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Attorneys for Daryl and Mickey Hart
and Verla Witt

**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

) Subcase Nos. 65-04213A and 65-04214
)
)

) **MOTION FOR LEAVE TO FILE LATE**
) **OBJECTIONS TO 65-04213A and 65-04214**
)
)

(Witt)

Pursuant to SRBA Administrative Order No. 1, Section 10J, and Idaho Rules of Civil Procedure (I.R.C.P.) 55(c), Daryl E. and Marchelle D. Hart and Verla Witt, by and through their counsel of record Beeman & Associates, P.C., respectfully move this court for an order to file late objections to SRBA recommendation nos. 65-4213A and 65-4214. Copies of the objections to be filed and served are attached as Exhibits A (65-4213A [Hart]), B (65-4213A [Witt]), C (65-4214 [Hart]), and D (65-4214 [Witt]). Each of the original Standard Form 1: Objection is separately filed with the court with an original of this motion. This motion is supported by the accompanying Affidavit of Marchelle D. Hart, Affidavit of Verla Witt, and Memorandum In Support Of Motions To File Late Notice Of Claim (65-4213B, 65-4213C, 65-4214A), And

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
Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

☒ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho

P. O. Box 44449

Boise, ID 83711-4449

☒ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

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

Boise, ID 83724

☒ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

James C. Heckathorn

RT 1 Box 46A

McCall, ID 83638

☒ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

Faustino Ramos

P.O. Box 1543

McCall, ID 83638

☒ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

Dorothy A. Bowker & John R. Bowker

821 S.W. 12th Street

Troutdale, OR 97060

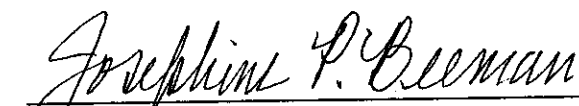
☒ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

Dorothy A. and John S. Bowker

P. O. Box 68

McCall, ID 83638

☒ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax


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	)	A. Subcase <u>65-4214</u>
	)	
Case No. 39576	)	
	)	
	)	STANDARD FORM 1
	)	OBJECTION
_____	)	

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Verla Witt
Address: 13968 Turner Lane
McCall, Idaho 83638
Daytime Phone: 208-634-1343

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

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: 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 (Must be Completed)

State of Idaho)
)ss.
County of Ada)

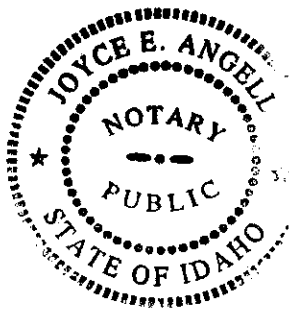
Josephine P. Beeman, duly sworn, upon oath, deposes and says:

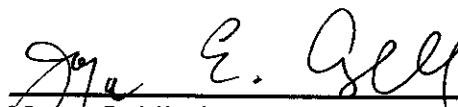
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(i) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.



Josephine P. Beeman
Beeman & Associates, P.C.
Attorney for Verla Witt

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: James C. Heckathorn
Address: RT 1 Box 46A
McCall, ID 83638

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

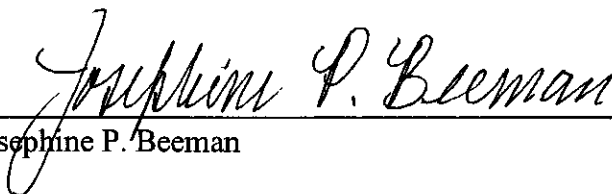
Name: Faustino Ramos
Address: PO Box 1543
McCall, ID 83638

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
P. O. 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



Josephine P. Beeman