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Department of Water Resources

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Department of Water Resources
Eastern Region

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 No. 35-04246
	)	
Case No. 39576	)	STANDARD FORM 1
	)	
	)	AMENDED OBJECTION
	)	

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Aberdeen-Springfield Canal Company
Address: P. O. Box 857
Aberdeen, Idaho 83210
Daytime Phone (208) 397-4193

Name & Address of Attorney, if any:
ROGER D. LING
LING & ROBINSON
615 H Street, P. O. Box 396
Rupert, Idaho 83350

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

Name: Aberdeen-Springfield Canal Company
Address: P. O. Box 857
Aberdeen, Idaho 83210

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: Ground water and water resulting from irrigation under irrigation works of Aberdeen-Springfield Canal Company and being recovered for further use on lands to which shares of Aberdeen-Springfield Canal Company are appurtenant.
3. ☐ **Quantity**
Should be: _____
4. ☒ **Priority Date**
Should be: A note to priority date should show that the priority date only applies in the event it is shown that water is being diverted that is not recaptured project water.
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: Should be 63,000 acres within the service area of Aberdeen-Springfield Canal Company. There should be no other limitation as to the place of use.
10. ☒ **Other Matters**
Should be: Add the following: Water diverted from this point of diversion is also groundwater resulting from irrigation under the irrigation works of Aberdeen-Springfield Canal Company and is recovered by Aberdeen-Springfield Canal Company for further use on lands to which shares of Aberdeen-Springfield Canal Company are appurtenant. This recaptured project water shall be administered separately from all other water rights in Basin 35 and the Snake River basin. As to this water right with a source being ground-water and not recaptured project water, the other matters set forth in the recommendation are appropriate.
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):** See attachment "A".

SF. 1 - Amended Objection
Amended 10/16/97

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VERIFICATION (Must be Completed)

State of Idaho)
)
County of Minidoka)

Roger D. Ling, 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.

INSTRUCTION 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.

CERTIFICATE OF MAILING

I certify that on July 13, 2001, 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
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Aberdeen-Springfield Canal Company
Address: P. O. Box 857
Aberdeen, Idaho 83210

3. Copies to:

IDWR Document Depository
P. O. Box 83720
Boise, ID 83720-0098

Peter J. Ampe, Deputy Attorney General
Office of the Attorney General
P. O. Box 83720
Boise, Idaho 83720-0010

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, Idaho 83734

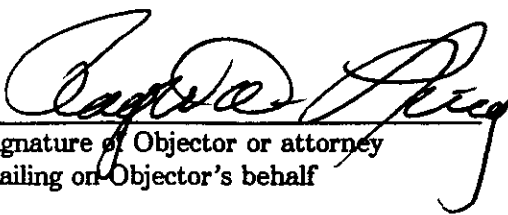
Henry R. Boomer, III
BOOMER & LAGGIS
P. O. Box 70
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Jeffrey C. Fereday, Esq.
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P. O. Box 2720
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608 West Franklin Street
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John K. Simpson, Esq.
BARKER, ROSHOLT & SIMPSON
Attorneys at Law
P. O. Box 2139
Boise, ID 83701-2139

James and Karen Lehman
2912 W 2000 S
Aberdeen, ID 83210


Signature of Objector or attorney
mailing on Objector's behalf

ATTACHMENT "A"

REASONS SUPPORTING OBJECTIONS

2. **Source:** The excavation and opening of this well and withdrawal of water therefrom by Aberdeen-Springfield Canal Company, the owner of the irrigation works of this Carey Act project, is to provide a supplemental source of water for the irrigation of the lands of shareholders of Aberdeen-Springfield Canal Company, for the further purpose of improving and preserving the utility of lands by draining them and for the withdrawal of water for the purpose of recovering groundwater resulting from irrigation under the irrigation works of Aberdeen-Springfield Canal Company. There are therefore two sources of water, the groundwater source under the license should be acknowledged, as well as the groundwater resulting from irrigation, which is separate and distinct from the water diverted under the license, but is diverted from this well and requires no license. It is necessary to identify both sources so that in the administration of this water right, it will be recognized that the water diverted from this well is groundwater to which Aberdeen-Springfield Canal Company is entitled to divert under its license and is also the diversion of groundwater resulting from irrigation under the irrigation works of Aberdeen-Springfield Canal Company, for which no license is necessary.
4. **Priority Date:** Under the license, the priority date should be August 7, 1958, to the extent water is being diverted under the license, whether or not the groundwater resulted from irrigation under the irrigation works of Aberdeen-Springfield Canal Company. As for the groundwater being recovered under this well which resulted from irrigation under the irrigation works of Aberdeen-Springfield Canal Company, and is used on lands to which shares of Aberdeen-Springfield Canal Company are appurtenant, there is no priority date, as the recovery of water resulting from irrigation within a project is a part of the original water supply diverted. This ground water is part of the project water of Aberdeen-Springfield Canal Company, and is owned by Aberdeen-Springfield Canal Company after it has been diverted under the surface water rights until it leaves the project.

9. **Place of Use:** As this is project water, as well as ground-water appropriated for all of the lands within the project, it is appurtenant to all irrigated acres to which shares of stock of Aberdeen-Springfield Canal Company are appurtenant and are within the service area of Aberdeen-Springfield Canal Company. The total number of these acres is 63,000, and there should be no other limitation to the number of acres irrigated within the place of use in a single irrigation season.
10. **Other Matters Necessary for Definition of Administration of this water right:** It should be noted in the definition or administration of this water right, that to the extent water is being diverted and that said water is the recovery of groundwater resulting from irrigation under the irrigation works of Aberdeen-Springfield Canal Company, such recovery of groundwater shall be administered separately from all other water rights in the Snake River basin, as such rights are not a connected source of water in the Snake River basin. To the extent water is diverted under this right that is not recaptured project water, such water right may be administered conjunctively. There should also be no reference to remarks limiting the combined use of this right and Basin 01 rights, except as to the acres within the project to which shares of Aberdeen-Springfield Canal Company are appurtenant.