

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 39576

A. Subcase 63-20902

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Wayne Stephens

Address: 24604 Emmett Rd.

Caldwell, ID 83605

Daytime Phone: (208) 585-3134

Name & Address of Attorney, if any:

David L. Whitney

Alexanderson, Davis, Rainey & Whitney

P.O. Box 26

Caldwell, ID 83606-0026

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

Name: Wayne Stephens and/or Lakeview Water Co.

Address: 24604 Emmett Rd.

Caldwell, ID 83605

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: As claimed
2. ☒ **Source**
Should be: As claimed
3. ☒ **Quantity**
Should be: As claimed
4. ☒ **Priority Date**
Should be: As claimed
5. ☒ **Point of Diversion**
Should be: As claimed
6. ☒ **Instream Flow Beginning and Ending Point**
Should be: As claimed
7. ☒ **Purpose(s) of Use**
Should be: As claimed
8. ☒ **Period of Year**
Should be: As claimed
9. ☒ **Place of Use**
Should be: As claimed
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 OBJECTION(S):**

Claimant did not supply proof of priority to IDWR as requested. Evidence of priority is attached to this objection.

F.

VERIFICATION (Must be Completed)

State of IDAHO)
County of Canyon) ss.

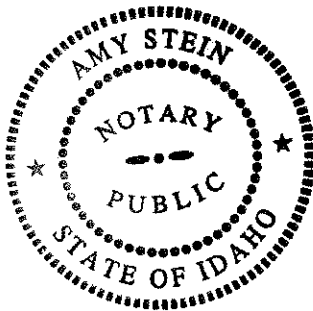
WAYNE STEPHENS, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

Wayne Stephens
Signature of person filing objection

Attorney signing in representative capacity

Subscribed and sworn to before me on: May 30, 2007



Amy Stein
Notary Public for Idaho
Residing at: Nampa, Idaho
My Commission expires: 07-05-07

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 June 1, 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: Wayne Stephens and/or Lakeview Water Co.
Address: 24604 Emmett Rd.
Caldwell, ID 83605

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MCS 033
Boise, ID 83724

Ballance Co. Att.
Signature of Objector or attorney
mailing on Objector's behalf

May 31, 2007

Idaho Department of Water Resources
Western Region Office
2735 Airport Way
Boise, ID 83705-5082

Re: Evidence of Priority for Claims to Water Rights 63-20900,
63-20901, 63-20902, and 63-20909

Gentlemen:

My name is Wayne Stephens, my mailing address is 24604 Emmett Road, Caldwell, ID 83607, and I am more than 18 years of age. The following information about the water use associated with the above numbered claims to water rights is from my own personal knowledge.

The triplex associated with claim to water right 63-20900 is on the location of a residence and brick/block factory that were in place in the mid 1950s. The attached "Agreement to Terminate Water Well Agreement" was put in place to terminate a water well sharing agreement dated February 8, 1956. The location of the shared well as described in Exhibit "A" of the attached Agreement is the same property as the currently located triplex and claim to water right 63-20900 should be amended to claim a priority date of at least February 8, 1956.

I moved into and lived in the 8 plex associated with claim to water right 63-20901 in 1962. The units were new when I moved in during 1962.

The triplex and 4 plex associated with claim to water right 63-20902 were in place on the property when I moved there in 1962. Neither of the buildings was new in 1962 when I moved there.

The 12 unit apartment associated with claim to water 63-20909 was, to the best of my recollection, completed in about 1965. I request that the priority date of this claim be amended to 1965. I grew up in Middleton and from about the mid 1950s to the late 1960s I hunted geese in the general area where the 12 unit apartment and the Valley View Apartments are now located. As noted above my wife and I rented one of the Valley View apartments in 1962 and we lived there into sometime in 1963 when we purchased a residence. It is my recollection that shortly after we moved the 12 plex apartment was constructed. Our interest in the properties continued. In 1977 my wife and I purchased the Valley View Apartment complex which was located next to the then existing 12 unit apartment complex. At this time it was apparent that both units had existed for a significant period of time and both were in need of significant maintenance and repair. Later I purchased the 12 unit

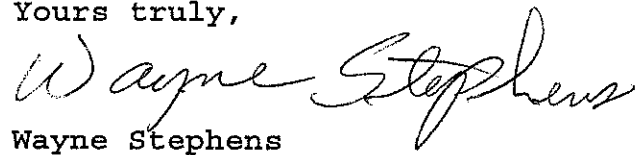
Idaho Department of Water Resources
Page 2
May 31, 2007

complex. As noted, it is my best recollection that the 12 unit complex has existed since about 1965. Canyon County has advised me that they do not keep copies of building permits issued that far back and therefore I cannot pinpoint the precise date of the issuance of the building permit.

All of these water rights are interconnected to 5 wells, some of which provide water for additional water rights as well. Normally, these water rights are supplied from 3 wells but the interconnections can be turned on when needed to provide a continuous, reliable water supply. The other water rights diverted from these wells include 63-11234, 63-12000, 63-20897, 63-20898, and 63-20899.

Please contact me, David L. Whitney at 459-3659, or David Shaw at 363-7983 if you have questions or need any additional information regarding these claims to water rights.

Yours truly,

A handwritten signature in cursive script that reads "Wayne Stephens". The signature is written in dark ink and is positioned above the printed name.

Wayne Stephens

Enc.

INSTRUMENT NO.

8602-789

AGREEMENT TO TERMINATE WATER WELL AGREEMENT

THIS AGREEMENT, Made and entered into this 31
day of December, 1985, by and between WAYNE E. STEPHENS and
JULIA L. STEPHENS, husband and wife, the parties of the
first part, hereinafter referred to as "Stephens", and
WILLIAM M. HINDS and JACKIE HINDS, husband and wife, the
parties of the second part, hereinafter referred to as
"Hinds", WITNESSETH:

WHEREAS, The Stephens are the owners of real
property situate in Canyon County, State of Idaho, more
particularly described in Exhibit "A" attached hereto and by
this reference incorporated herein as if set forth fully
herein; and

WHEREAS, The Hinds are the owners of real property
situate in Canyon County, State of Idaho, more particularly
described in Exhibit "B" attached hereto and by this reference
incorporated herein as if set forth fully herein; and

WHEREAS, Prior to the execution of this agreement,
the prior owners of the real property described in Exhibit
"A" and Exhibit "B" attached hereto executed a Water Well
Agreement bearing date of the 8th day of February, 1956, and
recorded in the office of the Canyon County Recorder on the
15th day of February, 1956, as Instrument No. 430473; and

WHEREAS, Said Water Well Agreement provided that
Agreement to Terminate - 1

1 parties of the first part, former owners of the real property
2 owned by the Stephens and more particularly described in
3 Exhibit "A" attached hereto, and Vernon V. Olson and Dorothy
4 A. Olson, husband and wife, the parties of the second part,
5 former owners of the real property owned by the Hinds and
6 more particularly described in Exhibit "B" attached hereto.

7 That by entering into this agreement, the parties
8 hereto mutually agree that said Water Well Agreement shall
9 be terminated forever and of no further force and effect,
10 and that said Water Well Agreement shall no longer be a
11 covenant running with the real property owned by the respective
12 parties.

13 The parties hereto mutually covenant and agree
14 that all sums of money owing from one party to the other as
15 and for power to operate said domestic well and for maintenance
16 and repair to said domestic well and the use of the water
17 from said domestic well are paid in full.

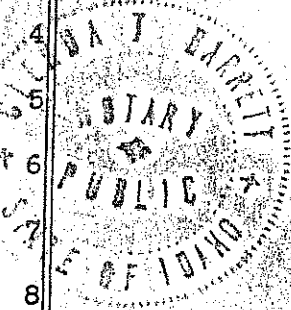
18 IN WITNESS WHEREOF, The parties hereto have hereunto
19 set their hands and seals, the day and year in this agreement
20 first above written.

21 Wayne E. Stephens (seal)
Wayne E. Stephens

22 Julia Stephens (seal)
23 Julia L. Stephens

GARY L. MORGAN, P.A.
ATTORNEY AT LAW
1124 ALBANY STREET
CALDWELL, IDAHO 83605-3598
TELEPHONE (208) 459-6376

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



Glenn J. Barrett
Notary Public for Idaho
Residing at Caldwell, Idaho

GARY L. MORGAN, P.A.
ATTORNEY AT LAW
1124 ALBANY STREET
CALDWELL, IDAHO 83605-3598
TELEPHONE (208) 459-6376

EXHIBIT "B"

REAL PROPERTY OWNED BY HINDS:

That part of the Northeast 1/4 of the Northeast 1/4 of Section 16, Township 3 North, Range 3 West of the Boise Meridian, described as follows:

BEGINNING At a point on the Section line, 710.4 feet South of the Northeast corner of Section 16, Township 3 North, Range 3 West of the Boise Meridian, and running thence South on the Section line a distance of 208.7 feet; thence West on a line parallel with the North boundary line of said Section 16, a distance of 417.4 feet; thence North on a line parallel with said East boundary line a distance of 208.7 feet; thence East 417.4 feet to the POINT OF BEGINNING, all in Canyon County, Idaho.

RECORDED

'86 FEB 6 PM 12 07

BILL A. STAKER

CANYON CNTY. RECORDER

BY

[Signature]

REQUEST

Wayne Stephens

TYPE B+A FEB 19.00

Exhibit "B"

To whom it may concern:

April 19, 2007

In the late 1950's I hunted geese near the refuge at Lake Lowell. I hunted at 10th Ave and Karcher quite often. (now the site of a Valley View School.) Just across the Karcher Road was brick factory with a residence. This was prior to 1959, the year I graduated from high school at Middleton. The house and factory were located on the south west side of the intersection of 10th and Karcher.

A handwritten signature in cursive script, appearing to read 'William C. Blackburn', followed by a horizontal line.

William C. Blackburn
205 Barbara Drive
Middleton, Idaho 83644