

APR 16 2004

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 SRBA)

Case No. 39576)

A. Subcase

29-13536(Insert water right number
From the Objection Form)

STANDARD FORM 2
RESPONSE TO OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Fagnant & Olson LLC by Francis Gene FagnantAddress: P.O. Box 293Lava Hot Springs, Idaho 83246Daytime Phone: 208 776-5289

Name & Address of Attorney, if any:

C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING

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

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

1. ☐ Name and Address
2. ☐ Source
3. ☐ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☒ Period of Year
9. ☐ Place of Use
11. Recommendation

☐ This water right should not exist.

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

E. VERIFICATION (Must be Completed)

State of Idaho)
County of Bannock) ss.

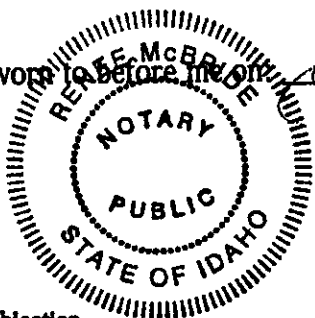
Francis Gene Fagnant, duly sworn, upon oath, deposes and says:
(Name of person filing response)

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

Fagnant & Olson LLC Francis Gene Fagnant
(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on



April 14 2004

Notary Public for State of Idaho

Residing at: have not 1 spring rd

My Commission Expires: May 31, 2006

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, 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.

E.

CERTIFICATE OF MAILING

I certify that on 4-14-04, 199 , I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake 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: Fagnant & Olson LLC By Francis Gene Fagnant
Address: Box 293 Lava Hot Springs, Id. 83246

3. One copy to the party who filed the objection at the following address:

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

4. Copies to:

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

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

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

Francis Gene Fagnant
Your signature or signature of attorney
mailing on your behalf

ITEM #8 ATTACHMENT

Regarding our water right #13310, this water has historically been used to irrigate from April 1 to October 31 since the decree of August 1, 1881 for .2cfs and March 1, 1894 for 1.2 cfs.

This is a response to the objection of Marsh Valley Development Corporation to our extended season use of the water.

Affidavits to this effect have been filed with the IDWR.

We urge that continued beneficial use of this water prior to April 15th and after September 15th be granted.

Signed:

Fagnant & Olson Ranch LLC

by:

A handwritten signature in cursive script that reads "Francis Gene Fagnant". The signature is written in dark ink and is positioned above the printed name and title.

Francis Gene Fagnant,
President