

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
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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 37-20813
(liberty water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Kelvin Jones

Address: 360 South County Line Road

Jerome, ID 83338

Daytime Phone: (208) 324-2122

Name & Address of Attorney, if any:

John Lezawitz

133 Shoshone Street North, P.O. Box 389

Twin Falls, ID 83303

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

Name: Kelvin Jones

Address: 360 South County Line Road

Jerome, ID 83338

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: Total Combined Diversion Rate = 3.72 cfs.
4. ☐ **Priority Date** Combined Right No(s): 37-20811, 37-20815, 37-20817
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: _____

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 Attached Narrative - "Attachment A"

F.

VERIFICATION (Must be Completed)

State of Idaho

County of Twin Falls ss.

Kelvin Jones, 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.

[Signature]
(Signature of person filing objection)

[Signature]
(Attorney signing in representative capacity)

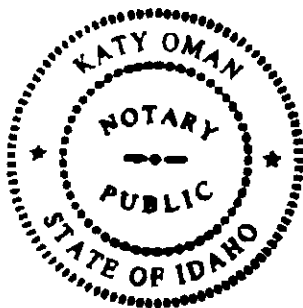
Subscribed and sworn to before me on: January 23, 2003

[Signature]

Notary Public for Idaho

Residing at: Kenner, ID

My Commission Expires: 11/24/06



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.

C.

CERTIFICATE OF MAILING

I certify that on January 24 ²⁰⁰³ ~~199~~, 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:

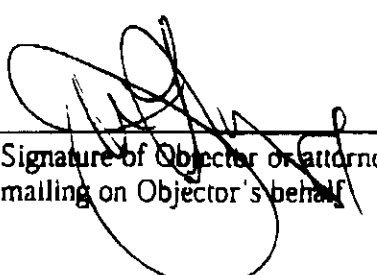
Name: Kelvin Jones
Address: 360 South County Line Road
Jerome, ID 83338

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
PO 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



Signature of Objector or attorney
mailing on Objector's behalf

Narrative in Support of Standard Form 1 – Objection
Subcase 37-20811, 37-20813, 37-20815, 37-20817

Attachment A

Mr. Kelvin Jones wishes to object to the recommended order for Water Right(s) 37-20811, 37-20813, 37-20815, 37-20817. As stated on Page #2 of the Standard Form 1, Kelvin Jones objects to the recommended combined diversion rate. It is Kelvin Jones' opinion that the total combined diversion rate should be 3.72 cfs when combined with Water Right Nos.: 37-20813, 37-20815, 37-20817.

The four rights listed above are split portions of Water Right Nos.: 37-2531A, 37-2532B, 37-2804B, and 37-8690. The other four rights created from these split rights are: 37-20810, 37-20812, 37-20814, 37-20816 which are under the name Alma Jones. All of the split water rights are diverted from a single groundwater well located in the SE ¼ SW ¼ SE ¼ Section 31, Township 06 South, Range 17 East, Lincoln County.

According to the adjudication recommended right report, water right(s) 37-20811, 37-20813, 37-20815, 37-20817 are limited to a combined diversion rate of 2.56 cfs which is less than the sum of the diversion rates of 3.72 cfs for the four rights. Our research has indicated that during the licensing of 37-8690, a field exam completed by Darren Knuteson on 6/15/1987, indicated a flow measurement of 5.22 cfs from the well which is the point of diversion for all of these rights. From this point forward, this flow rate is listed as the "diversion capacity" even though the field exam notes that the entire system was not fully operating on the day of the exam. Based on the exam, the system is comprised of 1-800' pivot, 6-32 bird hand lines, 2-solid set corners, and 9-¼ mile wheel lines. At the time of the exam, the pivot, corners, 4 hand lines, and 7 wheel lines were operating. Based on this note in the field exam, an additional 2 hand lines and 2-¼ mile wheel lines should have been operating to quantify the diversion capacity of the well.

The adjudication recommendation bases the total diversion allowed under both sets of 4 water rights on the proportional split of 5.22 cfs with 2.56 cfs allocated to water right(s) 37-20811, 37-20813, 37-20815, 37-20817 and the remainder 2.66 allocated to water right(s) 37-20810, 37-20812, 37-20814, 37-20816. However, if the diversion capacity of this well and system is greater than 5.22 cfs, Kelvin Jones & Alma Jones should be entitled to a higher diversion rate not exceeding the total combined rate of 7.58 cfs for the eight rights.

It is the desire of Kelvin Jones to have the capacity of the well independently tested by Brockway Engineering as certified water rights examiners in the Spring of 2003 to verify the capacity of this diversion with the system fully operating.

On recommended right 37-20817, Kelvin Jones also wishes to object to the acreage allowed under this right which should be 24.5 acres as shown on the Standard Form 1 Objection. Kelvin Jones believes the 24.5 acres more closely represents the historical beneficial use of this right.