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Attorneys at Law

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MAY 24 2002

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Department of Water Resources

Patti L. Rowland
F. Ron Newbury
Nancy Zalutsky, CLA, Paralegal

Please Reply to Dillon Office

Sender's E Mail: plr@doneylaw.com

May 22, 2002

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

RE: Basin 31 Objection - 31-10740

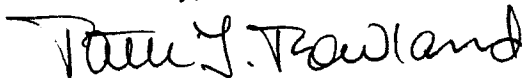
Dear Clerk of Court:

Please find enclosed the original and copy of the following objection to be filed in the Basin 31 Snake River Adjudication:

31-10740

Please file stamp the copy and return it to my office in Dillon, Montana in the enclosed, stamped and self-addressed envelope I have enclosed for your convenience. If you have any questions, please contact me at (406) 683-8795.

Sincerely,



Patti L. Rowland

Enc.

cc: John M. Marshall, Givens Pursley LLP

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MAY 24 2002

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

A. Subcase 31-10740

In Re SRBA

Case No. 39576

OBJECTION FORM

B. NAME AND ADDRESS OF PERSON OBJECTING

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

Address: P.O. Box 1128
Dillon, MT 59725

Daytime Phone: (406) 683-2163

Name and address of Attorney, if any:

Givens Pursley LLP
Michael C. Creamer
John M. Marshall
P.O. Box 2720
Boise, ID 83701
(208) 388-1200

Doney, Crowley, Bloomquist & Uda, P.C.
John E. Bloomquist
Patti L. Rowland
P.O. Box 1418
Dillon, MT 59725
(406) 683-8795

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

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

Address: P.O. Box 1128
Dillon, MT 59725

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

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☐ **Quantity**
Should be:
4. ☒ **Priority Date**
Should be: November 10, 1893
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(s) of Use**
Should be: See E. Reasons Supporting Objection.
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:

Water records, deeds, and testimony in the Sauve v. Abbott decree, Case No. 639, U.S. District Court, District of Idaho, Eastern Division (1930), clearly indicate that Dry Creek water was diverted and used as early as 1889 on land owned by the claimant's predecessors in District/Basin 21. The historic, present, and beneficial use of this water since 1893, as well as the documentation mentioned above, however, confirm a priority date of November 10, 1893.

The Amended Director's Report contains several typographical errors to the place of use. The total acreage irrigated by this water right is 1089.6. T13N, R40E, S29, Lot 2 NWNE, 13.0 and T13N, R40E, S29, SWNE, 21.0 appear twice under the place of use listing contained on the Amended Director's Report.

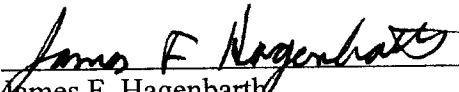
F.

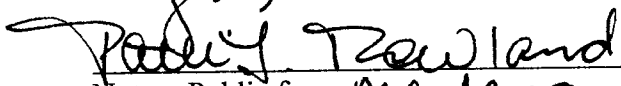
VERIFICATION

State of Montana)
) ss.
County of Beaverhead)

James F. Hagenbarth, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection on behalf of Margaret Hagenbarth, David J. Hagenbarth and myself, as defined by I.C. § 42-1401A(1) and (6) and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


James F. Hagenbarth

Subscribed and sworn to before me on: May 22, 2002

Notary Public for Montana
Residing at: Dillon, MT
My Commission Expires: 1/01/04

G.

CERTIFICATE OF MAILING

I certify that on May 22, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original (Sent certified and priority overnight mail) 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 claimants of the water right at the following address:

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

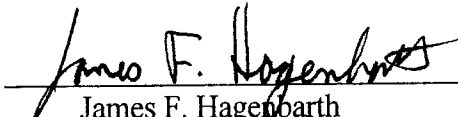
3. Copies to:

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

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

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

Kent W. Foster, Attorney for Mud Lake Water Users, Inc.
Holden, Kidwell, Hahn & Crapo
P.O. Box 50130
Idaho Falls, ID 83405


James F. Hagenbarth