

**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 22-7617
(Insert Water Right Number)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: _____ City of Rexburg _____

Address: _____ PO Box 280 _____

_____ Rexburg, Idaho 83440 _____

Daytime Phone: _____

Name and Address of Attorney, if any:

Ray W. Rigby

P.O. Box 250

Rexburg, Idaho 83440

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

Name: _____ City of Rexburg _____

Address: _____ PO Box 280 _____

_____ Rexburg, Idaho 83440 _____

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. X **Name and Address**
Should be: as claimed in claimants amended claim
2. X **Source**
Should be: as claimed in claimants amended claim
3. X **Quantity**
Should be: as claimed in claimants amended claim
4. X **Priority Date**
Should be: as claimed in claimants amended claim
5. X **Point of Diversion**
Should be: as claimed in claimants amended claim
6. X **Instream Flow Beginning and Ending Point**
Should be: as claimed in claimants amended claim
7. X **Purpose(s) of Use**
Should be: as claimed in claimants amended claim
8. X **Period of Year**
Should be: as claimed in claimants amended claim
9. X **Place of Use**
Should be: as claimed in claimants amended claim
10. X **I object because:**
 - ☐ This water right Should not exist.

X This water right was not recommended, but Should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** Idaho Department of Water Resources recommended that this water right be disallowed because "there was no lawful appropriations shown the claimant had based the claim on "beneficial use," but used a priority date after the date of enactment of the statute which established a date after which ground water could not be appropriated without proceeding through the permit - licensing process. Claimant used the wrong date when the subject well was drilled and used to appropriate water for the city. For this reason a motion to amend the claim is being filed using the correct priority date based on the evidence (written) of the drilling, testing and use of water occurring before the enactment of the statute (see copy of documents including date on drilling contract, attached hereto).

STATE OF IDAHO,)
 ss.
County of Madison.)

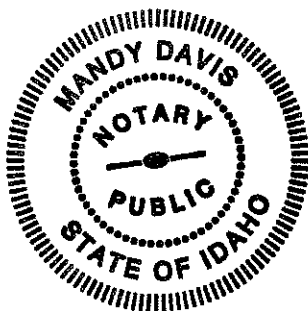
That we are the Assistant City Engineer and attorney for the City of Rexburg, the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements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

Ray W. Rigby
Ray W. Rigby, Attorney for party/claimant

May 01 June, 2007.

Mandy DeLo

Notary Public for Idaho
Residing at St. Anthony
My Commission Expires: 6/24/2011



INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filing 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 14th, 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:

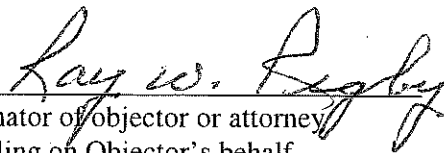
Name: City of Rexburg/ Attn: Keith B. Davidson
Address: P.O. Box 280
Rexburg, Idaho 83440

3. Copies to:

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

United States Department of Justice
Environment and Nat'l Resources Div
550 W. Fort Street, MSC 033
Boise, ID 83724

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



Signator of objector or attorney
mailing on Objector's behalf