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DEC 05 2007
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)
Case No. 39576)
A. Subcase 02-02086
(Insert water right number)
STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: DBSI Cobra 370, LLC
Address: 1550 S. Tech Ln.
Meridian, ID 83642
Daytime Phone: (208) 955-9800

Name & Address of Attorney, if any:
Scott L. Campbell / Andrew J. Waldera
Moffatt Thomas Barrett Rock & Fields
P.O. Box 829, Boise, ID 83701-0829

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

Name: DBSI Cobra 370 LLC
Address: 1550 S. Tech Lane
Meridian, ID 83642

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 of Diversion**
Should be: See Attachment 1
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: See Attachment 2
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 OBJECTIONS(S): See Attachment 3

F.

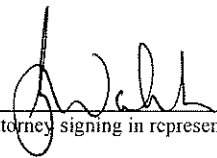
VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Ada)

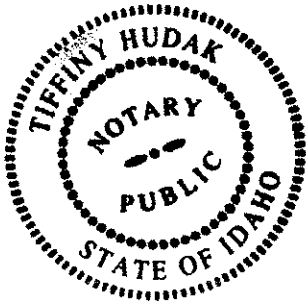
Andrew J. Waldera, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

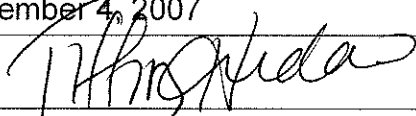
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)


(Attorney signing in representative capacity)

Subscribed and sworn to before me on: December 4, 2007




Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 9/16/09

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 December 4, 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:

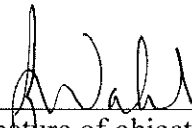
Name: DBSI Cobra 370, LLC
Address: 1550 S. Tech Ln.
Meridian, ID 83642

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



Signature of objector or attorney
mailing on Objector's behalf

ATTACHMENT 1
STANDARD FORM 1 – OBJECTION
SUBCASE 02-02086

Point of Diversion:

DBSI Cobra 370, LLC objects to the quarter quarter quarter labeling of the point of diversion:

T01N R03W S36 SWNWSW Lot 4 Within OWYHEE County

The correct description should read:

T01N R03W S36 NWSW Lot 4 Within OWYHEE County

ATTACHMENT 2
STANDARD FORM 1 – OBJECTION
SUBCASE 02-02086

Place of Use:

The Director's Report incorrectly identifies the place of use for irrigation of lands under this water right. The correct, historic place of use is as follows:

TWP	RNG	SEC	1/4	1/4	Lot (Recommended)	Acres (Recommended)
1N	3W	35	NE	SE		15.0 (0.0)
		36	NW	SW	(4)	12.0 (21.0)
			SW	SW		20.0 (0.0)
			SE	SW	3 (3)	44.0 (47.0)
			SW	SE	(2)	25.0 (40.0)
			SE	SE	(1)	12.0 (13.0)
1S	3W	1	NE	NE		2.0 (0.0)
			NW	NE	(2)	27.0 (33.0)
			NE	NW	(3)	7.0 (10.0)
					Total	164.0 (164.0)

DBSI Cobra 370, LLC also objects to the inclusion of the limiting remark set forth under place of use element, as reflected in the Director's Report:

The rights listed below are limited to the irrigation of a combined total of 187 acres in a single irrigation season. Combined Right Nos.: 02-2061, 02-2086, and 57-276.

ATTACHMENT 3
STANDARD FORM 1 – OBJECTION
SUBCASE 02-02086

Reasons Supporting Objections:

Point of Diversion:

The point of diversion as recommended is incorrect based upon the historic and licensed diversion of water under this right.

Place of Use:

The place of use described in the Director's Report does not accurately describe the lands historically irrigated and licensed under this water right. Additionally, there is no legal basis for inclusion of the acreage restriction remark.