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SEP 20 1996
Department of Water Resources
Adjudication Bureau

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SEP 19 1996
OFFICE OF THE
ATTORNEY GENERAL

96-10-0033

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. 57-02055
(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 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: Ray Mensisidor Mary L Mensisidor

Address: Rt 1 Box 1102
Homedale, Idaho 83628

Phone: Work: 208-337-4295 Home: same

Briefly describe your interest in this water right: Water Right No. 57-02055
Water License No. 9527, Priority 11-17-13 for 3.75 Sec Ft for 185 acres has been
seriously reduced to 174 acres to 3.48 cfs. This 160 acre tract and 40 acre tract
are fenced and have not been increased beyond the water right. There has been no
intent to forfeit or abandon any part of the water right. Any reduction in water
would seriously reduce the ability to grow a normal crop. The water right has not
been abused nor increased. It is used with regard to conservation practices.

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: Ray Mensisidor Mary L Mensisidor

Address: Rt 1 Box 1102
Homedale, Idaho 83628

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. ~~XXX~~ ☒ Other: I object to: the changing of this 1913 water right of 185 acres at 3.7 cfs. This amount has been historically used. Cement ditches and improvements within its boundaries should not penalize the water right. These improvements greatly help the environment by better water control and less erosion of the soil.

REASONS SUPPORTING EACH BOX CHECKED

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

- 3 A This total water right is very necessary to grow a normal crop on this farm.
- 9 B There are 160 acres in one tract and 40 acres in the other, where are those lost acres
- 10 The original water right will give the correct annual consumptive use.
- 11 A The 57-02055 should not have been changed at all.

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 not have changed the water right at all. It was stated in the beginning that adjudication was not to take rights away but to locate and record the waters usage, and I do agree. Changing this water right is neither just nor honorable.

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

~~XXX~~ ☒ 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.

- 3 A, 9 B, 10 1 sheet - State of Idaho License and Certificate of Water Right - Water License
- 1 sheet - Snake River Basin Adjudication Notice of Error
- 1 sheet - Idaho Department Water Resource proposed water right 57-02055
- 2 sheets - Adjudication Record
- 3 sheets - maps

VERIFICATION (Must be Completed)

State of Idaho

County of Owyhee

Ray Mansisidor Mary L Mansisidor, 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.

Mary L. Mansisidor

Ray Mansisidor

Signature of person filing objection

By: Attorney signing in representative capacity

Subscribed and sworn to before me on: September 18, 1999

J-143

Notary Public for Idaho

Residing at: Owyhee County

My Commission expires: 10/20/1999

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 September 18, 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: Ray Mansisidor Mary L Mansisidor
Address: Rt 1 Box 1102
Home rule, Idaho 83628

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 033
Boise, Idaho 83734

Signature of party/claimant or attorney

RECEIVED
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OFFICE OF THE
ATTORNEY GENERAL

State of Idaho

License and Certificate of Water Right

Water License No. 9527

Amount 3.7 sec. ft.

Water District No. 51

Priority 11/13/13

THIS IS TO CERTIFY that W. H. SCHENCK of Homedale, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated July 23, 1913; that Permit No. 9527 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 20 second feet, was issued thereunder on February 28, 1919, showing that said works were completed on the 24th day of October, 1914; and that on the 26th day of April, 1919,

IDA SCHENCK,

of Homedale, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of Jump Creek, a tributary of Snake River, for the purpose of irrigation and domestic use, under Use Permit No. 9527 of the State Engineer and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 5 of Licenses, at page 2791, on the 22nd day of March, 1921;

The right hereby confirmed dates from November 13, 1913;

The Point of Diversion is located

in the NE 1/4 NW 1/4 Sec. 34 - Tp. 3 N., R. 5 W., E. M.

County of Owyhee.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 3.7 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
3 N.	5 W.	10	W 1/2 SE 1/4	-- 1000	10 ✓
		15	NW 1/4 NW 1/4		
			SW 1/4 NW 1/4		
			NE 1/4 NW 1/4		20 ✓
			SE 1/4 NW 1/4		30 ✓
			W 1/2 SW 1/4		
			NE 1/4 SW 1/4		
			SE 1/4 SW 1/4		
			SW 1/4 NE 1/4		
			SE 1/4 NE 1/4		
		14	NW 1/4 SE 1/4	-- 1000	30 ✓
			NE 1/4 SE 1/4		10 ✓
			SW 1/4 SE 1/4		30 ✓
			SE 1/4 SE 1/4		30 ✓
			NW 1/4 SW 1/4		
			NE 1/4 SW 1/4		10 ✓
			SE 1/4 SW 1/4		15 ✓
			SW 1/4 SW 1/4		
			NE 1/4 SW 1/4		
			SE 1/4 SW 1/4		
		16	W 1/2 SE 1/4	-- 1000	
			NW 1/4 SE 1/4		
			SW 1/4 SE 1/4		
			NE 1/4 SE 1/4		
			SE 1/4 SE 1/4		
			NW 1/4 SW 1/4		
			NE 1/4 SW 1/4		
			SE 1/4 SW 1/4		
			SW 1/4 SW 1/4		
			NE 1/4 SW 1/4		

The foregoing is a true and certified copy of the document on file at the department of Water Resources.

Signed this 2 day of Nov, 1927

Chief, Water Rights Bureau

(57 2055)

THIS IS A COPY OF YOUR WATER RIGHT AS IDWR PROPOSES TO RECOMMEND IT TO THE DISTRICT COURT*

*THIS IS NOT A FINAL DETERMINATION OF YOUR CLAIM. YOU MUST FILE A NOTICE OF ERROR WITH IDWR IF YOU DISAGREE WITH THE PROPOSED RECOMMENDATION.

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
57-02055	RAY MANSTISDOR MARY L. MANSTISDOR BI 1 20X 1102 RT 1 X 60X 1102 HOMEDALE ID 83623	11/13/1913	IRRIGATION	03-15 11-15	3.43 CFS 2770 278	LICENSE

MAX 44 MAX 23702X
RT 1 X 60X 1102
HOMEDALE ID 83623

TOTAL QUANTITY: 3.43 CFS
CONSUMPTIVE USE: 2770 278

NON-IRRIGATION USES:

8/200
SOURCE: JUMP CREEK
POINT OF DIVERSION:
TOWN ROAD 527
PLACE OF USE: IRRIGATION
TOWN ROAD 315

NAME
NESE 35.0
NESE 39.0

NAME 22.0
NAME 28.0
NAME 24.0
NAME 22.0

SESE 37.0

--174.0 323.8 TOTAL
PLACE OF USE: STOCKWATER
SAME AS OTHER USE
REMARKS: USE OF THIS RIGHT WITH RIGHT NO. 57-10194 IS LIMITED TO A

TOTAL COMBINED DIVERSION RATE OF 3.43 CFS AND A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 509.0 AC, AND TO IRRIGATION OF A COMBINED TOTAL OF 174 ACRES IN A SINGLE IRRIGATION SEASON.

SNAKE RIVER BASIN ADJUDICATION
NOTICE OF ERROR

WATER RIGHT NUMBER: 57-02055

NAME: Ray Mansisidor
Mary L. Mansisidor
Route 1, Box 1102
Homedale, Idaho 83628

O-3 - DISAGREEMENT:

Claimant disagrees with the disallowance of irrigated acreage within the boundaries of the farm, reducing the total acreage from 185 acres to 174 acres total.

Q-4 - PROPOSED CHANGES:

Claimant proposes the adjudication claim be recommended in accordance with the license issued by the Idaho Department of Water Resources for 185 acres of irrigated land with a total quantity of 3.70 cfs. Claimant would propose to meet with representatives of the Department to review this objection.

Q-5 - REASON FOR DISAGREEMENT:

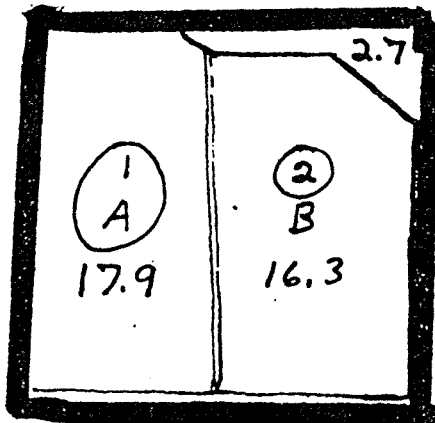
Claimant believes that the acreage as described in the proposed recommendation is less than that that has historically been irrigated on this property. Claimant believes the original claim was filed in error and needs to be amended. There has been no intent of the applicant to forfeit or abandon any part of the water right as originally licensed.

DATE: August 20, 1992

SIGNED: Ray Mansisidor
Ray Mansisidor

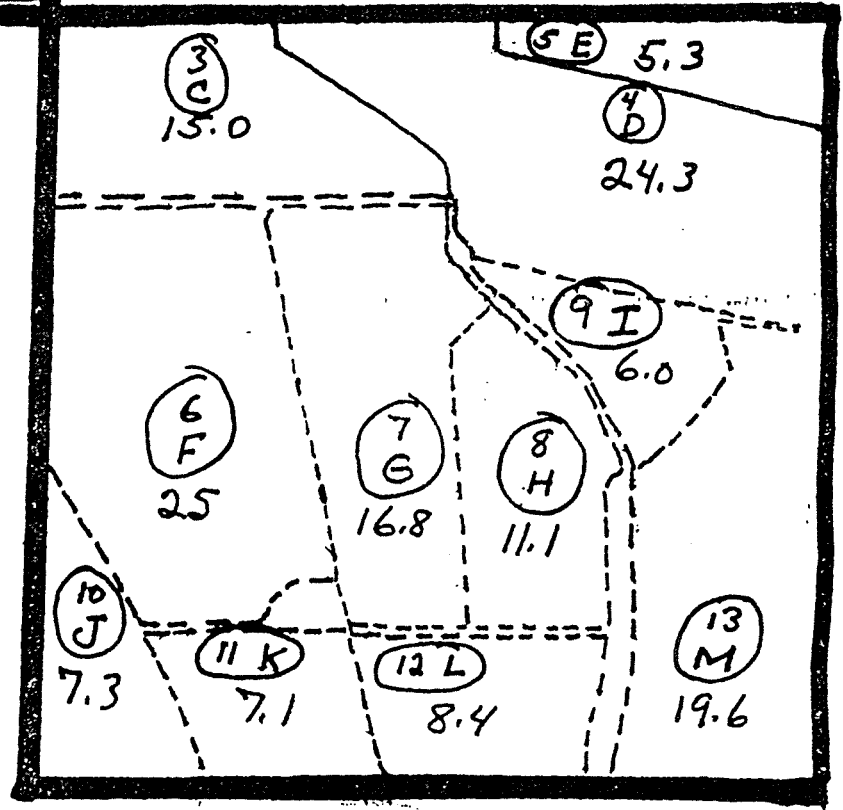
Water Right 57-62055
 200 acre Farm Tract
 185 acres @ 3.7 CFS

40 acres



40 acres
 - 2.7
 37.3 under water

160 acres



160 acres
 7.3 out for Homestead

152.7 acres

152.7 acres
 37.3

190.0 acres

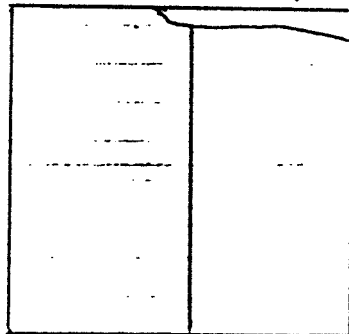
5.0 acres for cement ditches, roads, & hog stack (not Justified)

185.00

Jessor Creek Rd 1 Mile

Certificate of Register President Woodrow Wilson

40 acres Priority 1913 Ida Schenck



June 5, 1911 by President Wm. H. Taft
Priority 1911 Ida Schenck
160 acres

Highway 95 1 Mile

Jessor Creek Rd 1 Mile

East Market Rd 1 Mile

