

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

75-10339

(Insert water right number)

STANDARD FORM 1  
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name:

Penny J. Pennington

Address:

P.O. Box 95

North Fork, ID 83466

Daytime Phone:

208-865-2121

Name & Address of Attorney, if any:

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

Name:

Penny J. Pennington

Address:

P.O. Box 95

North Fork, ID 83466

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: IRRIGATION - .090 CFS
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: 3.00 ACRES Not 1.6 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):

HISTORICAL USE  
See ORIG. WATER RIGHT. Acreage irrigated  
is 3.00 NOT 1.6 AC

F.

VERIFICATION (must be completed)

State of IDAHO )  
County of LEMHI )ss.

Penny J. Pennington 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.

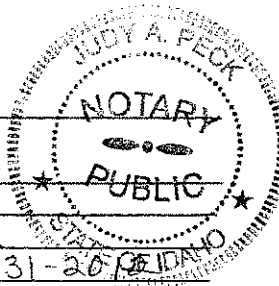
Penny J. Pennington  
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

June 8, 2007

Judy A. Peck  
Notary Public for Idaho  
Residing at: Carmen Id  
My Commission Expires: 7-31-2012



RECEIVED

JUN 13 2007

DEPARTMENT OF  
WATER RESOURCES

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 June 11, 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:

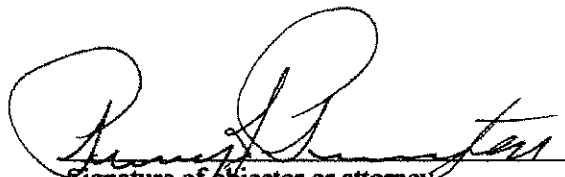
Name: Penny J. Pennington  
Address: P.O. Box 95  
North Fork, ID 83466

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

01/08/2007

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-10339

NAME AND ADDRESS: PENNY J PENNINGTON  
PO BOX 95  
NORTH FORK ID 83466  
  
KELLEY P WEBER  
PO BOX 6  
SALMON ID 83467

SOURCE: FOURTH OF JULY CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.040 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/01/1971

POINT OF DIVERSION: T24N R21E S25 SWSE Within LEMHI County

PURPOSE AND PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| STOCKWATER            | 01/01 12/31          | 0.020 CFS       |
| IRRIGATION            | 04/01 10/31          | 0.040 CFS       |

PLACE OF USE: IRRIGATION in LEMHI County

T24N R21E S25 SWSE 1.60

STOCKWATER in LEMHI County

T24N R21E S25 SWSE

1.6 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-10339

WATER RIGHT NUMBER: 75-10339

Owner Type                      Name and Address

Current Owner

PENNY J PENNINGTON FULLER

~~PO BOX 6~~~~SALMON, ID 83467~~

(208)865-2121

Current Owner

KELLEY PAWBER

~~PO BOX 6~~~~SALMON, ID 83467~~

(208)865-2121

Priority Date: 01/01/1971

Basis: Beneficial Use

Status: Active

Source

FOURTH OF JULY CREEK

Tributary

SALMON RIVER

Beneficial Use

STOCKWATER

IRRIGATION

From To

1/01 to 12/31

4/01 to 11/01

Diversion Rate

0.020 CFS

0.090 CFS

Total Diversion:

0.090 CFS

Annual Volume

0.0907

0.0407

- 0.050 less

Location of Point(s) of Diversion

FOURTH OF JULY CREEK

LEMHI County

NW1/4SW1/4SE1/4

Sec. 25, Twp 24N, Rge 21E, B.M.

Place of Use

STOCKWATER Within LEMHI County

T24N R21E S25 SWSE

IRRIGATION Within LEMHI County

T24N R21E S25 SWSE 3.0

Total Acres: 3

Conditions of Approval:Remarks:mailed  
response  
12-8-06

orig Rights

changed  
w/ West.

*sent 12-14-05*

TROY COOPER  
P. O. BOX 13  
NORTH FORK, ID 83466

**AFFIDAVIT**

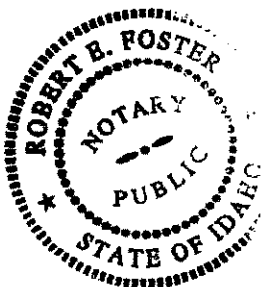
**RE: EVIDENCE OF PRIORITY  
SRBA Water Right #75-10339  
Penny J. Pennington**

I, Troy Cooper, own adjacent property to the above water right and have direct knowledge of the above right being used for irrigation and stock water as stated by the Idaho Department of Water Resources Adjudication Claim Report Attached, 01/01/71 to present.

*Troy Cooper*  
Troy Cooper

*12/8/05*  
Date

Notarized:



*Robert E Foster*  
Robert E. Foster  
Commission expires 02-16-07