

RECEIVED

SEP 25 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 75-5
(Insert Water Right Number)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Arrowhead Water District
Address: C/O Bob Kramer
54 Oliver Drive
Salmon, ID 83467
Daytime Phone:

Name and Address of Attorney, if any:

JERRY R. RIGBY
P.O. BOX 250
REXBURG, IDAHO 83440

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

Name: Arrowhead Water District
Address: C/O Bob Kramer
54 Oliver Drive
Salmon, ID 83467

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: 5.0
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: 370
10. ☒ **I object because:**

See Section E. REASONS SUPPORTING OBJECTIONS BELOW

E. REASONS SUPPORTING OBJECTION(S):

1. The Amended Director's Report has reduced both the quantity and place of use of Claimant's right based upon an incorrect claim and recommendation of lands claimed to be owned by Jon and Nancy Cummins outside of Claimant's rights. Jon and Nancy Cummins own rights less than the 41.7 recommended acres. The current ownership of the rights remains unclear and until said ownership is finally determined and the appurtenant water rights are finally resolved, the recommendation is in error.

2. Irrigated Acres of Jon and Nancy Cummins at the time certain lands were sold were greater than the SRBA court

should allow as to irrigated acres which in turn allows Cummings a larger place of use than should be allowed.

3. It was never the intent of Smedley and Duaine Johnson (D&D Concrete), purchasers of lands from Jon and Nancy Cummins, to own water rights separate from the original water rights deeded to Arrowhead to manage on behalf of the lands of its users. The intent was for Arrowhead to provide a "proportionate Share" of the Irrigation Water.

4. The recommended "proportionate share" of irrigation water for the Cummings is too high. The Cummings should only receive 11.9% of the proportionate share of the water.

F.

VERIFICATION (must be completed)

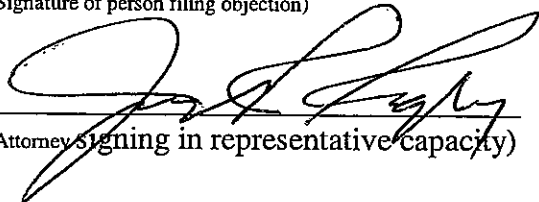
STATE OF IDAHO,)
 ss
County of Madison.)

Jerry R. Rigby, duly sworn, upon oath, deposes and says:

(Name of person filing objection)

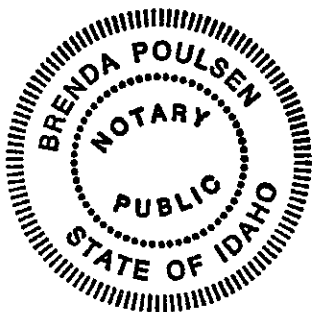
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objections, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)



(Attorney signing in representative capacity)

Subscribed and sworn before me on: September 23, 2009





Notary Public for Idaho
Residing at: Rigby
My Commission Expires: 8/9/2012

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filing 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 September 23, 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:

Arrowhead Water District
C/O Bob Kramer
54 Oliver Drive
Salmon, ID 83467
3. Copies to:
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

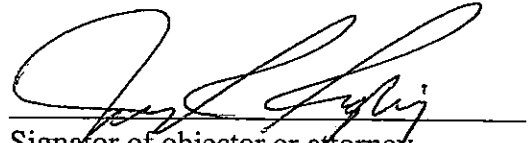
US Department of Justice
Environment & Natl' Resources
550 West Fort Street, MSC 033
Boise, ID 83724

Division of Natural Resources
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711

Jon Cummings
Nancy Cummings
P.O. Box 202
North Fork, ID 83466

City of Salmon
C/O Josephine Beeman
409 W. Jefferson St.
Boise, ID 83702

Edgar & Myrtle Edwards
C/O Randall C. Budge
P.O. Box 1391
Pocatello, ID 83204



Signator of objector or attorney
mailing on Objector's behalf