

D. I am responding to the Objections to the following elements. (Please check the appropriate box(es)).

1. ☐ Name and Address
2. ☐ Source
3. ☐ Quantity
4. ☐ Priority Date
5. ☐ Point of Diversion
6. ☐ Instream Flow Beginning and Ending Point
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☐ Place of Use
10. ☐ Recommendation:

☒ This water right should not exist.

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

**** Objection was based on "Supplemental Reasons" contained in an attachment.**

E. VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Elmore)

Jackie Weece, duly sworn, upon oath, deposes and says:
(Name of Person filing objection)

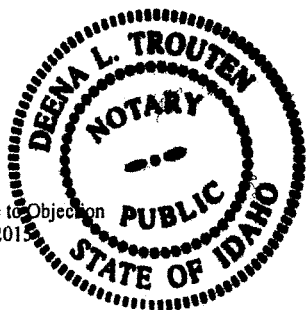
That I am the party/claimant filing this response as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

Jackie E. Weece
(Signature of person filing objection)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: September 24, 2015

Deena L. Trouten
Notary Public for Idaho
Residing at: MOUNTAIN HOME
My Commission Expires: 25 Feb 21



INSTRUCTIONS FOR MAILING

You must mail the Response, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

F. CERTIFICATE OF MAILING

I certify that on September 29, 2015, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

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

Name: Jackie and Teresa Weece
Address: 4210 SW Aviation Drive
Mountain Home, Idaho 83647

3. One copy to the party who filed the Objection at the following address:

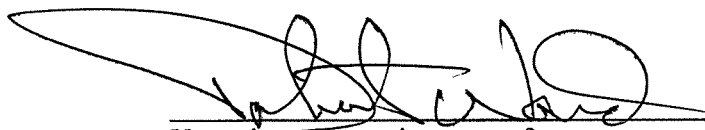
Name: Ricky C. and Kimberly M. Holden
Address: c/o Thomas J. Katsilometes
P.O. Box 777, Boise, Idaho 83701

4. Copies to:

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

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

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 83720
Boise, ID 83720-0010



Your signature or signature of attorney
mailing on your behalf

ROBERT W. WARD
HALL, FRIEDLY & WARD
Attorneys for Claimant
340 East 2nd North
Mountain Home, Idaho 83647
Telephone: (208) 587-4412
Facsimile: (208) 587-3144
Idaho State Bar No. 4442

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	)	SUPPLEMENTAL RESPONSE
	)	TO OBJECTION
Case No. 39576	)	
Subcase # 61-12301	)	
_____	)	

COME NOW Claimants, Jackie and Teresa Weece, by and through their attorney of record, Robert Ward of the firm Hall, Friedly & Ward, and hereby respond to the Supplemental Reasons attached to the Objection filed by Ricky and Kimberly Holden, for the following reasons:

- 1) Holdens' Objection to the Director's Report does not meet the standard of being "well-grounded in fact," nor is it "warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law..." The Objection is not even based on any of the criteria relevant to an objection (subparagraphs 1-9 of Part D) as noted in the Standard Form 1 Objection.
- 2) The Objection contains numerous false statements, misstatements of the law, and illogical legal conclusions.
- 3) The Joint Well Use and Maintenance Agreement (hereinafter "Agreement") is valid, was recorded, and states in its terms it "shall run with the land." The Agreement was

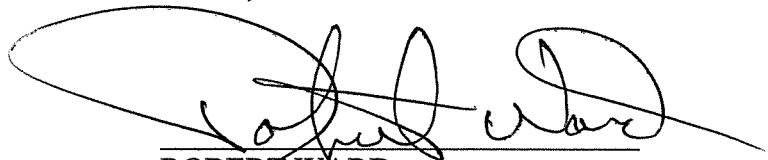
drafted by Holdens and given as an inducement to Weeces' predecessor-in-interest to purchase property from Holdens. The Agreement was not merely an accommodation to obtain financing. If Holdens actually intended such, it would be financial fraud on their part.

- 4) Weeces' request for determination of a water right is based on appropriation and beneficial use for a domestic purpose for over fifteen (15) years. Even though the Agreement is valid, and appurtenant to the land Holdens sold Weeces' predecessor, it is not necessarily essential to Weeces' claim, which is based on appropriation and beneficial use.
- 5) The Agreement conveyed ownership of the "well" and "equipment." The Agreement did not need to convey land (the purpose of a deed), nor did it need to convey a water right (which had not even been issued yet).
- 6) Holdens' claims that the Agreement lapsed upon foreclosure, or that the bank needed an assignment, are frivolous claims. The Agreement was entered into as a prerequisite to obtaining a loan on the property, was recorded, and runs with the land. If Holdens wanted to reserve any rights to the use of the water, they needed to specifically reserve those rights when they signed the deed to Weeces' predecessor-in-interest. Idaho law has held for almost a century that "in the absence of any reservation to the contrary, a deed to land effects a transfer of such water and water rights as are appurtenant to the land." *Koon v. Empey*, 40 Idaho 6(1924). The Idaho Supreme Court also held "having been used to irrigate the lands now owned by respondent in 1905, and several years prior, the water became appurtenant to the land." *Koon v. Empey*, 40 Idaho 6(1924).

7) Weeces are requesting an adjudicated water right based upon appropriation and use for over fifteen (15) years. The Director's Report issued in this matter is well founded under Idaho law and appropriately recommends that water right number 61-12301 be issued to Jackie and Teresa Weece.

DATED this 28 of September, 2015.

HALL, FRIEDLY & WARD

A large, stylized handwritten signature in black ink, appearing to read 'Robert Ward', is written over a horizontal line.

ROBERT WARD

Attorneys for Claimants