

NOV 29 2019

DEPARTMENT OF
WATER RESOURCESIN 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

Subcase

95-09436

(Insert water right number)

STANDARD FORM 7

☐ MOTION TO FILE LATE OBJECTION
OR☒ MOTION TO SET ASIDE AND MODIFY
PARTIAL DECREE OR FINAL ORDER
DISALLOWING WATER RIGHT CLAIMNAME AND ADDRESS OF PERSON FILING MOTION FOR LATE OBJECTION OR
MOTION TO SET ASIDE PARTIAL DECREE/FINAL ORDER DISALLOWINGName: Matthew J. SchellAddress: 29837 N. Wheatridge Rd. Athol ID, 83801Daytime Phone: 406-381-7850☐ I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT OR
PARTIAL DECREE/FINAL ORDER DISALLOWINGName: Wheat Ridge Farms Homeowners Assn. Inc.Address: c/o Matt Schell29837 N. Wheatridge Rd. Athol ID, 83801-8223

If you are seeking to file a late Objection, list the reason(s) this objection is late and why it was not filed by the Objection deadline:

If you are seeking leave to file a late Objection,

YOU MUST ATTACH A COMPLETED STANDARD FORM 1 (Objection form).

If you are seeking to set aside and modify a Partial Decree/Final Order Disallowing, indicate the basis for your motion:

- ☐ Idaho Rule of Civil Procedure 59 (e)
- ☐ Idaho Rule of Civil Procedure 60(a)
- ☒ Idaho Rule of Civil Procedure 60(b)

And list the reason(s) why the Partial Decree/Final Order Disallowing should be set aside:

Domestic use of 5.4 AFY and Irrigation use of
13.5 AFY should total 18.9 AFY but does not. This
needs changed to protect the rights of the nine
homeowners on the water system. Also rates of 0.09 CFS
and 0.13 CFS should equal 0.22 CFS.

Matthew J. Schell
(Signature of person filing motion)

(Attorney signing in representative capacity)

INSTRUCTIONS FOR MAILING

You must mail this motion, 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.

CERTIFICATE OF MAILING

I certify that on Nov. 27, 2019, I mailed the original and copies of this motion, 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 each party involved in the Subcase including the claimant, all objectors, respondents and any party granted a motion to participate. Attach a list of names and addresses.

3. 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 Attorney General
State of Idaho
PO Box 83720
Boise, ID 83720-0010



Signature of Movant or attorney
mailing on Movant's behalf

Cari Bunch

30064 N. Wheatridge Rd.

Athol, ID 83801-8211

John & Gisela Kunz

30296 N. Wheatridge Rd.

Athol, ID 83801-8211

Charles & Lucy Bergh

29759 N. Wheatridge Rd.

Athol, ID 83801-8211

James & Deb McBride

P.O. Box 266

Athol, ID 83801-0266

Max & Sandy Blanchard

29794 N. Wheatridge Rd.

Athol, ID 83801-8211

Butch & Kris Molinar

30128 N. Wheatridge Rd.

Athol, ID 83801

Brett Gunderson

30095 N. Wheatridge Rd.

Athol, ID 83801

Matt & Sharon Schell

29837 N. Wheatridge Rd.

Athol, ID 83801

Dan & Kendy Howard

30267 N. Wheatridge Rd.

Athol, ID 83801