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DEPARTMENT OF
WATER RESOURCES

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

In Re CSRBA

Case No. 49576

A. Subcase(s): 95-2138

**STANDARD FORM 1
OBJECTION**

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Susan Martell & Becky Nelson
Address: Martell: 3208 Plymouth Dr., Bellingham, WA 95225
Nelson: 3120 Coolidge Dr., Bellingham, WA 95225

Daytime Phone: Martell: (360) 961-6369
Nelson: (360) 734-9778

Name & Address of Attorney:

Michael P. Lawrence
Charlie S. Baser
GIVENS PURSLEY LLP
601 W. Bannock Street
P.O. Box 2720
Boise, ID 83701-2720
Telephone: (208) 388-1200

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Susan Martell & Becky Nelson
Address: Martell: 3208 Plymouth Dr., Bellingham, WA 95225
Nelson: 3120 Coolidge Dr., Bellingham, WA 95225

D. I object to the following elements or general provisions 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: Remark should be removed (see Section E below)
4. ☐ **Priority Date**
Should be: _____
5. ☒ **Point of Diversion**
Should be: Remarks should be removed (see Section E below)
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 OBJECTION(S):

Quantity: The remark stating that the “quantity of water under this right for domestic use shall not exceed 13,000 gallons per day” was not included in 95-2138’s license and there otherwise is no basis for including it in the partial decree for this water right.

Point of Diversion: The remark in “Explanatory Material” stating that right nos. 95-13699 and 95-14511 are diverted through 95-2138’s points of diversion should be deleted because 95-13699 and 95-14511 should not exist, the remark was not in 95-2138’s license, and there otherwise is no basis for including the remark in the partial decree for this water right.

DATED this 12th day of July, 2019.

GIVENS PURSLEY LLP



Michael P. Lawrence
Attorneys for Objectors

F. CERTIFICATE OF MAILING

I certify that on July 12, 2019, 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 of the water right at the following address:

Name: Susan Martell & Becky Nelson
Address: Martell: 3208 Plymouth Dr., Bellingham, WA 95225
Nelson: 3120 Coolidge Dr., Bellingham, WA 95225

3. Copies to:

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

Chief, Natural Resources Division
Office of Attorney General
PO Box 82720
Boise, ID 83720-0010

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



Michael P. Lawrence
Attorneys for Objectors