

**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 37-22225
	)	
Case No. 39576	)	
	)	STANDARD FORM 1
	)	OBJECTION
_____	)	

NAME AND ADDRESS OF PERSON OBJECTING

Name: John Brown, Inc.
Address: 247 Glendale Road
Bellevue, Idaho 83313
Daytime Phone: 208-788-2143

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 (fax)

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: John Brown, Inc.
Address: 247 Glendale Road
Bellevue, Idaho 83313

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 include:
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☒ **Purpose(s) of Use**
Should include: stockwater
8. ☒ **Period of Year**
Should be: Irrigation 4/01-11/01
Stockwater 3/01 – 11/30
9. ☒ **Place of Use**
Should be: As listed on the original Notice of Claim for 37-206 (minus the acres now recommended for the City of Bellevue in 37-22226). This same resulting acreage should be included for the limiting statement within the place of use.
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):

PURPOSE OF USE:

There is a concern that the stockwater practice may need to be a separately identified purpose of use in the decree for this right, although it has been routinely delivered under the Frost Decree. The pages of the Frost Decree that refer to “irrigation and other purposes” and “domestic and other purposes” are attached. The Affidavit of Lee Peterson will be provided to support the objection although it does not accompany the objection.

The claimant will work with the SRBA court and IDWR to determine whether a late claim or amended claim is appropriate in addition to this objection regarding the stockwater use.

PERIOD OF YEAR:

Irrigation delivery records support an April 1 through November 1 season of use for irrigation. Historic administration included early and late season stockwatering. Lee Peterson’s affidavit will support stockwater use before and after the irrigation season dates.

PLACE OF USE:

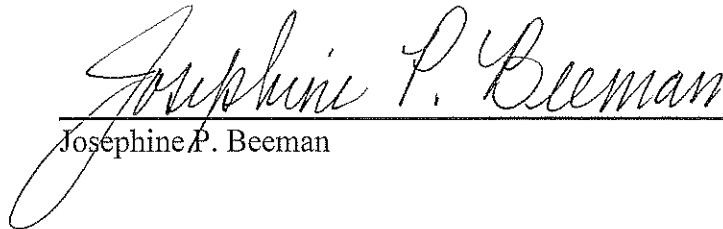
Aerial photos support recognition of additional lands within claims.

VERIFICATION

State of Idaho)
) ss.
County of Ada)

I, Josephine P. Beeman, duly sworn, upon oath, depose and say:

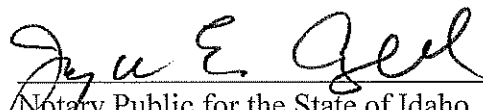
That I am the attorney for the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(i) and (6), and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.



Josephine P. Beeman

Subscribed and sworn to before me on: November 14, 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 November 14, 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:

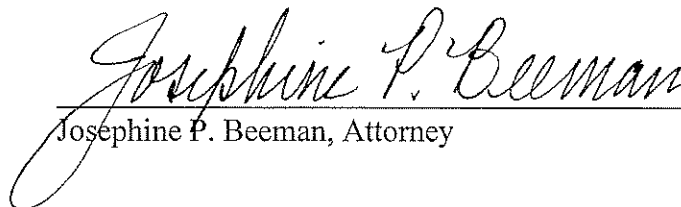
Name: John Brown, Inc.
Address: 247 Glendale Road
Bellevue, Idaho 83313

3. Copies to:

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

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. 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



Josephine P. Beeman, Attorney

right to use, for irrigation and other purposes, the following number of inches of water, each fifty inches thereof to be equivalent to a flow of one cubic foot per second, as prescribed by the law of Idaho, from the waters of the Malad or Big Wood River and its tributaries, situated in the counties of Blaine and Lincoln, State of Idaho, their priorities to date from the times hereinafter named, to-wit:

37 0003	Abbott, George H.	100 inches.	June 18, 1883.	Soldier Creek. Trans. 201
37 0004	Abbott, William G.	105 "	Nov. 24, 1883.	Big Wood River. TRANS. 45 (From Riley ditch.)
37 0005	Adams, Henry W.	150 "	Nov. 10, 1883.	Big Wood River.
37 0006	Adams, Jacob	150 "	May 1, 1881.	Silver Creek.
37 0007		125 "	Apr. 1, 1885.	" "
37 0008		30 "	Apr. 1, 1887.	" "
37 0009	Adamson, Margaret			Little Wood River Canal Company shares.
37 0010	Ainsworth, James	80 "	Apr. 15, 1884.	Little Wood River.
37 0011	"	80 "	June 20, 1883.	" " "
37 0012	Ainsworth, J. L.	20 "	Apr. 15, 1884.	" " "
37 0013	"	8 "	May 15, 1883.	" " "
37 0014	Ainsworth, Joseph	72 "	May 15, 1883.	" " "
37 0015	"	70 "	Apr. 15, 1884.	" " "
37 0016	Albreathson, Albert	110 "	May 1, 1883.	" " "
37 0017	"	50 "	July 9, 1886.	" " "
37 0018	"	50 "	Apr. 1, 1889.	" " "
37 0019	"	20 "	June 30, 1889.	" " "
37 0020				Little Wood River Canal Company shares.
37 0021	Anderson, Martin	200 "	Sept. 1, 1887.	Silver Creek.
37 0022	"	50 "	June 17, 1899.	" (Exclusive right to pond.)
37 0023		50 cubic ft.	Aug. 2, 1902.	Silver Creek for power purposes.
37 0024		100 inches.	Nov. 23, 1883.	Big Wood River. (From Riley ditch.)

to beginning, tract containing 125 acres.

Woodworth, E. L. W 1/2 of SW 1/4, SW 1/4 of NW 1/4, and Lot 4, of Sec. 5, T. 5 S., R. 15 E., containing 160 acres. Also, W 1/2 of NE 1/4 of Sec. 5, T. 6 S., R. 15 E.

Worden, Ruth S. SE 1/4 of SW 1/4 of Sec. 14, NE 1/4 of NW 1/4 of Sec. 23, and E 1/2 of NE 1/4 of Sec. 23, T. 5 S., R. 14 E., containing 160 acres. Also, SW 1/4 of SW 1/4, N 1/2 of SW 1/4, and NW 1/4 of SE 1/4 of Sec. 14, T. 5 S., R. 14 E., containing 160 acres.

Worthington, O. H. SE 1/4 of SW 1/4 of Sec. 13, N 1/2 of NW 1/4, and SW 1/4 of NW 1/4 of Sec. 34, T. 1 S., R. 19 E., containing 160 acres. ✓

Wrencher, James A. W 1/2 of SE 1/4, and SW 1/4 of NE 1/4 of Sec. 35, T. 1 N., R. 18 E.

Young, H. M. N 1/2 of SE 1/4 of Sec. 35, T. 1 N., R. 18 E.

Young, John A. SE 1/4 of Sec. 28, and SE 1/4 of Sec. 26, T. 1 N., R. 14 E., containing 320 acres.

3. That the said lands are arid in character, and require the artificial application of water thereto before they can be successfully cultivated and profitable crops of agricultural products raised thereon. ✓

4. That for the irrigation of their respective tracts of land, and for domestic and other purposes, the said claimants and their predecessors in interest appropriated, on the respective dates set opposite their names, of the waters of the Malad or Big Wood River, or its tributaries, the respective amounts of water set opposite each name, and at the respective times, as follows, to-wit:-- ✓

SCANNED
MAR 20 2003

JUN 04 1996