

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STANDARD FORM 1 OBJECTION

Page - 1

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

Name: JUSTICE DITCH COMPANY
Address: c/o Frank Erwin
2628 S 975 E
Hagerman, ID 83332

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: JUSTICE DITCH COMPANY
c/o Frank Erwin
2628 S 975 E
Hagerman, ID 83332
2. ☒ **Source**
Should be: Waste Water tributary to Malad River
3. ☒ **Quantity**
Should be: 9.1 c.f.s.
4. ☒ **Priority Date**
Should be: April 1, 1934
5. ☒ **Points of Diversion**
Should be: PART I of Attachment I lists the correct point of diversion
6. ☐ **Instream Flow Description**
Should be: Not applicable.
7. ☒ **Purpose(s) of Use**
Should be: PART II of Attachment I lists the correct purposes of use
8. ☒ **Period of Year**
Should be: PART II of Attachment I lists the correct period of year
9. ☒ **Place of Use**
Should be: PART III of Attachment I lists the correct place of use.

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):

The State of Idaho, Department of Parks and Recreation, (hereinafter "IDP&R"), began acquiring the lands that are part of Malad Gorge State Park in about 1970. The total acreage of the Malad Gorge State Park is about 650 acres. Most of the land that was arable had been farmed prior to the acquisition by IDP&R. The total irrigated acreage in 1969 was in excess of two hundred and twenty acres. After this acquisition, the IDP&R has converted some of the irrigated farmland into irrigated parkland. The IDP&R has converted other parts of the irrigated farmland into native grasslands that continue to be irrigated. Native grass seed is harvested from the native grasslands. In addition, the IDP&R continues to graze these native grasslands under contract with adjacent landowners.

The Justice Ditch Company is an unincorporated association of the users from the Justice Ditch. The Justice Ditch provides water to the Malad Gorge State Park. The recommendation by the Idaho Department of Water Resources deleted all lands within Malad Gorge State Park from the authorized place of use for the Justice Ditch.

F.

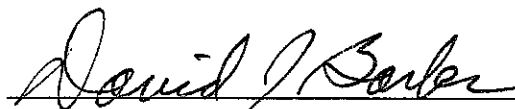
VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

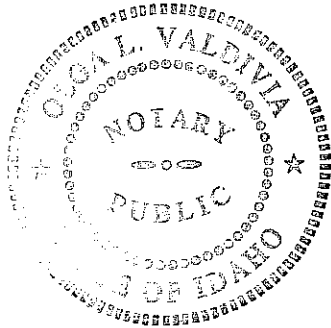
DAVID J. BARBER, Deputy Attorney General, duly sworn, upon oath, deposes and says:

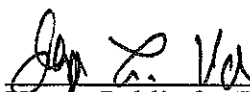
That the State of Idaho, Department of Parks & Recreation, in its proprietary capacity is filing this objection and that I am a Deputy Attorney General authorized to represent the State of Idaho, Department of Parks & Recreation which is a party/claimant in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

LAWRENCE G. WASDEN
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
DAVID J. BARBER
Deputy Attorney General


By Attorney signing in representative capacity

Subscribed and sworn to before me on: March 8, 2006
(Insert Date)




Notary Public for IDAHO
Residing at: BOISE, ID
My commission expires: 2/8/12

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 8, 2006, I caused the original and the copies of this objection, including all attachments, to be served on the following persons by the method designated:

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

HAND DELIVERED

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

JUSTICE DITCH COMPANY
c/o Frank Erwin
2628 S 975 E
Hagerman, ID 83332

U.S. MAIL

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

STATEHOUSE MAIL

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

U.S. MAIL

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

(not applicable)



Signature of Objector or attorney
Mailing on Objector's behalf

ATTACHMENT I

PART I

POINT OF
DIVERSION:

JUSTICE DITCH	SESW	Sec. 30	Township 06S	Range 14E	GOODING County
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PART II

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>		<u>QUANTITY</u>
Stockwater	01/01	12/31	0.040 c.f.s
Irrigation	03/15	11/15	9.10 c.f.s.

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

The appropriator is entitled to the quantity of water described for stockwater purposes at a point of measurement where the delivery ditch enters the place of use described.

PART III

PLACE OF USE:

IRRIGATION Within GOODING COUNTY

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06S	13E	35		NENE	19		NWNE	5.1		SWNE	24.8		SENE	26.7
				SENE	14.2									
				NESW	23									
				NESE	37.3		NWSE	40		SWSE	33.5		SESE	37.9
		36		NENE	11.3		NWNE	20.9						
				NENW	19.2		NWNW	39.6						
				SWSW	11.3									
07S	13E	1	2	SWNE	34.7	1	SENE	31.3						

STOCKWATER same as IRRIGATION

Total Acres: 429.8

Right nos. 37-1160, 37-1175, 37-4091 and 37-10089 are limited to the irrigation of a combined total of 429.8 acres in a single irrigation season.