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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)

A.

Subcase 22 - 2279

(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: Gary W. Grandy

Address: 1076 S. 100 W.

Victor, Idaho 83455

Daytime Phone: 208 787 4110

Name & Address of Attorney, if any:

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

Name: Gary W. Grandy ; Lavon G. Grandy

Address: 1076 S. 100 W.

Victor, Idaho 83455

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: Tributary: Little Warm Creek
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☒ **Period of Year**
Should be: 04/01 10/31
9. ☐ **Place of Use**
Should be: _____
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 OBJECTIONS(S):** 2. Per attached document, correct source of springs is Little Warm Creek. We learned this in 1971, after our initial filing in 1966. It should be same as Right No. 22-EE3A which is 04/01 10/31 as both rights are a "combined total of 62 acres in a season." There was no period asked for in the original filing application, so the state of Idaho assigned an arbitrary date of 06/01.

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Teton)

Gary W. Grandy, 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.

Gary W. Grandy
(Signature of person filing objection)

(Attorney signing in representative capacity)

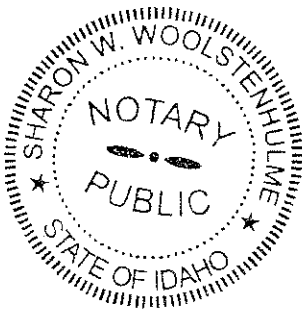
Subscribed and sworn to before me on:

February 5, 2007

Sharon W. Woolstenhulme
Notary Public for Idaho

Residing at: Victor, Idaho

My Commission Expires: 10/15/2008



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 February 5, 2007, 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: Gary W. Grandy, Lavon B. Grandy
Address: 1076 S. 100 W.
Victor, Idaho 83455

3. Copies to:

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

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

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

Gary W. Grandy
Signature of objector or attorney
mailing on Objector's behalf

RIGBY & THATCHER
ATTORNEYS AT LAW
25 NORTH SECOND EAST
P. O. BOX 382
HEXBURG, IDAHO 83440

RAY W. RIGBY
GORDON S. THATCHER

December 9, 1971

TELEPHONE
556 9823
AREA CODE 208

Mr. Gary W. Grandy
Victor, Idaho 83455

Dear Mr. Grandy:

We enclose herewith a photocopy of the Water Right Agreement between you and Mr. Moulton as per your request. If we can be of further assistance to you, please let us know.

Yours very truly,


of RIGBY & THATCHER

RWR/lh

Enclosure

AGREEMENT FOR WATER RIGHT

THIS INSTRUMENT Represents an agreement made between GARY W. GRANDY, Party of the First Part; and LESTER E. MOULTON, Party of the Second Part; on water right to Big Spring and Forest Spring which are both tributary to Little Warm Creek.

1. The Party of the First Part does hereby recognize and acknowledge the decreed water right to Albert Smith for the amount of forty miners inches of water in Little Warm Creek under priority date of April 1, 1896, in the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont on the 16th day of December, 1910. Said water right is appurtenant to the land owned by Lester E. Moulton described as:

The NE~~1~~NE~~4~~ of Section 21, Twp. 3 N., Rge. 45 E.B.M.

2. Party of the First Part will only divert, for his beneficial use, waters from Big Spring and Forest Spring which are surplus to the forty miners inches decreed, as above stated, or which are not being used by the Party of the Second Part.

Party of the First Part will refrain from water usage whenever the Party of the Second Part gives verbal notice that he is diverting the decreed water on the above described land and not receiving his 40 miners inches.

3. Both parties of this agreement are entitled to measure the flow of water in the Little Warm Creek in order to maintain that the Party of the First Part is abiding by the covenant No. 2 previously stated.

Should the parties of this agreement be unable to agree on the amount of water flow at a particular time, both parties agree that a qualified water master will be called upon to measure the water. Both parties will abide by the water

4. Party of the Second Part has no protest against the issuance of a license in connection with Permit No. 33169/22-2279 as long as the Party of the First Part is willing to abide by the other covenants of this agreement.

We, the undersigned parties of this agreement state under oath that we have read the foregoing Agreement for Water Right, that we have knowledge of and understand its content that to the best of our knowledge it is true and correct.

PARTY OF THE FIRST PART

Gary W. Grandy

PARTY OF THE SECOND PART

Lester E. Moulton

STATE OF IDAHO,

)
SS

)
County of Teton.

On this 4 day of ^{December}~~November~~, 1971, before me, the undersigned, a Notary Public in and for said State, personally appeared GARY W. GRANDY and LESTER E. MOULTON, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year in this certificate first above written.

Lynn J. Keane
Notary Public for Idaho
Residing at Victor, ID
My Commission Expires: Feb 24, 1975