

8-14

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 35976

Case No. 57-00041A
(Insert water right number)

STANDARD FORM 1

OBJECTION

95-12-0065

INSTRUCTIONS

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 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 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 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. **Party/Claimant objecting:**

Name: John William Jones / Barbara Susan Jones

Address: HC 79 Box 2135
OREANA, IDAHO 83650

Phone: Work: (208) 463-5270 Home: (208) 834-2155

Briefly describe your interest in this water right:

We believe That The proposed
Reduction of our water Right is
Excessive, AND Does Not Accurately
Reflect prior historical use. We Need
To be Able To IRRIGATE 27 Acres with
34 inches of water To be Economically feasible

If this objection is filed by an attorney:

Attorney Name: _____

Attorney Address: _____

Attorney Phone No.: _____

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: John William Jones / Barbara Susan Jones

Address: HC 79 Box 2135 OREANA, IDAHO 83650

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. 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: _____

REASONS SUPPORTING EACH BOX CHECKED

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

3A: HISTORICALLY 1.8 CFS WAS DECREED TO
T045 R01E S30 LOT 2 (SWNW) AND USED TO
IRRIGATE 25 ACRES

9B: PROPOSED CUT FROM 18 ACRES TO 11 ACRES
EXCESSIVE -

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.

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.

#1 IDWR RECOMMENDED WATER RIGHTS (PAGE 17-1)
#2 STATEMENT OF HISTORIC USE BY PREVIOUS OWNER
#3A & #3B COPY OF CURRENT DECREED WATER RIGHT
#4 COPY OF PAGE FROM NEIL/HYDE LAWSUIT

VERIFICATION (Must be Completed)

State of Idaho

County of Owyhee

John W. Jones, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

John W. Jones
Signature of person filing objection

By: Attorney signing in representative capacity

Subscribed and sworn to before me on: August 14, 1995



Dixie McDaniel

Notary Public for Owyhee County
Residing at: Grand View, Idaho
My Commission expires: 12-19-2000

VERIFICATION (Must be Completed)

State of _____

County of _____

_____, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

By: Attorney signing in representative capacity

Subscribed and sworn to before me on: _____

Notary Public for _____

Residing at: _____

My Commission expires: _____

DATE: JUL-26-1995
PAGE: A-1

BASIS OF CLAIM

POINT OF DIVERSION DESCRIBED ABOVE.

8-18-95

To Whom it may concern

This is my statement as to irrigation
on lot 2 Sec 30 T4S R1E.

Lot 2 had approximately 20 acres irrigated through
the 47 ft of knowledge of the property.

How ever my grandfather irrigated another 5 acres
behind the hill when he owned lot 1 and 2 together.

This was before 1900 and was bought in the late
1920 By my grandfather

Larry Bachman

3A

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: A57-00041A
Date Received: 1/18/1989
Receipt No: C005169
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: JOHN W JONES 208-834-2155
Address: HC 79 BOX 2135
OREANA ID 83650

OR
Name: BARBARA SUSAN JONES 208-834-2155
Address: HC 79 BOX 2135
OREANA ID 83650

2. Date of Priority: FEB 14, 1870

3. Source: PICKETT CREEK Trib. to: CATHERINE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04S	01W	24	NE	SW	SW		OWYHEE

5. Description of diverting works:
DIVERSION DAM AND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.720		

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

8. Total consumptive use is 150.5 Acre Feet Per Annum.

9. Non-irrigation uses:
D/2 HOUSEHOLDS, 150 HEAD BEEF CATTLE, 10 HORSES

3B

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04S	01E	30	SW NW		IRR	43.0
Section Acres						43.0
Total Acres						43.0

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

*CHANGE IN OWNERSHIP COMPLETED BY L.R.W. ON 6/17/91.
*SECOND CHANGE IN OWNERSHIP COMPLETED BY L.R.W. ON 10/4/91.
SF3 OWNERSHIP CHANGE, BOEGER TO JONES, 03/30/95 SS.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

J. M. NEIL

Decree Plaintiff

MICHAEL HYDE ET. AL.

vs Decree Defendant

NAME OF PARTY	ORIGINAL APPROPRIATOR	SOURCE OF WATER	PRIORITY OF APPROPRIATION	AMOUNT IN INCHES	BY SMALLEST MEAL SUBDIVISION TO WHICH WATER IS APPURTENANT	DATE	IRRIGATED AREA
J. M. Neill	Isaac Jennings	Hart's Creek	April 1, 1866	72 69 9 160	Lot 4 SE 1/4 SW 1/4 SE 1/4 SW 1/4 SE 1/4 SW 1/4	30 45 15 " " " " " "	24 25 3 50
J. M. Neill	Cornelius Shee	Catherine Creek	April 1, 1868	48 111 159	SE 1/4 SE 1/4 SE 1/4 SE 1/4 SE 1/4 SE 1/4	" " " " " "	16 37 55
J. M. Neill	Lewis F. Cook	Gathering Creek (Below Brown's Creek)	Oct. 1, 1869	66 36 42 72 114 6 24 42 402	SE 1/4 SE 1/4 SE 1/4 SE 1/4 SE 1/4 SE 1/4 SE 1/4 SE 1/4 SE 1/4 SE 1/4 SE 1/4 SE 1/4 SE 1/4 SE 1/4 SE 1/4 SE 1/4 SE 1/4 SE 1/4	29 "	28 18 14 24 24 2 8 8 14
J. M. Neill	Timothy Shee	Pickett Creek	Jan. 14, 1870	64 24 81 159	Lot 2 SE 1/4 SE 1/4 SE 1/4 SE 1/4 SE 1/4 SE 1/4	30 45 15 " " " " " " " " " " " " " " " " " "	24 25 3 50
J. M. Neill	Timothy Shee	Hart's Creek	Feb. 14, 1870	72 27 99	Lot 3 NE 1/4 SW 1/4 NE 1/4 SW 1/4 NE 1/4 SW 1/4	" " " " " " " " " " " " " " " " " "	24 9 55
J. M. Neill	John H. Hart	Hart's Creek	April 1, 1874	15 35 48	NE 1/4 SE 1/4 NE 1/4 SE 1/4 NE 1/4 SE 1/4	25 " " " " " " " " " " " "	5 11 16
B. H. Hyde	John H. Hart	Hart's Creek	April 1, 1874	153.55	SE 1/4 SE 1/4 SE 1/4 SE 1/4 SE 1/4 SE 1/4	" " " " " " " " " " " " " " " " " "	30.71 30.71 30.71
Patrick Hartman	Patrick Hartman	Pickett Creek	Aug. 28, 1875	74.45 89.15 51.80 42.20 287.60	SE 1/4 SE 1/4 SE 1/4 SE 1/4 SE 1/4 SE 1/4 SE 1/4 SE 1/4 SE 1/4 SE 1/4	22 48 15 21 " " " " " " 28 " " " " " "	14.55 14.55 10.55 8.55 38.65
Mora Linehan	Patrick Linehan	Bates Creek	April 1, 1876	16.80 51.40 68.20	SW 1/4 NW 1/4 SW 1/4 NW 1/4 SW 1/4 NW 1/4	28 29 " " " " " "	5.54 10.54 15.64
Alva & Frank Reed	Artem Gilbert	Hart's Creek	April 1, 1876	65.30 78.70 56.10 198.10	NE 1/4 NE 1/4 NE 1/4 NE 1/4 NE 1/4 NE 1/4 NE 1/4 NE 1/4	35 " " " " " " " " " " " " " " " " " "	18.66 18.74 11.28 59.62