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APR 08 2005

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. 45-02594B

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: Cranney Land Company, LLC

Address: 1310 South, 600 West
Oakley, Idaho 83346

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:

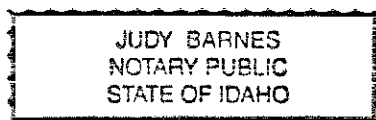
That I am the attorney for the movant and that I have read this Motion, know its contents and believe that the statements are true to the best of my knowledge.



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: Cranney Land Company, LLC.
Address: 1310 South, 600 West
Oakley, Idaho 83346

3. Copies to:

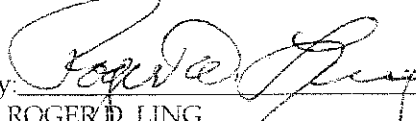
IDWR Document Depository
P. O. Box 83720
Boise, ID 83720-0098

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

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

Please fill in the following information:

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: Cranney Land Company, LLC

Address: 1310 South, 600 West
Oakley, Idaho 83346

* 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.			

E. REASONS SUPPORTING OBJECTION(S): _____

by Nona M. Jenks, then known as Water Right No. 45-2594 with a diversion of 3.24 cfs for the irrigation of 187 acres owned by Nona M. Jenks. On January 24, 1973, Nona M. Jenks assigned all of her right, title and interest in the license and Certificate of Water Right to Howard Adams & Sons, Inc., an Idaho corporation. The place of use was transferred by Howard Adams & Sons, Inc. to their own lands, and no part of this right should have been transferred to Cranney Land Company, LLC when it purchased a part of the place of use in the original license and from which the water was transferred to lands of Howard R. Adams & Sons, Inc.

VERIFICATION (Must be Completed)

State of Idaho)

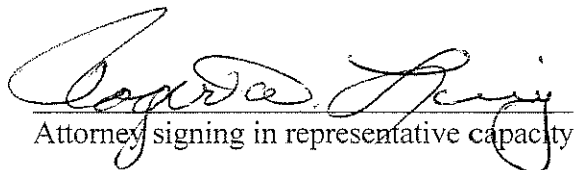
)

County of Minidoka)

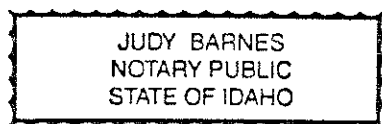
Roger D. Ling, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

Signature of person filing objection


Attorney signing in representative capacity

Subscribed and sworn to before me on April 7, 2005




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
Twin Falls, Idaho 83303-2707

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

Name: Cranney Land Company, LLC
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Oakley, Idaho 83346

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. 45-02594B

If the Objection to this subcase is allowed, the combined diversion rate for water rights of Cranney Land Company, LLC, may be changed. These water rights with combined diversion with 45-02594B are:

45-2413
45-2431
45-2432
45-2594B
45-4045
45-4107
45-7055
45-7064
45-7150
45-7242
45-7307
45-13550