

December 26, 2003

DI DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2003 DEC 31 AM 10 29

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

Re. Water right objection of Directors report and motion for late hearing

To the Fifth Judicial District court:

This objection to the court is late because I believed the objection had been filed with the Idaho department of Water Resources and the letter was not included. Recommendation by the board were made by the board without a chance for claimants to know what facts were used to base the recommendation. We were not informed that there were objections to our claim. Statements were made that were given no rebuttal so that we could show evidence otherwise. Preliminary recommendation indicated the water right was to be divided but the final recommendation was given to one individual without notice to other claimants that there was a change in recommendation. In question are points of diversion, areas with a history of use, periods of time that the right had been used.

I am including a letter that was sent to the State Water Resource Board in August or September with I believe they have a record of but did not include. It is filed at a late date because I thought it had already been filed and was a part of the document until I called last week to check on the date of the hearing.

Sincerely



Duane J. Williams
8403 West Buckskin Rd.
Pocatello, Idaho 83201
208 233 7440

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JAN 08 2004

Mr. Craig Saxton
Sr. Water Resource Agent
Adjudication Bureau
State of Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

DIS 1ST COURT-SRBA
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Re: Snake River Basin Adjudication

Dear Mr. Saxton:

I believe that you have made errors in your error process for split portions of decreed rights 29-00448 and 29-00449.

There is evidence of flood irrigation of the property which I now own. There was a diversion ditch that exited the south fork of Pocatello Creek on my property at the back of the Tatum property. I had a garden that I flood irrigated using this diversion in the year 1981 after I purchased the property for 2 years. Then in 1983 I converted the flood system to a small sprinkler system in 1983. In about 1988 I placed the system in a holding pond that Mr. Anderson had constructed.

There were also other remnants of ditches that bordered the southern edge of the relative flat land that had been irrigated. Though parts of this ditch have been cultivated under there are still some areas to be seen. Mr. Casper said that he "tried to irrigate the land but could not push the water past a rise". Whether you can flow water onto the property depends on the point of diversion and its elevation in relation to the land to be covered. Mr. Caspers land is down in a hole and is not the point of diversion.

You certainly have created confusion and feel I have been errored in your conclusion based on inaccurate information.

Respectfully

Duane J. Williams
8403 west Buckskin
Pocatello, Idaho 83201

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JAN 08 2004

2003 DEC 31 AM 10 29

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 _____
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B: NAME AND ADDRESS OF PERSON OBJECTING

Name: Duane J. Williams

Address: 8403 West Buckskin Rd.
Pocatello Idaho 83201

Daytime Phone: 208-233-7440 208-232-8410

Name & Address of Attorney, if any:

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

Name: 29-448E CHERYL OR DUANE WILLIAMS

Address: 8403 WEST Buckskin Rd.
Pocatello Idaho 83201

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: Above Monte Casper property
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: Include some of the area south of Creek - given to one party south of Creek not another, history of use is there

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 a late objection

because an earlier objection with the Water Resources Board was sent and not included, other objections by Woodland were not included. Recommendation based on 1 person's statement that was not truthful. SCANNED
by Monte Casper was given

JAN 08 2004

F:

VERIFICATION (Must be Completed)

State of Texas)
County of Brewster) ss.

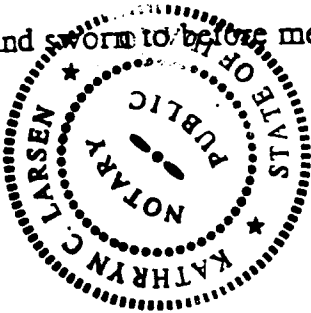
DULANE J. WILLIAMS, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

Ronald Miller
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:



Dec. 25, 2003
Kathleen C. Larsen
Notary Public for State of Idaho
Residing at: Pocatello
My Commission Expires: 12-15-06

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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 Dec 26, 199²⁰⁰³, 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 033
Boise, ID 83724

Signature of Objector or attorney
mailing on Objector's behalf

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