

DEPARTMENT OF
WATER RESOURCES

Client:871597.1

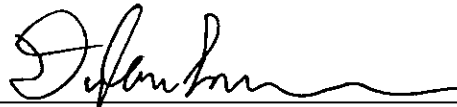
the SRBA. I have access to my firm's files that are pertinent to this matter, and I make this Affidavit based upon personal knowledge. This Affidavit supports the Tluceks' Motion to Amend Objection filed contemporaneously herewith.

2. Attached hereto as Exhibit A is a true and correct copy of the Tluceks' Notice of Claim to the Water Right in the SRBA. This Notice of Claim claims a diversion rate of 1.720 cubic feet per second ("cfs"), a total consumptive use of 301.0 acre-feet per annum ("AFY"), and an irrigated place of use of 86.0 acres.

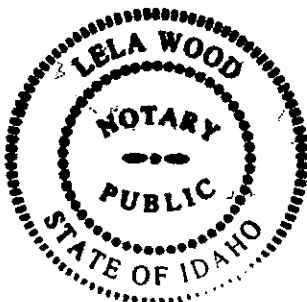
3. Attached hereto as Exhibit B is a true and correct copy of the Department of Water Resources' Director's Report recommendation for the Water Right. It recommends a diversion rate of 0.80 cfs, an annual diversion volume limitation of 220.60 AFY, and an irrigated place of use of 86.0 acres.

4. Attached hereto as Exhibit C is a true and correct copy of the Objection filed by the Tluceks' to the Department's recommendation of the Water Right. On page 2 of the Objection, the Tluceks assert that the quantity element for the Water Right should be 1.72 cfs and 301.0 AFY.

Further your affiant sayeth naught.


Dylan Lawrence

SUBSCRIBED AND SWORN to before me this 21st day of March, 2008.



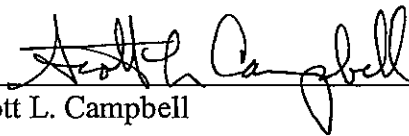

NOTARY PUBLIC FOR IDAHO
Residing at Boise
My Commission Expires 3-21-2012

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of March, 2008, I caused a true and correct copy of the foregoing **AFFIDAVIT OF DYLAN LAWRENCE IN SUPPORT OF MOTION TO AMEND OBJECTION** to be served by the method indicated below, and addressed to the following:

Director
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. Box 83720
Boise, ID 83720-0098
Fax: 208-287-6700

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile



Scott L. Campbell

EXHIBIT A

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Should questions arise during
the processing of this
application please contact:

SCOTT L. CAMPBELL
Elam, Burke and Boyd
P. O. Box 1539

Boise, ID 83701-1539
343-5454

Ident. Number: A63-23182

Date Received: 8/13/90

Receipt No: 2017992

Received By: J. Dawson

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JERRY L. TLUCEK 208-495-2550
Address: RT. 1
MELBA, ID 83641

AND/OR

Name: MARY LOU TLUCEK 208-495-2550
Address: RT. 1
MELBA, ID 83641

2. Date of Priority: ~~NOV 20, 1989~~ May 1, 1973

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Department of Water Resources

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	01W	22	SE	SE			ADA

5. Description of diverting works:

WELL, 385', 12", 100 HP VERT. TURB. PUMP, 8" LINE, 60 HP BOOSTER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.720		

7. Total Quantity Appropriated is:

1.720 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 301.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	01W	22	SE	SW		IRR	40.0

A63-23182

Page 1

Date: 07/31/90

RECEIVED
AUG 13 1990

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
2007 AUG 27 PM 9 17

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	01W	22	NE	SE		IRR	5.0
			NW	SE		IRR	40.0
			SW	SE		IRR	1.0
Section Acres							86.0
Total Acres							86.0

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A63-03174

14. Remarks: Claimant is relying upon Idaho Code section 42-1416(2) for expansion of A63-03174.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *Jimmy L. Juel* Date: 8/8/90
Mary Lou Juel Date: 8-8-90

State of Idaho

County of

Canyon

SS.

Subscribed and sworn (or affirmed) before me this 8th day

of

Aug.

19 90

Seal

Notary Public

Residing at

Melba

My Commission Expires

11-12-92

17. Notice of Appearance:

Notice is hereby given that I, Scott L. Campbell will be
Print Name

acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature

Scott L. Campbell

Address P.O. Box 1539, Boise, Idaho 83701-1539

Date

8/10/90

EXHIBIT B

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

RIGHT NUMBER: 63-23182

NAME AND ADDRESS: MARY LOU TLUCEK
15188 S CAN-ADA RD
MELBA ID 83641

JERRY L TLUCEK
15188 S CAN-ADA RD
MELBA ID 83641

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.800 CFS
220.60 AFY

This right when combined with Right No. 63-3174 shall provide no more than 1.85 cfs nor more than 513 AF per annum.

PRIORITY DATE: 05/01/1973

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF
DIVERSION:

T01N R01W S22 SESE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.800 CFS 220.60 AFY

PLACE OF USE:

IRRIGATION in ADA County

T01N R01W S22	SESW	40.00	T01N R01W S22	NESE	5.00
T01N R01W S22	NWSE	40.00	T01N R01W S22	SWSE	1.00

86 ACRES TOTAL

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

This right is based upon an enlargement of Right No. 63-3174 pursuant to Section 42-1426, Idaho Code.

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

EXHIBIT C

1996

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____
2007 JUN 19 AM 11 37

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 63-23182
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Jerry L. Tlucek and Mary Lou Tlucek

Address: 15188 S. Can-Ada Road

Melba, Idaho 83641

Daytime Phone: (208) 495-2034

Name & Address of Attorney, if any:

Scott L. Campbell

Moffatt Thomas

PO Box 829, Boise, Idaho 83701

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

Name: Jerry L. Tlucek and Mary Lou Tlucek

Address: 15188 S. Can-Ada Road

Melba, Idaho 83641

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: 1.72 cfs and 301.0 afa
4. ☒ **Priority Date**
Should be: Please see Attachment 1 hereto
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: Quantity should be 1.72 cfs and 301.0 afa
8. ☒ **Period of Year**
Should be: Quantity should be 1.72 cfs and 301.0 afa
9. ☒ **Place of Use**
Should be: Please 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):

Please see Attachment 3 hereto.

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Ada)

Scott L. Campbell

(Name of person filing objection)

, duly sworn, upon oath, deposes and says:

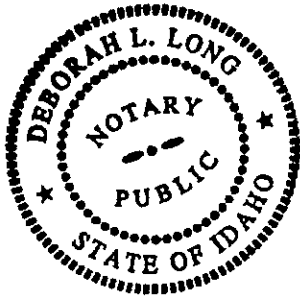
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Scott L. Campbell
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

6/19/07



Deborah Long
Notary Public for Idaho

Residing at: Boise

My Commission Expires: 10/10/07

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 19, 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: Jerry L. Tlucek and Mary Lou Tlucek
Address: 15188 S. Can-Ada Road
Melba, Idaho 83641

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 TO
STANDARD FORM 1 – OBJECTION
SUBCASE 63-23182**

Jerry and Mary Lou Tluczek are objecting to the following remark under Priority Date, as set forth in the Director's Report:

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decrees as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

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:

- 2 -

**ATTACHMENT 3 TO
STANDARD FORM 1 – OBJECTION
SUBCASE 63-23182**

Reasons Supporting Objection(s)

Quantity:

The claimed quantity of 1.72 cfs and 301.0 afy should be recommended in full, based upon historic diversion, delivery, and use by Jerry and Mary Lou Tlucek.

Priority Date:

There is no legal basis for inclusion of the enlargement remark.

Purpose and Period of Use:

The claimed quantity of 1.72 cfs and 301.0 afy should be recommended in full, based upon historic diversion, delivery, and use by Jerry and Mary Lou Tlucek.

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.