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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	)	Subcase No. 79-10206
	)	
	)	MOTION TO FILE AMENDED OBJECTION
	)	
Case No. 39576	)	
	)	
	)	
	)	

The State of Idaho, Department of Lands, hereinafter referred to as the "IDL," by and through the undersigned deputy attorney general, moves this court to enter an order granting leave to file the attached *Amended Objection* for the above-entitled subcase. The grounds for this motion are as follows:

1. The IDL owns the real property where the point of diversion and place of use of water right 79-10206 is located.

2 Mr. Andrew Dahlquist, the claimant of water right no. 79-10206, leased from the IDL some real property in the vicinity of the place of use for water right no. 79-10206. Mr. Dahlquist assigned his lease from IDL to Myrtie Hagen during the 1994 calendar year.

3. State of Idaho Grazing Lease No. G-4590 included within the leased land the NW¼NW¼ of section 36, Twp. 29 North, Rge. 01 East, B.M., which is the place of use for water right no. 79-10206. The Idaho State Board of Land Commissioners cancelled the lease for this land on December 31, 1999 and executed a new Grazing Lease No. G-4590 with Myrtie Hagen for a term from January 1, 2000 through December 31, 2009, which did not include the NW¼NW¼ of section 36, Twp. 29 North, Rge. 01 East, B.M. Myrtie Hagen subsequently assigned Grazing Lease No. G-4590 to Heather & Les Killgore and to Carl Kilgore in 2006. *Affidavit of Thom Hawkins Dated December 20, 2007*, at 2.

4. The IDL desires to amend its objection to claim ownership of this water right since the point of diversion and place of use are located on state land and no one else appears to claim any interest in the water right.

5. Oral argument is requested on this motion.

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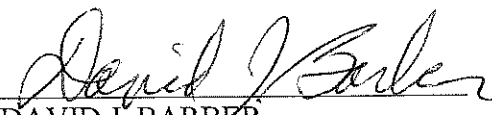
PRAYER FOR RELIEF

1. That the Court set this matter for hearing.
2. That the Court enters an order that directs the Clerk to file the attached *Objection*.
3. That the Court grants such other and further relief as the Court deems just and proper.

DATED this 14th day of January 2008.

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division



DAVID J. BARBER
Deputy Attorney General
Natural Resources Division

CERTIFICATE OF SERVICE

I certify that on the 14th day of January 2008, I caused to be served the original and/or copy of this MOTION TO FILE AMENDED OBJECTION on each of the following persons by the indicated method.

1. Original to:

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

- ☐ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☒ Federal Express
- ☐ Facsimile: (208) 736-2121
- ☐ Statehouse Mail

2. Copies to

Andrew L. Dahlquist
206 Hillcrest Road
Lewiston, ID 83501

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☐ Statehouse Mail

Heather & Les Killgore
Carl Killgore
HC01 Box 160
Whitebird, ID 83554

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
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United States Department of Justice
Environment and Natural Resource
Division
550 West Fort Street, MSC 033
Boise, ID 83724

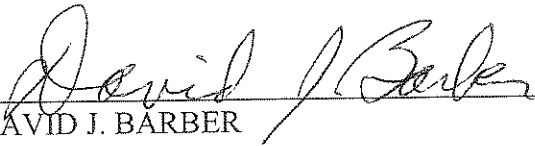
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Not Applicable



DAVID J. BARBER
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