

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>21-2154</u>
	)		(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: F. Dave Rydalch

Address: 625 E 4 N St. Anthony Idaho Idaho 83445

Daytime Phone (208)624-1437

Name & Address of Attorney, if any:

Ray W. Rigby

Box 250 Rexburg Idaho 83440

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

Name: North Fork Reservoir Company

Address: Box 250 Rexburg Idaho 83440

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: : In addition to present language: Water resulting from irrigation of water under the irrigation works of Claimant and its shareholders and being recovered for further use on lands within Claimant's shareholders' boundaries and to which the shares or rights of Claimant's shareholders' are appurtenant.
3. ☐ **Quantity**
Should be: _____
4. ☒ **Priority Date**
Should be: A note to priority date should provide that the priority date only applies in the event it is shown that water is being diverted that is not recaptured project water.
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: The lands of the Egin Bench Canal Company, the Salem-Union Canal Company and the Consolidated Farmers Canal Company in Fremont and Madison Counties. Should also allow that the place of use of the recaptured project water can be within the service area of Claimant & its shareholders. There should be no other limitation as to the place of use.
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):** The elevation was determined by the

United States Geological Survey to be an elevation of 6473.8. The Last Chance Canal Company is not a Stockholder of North Fork Reservoir Company. The original place of use was flooded when Henrys lake was enlarged by construction of the Dam. It was transferred to the lands within the North Fork Reservoir Company but it is more convenient to include it as a storage right rather than to make some arbitrary distribution of it as a natural flow right among the District canals. This water right should be recognized as an accomplished transfer of natural flow to the canal companies within the North Fork Reservoir Company or as an accomplished transfer to the North Fork Reservoir Company. See also Attachment A

F. VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Madison)

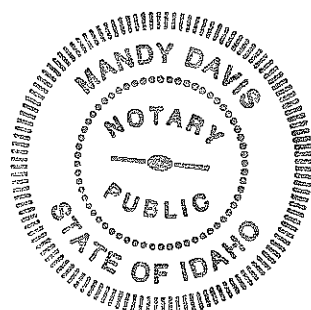
F. David Rydalch, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1404A(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.

F. David Rydalch
(Signature of person filing objection)

(Attorney signing in representative capacity)

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



Mandy Davis
Notary Public for Idaho
Residing at: St. Anthony

My Commission Expires: 6-24-11

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 May ~~24~~ 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
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

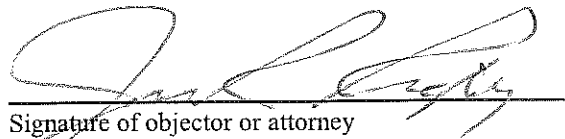
Name: F. Dave Rydalch
Address: 625 E 4 N St. Anthony Idaho, 83445

3. Copies to:

IDWR Document Depository
P.O. 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
P.O. Box 44449
Boise, ID 83711-4449



Signature of objector or attorney
mailing on Objector's behalf

REASONS SUPPORTING OBJECTIONS

2. Source: The excavation and opening of wells and withdrawal of water therefrom by Claimant or shareholders and interest holders of Claimant was, among other things, to improve and preserve the utility of lands by draining them and for the withdrawal of water for the purpose of recovering groundwater resulting from irrigation of water under the irrigation works of Claimant and its shareholders within which lands said shareholders or interest holders are located. Therefore two sources of water exits for these wells: (a) the groundwater source under a particular well's license, and (b) the source which is separate and distinct from the groundwater source diverted under the license but is diverted from these wells and requires no license. It is necessary to identify this second source within the right of Claimant so that in the administration of this water right, it will be recognized that the water diverted from these wells as authorized by Claimant is groundwater to which said well owners are entitled to divert under not only their licenses but also the diversion of groundwater resulting from irrigation of water under the irrigation works of Claimant and its shareholders within which lands of said shareholders or interest holders are located, and for which no license is required.
4. Priority Date: As for the groundwater being recovered under wells which resulted from irrigation of storage water under the irrigation works of Claimant or Claimant's shareholders within which lands shareholders or interest holders of Claimant are located and appurtenant, there is no priority date, as the recovery of water resulting from irrigation within a project is a part of the original water supply diverted. This groundwater is part of the project water of Claimant and its shareholders within which said lands are located and appurtenant, and Claimant, its shareholders or interest holders are entitled to the use of said project water until the project water leaves the project.
9. Place of Use: As this is storage water originally appropriated for all lands within the boundary of Claimant's shareholders, it is appurtenant to all irrigated acres to which shares of stock (or other interest) of Claimant and its shareholders within which lands Claimant's shareholders or interest holders are located and appurtenant. However, by agreement with its shareholders or interest holders, Claimant's shareholders or interest holders have been authorized to use the storage project water on the same lands as those described herein as the lands of Claimant's shareholders or interest holders.

10. Other Matters Necessary for Definition of Administration of this Water Right:

It should be noted in the definition or administration of this water right, that to the extent water is being diverted and that said water is the recovery of groundwater resulting from irrigation of storage water under the irrigation works of Claimant and its shareholders within which lands Claimant's shareholders or interest holders are located and appurtenant, such recovery of groundwater shall be administered separately from all other water rights in the Snake River basin, as such rights are not a connected source of water in the Snake River basin. There should also be no reference to remarks limiting the combined use of this right and Basin 01 rights, except as to the acres within the project to which these rights are appurtenant.