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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. 35976

Case No. 36-07071

(Insert water right number)

STANDARD FORM 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 spaces 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 fourteen (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 needlessly increase the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. *Party/Claimant objecting:*

Name: BILLINGSLEY CREEK RANDH & DONNIE McFADDEN

Address: 2726 SOUTH 1050 EAST
HAGERMAN, ID 83332

Phone: Work: 837-6174

Home: 837-4478

Briefly describe your interest in this water right:

OBJECTOR DIVERTS WATER FROM THE SAME SPRING SOURCE AS THE OWNER OF THE WATER RIGHT THAT IS THE SUBJECT OF THIS OBJECTION.

If this objection is filed by an attorney:

Attorney Name: GARY D. SLETTE

Attorney Address: ROSHOLT, ROBERTSON & TUCKER
P.O. BOX 1906
TWIN FALLS, ID 83303-1906

Attorney Phone No.: 208-734-0700

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: DELORIS D. JONES & JOHN W. JONES, JR.

Address: P.O. BOX 265
HAGERMAN, ID 83332

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.

OBJECTOR HAS CONSISTENTLY USED A PORTION OF THE WATER CLAIMED BY DELORIS & JOHN W. JONES, JR., ON A YEAR-ROUND BASIS FOR THE PREVIOUS TWENTY-FOUR (24) YEARS. SUCH USE HAS OCCURRED UNDER A CLAIM OF RIGHT, AND MEETS THE LEGAL REQUIREMENT TO ESTABLISH A USE ON THE BASIS OF ADVERSE POSSESSION. ALTERNATIVELY, A PORTION OF THE JONES' WATER RIGHT IS SUBJECT TO FORFEITURE FOR NON-USE. OBJECTOR ASSERTS THAT THE RECOMMENDED QUANTITY OF THE JONES' RIGHT DOES NOT RECOGNIZE THE OBJECTOR'S CLAIM TO THE USE OF A PORTION OF THE AVAILABLE FLOW FROM THE SPRING.

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 DIRECTOR'S REPORT SHOULD BE CHANGED BY REDUCING THE QUANTITY OF 73.05 C/F/S BY THE 5.70 C/F/S HISTORICALLY USED BY THE OBJECTOR.

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.

VERIFICATION (Must be Completed)

State of IDAHO

County of TWIN FALLS

003111

GARY D. SLETTE, 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 1, "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 January 5, 1996.

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Joan D. Eck

NOTARY PUBLIC FOR IDAHO

Residing at: Twin Falls

My commission expires: 6-18-98

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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 of the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I hereby certify that on **JAN. 5**, 1996, 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: **DELORIS D. JONES & JOHN W. JONES, JR.**

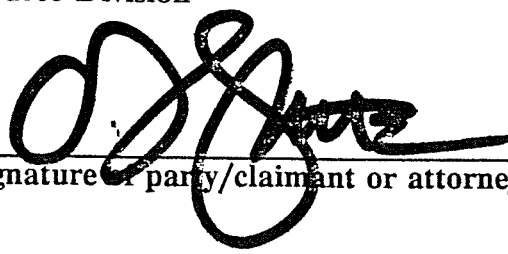
Address: **P.O. BOX 265
HAGERMAN, ID 83332**

3. One copy to:

Chief, Natural Resource 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
Environmental and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734



Signature of party/claimant or attorney