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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 37-882
(Insert water right number)
STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Nick Vanoff Presents, Inc.
Address: P.O. Box 834
Sun Valley, ID 83353
Daytime Phone: _____

Name & Address of Attorney, if any:

Barry Luboviski
P.O. Box 1172
Ketchum, ID 83340

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

Name: Nick Vanoff Presents, Inc.
Address: P.O. Box 834
Sun Valley, ID 83353

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: 4.0 cfs diversion rate
4. ☒ **Priority Date**
Should be: 6/1/1883
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: 50.9 acres
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):** Please see attached statement
in support of the above objections.

Supporting Statement
SF-1 Objection
Water Right No. 37-882

The decreed diversion rate in the Frost decree is 4.0 cfs, which is the rate carried on the watermaster decree book to this day. IDWR recommended this right for only 1.82 cfs. According to Allen Merritt, Southern Region Director, IDWR staff routinely relied upon the amounts shown in the watermaster decree book in order to prepare recommendations within Basin 37. Right 37-882 should be treated in the same manner.

The priority date decreed in Frost is 6/1/1883. An amended claim was submitted to IDWR on January 19, 2007 to correct the priority date on the claim. This amended claim filing was apparently not acted upon by IDWR.

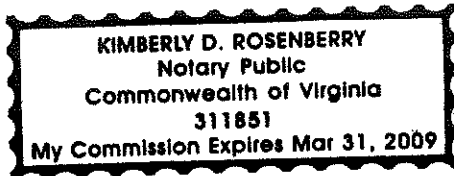
The historically-irrigated place of use, which coincides with the currently irrigated place of use, was submitted with the amended claims to IDWR in June 2002. This shape represents 50.9 acres of irrigation as asserted by the claimant and represents actual irrigation based on on-ground field investigation by Brockway Engineering, PLLC.

F. VERIFICATION (must be completed)

State of Virginia)
)ss.
County of Fauquier)

Nick Vanoff, 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:

November 9th, 2007

Kimberly D. Rosenberry
Notary Public for Self

Residing at: Winchester, Virginia

My Commission Expires: 03/31/2009

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 11/09, 2007, I ^{Federal Expressed} ~~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:

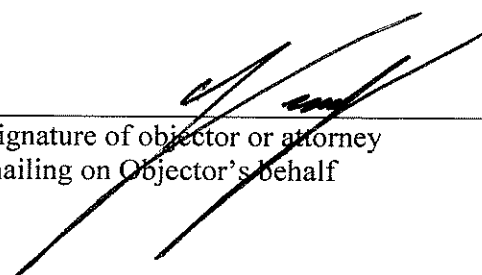
Name: _____
Address: _____

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