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Department of Water Resources
Southern Region

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Department of Water Resources
Adjudication Bureau

1998 OCT -6 PM 3:04

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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. 39576

A. Subcase 47-07373

(Insert water right number)

STANDARD FORM 1

OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Salmon River Canal Company

Address: Rt. 1 Box 4457

Twin Falls, ID 83301

Daytime Phone: (208) 655-4220

MAIL



20540

Name & Address of Attorney, if any:

Norman M. Semanko

P.O. Box 1906

Twin Falls, ID 83303-1906

C. CLAIMANT OF WATERRIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Salmon River Canal Co.

Address: Rt. 1 Box 4457

Twin Falls, ID 83301

D. I object to the following elements as recommended in the Director's Report.
(Please check the appropriate box(es)).

1. ☐ Name and Address:
Should be: _____
2. ☐ Source:
Should be: _____
3. ☒ Quantity:
Should be: .12 cfs. without 13,000 gallons per day limitation
4. ☐ Priority Date:
Should be: _____
5. ☐ Point(s) of Diversion:
Should be: _____
6. ☐ Instream Flow Description:
Should be: _____
7. ☐ Purpose(s) of Use:
Should be: _____
8. ☐ Period of Year:
Should be: _____
9. ☐ Place of Use:
Should be: _____
11. 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 OBJECTION(S):

This water right was licensed in the amount of .12 cfs for domestic use associated with 5 homes. The license (copy attached) contains no provision limiting daily use to 13,000 gallons per day. In addition, the licensed amount of water was a determination of historical beneficial use. The claim was filed as a "long form" claim, not as a "small" domestic claim -- as verified by the attached correspondence and receipt from IDWR. As a result, the following remarks in the director's report should be removed: "The quantity of water under this right shall not exceed 13,000 gallons per day."; "The quantity of water decreed for this water right is not a determination of historical beneficial use."

VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Twin Falls)

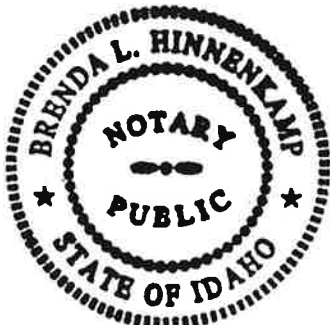
Norman M. Semanko, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

(Signature of person filing objection)

N - 7 - S
(Attorney signing in representative capacity)

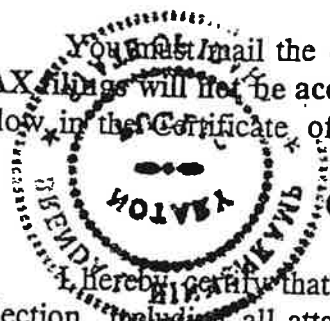
Subscribed and sworn to before me on: 10/6/98



Brenda L. Hinnenkamp
NOTARY PUBLIC FOR IDAHO
Residing at: Twin Falls, Idaho
My commission expires: 9/11/2004

INSTRUCTIONS FOR MAILING

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



CERTIFICATE OF MAILING

Hereby, certify that on October 6, 1998, I mailed the original and copies of this objection, including all attachments, to the following persons:

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:

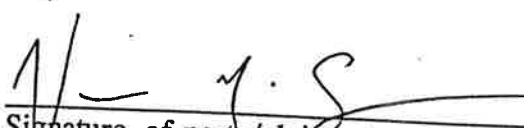
Name: Salmon River Canal Co.
Address: Rt. 1 Box 4457
Twin Falls, ID 83301

3. Copies to:

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

Chief, Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environmental and Natural Resource Division
550 West Fort Street, MSC 033
Boise, Idaho 83724



Signature of party/claimant or attorney
mailing on Objector's behalf

WATER RIGHT LICENSE

License of Water Right No. 47-7373 Priority February 18, 1977 Amount 0.12 cfs

THIS IS TO CERTIFY, that Salmon River Canal Company of Twin Falls, Idaho has complied with the terms and conditions of Permit No. 47-7373 issued pursuant to Application for Permit dated February 18, 1977 and has submitted proof to the Department of Water Resources on January 8, 1982 that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 0.12 cfs of water from a groundwater source tributary to the Snake River and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use Domestic Period of Use from January 1 to December 31 Rate of Diversion 0.12 cfs and Annual Volume 7.2 acre feet

from _____ to _____ at _____ cfs and _____

from _____ to _____ at _____ cfs and _____

(both dates inclusive)

Subject, however, to the condition that no more than 0.12 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 7.2 acre feet per year, said waters to be diverted within the NW 1/4 Section 27, Twp 12S. Rge 16E in the County of Twin Falls

Description and location of place of use:

[illegible]

Total number of acres irrigated

CONDITIONS OF APPROVAL

- a. Modifications to or variances from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.
- b. The right to the use of the water hereby confirmed is restricted and appurtenant to lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.
- c. Any water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water other than hydropower, within the State of Idaho initiated later in time than the priority of this license.

Domestic use is for 5 houses, 1 shop and 1 office.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 19TH day of November, 19 85.

Acting for the Director

Norman C. Young

(LW)
sent
↓
FEB. 8, 1989

SALMON RIVER CANAL COMPANY, L.T.D.
RT 1 BOX 4457
TWIN FALLS, ID 83301

DEAR SIRs:

ENCLOSED PLEASE FIND THE ADJUDICATION CLAIMS AND CHECK
YOU SUBMITTED TO OUR OFFICE. THANK YOU FOR YOUR TIMELY
RESPONSE.

BOTH SINGLE DOMESTIC CLAIMS ARE FINE. THE MULTIPLE FAMILY
DOMESTIC/COMMERCIAL CLAIM WAS BASED ON LICENSE #47-7373
AND NEEDED A LONG FORM COMPLETED RATHER THAN THE SHORT
DOMESTIC FORM. WE HAVE ENCLOSED A COMPUTER GENERATED FORM
FOR YOUR CONVENIENCE. ALL WE NEED IS YOUR SIGNATURE
ON THE FORM AND NOTARIZATION. THE CLAIM REPRESENTS 5
HOMES WHICH MAKE IT A MULTIPLE FAMILY DOMESTIC CLAIM,
AS WELL AS A OFFICE AND SHOP, WHICH ARE USED FOR
COMMERCIAL PURPOSES. THE FEE FOR THE CLAIM IS \$50
PLUS \$100 PER CFS. THE CLAIM WAS ORIGINALLY LICENSED
FOR .12 CFS, WHICH MAKES THE CLAIM \$62 RATHER THAN
\$25.

PLEASE RETURN THE SIGNED AND NOTARIZED COMPUTER CLAIM
AND THE OTHER 2 DOMESTIC CLAIMS WITH A NEW CHECK FOR
THE CORRECT AMOUNT OF \$112.00.

THANK YOU FOR YOUR CAREFUL ATTENTION CONCERNING YOUR
WATER RIGHT FILINGS. PLEASE FEEL FREE TO CONTACT OUR
OFFICE IF YOU HAVE ANY QUESTIONS OR IF YOU NEED
ASSISTANCE.

SINCERELY,

LORI WHITE
WATER AGENT

MICROFILMED

MAR 11 1993