

RECEIVED

OCT 05 2008

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 1-2050

Case No. 35976

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Montevew Canal Co.
Address: 648 E. 2600 N.
Montevew, ID 83435

Daytime Phone: 208-657-2247

Name & Address of Attorney:

Robert L. Harris
Holden, Kidwell, Hahn & Crapo, PLLC
PO Box 50130
Idaho Falls, ID 83405-0130

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

Name: Milner Irrigation District
Address: 5294 E. 3610 N.
Martaugh, ID 83344

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: The Director's Recommendation fails to identify and distinguish the water supply associated with this water right. The claimed right is entitled to be filled only by high surface water runoff from snow melt or rain. Its source of supply is not from base flow (groundwater) to the Snake River. Conditions are required to prevent enlargement of the source of supply.

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

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.

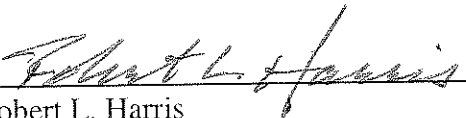
E. **REASONS SUPPORTING OBJECTION(S):** See response to No. 2 above.

VERIFICATION (Must be Completed)

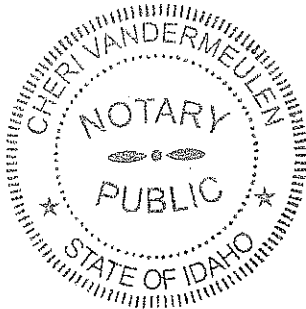
STATE OF IDAHO)
)ss.
County of Bonneville)

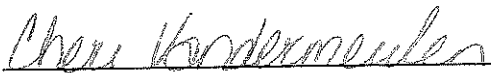
Robert L. Harris, duly sworn, upon oath, deposes and says:

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.


Robert L. Harris

Subscribed and sworn to before me this 3rd day of October, 2006.




Notary Public for Idaho
Residing at: Idaho Falls
My Commission Expires: July 7, 2009

CERTIFICATE OF MAILING

I hereby certify that on the 4 day of October, 2006, 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:

Milner Irrigation Dist
c/o Barker Rosholt & Simpson, LLP
113 Main Ave. West, Ste. 303
Twin Falls, ID 83303-0485

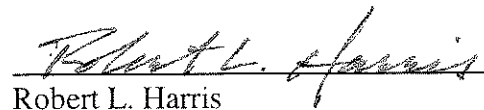
3. Copies to:

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
Environmental and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

HOLDEN, KIDWELL, HAHN & CRAPO, PLLC


Robert L. Harris