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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)

Case No. 39576)

A.)

Subcase 67-4166

(Insert water right number)

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: Russell L. Chastain
Address: PO Box 870 1496 Shaw Lane
Council, Id 83612

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)

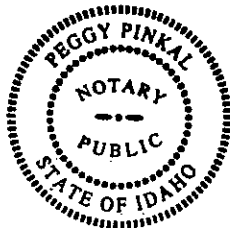
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Russell L. Chastain
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

February 18, 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:

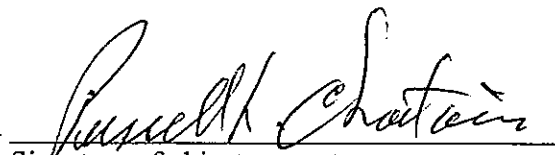
Name: Russell L. Chastain
Address: PO Box 870 1496 Shaw Lane
Council, Id 83612

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



Signature of objector or attorney
mailing on Objector's behalf

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DEPARTMENT OF
WATER RESOURCES

L E Thomas, Josephine Thompson, Harry Thompson, James M Thompson, Bert Townley, Harry Townley, and Chas Townley, a partnership doing business under the firm name and style of Townley Brothers, Walter Talbot, Frank Townley, Lorenzo Thompson, J F Thompson, Arthur Van Sicklin, Maude E Van Graven, W B Walker, John Walker, William Woodland, H W Wulff, Ollie Porter Wilde, Thos. Waldrop, J E Warren, Henry Witte, June Wilde, Frank Wiant, W C Wilson, Etta Wilson, Mary F Wilson, William J Wilburn, Clara Watson, W D Williams, Alex Watson, J D Watson, E Watkins, S S Weidner, George W Waters, ----- as administrator of the estate of Mary Williams, Fred J Rieger, F J Kiesel, T J Nelson and R L Lindley, co-partners doing business under the firm name of Rieger & Lindley, Robert Coulter, A H Keller and George Waters, co-partners doing business under the firm name of Coulter, Keller & Waters, Charles S Trinkle, Butterfield Livestock Company, a corporation, Council Mesa Orchards Company, a corporation, Galloway Live Stock Company, a corporation, the First National Bank of Caldwell, a corporation, The First National Bank of Vale, a corporation, Idaho State Life Insurance Company, a corporation, Jonathan Orchard Company, a corporation, Mesa Orchards Co., a corporation, Midvale Merchantile Co., a corporation, The Denbrae Sheep Company, a corporation, The Sunnyside Ditch Company, a corporation, The Water Storage Association, a corporation, Washington^{County} Land and Development Company, a corporation, Weiser City Ditch Water and Irrigation Company, a corporation, The Weiser National Bank, a corporation, Weiser Valley Land and Water Company, a corporation, the Village of Cambridge, a municipal corporation, Van Sicklin Sheep & Land Company, a corporation, Walter B Shaw and Lewis B Shaw, doing business under the firm name and style of Shaw Brothers, and ---- Pickett and ---- Pickett, the first names of each of said persons being unknown to plaintiffs, and doing business under the firm name of Pickett Brothers, S G Addington, American Mining Company, Limited; J W Andrew, Lewis Annai, Emma Arrington, Katherine R Austin, Wm Bacous, Frank Betzer, Ida Blanchard, Boise City National Bank, Mary A Bridgewood, E A Briggs, F E Brown, Canyon Abstract & Trust Company, Harrison Camp, W H Carlyle, M D Chaffee, J T Cole, Emma Cool, Fred Cool, Council Valley Orchards, Limited, A J Copenberger, John Darland, Nancy Davis, Mrs Marie H Dew, Byron Davis, Elizabeth Dickerson, B J Dillon, A J Duffus, W B Duncan, Dave Duree, J J Elliott, George T Ellis, Mrs. Thos. Evans, D J Farlien, W A Farlien, A E Falmley, C A Findels, E F Fisk, First Bank of Council, A L Freehafer, Administrator of the estate of Thomas Stutesman, P B Gaylord, Charles M Gilmer, Albert Gilmer, William Glenn, B H Goodell, S D Goshert, Matthew Goshgarden, Green Brothers, co-partners, ---- Green and ---- Green, Adolph Grossen, Frank Betzer, Administrator of the estate of R O Hall, G T Hamill, Soren Hanson, Jennie Harp, Hardy Harp, Lewis Harp, Robert Harrington, E Harvey, T M Hashberger, F H Hayner, Henry Heimsoth, Lee Hill, L D Hill, Frank Hagan, James A Houston, A E Houston, Mattie E Houston, Fred Jackson, John H. Johnson, J J Jones, J Q Kauffman, William Kauffman, Lewis Kesler, Rebecca Kesler, William Kesler, Mrs. H Ketchum, Janet Ketchum, Mattie M Keys, Mrs. Emilie Kinney, Frank E Litselman, F S Knight, M A Krigbaum, Mrs. Keith Lakey, Lawrence & Adams, co-partners, Jesse Lawrence and Clark Adams, C F Lappin, F H Longtree, J F Lowe, Mrs. J E Lowe, Mrs Fay McBriney, C A McDougall,

of the Southeast Quarter of Section 10; the North half_ and the East half of the Northeast Quarter of the Southeast Quarter of Section 21, the South half_ the North half of the Northeast Quarter and the North half of the Northwest Quarter of Section 16, the Southwest Quarter, the South half_ and the West half of the Northwest Quarter of Section 9; the East half; the North half of the Southwest Quarter of Section 8; the east half of the Southwest Quarter, the South half of the Northwest Quarter and the Northeast Quarter of the Northwest Quarter of Section 17; all of Section 20; the West half of the Southeast Quarter and the West half of the Northeast Quarter of Section 19; all in Township 15 North, Range 1 West, Boise Meridian, the West half of the Southwest Quarter, the Northeast Quarter of the Southwest Quarter, and the West half of the Southeast Quarter of the Southwest Quarter of Section 14; the Northwest Quarter of the Northwest Quarter of Section 23; the North half of the Northeast Quarter, the North half of the Southwest Quarter of the Northeast Quarter and the Northeast Quarter of the Northwest Quarter of Section 22; the South half, the Northwest Quarter, the South half of the Northeast Quarter, and the South half of the Northwest Quarter of the Northeast Quarter of Section 15, all in Township 15 North, Range 2 West Boise Meridian.

W. H. BACCHUS: The South half of the Southeast Quarter of Section 4, Township 15 North, Range 1 West Boise Meridian.

CATHERINE AUSTIN: The Southwest Quarter of Section 4, and the Northeast Quarter of the Southeast Quarter of Section 5, Township 15 North, Range 1 West Boise Meridian,

BEN WOODEN: The Northeast Quarter of Section Thirteen, the North half of the Northwest Quarter of Section 13, the Northeast Quarter of the Northeast Quarter of Section 14, and the Northwest Quarter of the Northeast Quarter of Section 14, Township 15 North, Range 1 West Boise Meridian.

HENRY HELMSOETH: The North half of the Northwest Quarter of Section 14, the South half of the Southwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 11, Township 15 North, Range 1 West Boise Meridian.

GEORGE SHAW: The Northwest Quarter of the Northeast Quarter and the Northeast Quarter of the Northwest Quarter of Section 10 and the East half of the Southwest Quarter of Section 3, all in Township 15 North, Range 1 West Boise Meridian.

WILLIAM B. SHAW: The Northwest Quarter of the Northwest Quarter of Section 11, the Southwest Quarter of the Southwest Quarter of Section 2, the North half of the Southeast Quarter of Section 10, the South half of the Northeast Quarter and the Northeast Quarter of the Northeast Quarter and the Southeast Quarter of the Northwest Quarter of Section 10, all in Township 15, North, Range 1 West Boise Meridian.

JOHN SWEARINGEN: The South half of the Southwest Quarter and the West half of the Southeast Quarter of Section 5, Township 15 North, Range 1 West Boise Meridian.

DAVE DUBER: The Northwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 10, Township 15 North, Range 1 West Boise Meridian.

C. E. ROBER: The East half of the Southwest Quarter and the Northwest Quarter of the Southeast Quarter of Section 12, Township 15 North, Range 1 West Boise Meridian.

OSCAR GILBERT: South half Northeast Quarter and Northwest Quarter Southeast Quarter, Section 25, Township 15 North, Range 1 West and Southeast Quarter Northwest Quarter, Section 30, Township 16 North, Range 1 East Boise Meridian (FW)

S A Moudy & E Hinkle	19	4.31		4.31
George Gould	89	20.20	18.69	1.51
Frank Hahn	190	43.13	40.00	3.13
Isaac McMahan	27	5.13	5.67	.46
Rollie A McMahan	36	8.17	7.56	.61
Samuel E McMahan	25	5.22	4.83	.39
Lester I McMahan	22	4.99	4.62	.37
William M Glenn	45	10.22	9.45	.77
George Robertson	35	7.95	7.35	.60
Lillian G Spofford	45	10.22	9.45	.77
Fruitvale Townsite Co	50	6.81		6.81
Phillip Walston	8	1.82	2.00	.18
C E Cox	21	.67		.67
A L Freehafer and Margaret Pike	35 40		17.03	10.29 6.74
S D Goshert	33	8.63	7.98	.65
G T Hammil	38	8.63	7.89	.65
E R Windes	155	35.19	22.00	13.19
First Bank of Council	5	1.14	1.00	.14
J J Jones	8	1.82	1.60	.22
T B Biggerstaff	45	9.22	7.00	2.22
Orchards Water Co	5500	794.50	560.00	234.50
A L Freehafer	360 A Ft	27.24	6.70	20.53
J A Carr	500 A Ft	22.70		22.70
W M Racous	14	3.18	2.50	.68
Catherine Austin	46	10.90	10.00	.90
Ben Wooden	30	5.80	5.10	1.70
Henry Heinsoth	13	2.93	3.00	.05
George Shaw	21	4.77	3.50	1.47
William B Shaw	44	9.99	6.90	3.09
John Sveringen	6	1.33	2.00	.64
Dave Duree	5	1.14	.70	.44
C E Roper	71	1.81	1.00	.81
James Harrell	120	27.24	12.00	15.24
Jacob Cornet	90	20.43	12.00	8.43
John Cornett	58	13.17	7.30	5.87
Oscar Gilbert	40	9.08		9.08
Jesse Buzzard	26	5.90	6.00	2.10
Hattie Gilbert	74	16.80	14.20	2.60
John Roberts	153	23.38	13.80	14.48
S L Goodwin	621	14.29		14.29
Samuel Woods	93	21.11	9.11	12.11
Mary E Tomlinson	50	11.35	10.50	.85
E W Tomlinson	55	13.49	12.55	.94
Sarah Yantis	40	9.08	8.40	.68
L A Spiva	10	2.27	2.10	.17

WARRANTY DEED

RECEIVED

FEB 20 2009

DEPARTMENT OF
WATER RESOURCES

For Value Received

ERMA L. SHAW, a Widow

The grantor, do es hereby grant, bargain, sell and convey unto

Calvin D. Chitwood and Charlotte J. Chitwood,

the grantee s, whose current address is Box 436 - Council, Idaho 83612

the following described premises, in Adams County Idaho, to-wit:

Township 15 North, Range 1 West, Boise Meridian
Section 10: A parcel of land in said Section and more
particularly described as being all that
part of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ lying West of U.S. Highway
95 (Highway Survey Project No. F3112-21) as now
established, and South of the former U.S.
Highway, now a county road, running from Council to
Mesa, as now established.

Together with 0.1 cfs of the Middle Fork Weiser
River, tributary to the Weiser River.

Erma Shaw, mother of Delpha Hutchinson, deeded
this property - With all water rights, to Chitwoods.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees
their heirs and assigns forever. And the said Grantor do es hereby covenant to and
with the said Grantee s, that she is the owner in fee simple of said premises; that they are free
from all incumbrances

and that s he will warrant and defend the same from all lawful claims whatsoever.

Dated: January 12, 1984

Erma L. Shaw

STATE OF IDAHO, COUNTY OF ACAMS

On this 12th day of January, 1984,
before me, a notary public in and for the said State, personally
appeared

Erma L. Shaw

known to me to be the person whose name
subscribed to the within instrument, and acknowledged to me
that she executed the same.

Notary Public
Idaho

Residing at Council
Comm. Expires 11/1984

STATE OF IDAHO, COUNTY OF Adams

I hereby certify that this instrument was filed for record at the
request of Adams County Abstract

at 16 minutes past 2 o'clock P.M.,
this 12th day of January
1984 in my office, and duly recorded in Book 37M
of Deeds at Page 135.

Michael Fisk

Ex-Officio Recorder

By Cheryl Ring Deputy.

Fees \$ 2.00
Mail to:

INSTRUMENT No. 67448

WARRANTY DEED

For Value Received CALVIN D. CHITWOOD AND CHARLOTTE J. CHITWOOD,
husband and wife

the grantors, do hereby grant, bargain, sell and convey unto

ARLO J. MANSOR and HELEN M. MANSOR,
husband and wife
the grantee, whose current address is 1496 Shaw Lane, Council, Idaho 83612

the following described premises, in Adams County, Idaho, to-wit:

Township 15 North, Range 1 West, Boise Meridian,

Section 10: A parcel of land in said Section and more particularly described as being all that part of the NW1/4NW1/4 Lying West of U.S. Highway 95 (Highway Survey Project No. F3112-21) as established January 12, 1984, and South of the former U.S. Highway 95, now a County Road, running from Council to Mesa, as established January 12, 1984.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that the owners in fee simple of said premises; that they are free from all incumbrances except for all easements of record, rights of way, matters visible, and all matters of record and title.

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: November 6, 1991

Calvin D. Chitwood
Calvin D. Chitwood

Charlotte J. Chitwood
Charlotte J. Chitwood

STATE OF IDAHO

COUNTY OF Adams

On this 6th day of November, in the year 1991, before me, a Notary Public, personally appeared CALVIN D. CHITWOOD and CHARLOTTE J. CHITWOOD known or identified to me to be the person whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Michael J. Fisk
Notary Public

Residing at Council, Idaho.
Commission expires: 10/7/94

STATE OF IDAHO, COUNTY OF ADAMS

I hereby certify that this instrument was filed for record at the request of Timberline Title & Escrow

at 40 minutes past 8 o'clock A.M.,
this 8 day of November
1991, in my office, and duly recorded in Book 43M
of Deeds at page 492

Michael Fisk

Ex-Officio Recorder

By

Fees \$ 3.00

Mail to:

Chicago Title Insurance
Company of Idaho

WARRANTY DEED

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DEPARTMENT OF
WATER RESOURCES

For Value Received, ARLO J. MANSOR and HELEN M. MANSOR, husband and

the grantors, do hereby grant, bargain, sell and convey unto
 RUSSELL L. CHASTAIN, an unmarried man, and VIVIAN SILVA, an unmarried woman, joint tenants

the grantees, whose current address is, P.O. Box 870, Council, ID 83612
~~10665 Wilton Road, Elk Grove, CA 95624~~

the following described premises, in Adams County, Idaho, to-wit:

SEE ATTACHED EXHIBIT "A" MADE A PART HEREOF.

TO HAVE AND TO HOLD THE said premises, with their appurtenances unto the said Grantees
 their heirs and assigns forever. And the said Grantors do hereby covenant to and with
 the said Grantees, that they are the owners in fee simple of said premises; that
 they are free from all encumbrances excepting for all easements of record, rights of way,
 matters visible, and all matters of record and title.

and that they will warranty and defend the same from all lawful claims whatsoever.

Date: December 6, 1996

Arlo J. Mansor
 ARLO J. MANSOR

Helen M. Mansor
 HELEN M. MANSOR

STATE OF Idaho)
) ss
 COUNTY OF Adams

STATE OF IDAHO, COUNTY OF ADAMS
 I hereby certify that this instrument was filed for record
 at the request of Timberline Title & Escrow

On this 6th day of Dec, in the year of 1996, before me
 a Notary Public, personally appeared
 ARLO J. MANSOR & HELEN M. MANSOR
 known or identified to me to be the persons whose names
 are subscribed to the within instrument, and acknowledged
 to me that they executed the same

at 20 minutes past 2 o'clock PM.
 this 10 day of Dec : 19 96 in my
 office, and duly recorded in Book
 of Deeds at page

Christy R. Davis
 Notary Public
 Residing at Frontier, Idaho
 Commission expires: 8/4/98

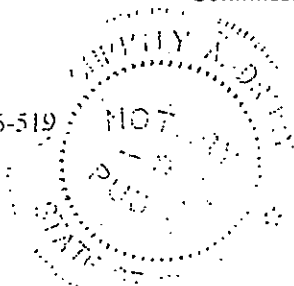
MICHAEL FISK
 Ex-Officio Recorder

By: Leggy Linkal
 Deputy

Fees \$ 6.00

Mail to: Timberline Title & Escrow

#96-519



Township 15 North, Range 1 West, Boise Meridian, Adams County, Idaho

Section 10: All that part of the NW1/4NW1/4 lying West of U.S. Highway 95 (Highway Survey Project No. FS112-21) as established January 12, 1984, and South of the former U.S. Highway 95, now a County Road, running from Council to Mesa, as established January 12, 1984.

SUBJECT TO THE FOLLOWING:

UNPATENTED MINING CLAIMS, water rights, claims or title to water.

RESERVATIONS contained in United States Patent Certificate No. 1148 recorded April 28, 1892 in Book of Cash Entries page 27.

POWER LINE EASEMENT granted to IDAHO POWER COMPANY recorded November 6, 1946 in Book 4M Misc. page 464.

RIGHT-OF-WAY for aerial tramway granted to DAVID W. VAN HOESEN and CHARLES P. SEYMOUR recorded August 14, 1919 in Book 7 Deeds pages 393 and 394.

RESERVATIONS in Deed granted to COUNTY OF ADAMS recorded November 7, 1940 in Book 17 Deeds page 133.

ANY RIGHTS, INTERESTS OR EASEMENTS in favor of the public which exist or are claimed to exist over any part of said land covered by the Middle Fork Weiser River.

ANY CLAIM arising from the difference in the mean high water line of the Middle Fork Weiser River and the meander line as shown by the original government survey.