

COPY

RECEIVED
MAR 13 2006
DEPARTMENT OF
WATER RESOURCES

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

37-01175

(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: Frank C. Erwin

Address: 2628 South 975 East

Hagerman, Idaho 83332

Daytime Phone: 208-837-4433

Name & Address of Attorney, if any:

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

Name: Justice Ditch Company

Address: % 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: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: 3.34 cfs plus conveyance loss
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: Attachment 1 lists the correct place of use
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):** Attachment 2 explains reasons

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.

County of Gooding)

Frank C. Erwin, 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.

Frank C. Erwin
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: MARCH 10, 2006

M. L. E. B. B.
Notary Public for Idaho, Gooding County
Residing at: Na Gorman
My Commission Expires: 06.08.06

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 10, 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 *Hand delivered*
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:

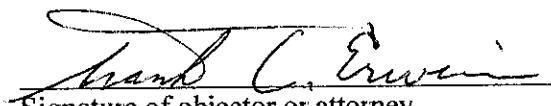
Name: Justice Ditch Company *Hand delivered*
% Frank Erwin
Address: 2628 S 975 E
Hagerman, Id 83332

3. Copies to:

IDWR Document Depository *U.S. Mail*
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice *U.S. Mail*
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division *U.S. Mail*
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449


Signature of objector or attorney
mailing on Objector's behalf

ATTACHMENT 1

Place of use:

Irrigation and Stockwater 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	40
				SENE	14.2									
				NESW	23									
				NESE	40		NWSE	40		SWSE	33.5		SESE	40
		36		NENE	11.3		NWNE	20.9						
				NENW	19.2		NWNW	20.5						
				SWSW	17									
07S	13E	1	2	NWNE	33	1	NENE	33						

Total Acres: 434.5

Right nos. 37-1160, 37-1175, 37-4091 and 37-10089 are limited to the irrigation of a combined total of 434.5 acres in a single irrigation season.

Attachment 2

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.

A diversion in excess of the standard 0.02 c.f.s per acre is needed to deliver the water diverted to the designated place of use. The appropriation described in notice of claim 37-4091 had provided some of this carriage water in the past. In the event that the recommendation of the Idaho Department of Water Resources is sustained by the district court to disallow notice of claim no. 37-4091, then some additional water needs to be added to the quantity term for this water right to provide this carriage water.