

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

In Re SRBA

)

A. Subcase 47-7394

(Insert water right number)

2007 SEP 17 PM 4 34

Case No. 39576

)

)

)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Twin Falls Canal Company

Address: P.O. Box 326

Twin Falls, Idaho 83303-0326

Daytime Phone: 208-733-6731

Name & Address of Attorney, if any:

John K. Simpson / Travis L. Thompson / Paul L. Arrington

Barker Rosholt & Simpson LLP

P.O. Box 485

Twin Falls, Idaho 83303-0485

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

Name: VIRGIL BERNEY

Address: 4711 RIVER RD

BUHL, ID 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: The following remark should be added to clarify the source and explain that it is waste water originating from the diversion and use of water by Twin Falls Canal Company shareholders: "The source of this right is waste water originally diverted by Twin Falls Canal Company. The wasting of water may be discontinued at any time."

3. ☐ **Quantity**

Should be: _____

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 remark should be included to clarify the source of the water being appropriated under this right. Water resulting from irrigation of Twin Falls Canal Company project lands may be discontinued due to changes in irrigation practices, delivery methods, and/or other actions beyond the control of the Company. The above remark is necessary to notify the claimant and the watermaster that water may not always be available to satisfy the right due to subsequent changes in the Company's delivery of water to its shareholders and/or changes in other operations. Additionally, this remark is necessary due to IDWR's failure to recognize TFCC's water right claim 47-4376.

State of Idaho)
)ss.
County of Twin Falls)

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)

17, 2007

 Notary Public for Idaho
 Residing at: Twin Falls
 My Commission Expires: 4/3/12

G. CERTIFICATE OF MAILING

I certify that on September 17, 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:

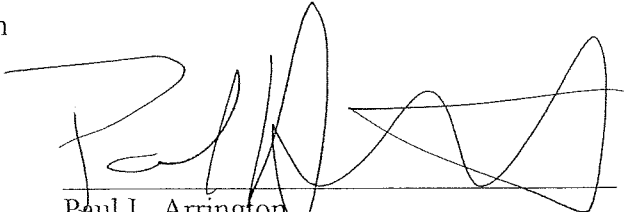
Name: VIRGIL BERNEY
Address: 4711 RIVER RD
BUHL, ID 83316

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



Paul L. Arrington