

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 37-2455 |
|                | ) |                    |
| Case No. 39576 | ) | 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:
2. ☐ **Source**  
Should be:
3. ☒ **Quantity**  
Should be: 3.0 cfs
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: irrigation
8. ☐ **Period of Year**  
Should be:
9. ☒ **Place of Use**  
Should be: 150 acres
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:

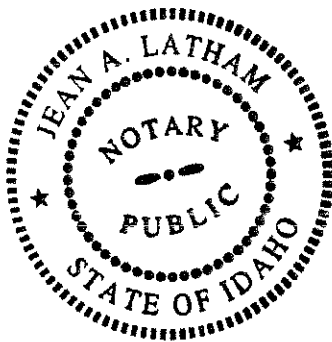
That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6), or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

\_\_\_\_\_  
(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 9<sup>th</sup>, 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:

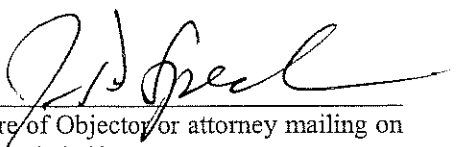
Name: Diamond/Soldier Properties LLC  
Address: c/o Gregory Vik  
P.O. Box 1607  
Bellevue, WA 98009

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.

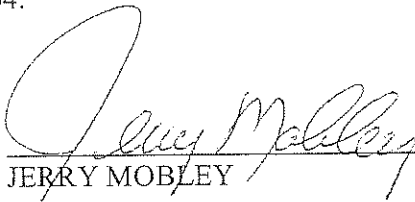
2. VMD is also the owner of certain water rights for the irrigation of a portion of the Real Property and which are claimed in this action (the "SRBA") as claims nos. A37-00368A, A37-00409A, A37-02076A, A37-02157 and A37-02455, also sometimes referred to by the Idaho

**AFFIDAVIT OF JERRY MOBLEY - 1**

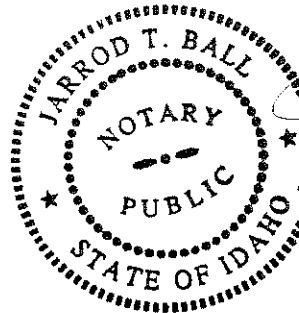
Department of Water Resources as claims nos. 37-368A, 37-409A, 37-2076A, 37-2157 and 37-2455. For the period of 1994 through 2003, VMD diverted water from the sources described in the SRBA claims to irrigate all of those lands described as the place of use in the SRBA claims, using flood irrigation at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

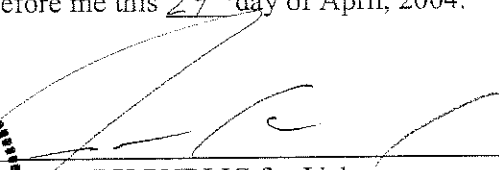
3. I am over the age of eighteen and competent to testify under oath as to all of the matters set forth above in this Affidavit.

DATED this 29 day of April, 2004.

  
JERRY MOBLEY

SUBSCRIBED AND SWORN TO before me this 29<sup>th</sup> day of April, 2004.



  
NOTARY PUBLIC for Idaho

Residing at: Truckee Falls

My Comm. Expires: 7-25-2008

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 $\frac{1}{4}$ ;

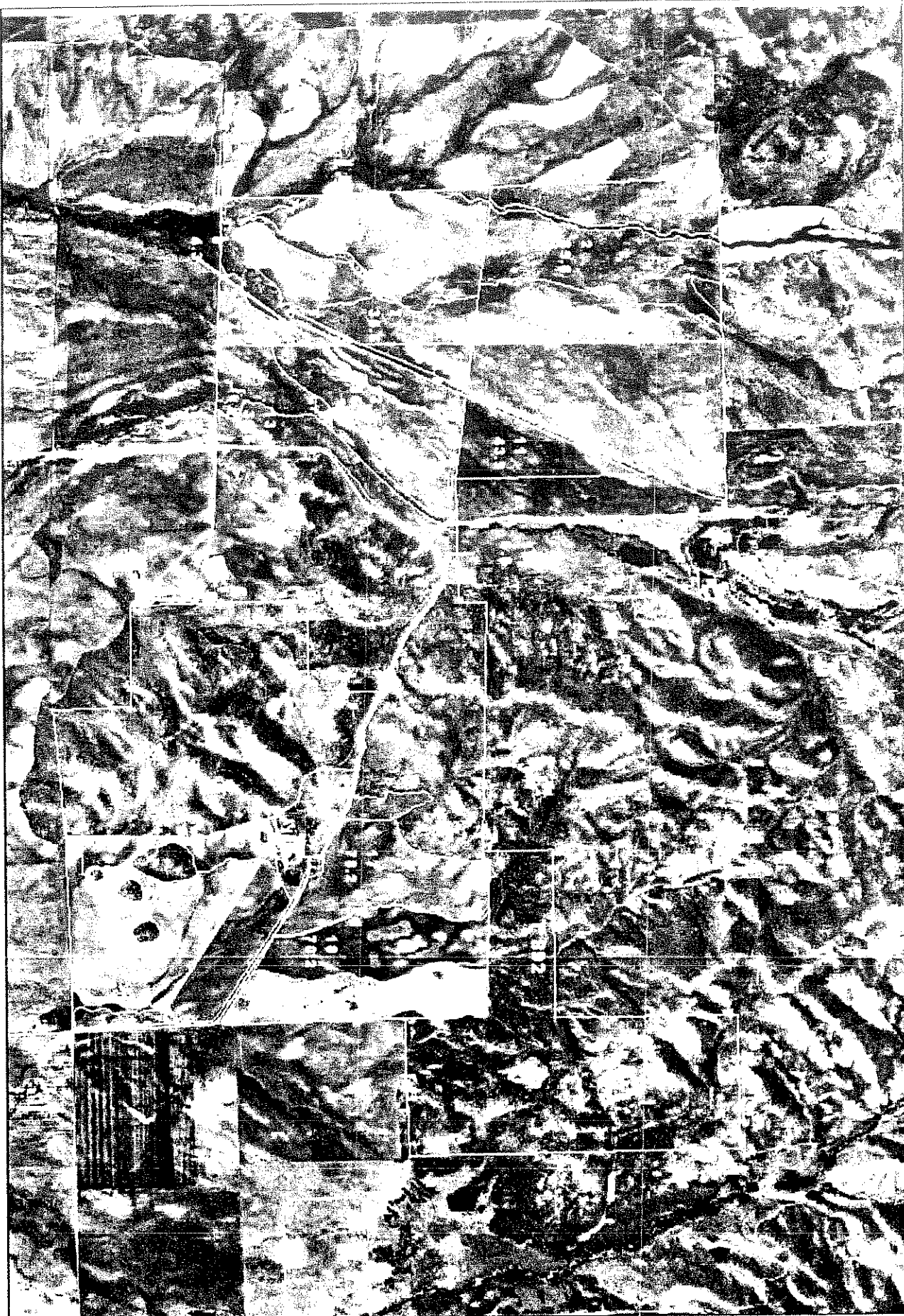
Section 25: All;

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 $\frac{1}{2}$ .



Tract 892  
Farm 843

Caruso County, Idaho

0 0.2 0.4 0.6 0.8 Miles

PHOTOGRAPHED BY  
C. L. ALLEN, JR.



Map Printed Feb 24, 2005