

LODGED

|                                                                                         |              |
|-----------------------------------------------------------------------------------------|--------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |              |
| By <u>[Signature]</u>                                                                   | Clerk        |
| NOV 1 2005                                                                              | Deputy Clerk |

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 05-4445  
(insert water right number)

STANDARD FORM 1  
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: R. Patrick Kerby  
Address: 31219 US Highway 12  
Lenore, ID 83541  
Daytime Phone: 208 861 4564

Name & Address of Attorney, if any:

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

Name: R. Patrick Kerby  
Address: 31219 US Highway 12  
Lenore ID 83541

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

- |    |                                     |                                                        |         |
|----|-------------------------------------|--------------------------------------------------------|---------|
| 1. | <input type="checkbox"/>            | Name and Address<br>Should be:                         |         |
| 2. | <input type="checkbox"/>            | Source<br>Should be:                                   |         |
| 3. | <input checked="" type="checkbox"/> | Quantity<br>Should be:                                 | 0.5 cfs |
| 4. | <input type="checkbox"/>            | Priority Date<br>Should be:                            |         |
| 5. | <input type="checkbox"/>            | Point of Diversion<br>Should be:                       |         |
| 6. | <input type="checkbox"/>            | Instream Flow Beginning and Ending Point<br>Should be: |         |
| 7. | <input type="checkbox"/>            | Purpose(s) of Use<br>Should be:                        |         |
| 8. | <input type="checkbox"/>            | Period of Year<br>Should be:                           |         |
| 9. | <input type="checkbox"/>            | Place of Use<br>Should be:                             |         |
| 10 | <input type="checkbox"/>            | 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): ① This has historically been the quantity (1983 claim to water right enclosed)  
② This quantity is necessary for sandy type soil at this location ③ Original size matches pump capacity.

## 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 November 9, 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  
PO Box 2707  
Twin Falls, ID 83303-2707

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

Name: R Patrick Kerby  
Address: 31219 US Highway 12  
Lenore, ID 83541

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

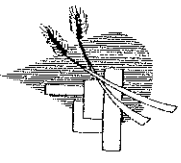
Pat Kerby  
Signature of objector or attorney  
mailing on Objector's behalf

RECEIVED

Claim No.

75-4445

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
JUL 5 1983  
Department of Water Resources  
Northern District Office  
CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that

PEARL E. KERRY  
(Name of Claimant)

Box 113 LEWIS IDAHO 83544  
(Mailing Address)

Telephone No. 276-3377  
(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) May 1955  
A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)  
CHAMBERLAIN RIVER tributary to SALAD RIVER

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

| Quantity | (cfs, af) | Use | (Domestic, Irrigation, Stock, Etc.) | (Both dates inclusive) |            |
|----------|-----------|-----|-------------------------------------|------------------------|------------|
|          |           |     |                                     | (Mo., Day)             | (Mo., Day) |
| Quantity | —         | 5   | IRRIGATION                          | April                  | Oct        |
| Quantity |           | Use |                                     | To                     | To         |
| Quantity |           | Use |                                     | To                     | To         |
| Quantity |           | Use |                                     | To                     | To         |
| Quantity |           | Use |                                     | To                     | To         |
| Quantity |           | Use |                                     | To                     | To         |
| (4)      | 5         | cfs | TOTAL QUANTITY USED                 |                        |            |

- (5) A) Point of diversion: Location of point where water is diverted from its source)

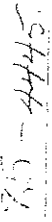
20 ft 4 1/2 Sec. 26 Twp. 37 Rge. 3 B.M., County of NEA Twp

Additional points of diversion:

FOR DEPARTMENT USE ONLY  
Received by RAH  
Prelim. check by RAH  
\$30.00 fee received by RAH  
Published in Lewiston Morning Tribune  
Dates 8/18 & 12-5  
Date 7/5/83 Exception filed by:             
Date 7-6-83  
Date 7/6/83 # 28685  
Forwarded to            Date             
Claimant by:           

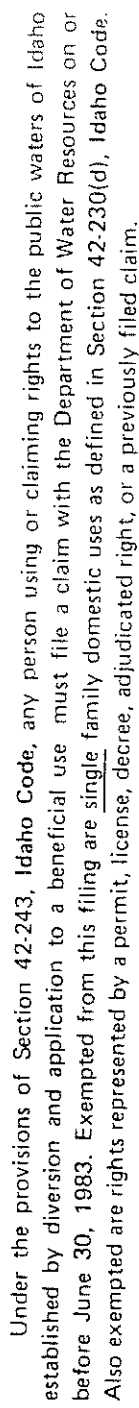
Notary Public  
JAMES E. HAYES  
CLERK OF THE DISTRICT COURT AND  
RECORDING CLERK  
NEW PACE COUNTY, IDAHO

My commission expires

[illegible]

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

# CLAIM TO A WATER RIGHT



Notice is hereby given that

(Name of Claimant)

1. Leffler, Linda 8359  
(Mailing Address) 17 in Code

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) May 1, 1955
- A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- Chassawatchee River tributary to Savannah River

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{cls, afi}
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(Domestic, Irrigation, Stock, Etc.)

(Both dates inclusive)  
(Mo., Day) (Mo., Day)

| Quantity | Use | Period of Use | From | To | By |
|----------|-----|---------------|------|----|----|
| 5        | Use | IRRELEVANT    | 6.4  | 1  | To |

| Quantity | Use     | Period of Use From | To      |
|----------|---------|--------------------|---------|
| 1000000  | 1000000 | 1000000            | 1000000 |

Quantity

Use

Period of Use From

To

To

|                 |                           |
|-----------------|---------------------------|
|                 | Use                       |
| <b>Quantity</b> | <b>Period of Use From</b> |

| Quantity | Use | Period of Use | From | To   |
|----------|-----|---------------|------|------|
| 1        | 1   | 1             | 1    | 1    |
| 2        | 2   | 2             | 2    | 2    |
| 3        | 3   | 3             | 3    | 3    |
| 4        | 4   | 4             | 4    | 4    |
| 5        | 5   | 5             | 5    | 5    |
| 6        | 6   | 6             | 6    | 6    |
| 7        | 7   | 7             | 7    | 7    |
| 8        | 8   | 8             | 8    | 8    |
| 9        | 9   | 9             | 9    | 9    |
| 10       | 10  | 10            | 10   | 10   |
| 11       | 11  | 11            | 11   | 11   |
| 12       | 12  | 12            | 12   | 12   |
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| 84       | 84  | 84            | 84   | 84   |
| 85       | 85  | 85            | 85   | 85   |
| 86       | 86  | 86            | 86   | 86   |
| 87       | 87  | 87            | 87   | 87</ |

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

Additional points of diversion: 17 1/4, Sec. 26 Twp. 37 Rge. 3w B.M., County of McPherson Thompson

- B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. 5 HP CENTRAL PUMP TRAIL 3"

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

No. of acres

NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization: N/A

[illegible]

Forwarded to  
claimant by:  
Date