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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 A-29-00146

(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: Fawn A Potter

Address: P.O. Box 212

Lava Hot Springs, ID 83246

Daytime Phone: 208-776-5669

Name & Address of Attorney, if any:

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

Name: Fawn A Potter & Brenda Potter

Address: P.O. Box 212

Lava Hot Springs, ID 83246

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: .278 cFs
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: 13,6 Acres total

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): The 1.4 acre parcel shown on the

attached map was included and used under water right claim #A29-00146

up to and including 1987.

"ATTACHED EXPLANATION" 12-27-87

F:

VERIFICATION (Must be Completed)

State of IDAHO)
County of BANNOCK)ss.

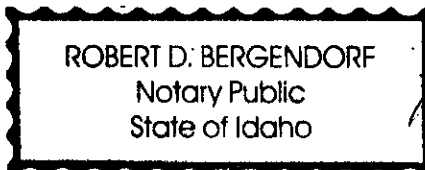
FAWN A. POTTER, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

Fawn A. Potter
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: JANUARY 7, 2004



Robert D. Bergendorf
Notary Public for IDAHO
Residing at: LAUA HOT SPRINGS
My Commission Expires: FEB 28, 2009

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 1-07, ²⁰⁰⁴~~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:

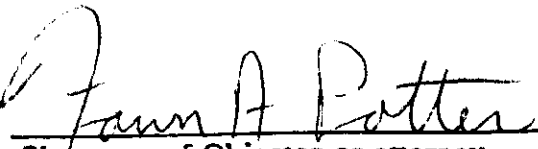
Name: _____
Address: _____

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 053
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

Fawn A Potter
P.O. Box 212
Lava Hot Springs, ID 83246

January 7, 2004

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

Subject: Request for Consideration of Late Objection to Water Right
#A29-00146

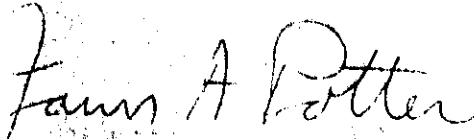
Dear Sirs:

I would like to ask the court to accept this, "Request for Consideration of Late Objection" to my own Water Right #A29-00146 for the following reasons. At the time of my filing a Water Right Claim #A29-00146 this parcel was included in a field beneficially used by myself. Vegetation, contour and the existing fence lines show this. The field survey conducted by Allen Ruberry in the year 2000 did not show this use. The reasons being in 1992 a survey performed on a 500' x 500' parcel beginning at the NW Section marker of Section 25 showed that the existing fence needed to be moved to exclude this 1.4 acre parcel from my possession. Since this change I have regained possession of this parcel through purchase and have not yet moved the fence line back to the original position.

The transaction for this purchase occurred in November of 2003. At this time I realized the implications resulting from the 2000 field survey would impact my beneficial use of this property and my water right claim.

After consulting with Mr. Ruberry, I would like to ask the court to accept this 'Request for Consideration of Late Objection to my Right #A29-00146.

Thank you,



Fawn A Potter

T9S, R38E

23/24

26/25

1.4 acres

Fish

Creek

