

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	)	A. Subcase 29-11277
	)	
Case No. 39576	)	STANDARD FORM 1
	)	OBJECTION
	)	

B. NAME AND ADDRESS OF PERSON OBJECTING:

Name: Marsh Valley Development, Inc.
Address: 5203 South 11th East
Idaho Falls, Idaho 83404

Name and Address of Attorney: Randall C. Budge
Racine, Olson, Nye, Budge & Bailey, Chtd.
P.O. Box 1391
Pocatello, Idaho 83204-1391
Phone: 208-232-6101
Fax: 208-232-6109
E-mail: rcb@racinelaw.net

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

Name: Portneuf Irrigating Company
C/o Ralph Calvin Stone
P.O. Box 910
Burley, Idaho 83318

D. I object to the following elements as recommended in the Director's Report:

1. Name and Address
Should be:
2. Source
Should be:
3. Quantity
Should be: None after 9/15, or reduced to actual historic use.

4. Priority Date
Should be:
5. Points of Diversion
Should be:
6. Instream Flow Description
7. Purpose of Use
Should be:
8. Period of Year
Should be: 4/15 to 9/15.
9. Place of Use:
Should be:
11. I object because:

_____ This water right should not exist.

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

E. REASONS SUPPORTING OBJECTION(S): SEE ATTACHED.

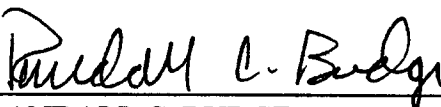
Claim is contrary to and in excess of Claimant's decreed rights and historic use. If any irrigation or stock water use exists beyond the normal end of the irrigation season 9/15, the amount is minimal and far less than claimed.

F. VERIFICATION

State of Idaho)
 : ss
County of Bannock)

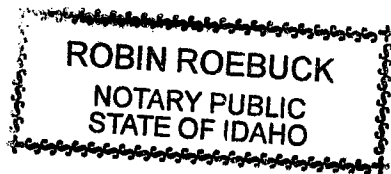
Randall C. Budge, duly sworn, upon oath, deposes and says:

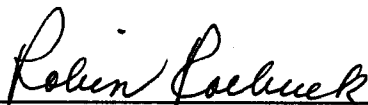
That I am the party filing this objection, as defined by I.C. §§42-1401A(1) and (6) or that I am the attorney for the party objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.



RANDALL C. BUDGE
Attorney for Marsh Valley Development

SUBSCRIBED AND SWORN TO before me this 23rd day of February, 2004.





NOTARY PUBLIC FOR IDAHO,
Residing at Pocatello.
My Commission Expires 8/18/2006.

CERTIFICATE OF MAILING

I certify that on February 23, 2004, 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
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copy to Claimant:

Portneuf Irrigating Company
c/o Randolph Calvin Stone
P.O. Box 910
Burley, Idaho 83318

Jerry Rigby
Rigby, Thatcher, Andrus, Rigby, Kam & Moeller
P.O. Box 250
Rexburg, Idaho 83440

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

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

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

for 

RANDALL C. BUDGE
Attorney for Objector