

Walker Land & Cattle Company

PO Box 129
Menan, Idaho 83434
(208) 754-4696

RECEIVED

SEP 22 2004

DEPARTMENT OF
WATER RESOURCES

September 17, 2004

Clerk of the District Court
Snake River Basin Adjudication Court
253 Third Avenue North
P O Box 2707
Twin Falls, ID 83303-2707

Dear Clerk:

I have enclosed form SF.1-Objection for three water rights:

31-4053
31-4054
31-4055

Please let me know if you have any questions or if you need more information.

Thank you.

Sincerely,



David R. Jensen
Chief Financial Officer
Walker and McNeil Companies

RECEIVED
SEP 22 2004
DEPARTMENT OF
WATER RESOURCES

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 31-4054

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: WALKER LAND & CATTLE CO.

Address: PO BOX 129

MENAN, IDAHO 83434

Daytime Phone: 208-754-4696

DAVID R JENSEN, CFO

Name & Address of Attorney, if any:

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

Name: WALKER LAND & CATTLE CO.

Address: PO BOX 129

MENAN, ID 83434

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: _____
4. ☐ **Priority Date**
Should be: _____
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:**
☐ This water right Should not exist.

☒ This water right was not recommended, but Should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTIONS(S): _____

ORIGINAL REASONS SUBMITTED, COPY
ENCLOSED

F.

VERIFICATION (must be completed)

State of IDAHO)
)ss.

County of JEFFERSON)
WALKER LAND & CATTLE CO

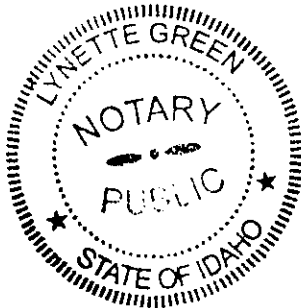
By DAVID R. JENSEN, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

David R. Jensen
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: _____



9/17/2004
Lynette Green
Notary Public for
Residing at: Jefferson County
My Commission Expires: 2/10/2010

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 SEPTEMBER 17, 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:

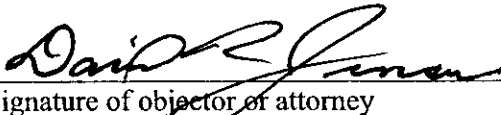
Name: _____
Address: _____

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



Signature of objector or attorney
mailing on Objector's behalf

Walker Land & Cattle Company

PO Box 129
Menan, Idaho 83434
(208) 754-4696

July 26, 2004

Snake River Basin Adjudication Court
P O Box 2707
Twin Falls, ID 83303

Dear Gentlemen or Madam:

I am writing to you in hopes of filing a late protest in the matter of disallowed claims 31-04053, 31-04054 and 31-04055. It appears from the record that the claims were disallowed because evidence of priority had not been provided to the Idaho Dept. of Water Resources office in Idaho Falls.

These claims and properties involved had belonged to Wilma Wade and were acquired by our farm organization, Walker Land & Company, in 1999. We became aware on Feb. 9, 2001, via a letter from Bryce Contor of IDWR's Eastern Regional Office, that we needed to provide "Evidence of Priority" and a "Change of Ownership" form. We then filed the Change of Ownership form required by law on Feb. 20, 2001.

At that point we then tried to make contact with original owner, Wilma Wade to secure some evidence of priority. Mrs. Wade, who is an elderly widow, was contacted by phone by one of the members of our staff on Feb. 27, 2001. Mrs. Wade dictated some verbal testimony dealing with particulars involving claims 31-04053, 31-04054 and 31-04055 to that staff member. That dated memo is included for your review.

For some reason, which includes a change in personnel, this memo was never forwarded to the Eastern Regional Office and Mr. Contor. Had we been aware the memo was never sent we would have taken immediate action to correct this problem.

At this point we have again contacted Mrs. Wade who is in poor health and residing in an assisted living facility in Utah. We were recently advised by the Department of Water Resources and others to secure, if possible, notarized affidavits from Mrs. Wade, which we did. The notarized affidavits are attached.

We are also trying to secure affidavits from a former farm manager who worked Mrs. Wade's property attesting to historic irrigation use involving the three claims in question. These additional affidavits, if received, will be forwarded to you.

These properties under the three claims in question have a long history of ground water (well) irrigation and we had assumed all required paperwork had been submitted. This omission was caught in a recent appraisal of the properties. We own approximately 8,000 acres and farm approximately 15,000 acres. This was one of two areas about which we had questions.

We realize the SRBA Court is extremely busy with its heavy obligations but hopefully we can qualify for a late protest of these claims. The properties irrigated are essential to our farm operation and without these water rights we would suffer a great financial loss.

If there are any questions or needed documents, please contact us. I thank you for your time.

Sincerely,

A handwritten signature in black ink, appearing to read "David R. Jensen". The signature is fluid and cursive, with the first name "David" and last name "Jensen" clearly distinguishable.

David R. Jensen
Chief Financial Officer
Walker and McNeil Companies