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AUG 25 2008

DEPARTMENT OF
WATER RESOURCES

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 22-00594, 22-13479
22-00265E, 22-04195
(Insert water right number)

STANDARD FORM 1
OBJECTION
Amended

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: George Brown, M. D.

Address: 1439 Cambridge Drive

Idaho Falls, Idaho 83401

Daytime Phone: 208-522-9552

Name & Address of Attorney, if any:

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

Name: DKJ Farms

Address: 665 Centennial Loop

Rexburg, Idaho 83440

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: _____
4. ☐ **Priority Date**
Should be: _____
5. ☒ **Point of Diversion**
Should be: at the point of diversion of the original rights of 22-265 and 22-594.
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. ☐ **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):** _____

See following pages _____

REASONS SUPPORTING OBJECTIONS

Rights 22-00265E, 22-00594, 22-04195, and 22-13479 approved after 1971 should not exist because of the Stream Channel Protection Act. Idaho Code 42-3801 through 3806.

DKJ Farms uses Idaho Code 42-1425 to support its water rights.

Idaho Code 42-1425 states that accomplished transfers are made (a) before the commencement of the SRBA and are made (b)"without compliance with the transfer provisions of sections 42-108 and 42-222, Idaho Code." Therefore, if a person does not file an application for transfer through IDWR, he is in compliance with part (b) of Idaho Code 42-1425.

Idaho Code 42-1425 does not apply to DKJ Farms because Jeppesens applied to IDWR for transfers. Therefore, Transfers 22-00265E, 22-00594, and 22-04195 approved through Idaho Code 42-1425 should not exist. If transfer 22-00265E does not exist, enlargement rights 22-13479 and 22-04195 through 22-00265E should not exist.

Numerous other breaches of duties and laws exist as well. Procedural due process under the Constitution by the Director to fail to personally notify objectors of future transfers when he knew of their vehement objections, failure to adequately consider written protests in future decision making, and failure of IDWR to protect fish and a stream, both being property of the State of Idaho exist.

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Bonneville)

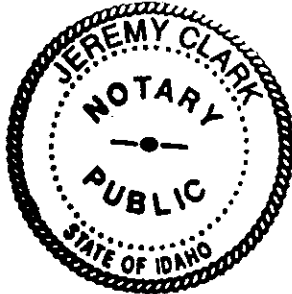
George Brown, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

George Brown
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: August 22, 2008



Jeremy Clark
Notary Public for Idaho
Residing at: 305 1st Street, Idaho Falls ID 83401
My Commission Expires: ~~My Commission Expires~~
08-20-2013

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 August 23, 2008, 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: DKJ Farms

Address: 665 Centennial Loop

Rexburg, Idaho 83440

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

George Brown M.D.
Signature of objector or attorney
mailing on Objector's behalf