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OCT 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	)	Subcase No. 75-4010
	)	
Case No. 39576	)	
	)	
	)	STANDARD FORM 1
	)	OBJECTION
_____	)	

NAME AND ADDRESS OF PERSONS OBJECTING

Name: Herman V. Nelson
Jennie Nelson
c/o Clyde G. Nelson
Address: P. O. Box 797
Soda Springs, Idaho 83276

Daytime Phone: (208) 547-2135

Name & Address of Attorney, if any:

Josephine P. Beeman
Beeman & Associates, P.C.
409 West Jefferson Street
Boise, Idaho 83702
(208) 331-0950
(208) 331-0954
jo.beeman@beemanlaw.com

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Herman V. Nelson
Jennie Nelson
c/o Clyde G. Nelson
P. O. Box 797
Soda Springs, ID 83276
(208) 547-2135

I object to the following elements as recommended in the Director's Report.

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: 1.02 cfs, as claimed. The irrigation portion of the right was claimed as 1 cfs, but recommended for .5 cfs. The domestic portion of the right was claimed and recommended for .02 cfs and is not objected.
4. ☐ **Priority Date**
Should be: _____
5. ☒ **Point(s) of Diversion**
Should be: Three separate points of diversion, all described with respect to HES #426. Two within HES #426 and a third ½ mile to ¾ mile upstream of HES #426 along Lake Creek. Points of diversion listed by legal description are only a reference because the land is unsurveyed.
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: 25 acres within HES #426. Legal descriptions by township, range, section, and quarter-quarter are only a reference because the land is unsurveyed.
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.

REASONS SUPPORTING OBJECTION(S)

PROPERTY IS IN AN UNSURVEYED AREA: The property is in an area that lacks official surveys, so identification of points of diversion and places of use must be made first with reference to Homestead Entry Survey #426. This objection should be able to be resolved based on the listing of Homestead Entry Survey #426 as described above.

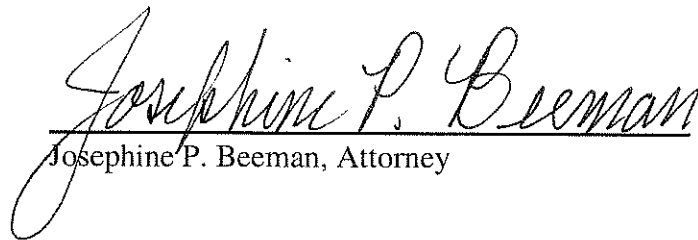
POINTS OF DIVERSION AND PLACE OF USE FOR IRRIGATION: The irrigated land for claim 75-4010 is 25 acres within HES #426 (Sections 19 and 30 are only a reference because the land is unsurveyed). The IDWR and SRBA files for 75-4010 refer to three irrigation ditches from Lake Creek. The SRBA recommendation lists only two points of diversion. There should be at least one additional point of diversion $\frac{1}{2}$ mile to $\frac{3}{4}$ mile upstream of HES #426 along Lake Creek. The two points of diversion recommended should first be described as from Lake Creek within HES #426 (Section 19 is only a reference because the land is unsurveyed).

VERIFICATION

State of Idaho)
)ss.
County of Ada)

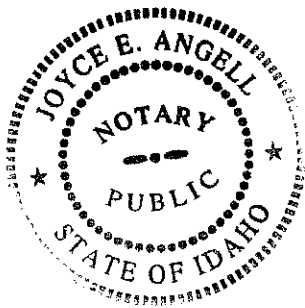
_____Josephine P. Beeman_____, duly sworn, upon oath, deposes and says:

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



Josephine P. Beeman, Attorney

Subscribed and sworn to before me on: October 17, 2007





Notary Public for the State of Idaho
Residing at: Boise, Idaho
My Commission Expires: July 29, 2008

CERTIFICATE OF MAILING

I certify that on October 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:

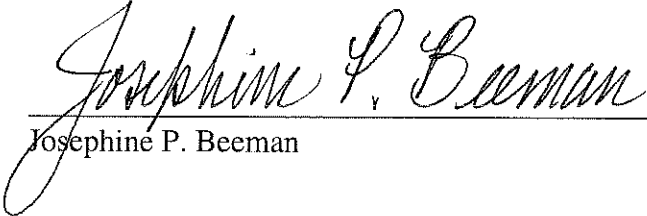
Herman V. Nelson
Jennie Nelson
c/o Clyde G. Nelson
P. O. Box 797
Soda Springs, ID 83276

3. Copies to:

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449



Josephine P. Beeman