

11/15

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

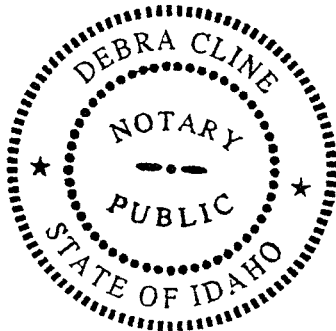
The City of Rupert, duly sworn, upon oath, deposes and says:

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. Cleman
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:

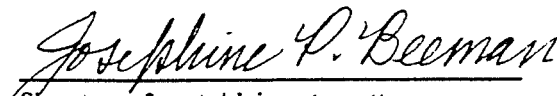
Chief of Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

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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