

RECEIVED

NOV 14 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 37-21746

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Terry and Anita Clark

Address: P.O. Box 308

Carey, ID 83320

Daytime Phone: (208) 788-4280

Name & Address of Attorney, if any:

Scott L. Campbell & Andrew J. Waldera

Moffatt, Thomas, Barrett, Rock & Fields

P.O. Box 829, Boise, ID 83701-0829

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

Name: Terry and Anita Clark

Address: P.O. Box 308

Carey, ID 83320

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. ☒ **Priority Date**
Should be: 4/1/1907
5. ☒ **Point of Diversion**
Should be: See Attachment 1 hereto
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: See Attachment 2 hereto
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):** See Attachment 3 hereto.

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Ada)

Scott L. Campbell, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

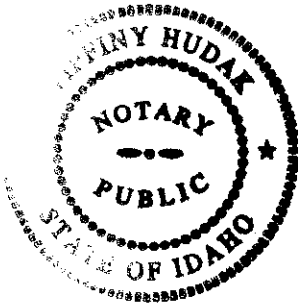
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Scott Campbell
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: November 12, 2007

Tiffany Hudak
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 November 12, 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:

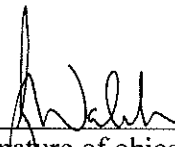
Name: Terry and Anita Clark
Address: P.O. Box 308
Carey, ID 83320

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

ATTACHMENT 1
STANDARD FORM 1 – OBJECTION
SUBCASE 37-21746

Terry and Anita Clark object to the quarter quarter quarter labeling of the Points of Diversion:

T02N R21E S3 NWNENE Lot 1 Within BLAINE County
T02N R22E S3 NENWSE Within BLAINE County
T03N R21E S35 SESWNW Within BLAINE County

The correct descriptions should read:

T02N R21E S3 NENE Within BLAINE County
T02N R22E S3 NWSE Within BLAINE County
T03N R21E S35 SWNW Within BLAINE County

ATTACHMENT 2
STANDARD FORM 1 – OBJECTION
SUBCASE 37-21746

The Director's Report incorrectly identifies the Place of Use for irrigation of lands under this water right. The correct, historic place of use is as follows:

TWP	RNG	SEC	1/4	1/4	Lot	Acres
2N	21e	3	NE	NE	1	25
			SE	NE		30
					Total	55

Terry and Anita Clark also object to the inclusion of three limiting remarks set forth under Place of Use element, as reflected in the Director's Report:

This right is limited to the irrigation of 100 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 164 acres in a single irrigation season. Combined Right Nos.: 37-1120, 37-1140, 37-21383, 37-21745, and 37-21746.

The rights listed below are limited to the irrigation of a combined total of 170 acres in a single irrigation season. Combined Right Nos.: 37-1120, 37-1140, 37-21383, 37-21745, 37-21746, and 37-21963.

ATTACHMENT 3
STANDARD FORM 1 – OBJECTION
SUBCASE 37-21746

Reasons Supporting Objection(s):

Priority Date:

The priority date was incorrectly identified as 4/15/1968. The correct priority date is 4/1/1907 based upon the first diversion of water under this right.

Point of Diversion:

The points of diversion as recommended are incorrect based upon the historic diversion of water under this right.

Place of Use:

The place of use described in the Director's Report does not accurately describe the lands historically irrigated under this water right. Additionally, there is no legal basis for inclusion of the acreage restriction remarks.