

**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. 35976

A. Subcase 22-2200

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Layne Harris

Address: c/o Holden, Kidwell, Hahn & Crapo, P.L.L.C.

P.O. Box 50130

Idaho Falls, ID 83405

Daytime Phone: (208) 523-0620

Name & Address of Attorney, if any:

Robert L. Harris

Holden, Kidwell, Hahn & Crapo, P.L.L.C.

P.O. Box 50130

Idaho Falls, ID 83405

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

Name: Layne Harris

Address: P.O. Box 63

Newdale, ID 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. ☐ **Points 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 modified to only include a total of 74 acres within the SW1/4SE1/4 and the SE1/4SE1/4 of T. 6N, R 41E, Sec. 3, instead of the 75 acres currently listed.

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): Water right no. 22-12900 is an enlargement right attached to the parent water right numbered 22-2200. Water Right No. 22-12900 was originally developed by Junior Ostermiller to irrigate property leased by him in the SE1/4SE1/4 and the SW1/4SE1/4 of T. 6N, R. 41E, Sec. 3. Along with Water Right No. 22-2200, the place of use

designation recommended by IDWR totaled 244 acres, which appeared to be entirely correct since the original licensed acres for Water Right No. 22-2200 was 170 acres. With the 170 acres from 22-2200, and the 74 enlargement acres, a place of use of 244 acres for both rights ($170 + 74 = 244$) seemed entirely accurate.

The objector, Layne Harris, recently purchased the 22-12900 because he is now the lessee of the SE1/4SE1/4 and the SW1/4SE1/4 of T. 6N, R. 41E, Sec. 3, the same acres developed by Mr. Ostermiller which made it necessary to file the enlargement claim of 22-12900. The purchase of the enlargement right was necessary because Mr. Harris now irrigates the above property from the same well from which Water Right No. 22-7397 is diverted from. In order to bring the water rights in conformity with the current irrigation system, Mr. Harris filed a transfer application to change the point of diversion of 22-12900, a change that would move the point of diversion approximately 1 mile to the south of the current point of diversion.

In the process of reviewing the transfer application, IDWR discovered that the place of use shapefile designation for both 22-12900 and 22-2200 showed 169 acres for the land originally irrigated by 22-2200, and 75 acres for the land irrigated under the 22-12900 enlargement. This appears to be an error because 22-12900 states specifically in its conditions that it is limited to an enlargement of 74 acres, but the place of use designation in the water right recommendation has a total of 75 acres in the two quarter-quarter sections listed above on the water right recommendation. Thus, with the transfer of 74 acres, the strange result would be a place of use for the 22-2200 right of 169 acres (one acre less than the 170 for which it was licensed), and on the leased property, there would be one acre of the 22-2200 right appurtenant to it with the same point of diversion as 22-2200 (the original parent right), and 74 acres with the same point of diversion as 22-7397 (the right to which Mr. Harris is attempting to attached 22-12900).

It seems to Mr. Harris that there was an error in rounding, which needs to be sorted out so that there is a place of use of 170 acres for 22-2200, and a place of use of 74 acres (not 75 acres) for the SE1/4SE1/4 and the SW1/4SE1/4 of T. 6N, R. 41E, Sec. 3. A map is attached showing Mr. Harris' property and the leased property to which 22-12900 is appurtenant. Thereafter, the transfer could proceed forward.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Bonneville)

Robert L. Harris, duly sworn, upon oath, deposes and says:

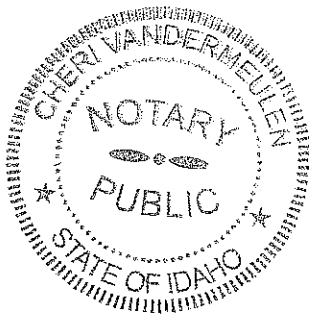
That I am the party/claimant filing this objection, as defined by I.C. §§42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Signature of person filing objection

Robert L. Harris

Attorney signing in representative capacity

Subscribed and sworn to before me on: March 15, 2007



Cheri Vandermeulen
Notary Public for Idaho
Residing at: Idaho Falls
My Commission Expires: July 7, 2009

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, 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 hereby certify that on March 15, 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
P.O. Box 2707
Twin Falls, ID 83303-2707

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

Name: Reese J. Godfrey
Address: c/o Glen Godfrey
310 Park St.
Newdale, ID 83436

Name: Carol Ostermiller
Address: 8881 E. Hwy 33
PO Box 142
Newdale, ID 83436

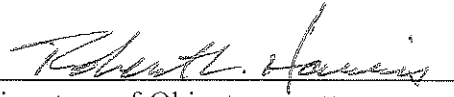
Name: Boyd E. Howard
Address: PO Box 76
Newdale, ID 83436

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, ID 83711-4449

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

A handwritten signature in cursive script, appearing to read "Robert L. Hawkins", is written over a horizontal line.

Signature of Objector or attorney mailing on
Objector's behalf

G:\WPDATA\CAH\13540\SRBA Objection22-2200 wpd

WATER RIGHT 22-12900 TRANSFER

0 0.125 0.25 0.5 Miles



Legend

- | | | |
|-----------------|-------------|--------|
| Harris_Property | PLS-Section | PODRec |
| Leased_Property | PLS-QQ | POUREc |