

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
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name:

Lynn W Stewart

Address:

8574 Bob Smith Rd.

Lava Hot Springs Id , 83246

Daytime Phone:

776-9770

Name & Address of Attorney, if any:

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

Name:

Marsh Valley Development Inc.

Address:

5203 South 11th East

Idaho Falls, Idaho, 83404

Daytime Phone - 208-522-8069

(Partners of Marsh Valley and
McCammon Ditch Company)

Attachment
SRBA Case No. 39576

Subcase No.

29-4060

29-13311

29-13317

29-13318

29-13319

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: See Attachment
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:**
☐ 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 Attachment

Attachment--SRBA Case No 39576

D.—3.

I received information from Marsh Valley Development Inc. dated November 12, 2003 in regards to SRBA Case No. 39576. Not understanding what to do with this. I called Allen Rubery (Department of Water Resources in Idaho Falls) on 11-17-03 and ask what this was. He referred me to Susan Nygard (phone # 327-5446) in Boise. I called Susan that same day (9:10 AM) got an answering machine, and left a message asking what this document was and ask her to call me back. Her assistant called back (I failed to get her name) and informed me not to do anything, and that further notice will come from the court. She (the assistant) also stated that she would keep me informed. I was never called again, nor did I receive anything from the courts.

I received information from Randall C. Budge (attorney) dated January 20, 2004 that he was representing Marsh Valley Development.

Neither document had a deadline if I had any objection. Therefor I was looking for further correspondence or a phone call. My neighbor (Larry & Lana Naef) gave me a copy of an Order Setting Objection & Response Deadline (Case No. 39576, same as mine) dated 1-15-04 from Judge John M. Melanson, stating that an Amended Director's Report was filed on 1-14-04. My name was not on the mailing list.

I feel I should have the right to object the Marsh Valley Development Inc. Objection Case No. 39576.

Objection—E.

We have south slopping ground and need to water (# 29-13299) as much as we can before and after the irrigation season because there are other water rights that precede ours, and we loose it early in the season. This land has been watered for "Beneficial Use" this way long before the August 17, 1932 date that the IDWR set. If the restrictions that Marsh Valley Development Inc. (Hydro Electric Plant installed in 1993) were to be placed on us, our crops will suffer or fail!

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Bannock)

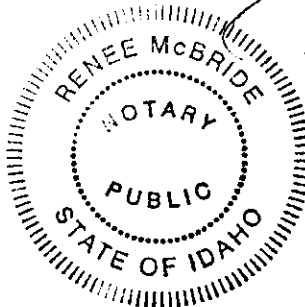
Lynn W Stewart, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

Lynn W Stewart
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: Feb 13 2004



Renee McBride
Notary Public for State of Id.
Residing at: haver Hill Springs Id.
My Commission Expires: May 31 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 2-13, 2004, 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:

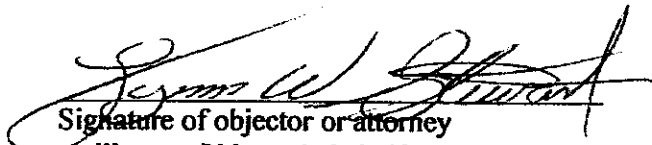
Name: Marsh Valley Development Inc.
Address: 5203 South 11th East
Idaho Falls, Idaho, 83404

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