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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 47-152D

(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: HARRY P. KISSINGER and GLORIA L. KISSINGER

Address: 2536 ROCK CREEK ROAD
HANSEN, ID 83334

Daytime Phone: 208/423/6244

Name & Address of Attorney, if any:

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

Name: HARRY P. KISSINGER and GLORIA L. KISSINGER

Address: 2536 ROCK CREEK ROAD
HANSEN, ID 83334

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: _____

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):** (PLEASE SEE ATTACHMENT)

E. REASONS SUPPORTING OBJECTION (from p.2 Instructions for filing):

Pursuant to our purchase of Lot 55 (WR 47-152D), 2536 Rock Creek Rd, the State of Idaho, Dept of Water Resources, Twin Falls, So Region, notified us, Harry P. Kissinger and Gloria L. Kissinger by letter dated 6/25/01 regarding SRBA Claim 47-152D. The letter had an attachment from The District Court of the Fifth Judicial District of the State of Idaho which states: "*IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE SNAKE RIVER BASIN WATER SYSTEM, CIVIL CASE NUMBER: 39576, Ident. Number 47-152D, Date Received: 1/10/89, Receipt No: S005821 NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW, 2. Date of Priority: 05/14/1892. 15. Basis of Claim: Decreed.*" This confirms that pertaining to the portion of 47-00152 Decree, R-55, Upper Rock Creek Ranches our Date of Priority is 5/14/1892.

One of the factors in our purchasing said lot was the Water Right of 47-152D dating back to 5/14/1892. We feel the recent District Court's ruling as to the Snake River Basin Adjudication (SRBA) disallowing our WR 47-152D is unjustified and would diminish the property's resale value. We have installed a costly irrigation system using the water source from Rock Creek to water our lawn and trees on our one yard property area. The former property owner, David Woodhead, irrigated the same area until sale to us in July 2001 (See attached letter from Chuck Helman, previous Water Master, Rock Creek Water District). We ask the Court to reinstate our water right usage which is dated 05/14/1892.

*ROCK CREEK WATER DISTRICT
2391 ROCK CREEK ROAD
HANSEN, ID 83334
Phone: 208-423-5066*

March 16, 2007

Phil Kissinger
2536 Rock Creek Road
Hansen, ID 83334

Re: Water Right #47-0152 D

Dear Phil:

I was the Water Master for the Rock Creek Water District for 10 years, from 1993 through 2002. During those years David Woodhead, the former owner, of Lot R-55, used Rock Creek water to irrigate his trees.

If I can be of further assistance please let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read "Chuck Helman".

Chuck Helman

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Twin Falls)

_____, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

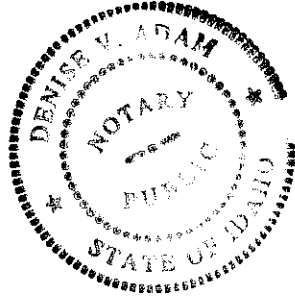
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

[Signature]
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 30 March 2007

[Signature]
Notary Public for Idaho
Residing at: Twin Falls
My Commission Expires: 2-24-10



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 30 Mar, ~~199~~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:

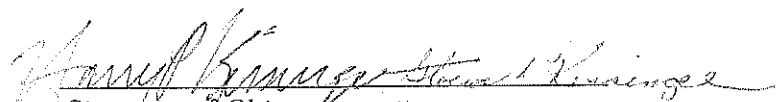
Name: HARRY P KISSINGER and GLORIA L KISSINGER
Address: 2536 ROCK CREEK ROAD
HANSEN, ID 83334

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