

FRITZ X. HAEMMERLE
HAEMMERLE & HAEMMERLE, P.L.L.C.
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ISB # 3862

RECEIVED

MAR 19 2008

DEPARTMENT OF
WATER RESOURCES

Attorney for the Claimants

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 No. 37-7234
	)	
Case No. 39576	)	MOTION TO FILE LATE OBJECTION
	)	
	)	
	)	
	)	
	)	

COMES NOW the Claimant, Arminda and Melvin L. Metcalf by and through
Fritz X. Haemmerle of Haemmerle & Haemmerle, P.L.L.C., and hereby requests
permission to file a Late Objection, as set forth in the prepared Standard Form Objection
attached hereto as Exhibit 1.

DATED this 17th day of March, 2008.

HAEMMERLE & HAEMMERLE, P.L.L.C.



By: Fritz X. Haemmerle

CERTIFICATE OF MAILING

I certify that on March 17th, 2008, I mailed the original and copies of this response, 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: Arminda and Melvin Metcalf
Address: 62 Townsend Gulch Rd.
Bellevue, ID 83313

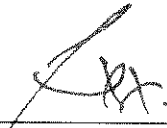
3. One copy to the party who filed the objection at the following address:

Name: Arminda and Melvin Metcalf
Address: 62 Townsend Gulch Rd.
Bellevue, ID 83313

4. Copies to:

IDWR Document Depository United States Department of Justice
PO Box 83720 Environment & Natural Resource Division
Boise, ID 83720-0098 550 West Fort Street, MSC 033

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449
Boise, ID 83724



Your signature or signature of attorney
mailing on your behalf

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

)

A.

Subcase

37-7234

(Insert water right number)

Case No. 39576

)

)

)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Arminda and Melvin L Metcalf

Address: 62 Townsend Gulch Rd. Bellevue, ID 83313

Daytime Phone:

208-788-4703

Name & Address of Attorney, if any:

Fritz Haemmerle

Haemmerle & Haemmerle

P.O. Box 1800

Hailey, ID 83333

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

Name: Arminda and Melvin L Metcalf

Address: 62 Townsend Gulch Rd. Bellevue, ID 83313

EXHIBIT

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: 0.18 cfs as was claimed, instead of 0.13 cfs as was recommended.
4. ☐ **Priority Date**
Should be: _____
5. ☒ **Point of Diversion**
Should be: T.01N R.18E Sec.2 Lot 2 SE ¼ NW ¼ NE ¼ instead of T.01N R.18E Sec.2 Lot 2 SW ¼ NW ¼ NE ¼.
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: 10 acres as was claimed, instead of 4.2 acres as was recommended.
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 place of use and historical aerial photos show irrigated acres exceed those recommended.

F. VERIFICATION (must be completed)

State of Idaho)
) ss.
County of Idaho)

Fritz X. Haemmerle, duly sworn, upon oath, deposes and says:

(Name of person filing objection)

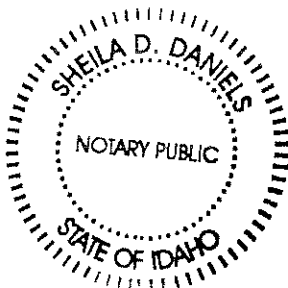
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Michelle M. Davis
(Signature of person filing objection)

L.R.C.
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

October 21, 2007



Sheila D. Daniels
Notary Public for
The State of Idaho
Residing at:
Twin Falls County
My Commission Expires:
Aug. 16, 2013

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 _____, 20____, 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: Christie A. Haugh

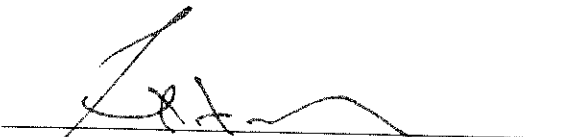
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United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

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