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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

Case No. 39576

A. Subcase 27-4020
(Insert water right number)

STANDARD FORM 1
Late OBJECTION

COPY

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Wm. Bart Conlin Inc.
Address: P.O. Box 753
Soda Springs, ID 83276
Daytime Phone: 547-4258

Name & Address of Attorney, if any:

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

Name: Wm. Bart Conlin Inc.
Address: P.O. Box 753
Soda Springs, ID 83276

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: Include water for irrigation.
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: Irrigation should be included for 10 acres.
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: should include irrigation

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): see attached.

F.

VERIFICATION (Must be Completed)

State of Idaho)
County of Bannock)ss.

William BART Conlin, 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.

Wm Bart Conlin
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 26th day of July, 2006

Cindy C Bird
Notary Public for IDWR
Residing at: Lava Hot Springs
My Commission Expires: May 1, 2007

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 7-26-2006, ~~199~~, 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: William Bart Conlin Inc.
Address: Box 753
Soda Springs, ID 83276

3. Copies to:

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

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

JEANETTE WOLFLEY
202 N. ARTHUR
POCATELLO, ID 83204

Wm Bart Conlin

Signature of Objector or attorney
mailing on Objector's behalf

WM. BART CONLIN, INC.
P.O. Box 753
Soda Springs, ID 83276
(208) 547-4258

July 26, 2006

To Whom It May Concern:

I apologize for this late filing of an objection to the preliminary recommendation by the Idaho Dept of Water Resources (IDWR). The reason the objection is late is because of my lack of knowledge on water right claims. The only water right that I am familiar with is the small water right that is located on my farm on the Upper Blackfoot River. I was not aware of the difference between an irrigation claim, domestic claim, or stock water claim.

When I met with Cindy Bird of the IDWR Soda Springs Office to file the paperwork for this claim, we discussed the use of the water from a spring approximately one-half mile away from the Upper Blackfoot River. The water runs approximately one-fourth of a mile and then sinks back into the ground. It *does not* ever run into the Upper Blackfoot River.

When I received the IDWR recommendation for my water right claim, I did not notice that it did not include my claim to irrigate the 10 acres that has been irrigated for approximately 50 years by either me or my father. I did not become aware that it was not included until I attended the initial hearing of the Snake River Basin Adjudication Court held in Blackfoot Idaho on July 25, 2006.

After the meeting, I immediately went to the IDWR office in Soda Springs and spoke to Cindy Bird as to why the irrigation claim was not included in the IDWR recommendation. She looked through her files and stated that on reviewing maps of a few different years, it did not appear that the ten acres had been irrigated. She stated that she thought that I would notice that it was not in the recommendation and would come and clear it up with her. Unfortunately, because of my lack of knowledge about the different kinds of water rights, I thought that a water right was a water right and didn't pick up that the irrigation had not been recommended.

I helped my father put the pipeline in for the use of this water in late 1955 and have personal knowledge that the ten acres have been irrigated almost every year since then. There was a year or two or three that it was not irrigated because of drought conditions and the spring did not have enough water to irrigate the ten acres. This

particular land has a very short growing season, and my practice has been to irrigate it in late June or early July, usually once over. I found that if I irrigated it more often that it would slow the maturation of the grain and it would freeze with the usual late-August or early-September frost.

When Cindy Bird looked at these pictures that were taken in the fall, the harvest was over and the ground was dry, so it would not appear on the computerized maps or images that it was irrigated ground. She also may have looked at a map on years when there was a drought and there was not water available. There was at least one or two years when we had lots of rainfall, and the moisture was sufficient for the needs of the grain, and so I did not irrigate it at all those years. The normal practice, however, was to irrigate it once over each year, which would provide a good grain crop on this ten acres.

I use 12 sprinkler pipes with sprinkler heads with ¼" nozzles to irrigate this land and it would normally take me about two weeks to go over the land. Normally this was done in the latter part of June or the first part of July. At no time would I irrigate prior to June 1 or after August 31. I'm sure that I would use less than 5.3 acre/ft of water per acre on the land and would not anticipate any more than that in the future, as I am not intending to change my irrigation practices.

I would be happy to meet with anyone who would like to ascertain that the spring water sinks and never reaches the Blackfoot River, or who would like to examine my gravity flow sprinkler system.

I would appreciate your kind consideration on this matter, as we have been using this water for domestic, stock water, and irrigation purposes for over 50 years, and it is very important to us.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Wm. Bart Conlin".

Wm. Bart Conlin

WBC:rnc