

**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**

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)  
) **A. Subcases: 37-353J**  
)  
) **STANDARD FORM 1**  
) **OBJECTION**  
)

**B. NAME AND ADDRESS OF PERSON OBJECTING**

Name: Barbara Barry  
Address: PO Box 1197  
Bellevue, ID 83313  
Daytime Phone: (208) 788-2811

Name & Address of Attorney, if any: Travis L. Thompson  
Paul L. Arrington  
Barker Rosholt & Simpson LLP  
P.O. Box 485  
Twin Falls, Idaho 83303-0485  
(208) 733-0700

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

Name: Olsen Livestock Consulting, Inc.  
Address: 228 S. Cole Road  
Boise, ID 83709

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

1. ☒ **Name and Address**

Should be: \_\_\_\_\_

2. ☒ **Source**

Should be: \_\_\_\_\_

3. ☒ **Quantity**

Should be: \_\_\_\_\_

4. ☒ **Priority Date**

Should be: \_\_\_\_\_

5. ☒ **Point 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 OBJECTIONS(S):** Water Right 37-353 originated in the *Frost Decree*. The original water right authorized a diversion rate of 6.4 cfs (or 320 inches). The right has subsequently been split into a number of additional rights, including the above listed water right. The above listed water right was recommended as part of the Director's Report for Basin 37 part 3, even though the claimant's ownership interest in the water right is questionable, at best. At the same time, water right 37-353G was disallowed even though the ownership interest is well established and has long been recognized by the Department. Since all 6.4 cfs of the parent right have been

recommended, the above listed water right should either (1) have its diversion rate adjusted; or (2) be disallowed.

**F. VERIFICATION** (must be completed)

State of Idaho                     )  
                                          )  
County of Twin Falls         )         ss.

**Paul L. Arrington**, duly sworn, upon oath, deposes and says:

(Name of person filing objection)

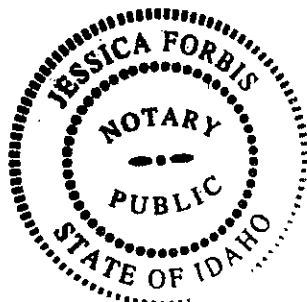
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and(6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

December 18, 2008  
Jessica Forbis  
Notary Public for Idaho  
Residing at: Twin Falls  
My Commission Expires: 4/3/12



## G. CERTIFICATE OF MAILING

I certify that on December 18, 2008, I served the foregoing *Objection*, including all attachments, on to the following persons:

1. Original to (via hand delivery)

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

2. One copy to the claimant of the water right at the following address:

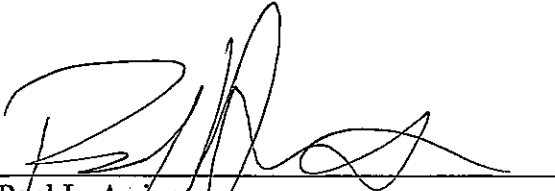
Scott Campbell  
**Moffatt Thomas Barrett Rock & Fields Chtd.**  
PO Box 829  
Boise, ID 83701-0829  
*Attorney for Olsen Livestock Consultants, Inc. (37-353J)*

3. Copies to:

IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

United States Department of Justice  
Environment & Nat'l Resources Div  
550 W Fort Street, MSC 033  
Boise, ID 83724

Chief, Natural Resources Division  
Office of Attorney General  
PO Box 44449  
Boise, ID 83711-4449

  
Paul L. Arrington