

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

37-11145

(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name:

Peter A. Bowler

Address:

555 River 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:

Estate of Verdah H. Wood % Jenette Brizindine

Address:

HC 60 Box 1070

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): _____

_____ Please see insert (typed) _____

The Estate of Verdah H. Wood has ample water from Sullivan Spring on their property and within the watershed on their farm. They used that source for irrigation historically, and diverting water from Decker Springs was an act that directly diminished an existing beneficial use Aldrich Bowler and before him Warren Farnsworth had made of that water for over twenty years. Mining had long ceased, and the "miner's ditch" had been abandoned for many, many decades, with individual farms instead using the springs arising on or above them. The Woods had done so with Sullivan Springs, and there is still ample water there for them to use for irrigation and other purposes – as the Woods had done for years before diverting water from Decker Springs. This constituted a change in point (source) of diversion and a change in point of use – both of which were protested by Aldrich Bowler when the irrigation diversion commenced.

The use of the concrete pipeline (delivery conduit for 37-11145) for irrigation on the Woods farm was vigorously protested in person to Verdah Woods by Aldrich Bowler and there was no IDWR or other formal administrative mechanism in place at that time to halt what amounts to direct theft of water. In other words, there was no legal administrative recourse then, with physical violence being the other alternative. Aldrich Bowler has consistently filed on his full 17 cfs year round since then, and I oppose this irrigation right. Both Aldrich and I have made many, many calls to IDWR over the years about this, and believe that this irrigation claim should be rejected. It represents an unpermitted change in source and point of use. The Woods have full and easy access to Sullivan Springs that flows through their property that amply provided for their needs prior to their diversion of water from our beneficial use in Decker Springs, and it can do so again. As is the case with all diversions in the Decker Spring system, if any irrigation water is allocated from this source – which we do not believe is justified in this case - it should not be for more than an inch an acre – since there were no historic measurements – and should emanate from a locked measuring device at the point of diversion.

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)

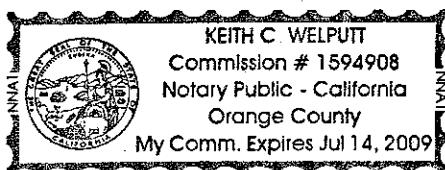
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

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:

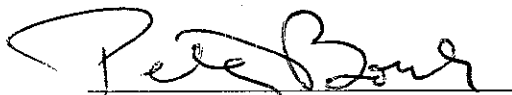
Name: Estate of Verda H. Wood c/o Jenette Brizindine
Address: HC 60 Box 1070
Bliss, Idaho 83314

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