IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

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DEPARTMENT OF
WATER RESOURCES

In Re SRBA

Case No. 39576

A. Subcase Number: 47-4172
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: LELAND CHAD & GRETCHEN A. MONTGOMERY

Address: 1850 E. 4500 N.
BUHL, ID 83301

Daytime Phone: (208) 543-9055

Name and Address of Attorney, if any:

Attorney Name: JOHN ROSHOLT, ISB #1037
PAUL L. ARRINGTON, ISB #7198
BARKER ROSHOLT & SIMPSON, LLP

Attorney Address: P.O. BOX 485
TWIN FALLS, ID 83303

Attorney Phone No.: (208) 733-0700

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

Name: LYLE E. & IRENE KING

Address: 1840 E. 4500N
BUHL, ID 83301

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: ___

5. ☐ **Point(s) 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**

11. **I object because:**

☐ This water right should not exist.
X This water right was not recommended, but should be recommended with the elements at claimed.

E. REASONS SUPPORTING OBJECTION(S): This right was recommended as disallowed, but should have been recommended as claimed. Water has been diverted under this claim and used on the claimed place of use since at least 1938. Mr. & Mrs. Montgomery are the current owners of the property as they purchased the property in 2002.

F. **VERIFICATION (Must be Completed)**

State of Idaho)
) ss.
County of Twin Falls)

PAUL L. ARRINGTON, duly sworn, upon oath, deposes and says:

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)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: September 12, 2007

JESSICA FORBIS NOTARY PUBLIC STATE OF IDAHO

Notary Public for Idaho
Residing at: Twin Falls
My Commission Expires: 4/3/12

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 September 13, 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
PO Box 2707
Twin Falls, ID 83303-2707

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

Name: LELAND CHAD & GRETCHEN A. MONTGOMERY

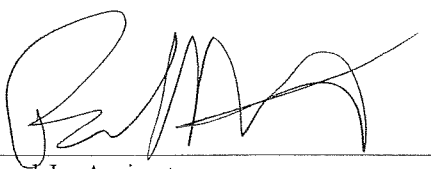
Address: 1850 E. 4500 N.
BUHL, ID 83301

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449



Paul L. Arrington