

RECEIVED
OCT 06 2006
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	)	A. Subcase No. 01-00013
	)	
Case No. 39576	)	STANDARD FORM 1
	)	
	)	OBJECTION
_____	)	

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Falls Irrigation District
Address: 310 Valdez Street
American Falls, Idaho 83211
Daytime Phone (208) 226-5227

Name & Address of Attorney, if any:
Roger D. Ling
LING, ROBINSON & WALKER
615 H Street, P. O. Box 396
Rupert, Idaho 83350
ISB No. 1018

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

Name: Falls Irrigation District
Address: 310 Valdez Street
American Falls, Idaho 83211

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. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: "This right is limited to the irrigation of 8,034.5 acres within the place of use..."
10. ☒ **Other Provisions**
Should be: The first paragraph of the "other provisions" on this recommendation should be deleted.
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):** Place of Use: The place of use should be the acres irrigated with surface water from the Snake River within the boundary of Falls Irrigation District along with a combined total of 12,620 irrigable acres

irrigated with all water rights of Falls Irrigation District.

Other Provisions: The first paragraph of "other provisions necessary for definition or administration of this water right" should be deleted as the provision setting forth that the delivery of water under this right may be subject to procedures described in the United States Bureau of Reclamation "space holder" contracts and the two Eagle decrees is ambiguous, appears to place restrictions on this water right that do not exist in other recommended water rights for use of water from the Snake River, and fails to provide any guidance as to how such provision is necessary for the definition or administration of this water right and as such is inconsistent with § 42-1401A(5), Idaho Code. The final two lines of this first paragraph under "other provisions" are also vague, impossible to determine the purpose or meaning, and do not constitute a provision that is necessary for definition or administration of this water right.

VERIFICATION (Must be Completed)

State of Idaho)

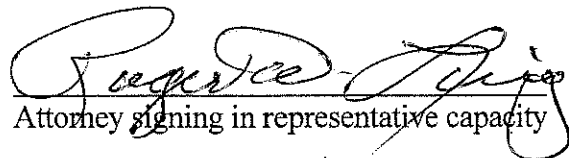
)

County of Minidoka)

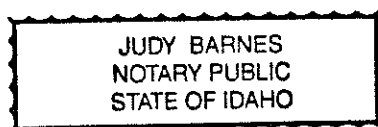
Roger D. Ling, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

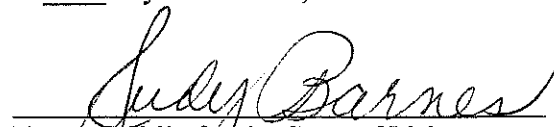
That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Signature of person filing objection


Attorney signing in representative capacity

Subscribed and sworn to before me on this 5th day of October, 2006.




Notary Public for the State of Idaho
Residing at: Rupert, Idaho
My Commission expires: 02-12-2011

INSTRUCTION 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.

CERTIFICATE OF MAILING

I certify that on October 5, 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, Idaho 83303-2707

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

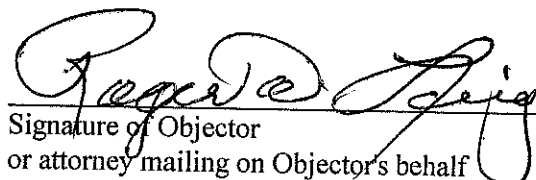
Falls Irrigation District
310 Valdez Street
American Falls, Idaho 83211

3. Copies to:

IDWR Document Depository
P. O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 033
Boise, Idaho 83734


Signature of Objector
or attorney mailing on Objector's behalf