

**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 69-4103A
(Insert water right number)

**AMENDED
STANDARD FORM 1
OBJECTION**

Please **print or type** the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Douglas M. and Charleta A. Scism

Address: P.O. Box 44
Council, ID 83612

Daytime Phone: 208-253-6023

Name & Address of Attorney, if any:

Givens Pursley LLP

Michael P. Lawrence

P.O. Box 2720, Boise, ID 83701

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

Name: Harold A. and Evea H. Powers

Address: 7680 Appaloosa Ln.
Emmett, ID 83617

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: no more than 2.64 cfs, and likely less
4. ☒ **Priority Date**
Should be: no earlier than October 18, 1901, and possibly later
5. ☒ **Point(s) of Diversion**
Should be: none in Sec. 11
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: no acres irrigated by Sec. 11 points of diversion

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):** The recommended quantity of 3.38 cfs exceeds the statutory maximum duty of water of 0.02 cfs for the 132-acre place of use. Additionally and/or alternatively, the original 3.38 cfs water right upon which this claim is based was enlarged to other places of use and the quantity of water appurtenant to the claimants' property should be reduced accordingly. Also, the priority date should be no earlier than October 18, 1901 because that is the date notice of the water right was posted. Finally, this water right should not include the recommended points of diversion in Section 11 nor the associated places of use because of insufficient flow to reach those points of diversion (i.e., a call would be

futile). Objectors reserve the right to object to other infirmities in this recommendation as more facts become known.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

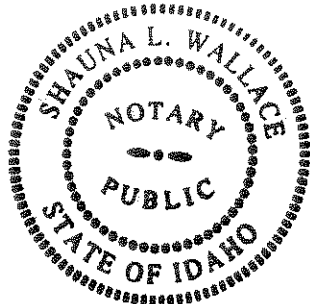
Michael P. Lawrence, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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 responding 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)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:



July 13, 2007
Shauna L. Wallace
Notary Public for Idaho

Residing at: Boise Idaho

My Commission Expires: 14 Sep 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 July 13, 2007, I mailed the original and copies of this response, 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: Harold A. and Evea H. Powers
Address: 7680 Appaloosa Ln.
Emmett, ID 83617

Attorney: William G. Myers III
Holland & Hart LLP
P.O. Box 2527
Boise, ID 83701

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 & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf