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FEB 22 2013

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 72-16782
(Insert water right no.)

STANDARD FORM 1 OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: David Wayne and Melodie L. Baker

Address: HC 68 Box 304
Clayton, Idaho 83227

Daytime Phone: 208-838-2440

Name & Address of Attorney, if any:
Daniel V. Steenson (4332)
Sawtooth Law Offices, PLLC
P.O. Box 7985
Boise, ID 83707
(208) 629-7447

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

Name: David Wayne and Melodie L. Baker
Address: HC 68 Box 304
Clayton, Idaho 83227

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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: 52.86 cfs as claimed. There should be a remark under "Quantity" describing a combined diversion rate of 15.00 cfs for the East Fork-3 diversion. The fourth recommended remark regarding diversion rates should be deleted.
4. ☐ **Priority Date**
Should be: _____
5. ☒ **Point(s) of Diversion**
Should be: The points of diversion should include T10N, R18E, S12, SWNE for the East Fork-3 diversion, as claimed. See amended claim.
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: The Place of Use should include the lands in T11N, R18E, S35, that are irrigated from the East Fork-3 diversion described in water right nos. 72-224 and 72-225.
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.

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E. REASONS SUPPORTING OBJECTION (S): (1) The recommendation does not include the quantity of water, point of diversion or place of use claimed for the East Fork-3 diversion, apparently because the lands irrigated from the East Fork-3 diversion were not included in item number 10 of the claim form describing the place of use. This was a clerical error by the claimants. Nonetheless, the quantity of water, point of diversion and previously-decreed water rights diverted through East Fork-3 are identified in the claim form, and the East Fork-3 place of use is identified in "Exhibit B" attached to the claim form to provide a "map of the project" showing the point of diversion and place of use. In addition, IDWR unofficial copies of the partial decrees for water right nos. 72-224 and 72-225, identifying the 92.40 acre place of use irrigated from the East Fork-3 diversion, are attached to the Affidavit of David Wayne Baker in Support of Motion to File Late Notices of Claims. Pursuant to the recommendation of IDWR staff, claimants submit herewith an amended claim to ensure that claimed quantity of water, point of diversion, and place of use for the East Fork-3 diversion are included in the recommendation and decree for water right no. 72-16782. (2) The fourth recommended remark under "Quantity" regarding diversion rates is not necessary to define or administer the water right. The remark does not accurately reflect the claimant's diversion of water, is not consistent with law, and will unreasonably impair claimants' ability to properly irrigate the place of use. (3) The place of use should be consistent with the claimants' other water rights identified in the recommendation.

F. VERIFICATION (must be completed)

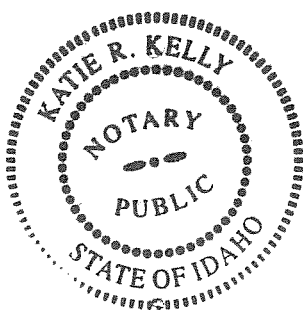
State of Idaho)
) ss.
County of Ada)

Daniel V. Steenson, 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.

Daniel Steenson
Daniel V. Steenson

Subscribed and sworn to before me on: February 20, 2013



Katie R. Kelly
Notary Public for Idaho
Residing at: Oasis, ID
My Commission Expires: 2/20/14

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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.

CERTIFICATE OF MAILING

I certify that on February 20, 2013, 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:

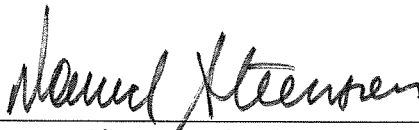
Name: David Wayne and Melodie L. Baker
Address: HC 68 Box 304
Clayton, Idaho 83227

3. Copies to:

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

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



Signature of Objector or attorney
mailing on Objector's behalf