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DEPARTMENT OF
WATER RESOURCES

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Boise, Idaho 83702
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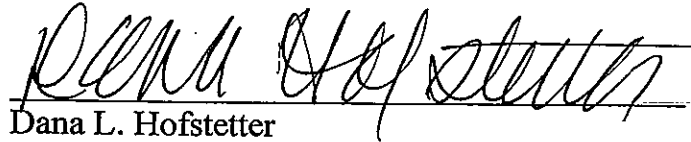
Attorney for
Indian Creek Ranch Owners Association, Inc.

**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	)	Subcase Nos. 37-296A, 37-717, 37-1216
	)	and 37-7854
	)	
Case 39576	)	INDIAN CREEK RANCH OWNERS
	)	ASSOCIATION, INC.'S MOTION
	)	TO AMEND OBJECTIONS
	)	
	)	
_____	)	

The Indian Creek Ranch Owners Association, Inc. ("ICROA") by and through its above-captioned counsel of record and pursuant to Rule 15 of the Idaho Rules of Civil Procedure, SRBA Administrative Order No. 1 and the Court's Scheduling Order hereby moves the Court for an Order granting amendment of its Objections in these Subcases. This Motion is supported by the Memorandum in Support of Motion to Amend Objections, the Affidavit of Dana L. Hofstetter in Support of Motion to Amend Objections and the record. The Amended Objections are attached hereto as Exhibits A, B, C, and D.

DATED this 27th day of August, 2010.

A handwritten signature in black ink, appearing to read "Dana L. Hofstetter", is written over a horizontal line.

Dana L. Hofstetter
Attorney for ICROA

CERTIFICATE OF SERVICE

I hereby certify that I caused to be served a copy of the foregoing document (including any attachments) this 27th day of August, 2010, by the pre-paid method(s) indicated below to:

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Document Depository
P.O. Box 83720
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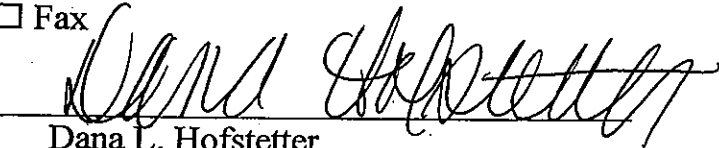
Craig Hobdey
P.O. Box 176
Gooding, Idaho 83330
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Patrick D. Brown
Hutchinson & Brown
104 Lincoln Street
P.O. Box 207
Twin Falls, Idaho 83303
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Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449
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United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724
☒ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

City of Hailey
115 S. Main Street #H
Hailey, Idaho 83333
☒ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax


Dana L. Hofstetter

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 37-296A

(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: Indian Creek Ranch Owners Association, Inc.

Address: P.O. Box 3411

Hailey, Idaho 83333

Daytime Phone: (208) 788-9887

Name & Address of Attorney, if any:

Dana L. Hofstetter

Hofstetter Law Office, LLC

608 West Franklin Street

Boise, Idaho 83702

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

Name: City of Hailey

Address: 115 S. Main Street #H

Hailey, Idaho 83333

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

- ☒ **General Provisions Basin 37, Part 3, General Provision 1, Attachment 1**
1. ☒ **Name and Address**
Should be: Disallowed if priority date not adjusted.
 2. ☒ **Source**
Should be: Disallowed or Indian Springs, only if priority date is adjusted to date of change in source to Indian Springs.
 3. ☒ **Quantity**
Should be: Disallowed or combined quantities with 37-7854 should be described, only if priority date is adjusted to date of change in source.
 4. ☒ **Priority Date**
Should be: Disallowed or date of change in source from Indian Creek to Indian Springs.
 5. ☒ **Point(s) of Diversion**
Should be: Disallowed if priority date is not adjusted.
 6. ☐ **Instream Flow Description**
Should be: _____
 7. ☒ **Purpose(s) of Use**
Should be: Disallowed if priority date is not adjusted.
 8. ☒ **Period of Year**
Should be: Disallowed or 4/15-10/31, only if priority date is adjusted.
 9. ☒ **Place of Use**
Should be: Disallowed if priority date is not adjusted.
 10. ☒ **Other Provisions**
Should be: Disallowed or right should be listed on Attachment 1 which is referenced in General Provision 1, if priority date is not adjusted.
 11. **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 OBJECTION(S):** The previously decreed right should be disallowed as change in source is not covered by accomplished transfer statute, or, in the alternative, the priority date should be the date of the beneficial use established at the new source. This right is only an irrigation season right. As described in the September 23, 1983 Agreement with the Indian Creek Ranch Owners Association, Inc., 37-7854 together with this right cannot exceed 2.62 cfs during the irrigation season without over appropriation of the resource. Indian Springs is tributary to Indian Creek which is a separate streams source based on the Frost Decree.

F. VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Ada)

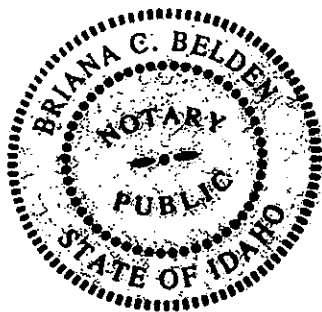
Dana L. Hofstetter, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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 of person filing objection)

Dana Hofstetter
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: August 27, 2010



Briana C. Belden
Notary Public for the State of Idaho
Residing at: Meridian
My Commission Expires: 01-16-2013

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 August 27, 2010, I filed the original with the SRBA Court and mailed copies of this Objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court (*via Hand Delivery*)
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:

City of Hailey
115 S. Main Street #H
Hailey, Idaho 83333

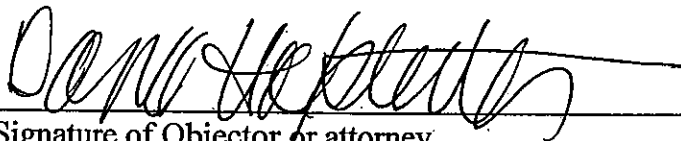
Patrick D. Brown
P.O. Box 207
Twin Falls, Idaho 83303-0207

3. Copies to:

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Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

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 37-1216

(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: Indian Creek Ranch Owners Association, Inc.

Address: P.O. Box 3411

Hailey, Idaho 83333

Daytime Phone: (208) 788-9887

Name & Address of Attorney, if any:

Dana L. Hofstetter

Hofstetter Law Office, LLC

608 West Franklin Street

Boise, Idaho 83702

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

Name: City of Hailey

Address: 115 S. Main Street #H

Hailey, Idaho 83333

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

- ☒ **General Provisions Basin 37, Part 3, General Provision 1, Attachment 1**
1. ☒ **Name and Address**
Should be: Disallowed to City of Hailey
 2. ☒ **Source**
Should be: Disallowed or Indian Springs, only if priority date is adjusted to date of change in source to Indian Springs.
 3. ☒ **Quantity**
Should be: Disallowed or combined quantity with 37-7854 should be described.
 4. ☒ **Priority Date**
Should be: Disallowed or date of change in source from Indian Creek to Indian Springs.
 5. ☒ **Point(s) of Diversion**
Should be: Disallowed
 6. ☐ **Instream Flow Description**
Should be: _____
 7. ☒ **Purpose(s) of Use**
Should be: Disallowed
 8. ☒ **Period of Year**
Should be: Disallowed or 11/1-4/14
 9. ☒ **Place of Use**
Should be: Disallowed
 10. ☒ **Other Provisions**
Should be: Disallowed or right should be listed on Attachment 1 which is referenced in General Provision 1.
 11. **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 OBJECTION(S):** The available deeds in the chain of title indicate that the City of Hailey does not hold title to this water right. The previously decreed right also should be disallowed as change in source is not covered by accomplished transfer statute, or, in the alternative, the priority date should be the date of the beneficial use established at the new source. This right is only a non-irrigation season right. The quantities diverted under this Right and 37-7854 are not additive. Indian Springs is tributary to Indian Creek which is a separate streams source based on the Frost Decree.

F.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Ada)

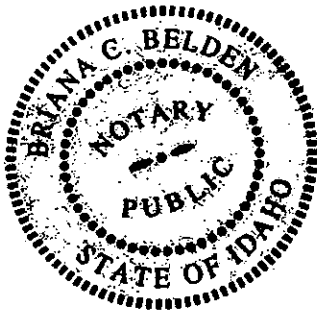
Dana L. Hofstetter, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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 of person filing objection)

Dana L. Hofstetter
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: August 27, 2010



Briana C. Belden
Notary Public for the State of Idaho

Residing at: 1116 2013rd Meridian
My Commission Expires: 01-16-2013

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 August 27, 2010, I filed the original with the SRBA Court and mailed copies of this Objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court (*via Hand Delivery*)
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

City of Hailey
115 S. Main Street #H
Hailey, Idaho 83333

Patrick D. Brown
P.O. Box 207
Twin Falls, Idaho 83303-0207

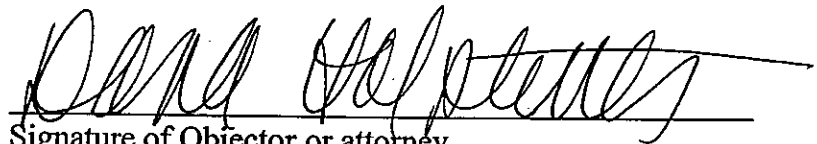
3. Copies to:

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PO Box 83720
Boise, ID 83720-0098

Craig D. Hobdey
P.O. Box 176
Gooding, Idaho 83330

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

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 37-717
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Indian Creek Ranch Owners Association, Inc.
Address: P.O. Box 3411
Hailey, Idaho 83333
Daytime Phone: (208) 788-9887

Name & Address of Attorney, if any:

Dana L. Hofstetter
Hofstetter Law Office, LLC
608 West Franklin Street
Boise, Idaho 83702

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

Name: City of Hailey
Address: 115 S. Main Street #H
Hailey, Idaho 83333



D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

- ☒ General Provisions Basin 37, Part 3, General Provision 1, Attachment 1
1. ☒ Name and Address
Should be: Disallowed to City of Hailey
 2. ☒ Source
Should be: Disallowed or Indian Springs, only if priority date is adjusted to date of change in source to Indian Springs.
 3. ☒ Quantity
Should be: Disallowed or combined quantity with 37-7854 should be described.
 4. ☒ Priority Date
Should be: Disallowed or date of change in source from Indian Creek to Indian Springs.
 5. ☒ Point(s) of Diversion
Should be: Disallowed
 6. ☐ Instream Flow Description
Should be: _____
 7. ☒ Purpose(s) of Use
Should be: Disallowed
 8. ☒ Period of Year
Should be: Disallowed or 11/1-4/14
 9. ☒ Place of Use
Should be: Disallowed
 10. ☒ Other Provisions
Should be: Disallowed or right should be listed on Attachment 1 which is referenced in General Provision 1 and remark should be added that use of this Right is allowed only when Big Wood River Right (37-28) is not able to be obtained per Frost decree.
 11. 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 OBJECTION(S): The available deeds in the chain of title indicate that the City of Hailey does not hold title to this water right. The previously decreed right also should be disallowed as change in source is not covered by accomplished transfer statute, or, in the alternative, the priority date should be the date of the beneficial use established at the new source. This right is only a non-irrigation season right. The quantities diverted under this Right and 37-7854 are not additive. Indian Springs is tributary to Indian Creek which is a separate streams source based on the Frost decree. Frost Decree conditions the use of this right to when 37-28 is not able to be obtained.

F. VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Ada)

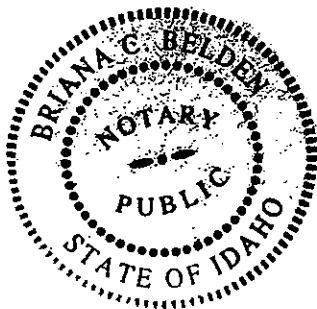
Dana L. Hofstetter, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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 of person filing objection)

Dana L. Hofstetter
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: August 27, 2010



Briana C. Belden
Notary Public for the State of Idaho
Residing at: *Meridian*
My Commission Expires: *01-16-2013*

INSTRUCTIONS FOR MAILING

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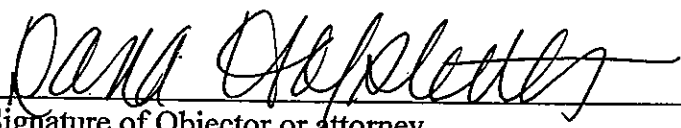
Patrick D. Brown
P.O. Box 207
Twin Falls, Idaho 83303-0207

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Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

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 37-7854
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Indian Creek Ranch Owners Association, Inc.
Address: P.O. Box 3411
Hailey, Idaho 83333
Daytime Phone: (208) 788-9887

Name & Address of Attorney, if any:
Dana L. Hofstetter
Hofstetter Law Office, LLC
608 West Franklin Street
Boise, Idaho 83702

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

Name: City of Hailey
Address: 115 S. Main Street #H
Hailey, Idaho 83333



D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

- ☒ **General Provisions Basin 37, Part 3, General Provision 1, Attachment 1**
1. ☐ **Name and Address**
Should be: _____
2. ☒ **Source**
Should be: Indian Creek Spring is a separate stream source.
3. ☒ **Quantity**
Should be: Combined quantities with 37-296A, 37-1216 and 37-717 should be described. September 29, 1983 Agreement terms should be included. Quantities are excessive based on available diversion records.
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☒ **Period of Year**
Should be: Combined quantity limitations with 37-296A, 37-1216, and 37-717 during non-irrigation and irrigation seasons should be described.
9. ☐ **Place of Use**
Should be: _____
10. ☒ **Other Provisions**
Should be: Right should be listed on Attachment 1 which is referenced in General Provision 1. The September 23, 1983 Agreement between the City of Hailey and the Indian Creek Ranch Owners Assn. and its terms should be referenced and described as necessary. Explanatory material should be moved to "Other Provisions." License conditions should be added.
11. **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 OBJECTION(S):** This right is subject to the September 23, 1983 Agreement with the Indian Creek Ranch Owners Association, Inc. Under the Agreement, 37-296A together with this right cannot exceed 2.62 cfs during the irrigation season and together with 37-1216 and 37-717 no more than, and perhaps less than, 3.38 cfs during the non-irrigation season. Indian Spring Creek is tributary to Indian Creek which is a separate streams source based on the Frost Decree. Quantities are excessive based on available diversion records.

F.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Ada)

Dana L. Hofstetter, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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Dana Hofstetter
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: August 27, 2010



Briana C. Belden
Notary Public for the State of Idaho
Residing at: Meridian
My Commission Expires: 01-16-2013

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PO Box 2707
Twin Falls, ID 83303-2707

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115 S. Main Street #H
Hailey, Idaho 83333

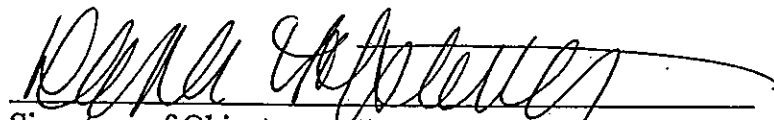
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Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf