

**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. Subcases: 37-353K
	)	
Case No. 39576	)	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: Mark D. & Danette L. Fisher
Address: PO Box 650
Bellevue, ID 83313

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.

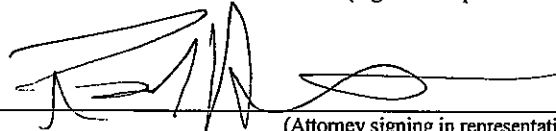
F. VERIFICATION (must be completed)

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

Paul L. Arrington, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

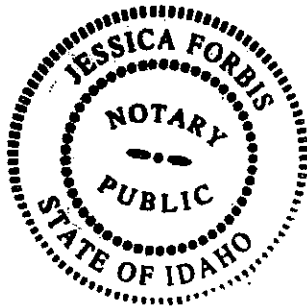
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and(6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

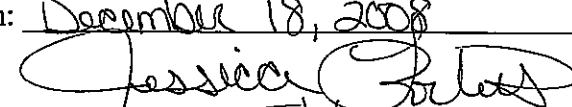
(Signature of person filing objection)



(Attorney signing in representative capacity)

Subscribed and sworn to before me on: December 18, 2008




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:

Fritz Haemmerle
PO Box 1800
Hailey, ID 83333
Attorney for Mark & Dannette Fisher (37-353K)

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