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DEPARTMENT OF
WATER RESOURCES

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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 22-12543

Case No. 35976

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Dean Schwendiman & Sons, Inc.

Address: PO Box 57

Newdale, ID 83436

Daytime Phone: 208-458-4314

Name & Address of Attorney, if any:

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: Dean Schwendiman & Sons, Inc.

Address: PO Box 57

Newdale, ID 83436

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: With combined rights 22-2193, 22-7020 & 22-12543, the total combined annual diversion volume should be 1,744.6 acre feet
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: As currently recommended, except no acres in the S $\frac{1}{2}$ of the S $\frac{1}{2}$ of Sections 7 & 8, T7N., R42 E., should be included within the authorized place of use. It appears that these small number of acres were included because of an error with the GIS shapefile.

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.

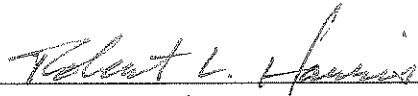
E. **REASONS SUPPORTING OBJECTION(S):** The Preliminary Recommendations for these water rights listed a total combined diversion rate of 4.0 cfs. Before the final recommendations were issued, the total combined diversion rate was increased to 4.11 cfs. However, in making that change, no similar change was made to the annual diversion volume amount. Thus, the total combined annual diversion volume should be increased to 1,744.6 acre feet. As to the place of use objection, it appears that these acres were inadvertently included within the place of use because of a likely GIS error. We would like to have this cleaned up, in addition to cleaning up the total combined annual diversion volume issue discussed above.

VERIFICATION (Must be Completed)

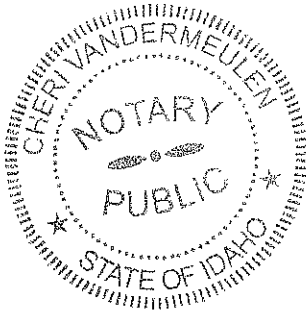
State of Idaho)
)ss.
County of Bonneville)

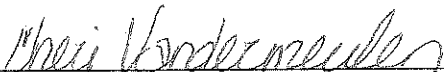
Robert L. Harris, duly sworn, upon oath, deposes and says:

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, Attorney

Subscribed and sworn to before me this 7th day of February, 2007.




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

G.

CERTIFICATE OF MAILING

I hereby certify that on this 7th day of February, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

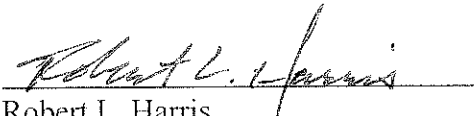
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

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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


Robert L. Harris

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