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FEB 20 2009

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)

A.)

Subcase

67-92

(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name:

Russell L. Chastain

Address:

PO Box 870 1496 Shaw Lane
Council, ID 83612

Daytime Phone:

208 741-2410

Name & Address of Attorney, if any:

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

Name:

The Delpha Hutchison Trust

Address:

PO Box 293

Council ID 83612-0093

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: 1905
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: _____
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):** Muir - Allison
decree clearly states this water right goes
to T15N R1W Sec 10 NW4NW4NW4 AND
supports the 1905 Priority date.

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.

County of Adams)

Russell L. Chastain, 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.

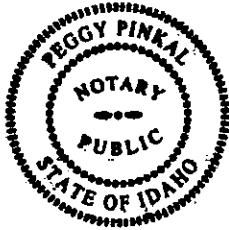
Russell L. Chastain
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

February 18th, 2009

Peggy Pinkal
Notary Public for Idaho
Residing at: Council, Id
My Commission Expires: 9-28-12



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 February 20 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: Russell L. Chastain
Address: PO Box 870 1496 Shaw Lane
Council, ID 83612

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

Russell L. Chastain
Signature of objector or attorney
mailing on Objector's behalf

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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

) Subcase Nos. 67-92
)
)
)
)
)
)
)

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT

The Delpha J. Hutchison Trust

OBJECTOR

Russell Chastain

Delpha J. Hutchison Trust
The Delpha J. Hutchison Trust

Date

Claimant/Pro Se

STANDARD FORM 5 - 67-92

Delpha J. Hutchison
TTE

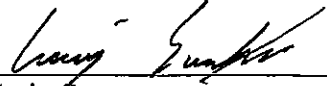
1/22/09

Russell Chastain
Russell Chastain

Date

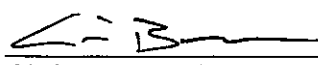
Objector/Pro Se

IDWR Concurrence:



Craig Saxton
IDWR Agent

1/27/09
Date



Chris M. Bromley
Deputy Attorney General

1/27/09
Date

CERTIFICATE OF MAILING

I certify that on Jan. 29, 2008, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

THE DELPHA J HUTCHISON TRUST
PO BOX 293
COUNCIL, ID 83612-0293

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

RUSSELL L CHASTAIN
1496 SHAW LN
PO BOX 870
COUNCIL, ID 83612

Deserae P. Kramer
Signature of person or attorney mailing the form

11/07/2008

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

RIGHT NUMBER: 67-92

NAME AND ADDRESS: THE DELPHA J HUTCHISON TRUST
PO BOX 293
COUNCIL ID 83612-0293

SOURCE: MIDDLE FORK WEISER RIVER

TRIBUTARY: WEISER RIVER

QUANTITY: 0.100 CFS

PRIORITY DATE: 05/01/1905

POINT OF
DIVERSION:

T15N R01W S14 NWNE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 10/31

0.100 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T15N R01W S10 NWNW 8.00

8 ACRES TOTAL

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 - Decreed

[Handwritten signature]

RC.

CB

CS

No. 1390

ABSTRACT OF TITLE

TO

S 1/2 of SE 1/4 Sec. 4.

NE 1/4 of NE 1/4 of Sec. 9.

SW 1/4 of SW 1/4 of Sec. 3.

T 15 N. R. 10 W. E. 1.

Situate in the County of Adams, State
of Idaho

FOR

JOHN R. TERN

Fees \$

COMPLETE ABSTRACTS OF TITLE TO ALL LANDS IN
ADAMS COUNTY, IDAHO

COMPILED BY

**Adams County Abstract &
Title Co.**

BONDED ABSTRACTERS

Council, Idaho

Council Valley Natl. Farm
loan Association, Council, Idaho

Date August 20th, 1919

RECEIVED

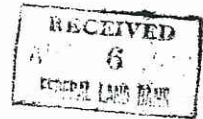
FEB 20 2003

DEPARTMENT OF
WATER RESOURCES

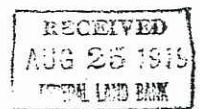
CAPTION

No. 1244

ABSTRACT OF TITLE



To the following described real estate, situated in Washington County, State of Idaho, and described as follows, to-wit:



The South half of the South-east quarter of Section Four (4),

The North-east quarter of the North-east quarter of Section Nine (9)
and The South-west quarter of the South-west quarter of Section Three,,
All in Township Fifteen, North of Range One west of the Boise Meridian,
and containing One Hundred and Sixty acres.

LOAN NO. 13633
ABSTRACT
TITLE POLICY
THE FEDERAL LAND BANK
OF SPOKANE

also Co

AUG 6 1919

FEDERAL LAND BANK OF SPOKANE	
DISTRICT NO. 12	
APPLICATION NO.	27266
LOAN NO.	
NAME	Jas R. Green (Green)
ASS'N	Council Valley
TO ABSTRACTOR: DO NOT REMOVE THIS SLIP	
AND RETURN WHEN COMPLETED TO	
FEDERAL LAND BANK	SPOKANE, WASH.



J. M. Harvey
Idaho

John T. Muir and Wm. H. Muir,
partners doing business
under firm name of
Muir Brothers, Plaintiffs.

D E C R E E.

State of Idaho in and for
Washington County.

— 23 — — vs. —

William Allison, et al,
Defendants.

This cause came on for hearing before the Court upon the report and findings of the referee filed herein this 9th day of May, 1919, the said hearing was upon motion to confirm the report and findings and that decree be entered in accordance with the findings and conclusions of law reported by the Referee, and after hearing counsel thereon and the Court being fully advised in the premises, it is hereby ordered and adjudged that the report of the Referee including findings of fact and conclusions of law be and the same is hereby approved and confirmed and by the court adopted as findings of fact and conclusions of law herein; and

It is further ordered, adjudged and decreed that the waters of the Weiser River and all of its tributaries be and the same are hereby decreed to the plaintiffs herein and to the various defendants and cross-complainants hereinafter named, in the following amounts and from the dates and in the order of priority hereinafter stated each inch of water as hereinafter stated being the equivalent of one-fiftieth of a cubic second foot flow, said waters to be diverted from the said Weiser River and its tributaries by the plaintiffs and defendants and cross-complainants hereinafter named and through the ditches and from the various tributaries of the said Weiser River hereinafter named.

WATER ALLOTMENTS CONTAINING NAMES OF PARTIES AMOUNTS
IN INCHES WITH DATES OR PRIORITY.

LOST CREEK STORAGE.	6250.	May 27, 1910.
A. L. Freehafer Lost Creek Storage.	360 acre Ft.	May 27, 1910.
J. A. Carr, Lost Creek Storage.	300 acre ft.	May 27, 1910
W. M. Bacus.	14	May 1, 1891.
Catherine Austin.	24	May 1, 1891
	24	May 1, 1901.
Ben Wooden.	30	May 1, 1894.
Henry Heimsoth.	13	May 1, 1900.

--- continued ---

No. 23. continued.

George Shaw	21	May 1, 1900.
William B. Shaw.	44	May 1, 1903.
John Sweringen	6	May 1, 1903.
Dave Duree	5	May 1, 1905.
C. E. Roper	7 1/2	May 1, 1911.

The said water allotted and decreed as aforesaid is for use upon the several tracts of land hereafter set forth following the name of the party to whom such allotment is made.

W. M. BACUS: The South half of the Southeast Quarter of Section 4, T. 15 N. R. 1 W. B. M.

(Instrument also describes other appropriations and
(lands) .

It is further ordered, adjudged and decreed that the foregoing allotments are made upon the basis of five-eighths ($5/8$) of an inch per acre or its equivalent in irrigating heads during the high water period with the gradual increase of duty to three-eighths ($3/8$) of an inch per acre or its equivalent in irrigating heads during the low water period which said amounts are hereby declared and decreed to be the duty of water during the high and low water periods, for the said Weiser River and its tributaries, and that said $3/8$ of an inch per acre or its equivalent in irrigating heads is the maximum duty of water for said river and its tributaries, and when ever the commissioner or other officer charged with the execution of this decree finds the water in said Weiser River insufficient to supply the allotments as hereinbefore made on the basis of $5/8$ of an inch per acre or its equivalent in irrigating heads, then and in that event the duty of water shall be gradually raised to $3/8$ of an inch per acre or its equivalent in irrigating head, then and in that event the duty of water shall be gradually raised to $3/8$ of an inch per acre or its equivalent in irrigating heads, and whenever the water in said stream or any of its tributaries shall prove insufficient to furnish each allotment aforesaid with the full amount of $3/8$ of an inch per acre as aforesaid measured at the various diversion points, then and in that event the last appropriator in point of time shall be denied the use of said water except however there has been allotted and is hereby decreed to the Weiser Irrigation District an additional quantity of water amounting to 1500 inches and not less than 1000 inches during the low water period for loss by seepage and evaporation between the diversion works of its canal and the head of the distributing laterals of its canal system.

--- continued ---