

MAY 16 2019

DEPARTMENT OF
WATER RESOURCES**CANDICE MCHUGH**

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**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS**

In Re the CSRBA

Case No. 49576

SUBCASE NO. 95-17513

**VARELA FAMILY TRUST OBJECTION
TO CHRIS VARELA MOTION TO
AMEND CLAIM**

COMES NOW Claimant and Objector, Varela Family Trust and hereby objects to Chris Varela's *Motion to Amend Claim* filed on April 2, 2019. The Varela Family Trust is filing this objection so as to not waive any argument it has regarding the above listed water right claim.

The basis for the objection is as follows:

1. The point of diversion in the proposed Amended Claim is a shared well with the Varela Family Trust property subject to a well agreement that allows for both parties to divert their portion of the water right from the well.
2. The proposed Amended Claim requests a priority date of 1907 for a groundwater source; however, the 1907 date, if it is in fact correct and substantiated, would only apply to a surface water source.

Chris Varela has claimed two water rights in the CSRBA, claim no. 95-4706 for and claim no. 95-17513. Mr. Varela owns property adjacent to property owned by the Varela Family Trust. Both properties get domestic water from a shared well located on the Varela Family Trust property located in the SESW quarter-quarter of Section 9, Township 50N, Range 04W. (See attached Exhibit A) The Varela Family Trust filed objections to the recommendations on Mr. Varela's claims for various reasons, including the fact that the source claimed under claim no. 95-4706 is incorrectly recommended as "ground water." Historically, Mr. Varela's property used surface water in the form of a spring, run off and an intermittent stream, including a collection pond, located in the SWSW quarter-quarter of Section 9. The surface water source(s) is what was used on the property now owned by Mr. Varela.

In 1979 a well was drilled on the property now owned by the Varela Family Trust. This well provides domestic water to both the Varela Family Trust property and Mr. Varela's property. A groundwater source was not developed nor used for any purpose on Mr. Varela's property until the drilling of the shared well.

Based on the foregoing the Varela Family Trust asks that the Motion to Amend Claim be denied.

DATED this 14th day of May, 2019.

MCHUGH BROMLEY, PLLC

By: Candice M. McHugh

Candice M. McHugh

Attorneys for the Varela Family Trust

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th of May, 2019, I served a true and correct copy of the **VARELA FAMILY TRUST OBJECTION** on the person(s) whose names and addresses appear below by the method indicated:

CLERK OF THE DISTRICT COURT CSRBA 253 THRID AVENUE NORTH PO BOX 2707 TWIN FALLS, ID 83303-2707	☐ U. S. Mail ☐ Hand Delivered ☐ Overnight Mail ☒ Facsimile ☐ E-mail
RACINE OLSON LAW OFFICE TJ BUDGE 201 E CENTER ST POCATELLO, ID 83201	☒ U. S. Mail ☐ Hand Delivered ☐ Overnight Mail ☐ Facsimile ☒ E-mail

By: Candice M. McHugh
Candice M. McHugh

Exhibit A

