

DEPARTMENT OF
WATER RESOURCES

STANDARD FORM 1 OBJECTION

Name & Address of Attorney:

D. The Tribe objects to the following elements or general provision as recommended in the Director's Report.

1. ☐ **Name and Address**

Should be: _____

2. ☐ **Source**

Should be: _____

3. ☐ **Quantity**

Should be: _____

4. ☒ **Priority Date**

Should be: The date that reflects when water was actually diverted and put to a beneficial use

5. ☐ **Point of Diversion**

Should be: _____

6. ☐ **Instream Flow Beginning and Ending Point**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☐ **Place of Use**

Should be: _____

10. ☐ **General Provision** ☐ Individual Water Right ☐ All Water Rights

☐ Should not be recommended.

☐ This general provision was not recommended but should be recommended as described below.

Should be: _____

☐ General provision was recommended but should be modified as described below.

Should be: _____

11. ☐ I object because the recommendation contains an accomplished transfer under Idaho Code § 42-1425 resulting in injury to my water right(s) and/or enlargement of the original right.

12. ☐ I object because:

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTIONS:

Idaho law requires that a claimant's priority date "must be based upon evidence, not speculation. If a water right is based upon the constitutional method, 'one of the essential requisites to establish his claim is the application of water to a beneficial use, and, where there is a total lack of evidence upon this point, a decree awarding water to the claimant cannot be sustained.'" *City of Pocatello v. Idaho*, 152 Idaho 830, 841 (2012) (quoting *Reno v. Richards*, 32 Idaho 1, 8 (1918)). The claimant in this case has provided no evidence beyond their claim form as evidence of their priority date. To sustain this evidence and decree a priority date based upon such dubious evidence would "give them a date of priority in advance of the actual application of the water to a beneficial use of which there is any *definite evidence . . .*" *Reno*, 32 Idaho at 8.

Exhibit A, attached, contains a list of claim numbers that the Tribe has also objected to that implicate the same issues raised in this objection.

F. CERTIFICATE OF MAILING

I certify that on May 6, 2015, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to: Clerk of the District Court
Coeur d'Alene-Spokane River Basin Adjudication
253 Third Avenue North PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant or attorney for the claimant of the water right at the following address:

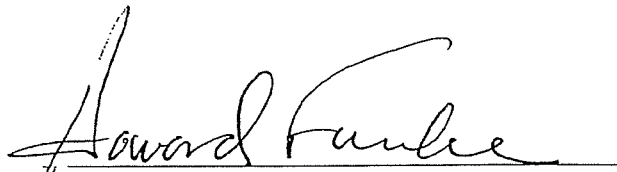
Dale Reiger
Mark Reiger
4227 Bayside Ln
Greenbank, WA 98253

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environmental & Nat'l Resources Div
550 W. Fort Street, MSC 033
Boise, ID 83724

A handwritten signature in black ink, appearing to read "Howard Funder", written over a horizontal line.

Signature of Objector or attorney
mailing on Objector's behalf

EXHIBIT A
LIST OF SUBCASE NOS.

Box 4: Priority Date

92-4008
92-10093
92-10134
92-10482
92-10483
92-10549
92-10554
92-10905
92-10972
92-10377
92-10452
92-10622
92-10642
92-10694