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SEP 19 2007

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 47-4177E

(Insert water right number)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Bruce L. Walden

Address: 2660 Dalton Lane

Boise Idaho 83704

Daytime Phone: (208) 323-1065

Name & Address of Attorney, if any:

Scott L. Campbell and Andrew J. Waldera

Moffatt Thomas Barrett Rock & Fields

PO Box 829, Boise, Idaho 83701

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

Name: Bruce L. Walden

Address: 2660 Dalton Lane

Boise Idaho 83704

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: Please see Attachment 1 hereto. _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☒ **Purpose(s) of Use** Please see Attachment 1 hereto.
Should be: _____
8. ☒ **Period of Year** Please see Attachment 1 hereto.
Should be: _____
9. ☒ **Place of Use** Please see Attachment 1 hereto.
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):

Please see Attachment 1 hereto.



VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Andrew J. Waldera, 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)

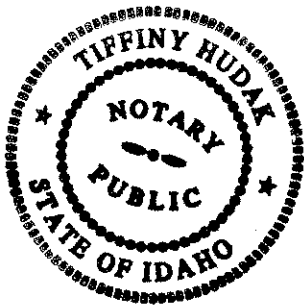
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: September 18, 2007

Notary Public for Idaho

Residing at: Boise

My Commission Expires: 9/16/09



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 September 18th, 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:

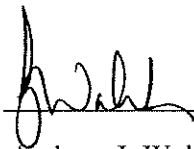
Name: Bruce L. Walden
Address: 2660 Dalton Lane
Boise Idaho 83704

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



Andrew J. Waldera

**ATTACHMENT 1 TO
STANDARD FORM 1 – OBJECTION
SUBCASE 47-4177E**

Objections:

Quantity

Bruce Walden is objecting to the reduction in quantity from 0.12 cfs to 0.05 cfs.

Purpose and Period of Use

Bruce Walden is objecting to the reduction in quantity from 0.12 cfs to 0.05 cfs.

Place of Use

Bruce Walden is objecting to the reduction of irrigable acres from 6 to 1.7 acres.

Reasons Supporting Objection(s)

Quantity

Claimant's 6 acres, to which water right 47-4177E is appurtenant, have historically been irrigated thereunder and there is no basis for the reduction in quantity from 0.12 cfs to 0.05 cfs. Please also see the affidavits of Bruce Walden, Marjorie Chessmore, and Shawna Sonner, attached hereto as Exhibits 1, 2, and 3, respectively.

Purpose and Period of Use

Claimant's 6 acres, to which water right 47-4177E is appurtenant, have historically been irrigated thereunder and there is no basis for the reduction in quantity from 0.12 cfs to 0.05 cfs. Please also see the affidavits of Bruce Walden, Marjorie Chessmore, and Shawna Sonner, attached hereto as Exhibits 1, 2, and 3, respectively.

Place of Use

Claimant's 6 acres, to which water right 47-4177E is appurtenant, have historically been irrigated thereunder and there is no basis for the reduction in the acres from 6 to 1.7 acres. Please also see the affidavits of Bruce Walden, Marjorie Chessmore, and Shawna Sonner, attached hereto as Exhibits 1, 2, and 3, respectively.

EXHIBIT 1

RECEIVED
NOV 17 2006
DEPARTMENT OF
WATER RESOURCES

Andrew J. Waldera, ISB No. 6608
MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED
101 S. Capitol Blvd., 10th Floor
Post Office Box 829
Boise, Idaho 83701
Telephone (208) 345-2000
Facsimile (208) 385-5384
22090.0

Attorneys for Bruce L. Walden

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF WATER RIGHT
NO. 47-04177E

Water Right No. 47-04177E

AFFIDAVIT OF BRUCE L. WALDEN

STATE OF IDAHO)
) ss.
County of Ada)

I, BRUCE L. WALDEN, having been duly sworn upon oath, deposes and states
as follows:

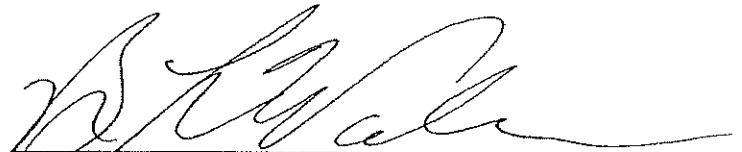
1. The statements made in this affidavit are based upon my personal
knowledge.

2. I am of sound mind and have attained the age of majority.
3. I own the six (6) acre parcel to which water right no. 47-04177E is appurtenant in the NE ¼ of the SE ¼ of Section 9, Township 9 South, Range 14 East, Buhl, Idaho.
4. I am a member of the United States military, and I am being deployed out of the country on or about Sunday, November 5, 2006. Due to my deployment, I have executed the Limited Power of Attorney attached hereto as Exhibit A. This Limited Power of Attorney authorizes Dennis C. Wright to act on my behalf regarding all matters associated with this water right.
5. My property and its original parent water right (no. 47-04177) were previously owned by Melissa Smalley and my uncle, Ms. Smalley's husband, Delbert Harms. My uncle and Ms. Smalley would flood irrigate my property from the ditch that crosses the property in the southwest corner, which ditch continues on, flowing into a pond on the adjoining property now owned by Tim Smalley. This flood irrigation was easily accomplished, as my property slopes away from the ditch in a northerly direction.
6. While the Idaho Department of Water Resources is currently recommending my water right at a quantity of 0.05 cubic feet per second ("cfs") for the irrigation of a place of use of 1.7 acres in its Preliminary Recommendation, my uncle, Delbert Harms, routinely irrigated approximately five (5) acres of my property from the aforementioned ditch. I witnessed my uncle's irrigation of the five (5) acres first hand from 1980 up until his death in 1985. The irrigation was made possible by a headgate in the ditch located on my property.
7. Later in 1985, after my uncle had passed away, my mother, Marjory Chessmore, purchased the property from Melissa Smalley. Though I cannot precisely recall

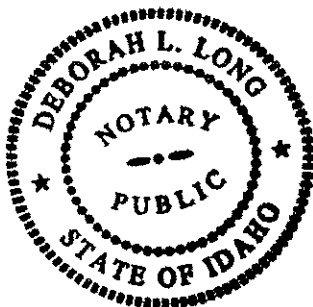
when, the headgate that served the property (my six (6) acres) became unusable during a portion of my mother's ownership. As such, my mother had the headgate replaced, and during irrigation season 2000, I aided my mother, along with the assistance of a neighbor, Max Fairchild, in installing a length of irrigation pipe along the southern boundary of the property. After installation of the new pipe, and in conjunction with the replacement of the ditch headgate, my mother proceeded to flood irrigate the five (5) acres of the property that my uncle historically irrigated.

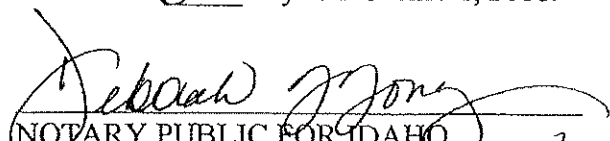
8. After irrigation season 2000, neighboring property owner Tim Smalley filed a Petition for Injunctive Relief on or about August 8, 2001, seeking to enjoin my mother's irrigation of the property. My mother and Mr. Smalley then stipulated and agreed to the interim administration of water right no. 47-04177E. Said stipulation provided that neither my mother, nor I, would divert water right no. 47-04177E for irrigation of the property until the Director's Report for Basin 47 issued. This interim administration implementing the stipulation has been ongoing from irrigation season 2002 to date.

Further your affiant sayeth naught.


Bruce L. Walden

SUBSCRIBED AND SWORN to before me this 3rd day of November, 2006.



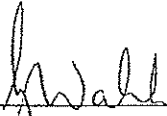

NOTARY PUBLIC FOR IDAHO
Residing at House Idaho
My Commission Expires 10/10/07

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of November, 2006, I caused a true and correct copy of the foregoing **AFFIDAVIT OF BRUCE L. WALDEN** to be served by the method indicated below, and addressed to the following:

Director
IDAHO DEPARTMENT OF WATER RESOURCES
322 East Front Street, 6th Floor
P.O. Box 83720
Boise, ID 83720-0098
Fax: 287-6700

☐ U.S. Mail, Postage Prepaid
☒ Hand Delivered
☐ Overnight Mail
☐ Facsimile



Andrew J. Waldera

LIMITED POWER OF ATTORNEY

I, BRUCE L. WALDEN, of Ada County, State of Idaho, designate and hereby appoint DENNIS C. WRIGHT of Ada County, State of Idaho, as my attorney-in-fact and Agent (hereinafter "Agent") to act in my name and for my benefit. I grant to my Agent full power and authority to do everything necessary in exercising any of the powers herein granted as fully as I might or could do if personally present and fully competent, hereby ratifying and confirming all that my Agent shall lawfully do or cause to be done by virtue of this limited power of attorney and the powers granted herein.

1. **LIMITED GRANT OF POWER.** My Agent shall have power to exercise or perform any act, power, duty, right, or obligation whatsoever in connection with, arising from, or relevant to Snake River Basin Adjudication ("SRBA") Case No. 39576, Subcase No. 94-00019, or that is otherwise in any way related to Idaho Department of Water Resources Water Right Claim No. 47-04177E of which I am the owner. This limited power of attorney supersedes and revokes any and all prior powers of attorney I may have executed regarding SRBA Case No. 39576, Subcase No. 94-00019, and/or Idaho Department of Water Resources Water Right Claim No. 47-04177E.
2. **REVOCABILITY.** This limited power of attorney is revocable. However, this limited power of attorney may only be revoked by a notice in writing executed by me or by my Agent.
3. **INTERPRETATION.** This instrument is to be considered and interpreted as a limited power of attorney, limited to the enumeration of specific powers granted herein.
4. **DISABILITY OF PRINCIPAL.** This limited power of attorney shall not be affected by disability of the principal.
5. **THIRD-PARTY RELIANCE.** Third parties may rely upon the representations of my Agent as to all matters relating to any power granted herein, and no person who may act in reliance upon the representations of my Agent or upon the authority granted to my Agent herein shall incur any liability to me or my estate as a result of permitting my Agent to exercise any power.
6. **EFFECTIVE DATE.** This limited power of attorney shall become effective immediately upon my signature of this instrument.
7. **GOVERNING LAW.** This limited power of attorney is executed and delivered in the State of Idaho and the laws of the State of Idaho shall govern all questions as to the validity of this limited power of attorney and as to the construction of its provisions.

day of November, 2006.

day of November, 2006.

STATE OF IDAHO)

County of Ada

On this 3 day of November, 2006, before me,
Jennifer D Hill, personally appeared **BRUCE L. WALDEN**, known or identified
to me (or proved to me on the oath of _____) to be the person
whose name is subscribed to the within instrument, and acknowledged to me that he executed the
same.

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

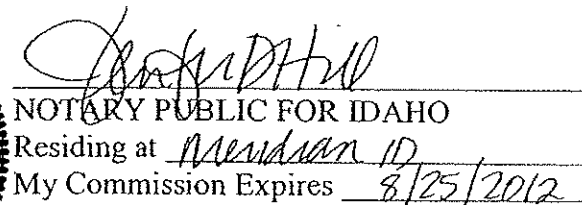


EXHIBIT 2

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NOV 17 2006

DEPARTMENT OF
WATER RESOURCES

Scott L. Campbell, ISB No. 2251
Andrew J. Waldera, ISB No. 6608
MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED
101 S. Capitol Blvd., 10th Floor
Post Office Box 829
Boise, Idaho 83701
Telephone (208) 345-2000
Facsimile (208) 385-5384
22-090.0

Attorneys for Bruce L. Walden

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

Subcase No. 94-00019

AFFIDAVIT OF MARJORY CHESSMORE

STATE OF IDAHO)
) ss.
County of Twin Falls)

MARJORY CHESSMORE, having been duly sworn upon oath, deposes and states
as follows:

1. The statements made in this affidavit are based upon my personal
knowledge.
2. I am of sound mind and have attained the age of majority.
3. I am a former owner of the six (6) acre parcel to which water right
no. 47-4177E is appurtenant in the NE 1/4 of the SE 1/4 of Section 9, Township 9 South,

Range 14 East, Buhl, Idaho. Additionally, I was born and resided across the street from the subject property, I later resided only a couple of miles down the road from the subject property, and my grandmother (Anna Beeman) and my uncle (D. L. Pile) owned property adjoining the subject property. Given my various residences in the area of the subject property, and that of my grandmother and uncle on an adjoining parcel, I had occasion to pass by the subject property routinely, and on a daily basis for many years. Further, I would visit my brother, Delbert Harms, during his co-ownership of the subject property, and during his residence on a neighboring parcel until his death in 1994.

4. Historically, and as long as I can remember (at least through the 1960s up until his death in 1994), my brother (Delbert Harms) would flood irrigate the subject property from the ditch that crosses the property in the southwest corner, which ditch continues on, flowing into a pond on the adjoining property now owned by Tim Smalley. The flood irrigation from the ditch was possible because the subject property slopes from south to north away from the ditch. The subject property was irrigated and used for livestock pasture and a large garden.

5. I purchased the subject property from my brother Delbert and his wife Melissa Smalley in 1985. The property purchase also included the acquisition of 0.02 cfs per acre (total of 0.12 cfs) for irrigation of the subject property. Though I then owned the six (6) acre parcel from 1985 until I deeded it to my son Bruce Walden, my brother Delbert, living on an adjoining parcel, continued to watch over the six (6) acre parcel and continued to irrigate it as pasture until his death in 1994.

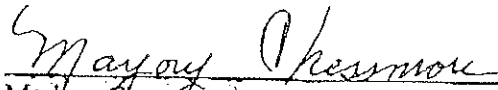
6. It has come to my attention that my son mistakenly stated in his affidavit that his uncle Delbert Harms passed away in 1985. However, Delbert did not pass away until 1994, and his irrigation of the six (6) acre parcel continued until that time. By the

mid-1980s, Bruce was in college and did not reside in the area anymore, having later settled in the Boise area.

7. After my brother's death, I had some difficulty irrigating the parcel because the headgate in the ditch located on the property was damaged, and in need of replacement. I had the headgate replaced, and during irrigation season 2000, I, with the help of my son Bruce Walden and a neighbor Max Fairchild, installed a length of irrigation pipe along the southern boundary of the subject property in order to flood irrigate it once again. Once the system was repaired and installed, I flood irrigated the subject property during irrigation season 2000.

8. After irrigation season 2000, neighboring property owner Tim Smalley filed a Petition for Injunctive Relief on or about August 8, 2001, seeking to enjoin my flood irrigation of the subject property. Mr. Smalley came to own the land adjoining the six (6) acre parcel after the passing of my brother. With the assistance of legal counsel, I stipulated with Mr. Smalley, and agreed to the interim administration of water right no. 47-04177E. The stipulation provided that neither I, nor my son (Bruce Walden), would divert water under water right no. 47-04177E for irrigation of the subject property until the Director's Report for Basin 47 issued. This interim administration implementing the terms of the underlying stipulation has been ongoing from irrigation season 2002 to date.

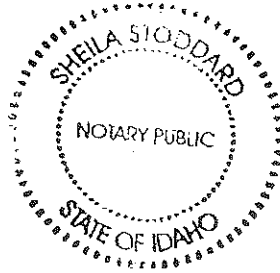
Further your affiant sayeth naught.


Marjory Chessmore

AFFIDAVIT OF MARJORY CHESSMORE - 3

BOI_MT2-632846.1

SUBSCRIBED AND SWORN to before me this 16th day of November, 2006.



Sheila Stoddard
NOTARY PUBLIC FOR IDAHO
Residing at Filet, Id
My Commission Expires 9/27/08

AFFIDAVIT OF MARJORY CHESSMORE - 4

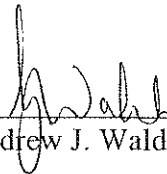
BOI_MT2:632946.1

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of November, 2006, I caused a true and correct copy of the foregoing **AFFIDAVIT OF MARJORY CHESSMORE** to be served by the method indicated below, and addressed to the following:

Director
IDAHO DEPARTMENT OF WATER RESOURCES
322 East Front Street, 6th Floor
P.O. Box 83720
Boise, ID 83720-0098
Fax: 287-6700

☐ U.S. Mail, Postage Prepaid
☒ Hand Delivered
☐ Overnight Mail
☐ Facsimile



Andrew J. Waldera

EXHIBIT 3

Scott L. Campbell, ISB No. 2251
Andrew J. Waldera, ISB No. 6608
MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED
101 S. Capitol Blvd., 10th Floor
Post Office Box 829
Boise, Idaho 83701
Telephone (208) 345-2000
Facsimile (208) 385-5384
22-090.0

Attorneys for Bruce L. Walden

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

Subcase No. 94-00019

AFFIDAVIT OF SHAWNA SONNER

STATE OF IDAHO)
) ss.
County of Twin Falls)

SHAWNA SONNER, having been duly sworn upon oath, deposes and states as

follows:

1. The statements made in this affidavit are based upon my personal knowledge.
2. I am of sound mind and have attained the age of majority.

3. From 1980 to 1985, I used to reside across the street from the six (6) acre parcel to which water right no. 47-4177E is appurtenant in the NE 1/4 of the SE 1/4 of Section 9, Township 9 South, Range 14 East, Buhl, Idaho. Said parcel is now owned by Bruce Walden.

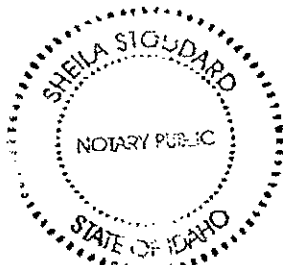
4. Additionally, I used to visit this parcel of land routinely as it was owned for many years by my uncle, Delbert Harms, and his wife, Melissa Smalley. Thus, in addition to my residence across the street from the property from 1980 through 1985, I would visit the property, or property adjoining it, regularly from the 1970s through my uncle's death in 1994.

5. From the 1970s, until his death in 1994, my uncle Delbert would regularly flood irrigate the six (6) acre parcel from the ditch that crosses the property in the southwest corner, which ditch continues on, flowing into a pond on the adjoining property now owned by Tim Smalley. The flood irrigation from the ditch was possible because the subject property slopes from south to north away from the ditch. My uncle irrigated the property in order to support its use as livestock pasture and to sustain a sizable garden. While my mother, Marjory Chessmore, took ownership of the six (6) acre parcel in 1985, my uncle Delbert continued to live on a neighboring parcel, and continued to watch over and irrigate the six (6) acre parcel until his death in 1994.

Further your affiant sayeth naught.

Shawna Sonner
Shawna Sonner

SUBSCRIBED AND SWORN to before me this 16th day of November, 2006.



Sheila Stoddard
NOTARY PUBLIC FOR IDAHO
Residing at Filet, ID
My Commission Expires 9/27/08

AFFIDAVIT OF SHAWNA SONNER - 2

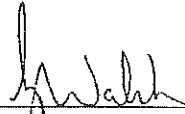
BOI_MT2-632951.1

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of November, 2006, I caused a true and correct copy of the foregoing **AFFIDAVIT OF SHAWNA SONNER** to be served by the method indicated below, and addressed to the following:

Director
IDAHO DEPARTMENT OF WATER RESOURCES
322 East Front Street, 6th Floor
P.O. Box 83720
Boise, ID 83720-0098
Fax: 287-6700

() U.S. Mail, Postage Prepaid
☒ Hand Delivered
() Overnight Mail
() Facsimile



Andrew J. Waldera