

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 45-2063  
(Insert water right number)

STANDARD FORM 1  
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: TIM PAYTON, PRESIDENT BIRCH CREEK WATERUSERS

Address: 1900 SOUTH 478 WEST

OAKLEY, IDAHO 83346

Daytime Phone: (208) 862-3224

Name & Address of Attorney, if any:  
TRAVIS L THOMPSON

113 MAIN AVENUE WEST, SUITE 303

TWIN FALLS, IDAHO 83301-6167

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

Name: OAKLEY CANAL CO

Address: PO BOX 207

OAKLEY ID 83346

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: SEE E BELOW
6. ☐ **Instream Flow Beginning and Ending Point**  
Should be: \_\_\_\_\_
7. ☐ **Purpose(s) of Use**  
Should be: \_\_\_\_\_
8. ☒ **Period of Year**  
Should be: SEE E BELOW
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):** VARIOUS ISSUES WITH ADDITIONAL POINTS OF DIVERSION, POINT OF WATER MEASUREMENT, HISTORICAL EARLY SEASON USE PRIOR TO 3/15, AND REFERENCE TO SEPTEMBER 10, 1992 WATER ROTATION AGREEMENT.

F.

VERIFICATION (must be completed)

State of IDAHO )  
 )ss.  
County of TWIN FALLS )

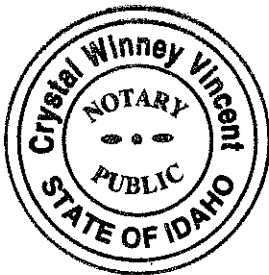
TRAVIS L THOMPSON, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

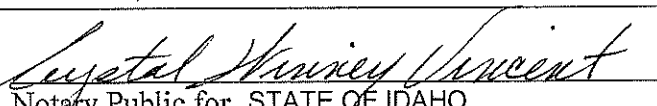
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

\_\_\_\_\_  
(Signature of person filing objection)

  
\_\_\_\_\_  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: DECEMBER 30, 2004



  
\_\_\_\_\_  
Notary Public for STATE OF IDAHO  
Residing at: TWIN FALLS  
My Commission Expires: APRIL 8, 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 DECEMBER 30, 200  , 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:            OAKLEY CANAL COMPANY  
Address:            PO BOX 207  
           OAKLEY ID 83346

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