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JAN 28 2009

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)
_____)

A.

Subcase

36-16470 / 36-16471
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name:

Scott Earle

Address:

1127 East 2900 South
Hagerman, Id 83332

Daytime Phone:

208-404-4391

Name & Address of Attorney, if any:

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

Name:

Scott Earle

Address:

1127 East 2900 South
Hagerman, Id 83332

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: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: Domestic / Agricultural
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):** We have owned the property since 04/2008 before it went to court. It is entirely under sprinklers. We want our rights as we bought them. We irrigate the entire property.

F.

VERIFICATION (must be completed)

State of Idaho)
County of Booming) ss.

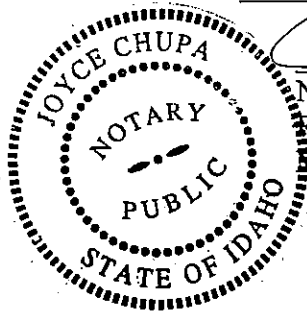
Scott A. Earle, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

[Signature]
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 1/24/09



Joyce Chupa
Notary Public for Twin Falls, Id
Residing at: Twin Falls
My Commission Expires: 2/8/12

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 1/26, 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:

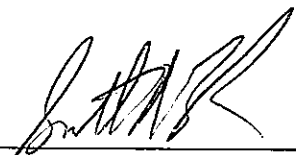
Name: _____
Address: _____

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

July 2, 2008

516 Hansen St. East
P.O. Box 1846
Twin Falls, ID 83303
Phone: 208.733.7180
Fax: 208.733.7967

jdmay@tflaw.com

J. Dee May
Jay D. Sudweeks
Bart D. Browning
J. Justin May
Hon. James J. May (of counsel)
J. Alfred May (1902-1985)

Boise Office
1419 W. Washington
Boise, ID 83702
Phone: 208.429.0905
Fax: 208.342.7278

Craig L. Saxton
Water Rights Supervisor
Adjudication Bureau
Idaho Department of Water Resources
P. O. Box 83720
Boise, ID 83707-9815

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JUL 08 2008

DEPARTMENT OF
WATER RESOURCES

RE: Paul Wilson SRBA Late Claim 36-16490 and 36-16491

Dear Mr. Saxton:

This letter is in response to your inquiries regarding the New International Mortgage Bank Decree along with a couple of other questions. You had asked me to clarify whether or not your assumption was correct that Mr. Wilson's claims were claims for a portion of the historically decreed water in the New International Mortgage Bank v. Idaho Power Company case. Your assumption is correct. It was our intent to claim portions of that historical water right #36-123 decreed in the New International Mortgage Bank Decree.

In that same letter to me you also suggested that perhaps there was an error in a transposition of the location description for the place of use. We had claimed the place of use as the NENW when in truth and fact the land owned by Mr. Wilson is in the NWNW. There was, in fact, an error in filing. It appears that the place of use is the NENW rather than the NWNW.

Because of that error I have, pursuant to your suggestion, signed and enclosed the Amendments showing the error.

I have also determined that there is only one house and one guest house. Therefore, there should be only one claim of a domestic use. We did not know under which water right it should be claimed. The purpose of putting it in both water right numbers was not to get more water right than Mr. Wilson was entitled to or to have a duplication, but we did not know under which right it should appropriately be claimed.

Your final question was whether or not either water right was a claim of domestic use for internal use. I am not sure what is meant by internal use. It would seem that the domestic use is for use on this specific piece of property and in that sense

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Craig L. Saxton
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it is an internal use. If there is a different definition that you are placing on internal use, could you please let me know what you are referring to so that we can appropriately answer that question?

Thanks again for your patience and, if there is anything further that we need to provide, please let me know.

Very truly yours,

MAY, SUDWEEKS & BROWNING, LLP



J. DEE MAY

JDM:mb
Enclosures
cc: Client
Rich Whitescarver

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