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DEC 19 2007

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

Case No. 39576

A. Subcase 73-12089

STANDARD FORM 1  
OBJECTION

Please fill in the following information:

**B. NAME AND ADDRESS OF PERSON OBJECTING**

Name: Northwest Fidelity Trust

Address: P.O. Box 133  
May, ID 83253

Daytime Phone: (208) 726-4005

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: Northwest Fidelity Trust

Address: P.O. Box 133  
May, ID 83253

**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: Northwest Fidelity Trust, P.O. Box 133, May, ID 83253
2. ☒ **Source**  
Should be: Big Creek
3. ☒ **Quantity**  
Should be: 6.0 cfs
4. ☒ **Priority Date**  
Should be: June 4, 1921
5. ☒ **Point(s) of Diversion**  
Should be: T.13N., R.24E., Section 18, SESESW within Custer County, SWSESE and SESESE within Lemhi County
6. ☐ **Instream Flow Description**  
Should be:
7. ☒ **Purpose(s) of Use**  
Should be: Irrigation
8. ☒ **Period of Year**  
Should be: April 1 to October 31
9. ☒ **Place of Use**  
Should be: The orange cross hatched area depicted on Exhibit A consisting of a total of 234.6 acres.
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 OBJECTION(S):** This water right should be recommended pursuant to the amended claim filed in May, 2007, except the priority date, points of diversion and place of use should be as noted above.

F.

**VERIFICATION (Must be completed)**

State of Idaho            )  
                                  )       ss.  
County of Blaine        )

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

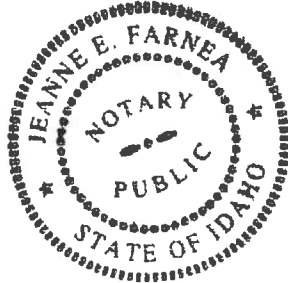
That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6), or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

\_\_\_\_\_  
(Signature of person filing objection)

*J. P. Speck*

\_\_\_\_\_  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: December 17, 2007



*Jeanne Farnea*  
\_\_\_\_\_  
Notary Public for Idaho  
Residing at Shoshone, Idaho  
My Commission expires 05/05/09

### 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 December 18, 2007, I ~~mailed~~ <sup>sent by courier</sup> 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: Northwest Fidelity Trust  
Address: P.O. Box 133  
May, ID 83253

3. Copies to:

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

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

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

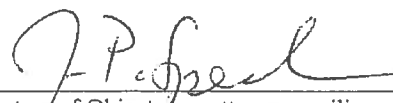
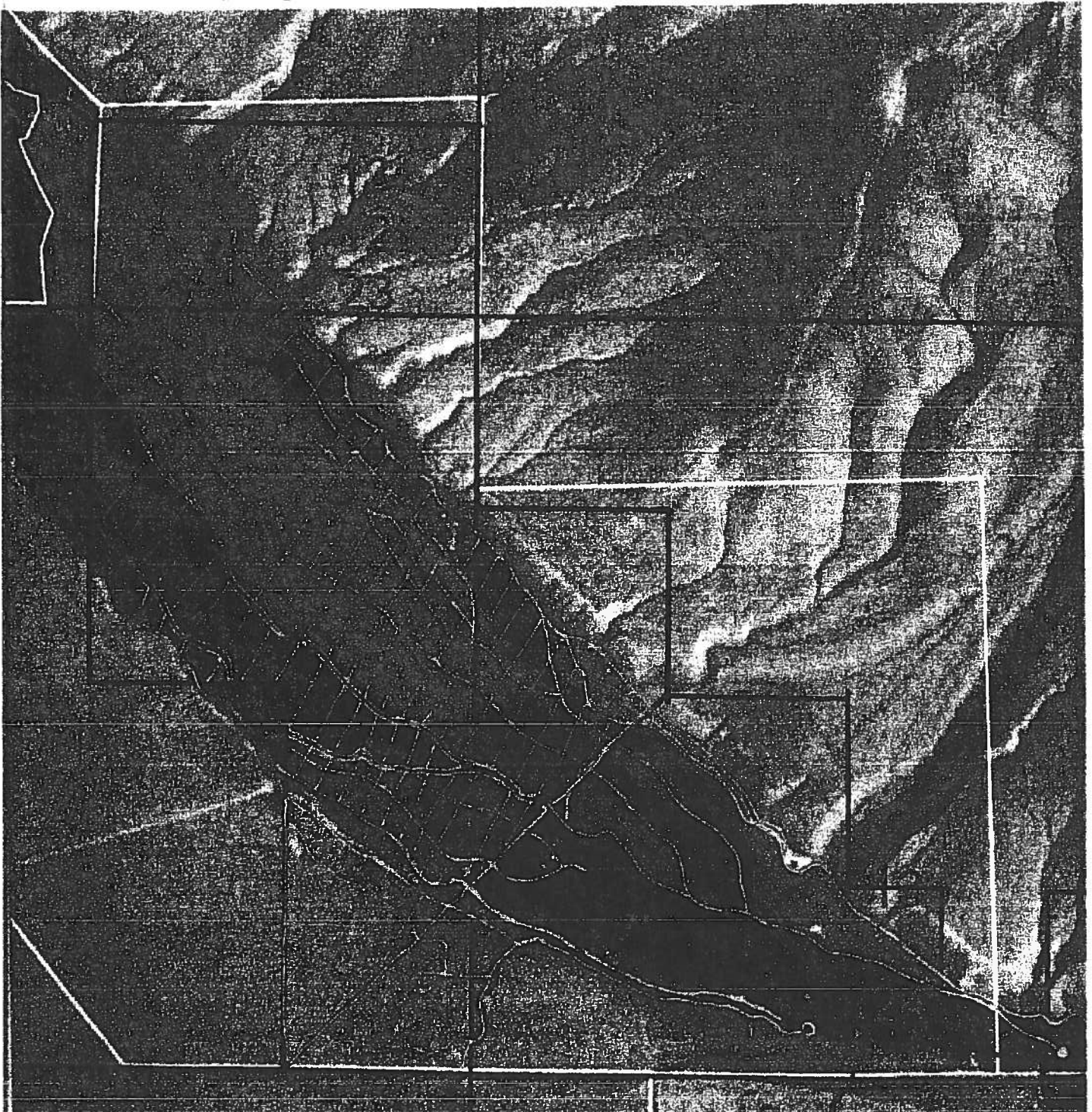
  
\_\_\_\_\_  
Signature of Objector or attorney mailing on  
Objector's behalf

EXHIBIT A  
OBJECTIONS TO 73-12050, 73-12056,  
73-12059, 73-12062 AND 73-12089

BIG CREEK



## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 73-12089 V1

WATER RIGHT NUMBER: 73-12089 V1

|                   |                                                                          |
|-------------------|--------------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                                  |
| Current Owner     | NORTHWEST FIDELITY TRUST<br>PO BOX 133<br>MAY, ID 83253<br>(208)726-2874 |

Priority Date: 04/01/1960  
Basis: Beneficial Use  
Status: Disallowed

|               |                  |
|---------------|------------------|
| <u>Source</u> | <u>Tributary</u> |
| BIG CREEK     | PAHSIMEROI RIVER |

|                       |                         |                       |                      |
|-----------------------|-------------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| IRRIGATION            | 03/15 to 09/01          | 6.000 CFS             |                      |
|                       | <u>Total Diversion:</u> | 6.000 CFS             |                      |

Location of Point(s) of Diversion

|              |                  |                                 |
|--------------|------------------|---------------------------------|
| BIG CREEK    | SE1/4SE1/4SE1/4  | Sec. 18, Twp 13N, Rge 24E, B.M. |
| LEMHI County |                  |                                 |
| BIG CREEK    | SE1/4SE1/4SW 1/4 | Sec. 18, Twp 13N, Rge 24E, B.M. |
| LEMHI County |                  |                                 |
| BIG CREEK    | SW 1/4SE1/4SE1/4 | Sec. 18, Twp 13N, Rge 24E, B.M. |
| LEMHI County |                  |                                 |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE   |      |     |      | NW |      |    |    | SW |      |    |    | SE  |    |      |    | Totals |
|-----|-----|-----|------|------|-----|------|----|------|----|----|----|------|----|----|-----|----|------|----|--------|
|     |     |     | NE   | NW   | SW  | SE   | NE | NW   | SW | SE | NE | NW   | SW | SE | NE  | NW | SW   | SE |        |
| 13N | 23E | 12  |      |      |     |      |    |      |    |    |    |      |    |    |     |    | 28.0 |    | 28.0   |
| 13N | 23E | 13  | 16.0 | 31.0 | 6.7 | 34.0 |    |      |    |    |    |      |    |    | 4.3 |    |      |    | 92.0   |
| 13N | 24E | 18  |      |      |     |      |    | 10.0 |    |    |    | 11.0 |    |    |     |    |      |    | 21.0   |
|     |     |     |      |      |     |      |    | L 2  |    |    |    | L 3  |    |    |     |    |      |    |        |

Conditions of Approval:

1. P25 Claim incomplete.
2. Priority date missing and support for additional flows were not supplied.

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommendation Report 73-12089 V1

Remarks:

Comments:

Dates and Other Information:

Decreed Date:  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
Defendant:  
Plaintiff:  
Civil Case Number:  
Judicial District:  
Notice of Error Flag:  
State or Federal:  
Owner Name Connector:  
Water District Number:  
Generic Max Rate Per Acre:  
Generic Max Volume Per Acre:  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Carey Act Number:  
Mitigation Plan: False

Combined Use Limits:

SubCase:

SubCase Number: 73-12089  
Class: 1  
SF5 Filed Date:  
Special Master Recom Signed Date:  
Attorney Assigned:  
Adjudication Agent: dshaff  
Basis of Claim: Beneficial Use  
Date Filed: 12/18/2007 Objection Status: Active

Water Supply Bank:

12/12/2006

IDAHO DEPARTMENT OF WATER RESOURCES  
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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RIGHT NUMBER: 73-12089

NAME AND ADDRESS: NORTHWEST FIDELITY TRUST  
PO BOX 133  
MAY ID 83253

DISALLOWED: No beneficial use found.

EXPLANATORY MATERIAL:

No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.



MARK C. BROWN  
BROKER

208-726-4005 • FAX 208-726-6278  
CORNER OF 1ST AVENUE AND 4TH STREET  
P.O. 5618 • KETCHUM, IDAHO 83340 • MARK@MARKCBROWN.NET

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Form No. 42-1409 (2) a 1/88 (Internet)

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 THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 73-12089

Date Received \_\_\_\_\_

Receipt Number \_\_\_\_\_

# NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Northwest Fidelity Trust Phone (208) 876 4304  
Mailing Address P.O. Box 133 MAY, IDAHO Zip 83253

2. Date of Priority (Only one (1) per claim) \_\_\_\_\_

3. Source of water supply (a) BIG CREEK  
which is tributary to (b) PAHSIMEROI RIVER

4. a. Location of existing point of diversion is: Township 13N Range 24E Section 18,  
SE 1/4 of SW 1/4 of SE 1/4, Govt. Lot, \_\_\_\_\_ B.M., County of Lemhi

Additional points of diversion if any: SE, NW, SW SEC 18 - Lemhi

b. If instream flow, beginning point of claimed instream flow is:

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ . \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,

Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ . \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_

\_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as  
constructed and as enlarged and the depth of each well.

TWO DIVERSIONS FROM  
BIG CREEK CONCRETE HEADGATES. CONCRETE HEADGATES  
CONSTRUCTED IN 1921

SE, NW, SW SECTION 18 - THE DIVERSION IS OLD IRON  
CULVERT WITH IRON AND BRASS HEADGATE

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 3/15 to 9/1 amount 3.0 or \_\_\_\_\_

For IRRIGATION purposes from 3/15 to 9/1 amount 3.0 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 6.0 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is \_\_\_\_\_ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) \_\_\_\_\_

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RNG | SEC | NE 1/4 |       |       |       | NW 1/4 |       |       |       | SW 1/4 |       |       |       | SE 1/4 |       |       |       | Totals |
|-----|-----|-----|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|
|     |     |     | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 |        |
| 13N | 24E | 13  |        | 20    | 30    | 40    | 40     |       |       |       |        |       |       | 30    |        |       |       |       | 160    |
| 13N | 24E | 12  |        |       |       |       |        |       |       |       |        |       |       |       |        | 30    |       |       | 30     |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated \_\_\_\_\_

11. In which county (ies) are lands listed above as place of use located? Lemhi & Custer

12. Do you own the property listed above as place of use? Yes X No \_\_\_\_\_  
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.  
73-12050 73-12056 - 73-12059 - 73-12062 or None ( )

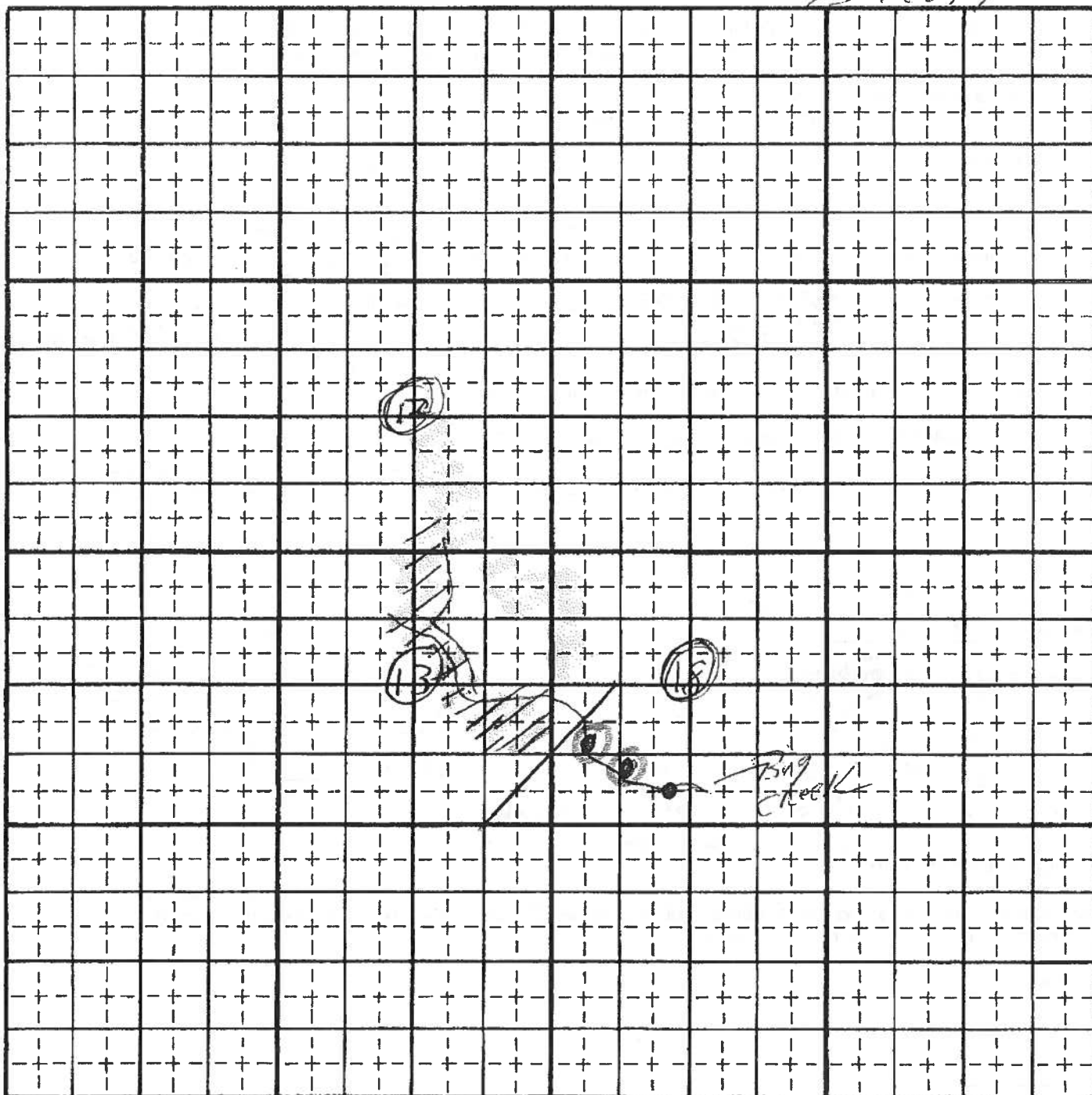
14. Remarks: This is a ranch that has historically relied on early season / high water runoff to replenish the soil & saturate the ground. This ranch is 100% flood irrigated.

Last Name Northwest Fidelity Trust Ident No. \_\_\_\_\_

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

SEE MAP  
73 12030, 73-12036,  
73-12059



PTS of diversion  
PTS of diversion - High water

Last Name \_\_\_\_\_ Ident No. \_\_\_\_\_

Place of use (Beneficial use)

15. Basis of Claim (check one) Beneficial Use \_\_\_\_\_ Posted Notice \_\_\_\_\_ License \_\_\_\_\_ Permit \_\_\_\_\_  
Decree \_\_\_\_\_  
If applicable provide IDWR Water Right Number \_\_\_\_\_  
Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_  
Plaintiff vs Defendant \_\_\_\_\_

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do X do not \_\_\_\_\_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 4

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) \_\_\_\_\_ Date \_\_\_\_\_  
\_\_\_\_\_ Date \_\_\_\_\_

For Organizations: I do solemnly swear or affirm that I am James E Cain (Trustee)

Title

of Northwest Fidelity Trust, that I have signed the foregoing

Organization

document in the space below as Trustee of Northwest Fidelity Trust

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent James E Cain

Title and Organization Northwest Fidelity Trust

Date Sept 27/06

State of Idaho/or Idaho )  
County of Blaine ) SS.

Subscribed and sworn to before me this

27

day of

Sept

2006

Notary Public Melody A. Mattson

Residing at Idaho, ID

My Commission Expires 4.3.2009

Please Print Name

Melody A Mattson

17. Notice of Appearance

Notice is hereby given that I, \_\_\_\_\_ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_

Last Name Cain Ident. Number \_\_\_\_\_

Northwest Fidelity Trust