

271

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED _____

2007 APR 25 PM 10 32

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

78 -
041096

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Sarah Hubbard, Rex and Jerri Eller

Address: P.O. Box 464
New Meadows, Id 83654

Daytime Phone: 208-347-2583

Name & Address of Attorney, if any:

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

Name: Sarah B. McDaniel Hubbard and Chester Hubbard

Address: P.O. Box 377
New Meadows, Id 83654

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: 3.5 CFS
4. ☒ **Priority Date**
Should be: July 5, 1902
5. ☒ **Point of Diversion**
Should be: NW 1/4 NW 1/4 NE 1/4 Sec 25 T
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):** Diversion Point
Arc Diversion Point is in Township 19N Not 18N. The records
show At Adams County show priority date of July 5 1902
and Quantity of 3.5 CFS Not 20 CFS

F. VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Adams)

Rex + Jerri Eller , duly sworn, upon oath, deposes and says:
(Name of person filing objection)

I hat 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.

Rex Eller
(Signature of person filing objection)

(Attorney signing in representative capacity)

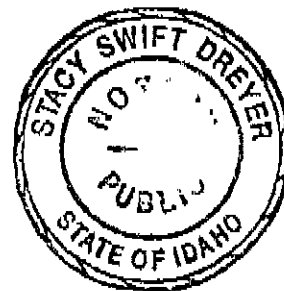
Subscribed and sworn to before me on:

4-24-07

Stacy Swift Dreyer
Notary Public for Idaho

Residing at: New Meadows

My Commission Expires: 3-27-2011



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 April, 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:

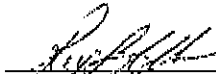
Name: Rex and Jerri Eller
Address: P.O. Box 444
New Meadows, Id 83634

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

NOTICE OF WATER RIGHT.

State of Idaho

County of Washington } SS

(Copy)

TO ALL CONCERNED, NOTICE IS HEREBY GIVEN:-

1st. That William Balback, Richard Balback, and Wu H Dreyer, citizens of the U S of Meadows, Idaho, hereby claim the use of the waters of Mud Creek to the extent of three and one half cubic feet per second.

2nd. It is intended to divert said waters at or near the point where a copy of this notice is posted, and more definitely described as follows;

NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 35 in Township 19 North of Range 1 East.

3rd. The purpose for which said water is intended to be used is irrigation.

The place of intended use is NE $\frac{1}{4}$ SE $\frac{1}{4}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ Sec 26 SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 23 NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 26, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 23 E $\frac{1}{2}$ SE $\frac{1}{4}$ Sec 14 W $\frac{1}{2}$ SW $\frac{1}{4}$ Sec 13 T 19 N R 1 E.

4th. It is intended to divert said waters by means of ditch and flume. The general course of the proposed canal is Northerly. The length of the proposed canal is three miles.. It is intended to use the waters for irrigating the following described lands;

NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 26 SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 23 NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 26 NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 23 E $\frac{1}{2}$ SE $\frac{1}{4}$ Sec 14 W $\frac{1}{2}$ SW $\frac{1}{4}$ Sec 13 in T 19 N R 1 East of the Boise Meridian.

5th. It is intended to have the works for the diversion and use of said water as aforesaid completed within two years (this must not exceed five years)

WITNESS our hands at Meadows, Washington County, Idaho, this 2nd day of July 1902

William Balback

Richard Balback

William H Dreyer, Claimants.

State of Idaho

County of Washington } SS

William Balback, Richard Balback, and William H Dreyer, being first duly sworn depose and say that they are of lawful age and are the claimants of the Water Right mentioned in the foregoing notice and whose names are subscribed thereto. That the statements in said notice are true, and that the original notice of which the foregoing is a true copy was posted in a conspicuous place at or near the intended place of diversion (as provided by law) on the 2nd day of July 1902 at _____ minutes past 7 o'clock P M

William Balback

Richard Balback

William H Dreyer.

Subscribed and sworn to before me this 2nd day of July 1902. And I further certify that on the date last above given personally appeared before me the affiant above named, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year in this certificate first above written.

Thomas B Snyder,

Justice of the Peace

Filed at request of Thomas B Snyder, July 5th A D 1902 at 9 A M

Fees \$1.00

I F Smith, Ex-Officio Recorder

By Harriet Smith

Deputy.

(Water Rights-2-371-)

This is the diversion point. They have mills in Township 13 North.