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DEPARTMENT OF
WATER RESOURCESIN 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 No. 75-2167

Case No. 39576

STANDARD FORM 1
OBJECTION

NAME AND ADDRESS OF PERSON OBJECTING

Name: City of Salmon

Address: 200 Main St.

Salmon, ID 83467

Daytime Phone: (208) 756-3214

Name & Address of Attorney:

Josephine P. Beeman
Beeman & Associates, P.C.
409 W. Jefferson Street
Boise, ID 83702
(208) 331-0950
(208) 331-0954 (fax)
jo.beeman@beemanlaw.com

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

City of Salmon
200 Main St.
Salmon, Idaho 83467

I object to the following elements as recommended in the Director's Report.

1. ☐ **Name and Address**

Should be: _____

2. ☒ **Source**

Should be: 1) Jesse Creek, Pollard Canyon Creek, and Chipps Creek. 2) Second paragraph should be deleted or revised to properly recognize the priority date of this right. 3) The third paragraph should be deleted.

3. ☒ **Quantity**

Should be: 1) The combined right diversion rate limit of 11.6 cfs should be deleted.

4. ☐ **Priority Date**

Should be: _____

5. ☒ **Point of Diversion**

Should be: The points of diversion, injection, and rediversion for Pollard Canyon Creek should be T21N R21E Section 10 NENE.

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.

REASONS SUPPORTING OBJECTIONS:

Objections to Source and Point of Diversion: Maintenance of historic distribution of water from Jesse Creek and tributaries requires recognition of Jesse Creek, Pollard Canyon Creek and Chipps Creek as the source of supply the City has relied upon for many decades. The City uses Jesse Creek to the extent water is available to satisfy demands under its rights in priority. Water available from Pollard Canyon Creek is then used as needed under its rights in priority before calling for water at its Chipps Creek diversion. The Director's Report for Right No. 75-2167 recognizes the City's historic practice of diverting first from Jesse Creek, then from Pollard Canyon Creek, and lastly from Chipps Creek, but then restricts the use of Pollard Canyon Creek or Chipps Creek when Jesse Creek alone cannot satisfy the City's rights in priority. This would occur because under the recommendation the City cannot divert water under Right No. 75-2167 from Pollard Canyon Creek or Chipps Creek when water rights with an equal priority date are fully divertable at the Farmers Ditch diversion. This is not consistent with historical practices and, since Farmers Ditch is downstream from the City's diversion on Jesse Creek, the City's Jesse Creek diversions may not satisfy the City's rights in priority because the City would be prevented from its historic practice of diverting available water from Pollard Canyon Creek and Chipps Creek. In addition the computation of water availability at the Farmers Ditch diversion should include all the water available at any given time from all three sources upstream of the Farmers Ditch. In contrast, Right No. 75-5 (Arrowhead Irrigation District) was recommended and Right No. 75-2 (Edwards) was partially decreed without limitations associated with changes to these rights following their original decrees.

Legal descriptions for points of diversion, redirection and injection for Pollard Canyon Creek:

Diversion: Township 21N Range 21E Section 10, NENE

Injection: Township 21N Range 21E Section 10, NENE

Rediversion: Township 21N Range 21E Section 10, NENE

Objections to Quantity: The recommended maximum diversion rate for the City is not accurate nor required. Water District 75A annual reports and other IDWR records document diversion rates to the City's water treatment plant exceeding the recommended combined diversion rate limit of 11.6 cfs. Diversion rates of more than 14 cfs were recorded by the watermaster (ref. Water District 75A 1987-1989 watermaster reports). IDWR calculated the system diversion capacity at approximately 20 cfs (Ref. January 30, 1996 IDWR field examination report for Permit No. 75-7563). IDWR's practice is to include a combined diversion limit only on the description of the most junior right, in this matter License No. 75-7563

Explanatory Material should be revised as follows: Use of water under this right will be administered during times of shortage by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this action, this water right is within State Water District 75A.

VERIFICATION

State of Idaho)
) ss.
County of Ada)

Josephine P. Beeman, duly sworn, upon oath, deposes and says:

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.

Josephine P. Beeman
Attorney for Objector

Subscribed and sworn to before me on: November 29, 2010



Amber Herriot
Notary Public for the State of Idaho
Residing at: Boise, Idaho
My Commission Expires: 10/30/2012

CERTIFICATE OF MAILING

I certify that on November 29, 2010, I mailed the original and copies of this Objection, including all attachments, to the following persons:

Original to: Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

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

City of Salmon

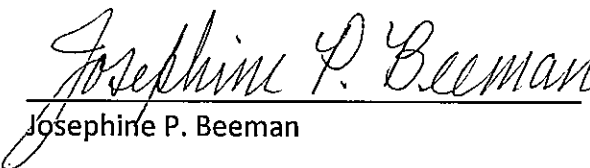
Copies to: IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

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Rexburg, ID 83440


Josephine P. Beeman