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DEPARTMENT OF
WATER RESOURCES

Attorneys for Claimant and Objector
Pioneer Irrigation District

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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 No. 63-32580

MOTION TO AMEND OBJECTION

Pioneer Irrigation District, through undersigned counsel of record, hereby files this Motion to Amend Objection pursuant to SRBA Rule of Procedure 1 and Idaho Rules of Civil Procedure 7(b)(3) and 15(a). In short, Pioneer requests leave of the Court to file the amended objection attached hereto as Exhibit A, which would simply add an objection to the recommended priority date for the above-referenced water right. This motion is supported by a memorandum of law filed contemporaneously herewith.

Pioneer requests oral argument on this motion and is in the process of coordinating an acceptable hearing date and time with the Court.

DATED this 31st day of August, 2010.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By 
Dylan B. Lawrence – Of the Firm
Attorneys for Claimant and Objector
Pioneer Irrigation District

CERTIFICATE OF SERVICE

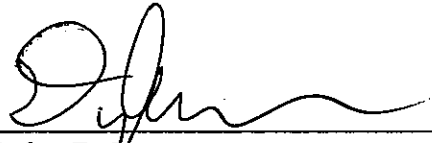
I HEREBY CERTIFY that on this 31st day of August, 2010, I caused a true and correct copy of the foregoing **MOTION TO AMEND OBJECTION** to be served by the method indicated below, and addressed to the following:

Director
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. Box 83720
Boise, ID 83720-0098

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Mason Creek Ditch Co.
Represented by:
Albert P. Barker
1010 W. Jefferson, Ste. 102
P.O. Box 2139
Boise, ID 83701-2139

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile



Dylan B. Lawrence

EXHIBIT A
TO MOTION TO AMEND OBJECTION

In Re SRBA Case No. 39576
Subcase No. 63-32580

**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 63-32580

(Insert water right number)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Pioneer Irrigation District

Address: P.O. Box 426

Caldwell, Idaho 83606

Daytime Phone: 208-459-3617

Name & Address of Attorney, if any:

Scott L. Campbell / Andrew J. Waldera

Moffatt Thomas Barrett Rock & Fields

P.O. Box 829, Boise, ID 83701-0829

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

Name: Mason Creek Ditch Company

Address: c/o Richard Bicandi

1905 Mason, Caldwell, Idaho 83605

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: Waste water remarks should be revised to more specifically identify source as waste water developed within the boundaries of Pioneer Irrigation District; and that such waste water is subject to the right of recapture by the District.

3. ☒ **Quantity**
Should be: No more than 0.02 cfs/acre or the duty of water actually proven; stacked right with no. 63-00179C currently yields in excess of 0.02 cfs per acre for irrigation purposes.

4. ☒ **Priority Date**
Should be: The evidence does not reasonably support a 1922 priority date or assigning that priority date to the entire recommended 17 cfs.

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): _____

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Ada)

Andrew J. Waldera

(Name of person filing objection)

, duly sworn, upon oath, deposes and says:

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)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: _____

Notary Public for Idaho

Residing at: Boise, Idaho

My Commission Expires: _____

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 _____, 2010, 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: Mason Creek Ditch Company c/o Richard Bicandi

Address: 1905 Mason
Caldwell, ID 83605

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