

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

37-4147

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name:

Peter A. Bowler, Trustee, Aldrich Bowler Living Trust

Address:

555 Rm Road #E

Bliss, Idaho 83314

Daytime Phone: 208-837-6436

Name & Address of Attorney, if any:

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

Name:

Aldrich Bowler

Address:

HC 60 Box 1110

Bliss, Idaho 83314

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): I request deletion of the hydropower subordination clause because of our clean priority and beneficial use at this site going back over 70 years.

We object to the clause at 2 sub 171 that states "...The appropriator shall exercise this right in a manner that recognizes the historic practice that the use of water for power generation is incidental to the rights of others to the use of water for other purposes. The appropriator shall not make a delivery call for hydropower generation except as against junior hydropower rights." This condition should be removed from 37-4147 because we have made beneficial use of this water for over 70 years. There is no need for this clause in our water right, and we respectfully ask that it be removed. If you do not remove this clause from our water right, we will seek legal help and follow through because we have a long history of very clear priority and beneficial use at this site. The inclusion of this clause is not warranted or justified.

F.

VERIFICATION (must be completed)

State of CALIFORNIA

County of ORANGE)ss.

PETER A. BOWLER, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

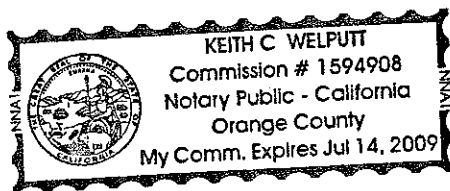
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Peter A. Bowler
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: _____

MARCH 6, 2006
Keith C. Welputt
Notary Public for CALIFORNIA
Residing at: ORANGE COUNTY, CALIFORNIA
My Commission Expires: JULY 14, 2009



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 March 6, 2006, 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:

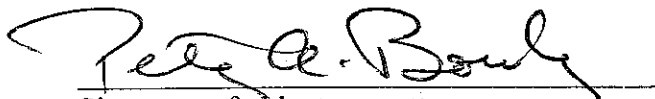
Name: Aldrich Bowler
Address: HC 60 Box 1110
Bliss, Idaho 83314

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