

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 29-7578 + 29-7772
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name:

Address:

Daytime Phone:

MAX W. HALL
5675 E. Old Oregon Tr. Rd.
LAWA Hot Springs, Id. 83246
(208) 776-5663

Name & Address of Attorney, if any:

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

Name:

Address:

Marsh Valley Development Inc.
5203 S. 11th E.
ID. Falls, Idaho, 83404
(208-522-8069)

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: water used after prior water

4. ☐ **Priority Date**
Should be: rights including rights before
and after transition season
please see attachment 1 of 3
5/98
pages

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:**

- on prior water decrees
- ☐ This water right Should not exist. with voting rights
 - ☐ This water right was not recommended, but Should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTIONS(S):** If Mr. Sonchason
could vote the amount of water
in his 1990 + water decree he could
control all prior decrees of the parent.

F.

VERIFICATION (must be completed)

State of Idaho)
County of Bannock)SS.

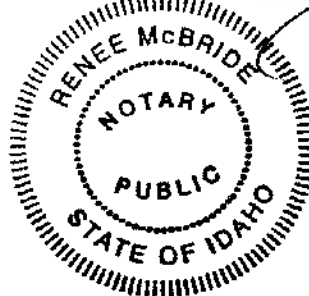
MAX W. HALL, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

Max W. Hall
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: February 27, 2004



Renee McBride
Notary Public for State of Idaho
Residing at: Law Hat 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 Feb 27, 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 S. 10th E.
Twin 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

Mark W. Hall
Signature of objector or attorney
mailing on Objector's behalf

February 15, 2002

Re: Information You Requested

Dear, Mr. Ruberry:

I wish to thank you for meeting with Lynn Stewart and I back in January. I have enclosed the information you requested, in regards to the December 17th letter I received from the IDWR.

I have personal knowledge that my father irrigated and watered stock in excess of the April 15th to September 15th irrigation season, but Dean Day, an older gentleman and lifelong farmer in the Lava area, has knowledge that far precedes my own. I have enclosed his statement of fact. If other information is needed please let me know and I will comply.

Sincerely,

[Signature]
Max Wengreen Hall
Lava Hot Springs, Idaho

Notary

Renee McBride



U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Postage	\$.34
Certified Fee	
Return Receipt Fee (Endorsement Required)	2.10
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$2.44

Postmark Here

Recipient's Name (Please Print Clearly) (to be completed by mailer)
Dept of Water Resources
Street Apt. No. or P.O. Box No.
100 B Skyline Dr.
City State ZIP+4
Idaho ID 83402

7099 3400 0014 6421 1858

Attachment (H) 2 of 3

February 15, 2002

Re: Beneficial Use of Irrigation/Stockwater

To: Idaho Department of Water Resources

Dear Sir

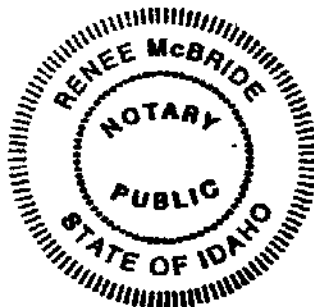
I have personal knowledge that the land owned by Ellis & Olive Willmore, then sold to Eldrid Leo & Genevieve Hall, then to his son Max Wengreen Hall, was irrigated long before April 15, and after October 31 each year. This is south sloping ground and historically has been irrigated, and stock watered, well in excess of the current irrigation season. Therefore the priority date of August 17, 1932 (as stated in your letter of December 17, 2001), is well satisfied.

Sincerely,

Dean Day

Dean Day
Lava Hot Springs, Idaho

Notary
Renee McBride





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 17, 2001

Re: *Season of Use for Your Water Right*

Dear Basin 29 Water User:

This letter is being sent to you concerning the season of use for your water rights with source of the Portneuf River and tributaries. The Judgment for the *Union Grain & Elevator Co. v. McCammon Ditch Co.* case set the season of use as April 15th to September 15th. However, IDWR understands that irrigation has been occurring prior to April 15th and after September 15th for several decades. From Idaho Department of Water Resources (IDWR) records, it appears that you are a successor to a party or parties from the *Union Grain and Elevator Co.* case and thus the following information may apply to your water rights.

If you are a successor to a party or parties to the *Union Grain & Elevator* decree then your water right, based on that decree, will have a season of use of April 15th to September 15th. IDWR intends to recommend "shoulder remarks" that allow early season irrigation starting from April 1st until April 14th and late season irrigation extending from September 16th until October 31st to comport with IDWR's standard season of use for the area. The priority date for the early and late season irrigation would be the date of the partial decree in the SRBA, likely a priority date with the year 2002 or 2003. If you included stockwater as a use on your claim, IDWR intends to recommend the stockwater use with the irrigation season of use and shoulder remarks.

However, if you have been putting surface water to beneficial use outside of April 15th and September 15th, prior to 1971, then you may file a separate claim for a beneficial use water right for the early and late season irrigation or an extended stockwater season.

If you choose to file a beneficial use claim to extend the season of use for irrigation purposes or for stockwater use outside the irrigation season, you will be required to file a claim with the appropriate filing fee and to provide sufficient evidence of the priority date claimed. The earliest priority date that IDWR will recommend will be August 7, 1932 because the final amended judgment in the *Union Grain & Elevator Co.* case was dated August 6, 1932. The actual priority date recommended for a water right for a season of use outside the set April 15th to September 15th season will depend on the evidence of when the water was actually put to beneficial use.

If you have any questions concerning this matter please contact Ernest Carlsen at IDWR's Eastern Regional Office in Idaho Falls at (208) 525-7161.

Sincerely,

David R. Tuthill, Jr., P.E.
Adjudication Bureau Chief

cc: Ernest Carlsen. IDWR