

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 47-4160
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Neil H. Larsen

Address: P.O. Box 11

Hansen, ID. 83334

Daytime Phone: (208) 320-3200

Name & Address of Attorney, if any:

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

Name: Purity Water Service Co.

Address: P.O. Box 725

Kimberly, ID. 83341

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: Neik H. and Theresa E. Larsen
P.O. Box 11; Hansen, ID. - 83334
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
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: _____

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.

E. REASONS SUPPORTING OBJECTION(S): I never received notification
by mail for claim of Water Right. The old Address for Priority Water Service
of Box 725; Kimberly, ID. 83341 was no longer a valid Address. We had moved to
Burley, ID. for some time & have recently moved back to Hansen, ID. again. When I
checked on this water Right, I found it to be disallowed and Realized that I had
Forgotten to provide proof of Priority & beneficial use prior to moving to Burley, ID
Please find Enclosed a Notarized Statement of priority & beneficial use in
1946; And my own Notarized Affidavits concerning our ownership &
use of this commercial well & water Right &
business since 1988.

F.

VERIFICATION (Must be Completed)

State of Idaho

County of Twin Falls^{SS.}

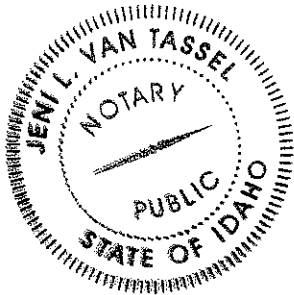
Neil H. Larsen, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

Neil H. Larsen
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 12th day of March, 2008



Jeni L. Van Tassel
Notary Public for the state of Idaho
Residing at: Kimberly, ID 83341
My Commission Expires: Sept. 7 2011

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 3/12, ²⁰⁰⁸~~199~~, 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: Neil H. Larsen
Address: P.O. Box 11
HADSEN, ID. 83334

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
PO 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

Neil H. Larsen
Signature of Objector or attorney
mailing on Objector's behalf

02/12/2008

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 47-4160 V1

WATER RIGHT NUMBER: 47-4160 V1

RECEIVED

MAR 13 2008

DEPARTMENT OF
WATER RESOURCES

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	PURITY WATER SERVICE CO PO BOX 725 KIMBERLY, ID 83341

Priority Date: 01/01/1938

Basis:

Status: Disallowed

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
COMMERCIAL	1/01 to 12/31	0.090 CFS	
	<u>Total Diversion:</u>	0.090 CFS	

Location of Point(s) of Diversion

GROUND WATER	NW1/4NW1/4	Sec. 36, Twp 11S, Rge 18E, B.M.
TWIN FALLS County		

Place of Use

COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	18E	36						X											

Conditions of Approval:

1. P01 No lawful appropriation shown.
2. P11 No lawful appropriation shown: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is proposed to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is proposed to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 47-4160 V1

Comments:

1. akriwox 9/20/2005 Field Exam
 Comment: Conducted by Glen Gier on 7-21-2005
2. akriwox 9/20/2005 Disallowed
 Comment: No Evidence of Priority

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			09/20/2005	akriwox	Disallowed

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	9/20/2005 1:55:44 PM	akriwox	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 4. Is any portion of the claim be recommended? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

Water Supply Bank:

George Walton
1827 Granada Circle
Twin Falls, ID 83301
(208) 733-6120

3/5/2008

RECEIVED

Re: Original starting date of Purity Water Service Co.

MAR 13 2008

DEPARTMENT OF
WATER RESOURCES

To Whom It May Concern,

My name is George Walton and I used to work at the original Purity Water Service Co. I grew up near the old town of Rock Creek where this 5-gallon bottled water company first started.

My family and I moved back to the Rock Creek area in 1949 and I worked at the Purity Water business loading trucks with 5-gallon bottles when I was a senior in high school in 1952. The gentleman that owned and started the bottled water business was Frank Sipkin.

To the best of my recollection, I believe the bottled water business was started in the year 1946.

If you have any questions or would like to contact me for further information, please do so at: (208) 733-6120.

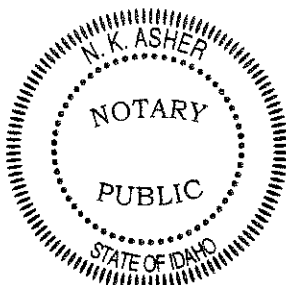
Sincerely,


George Walton

NOTARY

State of Idaho)
)ss.
County of Twin Falls)

Subscribed and sworn to before me on: March 5, 2008




Notary Public for Twin Falls, US Bank
Residing at: Twin Falls
My Commission Expires: 3/20/12

RECEIVED

MAR 13 2008

DEPARTMENT OF
WATER RESOURCES

Affidavit of:
Neil H. Larsen
Purity Water Service Co.
Purity Water, Inc.
Idaho Waters Co. & Idaho Mountain Water

My name is Neil H. Larsen and I was born and grew up in the old town of Rock Creek – close to the Purity Water Service Co. bottled water business South of Hansen, ID. My family homesteaded property along Rock Creek in the 1860's.

The Purity Water Service Co. began as a commercial 5-gallon bottled water business in 1946 and delivered bottled water to residences and businesses throughout Southern Idaho. Over the years, the Purity Water Service Co. added a commercial sales & rental water softener business.

The original founder of the bottled water business was Frank Sipkin, who sold to Don Heater, who sold to James & Barbara Epperson, who sold to Neil H. and Theresa E. Larsen, who sold their business accounts to: Ecco Water & Be Sure Water Co. and Hagerman Valley Spring Water.

My wife Theresa E. Larsen and I purchased the Purity Water Service Co. business accounts of bottled water and water softeners, the .26 Acres of real estate consisting of bottling and storage facilities, and the commercial well from James and Barbara Epperson in October, 1988.

When we purchased the Purity Water Service Co. and the real property and the commercial well from the Epperson's, we formed a corporation called Purity Water, Inc. and another company called Idaho Waters Co.

Our companies: Purity Water, Inc. became known as our commercial rental and sales water softener business; and the Idaho Waters Co. and Idaho Mountain Water became known as our 5-gallon bottled water business.

During the time we owned the bottled water business and the water softener business, we had over 1400+ accounts, spanning the Magic Valley, the Wood River Valley and the Treasure Valley. At times we also had distributors in Eastern Idaho and Elko, Nevada, and at other times we shipped bulk 10,000 gallon tanker trucks of our water to distributors / bottlers in Utah.

For additional information please contact:

Neil H. Larsen
P. O. Box 11
Hansen, ID 83334
(208) 320-3200

Sincerely,

Neil H. Larsen

Neil H. Larsen

NOTARY

State of Idaho,
County of Twin Falls ss.

On this 12 day of March, 2008, before me, a Notary Public in and for said State, personally appeared Neil H. Larsen, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the instrument and acknowledge to me that he/she/they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year first above written.

Jeni L. Van Tassel
Notary Public

Residing at: Kimberly, ID 83341

My commission expires: Sept. 7, 2011

