

RECEIVED

5/04/07

MAY - 8 2007

Department of Water Resources
Adjudication Bureau

To whom it may concern,

The notice of error for this water right was personally given to Ms. Roxanne Brown at the Salmon Water Resources office in Salmon on 10/25/05. Supporting documents she requested were forwarded to her within the next week (see attached letter). Since I assumed this was a clerical error and Ms. Brown did not contact me to for additional information or require an objection filed, I assumed the matter was taken care of. Considering this information, this objection should not be considered a "late objection" and should be considered with the rest. I would have filed it within the deadline if I thought it was necessary.

Thank you for your attention,


Mark Hurley

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

74-15627

(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:

Mark A. Hurley

Address:

P.O. Box 70

Tendoy, ID 83468

Daytime Phone:

208-303-0085

Name & Address of Attorney, if any:

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

Name:

Shirley F. Cadman

Address:

P.O. Box 20

Tendoy, ID 83468

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 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: _____
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):** This water was
conveyed to me in a 1994 land transaction. The
water right does not exist. Some supporting
documents included - move on file with water resources.

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Lemhi)

Mark Hurley, 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.

Mark A. Hurley
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

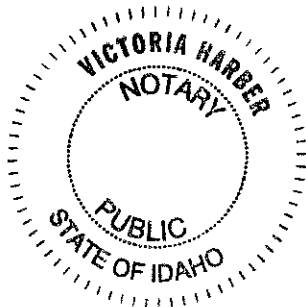
May 4, 2007

Victoria Harber

Notary Public for State of Idaho

Residing at: Carmen, Idaho

My Commission Expires: 12-18-2012



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 May 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:

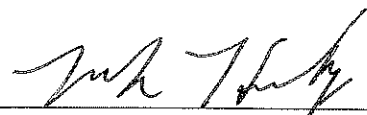
Name: Shirley F. Cadman
Address: P.O. Box 20
Tinney, ID 83468

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



Signature of objector or attorney
mailing on Objector's behalf

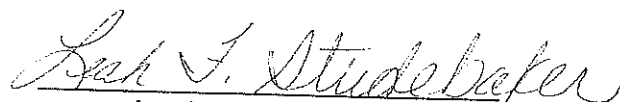
April 23, 2007

We, Dennis and Leah Studebaker, sold a portion of our ranch to Mark and Angela Hurley on 18 May 1994. The intent during the land transaction was to sell and transfer all water rights (74-00637 amounting to 1.75 cfs) from Pattee Creek onto that portion sold to Mark and Angela Hurley. The portion of the ranch we still owned would be irrigated exclusively from Warm Springs water rights. The entire water right from Pattee Creek was transferred at closing as evidenced by the New Property Owner Notice of Change of Water Right Ownership which also indicates it was not a split of any water right.

To clarify matters no land on the north side of Warm Springs Creek was ever irrigated with water from Pattee Creek. In 1980 a sprinkler irrigation system was added to irrigate land on the south side of Warm Springs creek only.

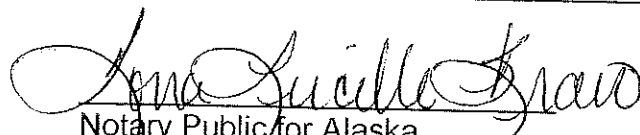
We sold the entire water right 74-00637 with the property sold to Mark and Angela Hurley. No water from Pattee Creek remained for the portion we retained and later sold to Shirley Cadman.

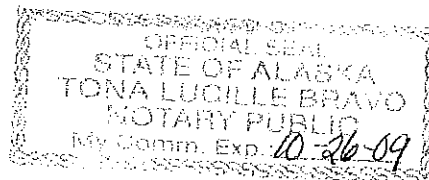

Dennis R. Studebaker


Leah F. Studebaker

Dennis and Leah Studebaker
PO Box 2618
Kenai, AK 99611

The forgoing was acknowledged before me on this 23rd day of April, 2007 by
Dennis R. Studebaker and Leah F. Studebaker.


Notary Public for Alaska
My commission expires: 10-26-09





NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: 05-18-94

LEGAL DESCRIPTION OF PROPERTY: Township 19N Range 24E
Section 5, 1/4 of SE 1/4 of NE 1/4 Govt. Lot, BM.
Lot _____, Block _____, Subdivision/Townsite _____.

If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: 74-0637
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): DENNIS R. STUDEBAKER
Box 2618
Kenai, Alaska 99511
- ☐ New Owner/Claimant (Purchaser): Mark A. Hurley
- ☐ New Mailing Address: P.O. Box 2
Tendoy, ID 83468
- ☐ New Telephone Number: (208) 756-4032
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ~~no~~
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: _____
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)
- ☐ Signature of New Owner/Claimant(s) Mark A. Hurley Date 6/29/94
Date _____
- ☐ Signature of Former Owner/Claimant(s) Dennis R. Studabaker Date 4-26-94
Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: October 28, 2005

Water right number: 74-15019

MARK A HURLEY

PO BOX 70

TENDON ID 83648-0070

Telephone Number: (208)303-0085

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

amount of water and place of use.

2. Describe the changes you wish to make in the proposed recommendation:

Delete 74-15627 and add the water back into this water right
(newly created 9/1/05)

3. Give a brief explanation as to why you disagree with these portions:

The intent during the land transaction was to transfer all water from Patter Cr. onto the land in my ownership. The 21 acres in NW NW won no longer be irrigated from Patter Cr. and acreage was added in NESW + SWP under sprinkler in 1980.

I AGREE with this proposed recommendation: no changes need to be made.

DATE: 10/25/05

SIGNATURE:

Mark A Hurley

Please print your name:

Mark A Hurley

IDWR State Office, 322 E. Front St., Boise, ID 83707

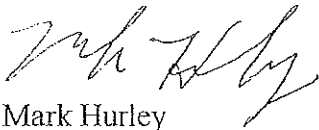
November 2005

Roxanne Brown
Idaho Dept. of Water Resources
Adjudication Bureau
PO Box 83720
Boise, ID 83720-0098

Dear Ms Brown,

Enclosed is the mainline construction plan and completion report concerning water right # A74-00637. Dennis Studebaker completed this project on 5/27/1980. The irrigation system is designed to irrigate 99.5 acres (95 acres hayland and 9.4 irrigated pasture). The enclosed documents show obvious intent by Dennis to transfer all the Pattee Creek water right to the bench on the south side of Warm Springs Creek, stopping the usage on the 21 acres on the north side of Warm Springs Creek. This explains his willingness to transfer full ownership of this water right when I purchased this land in 1994. Please inform me of the next step. Thank you for your attention to this matter.

Sincerely,



Mark Hurley
208-303-0085
208-756-1866