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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

A. Subcase No. 31-10740

Case No. 35976

STANDARD FORM 1
OBJECTION TO SECOND CORRECTED
AMENDED DIRECTOR'S REPORT DATED SEPT.
25, 2002.

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 Bonneville)ss.

Bert 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.

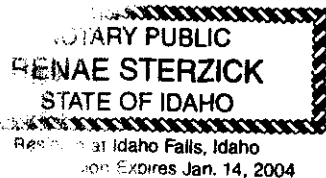
Signature of person filing objection

Bert W. Foster

Attorney signing in representative capacity

Subscribed and sworn to before me on:

November 25 2002



Renae Stergick
Notary Public for Idaho
Residing at: Idaho Falls
My Commission Expires: 1-14-2004

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 25th day of November, 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

[Sent by regular mail]

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

[Sent by regular mail]

3. Copies to:

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

[Sent by regular mail]

David Negri
United States Department of Justice
Environmental and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724
208-387-0842

[Sent by regular mail and Facsimile]

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

[Sent by regular mail]

John Marshall
Givens, Pursley, LLP
P.O. Box 2720
Boise, ID 83701-2720

[Sent by regular mail]

Patti Rowland
Doney Crowley Bloomquist & Uda
108 South Washington Street
P.O. Box 1418
Dillon, MT 59725-1418

[Sent by regular mail]

Larry Singleton
c/o Ray Rigby
Rigby Thatcher Andrus Rigby Kam & Moeller
25 N. 2nd E.
P.O. Box 250
Rexburg, ID 83440-0250

[Sent by regular mail]

Candice McHugh
Idaho Department of Water Resources
Natural Resources Division
1301 N. Orchard St.
Boise, ID 83706-2237

[Sent by regular mail]



Signature of Objector or attorney mailing on
Objector's behalf