

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 27-10028
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: BONNIE P. GARDNER
LEON J GARDNER
Address: 469 E. 400 N
BLACKFOOT, ID 83221
Daytime Phone: 208-709-1678

Name & Address of Attorney, if any:

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

Name: BONNIE P. GARDNER
LEON J GARDNER
Address: 469 E 400 N
BLACKFOOT, ID 83221

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** IRRIGATION 10.18 CFS 04/01 to 11/0
Should be: STOCKWATER 0.94 CFS 03/01 to 11/30
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
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: 136 ACRES
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): RECOMMENDED
ACRES & CFS IS INADEQUATE.

F.

VERIFICATION (must be completed)

State of IDAHO)

)ss.

County of BINGHAM)

BONNIE P GARDNER

LEON J GARDNER

(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.

* Bonnie P Gardner

* Leon J Gardner

(Signature of person filing objection)

(Attorney signing in representative capacity)

State of Nevada County of Nye

Subscribed and sworn to before me on: 20th January 2009



Machelle Lowery

Notary Public for Nevada

Residing at: Pahrump

My Commission Expires: 9/13/2010

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.

G. CERTIFICATE OF MAILING

I certify that on JAN 20th, 2009, 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:

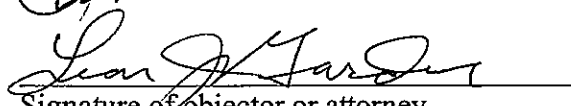
BONNIE P. GARDNER
Name: LEON J GARDNER
Address: 469 E 400 N
BLACKFOOT, ID 83221

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

REPORT OBJECTED TO

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

RECEIVED

JAN 23 2009

DEPARTMENT OF
WATER RESOURCES

RIGHT NUMBER: 27-10028
NAME AND ADDRESS: LEON J GARDNER
469 E 400 N
BLACKFOOT ID 83221
BONNIE P GARDNER
469 E 400 N
BLACKFOOT ID 83221

SOURCE: SAND CREEK TRIBUTARY: BLACKFOOT RIVER
QUANTITY: 2.020 CFS
PRIORITY DATE: 04/01/1901
POINT OF DIVERSION:

T02S R36E S14 NWNENE Within BINGHAM County
T02S R36E S14 NWNENE Within BINGHAM County
T02S R36E S14 SENWNE Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	2.020 CFS
STOCKWATER	03/01 11/30	0.940 CFS 8.40 AFY

PLACE OF USE: IRRIGATION in BINGHAM County

T02S R36E S14	NENE	9.60	T02S R36E S14	NWNE	22.00
T02S R36E S14	SWNE	11.00	T02S R36E S14	SENE	18.00

STOCKWATER same as IRRIGATION

60.6 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 60.6 acres in a single irrigation season. Combined Right Nos.: 27-10028 and 27-12013.

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

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

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Stockwater use is for 500 cow/calf pairs.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.