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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 No. 37-4369

**STANDARD FORM 1
AMENDED OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING:

Tom O'Gara
John F. Stevenson
Bill Molyneux
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

Big Wood Canal Company
112 South Apple Street
Shoshone, ID 83352

Name and Address of Attorney, if any:

Albert P. Barker
Barker, Rosholt & Simpson, LLP
P.O. Box 2139
Boise, ID 83701
Telephone: (208) 336-0700
Attorney for O'Gara, Stevenson,
Molyneux, Van Der Meulen, Eakin,
Sherbine & Bashaw

Craig Hobdey
Hobdey & Hobdey
P.O. Box 176
Gooding, ID 83330
Telephone: (208) 934-4420
Attorney for Big Wood Canal Company

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

Name: Sun Valley Land and Minerals Inc.
Address: P. O. Box 1959, Sun Valley, ID 83353-1959

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:

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

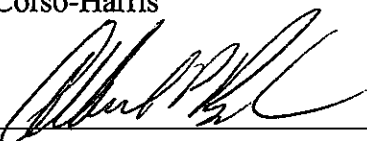
☐ This water right was not recommended, but should be recommended with the elements described above.

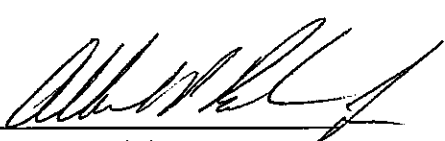
E. REASONS SUPPORTING OBJECTION(S):

- Right appears to have been forfeited or partially forfeited prior to transfer; Transfer states "approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication." Department files state transfer leaves open the option for future review on the question of forfeiture.
- Volume of ponds should be measured annually and reported to ensure that volume limits are not exceeded.
- Monitoring devices should be installed at points of discharge from ponds.
- Conditions in transfer should be included in recommendation, including (1) Storage of water under this right contingent upon certification of dam; and (2) Right holder shall construct and maintain fish passage.
- Transfer should be rescinded due to failure to comply with terms of transfer, including measuring and monitoring.

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

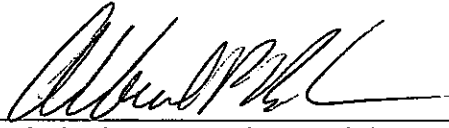
State of IDAHO)
) ss.
County of Ada)

_____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.



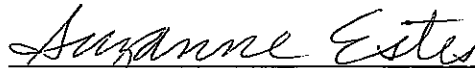
(Signature of person filing objection)



(Attorney signing in representative capacity)

Subscribed and sworn to before me on: November 21, 2008





Notary Public for: Idaho
Residing at: Boise
My Commission Expires: 6/1/2012

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 21, 2008, 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: Sun Valley Land and Minerals Inc.
Address: P. O. Box 1959, Sun Valley, ID 83353-1959

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

Scott L. Campbell / Andrew J. Waldera
Moffatt Thomas Barrett Rock & Fields
P.O. Box 829
Boise, ID 83701

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Speck & Aanestad
120 East Avenue
P.O. Box 987
Ketchum, ID 83340

Edward A. Lawson
Lawson & Laski
P. O. Box 3310
Ketchum, ID 83340



Albert P. Barker