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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

A.

Subcase 22-13479

(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: George R. Brown

Address: 1439 Cambridge Dr.

Idaho Falls, ID 83401

Daytime Phone: (208) 522-9552

Name & Address of Attorney, if any:

Joseph F. Brown

4094 S. Federal Way K102

Boise, ID 83716

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

Name: DKJ Farm LLC

Address: 665 Centennial Loop

Rexburg, ID 83440

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: _____
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: _____
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): Please see next page.

Dr. Brown objects to Right 22-13479. Since the legal basis of Right 22-13479 is founded on Rights 22-2265E, 22-13987, and 22-13988, Right 22-13279 cannot exist if contested Rights 22-2265E, 22-13987, and 22-13988 are ruled to be invalid and void.

Originally, Right 22-265E was a transfer from Right 22-265. Right 22-265E was composed of Transfer Right 2034 and Transfer Rights 3002. Transfer Right 2034 allowed for irrigation of 85 acres and Transfer Right 3002 allowed for irrigation of 115 acres. Both transfer rights were approved pursuant to Idaho Code 42-222. The rate of diversion to these 200 acres was limited to 4 cfs after June 20.

In 2010, IDWR changed Transfer Right 2034 to Water Right 22-12987 and Transfer 3002 to Water Right 22-13988, both now pursuant to Idaho Code §42-1425. Two elements of water transfers under I.C. §42-1425 are that the transfers cannot damage existing rights or create an enlargement of the right. Further, I.C. §42-222 provides additional elements for water transfers: Transfers cannot cause harm to existing rights, cannot result in an enlargement, cannot result in a loss of public interest, and cannot violate conservation laws. In addition, Right 22-13479 was approved pursuant to I.C. §42-1426 resulting in an increased rate of diversion to 3.1 cfs. An element of I.C. §42-1426 is that the right cannot result in an enlargement.

Dr. Brown requests that the SRBA hear evidence regarding the legal significance of facts that occurred after IDWR approval. Dr. Brown intends to present evidence that his water rights have been harmed. He will also show that the transferred rights have resulted in an unlawful enlargement of the original water right and damaged the environment. SRBA will also need to decide water right issues that were not addressed by the IDWR, such as violations of conservation laws and loss of public interest, that have resulted from use and misuse of these water rights.

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Ada)

George R. Brown, 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)

George R. Brown
(Attorney signing in representative capacity)

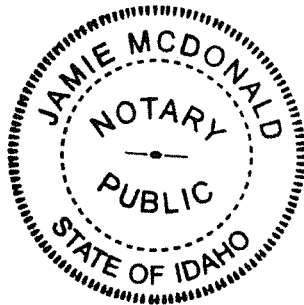
Subscribed and sworn to before me on: _____

September 1, 2011

Jamie McDonald
Notary Public for Boise, ID

Residing at: Boise, ID

My Commission Expires: 2-14-2014



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 September 1, 2011, I mailed the original and copies of this objection, including all attachments, to the following persons: Also included was Motion to Permit Late Filing of Objections:

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: Jerry R. Rigby for DKJ Farms, Woodmansee Johnson Canal Co, & Fremont Madison Irrig.
Address: P.O. Box 250
Rexburg, ID 83440

3. Copies to:

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

Barker, Rosholt & Simpson, LLP for
Milner Irrigation District
PO Box 485
Twin Falls, ID 83303

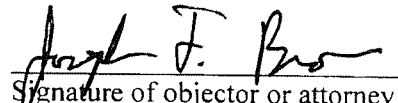
United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

C. Thomas Arkoosh for
American Falls Reservoir
PO Box 32
Gooding, ID 83330

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449

Randall C. Budge for
IGWA INC
PO Box 1391
Pocatello, ID 83204

W. Kent Fletcher for
Minidoka Irrigation District
P.O. Box 248
Burley, ID 83318



Signature of objector or attorney
mailing on Objector's behalf

Roger D. Ling for
A& B Irrigation District
Burley Irrigation District
PO Box 396
Rupert, ID 83350-0396

Travis L. Thompson for
North Side Canal Co LTD
Twin Falls Canal Company
PO Box 485
Twin Falls, ID 83303