

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. 39576

A. Subcase 37-409A

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Diamond/Soldier Properties LLC

Address: c/o Gregory Vik
P.O. Box 1607
Bellevue, WA 98009

Daytime Phone: (425) 460-2542

Name & Address of Attorney, if any:

James P. Speck
SPECK & AANESTAD
A Professional Corporation
PO Box 987
Ketchum, ID 83340

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

Name: Diamond/Soldier Properties LLC

Address: PO Box 1607
Bellevue, WA 98009

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: Diamond/Soldier Properties LLC, PO Box 1607, Bellevue, WA 98009
2. ☒ **Source**
Should be: East Fork Three Mile Creek
3. ☐ **Quantity**
Should be: 2.85 cfs
4. ☒ **Priority Date**
Should be: April 1, 1907
5. ☒ **Point(s) of Diversion**
Should be: NENWNE, S.23, T.1N, R.13E., B.M., Camas County
6. ☐ **Instream Flow Description**
Should be:
7. ☒ **Purpose(s) of Use**
Should be: irrigation
8. ☒ **Period of Year**
Should be: April 1 to November 1
9. ☒ **Place of Use**
Should be: 408 acres as in claim
10. **I object because:**
 - ☐ This water should not exist.
 - ☒ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): See attached Affidavit of Jerry Mobley and ASCS field map.

F.

VERIFICATION (Must be completed)

State of Idaho)
) ss.
County of Blaine)

James P. Speck, being first duly sworn, upon oath, deposes and says:

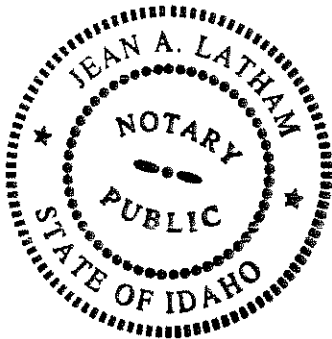
That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6), or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

J.P. Speck
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

May 9, 2007



Jean A. Latham
Notary Public for Idaho
Residing at Blaine Co
My Commission expires 1-25-2013

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 of the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on May 9th, 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, Idaho 83303-2707

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

Name: Diamond/Soldier Properties LLC
Address: c/o Gregory Vik
P.O. Box 1607
Bellevue, WA 98009

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
P. O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environment and Natural Resource
Division
550 West Fort Street, Box 33
Boise, Idaho 83734



Signature of Objector or attorney mailing on
Objector's behalf

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. 39576) AFFIDAVIT OF JERRY MOBLEY
)
)
_____)

STATE OF IDAHO)
) ss.
County of Canyon)

I, JERRY MOBLEY, being first duly sworn upon oath depose and state as follows:

1. I am a member of VM Diamond, L.L.C. ("VMD"), the owner and seller of certain real property in Camas County, Idaho more particularly described in Exhibit A attached hereto and made a part hereof by this reference (the "Real Property"). VMD has owned the Real Property since 1994.

2. VMD is also the owner of certain water rights for the irrigation of a portion of the Real Property and which are claimed in this action (the "SRBA") as claims nos. A37-00368A, A37-00409A, A37-02076A, A37-02157 and A37-02455, also sometimes referred to by the Idaho

AFFIDAVIT OF JERRY MOBLEY - 1

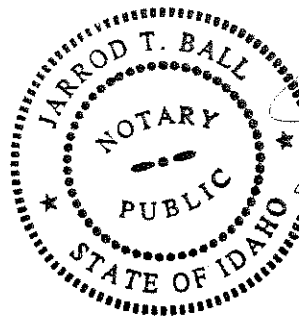
Department of Water Resources as claims nos. 37-368A, 37-409A, 37-2076A, 37-2157 and 37-2455. For the period of 1994 through 2003, VMD diverted water from the sources described in the SRBA claims to irrigate all of those lands described as the place of use in the SRBA claims, using flood irrigation at least once every five years.

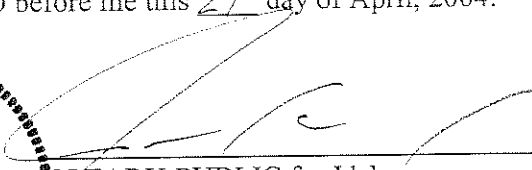
3. I am over the age of eighteen and competent to testify under oath as to all of the matters set forth above in this Affidavit.

DATED this 29 day of April, 2004.


JERRY MOBLEY

SUBSCRIBED AND SWORN TO before me this 29th day of April, 2004.




NOTARY PUBLIC for Idaho

Residing at: Truck Falls

My Comm. Expires: 7-25-2006

EXHIBIT A
C040031

Township 1 North, Range 13 East, Boise Meridian, Camas County, Idaho

Section 22: E $\frac{1}{2}$;

Section 23: W $\frac{1}{2}$ NW $\frac{1}{4}$;
W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$;
W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$;
NE $\frac{1}{4}$ NW $\frac{1}{4}$ excepting that portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ lying East of the existing channel of the
West Fork of Threemile Creek;
N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$;
S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, excepting that portion lying East of the existing County Road which runs northerly
and southerly;
W $\frac{1}{2}$ SW $\frac{1}{4}$;
S $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$;
S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, excepting that portion lying South of the existing County Road which runs
easterly and westerly;
S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, excepting that portion lying South of the existing County Road which runs easterly
and westerly;
SE $\frac{1}{4}$ SE $\frac{1}{4}$, excepting that portion lying South of the existing County Road which runs easterly and
westerly;

Section 24: S $\frac{1}{2}$ SW $\frac{1}{4}$;
SE $\frac{1}{4}$;

Section 25: All;

Section 26: NE $\frac{1}{4}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$, excepting that portion lying East of the existing County Road which
runs northerly and southerly;
NE $\frac{1}{4}$ NE $\frac{1}{4}$ excepting that portion lying South of the existing County Road which runs Easterly and
Westerly;

Section 27: NE $\frac{1}{4}$;

Township 1 North, Range 14 East, Boise Meridian, Camas County, Idaho

Section 19: Lots 1, 2, 3 and 4;
E $\frac{1}{2}$ W $\frac{1}{2}$.

