

**COPY**

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 Number: | 74-01031                    |
|                | ) |    |                 | (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: State of Idaho,  
Department of Lands  
Address: 954 W. Jefferson  
P. O. Box 83720  
Boise, Idaho 83720-0050  
Daytime Phone: (208) 334-0200

Name and Address of Attorney, if any:

Attorney Name: LAWRENCE G. WASDEN  
Attorney General  
CLIVE J. STRONG  
Deputy Attorney General  
Chief, Natural Resources Division  
DAVID J. BARBER (ISB # 2597)  
Deputy Attorney General  
Attorney Address: Office of the Attorney General  
700 W. Jefferson, Room 210  
P.O. Box 44449  
Boise, ID 83711-4449  
Attorney Phone No. (208) 334-2400

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

Name: Mina R. Capps  
Address: Box 45  
Lemhi, ID 83465  
  
Royden O. Capps  
Box 45  
Lemhi, ID 83465

**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: \_\_\_\_\_
5. ☐ **Points of Diversion**  
Should be: \_\_\_\_\_
6. ☐ **Instream Flow Description**  
Should be: Not applicable.
7. ☐ **Purpose(s) of Use**  
Should be: \_\_\_\_\_
8. ☐ **Period of Year**  
Should be: \_\_\_\_\_
9. ☒ **Place of Use**  
Should be: The place of use should not include any state-owned land. The State of Idaho, Department of Lands, owns the SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> of section 36, Twp. 18 North, Rge. 23 East B.M.

11. 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):

The State of Idaho, Department of Lands, acquired section 36, Twp. 18 North, Rge. 23 East, B.M. on May 11, 1909. The State of Idaho, Department of Lands, retains the entire section 36. The claimant is trespassing on SW¼SW¼ of section 36, Twp. 18 North, Rge. 23 East B.M. Attachment I is a map that highlights the area of trespass in yellow cross-hatching.

## F. VERIFICATION (Must be Completed)

State of Idaho )  
 ) ss.  
County of Ada)

DAVID J. BARBER, Deputy Attorney General, duly sworn, upon oath, deposes and says:

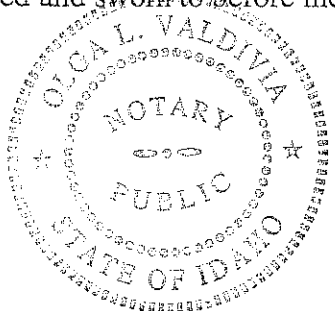
That the State of Idaho, Department of Lands, in its proprietary capacity is filing this objection and that I am a Deputy Attorney General authorized to represent the State of Idaho, Department of Lands, which is a party/claimant in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

LAWRENCE G. WASDEN  
Attorney General  
CLIVE J. STRONG  
Deputy Attorney General  
Chief, Natural Resources Division  
DAVID J. BARBER  
Deputy Attorney General

David J Barber  
By Attorney signing in representative capacity

Subscribed and sworn to before me on: June 29, 2006

(Insert Date)



Notary Public for IDAHO

Residing at: BOISE, ID

My commission expires:

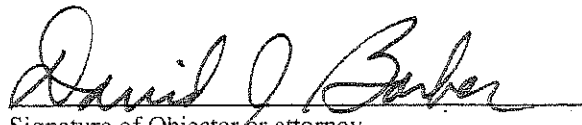
## INSTRUCTIONS FOR MAILING

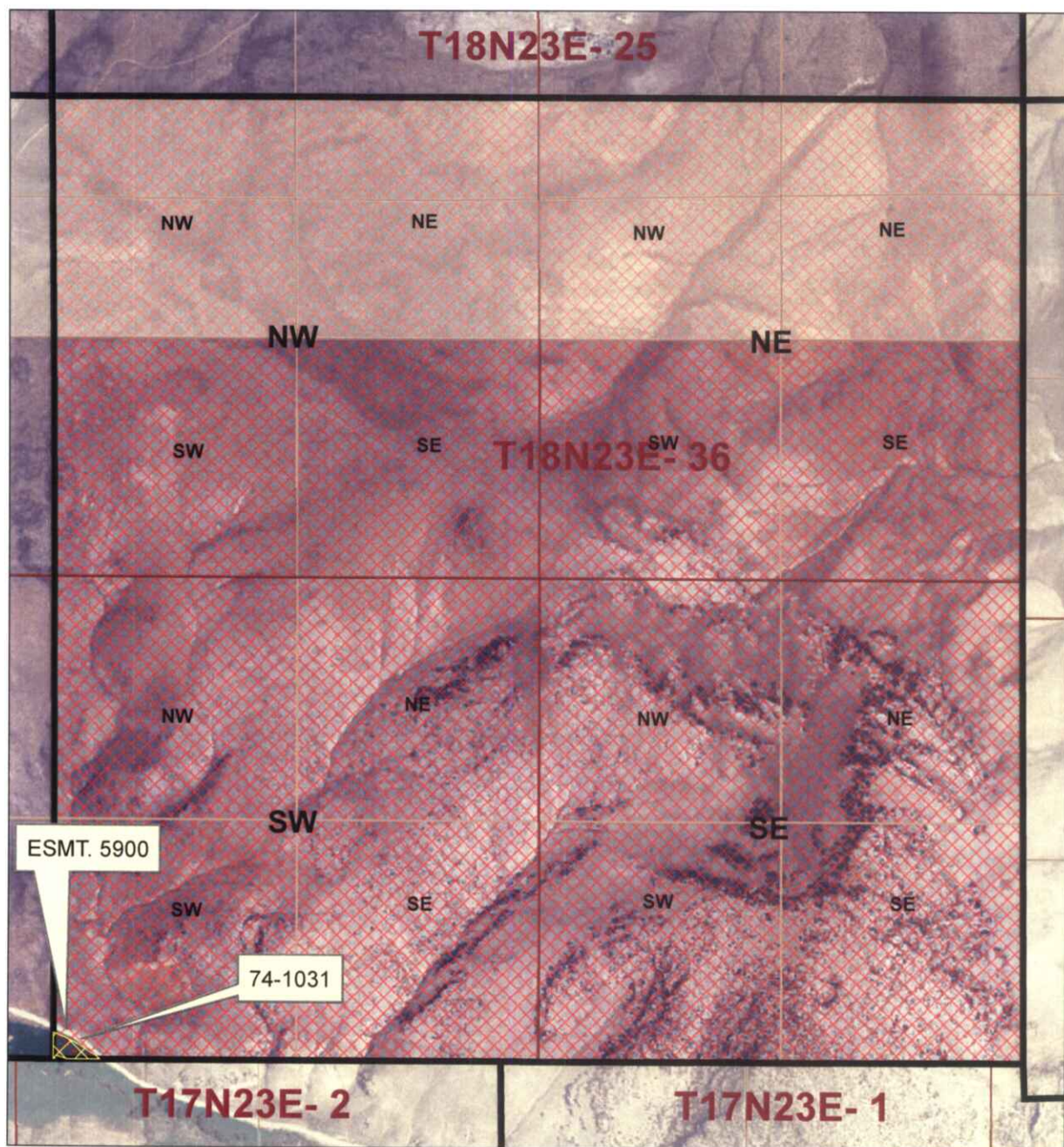
You must mail the objection to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

### G. CERTIFICATE OF MAILING

I certify that on June 29, 2006, I caused the original and the copies of this objection, including all attachments, to be served on the following persons by the method designated:

1. Original to:  
Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P.O. Box 2707  
Twin Falls, Idaho 83303-2707  
FEDERAL EXPRESS
2. One copy to the owner of the water right at the following address:  
Mina R. Capps  
Box 45  
Lemhi, ID 83465  
U.S. MAIL  
Royden O. Capps  
Box 45  
Lemhi, ID 83465  
U.S. MAIL
3. Copies to:  
IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098  
STATEHOUSE MAIL  
State of Idaho  
Department of Lands  
954 W. Jefferson  
P. O. Box 83720  
Boise, Idaho 83720-0050  
STATEHOUSE MAIL  
United States Department of Justice  
Environment & Natural Resource Division  
550 West Fort Street, MSC 033  
Boise, ID 83724  
U.S. MAIL  
Chief of Natural Resource Division  
Office of the Attorney General  
State of Idaho  
P.O. Box 44449  
Boise, Idaho 83711-4449  
(not applicable)

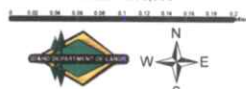
  
Signature of Objector or attorney  
Mailing on Objector's behalf



- Legend**
- Place of Use
  - Govt Lots
  - Stateland
  - Sections
  - Quarter
  - QuarterQuarter

**Place of Use**  
**Basin 74 Area 23 Part II**  
**Sequence Number 74-1031**  
**T18N23E - SEC 36**

05/18/2006  
 Scale 1:10,500



**Map Notes**  
 Projection: Idaho Transverse Mercator, NAD 27  
 Map Notes and Data Sources  
 Place of Use 74-1031 Priority Date 04/01/1927  
 Idaho Ownership State Grant 05/11/1909  
 Grazing Lease: G-  
 ESMT 5900 - Century Telephone of Idaho, Inc.  
 State Land 10/07/05  
 IDWR Directors Report POU & POD  
 Public Land Survey System (PLSS)  
 Disclaimer:  
 This map has been compiled using the best information available to the Idaho Department of Lands at the time and may be updated and/or revised without notice. In situations where known accuracy and completeness is required, the user has the responsibility to verify the accuracy of the map and the underlying data sources.

