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DEPARTMENT OF
WATER RESOURCES

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 67-383A

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Larry Walling

Address: P.O. Box 356

Council, ID 83612

Daytime Phone: (208)253-4726

Name & Address of Attorney, if any:

Julie K. Fischer, White Peterson, P.A.

5700 E. Franklin Rd., Suite 200

Nampa, ID 83687

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

Name: Lee and Dora Cole

Address: 2565 Council Cuprum Road

Council, ID 83612-5009

COPY

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: .27 cfs
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
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):** The recommendation of the Department was based on a mistaken belief as to the actual amount claimed, as recognized in the attached Memorandum of Craig Saxton.

F.

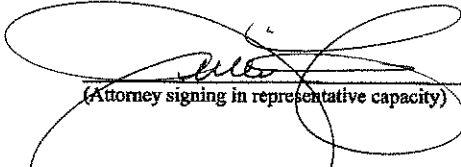
VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Canyon)

Julie Klein Fischer, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

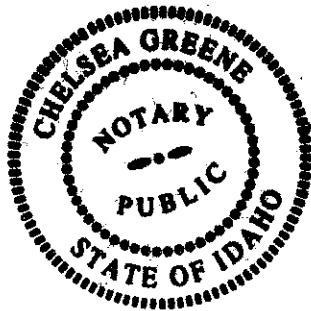
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)



(Attorney signing in representative capacity)

Subscribed and sworn to before me on: August 2, 2007



Chelsea Greene
Notary Public for State of Idaho
Residing at: Canyon County
My Commission Expires: 09/08/2012

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 August 2, 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:

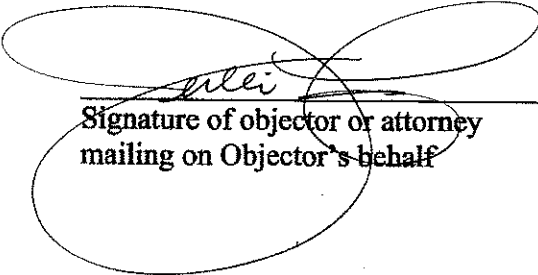
Name: Lee and Dora Cole
Address: 2565 Council Cuprum Rd.
Council, ID 83612-5009

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

Memorandum

April 27, 2007

To: File 67-383A and 67-383B

Cc: Larry Walling

From: Craig L. Saxton *C. Saxton* 4-27-07

Subject: In office meeting

Monica Van Bussum and I met with Larry Walling and Barb Felty in my office today. Larry disagreed with the recommended diversion rate for 67-383A and 67-383B. I had recommended 20.5 inches of water under 67-383A claimed by Cole. Larry felt that Cole only had right to 12 inches.

The original decree 67-383 was decreed for 56.5 inches or 1.13 cfs. Reviewing my notes it appeared that I recommend 36 inches of water to Larry Walling and recommended the remaining amount to Mr. Cole. I believe that I recommended the 36 inches of water to Mr. Walling because I thought that was what he had claimed. In reality, Mr. Walker claimed 43 inches.

Bosco Boslers water master record show delivery of 67-383 to Mr. Walling, however, Mr. Cole does own part of the property that 67-383 was originally decreed to.

Based on the water master records, I told Mr. Walling that if he filed an objection, I would support recommending the 43 inches of water claimed by Mr. Walling.

Part of Mr. Wallings concerns was that the decreed water recommended under 67-383A was recommended on property not original spoke of in the decree. The reason for this is that 67-383A was recommended as a permissible place of use with 67-398.

At this time, Mr. Walling left with copies of the objection forms and was planning on speaking with an attorney.