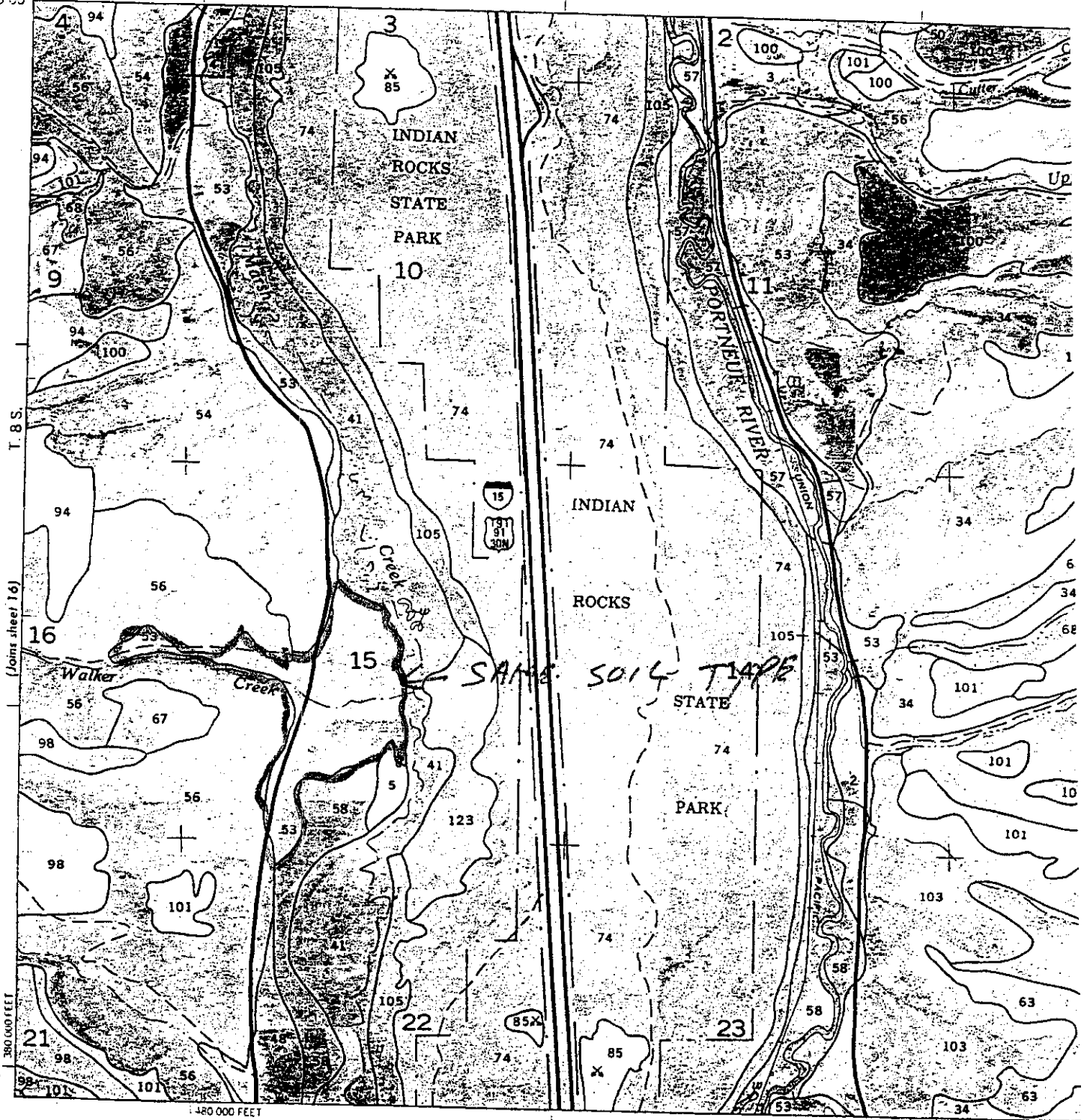
jw
cc: file

HLL. (2)

SOIL SURVEY OF BANNOCK COUNTY AREA, I

112°15'00"
42°45'00"

Base maps are orthophotographs prepared by the U.S. Department of the Interior, Geological Survey, from 1974, 1976, and 1977 aerial photography. Coordinate grid lines and land division corners, if shown, are approximately positioned.



sure (S)

10/28/2002

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

RIGHT NUMBER: 29-4101A

NAME AND ADDRESS: CURTIS DUNN
PO BOX 101
INKOM ID 83245

JODEANA DUNN
PO BOX 101
INKOM ID 83245

SOURCE: WALKER CREEK TRIBUTARY: MARSH CREEK

QUANTITY: 0.420 CFS

PRIORITY DATE: 05/05/1916

POINT OF DIVERSION:

T08S R36E S15 NWNESE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	03/15 11/15	0.420 CFS

PLACE OF USE: STOCKWATER Within BANNOCK County

T08S R36E S15 NESW T08S R36E S15 NWSW

IRRIGATION Within BANNOCK County

T08S R36E S15 NESW 10.0 T08S R36E S15 NWSE 4.1

14.1 ACRES TOTAL $X .03 = .420 CFS$

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: Beneficial Use

F.

VERIFICATION (Must be Completed)

State of IDAHO)
)ss.
County of BANNOCK)

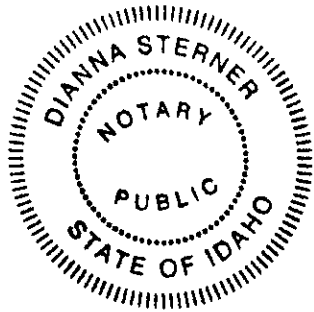
GENE M. WISE, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

Gene M. Wise
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: Nov. 14, 2003



Dianna Sterner
Notary Public for Ireland Bank
Residing at: Idaho
My Commission Expires: 10-27-09

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 the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on 14 NOVEMBER 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

HAND DELIVERED 11-14-03

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

Name: GENE M. AND JENNIFER A. WISE
Address: 2712 S. MARSH CREEK RD.
MC CAMMON, IDAHO 83250

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

Gene M. Wise
Signature of Objector or attorney
mailing on Objector's behalf