

RECEIVED
APR 24 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 63-25743

(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: Vernon K. Smith Representative for Victoria H. Smith (owner)

Address: and Estate of Vernon K Smith Sr (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

Address: 5933 N. Branstetter

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: Drain Ditch
3. ☒ **Quantity**
Should be: stock 0.040 irrigation 0.210
total 0.250 cfs
4. ☒ **Priority Date**
Should be: January 1, 1953
5. ☒ **Point of Diversion** NE 1/4 SE 1/4 NW 1/4 S 26 T 4 N R 1 E BM
Should be: NW 1/4 SE 1/4 NW 1/4 S 26 T 4 N R 1 E BM
6. ☒ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: stockwater and irrigation
8. ☒ **Period of Year**
Should be: January 1 to December 31 stockwater
April 1 to October 15 irrigation
9. ☒ **Place of Use**
Should be: see attached claim and above point of diversion
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)
)ss.
County of Ada)

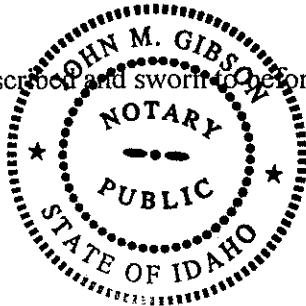
Vernon K. Smith, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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: Bowse
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:

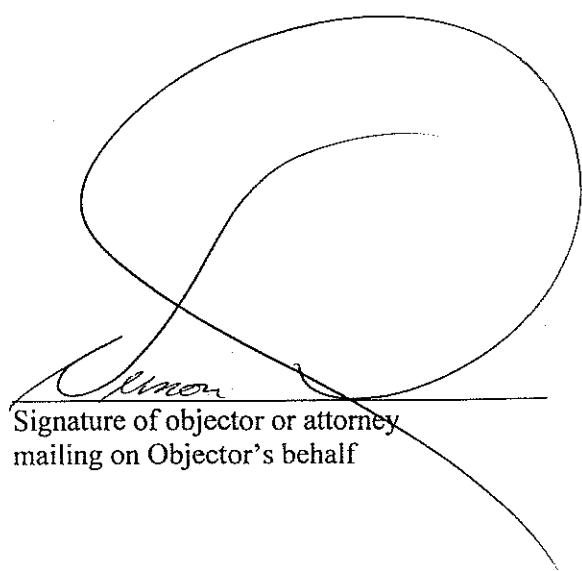
Name: Victoria H. Smith
Address: 5933 N. Branstetter
Boise, Idaho 83714

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 63-25743

WATER RIGHT NUMBER: 63-25743

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

Priority Date: 01/01/1953

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
DRAIN DITCH	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.040 CFS	
IRRIGATION	4/01 to 10/15	0.210 CFS	
	<u>Total Diversion:</u>	0.250 CFS	

Location of Point(s) of Diversion

DRAIN DITCH	NE1/4SE1/4NW1/4	Sec. 26, Twp 04N, Rge 01E, B.M.
ADA County		
DRAIN DITCH	SE1/4SE1/4NW1/4	Sec. 26, Twp 04N, Rge 01E, B.M.
ADA County		
DRAIN DITCH	NW1/4SE1/4NW1/4	Sec. 26, Twp 04N, Rge 01E, B.M.
ADA County		

Place of Use

STOCKWATER

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

IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-25743

Twp	Rge	Sec	NE				NW				SW				SE				Totals
04N	01E	26	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
					1.0					6.0									7.0

Total Acres: 7

Conditions of Approval:

Remarks:

1. General NE1/4 SE1/4 NW1/4 AND NW1/4, SE1/4, NW1/4 OF SECTION 26 AS THERE HAD BEFORE BEEN SEVERAL PUMPING STATIONS ALONG THE DITCH. PUMPING SYSTEM THAT LIFTS WATER BY ELECTRIC PUMP STATIONS FROM DRAIN DITCH ONTO THE PROPERTY TO FLOOD IRRIGATE ABOUT 7+ ACRES OF NATURAL STATE BOISE RIVER BOTTOM BASIN. THE SOIL IS COMPRISED OF MUCH GRAVEL AND SAND, REQUIRING CONTINUOUS FLOW OF IRRIGATION WATER. THE SOIL COMPOSITION CONTAINS SAND AND GRAVEL IN ITS NATURAL STATE LYING ALONG THE BASE OF THE BLUFF ALONG THE SOUTH SIDE OF HIGHWAY 20-26 IN THE BOISE RIVER BASIN BOTTOM LOWLAND.

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: AND
 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