

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. 37-4130 |
|                | ) |                        |
| Case No. 39576 | ) | STANDARD FORM 1        |
|                | ) | OBJECTION              |
| _____          | ) |                        |

Please fill in the following information:

**B. NAME AND ADDRESS OF PERSON OBJECTING:**

|                           |                        |
|---------------------------|------------------------|
| Tom O'Gara                | Big Wood Canal Company |
| John F. Stevenson         | 112 South Apple Street |
| Bill Molyneux             | Shoshone, ID 83352     |
| Pete Van Der Meulen       |                        |
| Grace Eakin               |                        |
| Rocky Sherbine            |                        |
| Gerald Bashaw             |                        |
| Pepin Corso-Harris        |                        |
| c/o Concerned Water Users |                        |
| P.O. Box 1200             |                        |
| Bellevue, ID 83313        |                        |

Name and Address of Attorney, if any:

|                                                                                          |                                     |
|------------------------------------------------------------------------------------------|-------------------------------------|
| Albert P. Barker                                                                         | Craig Hobdey                        |
| Barker, Rosholt & Simpson, LLP                                                           | Hobdey & Hobdey                     |
| P.O. Box 2139                                                                            | P.O. Box 176                        |
| Boise, ID 83701                                                                          | Gooding, ID 83330                   |
| Telephone: (208) 336-0700                                                                | Telephone: (208) 934-4420           |
| Attorney for O'Gara, Stevenson,<br>Molyneux, Van Der Meulen, Eakin,<br>Sherbine & Bashaw | Attorney for Big Wood Canal Company |

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

Name: Michael D. Engl  
Address: P. O. Box 2500, Sun Valley, ID 83353-2500

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate boxes):

1. ☐ **Name and Address**  
Should be:
2. ☐ **Source**  
Should be:
3. ☐ **Quantity**  
Should be:
4. ☒ **Priority Date**  
Should be: See "E" below.
5. ☐ **Point(s) of Diversion**  
Should be:
6. ☐ **Instream Flow Beginning and Ending Point**  
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.

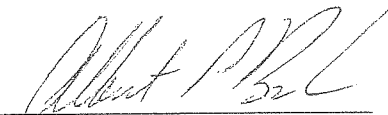
E. REASONS SUPPORTING OBJECTION(S):

Under Idaho Code 42-1501, aesthetic, wildlife and recreation are not beneficial uses authorized by the Idaho legislature or Constitution to be held in the name of private entities. If such uses are allowed, the right cannot carry a priority date earlier than the first date that the legislature authorized that beneficial use to be held by a private party.

Tom O'Gara  
John F. Stevenson  
Bill Molyneux  
Pete Van Der Meulen  
Grace Eakin  
Rocky Sherbine  
Gerald Bashaw  
Pepin Corso-Harris

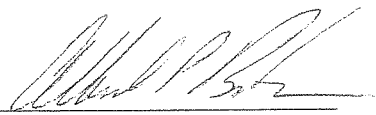
Big Wood Canal Company

By:



Albert P. Barker, Attorney

By:



Craig Hobdey, Attorney

F.

VERIFICATION

State of IDAHO       )  
                                  ) ss.  
County of Ada        )

Albert P. Barker, duly sworn, upon oath, deposes and says:

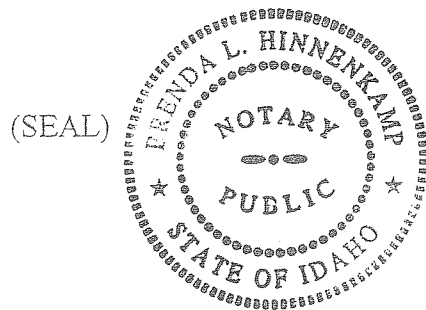
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6), or that I am the attorney for the party/claimant objecting, and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

\_\_\_\_\_  
(Signature of person filing objection)



\_\_\_\_\_  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: November 14, 2007



Brenda L. Hinnenkamp  
Notary Public for: Idaho  
Residing at: Boise  
My Commission Expires: 9/2008

## 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.

## CERTIFICATE OF MAILING

I certify that on November <sup>4</sup>~~18~~, 2007, I hand-delivered and mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original hand-delivered to:

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

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

Name: Michael D. Engl  
Address: P. O. Box 2500, Sun Valley, ID 83353-2500

3. Copies mailed to:

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

United States Department of Justice  
Environment & Natural Resources Division  
550 West Fort Street, MSC 033  
Boise, ID 83724

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

