

**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. 35976

A. Subcase No. 31-10740

**STANDARD FORM 1  
OBJECTION**

Please fill in the following information:

**B. NAME AND ADDRESS OF PERSON OBJECTING**

Name: Mud Lake Water Users, Inc.

Address: c/o Holden, Kidwell, Hahn & Crapo, P.L.L.C.

P.O. Box 50130

Idaho Falls, ID 83405

Daytime Phone: 208-523-0620

Name & Address of Attorney, if any:

Kent W. Foster

Holden, Kidwell, Hahn & Crapo

P.O. Box 50130

Idaho Falls, ID 83405

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

Name: James F. Hagenbarth, David J. Hagenbarth & Margaret Hagenbarth

Address: P.O. Box 1128

Dillon, MT 59725

D. I object to the following elements 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: \_\_\_\_\_
4. ☒ **Priority Date**  
Should be: See reasons supporting objections below.
5. ☐ **Points of Diversion**  
Should be: \_\_\_\_\_
6. ☐ **Instream Flow Description**  
Should be: \_\_\_\_\_
7. ☐ **Purpose(s) of Use**  
Should be: \_\_\_\_\_
8. ☐ **Period of Year**  
Should be: \_\_\_\_\_
9. ☐ **Place of Use**  
Should be: \_\_\_\_\_

10. **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): this water right should not be delivered in the normal fashion with this priority date. Historically, the water master has delivered this right only when Dry Creek was not contributing to Spring Creek, with the exception of times when there were very substantial floods. For this water to be diverted into Basin 21 when it should be contributing to the rights on Spring Creek would injure many rights down stream on Spring Creek, Camas Creek and eventually Mud Lake. There is no objection to the historical delivery practices of the Basin 31 water master.

VERIFICATION (Must be Completed)

State of Idaho )

County of Boonsville )ss.

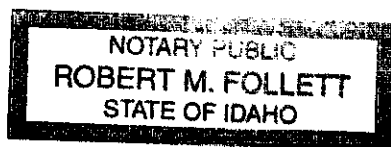
Kent W. Foster, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

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

\_\_\_\_\_  
Signature of person filing objection

[Signature]  
Attorney signing in representative capacity

Subscribed and sworn to before me on: 5-13-02



[Signature]  
Notary Public for Idaho Falls  
Residing at: Idaho Falls  
My Commission Expires: 11-17-06

## INSTRUCTIONS FOR MAILING

You must mail the objection, 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.

### G. CERTIFICATE OF MAILING

I hereby certify that on the 12<sup>th</sup> day of May, 2002, 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  
253 Third Avenue North  
P.O. Box 2707  
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

James F. Hagenbarth  
David J. Hagenbarth  
Margaret Hagenbarth  
P.O. Box 1128  
Dillon, MT 59725

3. Copies to:

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

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

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

  
\_\_\_\_\_  
Signature of Objector or attorney mailing on  
Objector's behalf

G:\WPDATA\K\W\1047 MUD LAKE WATER USERS, INC\Form.1.31-10740.wpd