

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 21-170
(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: SEELEY Brothers
Address: c/o ALVIN H. SEELEY
Box 654 - Ashton, Idaho 83420
Daytime Phone: 208 652-3262

Name & Address of Attorney, if any:

Lynn HOSKINS
109 N 2nd W
St. Anthony, ID 83445

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

Name: SEELEY Brothers c/o ALVIN H. SEELEY
Address: Box 654
Ashton, Idaho 83420

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: should be 207 Acres instead of Limited to 161 AS STATED.

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): All water right numbers

pertaining to this Adjudication (21-171, 21-7210, 21-7309, 21-170)
indicate 207 Acres instead of Limited to 161^{ACRES} AS
shown on recommendation subcase - 21-170. (See Attached)

F:

VERIFICATION (Must be Completed)

State of Idaho)
)ss.

County of Fremont)

Alvin H. Seeley Seeley Bros Partner,
(Name of person filing objection), duly sworn, upon oath, deposes and says:

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.

Alvin H. Seeley, Partner
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

November 7, 2006

Notary Public for Idaho

Residing at: Ashton, Idaho

My Commission Expires: 4-12-08

LYNN HOSSNER
Notary Public
State of Idaho

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 11-07-06, ~~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: SEELEY Brothers c/o Alvin H. SEELEY
Address: Box 654
Ashton, Idaho 83420

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


Signature of Objector or attorney
mailing on Objector's behalf

Nov 7, 06

To Whom It May Concern:

When the water from Willow Creek was initially decreed in 1980 in the District Court of the Seventh Judicial District of the State of Idaho, in and for Fremont County, 275 inches of water was appropriated to approximately 207 acres of farm ground with a priority date of 1893.

When the Department of Water Resources in Idaho Falls made their recommendation of subcase 21-00170, they only included 161 acres instead of 207 acres as shown on all other water rights pertaining to this subject.

In conferring with Trent Gailbrath, Department of Water Resource employee in Idaho Falls on Nov. 7, 2006, he indicated that the Department apparently made a mistake as he knew of no reason why the recommendation should not be 207 acres.

Please take this action under advisement and limit the water right under question to 207 acres. Thank you.

Sincerely,

Alvin H. Soley
Soley Brothers

01/12/2006

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 21-170

NAME AND ADDRESS: SEELEY BROTHERS
C/O ALVIN H SEELEY
PO BOX 654
ASHTON ID 83420

SOURCE: WILLOW CREEK

TRIBUTARY: HENRYS FORK

QUANTITY: 4.140 CFS

Right Nos. 21-170 and 21-171 are limited to a total combined diversion rate of 4.14 cfs.

PRIORITY DATE: 06/01/1893

POINT OF
DIVERSION: T09N R42E S11 SESWNW Within FREMONT County
T09N R42E S11 NESWSE Within FREMONT County
T09N R42E S11 SWSWSE Within FREMONT County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	4.140 CFS

PLACE OF USE: IRRIGATION Within FREMONT County

— T09N R42E S11	SESW	5.00	T09N R42E S11	NESE	21.00	—
— T09N R42E S11	NWSE	4.00	T09N R42E S11	SWSE	10.00	—
— T09N R42E S11	SESE	16.00	T09N R42E S14	NWNE	34.00	—
— T09N R42E S14	NENW	23.00	T09N R42E S14	NWNW	20.00	—
— T09N R42E S14	SWNW	28.00	T09N R42E S15	SENE	14.00	—
— T09N R42E S15	NESE	15.00	T09N R42E S15 Lot 1	SESE	17.00	—

207 ACRES TOTAL

This right is limited to the irrigation of 161 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 207 acres in a single irrigation season. Combined Right Nos.: 21-170, 21-171, 21-7210, 21-7309

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed