

**Attorneys for Daryl and Mickey Hart
and Verla Witt**

In Re SRBA) Subcase Nos. 65-04213A and 65-04214
Case No. 39576)
)
) **MOTION FOR LEAVE TO FILE LATE**
) **OBJECTIONS TO 65-04213A and 65-04214**
) (Hart)
)
)
)

HARTS/WITT MOTION FOR LEAVE TO FILE LATE OBJECTIONS TO 65-4213A AND 65-04214 - 1

Motion For Leave To File Late Objections (65-4213A, 65-4214) and the record in these subcases.

Oral argument is requested.

RESPECTFULLY SUBMITTED this 23rd day of April 2004.

BEEMAN & ASSOCIATES, P.C.

By Josephine P. Beeman
Josephine P. Beeman

CERTIFICATE OF SERVICE

The undersigned certifies that on the 23rd day of April 2004, a true and correct copy of the foregoing document was sent to the following by the method indicated:

Idaho Department of Water Resources
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State of Idaho
P. O. Box 44449

Boise, ID 83711-4449

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United States Department of Justice
Environment & Natural Resources Div
550 West Fort Street, MSC 033

Boise, ID 83724

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McCall, ID 83638

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Faustino Ramos

P.O. Box 1543

McCall, ID 83638

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Dorothy A. Bowker & John R. Bowker

821 S.W. 12th Street

Troutdale, OR 97060

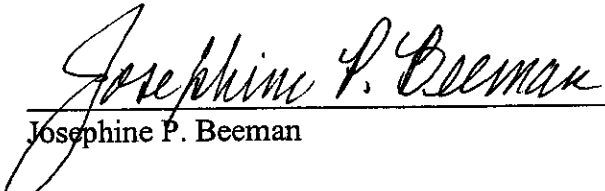
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Dorothy A. and John S. Bowker

P. O. Box 68

McCall, ID 83638

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Josephine P. Beeman

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**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 65-4214

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Daryl and Marchelle D. Hart

Address: Box 1311

McCall, Idaho 83638

Daytime Phone: 208- 634-0572

Name & Address of Attorney, if any:

Josephine P. Beeman
Beeman & Associates, P.C.
409 West Jefferson Street
Boise, Idaho 83702
(208) 331-0950

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

Name: Dorothy A. and John S. Bowker

Address: PO Box 68

McCall, ID 83628

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: reduced from 0.38 cfs to 0.32 cfs for irrigation
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: reduced from 19 to 16 irrigated acres; 6 acres in NESW and 10 acres in SESW, Section 34, T18N, R3E
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.

REASONS SUPPORTING OBJECTION(S):

Quantity: 0.06 cfs and 8 acre-feet have been changed by accomplished transfer to diversion to storage and storage for recreational, aesthetic, and wildlife purposes. See SRBA claims 65-4214A and 65-4213B, filed contemporaneously with this objection.

Place of Use: Three irrigated acres have been changed by accomplished transfer to provide water for evaporation from the surface of a pond. The place of use for the pond includes property owned by Dorothy A. Bowker and John R. Bowker, which is adjacent to but not part of the nineteen acres originally described under 65-4214. See SRBA claims 65-4214A and 65-4213B filed contemporaneously with this objection.

VERIFICATION

State of Idaho)
)ss.
County of Ada)

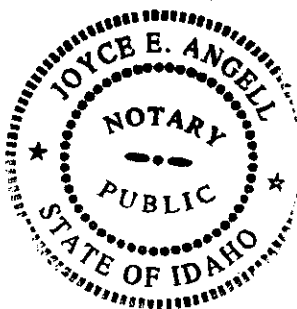
Josephine P. Beeman, duly sworn, upon oath, deposes and says:

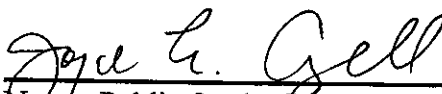
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(i) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.



Josephine P. Beeman
Beeman & Associates, P.C.

Subscribed and sworn to before me on: April 23, 2004





Notary Public for the State of Idaho
Residing at: Boise, Idaho
My Commission Expires: July 29, 2008

CERTIFICATE OF MAILING

I certify that on April 23, 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: Dorothy A. and John S. Bowker
Address: P. O. Box 68
McCall, ID 83638

One copy to the current owner of the water right at the following address:

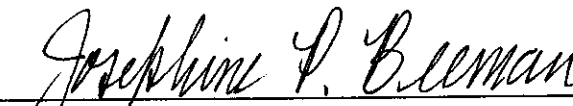
Name: Dorothy A. and John R. Bowker
Address: 821 S.W. 12th Street
Troutdale, OR 97060

3. Copies to:

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United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Josephine P. Beeman