

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

OCT 10 2008

By _____ Clerk

Deputy Clerk

**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. 37-21123
	)	
Case No. 39576	)	STANDARD FORM 1
	)	OBJECTION
	)	AMENDED

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,	Attorney for Big Wood Canal Company
Molyneux, Van Der Meulen, Eakin,	
Sherbine & Bashaw	

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

Name: Evelyn Phillips
Address: P.O. Box 864, Hailey, ID 83333

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: See "E" Below.
4. ☒ **Priority Date**
Should be: date of enlargement of water right
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Beginning and Ending Point**
Should be:
7. ☒ **Purpose(s) of Use**
Should be: See "E" Below.
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):

Diversion Rate:

Should be set at the same diversion rate as an irrigation right: one inch per acre for every acre of surface area of the aesthetic, recreation or wildlife use, not to exceed the right from which the aesthetic, recreation or wildlife use is derived, and not to exceed the actual beneficial use. Conveyance loss can not exceed the original right's conveyance loss.

Volume/Consumptive Use:

Should be limited to the irrigation annual total volume of 3.5 feet per acre, not to exceed the right from which the aesthetic, recreation or wildlife use is derived, and not to exceed the actual beneficial use.

Measurement:

A single measuring device is not sufficient to adequately measure the usage by ponds and other aesthetic streamlets. Flow measuring devices specified by the Department and/or water master should be installed at the point of diversion (from stream/or to storage) and the point of discharge back to the natural stream. The measuring devices should provide a means of measurement and lockable controlling works to provide suitable control of diversion.

Administration:

The water right should be regulated by the water master of State Water District No. 37.

Water Quality:

The water used under said right when discharged back to a natural channel should comply with Idaho Water Quality Standards. The monitoring of the standards should be allowable and conducted by the Idaho Department of Water Resources and/or the Idaho Department of Environmental Quality.

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: [Signature]
Albert P. Barker, Attorney

By: [Signature]
Craig Hobdey, Attorney

VERIFICATION

State of IDAHO)
) ss.
County of Ada)

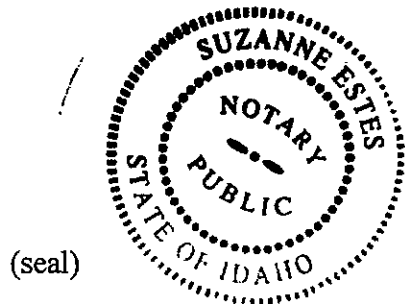
Albert P. Barker, duly sworn, upon oath, deposes and says:

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)

[Signature]
(Attorney signing in representative capacity)

SUBSCRIBED AND SWORN to before me this 4th day of June, 2008.



Suzanne Estes
NOTARY PUBLIC FOR IDAHO
Residing in: Boise, Idaho
My Commission Expires: 6/1/2012