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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)

A. Subcase No. 37-82

Case No. 39576)

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: Lane Ranch Homeowners Assn Inc.
Address: P. O. Box 1675, Ketchum, ID 83340

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):

- 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."
- Conditions in transfer should be included in recommendation, including (1) Wildlife, aesthetic and recreational (WAR) uses shall have consumptive component equal to smaller of (a) irrigation consumption prior to transfer minus irrigation consumption after transfer; or (b) actual consumption by WAR uses.
- Combined annual diversion limitation of 69.9 AF on 37-2635, 37-81 and 37-82 should be included, as required in water right #37-2635.
- Transfer should be rescinded due to failure to comply with terms of transfer, including measuring and monitoring.
- Diversion in non-irrigation season is subject to Big Wood River minimum stream flows with later dates of priority.
- Right to diversion of Elkhorn Creek in the channels of the development is limited by the annual volume and flow rate of water right nos. 37-0082, 37-4016 and 37-7201.

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

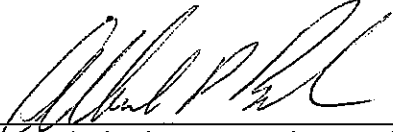
State of IDAHO)
) ss.
County of Ada)

_____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,

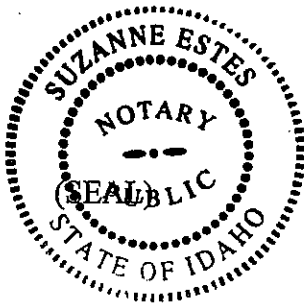
know its contents and believe that the statements are true to the best of my knowledge.

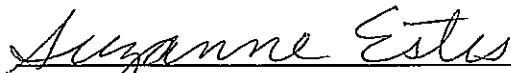
(Signature of person filing objection)



(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:

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 Attorney for claimant of the water right at the following address:

Name: Lane Ranch Homeowners Assn Inc. c/o Evan Robertson
Address: P. O. Box 1906, Twin Falls, ID 83303

3. Copies mailed to:

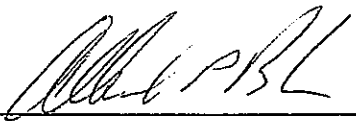
IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

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

Evan Robertson
Robertson Slette
134 Third Avenue East
P. O. Box 1906
Twin Falls, ID 83303-1906



Albert P. Barker