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DEC 28 1995

Department of Water Resources  
Adjudication Bureau

12-22-95

Claimant:

Clear Lakes County Club

Attorney Name and Address:

HEPWORTH, LEZAMIZ & HOHNHORST,  
CHARTERED  
133 Shoshone St. North  
P.O. Box 389  
Twin Falls, ID 83303-0389  
Telephone: (208)734-7510

RECEIVED  
DEC 28 1995  
OFFICE OF THE  
ATTORNEY GENERAL

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

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)  
)  
)  
)

**MOTION OF CLEAR LAKES  
COUNTRY CLUB FOR LEAVE  
TO FILE LATE OBJECTIONS**

Case No. 39576

36-4074  
36-4148B

\* \* \* \* \*

COMES NOW Claimant, Clear Lakes Country Club, by and through undersigned counsel and moves the court to enter an order pursuant to *SRBA Admin. Order No. 1*, permitting Claimant to file late objections to recommendations filed by Idaho Department of Water Resources regarding claims made by Clear Lakes Country Club, numbered 36-04148B and 36-04074.

This motion is based upon the *Affidavits of John LeMoyne and Ted Eastman*. Mr. LeMoyne states why objections were not filed within the scheduled deadline for Basin 36. Mr. Eastman states the meritorious basis upon which the objections rest and the factual

1 foundation on which the rights will be based. Proposed Objections are attached to this  
2 motion.

3 Oral argument is requested.

4 Dated this 21<sup>st</sup> day of December, 1995.

5 HEPWORTH, LEZAMIZ & HOHNHORST,  
6 CHARTERED

7 By: Enzame M. H. for  
8 Patrick D. Brown  
9 Attorneys for Claimant  
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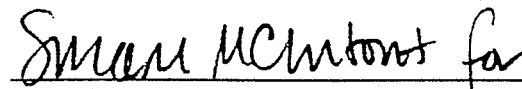
CERTIFICATE OF SERVICE

The undersigned, a resident attorney of the State of Idaho, with offices at 133 Shoshone St. North, P.O. Box 389, Twin Falls, Idaho 83303, and one of the attorneys for the claimant in this matter, certifies that on the 21<sup>st</sup> day of December, 1995, he served a true and correct copy of the foregoing document by the method indicated below, and addressed to the following:

|                          |                                               |
|--------------------------|-----------------------------------------------|
| A. Lynne Krogh           | <input checked="" type="checkbox"/> U.S. Mail |
| Susan E. Hamlin          | <input type="checkbox"/> Hand Delivered       |
| Deputy Attorneys General | <input type="checkbox"/> Overnight Mail       |
| P. O. Box 44449          | <input type="checkbox"/> Telecopy (Fax)       |
| Boise, ID 83711-4449     |                                               |

|                                 |                                               |
|---------------------------------|-----------------------------------------------|
| U.S. Department of Justice      | <input checked="" type="checkbox"/> U.S. Mail |
| Environment & Natural Resources | <input type="checkbox"/> Hand Delivered       |
| Division                        | <input type="checkbox"/> Overnight Mail       |
| 550 West Fort St, MSC 033       | <input type="checkbox"/> Telecopy (Fax)       |
| Boise, ID 83724                 |                                               |

|                      |                                               |
|----------------------|-----------------------------------------------|
| Director of IDWR     | <input checked="" type="checkbox"/> U.S. Mail |
| P. O. Box 83720      | <input type="checkbox"/> Hand Delivered       |
| Boise, ID 83720-0098 | <input type="checkbox"/> Overnight Mail       |
|                      | <input type="checkbox"/> Telecopy (Fax)       |

  
Patrick D. Brown

(WATER\82971MOT.LTE)llm

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. <u>36-04074</u>    |
| Case No. 35976 | ) | (Insert Water Right Number) |
|                | ) |                             |
|                | ) | STANDARD FORM NO. 1         |
|                | ) |                             |
| _____          | ) | OBJECTION                   |

## 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: Clear Lake Country Club

Address: Route 4, Box 225

Buhl, ID 83316

Briefly describe your interest in this water right:

Owner

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**If this objection is filed by an attorney:**

Attorney Name: Patrick D. Brown

Attorney Address: P.O. Box 389

Twin Falls, ID 83303-0389

Attorney Phone No.: (208)734-7510

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

Name: Clear Lake Country Club

Address: Rt. 4, Box 225, Buhl, ID 83316

## 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: The general provisions in the directors report

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### REASONS SUPPORTING EACH BOX CHECKED

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

See Attached Exhibit "A"

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### 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.

See Attached Exhibit "B"

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**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.

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**VERIFICATION (Must be Completed)**

State of Idaho

County of Twin Falls

\_\_\_\_\_, 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)(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: December, 1995.

\_\_\_\_\_  
Notary Public for \_\_\_\_\_  
Residing at: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

## 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 hereby certify that on December, 1995, I mailed the original and copies of this 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:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

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, ID 83724

\_\_\_\_\_  
Signature of party/claimant or attorney

**OBJECTION - EXHIBIT "A"**  
**CLAIM NO. 36-04074**

**REASONS SUPPORTING EACH BOX CHECKED**

- 3(a) IDWR recommends a water right with a total quantity which is less than the quantity appropriated and the quantity the Country Club presently uses to irrigate their golf course pursuant to this right. The Country Club actually uses 1.400 c.f.s under this right to water the golf course, in conjunction with other rights in a closed system that irrigates 90 acres.
8. IDWR recommends a period of use which is shorter than the period that water is beneficially used under the existing right. Irrigation of the golf course begins in mid-February and extends into mid-November.
- 9(a) & (b) IDWR's recommended place of use does not accurately reflect the number of acres being irrigated under this water right. For example, while 15 acres of T09S R14E S01 Lot 15 (SWSW) are irrigated pursuant to this water right, the recommendation of IDWR indicates that only 7.5 acres of this lot are irrigated. As set out in the "Changes to the Director's Report" section, every point of diversion listed in the recommendations has been similarly reduced without explanation.
13. The general provisions are unnecessary to the determination or adjudication of this water right.

**OBJECTION - EXHIBIT "B"**  
**CLAIM NO. 36-04074**

**CHANGES TO DIRECTOR'S REPORT**

3. Total quantity appropriated should be 1.400 c.f.s., not .82 c.f.s.
8. Period of use should be from 2/1 to 11/15, not from 3/15 to 11/15.
- 9(a) & (b) Place of use should be modified as follows:

|                               |                 |
|-------------------------------|-----------------|
| T09S, R14E, S01 Lot 15 (SWSW) | 8.0             |
| T09S, R14E, S02 Lot 7 (SWSE)  | 9.0             |
| T09S, R14E, Lot 9 (SESE)      | 9.0             |
| T09S, R14E, S11 Lot 5 (NENE)  | 8.0             |
| T09S, R14E, Lot 6 (NWNE)      | <u>12.0</u>     |
| <br>TOTAL                     | <br><u>46.0</u> |

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. <u>36-04148B</u>   |
| Case No. 35976 | ) | (Insert Water Right Number) |
|                | ) |                             |
|                | ) | STANDARD FORM NO. 1         |
|                | ) |                             |
| _____          | ) | OBJECTION                   |

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Owner

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Attorney Name: Patrick D. Brown

Attorney Address: P.O. Box 389

Twin Falls, ID 83303-0389

Attorney Phone No.: (208)734-7510

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

Name: Clear Lake Country Club

Address: Rt. 4, Box 225, Buhl, ID 83316

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3. **Quantity:** I object to:
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  - ☐ 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.
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  - ☒ 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.
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  - ☐ 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: The general provisions in the directors report
- 
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### REASONS SUPPORTING EACH BOX CHECKED

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

See Attached Exhibit "A"

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### 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.

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**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.

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State of Idaho

County of Twin Falls

\_\_\_\_\_, duly sworn, upon oath, deposes and says:  
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\_\_\_\_\_  
Signature of person filing objection

By: \_\_\_\_\_  
Attorney signing in representative capacity

Subscribed and sworn to before me on: December, 1995.

\_\_\_\_\_  
Notary Public for \_\_\_\_\_  
Residing at: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

## INSTRUCTIONS FOR MAILING

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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:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

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, ID 83724

\_\_\_\_\_  
Signature of party/claimant or attorney

\\WATER\STD\FRM1.51

**OBJECTION - EXHIBIT "B"**  
**CLAIM NO. 36-04148B**

CHANGES TO DIRECTOR'S REPORT

3. Total quantity appropriated should be 1.500 c.f.s., not .46 c.f.s.
8. Period of use should be from 2/1 to 11/15, not from 3/15 to 11/15.

9(a) & (b) Place of use should be modified as follows:

|                              |             |
|------------------------------|-------------|
| T09S, R14E, S01 Lot 6 (SENW) | 0.6         |
| T09S, R14E, Lot 13 (NESW)    | 23.0        |
| T09S, R14E, Lot 12 (NWSW)    | 10.6        |
| T09S, R14E, Lot 15 (SWSW)    | 15.6        |
| T09S, R14E, S02 Lot 8 (NESE) | 1.9         |
| T09S, R14E, Lot 7 (SWSE)     | 1.8         |
| T09S, R14E, Lot 9 (SESE)     | 23.4        |
| T09S, R14E, S11 Lot 5 (NENE) | 8.8         |
| T09S, R14E, Lot 6 (NWNE)     | <u>4.3</u>  |
| TOTAL                        | <u>90.0</u> |

**OBJECTION - EXHIBIT "A"**  
**CLAIM NO. 36-04148B**

**REASONS SUPPORTING EACH BOX CHECKED**

- 3(a) IDWR recommends a water right with a total quantity which is less than the quantity appropriated and the quantity the Country Club presently uses to irrigate their golf course pursuant to this right. The Country Club actually uses 1.500 c.f.s under this right to water the golf course, in conjunction with other rights in a closed system that irrigates 90 acres.
- 8. IDWR recommends a period of use which is shorter than the period that water is beneficially used under the existing right. Irrigation of the golf course begins in mid-February and extends into mid-November.
- 9(a) & (b) IDWR's recommended place of use does not accurately reflect the number of acres currently being irrigated under this water right. 90 acres are irrigated under this right, and IDWR's recommendation reduces without explanation the acres irrigated to 23.
- 13. The general provisions are unnecessary to the determination or adjudication of this water right.