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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)

A. Subcase 47-4177B

(Insert water right number)

Case No. 39576)

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: Tim Smalley and Karen Smalley

Address: 4579A River Road

Buhl Idaho 83316

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.

F.

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)

[Signature]

(Attorney signing in representative capacity)

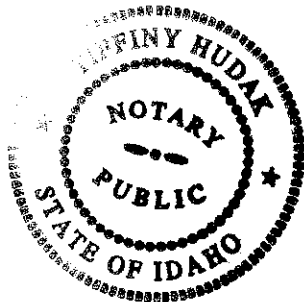
Subscribed and sworn to before me on: September 18, 2007

[Signature]

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: Tim Smalley and Karen Smalley
Address: 4579A River Road
Buhl Idaho 83316

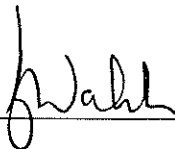
3. Copies to:

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

Bruce L. Waldon
2660 Dalton Lane
Boise, Idaho 83704

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 47-4177B**

Objections:

Quantity

Bruce Walden is objecting to the excessive quantity of 0.60 cfs for the irrigation of 15 acres.

Purpose and Period of Use

Bruce Walden is objecting to the excessive quantity of 0.60 cfs for the irrigation of 15 acres.

Place of Use

The recommended place of use appears to exceed the number of acres within the applicable quarter quarter section as initially claimed under the parent right of 47-04177.

Explanatory Material

Bruce Walden is objecting to the notation that “[t]he portion of this right used for conveyance losses is 0.30 cfs.”

Reasons Supporting Objection(s)

Quantity

The quantity of water recommended is excessive for purposes of irrigating 15 acres pursuant to the duty of water for the subject area.

Purpose and Period of Use

The quantity of water recommended is excessive for purposes of irrigating 15 acres pursuant to the duty of water for the subject area.

Place of Use

Under the initial claim for the parent right (47-04177), a place of use of 20 acres was claimed within the Northeast of the Southeast of Section 9, Township 9 South, Range 14 East, Twin Falls County, Idaho. Of that 20 acres initially claimed, 6 acres are owned by the Objector. Therefore, only 14 acres remain within the place of use as initially claimed under the parent right.

Explanatory Material

There is no basis for inclusion of this remark as it was neither contained in the parent water right (47-04177) nor in any of the split portions of the parent right, except for this split portion (47-4177B). It is also contrary to the claimant’s duty to not waste water.