

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. 36-00084

(Insert Water Right Number)

STANDARD FORM NO. 1

OBJECTION

INSTRUCTIONS

96-07-0024

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: Shelby Wise and Joan Wise

Address: 1049-B East 2925 South

Hagerman, ID 83332

Briefly describe your interest in this water right:

Owner/Claimant of water right.

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: Shelby Wise & Joan Wise

Address: 1049-B East 2925 South, 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.

The right was decreed in the New International Mortgage case for 1.4 cfs to my
property and is needed there to irrigate 29 acres.

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.

Change to the elements listed in the attachment.

Note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports.

X 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. 2 pages from the New International Mortgage case.

2. 1 page description of how right should be decreed

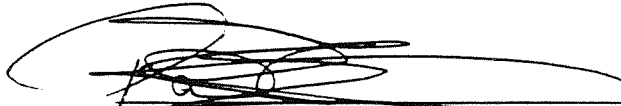
VERIFICATION (Must be Completed)

State of Idaho

County of Twin Falls

Patrick D. Brown, 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: June 7, 1996

Sharon E. Mathison
Notary Public for Idaho
Residing at: Boise
My Commission Expires: 8/24/2001

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 June 1, 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: Shelby and Joan Wise

Address: 1049-B East 2925 South

Hagerman, ID 83332

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\0084OBI.607

DORE

a total of 20 acres.

NEAL,
LOUIS,
HARRY H.
AND EFFIE
M. NEAL,
AND ALVA
REED

2	Billingsley Creek	April 1, 1885	Sand Ditch
1	Billingsley Creek	April 1, 1910	Sands Ditch
2	Billingsley Creek	Jan. 2, 1891	Granger Ditch
.8	Spring	Jan. 2, 1891	Unnamed Spring;

(Said Unnamed spring arises in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 11, Twp. 7 S. R. 13 E. B. M. at a point 1065 feet north 2 degrees 2' West from the southeast corner of said forty acre tract of land.)

The SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 11, Twp. 7 S. R. 13 E. B. M. excepting approximately nine acres described as follows:

Beginning at the Southeast Corner of the said Southwest Quarter of the SE $\frac{1}{4}$ of said Sec. 11, Thence north along the center of the Hagerman road 305.25 feet, thence North 80 degrees 55' West 907.5 feet, thence South 44 degrees 55' West 631.15 feet to the Quarter corner of the boundary line between Sections 11 and 14, thence due east to the place of beginning.

Also the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 11, Twp. 7 S. R. 13 E. B. M., excepting a strip of ground extending along the entire length of the south side of said SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, which strip is 28 feet wide on the west and runs to a point at the east end, or the quarter corner of the above mentioned secs. 11 and 14, Twp. 7 S. R. 13 E. B. M.

NILES,
LIBBIE

1.4	Len Lewis Spring	Sept. 1, 1889	Brailsford- Owens Ditch
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All that portion of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 36, Twp. 7 S. R. 13 E. B. M. lying west of the central channel of the "Brailsford Ditch," as now laid out and existing through said subdivision, which said tract of land contains approximately 7.17 acres of land and is more particularly bounded and described as follows, to-wit:

"Commencing at the southwest corner of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$

NAME	AMOUNT OF WATER IN SECOND FEET AND SOURCE	PRIORITY OF APPROPRIATION	DIVERSION POINT
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of said section, township and range aforesaid; thence east along the south boundary of said subdivision 488 feet to the center of the said "Brailsford Ditch;" thence following the center channel of said ditch north 19 degrees 34' West 170 feet; thence north 48 degrees 14' West 165 feet; thence north 9 degrees 29' West 722 feet; thence north 20 degrees 15' West 360 feet to the northwest corner of said subdivision; thence south along the west boundary line of said subdivision 1330 feet to the place of beginning.

Also the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 36, Twp. 7 S. R. 13 less the north 2 $\frac{1}{2}$ acres thereof now belonging to one W. C. Barton, said exception being that portion of said tract of land lying north of the public highway.

ARROTT, RS. FLOR- NCE,	1.2	Billingsley Creek	Sept. 10, 1884	Buckeye Ditch;
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A certain tract of land commencing 204.3 feet west of the southeast corner of Block No. 10 and continuing along said line west 195.7 feet to the southwest corner of said Block, thence north along said block line 269.3 feet to the northwest corner of said block; thence east along said block line 297 feet; thence in a south-westerly direction 287.7 feet to the point of beginning containing 1.52 acres more or less, all in Block No. 10 of the Townsite of Hagerman, according to the map or plat on file in the office of the Recorder of Gooding County, Idaho;

Also Lots 1 to 7 inclusive and 10 to 16 inclusive of Block 9, Lots 3, 4, 7, 10, 11, 12, 14, 15, 16, in Block 6, Lots 9, 10, 11, 12, 13, 14, 15, and 16 in Block 5 of Hagerman Townsite, according to the map or plat thereof on file in the office of the Recorder of Gooding County, Idaho.

PENFOLD, JOHN T., AND EMMA PENFOLD	2	Spring	Feb. 1, 1888	Weatherby Springs;
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The SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 25, Twp. 7 S. R. 13 E. B. M. and that portion of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 25, known as Tax No. 3, and more particularly described as follows, to-wit: Beginning at a point on the East line of the southwest quarter of Sec. 25, Twp. 7 S. R. 13 E. B. M. 1590 feet north of the southeast corner of said SW $\frac{1}{4}$ of Sec. 25, thence running north 34 degrees West 488 feet, thence North 20 degrees, west 686 feet to within 15 feet of the North boundary of said SW $\frac{1}{4}$ of Sec. 25, thence 89 degrees 18 minutes east 500 feet and thence south 1035 feet to the place of beginning.

PENFOLD, PARLEY, AND GRACE PENFOLD	2.4	Billingsley Creek	March 30, 1884	E.M. Bell Ditch
	.4	Billingsley Creek	Sept. 10, 1884	Buckeye Ditch.
		The NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 27, Twp. 7 S. R. 13 E. B. M.		

WATER RIGHT ELEMENTS

1. Name and Address of Claimant:
Shelby Wise and Joan Wise
1049-B E. 2925 S.
Hagerman, ID 83332
2. Source of Water:
Len Lewis Spring
3. Quantity of Water Used:
1.4 cfs
4. Date of Priority:
September 1, 1889
5. Legal Description of the Point of Diversion:
Township 8 South, Range 14 East, Boise Meridian, Section 6,
SE1/4SW1/4NE1/4, Gooding County, Idaho
6. Purpose of Use:
Irrigation; Diversion System Maintenance; Stockwater
7. Period of Year Water is used for such Purposes:
Irrigation purpose is used during the irrigation season; All other
purposes are used year around
8. Legal Description of the Place of Use:
Township 7 South, Range 13 East, Boise Meridian, Section 36,
SW1/4NE1/4 - 7 acres;
Township 7 South, Range 13 East, Boise Meridian, Section 36,
SE1/4NW1/4 - 22 acres
9. Annual Volume of Consumptive Use:
108.75 afa
10. Conditions on the Exercise of Water Right:
None
11. Remarks necessary for Definition:
None