

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 63-00179B

(Insert water right number)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Pioneer Irrigation District

Address: PO Box 426

Caldwell Idaho 83606

Daytime Phone: (208) 459-3617

Name & Address of Attorney, if any:

Scott L. Campbell

Moffatt Thomas Barrett Rock & Fields

PO Box 829, Boise, Idaho 83701

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

Name: Canyon County Water Co Ltd

Address: c/o Betha Foster

PO Box 11, Star, Idaho 83669

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: _____
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: _____
8. ☒ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: _____

11. **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):

This water right should be recommended as No. 63-00179A, as claimed by Pioneer Irrigation District, based upon historic diversion, delivery, and use by the Pioneer Irrigation District through its system of canals and laterals. A true and correct copy of the claim is attached hereto as Attachment 1

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

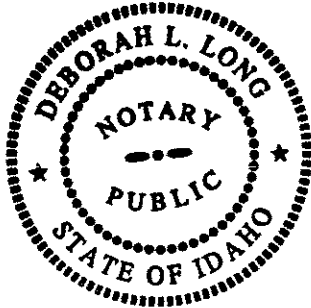
Scott L. Campbell, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

(Signature of person filing objection)

Scott L. Campbell
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 6/19/07



Deborah Long
Notary Public for Idaho

Residing at: Boise

My Commission Expires: 10/10/07

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 19, 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:

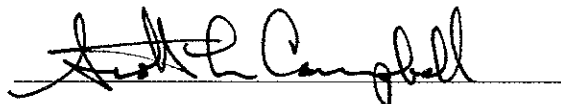
Name: Canyon County Water Co Ltd
Address: c/o Betha Foster
PO Box 11, Star, Idaho 83669

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
PO Box 44449
Boise, ID 83711-4449

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



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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 43-179

Date Received

Receipt Number

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Pioneer Irrigation District Phone (208) 459-3617

Mailing Address P.O. Box 426, Caldwell, Idaho Zip 83605

2. Date of Priority (Only one (1) per claim) June 1, 1869

3. Source of water supply (a) Boise River
which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 4 N. Range 1 W. Section 24,
1/4 of N.E. 1/4 of N.E. 1/4, Govt Lot, B.M., County of Canyon

Additional points of diversion if any: See Attachment One

b. If instream flow, beginning point of claimed instream flow is:

Township Range Section 1/4 of 1/4 of 1/4,

Govt Lot B.M., County of

ending point is: Township Range Section 1/4 of 1/4 of 1/4,
1/4, Govt Lot B.M., County of

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. concrete diversion dam in Boise River
to headgate and Caldwell Highline Canal to lateral ditches

11

4000

(acre feet)

For _____ purposes from _____ to _____ amount _____ or _____

8. Total consumptive use claimed is 118,973.43 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater. Type and number of livestock Etc.) _____

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

in the corresponding place of use below. See instructions for standard symbols.

Lands within the boundaries of the Pioneer Irrigation District

Total number of acres irrigated	33,992.41
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11. In which county (ies) are lands listed above as place of use located? Ada/Canyon

12. Do you own the property listed above as place of use? Yes _____ No X
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

_____ or None ()

14. Remarks: Pioneer Irrigation District provides water delivery to the privately owned lands within its service area. Claim to this water right is based upon historic use and practice and the attached documents (Exhibit "A").

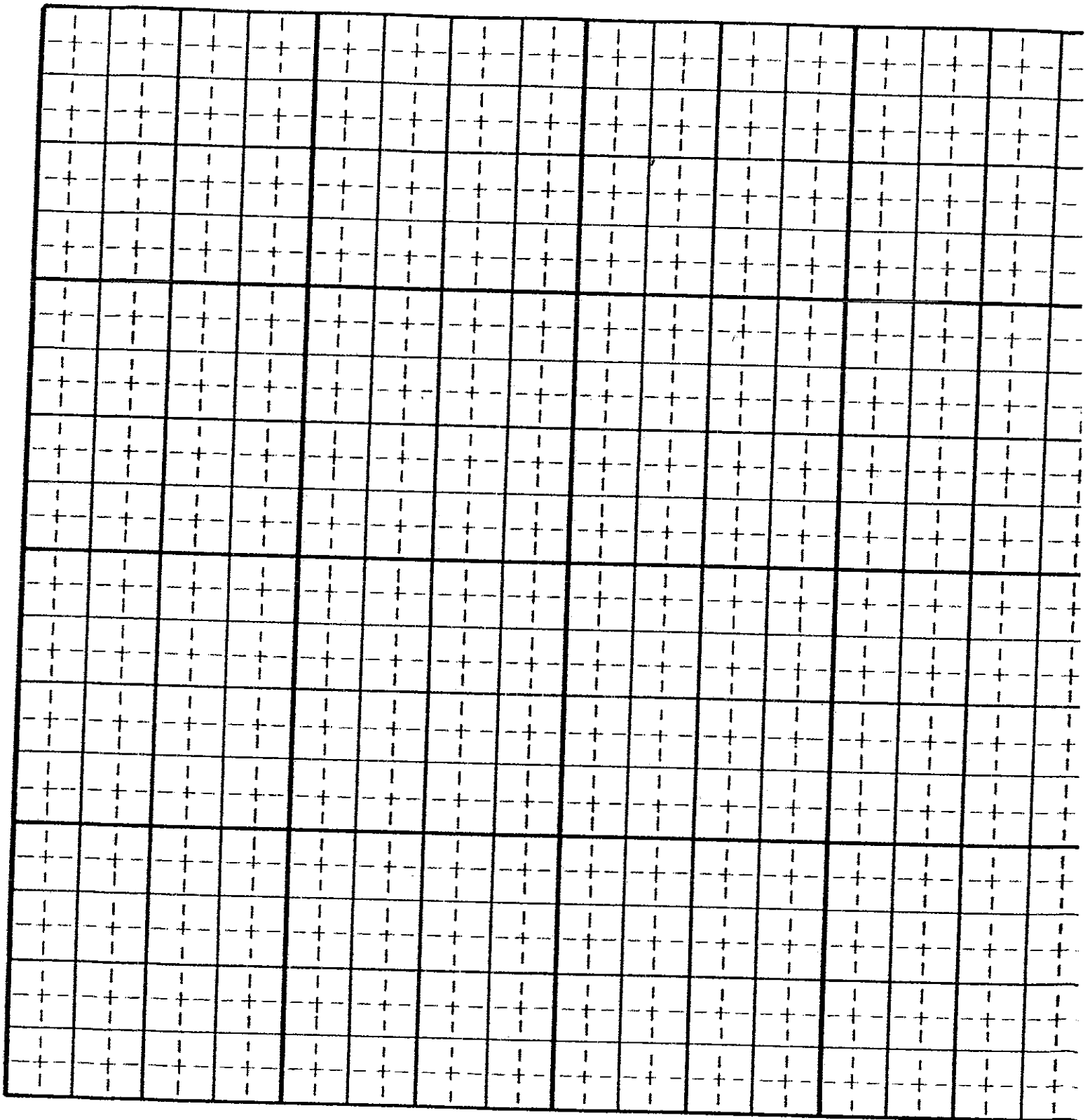
Last Name Pioneer Ident No.

Copies: White-State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

See Exhibits A, A(1), A(2) and A(3) to Claim No. A63-0224



Last Name Pioneer Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number No. 63-00179
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

(a) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments two

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President
of Pioneer Irrigation District Organization Title _____, that I have signed the foregoing
document in the space below as President of Pioneer Irrigation District
Title _____ Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Kenneth Brush
Title and Organization President, Pioneer Irrigation District Date 3/14/90

State of Idaho/or _____)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 14 day of March 19 90

SEAL

Notary Public Carol D Ford

Residing at Boise, Idaho

My Commission Expires 6/27/93

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Scott L. Campbell will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Scott L. Campbell

Address P.O. Box 1539, Boise, ID 83701-1539

Date 3/14/90

Last Name Pioneer Ident. Number _____

ATTACHMENT ONE

T. 3 N., R. 1 E., Section 23,
S.W. 1/4 of N.W. 1/4.

This "point of diversion" is a concrete diversion structure with flashboards which regulates the flow of the south and north channels of the Boise River. It is located at the east end of Eagle Island and permits diversion of sufficient amounts of water down the south channel of the Boise River to permit Pioneer Irrigation District to divert its water into the Phyllis and Caldwell Highline canals.

FIVE MILE--MASON CREEK--HIGHLINE

May 9, 1938

Years ago when Pioneer Irrigation District took over the Mason Creek Ditch Company and Franklin Ditch Company it enlarged the ditch those companies had been using and called it the Caldwell Highline. In return for rights-of-way of Franklin Ditch Company and Mason Creek Ditch Company, P.I.D. agreed to carry their decreed water from the river through the Highline ditch which P.I.D. had enlarged and make no assessments against the lands of those two ditch companies. Turner thinks there is a contract covering this. The Highline probably had no water until P.I.D. made this trade with the Franklin and Mason Creek Companies.

The Highline picks up Five Mile Drain water at a point about one mile South and East of the Franklin school, and picks up the Mason Creek Drain water at a point approximately two miles West of where the Five Mile water is picked up. P.I.D.'s contract with Canyon Hill Irrigation District covers this Mason Creek pickup.

Pioneer dries Five Mile Drain, dumps water into the Highline, and when there isn't sufficient water below for the Franklin and Mason Creek rights P.I.D. diverts over its canal sufficient water to supply the shortage.

These Franklin and Mason Creek rights comprise about 750 to 800 acres.

Mason Creek Ditch Company picks up the water diverted over the Highline at a point about $1\frac{1}{2}$ miles below the point where Highline crosses Five Mile Drain.

The Mason Creek Company and Mrs. J. P. Wells use the same diversion structure.

As to Highline water, P.I.D. has nothing decreed in its name. Its Highline water is decreed as follows:

To Franklin Ditch Company (Rights Nos. 34 and 77).

To Mason Creek Ditch Company (Right No. 46).