

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 21-11165  
(Insert Water Right Number)

STANDARD FORM 1  
OBJECTION

Please fill in the following information:

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

Name: Nelda Stewart Miller and Norman Miller

Address: 1993 South 675 East  
Bountiful, UT 84010

Daytime Phone: 801-295-6117

Name and Address of Attorney, if any:

Ray W. Rigby

P.O. Box 250

Rexburg, ID 83440

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

Name: Nelda Stewart Miller

Address: 1993 South 675 East  
Bountiful, UT 84010

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: \_\_\_\_\_
4. ☐ **Priority Date**  
Should be: April 1, 1893, as claimed; but, in any event, no later than April 1, 1905, when claimant's predecessor in title commenced qualifying. For homestead patent, issued February 9, 1911.
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.

E. **REASONS SUPPORTING OBJECTION(S):** Claimant was deeded property by parents, and had no idea of priority date, and parents were dead. IDWR agent prepared claim and used as date of priority the date claimant started pumping the water right from Ashton Reservoir. This was an error. Premises was watered from creeks with P/D at about SW1/4SE1/4 in Sec. 11, Twp. 9N Rge. 42 EBM, commencing 4/1/1893. P/D changed on April 1, 1949 to P/D as shown on Notice of Claim, where creek water flowed into pond or reservoir, when claimant could divert water with pumps. See affidavit of Norman J. Miller dated November 23, 2005, with attachments thereto, all on file with IDWR Idaho Falls office.

F.

**VERIFICATION** (must be completed)

STATE OF IDAHO,            )  
                                          ss  
County of Madison.        )

**Ray W. Rigby**, duly sworn, upon oath, deposes and says:

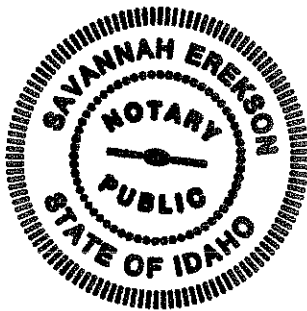
(Name of person filing objection)

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 objections, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

*Ray W. Rigby*  
(Attorney signing in representative capacity)

Subscribed and sworn before me on: May 25, 2006.



*Savannah Erikson*  
Notary Public for Idaho  
Residing at Rexburg  
My Commission Expires: 06/24/2011

## INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filing 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 May 25, 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:

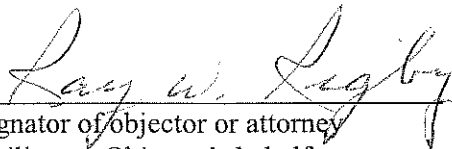
Name: Nelda Stewart Miller and Norman Miller  
Address: 1993 South 675 East  
Bountiful, UT 84010

3. Copies to:

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

United States Department of Justice  
Environment and Nat'l Resources Div  
550 W. Fort Street, MSC 033  
Boise, ID 83724

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

  
\_\_\_\_\_  
Signator of objector or attorney  
mailing on Objector's behalf