

COPY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

RECEIVED

In Re SRBA

A. Subcase 63-31621

MAY 12 2006

DEPARTMENT OF
WATER RESOURCES

Case No. 39576

MOTION TO AMEND STANDARD
FORM 1 OBJECTION

Pursuant to Idaho Rules of Civil Procedure, New York Irrigation District by and through their attorneys of record McDevitt and Miller LLP, move to amend the Standard Form 1 Objection filed herein as to Subcase No. 63-31621 to correct an administrative error.

Amended Standard Form 1 Objection is filed herewith.

Dated this 11 day of May, 2006.

McDevitt & Miller LLP


Chas F. McDevitt

**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 <u>63-31621</u>
		(Insert water right number)
	)	
Case No. 39576	)	AMENDED STANDARD FORM 1
	)	OBJECTION

NAME AND ADDRESS OF PERSON OBJECTING

Name: New York Irrigation District
Address: 6616 Overland Road
Boise, ID 83709
Daytime Phone: 208-378-1023

Name & Address of Attorney, if any:
Chas F. McDevitt & Miller LLP
McDevitt & Miller LLP
420 W. Bannock
P.O. Box 2564-83701
Boise, ID 83702

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Current Owner:

Name: James Franklin Shoemaker
Address: 3497 E. Zaldia Ln
Meridian, ID 83642

Original Owner:

Name: Victor A. Kunz, Jr.
Charlene Kunz
Address: 1861 N. Radcliffe Way
Eagle, ID 83616-3955

I object to the following elements as recommended in the Director's Report.

1. ☐ **Name and Address**
Should be: _____
2. ☒ **Source**
Should be: The waste waters claimed belong to the New York Irrigation District.
3. ☐ **Quantity**
Should be: _____
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: _____
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.

REASONS SUPPORTING OBJECTIONS(S):

There has been no lawful appropriation of this right. The waste waters belong to the New York Irrigation District and are not available for private development and appropriation. Further, any attempted development of this right constitutes a trespass against the drains of the New York Irrigation District.

VERIFICATION

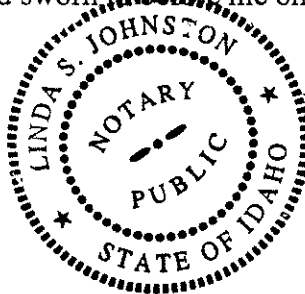
State of Idaho)
)ss.
County of Ada)

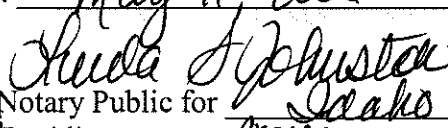
Chas F. McDevitt, duly sworn, upon oath, deposes and says:

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.


Chas F. McDevitt
McDEVITT & MILLER LLP

Subscribed and sworn to before me on: _____



May 11, 2006

Notary Public for Idaho
Residing at: Morse
My Commission Expires: 5/20/08

CERTIFICATE OF MAILING

I certify that on May 11th, 2006, I mailed the original and copies of this Motion to Amend Standard Form 1 Objection and Amended Standard Form 1 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:

Current Owner:

Name: James Franklin Shoemaker
Address: 3497 E. Zaldia Ln
Meridian, ID 83642

Original Owner:

Name: Victor A. Kunz, Jr.
Charlene Kunz
Address: 1861 N. Radcliffe Way
Eagle, ID 83616-3955

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

Heather Houle, Legal Asst.
McDEVITT & MILLER LLP