

RECEIVED

NOV 16 1995

Department of Water Resources

Movant's Name:

City of Rupert, an Idaho municipal corporation

11-19

Attorneys' Names and Addresses:

Josephine P. Beeman

Dana L. Hofstetter

Dillion, Bosch, Daw & Bock, Chartered

242 N. 8th St., Suite 200

Boise, Idaho 83702

Telephone: (208) 344-8990

Facsimile: (208) 344-9140

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	)	Subcase Nos. 36-04075, 36-07863,
	)	36-07862, 36-07656 and 36-07115
Case No. 39576	)	
	)	MOTION FOR LEAVE TO FILE AMENDED
	)	CLAIMS OR IN THE ALTERNATIVE MOTION
	)	FOR LEAVE TO FILE LATE OBJECTIONS AND
_____	)	MEMORANDUM IN SUPPORT

DESCRIPTIVE SUMMARY

95-11-0027

This is a Motion for Leave to File Amended Claims or in the alternative Motion to File Late Objections in the above-referenced subcases by the City of Rupert, an Idaho municipal corporation. The Motion is supported by the attached Memorandum, the Affidavit of Brent E. Spronk (City of Rupert, Low Pressure Irrigation System), the Affidavit of Brent E. Spronk (City of Rupert, Potable Municipal System), the Affidavit of Josephine P. Beeman and the record before the Court and oral argument, if necessary.

MOTION FOR LEAVE TO FILE AMENDED CLAIMS OR IN THE
ALTERNATIVE MOTION FOR LEAVE TO FILE LATE OBJECTIONS
AND MEMORANDUM IN SUPPORT - 1

MOTION

Pursuant to SRBA Administrative Order 1, and Rules 15 (a), 55(c) and 60(a) of the Idaho Rules of Civil Procedure, the City of Rupert, an Idaho municipal corporation, by and through its counsel of record, Dillion, Bosch, Daw & Bock, Chartered, respectfully moves that the Court grant leave to file the eight (8) amended claims attached hereto as Exhibit A or in the alternative grant leave to file the five (5) objections attached hereto as Exhibit B.

MEMORANDUM

Rule 15(a), Idaho Rules of Civil Procedure, provides that leave to amend pleadings shall be freely given when justice so requires. The decision to grant permission to amend is in the sound discretion of the trial court. Payette Farms Company v. Conter, 103 Idaho 148, 645 P.2d 888 (1982); Sinclair Marketing, Inc. v. Siepert, 107 Idaho 1000, 695 P.2d 385 (1985). In the interest of justice, courts generally should favor liberal grants of leave to amend. Wickstrom v. North Idaho College, 111 Idaho 450, 725 P.2d 155 (1986). This Motion is being filed to amend certain priority dates for the City of Rupert's water rights. Since no additional water is being claimed, this Motion is best characterized as a motion to amend pleadings within the scope of Rule 15(a).

In the alternative, this Motion is based on the filing of objections to the recommended priority dates in the Director's Report. This Court has applied Rules 55(c) and 60(b), Idaho Rules of Civil Procedure, to motions to file late objections. Under Rules 55(c) and 60(b), the setting aside of an entry of default or of a default judgment are both within the sound discretion of the trial court and will not be reversed on appeal unless an abuse of discretion clearly appears. Clear Springs Trout Company v. Anthony, 123 Idaho 141, 143, 845 P.2d 559, 561 (1992); Newbold v. Arvidson, 105 Idaho 663, 664, 672 P.2d 231, 232 (1983). Judgments by default are not favored and there is a preference for setting them aside so that cases can be decided on the merits. Baldwin v. Baldwin, 114 Idaho 525, 528, 757 P.2d 1244, 1247 (Ct.

MOTION FOR LEAVE TO FILE AMENDED CLAIMS OR IN THE
ALTERNATIVE MOTION FOR LEAVE TO FILE LATE OBJECTIONS
AND MEMORANDUM IN SUPPORT - 2

App. 1988); Gro-Mor, Inc. v. Butts, 109 Idaho 1020, 1024, 712 P.2d 721, 725 (Ct. App. 1985). Even in doubtful cases, relief from a default is favored. Id.

The City of Rupert is an Idaho municipal corporation and the claimant of five municipal water rights in Reporting Area 3 (Basin 36) of the SRBA. Two of the City of Rupert's claimed water rights (nos. 36-04075 and 36-07863) are for its municipal low pressure irrigation system. The other three claimed water rights (nos. 36-07862, 36-07115 and 36-07656) are associated with the City's potable water system. This Motion solely seeks to correct the recommended priority dates for three of those water rights, nos. 36-04075, 36-07862 and 36-07115. No other elements of the claims or the Director's recommendations for those water rights are being amended or objected to. Changes are being sought to the remarks of the claims and the Director's Report for these three water rights as well as Rupert's two other claimed water rights, nos. 36-07863 and 36-07656, to ensure that the remarks for these water rights are consistent with the proposed priority date revisions. Since a unique water right number is assigned for each priority date, the proposed priority date changes will result in additional water right numbers being assigned to the City of Rupert. The existing remarks will need to be revised to reflect any water right numbers newly issued as a result of the proposed priority date changes.

The City of Rupert hired special water rights counsel earlier this year. Affidavit of Josephine P. Beeman. The special counsel along with Spronk Water Engineers undertook an extensive evaluation of historical records and data to establish and confirm appropriate priority dates for the City of Rupert's claimed water rights. As a result of those investigations, it has been determined that the priority dates in the Director's Report for some of Rupert's water rights are incorrect. Id., Affidavit of Brent E. Spronk (City of Rupert, Potable Municipal System) and Affidavit of Brent E. Spronk (City of Rupert, Low Pressure Irrigation System).

The analysis undertaken supports the following four water right priorities for two of the municipal potable system's water rights (nos. 36-07862 and 36-07115):

<u>(NEW) WATER RIGHT NO.</u>	<u>PRIORITY DATE</u>	<u>AMOUNT (CFS)</u>
36-15488	04-10-1913	0.67
36-15489	11-29-1917	2.95
36-15490	03-02-1939	2.67
36-07115	03-15-1970	0.88
TOTAL		7.17

Affidavit of Brent E. Spronk (City of Rupert, Potable Municipal System). This recommendation only affects the priority dates for water rights nos. 36-07862 and 36-07115. The City is not requesting that the priority date for the third potable municipal system water right (no. 36-07656) be changed. Further, no change in the total flow rate recommended for the potable municipal system is being requested. The four new priorities and associated flows added to the unchanged claim no. 36-07656 flow rate total 10.61 cubic feet per second, the overall water capacity of the City's potable municipal well system. This amount is the same combined flow recommended by the Director for the City's potable municipal well system. Id.

The proposed claims and objections reflect the recommended changes in priority dates for two of the potable municipal system water rights. Additionally, the proposed claims and objections indicate that the remarks need to be revised in light of the new water right numbers that will be assigned for the additional priority dates. Typically, an individual water right has only one priority date. Because the City is recommending the identification of additional priority dates, new water right numbers will need to be assigned. The remarks sections of the claims and the Director's recommendations will need to be revised to reflect the new water right numbers assigned to the City of Rupert.

With respect to the City's low pressure irrigation system's claim no. 36-04075, the investigation justifies the following priorities:

<u>(NEW) WATER RIGHT NO.</u>	<u>PRIORITY DATE</u>	<u>AMOUNT (CFS)</u>
36-15491	10-31-1934	6.00
36-15492	12-31-1955	27.00
	TOTAL	33.00

Affidavit of Brent E. Spronk (City of Rupert, Low Pressure Irrigation System). No amendment is requested for the second low pressure irrigation system municipal claim's (no. 36-07863) priority. However, again, revisions are suggested to the remarks in the claims and the Director's remarks to reflect the new water right numbers issued to the City of Rupert.

The recommended revisions and priority dates are supported by in depth technical and historical investigations and fundamental principles of water law. The suggested changes will help ensure that the City of Rupert will be able to continue to serve its population with potable water and will enable the City to continue to serve its municipal irrigation needs. Further, coming at this early stage in the proceedings, no prejudice will result to anyone if the Motion is granted; but prejudice to the City and its citizens will result if the Motion is denied.

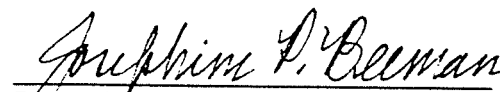
CONCLUSION

For the foregoing reasons, the Court should grant the City of Rupert's Motion for Leave to File Amended Claims or in the Alternative Motion for Leave to File Late Objections.

DILLION, BOSCH, DAW & BOCK.
CHARTERED

Dated: November 15, 1995

By:


Josephine P. Beeman

MOTION FOR LEAVE TO FILE AMENDED CLAIMS OR IN THE
ALTERNATIVE MOTION FOR LEAVE TO FILE LATE OBJECTIONS
AND MEMORANDUM IN SUPPORT - 5

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 15, 1995, I caused to be served a true copy of the foregoing document, by the method indicated below, and addressed to the following:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

U.S. Mail _____
Hand Delivered ✓
Fed. Express _____
Fax _____

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

U.S. Mail ✓
Hand Delivered _____
Fed. Express _____
Fax _____

Nicholas Spencer
Idaho Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706

U.S. Mail ✓
Hand Delivered _____
Fed. Express _____
Fax _____

United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSG 003
Boise, Idaho 83724

U.S. Mail ✓
Hand Delivered _____
Fed. Express _____
Fax _____

Josephine P. Beeman
Josephine P. Beeman

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: A36-15488
Date Received: / /
Receipt No: _____
Received By: _____

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

1. Name: CITY OF RUPERT 208-436-4900
Address: PO BOX 426
RUPERT ID 83350

2. Date of Priority: APR 10, 1913

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	24E	20	NE	SW	SE		MINIDOKA
		21	SW	SW	NW		MINIDOKA
		29	NW	NE	NE		MINIDOKA
			NE	NW	NE		MINIDOKA

5. Description of diverting works:
4 WELLS & PUMPS TO PIPELINE NETWORK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MUNICIPAL	01/01	12/31	0.670		

7. Total Quantity Appropriated is:
0.670 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
MUNICIPAL/WATER SYSTEM FOR CITY OF RUPERT

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
----------	-------	---------	--------	-----	-----	-----	-------

11. Place of use in counties:

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

14. Remarks:

PLACE OF USE IS LANDS WITHIN CITY LIMITS OF RUPERT.
RIGHTS LISTED BELOW ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF
DIVERSION OF THESE RIGHTS IS LIMITED TO 10.61 CFS. OTHER RIGHT
NOS.: 36-07115, 36-07656, 36-15489 AND 36-15490.

15. Basis of Claim: BENEFICIAL USE

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 _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of

Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

17. Notice of Appearance:

Notice is hereby given that I, Josephine B. Beeman will be
Print Name
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 Josephine P. Beeman

Address 242 N. 8th Street Boise, ID 83702

Date November 15, 1995

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: A36-15489

Date Received: / /

Receipt No: _____

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CITY OF RUPERT 208-436-4900
Address: PO BOX 426
RUPERT ID 83350

2. Date of Priority: NOV 29, 1917

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	24E	20	NE	SW	SE		MINIDOKA
		21	SW	SW	NW		MINIDOKA
		29	NW	NE	NE		MINIDOKA
			NE	NW	NE		MINIDOKA

5. Description of diverting works:
4 WELLS & PUMPS TO PIPELINE NETWORK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MUNICIPAL	01/01	12/31	2.950		

7. Total Quantity Appropriated is:
2.950 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
MUNICIPAL/WATER SYSTEM FOR CITY OF RUPERT

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
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11. Place of use in counties:

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

14. Remarks:

PLACE OF USE IS LANDS WITHIN CITY LIMITS OF RUPERT.
RIGHTS LISTED BELOW ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF
DIVERSION OF THESE RIGHTS IS LIMITED TO 10.61 CFS. OTHER RIGHT
NOS.: 36-07115, 36-07656, 36-15488 AND 36-15490.

15. Basis of Claim: BENEFICIAL USE

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 _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
_____, that I have signed the foregoing
document in the space below as _____ of
_____, and that the statements contained in the
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

17. Notice of Appearance:

Notice is hereby given that I, Josephine P. Beeman will be
Print Name

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 Josephine P. Beeman

Address 242 N. 8th St. Boise, Idaho 83702

Date November 15, 1995

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: A36-15490

Date Received: / /

Receipt No: _____

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CITY OF RUPERT
Address: PO BOX 426
RUPERT ID 83350
208-436-4900

2. Date of Priority: MAR 2, 1939

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	24E	20	NE	SW	SE		MINIDOKA
		21	SW	SW	NW		MINIDOKA
		29	NW	NE	NE		MINIDOKA
			NE	NW	NE		MINIDOKA

5. Description of diverting works:
4 WELLS & PUMPS TO PIPELINE NETWORK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MUNICIPAL	01/01	12/31	2.670		

7. Total Quantity Appropriated is:
2.670 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
MUNICIPAL/WATER SYSTEM FOR CITY OF RUPERT

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
----------	-------	---------	--------	--------	-----	-----	-------

11. Place of use in counties:

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

14. Remarks:

PLACE OF USE IS LANDS WITHIN CITY LIMITS OF RUPERT.
RIGHTS LISTED BELOW ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF
DIVERSION OF THESE RIGHTS IS LIMITED TO 10.61 CFS. OTHER RIGHT
NOS.: 36-07115, 36-07656, 36-15488 AND 36-15489.

15. Basis of Claim: BENEFICIAL USE

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 _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
document in the space below as _____ of
_____ and that the statements contained in the
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

17. Notice of Appearance:

Notice is hereby given that I, Josephine P. Beeman will be
Print Name

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 Josephine P. Beeman

Address 242 N. 8th St. Boise, Idaho 83702

Date November 15, 1995

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: A36-07656
Date Received: 8/21/1989
Receipt No: S008908
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: CITY OF RUPERT 208-436-4900
Address: PO BOX 426
RUPERT ID 83350

2. Date of Priority: SEP 18, 1962

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	24E	20	NE	SW	SE		MINIDOKA
		21	SW	SW	NW		MINIDOKA
		29	NW	NE	NE		MINIDOKA
			NE	NW	NE		MINIDOKA

5. Description of diverting works:
4 WELLS & PUMPS TO PIPELINE NETWORK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MUNICIPAL	01/01	12/31	3.440		

7. Total Quantity Appropriated is:
3.440 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
MUNICIPAL/WATER SYSTEM FOR CITY OF RUPERT

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
----------	-------	---------	--------	-----	-----	-----	-------

11. Place of use in counties:

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

14. Remarks:

PLACE OF USE IS LANDS WITHIN CITY LIMITS OF RUPERT.
RIGHTS LISTED BELOW ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF
DIVERSION OF THESE RIGHTS IS LIMITED TO 10.61 CFS. OTHER RIGHT
NOS.: 36-07115, 36-15488, 36-15489 AND 36-15490.

15. Basis of Claim: LICENSE

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 _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
_____, that I have signed the foregoing
document in the space below as _____ of
_____, and that the statements contained in the
_____ foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

17. Notice of Appearance:

Notice is hereby given that I, Josephine P. Beerman will be
Print Name

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 Josephine P. Beerman

Address 242 N. 8th Street Boise, ID 83702

Date November 15, 1995

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: **A36-07115**
Date Received: 8/21/1989
Receipt No: S008908
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: CITY OF RUPERT
Address: PO BOX 426
RUPERT ID 83350
208-436-4900

2. Date of Priority: MAR 15, 1970

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	24E	20	NE	SW	SE		MINIDOKA
		21	SW	SW	NW		MINIDOKA
		29	NW	NE	NE		MINIDOKA
			NE	NW	NE		MINIDOKA

5. Description of diverting works:
4 WELLS & PUMPS TO PIPELINE NETWORK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MUNICIPAL	01/01	12/31	0.880		

7. Total Quantity Appropriated is:
0.880 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
MUNICIPAL, CITY OF RUPERT

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
----------	-------	---------	--------	--------	-----	-----	-------

11. Place of use in counties:

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

14. Remarks:

PLACE OF USE IS LANDS WITHIN CITY LIMITS OF RUPERT.
RIGHTS LISTED BELOW ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF
DIVERSION OF THESE RIGHTS IS LIMITED TO 10.61 CFS. OTHER RIGHT
NOS.: 36-07656, 36-15488, 36-15489 AND 36-15490.

15. Basis of Claim: LICENSE

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 _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of

Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

17. Notice of Appearance:

Notice is hereby given that I, Josephine P. Beeman will be
Print Name

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 Josephine P. Beeman
Address 242 N. 8th Street Boise, ID 83702
Date November 15, 1995

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: A36-15491

Date Received: / /

Receipt No: _____

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CITY OF RUPERT
Address: PO BOX 426
RUPERT ID

208-436-4900

83350

2. Date of Priority: DEC 31, 1934

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	24E	20	SE	NW	NE		MINIDOKA
			SE	SE	NE		MINIDOKA
			NE	SE	SW		MINIDOKA
			SW	SE	SW		MINIDOKA
			SE	SE	SW		MINIDOKA
			NE	NW	SE		MINIDOKA
			SW	NW	SE		MINIDOKA
			SE	NW	SE		MINIDOKA
				SW	SE		MINIDOKA
			SE	SW	SE		MINIDOKA
			NE	SE	SE		MINIDOKA
		21	SW	SW	NW		MINIDOKA
			SE	SE	NW		MINIDOKA
		28	SW	NW	NW		MINIDOKA
			SW	SW	NW		MINIDOKA
		29	NE	NE	NE		MINIDOKA
			NW	NE	NE		MINIDOKA
			SE	NE	NE		MINIDOKA
				NW	NE		MINIDOKA
				SW	NE		MINIDOKA
			NW	SW	NE		MINIDOKA
			SW	SW	NE		MINIDOKA
			SW	SE	NE		MINIDOKA
			NE	NE	NW		MINIDOKA
			SW	NE	NW		MINIDOKA

4. Point of Diversion: Continued

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	24E	29	NW	SE	NW		MINIDOKA
			NE	NE	SE		MINIDOKA
			NE	NW	SE		MINIDOKA
			SW	NW	SE		MINIDOKA
			SE	NW	SE		MINIDOKA
			SE	NW	SE		MINIDOKA
			NW	SE	SE		MINIDOKA
			SE	SE	SE		MINIDOKA

5. Description of diverting works:

36 WELLS & PUMPS TO GRAVITY IRRIG. SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MUNICIPAL	04/01	10/31	6.000		

7. Total Quantity Appropriated is:

6.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

MUNICIPAL/CITY OF RUPERT

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
----------	-------	---------	--------	--------	-----	-----	-------

11. Place of use in counties:

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

14. Remarks:

2 POINTS OF DIVERSION LOCATED IN NESESW, S20, T09S, R24E.
 2 POINTS OF DIVERSION LOCATED IN SENWSE, S29, T09S, R24E.
 2 POINTS OF DIVERSION LOCATED IN SENWSE, S29, T09S, R24E.
 PLACE OF USE IS LANDS WITHIN CITY LIMITS OF RUPERT, IDAHO.
 USE OF THIS RIGHT WITH RIGHT NOS. 36-07863 AND 36-15492
 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 36.83 CFS AND
 TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 1080 AF.

15. Basis of Claim: BENEFICIAL USE

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 _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of

Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

17. Notice of Appearance:

Notice is hereby given that I, Josephine P. Beeman will be
Print Name
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 Josephine P. Beeman

Address 242 N. 8th St. Boise, ID 83702

Date November 15, 1995

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: A36-15492

Date Received: / /

Receipt No: _____

Received By: _____

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

1. Name: CITY OF RUPERT 208-436-4900
Address: PO BOX 426
RUPERT ID 83350

2. Date of Priority: DEC 31, 1955

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	24E	20	SE	NW	NE		MINIDOKA
			SE	SE	NE		MINIDOKA
			NE	SE	SW		MINIDOKA
			SW	SE	SW		MINIDOKA
			SE	SE	SW		MINIDOKA
			NE	NW	SE		MINIDOKA
			SW	NW	SE		MINIDOKA
			SE	NW	SE		MINIDOKA
				SW	SE		MINIDOKA
			SE	SW	SE		MINIDOKA
			NE	SE	SE		MINIDOKA
		21	SW	SW	NW		MINIDOKA
			SE	SE	NW		MINIDOKA
		28	SW	NW	NW		MINIDOKA
			SW	SW	NW		MINIDOKA
		29	NE	NE	NE		MINIDOKA
			NW	NE	NE		MINIDOKA
			SE	NE	NE		MINIDOKA
				NW	NE		MINIDOKA
				SW	NE		MINIDOKA
			NW	SW	NE		MINIDOKA
			SW	SW	NE		MINIDOKA
			SW	SE	NE		MINIDOKA
			NE	NE	NW		MINIDOKA
			SW	NE	NW		MINIDOKA

4. Point of Diversion: Continued

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	24E	29	NW	SE	NW		MINIDOKA
			NE	NE	SE		MINIDOKA
			NE	NW	SE		MINIDOKA
			SW	NW	SE		MINIDOKA
			SE	NW	SE		MINIDOKA
			SE	NW	SE		MINIDOKA
			NW	SE	SE		MINIDOKA
			SE	SE	SE		MINIDOKA

5. Description of diverting works:

36 WELLS & PUMPS TO GRAVITY IRRIG. SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MUNICIPAL	04/01	10/31	27.000		

7. Total Quantity Appropriated is:

27.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

MUNICIPAL/CITY OF RUPERT

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
----------	-------	---------	--------	--------	-----	-----	-------

11. Place of use in counties:

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

14. Remarks:

2 POINTS OF DIVERSION LOCATED IN NESES, S20, T09S, R24E.
 2 POINTS OF DIVERSION LOCATED IN SENWSE, S29, T09S, R24E.
 2 POINTS OF DIVERSION LOCATED IN SENWSE, S29, T09S, R24E.
 PLACE OF USE IS LANDS WITHIN CITY LIMITS OF RUPERT, IDAHO.
 USE OF THIS RIGHT WITH RIGHT NOS. 36-07863 AND 36-15491
 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 36.83 CFS AND
 TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 1080 AF.

15. Basis of Claim: BENEFICIAL USE

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 _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
_____, Title
and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

17. Notice of Appearance:

Notice is hereby given that I, Josephine P. Beeman will be
Print Name

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

Josephine P. Beeman

Address

242 N. 8th St. Boise ID 83702

Date

November 15, 1995

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: A36-07863
Date Received: 3/10/1992
Receipt No: S008908
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: CITY OF RUPERT
Address: PO BOX 426
RUPERT ID 83350
208-436-4900

2. Date of Priority: JUN 30, 1979

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	24E	21	NE	SW	NW		MINIDOKA
			SW	SW	NW		MINIDOKA
			SE	SW	NW		MINIDOKA
		29	NW	SW	NE		MINIDOKA
			SW	NW	SE		MINIDOKA

5. Description of diverting works:
5 WELLS AND PUMPS TO PIPELINE NETWORK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
MUNICIPAL	04/01	10/31	3.830		

7. Total Quantity Appropriated is:
3.830 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
MUNICIPAL/WATER FOR CITY OF RUPERT

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
----------	-------	---------	------------	-----	-----	-------

11. Place of use in counties:

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

14. Remarks:

2 POINTS OF DIVERSION LOCATED IN NESESW, S20, T09S, R24E.
2 POINTS OF DIVERSION LOCATED IN SENWSE, S29, T09S, R24E.
2 POINTS OF DIVERSION LOCATED IN SENWSE, S29, T09S, R24E.
PLACE OF USE IS LANDS WITHIN CITY LIMITS OF RUPERT, IDAHO.
USE OF THIS RIGHT WITH RIGHT NOS. 36-15491 AND 36-15492
IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 36.83 CFS AND
TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 1080 AF.

15. Basis of Claim: LICENSE

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 _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of

Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

17. Notice of Appearance:

Notice is hereby given that I, Josephine P. Beerman will be
Print Name

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 Josephine P. Beerman
Address 242 N. 8th St. Boise, ID 83702
Date November 15, 1995

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. 36-04075
	)	
Case No. 39576	)	
	)	STANDARD FORM 1
	)	
	)	
_____	)	OBJECTION

This form must be used to file an objection to any water right recommended in the Director's Report. You may object to one water right per objection form. To object to more than one water right, you must file a separate objection form for each. The water right number you are objecting to must be indicated above in the blank space following "Case No." Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce 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 on 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 SRBA Court no later than 14 days before the filing deadline to file their pleadings.

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 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. ***Party/Claimant Objecting***

Name: City of Rupert
Address: P.O. Box 426
Rupert, ID 83350
Phone: Work: (208) 436-4900 Home: N/A

Briefly describe your interest in this water right:

The City of Rupert is the owner of this water right.

If this objection is filed by an attorney:

Attorney Name: Josephine P. Beeman
Dana L. Hofstetter
Attorney Address: Dillion, Bosch, Daw & Bock, Chartered
Fidelity Building
242 N. 8th Street, Suite 200
Boise, Idaho 83702
Attorney Phone No: (208) 344-8990

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

2. ***Owner of the water right. You must identify the owner exactly as it appears in the Director's Report:***

Name: City of Rupert
Address: P.O. Box 426
Rupert, ID 83350

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 description of the annual volume of consumptive use.
11. **Water Right Recommendation:** I object to:
 - ☐ a. this water right being recommended at all, or
 - ☐ b. this water right not being recommended.
12. ☐ **Description of Reservation:** I object to the legal description of the reservation.

13. ☒ **Other:** I object to: Remarks

REASONS SUPPORTING EACH BOX CHECKED

You **must** state the reason(s) for **each** box checked. You may use additional pages, if necessary.

The recommended priority date does not reflect actual dates of beneficial use.

The remarks reference other City of Rupert water right numbers. New water right numbers may be issued as a result of changes in priority dates. The remarks need to be revised to reference any new water right numbers issued because of changes in priority dates for the City of Rupert's water rights.

CHANGES TO THE DIRECTOR'S REPORT

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

Water rights no. 36-04075 should be amended to provide the following two priority dates:

<u>Priority Date</u>	<u>Amount(cfs)</u>
10-31-1934	6.00
12-31-1955	27.00

The remarks should be revised to reference appropriate new water right numbers.

Note: You should attach copies of documents which support your objection. 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.

Affidavit of Brent E. Spronk (City of Rupert, Low Pressure Irrigation System)

VERIFICATION (Must be Completed)

State of Idaho
County of Ada

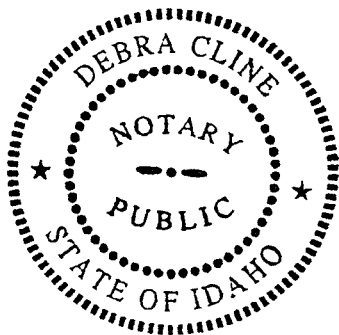
The City of Rupert, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection (as listed on Page 2, Section 2, "Party/Claimant Objecting") as defined by I.C. § 42-1401A(1) and (7), and that I have read this objection, know its contents and that the statements are true to the best of my knowledge and belief.

Signature of person filing objection

Josephine P. Berman
By: Attorney signing in representative capacity

Subscribed and sworn to before me on: November 15, 1995.



Debra L. Cline
Notary Public for IDAHO
Residing at: Caldwell, Idaho
My commission expires: 7/21/01

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 all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on November 15, 1995, I mailed the original and copies of the foregoing objection, including all attachments, to the following persons by mailing the original and/or 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 at the following address:

N/A

3. One copy to:

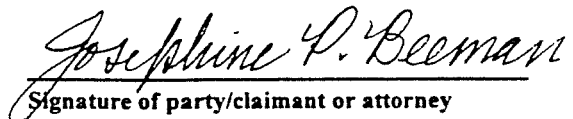
Chief of Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

4. One copy to:

Nicholas Spencer
Idaho Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706

5. One copy to:

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


Signature of party/claimant or attorney

E:\1778\4075.OBJ

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. 36-07863

Case No. 39576

STANDARD FORM 1

OBJECTION

This form must be used to file an objection to any water right recommended in the Director's Report. You may object to one water right per objection form. To object to more than one water right, you must file a separate objection form for each. The water right number you are objecting to must be indicated above in the blank space following "Case No." Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce 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 on 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 SRBA Court no later than 14 days before the filing deadline to file their pleadings.

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 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. ***Party/Claimant Objecting***

Name: City of Rupert
Address: P.O. Box 426
Rupert, ID 83350
Phone: Work: (208) 436-4900 Home: N/A

Briefly describe your interest in this water right:

The City of Rupert is the owner of this water right.

If this objection is filed by an attorney:

Attorney Name: Josephine P. Beeman
Dana L. Hofstetter
Attorney Address: Dillion, Bosch, Daw & Bock, Chartered
Fidelity Building
242 N. 8th Street, Suite 200
Boise, Idaho 83702
Attorney Phone No: (208) 344-8990

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

2. ***Owner of the water right. You must identify the owner exactly as it appears in the Director's Report:***

Name: City of Rupert
Address: P.O. Box 426
Rupert, ID 83350

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 description of the annual volume of consumptive use.
11. **Water Right Recommendation:** I object to:
 - ☐ a. this water right being recommended at all, or
 - ☐ b. this water right not being recommended.
12. ☐ **Description of Reservation:** I object to the legal description of the reservation.

13. ☒ **Other:** I object to: Remarks.

REASONS SUPPORTING EACH BOX CHECKED

You **must** state the reason(s) for **each** box checked. You may use additional pages, if necessary.

The remarks reference other City of Rupert water right numbers. New water right numbers may be issued to these water rights as a result of the proposed changes in priority dates. The remarks need to be revised to reference any new water right numbers issued because of changes in the priority dates for the City of Rupert's water rights.

CHANGES TO THE DIRECTOR'S REPORT

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

The remarks should be revised to reference appropriate new water right numbers.

Note: You should attach copies of documents which support your objection. 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.

Affidavit of Brent E. Spronk (City of Rupert, Low Pressure Irrigation System)

VERIFICATION (Must be Completed)

State of Idaho
County of Ada

The City of Rupert, duly sworn, upon oath, deposes and says:

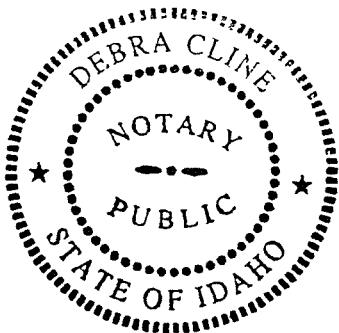
That I am the party/claimant filing this objection (as listed on Page 2, Section 2, "Party/Claimant Objecting") as defined by I.C. § 42-1401A(1) and (7), and that I have read this objection, know its contents and that the statements are true to the best of my knowledge and belief.

Signature of person filing objection

Josephine P. Beeman

By: Attorney signing in representative capacity

Subscribed and sworn to before me on: November 15, 1995.



Debra L. Cline

Notary Public for IDAHO
Residing at: *Caldwell*, Idaho
My commission expires: *7/21/01*

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 all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on November 15, 1995, I mailed the original and copies of the foregoing objection, including all attachments, to the following persons by mailing the original and/or 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 at the following address:

N/A

3. One copy to:

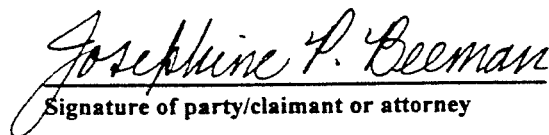
Chief of Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

4. One copy to:

Nicholas Spencer
Idaho Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706

5. One copy to:

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


Signature of party/claimant or attorney

E:\1778\7863.OBJ

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. 36-07862
	)	
Case No. 39576	)	
	)	STANDARD FORM 1
	)	
	)	
_____	)	OBJECTION

This form must be used to file an objection to any water right recommended in the Director's Report. You may object to one water right per objection form. To object to more than one water right, you must file a separate objection form for each. The water right number you are objecting to must be indicated above in the blank space following "Case No." Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce 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 on 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 SRBA Court no later than 14 days before the filing deadline to file their pleadings.

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 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. ***Party/Claimant Objecting***

Name: City of Rupert
Address: P.O. Box 426
Rupert, ID 83350
Phone: Work: (208) 436-4900 Home: N/A

Briefly describe your interest in this water right:

The City of Rupert is the owner of this water right.

If this objection is filed by an attorney:

Attorney Name: Josephine P. Beeman
Dana L. Hofstetter
Attorney Address: Dillion, Bosch, Daw & Bock, Chartered
Fidelity Building
242 N. 8th Street, Suite 200
Boise, Idaho 83702
Attorney Phone No: (208) 344-8990

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

2. ***Owner of the water right. You must identify the owner exactly as it appears in the Director's Report:***

Name: City of Rupert
Address: P.O. Box 426
Rupert, ID 83350

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 description of the annual volume of consumptive use.
11. **Water Right Recommendation:** I object to:
 - ☐ a. this water right being recommended at all, or
 - ☐ b. this water right not being recommended.
12. ☐ **Description of Reservation:** I object to the legal description of the reservation.

13. ☒ **Other:** I object to: Remarks

REASONS SUPPORTING EACH BOX CHECKED

You **must** state the reason(s) for **each** box checked. You may use additional pages, if necessary.

The recommended priority date does not reflect actual dates of beneficial use. The remarks reference other City of Rupert water right numbers. New water rights numbers may be issued as a result of proposed changes in priority dates. The remarks need to be revised to reference any new water right numbers issued because of changes in priority dates for the City of Rupert's water rights.

CHANGES TO THE DIRECTOR'S REPORT

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

Water right nos. 36-07862 and 36-07115 should be amended to provide for the following four water right priorities:

<u>Priority Date</u>	<u>Amount(cfs)</u>
04-10-1913	0.67
11-29-1917	2.95
03-02-1939	2.67
03-15-1970	0.88

The remarks should be revised to reference appropriate new water right numbers.

Note: You should attach copies of documents which support your objection. 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.

Affidavit of Brent E. Spronk (City of Rupert, Potable Municipal System)

VERIFICATION (Must be Completed)

State of Idaho
County of Ada

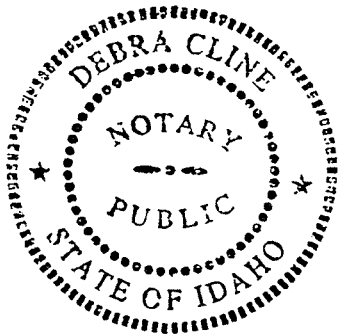
The City of Rupert, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection (as listed on Page 2, Section 2, "Party/Claimant Objecting") as defined by I.C. § 42-1401A(1) and (7), and that I have read this objection, know its contents and that the statements are true to the best of my knowledge and belief.

Signature of person filing objection

Josephine P. Beeman
By: Attorney signing in representative capacity

Subscribed and sworn to before me on: November 15, 1995.



Debra L. Cline
Notary Public for IDAHO
Residing at: Caldwell, Idaho
My commission expires: 7/21/01

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 all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on November 15, 1995, I mailed the original and copies of the foregoing objection, including all attachments, to the following persons by mailing the original and/or 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 at the following address:

N/A

3. One copy to:

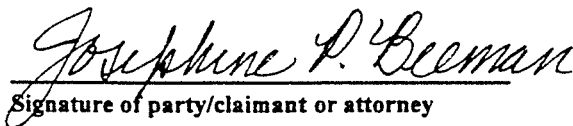
Chief of Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

4. One copy to:

Nicholas Spencer
Idaho Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706

5. One copy to:

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


Signature of party/claimant or attorney

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S.F.1
Revised 5/1/95

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. 36-07656
	)	
Case No. 39576	)	
	)	STANDARD FORM 1
	)	
	)	
_____	)	OBJECTION

This form must be used to file an objection to any water right recommended in the Director's Report. You may object to one water right per objection form. To object to more than one water right, you must file a separate objection form for each. The water right number you are objecting to must be indicated above in the blank space following "Case No." Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce 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 on 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 SRBA Court no later than 14 days before the filing deadline to file their pleadings.

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 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. ***Party/Claimant Objecting***

Name: City of Rupert
Address: P.O. Box 426
Rupert, ID 83350
Phone: Work: (208) 436-4900 Home: N/A

Briefly describe your interest in this water right:

The City of Rupert is the owner of this water right.

If this objection is filed by an attorney:

Attorney Name: Josephine P. Beeman
Dana L. Hofstetter
Attorney Address: Dillion, Bosch, Daw & Bock, Chartered
Fidelity Building
242 N. 8th Street, Suite 200
Boise, Idaho 83702
Attorney Phone No: (208) 344-8990

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

2. ***Owner of the water right. You must identify the owner exactly as it appears in the Director's Report:***

Name: City of Rupert
Address: P.O. Box 426
Rupert, ID 83350

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.
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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 description of the annual volume of consumptive use.
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12. ☐ **Description of Reservation:** I object to the legal description of the reservation.

13. ☒ **Other:** I object to: Remarks.

REASONS SUPPORTING EACH BOX CHECKED

You **must** state the reason(s) for **each** box checked. You may use additional pages, if necessary.

The remarks reference other City of Rupert water right numbers. New water right numbers may be issued to these water rights as a result of the proposed changes in priority dates. The remarks need to be revised to reference any new water right numbers issued because of changes in the priority dates for the City of Rupert's water rights.

CHANGES TO THE DIRECTOR'S REPORT

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

The remarks should be revised to reference appropriate new water right numbers.

Note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports.

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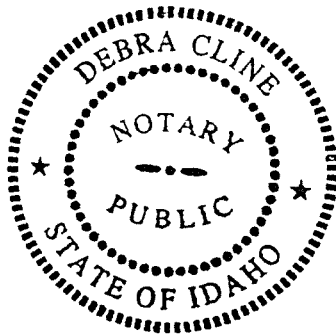
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Signature of person filing objection

Josephine P. Beeman
By: Attorney signing in representative capacity

Subscribed and sworn to before me on: November 15, 1995.



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Residing at: Caldwell, Idaho
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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. 36-07115
	)	
Case No. 39576	)	
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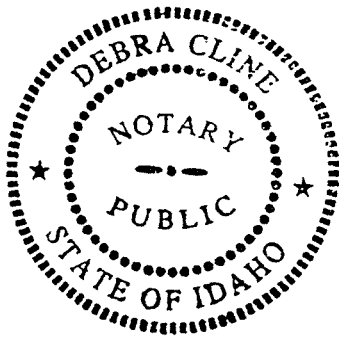
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Signature of person filing objection

Josephine P. Beeman
By: Attorney signing in representative capacity

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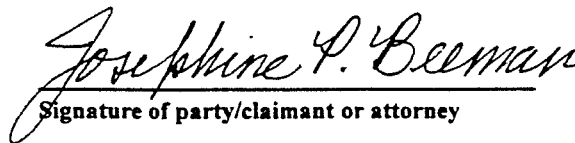
Chief of Natural Resource Division
Office of the Attorney General
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Boise, Idaho 83711-4449

4. One copy to:

Nicholas Spencer
Idaho Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706

5. One copy to:

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


Signature of party/claimant or attorney

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