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JUN 10 2005

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 Number: 45-4114

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Earl Warthen

Address: P.O. Box 145

Albion, Idaho 83111

Phone: (208) 673-5385

Name & Address of Attorney, if any:

Shelley M. Davis, Bar No. 6788

Barker Rosholt & Simpson, LLP

205 North 10th Street, Suite 520

P.O. Box 2139

Boise, Idaho 83701-2139

Telephone: 208-336-0700

Facsimile: 208-344-6034

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

Name: United States of America

USDA Forest Service

Address: 550 W. Fort St., MSC 033

Boise, Idaho 83706-1234

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: Combined source is not appropriate.
3. ■ **Quantity**
 Should be: Right was lost through abandonment and/or forfeiture.
4. ■ **Priority Date**
 Should be: Should be confined to 1976 date when new right was developed.
5. ■ **Point(s) of Diversion**
 Should be: Bennett Spring source is problematic.
6. □ **Instream Flow Description**
 Should be:
7. ■ **Purpose(s) of Use**
 Should be: During time when right was developed it was done so for domestic purposes.
8. ■ **Period of Year**
 Should be:
9. ■ **Place of Use**
 Should be: Should be limited to current development, not potential expansion.
11. **I object because:**
 - This water right should not exist.
 - This water right was not recommended, but should be recommended with the elements described.
- E. **REASONS SUPPORTING EACH OBJECTION(S):** No lawful appropriation for this water right as recommended was made. Further, the water right was lost due to abandonment and/or forfeiture.

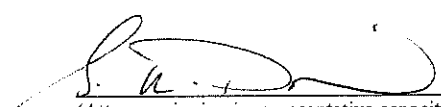
F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Shelley M. Davis, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

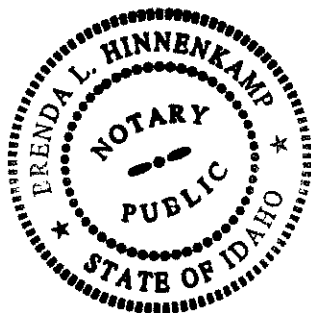
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and/
or that I am the attorney for the party/claimant objecting and that I have read this objection,
know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)



(Attorney signing in representative capacity)

Subscribed and sworn to before me on: June ⁹~~8~~, 2005



Brenda L. Hinnenkamp
Brenda L. ~~Knight~~ Hinnenkamp
Notary Public for: Idaho
Residing at: Boise
My Commission Expires: 9/11/2006

INSTRUCTIONS FOR MAILING

You must mail the objection, 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 certify that on June 9, 2005, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

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

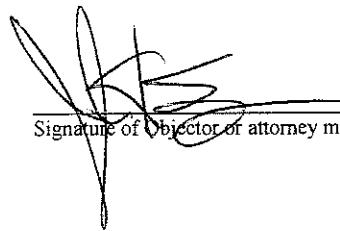
Name: United States of America
USDA Forest Service
Address: 1249 S. Vinnell Way, Suite 200
Boise, ID 83709

3. Copies to:

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

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

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 W. Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney mailing on Objector's behalf