

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 34-10925

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Darrell E. McDonald and Norman K. Sowards
Address: c/o Darrell E. McDonald
P.O. Box 102
Arco, ID 83213
Daytime Phone: (208) 527-3413

Name & Address of Attorney, if any:
James P. Speck
SPECK & AANESTAD
A Professional Corporation
PO Box 987
Ketchum, ID 83340

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

Name: Charles B. Isom and Fern A. Isom
Address: 3199 W. 2200 N.
Arco, ID 83213

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: See below.

4. ☐ **Priority Date**
Should be:

5. ☒ **Point(s) of Diversion**
Should be: . See below.

6. ☐ **Instream Flow Description**
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 should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** See last page.

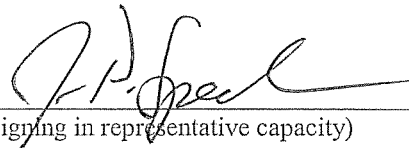
F. VERIFICATION (Must be completed)

State of Idaho)
) ss.
County of Blaine)

James P. Speck, being first duly sworn, upon oath, deposes and says:

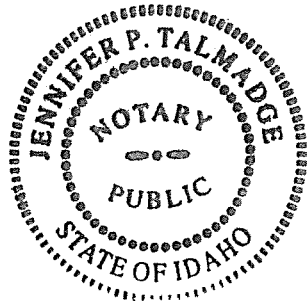
That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6), or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)



(Attorney signing in representative capacity)

Subscribed and sworn to before me on: March 29, 2011




Notary Public for Idaho
Residing at Ketchum, Id.
My Commission expires 2.9.15

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 of the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on March 29, 2011, 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
P. O. Box 2707
Twin Falls, Idaho 83303-2707

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

Name: Charles B. Isom and Fern A. Isom
Address: 3199 W. 2200 N.
Arco, ID 83213

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

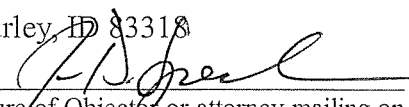
Mr. Robert L. Harris
Holden, Kidwell, Hahn &
Crapo, P.L.L.C.
P.O. Box 50130
1000 Riverwalk Dr., Suite 200
Idaho Falls, ID 83405

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

Mr. Paul Arrington
Barker, Rosholt & Simpson,
LLP
113 Main Ave. West, Suite 303
P.O. Box 485
Twin Falls ID 83303-0485

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734

W. Kent Fletcher
Fletcher Law Office
P.O. Box 248
Burley, ID 83318



Signature of Objector or attorney mailing on
Objector's behalf

Objection

Water Right Nos. 34-2459, 34-2460, 34-2461, 34-2462, 34-10925

Diversion Rate: The recommended diversion rate is inconsistent with the licensed diversion rate as follows:

Right	License	Recommendation	Increase
34-2459	714 AFY	833 AFY	119 AFY
24-2460	714 AFY	933 AFY	119 AFY
34-2461	357 AFY	416.5 AFY	59.5 AFY
34-2462	357 AFY	416.5 AFY	59.5 AFY
		TOTAL INCREASE	357 AFY

In addition, the license for water right 34-7037, issued on September 2, 1994 includes the following remark:

The combined annual volume of water under this right [34-7037] and Right Nos. 34-2459 /2460 /2461 /32462 /7138/ 10925 shall not exceed 6930.0 acre feet. (Emphasis added).

There is no justification for enlarging the combined diversion volume to 8441.5 AFY (an increase of 1511.5 AFY).

Point of Diversion: The accomplished transfer of these water rights to add two new wells will injure water rights in the area of the new wells. The Department should perform an injury analysis.