

A. Subcase 31-10740

OBJECTION FORM

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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:
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. 635, U.S. District Court, District of Idaho, Eastern Division (1930), clearly indicate that Dry Creek water was diverted and used as early as 1893 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 confirm a priority date of November 10, 1893.

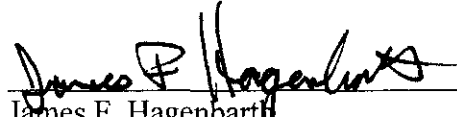
F.

VERIFICATION

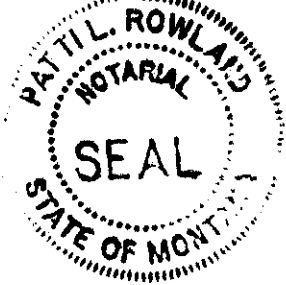
State of Montana)
) ss.
County of Beaverhead)

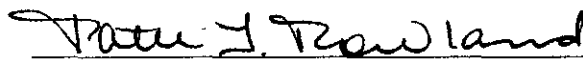
James F. Hagenbarth, duly sworn, upon oath, deposes and says:

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: November 25, 2002




Notary Public for Montana
Residing at: Dillon, MT
My Commission Expires: 11/1/04

G.

CERTIFICATE OF MAILING

I certify that on November 25 2002, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original (Sent certified ~~by registered mail~~ 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. 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

David L. Negri
United States Department of Justice
Environment and Natural Resources 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

Rigby, Thatcher, Andrus, Rigby, Kam & Moeller
Ray W. Rigby
P.O. Box 250
Rexburg, ID 83440-0250


James F. Hagenbarth

DONEY, CROWLEY, BLOOMQUIST & UDA, P.C.

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(406) 683-8795
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Patti L. Rowland
±Suzanne Taylor
Certified Legal Assistants:
Nancy Zalutsky
Jeri Hoffman

November 25, 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

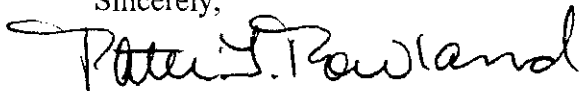
Dear Clerk of Court:

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

Emphasis in water, natural resources, energy, environmental law & government relations