

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

96-03-0087

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

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

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"

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"

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

_____, 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>
 TOTAL	 <u>46.0</u>