

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 27-4087  
(Insert water right number)  
**STANDARD FORM 1**  
**OBJECTION**

Please **print or type** the following information:

**B. NAME AND ADDRESS OF PERSON OBJECTING**

Name: City of Blackfoot  
Attention Ron Harwell  
Public Works Director  
Address: 157 N. Broadway  
Blackfoot, ID 83221  
Daytime Phone: 208-785-8600  
Email: ron@cityblackfoot.org

Name & Address of Attorney, if any:

Christopher H. Meyer  
Givens Pursley LLP  
601 W. Bannock St.  
P.O. Box 2720  
Boise, ID 83701  
Daytime Phone: 208-388-1236  
Facsimile: 208-388-1300  
Email: chris Meyer@givenspursley.com

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

Name: City of Blackfoot  
Address: 157 N. Broadway  
Blackfoot, ID 83221

**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: City of Blackfoot  
157 N. Broadway  
Blackfoot, ID 83221

2. ☐ **Source**

Should be: Groundwater

3. ☒ **Quantity**

Should be: 2.23 cfs (no annual volume)  
Diversion of water from the well located in SWSW, §30,  
T2S, R35E (Well #11) shall not exceed 4.00 cfs.

4. ☐ **Priority Date**

Should be: 04/01/1954

5. ☒ **Point(s) of Diversion**

Should be:

| POD Description          | Common name |
|--------------------------|-------------|
| T3S R35E §4 SENESW       | Well #6     |
| T3S R35E §4 SWNWNE Lot 2 | Well #8     |
| T3S R35E §3 NWSWNE       | Well #7     |
| T3S R35E §2 SENWNW       | Well #5     |
| T3S R35E §10 NWNWNW      | Well #4     |
| T3S R35E §3 SWNESE       | Well #3     |
| T2S R35E §35 NENWNE      | Well #9     |
| T3S R35E §10 NESWNE      | Well #10    |
| T2S R35E §30 SESWSW      | Well #11    |

6. ☐ **Instream Flow Description**

Should be: \_\_\_\_\_

7. ☐ **Purpose(s) of Use**

Should be: Municipal

8. ☐ **Period of Year**

Should be: 1/1 to 12/31

9. ☒ **Place of Use**

Should be: Place of use is within the service area of the City of  
Blackfoot municipal water supply system, including areas  
outside the city limits, as provided for under Idaho law.

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 IDWR should not have reduced the diversion rate for this right.

This is a municipal water right. Under Idaho law, municipal water rights held by municipal providers for reasonably anticipated future needs are deemed to be beneficially used. No annual volume limit should be included for a municipal water right.

To the extent any quantity of water under this right is not currently being diverted, such portion of the original right has been transferred by accomplished transfer to beneficial use for future need purposes.

The City operates an integrated delivery system in which each well serves as an alternative point of diversion for every other well. This is reflected in prior approved Transfer Nos. 5787 and 68933. Accordingly, we have listed each of the PODs associated with those transfers. Those transfers inadvertently listed the Lansing Street Well instead of Well #9. This error has been corrected here. The City also has a pending application to add Well #12 (T2S R35E §35, SESE). If appropriate, that POD should be added as well.

We believe it would be helpful to clarify and expressly put the public on notice that the place of use includes areas outside of the city limits.

Regarding municipal water rights, please note in particular the following guidance documents: Operations Division Administrator's Memorandum from A. Kenneth Dunn to District Engineers dated April 7, 1975; Memorandum from Phil Rassier to Dave Tuthill dated May 7, 1979; Administrator's Memorandum, from Norman Young to Regional Offices and Water Allocation Section dated November 5, 1979; Memorandum from L. Glen Saxton to Water Allocation Bureau, Adjudication Bureau, and Regional Offices dated March 18, 1998; Letter from Karl J. Dreher to Christopher H. Meyer dated June 14, 1999.

**F. VERIFICATION (Must be Completed)**

State of Idaho           )  
                                  ) ss.  
County of Ada           )

Christopher H. Meyer, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

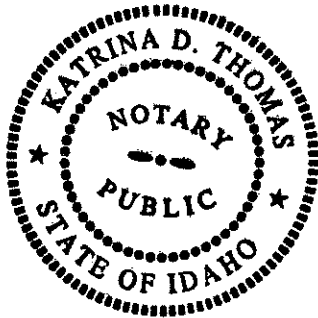
That I am the party/claimant filing this objection as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

*Christopher H. Meyer*

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: March 16, 2006



*Katrina Thomas*

Notary Public for Idaho

Residing at: Boise, ID

My Commission Expires: 4-10-06

## 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 16, 2006, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original (via overnight mail) 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:

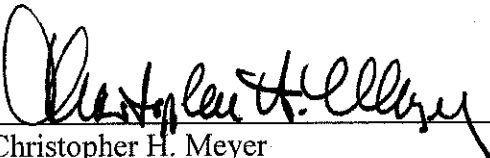
Name: City of Blackfoot  
Attention Ron Harwell  
Public Works Director  
Address: 157 N. Broadway  
Blackfoot, ID 83221

3. Copies to:

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

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
PO Box 44449  
Boise, ID 83711-4449

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

  
\_\_\_\_\_  
Christopher H. Meyer  
Attorney for Objector/Claimant