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and John P. Demorest

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Department of Water Resources
Adjudication Bureau

12-12-94

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 the Rights to the Use of Water)
from the Snake River Drainage)
Basin Water System)

Case No. 34-10694

The State of Idaho, ex rel.)
R. Keith Higginson in his)
official capacity as Director)
of the Idaho Department of)
Water Resources,)

OBJECTION

Petitioner,)

vs.)

95-01-0114

The United States; the State)
of Idaho; and all unknown)
Claimants to the use of water from)
the Snake River Basin Water)
System,)

Respondents.)

INSTRUCTIONS

This form must be used to file an objection to any water right recommended in a Director's Report. You may object to one water right per objection form. The water right number you are objecting to must be indicated above in the blank space following "Case No." To object to more than one water right, you must file a separate objection form for each. Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce

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this blank form, as long as it is identical to the court's form. You must file your objection by the deadline shown in the notice that IDWR mailed to you. The objection must be received by the court on or before the deadline specified. Instructions for mailing this objection are found at Page 6, and must be strictly followed.

Any party physically filing 25 (twenty-five) or more objections must make an appointment with the Clerk of the Adjudication Court and arrange for an appointment to file multiple objections.

By filing an objection form, you are certifying that the objection is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Name Marcelle J. and Raymond E. Bright
 and John P. Demorest

Address: 1822 20th St.
 San Francisco, CA 94107

Briefly describe your interest in this water right:

Claimants have a valid water right for irrigation,
stock water and other beneficial use.

2. Owner of the water right:

Name: Marcelle J. and Raymond E. Bright
 and John P. Demorest

Address: 1822 20th St.
 San Francisco, CA 94107

3. If this objection is filed by an attorney:

Attorney Name: Ray W. Rigby

Attorney Address: 25 N. 2nd E.
 Rexburg, ID 83440

Attorney Phone No.: (208) 356-3633

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

II. STATEMENT OF THE OBJECTION

Please check each "box" which states your objection to the recommendation in the Director's Report.

1. ☒ Name and Address: I object to the name and/or address of the owner of the water right.
2. ☐ Source: I object to the source of water.
3. ☒ Quantity: I object to:
 - a. ☒ the total quantity of water used in cubic feet per second; or
 - b. ☐ the total quantity of water stored in acre-feet per year; or
 - c. ☐ the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☒ Priority Date: I object to the priority date.
5. ☐ Points of Diversion: I object to the legal description of the point(s) of diversion.
6. ☐ Instream Flow: I object to the legal description of the beginning and ending points of the instream flow.
7. ☒ Purpose(s) of Use: I object to the purpose(s) of use.
8. ☐ Period of Year: I object to the period of year when water is used or is necessary for the purpose stated.
9. ☐ Place of Use: I object to:
 - a. ☐ the legal description of the place of use; or
 - b. ☐ the number of irrigated acres within each forty (40) acre subdivision.

10. ☐ Consumptive Use: I object to the annual volume of consumptive use.
11. ☒ Remarks: I object to the "remarks" listed with the water right.
12. ☒ Water Right Recommendation: I object to:
- a. ☐ this water right being recommended at all; or
- b. ☒ this water right not being recommended.
13. ☐ Description of Reservation: I object to the legal description of the reservation.
14. ☐ Other: I objection to: _____

REASONS SUPPORTING EACH BOX CHECKED

In the space following, you must state the reason(s), by number, for each box checked. You may use additional pages if necessary.

See attached pages.

CHANGES TO THE DIRECTOR'S REPORT

Specifically described how you want the Director's Report to be changed. You may use additional pages if necessary.

The Director's Report should be changed so that it complies exactly with the original claim as filed by Claimants, with the name of the additional party and new address included.

Please note that you should attach copies of documents which support your objections. Note on each document the "box number" it supports.

☐ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary: _____

VERIFICATION (Must be Completed)

State of California

County of San Francisco

Raymond E. Bright _____, being first duly
(Name of person filing objection)
sworn, upon oath, deposes and says:

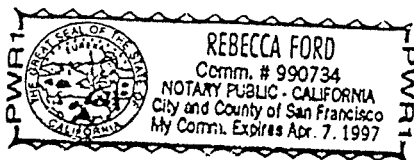
That I am the person or entity filing this objection, that I am a water claimant or party in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and belief.

Raymond E. Bright
Raymond E. Bright

Gregory W. Moeller
Gregory W. Moeller
of Rigby, Thatcher, Andrus
Rigby, Kam & Moeller, Chtd.

Subscribed and sworn to before me this 11th day of July, 1994.

Rebecca Ford
Notary Public for State of CA, County SF
Residing at: 1542 20th St SF CA 94107
My Commission expires: 4-7-97



INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted by the Clerk of the Court.** You must also send a copy to the owner of the water right, if other than yourself; to the Office of the Attorney General, State of Idaho; and to the United States Department of Justice, as set out below in the Certificate of Mailing. Finally, you must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I hereby certify that on the 20th day of July, 1994, I mailed the original and copies of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

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 owner of the water right, and you must fill in the following information:

Owner name: John P. Demorest

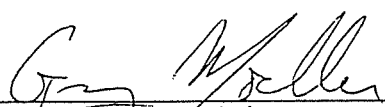
Address: 1822 20th St.
San Francisco, CA 94107

3. One copy to:

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

4. One copy to:

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

ADDITIONAL PAGES

REASONS SUPPORTING EACH BOX CHECKED.

1. Box 1 was checked because an owner of the property, John P. Demorest, was left off of the recommendation. His address is P.O. Box 1652, Sun Valley, ID 83353.

2. Box 3a was checked because the quantity of water was incorrectly reduced from 4.0 c.f.s. to .02 c.f.s. The 4.0 c.f.s. figure was reached from the combined totals of Case No. 00677 (1.6 c.f.s.) and Case No. 00675 (2.4 c.f.s.).

3. Box 4 was checked because the priority date for the 1.6 c.f.s. claimed in Case No. 00677 is 9-25-1912. This should be changed to reflect the date claimed in our initial filing.

4. Box 7 was checked because the initial recommendation totally disallowed this water right. It has since been changed to allow only for stock water. We object to this being limited to only stock water and believe that use for irrigation should still be allowed. Limiting the land to stock water may force the owners to subdivide the land and place culinary wells on it, which they currently do not wish to do.

5. Box 11 was marked because Claimants object to the remarks suggesting that this water right has been forfeited or abandoned. In fact, there has been some limited use of the water over the years. The land to which this water right claim attaches was the subject of some recent transfers which limited the owner's ability to use the property for only a short period of time.

6. Box 12b was marked because of the recommendation suggesting that the water rights had been forfeited and abandoned. Our objection to this is the same as mentioned in Case No. 34-10694. If Claim No. 34-10635, the water right claimed to the San Felipe Thousand Springs Waters has been treated differently from this claim, that is incorrect and needs to be remedied.

