

Robert L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.
1000 Riverwalk Dr., Ste. 200
P.O. Box 50130
Idaho Falls, Idaho 83405
Telephone: (208) 523-0620
Facsimile: (208) 523-9518
Idaho State Bar Number 7018

RECEIVED

AUG 14 2008

DEPARTMENT OF
WATER RESOURCES

COPY

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

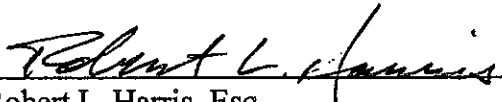
Subcase No.: 22-13246, 22-13626,
22-13636, 22-13637 & 22-13639

**MOTION TO FILE
LATE OBJECTION**

The claimants in the above entitled subcase numbers, by and through their counsel of record, Robert L. Harris, of the law firm Holden, Kidwell, Hahn & Crapo, PLLC, hereby move this Court to allow the above claimants to file late objections to their above water rights.

This motion is based upon the reasons supporting objections contained in each individual objection. The original claimed point of diversion in the above water rights should actually be classified as a point of rediversion. This was only recently discovered when the above claimants met with consultants regarding their water rights, and this issue was discovered. The distinction is important because the actual point of diversion is further north of the point of rediversion. A side channel of Teton Creek has been altered and modified to essentially function as an irrigation ditch, which is the actual point that water is diverted from the creek. This is only a recently discovered error, and the claimants have met together to discuss this issue, and have elected to have their water rights more accurately reflected in the SRBA. We note that Partial Decrees have not been entered in these water rights, nor have they been entered for any of the large number of water rights in Basin 22. Therefore, we request that the Motion be granted.

DATED this 14th day of August, 2008.


Robert L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

CERTIFICATE OF MAILING

I hereby certify that on the _____ day of August, 2006, I mailed the original and copies of this Notice of Appearance, 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

(☒) *First Class Mail*
(☐) *Hand Delivery*
(☐) *Facsimile*
(☐) *Overnight Mail*

2. Copies to:

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

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(☐) *Hand Delivery*
(☐) *Facsimile*
(☐) *Overnight Mail*

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

(☒) *First Class Mail*
(☐) *Hand Delivery*
(☐) *Facsimile*
(☐) *Overnight Mail*

United States Department of Justice
Environmental and Natural Resource
Division
550 West Fort Street, MSC 033
Boise, ID 83724

(☒) *First Class Mail*
(☐) *Hand Delivery*
(☐) *Facsimile*
(☐) *Overnight Mail*

Gary L. Henrie
PO Box 136
Driggs, ID 83422

(☒) *First Class Mail*
(☐) *Hand Delivery*
(☐) *Facsimile*
(☐) *Overnight Mail*

James W. & Marlene T. Price
PO Box 212
Driggs, ID 83422

(☒) *First Class Mail*
(☐) *Hand Delivery*
(☐) *Facsimile*
(☐) *Overnight Mail*

Edith M. Harrop
PO Box 297
Driggs, ID 83422

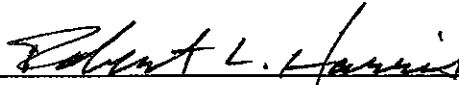
(☒) *First Class Mail*
(☐) *Hand Delivery*
(☐) *Facsimile*
(☐) *Overnight Mail*

Leon Weston
81 South 100 E.
Driggs, ID 83422

(☒) *First Class Mail*
(☐) *Hand Delivery*
(☐) *Facsimile*
(☐) *Overnight Mail*

Kevin Thibeault
PO Box 647
Driggs, ID 83422

(☒) *First Class Mail*
(☐) *Hand Delivery*
(☐) *Facsimile*
(☐) *Overnight Mail*



Robert L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

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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

Case No. 35976

A. Subcase 22-13636

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: GARY L. HENRIE

Address: P.O. BOX 136 DRIGGS, IDAHO 83422

Daytime Phone: 1 208 354 2934

Name & Address of Attorney, if any:

Robert L. Harris

Holden, Kidwell, Hahn & Crapo, PLLC

PO Box 50130, Idaho Falls, ID 83405

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

Name: GARY L. HENRIE

Address: P.O. BOX 136 DRIGGS IDAHO 83422

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

1. 9 **Name and Address**
Should be: _____
2. 9 **Source**
Should be: _____
3. 9 **Quantity**
Should be: _____
4. 9 **Priority Date**
Should be: _____
5. X **Points of Diversion**
Should be: T5N R45E Sec. 25 SWSE
Point of Rediversion should be: T5N R45E Sec. 36 NWNE
6. 9 **Instream Flow Description**
Should be: _____
7. 9 **Purpose(s) of Use**
Should be: _____
8. 9 **Period of Year**
Should be: _____
9. 9 **Place of Use**
Should be: _____
10. **I object because:**
 - 9 This water right should not exist.
 - 9 This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** The original claimed point of diversion should actually be classified as a point of rediversion. Teton Creek splits into a main channel, and a side channel at the above described point of diversion. The side channel has been altered and modified to be an irrigation ditch, much like the Dry Bed on the South Fork of the Snake River.

Water is diverted down the converted side channel, and it is then reddiverted down a ditch which has its heading at a screw headgate located at 5N R45E Sec. 36 NWNE.

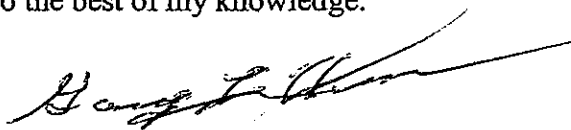
VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Teton)

Gary J. Henrie
(Name of person filing objection)

, 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:

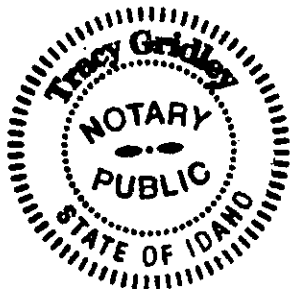
July 15th, 2008

Tracy Gridley

Notary Public for Idaho

Residing at: Tetonia, Idaho

My Commission Expires: 12/30/2013



INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, 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 hereby certify that on _____, 2000, 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. One copy to the claimant of the water right at the following address:

Name: _____
Address: _____

3. Copies to:

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

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

Signature of Objector or attorney mailing on
Objector's behalf

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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

Case No. 35976

A. Subcase 72-13246

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: JAMES W. & MARLENE T. PRICE

Address: 410 N 1ST E P.O. BOX 212 DRIGGS ID 83422

Daytime Phone: (208) 354-2381

Name & Address of Attorney, if any:

Robert L. Harris

Holden, Kidwell, Hahn & Crapo, PLLC

PO Box 50130, Idaho Falls, ID 83405

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

Name: JAMES W. & MARLENE T. PRICE

Address: 410 N 1ST E P.O. BOX 212 DRIGGS ID 83422

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

1. 9 **Name and Address**
Should be: _____
2. 9 **Source**
Should be: _____
3. 9 **Quantity**
Should be: _____
4. 9 **Priority Date**
Should be: _____
5. X **Points of Diversion**
Should be: T5N R45E Sec. 25 SWSE
Point of Rediversion should be: T5N R45E Sec. 36 NWNE
6. 9 **Instream Flow Description**
Should be: _____
7. 9 **Purpose(s) of Use**
Should be: _____
8. 9 **Period of Year**
Should be: _____
9. 9 **Place of Use**
Should be: _____
10. **I object because:**
 - 9 This water right should not exist.
 - 9 This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** The original claimed point of diversion should actually be classified as a point of rediversion. Teton Creek splits into a main channel, and a side channel at the above described point of diversion. The side channel has been altered and modified to be an irrigation ditch, much like the Dry Bed on the South Fork of the Snake River.

Water is diverted down the converted side channel, and it is then rediverted down a ditch which has its heading at a screw headgate located at 5N R45E Sec. 36 NWNE.

VERIFICATION (Must be Completed)

State of Idaho)
County of Teton)ss.

James + Marlene Price, 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.

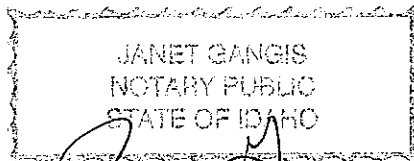
Signature of person filing objection

James + Marlene Price
Mark J. Price

Attorney signing in representative capacity

Subscribed and sworn to before me on:

July 30, 2008



Janet Gangis

Notary Public for Idaho

Residing at: Tetonia

My Commission Expires: 4/30/10

INSTRUCTIONS FOR MAILING

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Name: _____

Address: _____

3. Copies to:

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

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

Signature of Objector or attorney mailing on
Objector's behalf

C:\Documents and Settings\Administrator\Local Settings\Temporary Internet Files\OLK3A\Objection.wpd

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. 35976

A. Subcase 12-13696

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Edith M. Harrop

Address: P.O. Box 297, Driggs ID 83422

Daytime Phone: 208 354-2906

Name & Address of Attorney, if any:

Robert L. Harris

Holden, Kidwell, Hahn & Crapo, PLLC

PO Box 50130, Idaho Falls, ID 83405

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

Name: EDITH M. HARROP

Address: P.O. Box 297, Driggs ID 83422

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

1. 9 **Name and Address**
Should be: _____
2. 9 **Source**
Should be: _____
3. 9 **Quantity**
Should be: _____
4. 9 **Priority Date**
Should be: _____
5. X **Points of Diversion**
Should be: T5N R45E Sec. 25 SWSE
Point of Rediversion should be: T5N R45E Sec. 36 NWNE
6. 9 **Instream Flow Description**
Should be: _____
7. 9 **Purpose(s) of Use**
Should be: _____
8. 9 **Period of Year**
Should be: _____
9. 9 **Place of Use**
Should be: _____
10. **I object because:**
 - 9 This water right should not exist.
 - 9 This water right was not recommended, but should be recommended with the elements described above.

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VERIFICATION (Must be Completed)

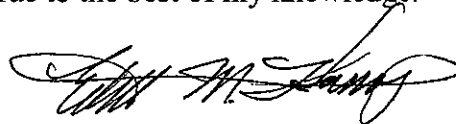
State of Idaho)
)ss.
County of Teton)

Edith Harrop

(Name of person filing objection)

, 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.

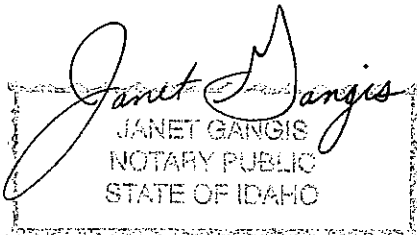


Signature of person filing objection

Attorney signing in representative capacity

Subscribed and sworn to before me on:

July 30, 2008



Notary Public for Idaho
Residing at: Tetonia
My Commission Expires: 4/10/08

INSTRUCTIONS FOR MAILING

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253 Third Avenue North
P.O. Box 2707
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Name: _____

Address: _____

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P.O. Box 83720
Boise, ID 83720-0098

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

Signature of Objector or attorney mailing on
Objector's behalf

C:\Documents and Settings\Administrator\Local Settings\Temporary Internet Files\OLK3A\Objection.wpd

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. 35976

A. Subcase 22-13637

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name:

Leon Weston

Address:

81 South 100 E Driggs, Id 83422

Daytime Phone: _____

Name & Address of Attorney, if any:

Robert L. Harris

Holden, Kidwell, Hahn & Crapo, PLLC

PO Box 50130, Idaho Falls, ID 83405

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

Name:

Leon Weston

Address:

81 South 100 E Driggs, Id 83422

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

1. 9 **Name and Address**
 Should be: _____
2. 9 **Source**
 Should be: _____
3. 9 **Quantity**
 Should be: _____
4. 9 **Priority Date**
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5. X **Points of Diversion**
 Should be: T5N R45E Sec. 25 SWSE
 Point of Rediversion should be: T5N R45E Sec. 36 NWNE
6. 9 **Instream Flow Description**
 Should be: _____
7. 9 **Purpose(s) of Use**
 Should be: _____
8. 9 **Period of Year**
 Should be: _____
9. 9 **Place of Use**
 Should be: _____
10. **I object because:**
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Water is diverted down the converted side channel, and it is then rediverted down a ditch which has its heading at a screw headgate located at 5N R45E Sec. 36 NWNE.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.

County of Teton)
Leon Weston

, duly sworn, upon oath, deposes and says:

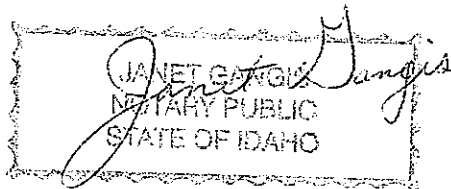
(Name of person filing objection)

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: August 1, 2008



Notary Public for Idaho
Residing at: Tetonia
My Commission Expires: 4/30/10

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, 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.

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State of Idaho
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United States Department of Justice
Environmental and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Signature of Objector or attorney mailing on
Objector's behalf

C:\Documents and Settings\Administrator\Local Settings\Temporary Internet Files\OLK3A\Objection.wpd

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. 35976

A. Subcase: 22-13639

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name:

KEVIN THIBEAULT

Address:

78 SOUTH BATES Rd. P.O. Box 647 Driggs, ID

Daytime Phone:

307. 413. 5569

Name & Address of Attorney, if any:

Robert L. Harris

Holden, Kidwell, Hahn & Crapo, PLLC

PO Box 50130, Idaho Falls, ID 83405

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

Name:

KEVIN & DEBRA THIBEAULT

Address:

PO Box 647 Driggs, ID 83422

Kevin Thibault

MAILED 7/25/08

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

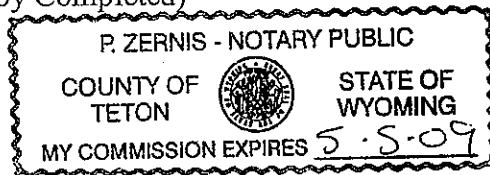
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Water is diverted down the converted side channel, and it is then rediverted down a ditch which has its heading at a screw headgate located at 5N R45E Sec. 36 NWNE.

VERIFICATION (Must be Completed)

State of Wyoming)
) ss.
County of Teton)



KEVIN Thibault, 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.

Kevin Thibault
Signature of person filing objection

Attorney signing in representative capacity

Subscribed and sworn to before me on: July 23, 08

Notary Public for P. Zernis
Residing at: Teton County, Wyoming
My Commission Expires: 5-5-09

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, 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.

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State of Idaho
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United States Department of Justice
Environmental and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Signature of Objector or attorney mailing on
Objector's behalf

C:\Documents and Settings\Administrator\Local Settings\Temporary Internet Files\OLK3A\Objection.wpd