

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

37-773

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: N. Stanley Standal

Address: 609 River Road

Bliss ID 83314

Daytime Phone: 208-837-4970

Name & Address of Attorney, if any:

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

Name: Black Canyon Farms Inc.

Address: c/o Jerry Jaramillo

317 River Road

Bliss ID 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 not include Montana Mining Ditch
Should be: or Montana Mining Ditch Spring #9
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☒ **Point of Diversion** Should not Include Montana Mining Ditch
Should be: or Montana Mining Ditch Spring #9
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):** See Attached
Reasons 1 thru 4.

N Stanley Standal
609 River Road
Bliss, ID 83314

March 8, 2006

I object to Claim # 37-793 for the following reasons: First, non-use of the water from the Montana Mining Ditch and spring # 9 for more than 30 years. Water from the Montana Mining Ditch and spring # 9 hasn't been used for irrigation of the lands described in The claim since the land was converted to sprinkler irrigation over 30 years ago by Mr Lynn Stevenson.

Second, the lands described in this claim have been irrigated under a separate, established Water right for more than 30 years. License #37-7216 shows Points of Diversion T 6S, R.13E, Section 17 NENWNW (spring #10) and T6S, R. 13E, Section 8 SESWSW (spring #11) Mr. Stevenson perfected a right for irrigation of lands Described in this Claim (#37-793) from sources other than Montana Mining Ditch Spring #9.

Third, the Claim describes the Points of Diversion as the Montana Mining Ditch Springs #9, #10, and #11. These water sources are not consistent with the original Decree sources. A review of the 1913 West vs. Bell Decree (upon which this claim is Based) identifies the water sources for the decree as being Montana Mining Ditch Springs #1 through #14. These springs and the ditch that collected the water stretched About 4 miles from the current day Snake River Pottery area northwesterly through the Hagerman Valley and ended in the Bliss landslide area. Most sections of the Montana Mining Ditch have either been abandoned, removed, built on or farmed over since the

1913 Decree. Only a small segment (approximately 3/8 mile) of the ditch exists, Conveying water to adjacent property owners from the #9 spring. The West vs. Bell Decree does not differentiate flows from individual springs along the length Of the original ditch to specific right holders. Re-establishing this claim and decree Would require re-construction of the original Montana Mining Ditch, collection of all Waters as described in the decree and re-distribution of the collected waters as Described in the decree.

Fourth, re-establishment of this claim and diversion of water flows would injure current Water right holders. Property owners along the length of the old Montana Mining Ditch (myself included) have perfected and maintained water rights to divert and Beneficially use spring flows that use to be collected by the Montana Mining Ditch. Water rights to use these spring flows now include domestic, irrigation, fish propagation, Hydropower, and other uses. To collect and distribute water flows as described in the West vs. Bell Decree would severely injure current water right holders.