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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 No. 45-02594A

MOTION FOR LEAVE TO FILE:

☒ LATE OBJECTION

Pursuant to Rule 10j, AO1

☐ AMENDED OBJECTION

Pursuant to Rule 1a, AO1

INTRODUCTION

This form is used to request permission from the SRBA Court to file a late Objection or an amendment to an Objection in a reporting area where the Director's Report has been filed.

By filing this *Motion for Leave to File a Late Objection* or a *Motion for Leave to File an Amended Objection*, the undersigned certifies that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

B. NAME AND ADDRESS OF MOVANT/OBJECTOR

Name: Howard R. Adams & Sons, Inc.

Address: 496 West, 1000 South
Burley, Idaho 83318

Daytime Phone (208) 678-2978

Name and Address of Attorney, if any:

ROGER D. LING

ISB No. 1018

LING, ROBINSON & WALKER

615 H Street, P. O. Box 396

Rupert, Idaho 83350

Phone: (208) 436-4717

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

Name: Howard R. Adams & Sons, Inc.

Address: 496 West, 1000 South
Burley, Idaho 83318

1941-1942

1943-1944

1945-1946

D. THE UNDERSIGNED HEREBY MOVES THE COURT FOR LEAVE TO FILE THE ATTACHED DOCUMENT ON THE GROUNDS AND FOR THE REASONS THAT:

1. ☐ The attached document more clearly defines the issues raised by the original Objection.
2. ☒ Movant/Objector herein verily believes that the Recommendations of the Director in this subcase failed to recommend the claim supported by the facts.
3. ☐ This is a contested subcase as a result of Objections filed by:

4. ☒ No delay will be incurred as the result of the filing of the attached document.
5. ☒ It is in the best interests of justice that the attached document be filed to resolve issues raised by the claimant/objector/movant.
6. ☒ Other: Documents have recently been discovered which will establish that Water Right No. 45-02594 should not have been split.
7. ORAL ARGUMENT IS:

☒ REQUESTED
☐ NOT REQUESTED

E. HAS THE COURT ENTERED A TRIAL SCHEDULE ORDER?

- ☐ Yes
☐ No
☒ Not Applicable

VERIFICATION

STATE OF IDAHO)
)
County of Minidoka)

ROGER D. LING, duly sworn, upon oath, deposes and says:

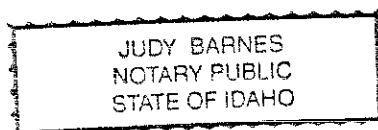
That I am the attorney for the movant and that I have read this Motion, know its contents and believe that the statements are true to the best of my knowledge.



ROGER D. LING

SUBSCRIBED AND SWORN TO before me on:

April 6, 2005





Notary Public for the State of Idaho
Residing at: _____ Rupert, Idaho
My Commission expires: _____ 02/12/2011

CERTIFICATE OF MAILING

I certify that on April 7, 2005, I mailed the original and copies of this Motion, including all attachments, to the following:

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: Howard R. Adams & Sons, Inc.
Address: 496 West, 1000 South
Burley, Idaho 83318

3. Copies to:

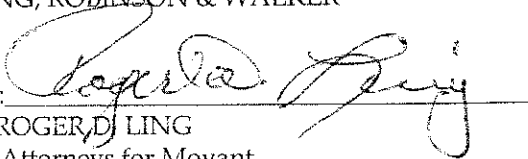
IDWR Document Depository
P. O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

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

Other:

LING, ROBINSON & WALKER

By: 

ROGER D. LING
Attorneys for Movant

**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. 45-02594A *
	)	
Case No. 39576	)	STANDARD FORM 1
	)	
	)	OBJECTION
_____	)	

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Howard R. Adams & Sons, Inc.

Address: 496 West, 1000 South
Burley, Idaho 83318

Daytime Phone (208) 678-2978

Name & Address of Attorney, if any:
ROGER D. LING
LING, ROBINSON & WALKER
615 H Street, P. O. Box 396
Rupert, Idaho 83350
ISB No. 1018

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

Name: Howard R. Adams & Sons, Inc.

Address: 496 West, 1000 South
Burley, Idaho 83318

* See Attachment "A"

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(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. (Only a portion of this right was recommended on the belief that the right should have been split.)

E. REASONS SUPPORTING OBJECTION(S): _____ Water Right No. 45-02594 was purchased by claimant/objector on January 24, 1973 from Nona M. Lenks, partner in Magic Farms, a Partnership. An accomplished transfer of the place of use occurred prior to 1980. The discovery of the duly executed Assignment of the original water right was reviewed with the Director's Recommendations and determined that this right was split on the belief that the lands to which the original water right were appurtenant, when transferred, transferred a portion of the right.

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.

County of Minidoka)

Scott L. Adams

(Name of person filing objection)

, duly sworn, upon oath, deposes and says:

~~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.~~
Vice President of the

Scott L. Adams

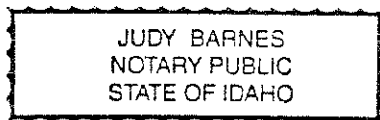
(Signature of person filing objection)

Vice President

Regina Hing

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: April 7, 2005.



Judy Barnes
Notary Public for the State of Idaho

Residing at: Rupert, Idaho

My Commission Expires: 02-12-2011

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 April 7, 2005, 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
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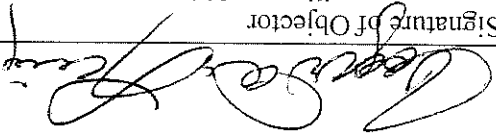
3. Copies to:

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

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

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

Signature of Objector
or attorney mailing on Objector's behalf



ATTACHMENT "A"
to SF.1 Objection
Subcase No. 45-02594A

If the Objection to this subcase is allowed, the combined diversion rate of the following combined rights of Howard R. Adams & Sons, Inc. may change, to-wit:

45-2377C
45-2392
45-2411
45-2412
45-2504
45-2594A
45-2605
45-4041
45-7439A
45-10365

