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DEC - 9 2008

Department of Water Resources
Adjudication Bureau

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)

☒ Subcase 75-04496A
(insert water right number)

DOMESTIC AND
STOCK WATER RIGHT
OBJECTION

Please fill in the following information:

☒ NAME AND ADDRESS OF PERSON OBJECTING

Name: WILLIAM VERNON Bishop
Address: P.O. Box 236 (24 HULL CREEK ROAD)
NORTH FORK, IDAHO 83466
Daytime Phone: 208-865-2465

Name & Address of Attorney, if any:

NONE

☒ CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: MADELINE CAROL Bishop
WILLIAM VERNON Bishop
Address: 24 HULL CREEK ROAD (P.O. Box 236)
NORTH FORK, IDAHO 83466

 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: 0.40 CFS - SEE ATTACHED EXPLANATION
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.

 **REASONS SUPPORTING OBJECTION(S):** _____

PLEASE SEE ATTACHED (NEXT PAGE)

E. REASONS SUPPORTING OBJECTIONS:

I am only trying to eliminate conflicting information which has been listed on the partial decrees recently mailed to me. The instructions with the decrees instructed me to carefully check my partial decrees for errors and to contact the Idaho Department of Water Resources (IDWR) immediately if I found errors. I found errors and immediately contacted IDWR as instructed and spoke with Blake Jordan. Mr. Jordan agreed that the information listed on the decrees was conflicting, however, stated that the court had already ruled on the matter thus IDWR could do nothing about it. He stated I would have to submit this form to the court.

On December 6th, 2006, IDWR had a public meeting in Salmon, Idaho concerning the water rights in the Snake River Basin Adjudication. I attended that meeting and met with an IDWR's representative named Ken. We discussed both of my water rights (75-04494A and 75-04496A). On that date, it was agreed by myself and IDWR that each of my water rights should allow for a diversion rate of 0.40 CFS. This diversion rate was for the allowance of ditch loss due to approximately .5 miles of ditch going through an ancient gravel bar prior to reaching my property.

This diversion rate (0.40 CFS), for each of my water rights, was then immediately posted on the internet, as IDWR's recommendation throughout the 2007 calendar year and into 2008 when the court issued its partial decree. I received nothing further from IDWR. There were no objections filed for these water rights during any of the time set aside for such actions.

The recommendations for the 0.40 CFS remained on the partial decrees, as agreed, however some very conflicting wording also remained on the documents which leads one to believe the 0.40 CFS water diversion right is invalid:

On the partial decree, listed under the topic QUANTITY, one will note 0.40 CFS listed. This is correct, however, immediately following this quantification is the following statement: **Right Nos. 75-4494A and 75-4496A are limited to a total combined diversion rate of 0.20 cfs per acre.** I have 13 acres as is listed below on the decree. This statement limits me to a diversion rate of .26 cfs, not the 0.40 CFS which is first shown and was agreed upon by all involved. I request that this wording be changed to compliment the 0.40 CFS listed. **It should read Right Nos 75-4494A and 75-4496A are limited to a total combined diversion rate of 0.40 CFS.**

Copies of right Nos 75-4494A and 75-4496A are attached.



VERIFICATION (Must be Completed)

State of IDAHO

County of LEMHI)ss.

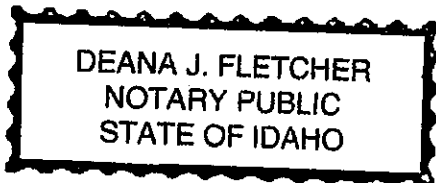
WILLIAM VERNON BISHOP duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

William Vernon Bishop
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 12-3-2008



Deana J. Fletcher
Notary Public for Salman Id
Residing at: Salman Id
My Commission Expires: 7-26-2010

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.



CERTIFICATE OF MAILING

I certify that on DECEMBER 3RD, 1998, 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:

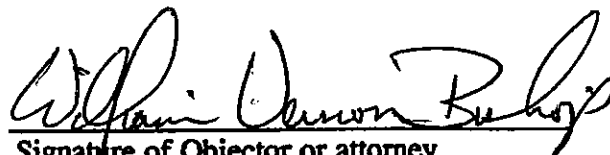
Name: MADLINE CAROL Bishop
WILLIAM VERNON Bishop
Address: 24 HILL CREEK ROAD
PO. BOX 236
NORTH FORK, IDAHO 83466

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

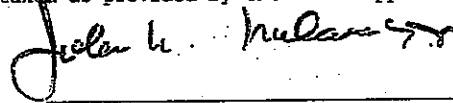
United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Signature of Objector or attorney
mailing on Objector's behalf

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Oct-27-2008

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 75-04494A

NAME AND ADDRESS: MADELINE CAROL BISHOP
WILLIAM VERNON BISHOP
24 HULL CREEK RD
PO BOX 236
NORTH FORK, ID 83466

SOURCE: NORTH FORK SALMON RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 0.40 CFS

Right Nos. 75-4494A and 75-4496A are limited to a total combined
diversion rate of 0.02 cfs per acre.
The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.

PRIORITY DATE: 04/01/1908

POINT OF DIVERSION: T25N R21E S28 NWSW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.38 CFS
	Stockwater	04-01 TO 10-31	0.02 CFS

PLACE OF USE:	Irrigation		Within Lemhi County
	T25N R21E S28	SWNW 4.5	NWSW 8.0
	S29	SENE 0.5	
	13.0 Acres Total		
	Stockwater		Within Lemhi County
	T25N R21E S28	SWNW	NWSW
	S29	SENE	

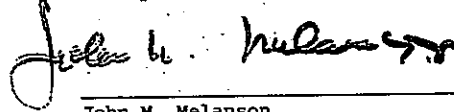
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



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Presiding Judge of the
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