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 01-10474 (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: Peoples Canal & Irrigation Co.

Address: 1050 W. Hwy 39

Blackfoot, ID 83221

Daytime Phone: 208-684-3105

Name and Address of Attorney, if any:

Jerry R. Rigby

P.O. Box 250

Rexburg, ID 83440

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

Name: Peoples Canal & Irrigation Co.

Address: 1050 W. Hwy 39

Blackfoot, ID 83221

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. x☐ **Source**
   Should be: In addition to present language: Water resulting from irrigation of water under the irrigation works of Claimant and being recovered for further use on lands within Claimant's boundary and to which the shares or rights of Claimant are appurtenant.

3. ☐ **Quantity**
   Should be:_____

4. x☐ **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. x☐ **Purpose(s) of Use**
   Should be: Added: GroundWater Recharge for Irrigation

8. x☐ **Period of Year**
   Should be: Added: 1/1 to 12/31for Groundwater Recharge for Irrigation

9. x☐ **Place of Use**
   Should be: Should allow that the place of use of the recaptured project water can be within the service area of Claimant. 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 OBJECTION(S):** See Attachment "A" Also the following: Any groundwater diverted from under the lands of Claimant's shareholders or interest holders and/or within its boundaries is also groundwater resulting from irrigation from water under the irrigation works of Claimant and is recovered by Claimant, its shareholders or interest holders for further use on the lands of Claimant's shareholders or interest holders under the irrigation works of Claimant within which said lands are located and appurtenant. This recaptured project water shall be administered separately from all other water rights within its particular basin and the Snake River basin.

F. **VERIFICATION** (must be completed)

STATE OF IDAHO,)
ss
County of Madison.)

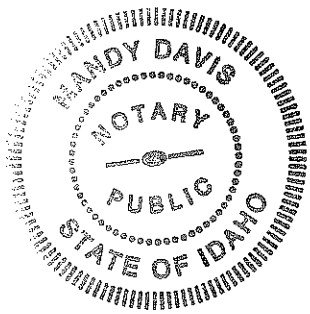
Jerry R. Rigby, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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)

(Attorney signing in representative capacity)

Subscribed and sworn before me on: October 5, 2006



Notary Public for Idaho
Residing at: St. Anthony
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 October 6, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

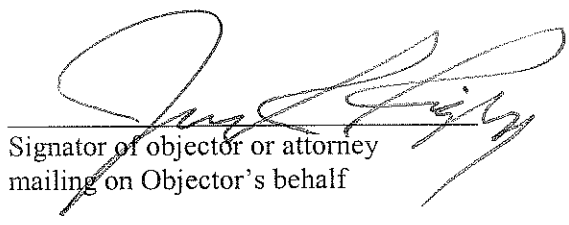
1. Original to:
   Clerk of the District Court
   Snake River Basin Adjudication
   253 Third Avenue North
   PO Box 2707
   Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:
   Name: Peoples Canal & Irrigation Co.
   Address: 1050 W. Hwy 39
   Blackfoot, ID 83221

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

ATTACHMENT "A"

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 within which lands of 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 within which lands 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 water under the irrigation works of Claimant within which lands of 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 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 natural flow surface water originally appropriated for all lands within the boundary of Claimant, it is appurtenant to all irrigated acres to which shares of stock (or other interest) of Claimant 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 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 water under the irrigation works of Claimant within which lands of 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.