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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)

Case No. 39576)
_____)

A.

Subcase 63-25742
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Vernon K. Smith Representative for Victoria H. Smith
Address: and Estate of Vernon K. Smith Sr (owner) owner
1900 West Main St. Boise, Idaho 83702
Daytime Phone: 208-345-1125

Name & Address of Attorney, if any:

Vernon K. Smith
1900 West Main St.
Boise, Idaho 83702

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

Name: Victoria H. Smith and Estate of Vernon K. Smith Sr
Address: 5933 N. Braustetter
Boise, Idaho 83714

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: Estate of Vernon K. Smith and Victoria H. Smith
2. ☒ **Source**
Should be: Groundwater
3. ☒ **Quantity**
Should be: Industrial .020, Commercial .020, domestic .040, stock .040 total 0.120 cfs
4. ☒ **Priority Date**
Should be: January 1, 1953
5. ☒ **Point of Diversion**
Should be: NW 1/4 SE 1/4 NW 1/4 Sec 26 Twp 4N R1E BM
6. ☒ **Instream Flow Beginning and Ending Point**
Should be: Groundwater
7. ☒ **Purpose(s) of Use**
Should be: Industrial, Commercial, Domestic, Stockwater
8. ☒ **Period of Year**
Should be: January 1 - December 31
9. ☒ **Place of Use**
Should be: See attached claim
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):** priority date is January 1, 1953, and beneficial use exists.

F.

VERIFICATION (must be completed)

State of Idaho)

County of Ada) ss.

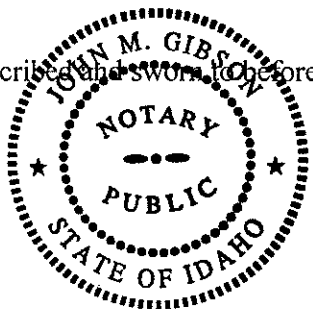
Vernon K. Smith, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:



21st day of April 2006
John M. Gibson
Notary Public for Idaho
Residing at: Boise
My Commission Expires: 10-17-07

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 21st day of April 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:

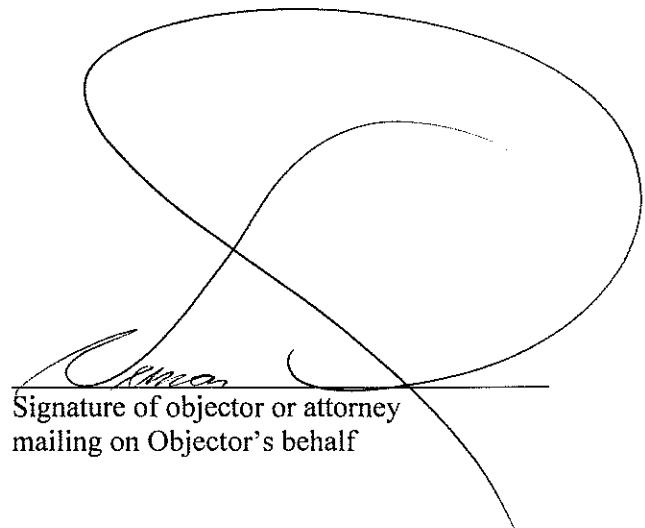
Name: Victoria H. Smith
Address: 5933 N Braustetter
Boise, Idaho 83714

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-25742

WATER RIGHT NUMBER: 63-25742

<u>Owner Type</u>	<u>Name and Address</u>
Representative	VERNON K SMITH 1900 W MAIN BOISE, ID 83702 (208)345-1125
Current Owner	ESTATE OF VERNON K SMITH C/O VICTORIA H SMITH RT 4 5933 N BRANSTETTER BOISE, ID 83714 (208)375-2934
Current Owner	VICTORIA H SMITH 5933 N BRANSTETTER RT 4 BOISE, ID 83714 (208)375-2934

Priority Date: 01/01/1953

Basis: Beneficial Use

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
INDUSTRIAL	1/01	to 12/31	0.020 CFS	
COMMERCIAL	1/01	to 12/31	0.020 CFS	
DOMESTIC	1/01	to 12/31	0.040 CFS	
STOCKWATER	1/01	to 12/31	0.040 CFS	
	<u>Total Diversion:</u>		0.120 CFS	

Location of Point(s) of Diversion

GROUND WATER

NE1/4SE1/4NW1/4

Sec. 26, Twp 04N, Rge 01E, B.M.

ADA County

Place of Use

INDUSTRIAL

Twp	Rge	Sec	NE	NW	SW	SE	Totals
04N	01E	26	NE	NW	SW	SE	

COMMERCIAL

Twp	Rge	Sec	NE	NW	SW	SE

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	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N 01E 26								X									

DOMESTIC

	NE				NW				SW				SE				Totals
Twp Rge Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N 01E 26								X									

STOCKWATER

	NE				NW				SW				SE				Totals
Twp Rge Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N 01E 26								X									

Conditions of Approval:Remarks:

- General THAT APPEARS TO BE THE P/D FROM THE AERIAL PHOTO AT IDWR. WELL WITH PUMP LOCATED AT THE SIDE OF THE OLD HOMESTEAD MILK BARN, WHICH WAS LONG AGO CONVERTED TO ACCOMMODATE A COMMERCIAL BUSINESS AND INDUSTRIAL USAGE OF THE BUILDING AND SUCH COMMERCIAL AND INDUSTRIAL BENEFICIAL USE OF THE WATER, STARTING IN ABOUT 1959/1960 IN ADDITION TO THE DOMESTIC AND STOCK WATER USAGE CONSISTENT WITH ITS HISTORIC USE.

Comments:Dates and Other Information:

Claim Received Date: 8/18/1989
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

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