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JAN 21 2009

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

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A. Subcase: 37-22258

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America, Acting through the USDA Forest Service

Address: 550 West Fort Street MSC 033
Boise, Idaho 83724

Daytime Phone: (208) 365-7055

Name & Address of Attorney, if any:

David L. Negri

550 West Fort Street MSC 033
Boise, Idaho 83724

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

Name: Daniel T Henry

Address: 308 N 2nd Ave
Hailey, ID 83333

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: The instream flow beginning point in the NESESW is split ownership and includes private land as well as National Forest System land. The Legal Description needs to include that it is on Mineral Survey 819A, also known as Lot No. 49A and that it is not on federal land. See E below.
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☒ **Place of Use**
Should be: The places of use in the NESW and SESW are split ownership and include private land as well as National Forest System land. The Legal Description needs to include that it is on Mineral Survey 819A, also known as Lot No. 49A and that it is not on federal land. See E below.
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):

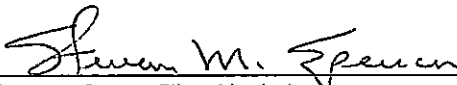
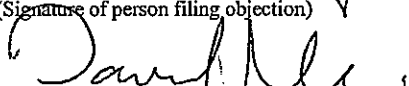
The instream flow beginning point in the NESESW and the places of use in the NESW and SESEW are split ownership and include private land as well as National Forest System (NFS) land. The claimant is not authorized to occupy and use NFS land for this purpose. The Legal Description needs to include that it is on Mineral Survey 819A, also known as Lot No. 49A and that it is not on federal land.

F. VERIFICATION (must be completed)

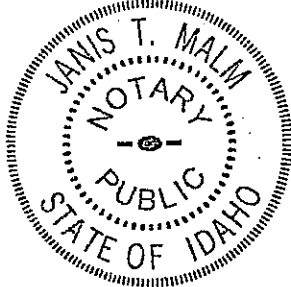
State of Idaho)
)ss.
County of Ada)

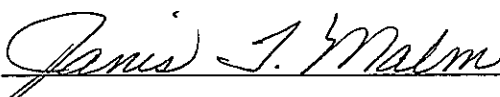
Steven M. Spencer, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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:




Notary Public for: Idaho
Residing at: Boise, Idaho
My Commission Expires: 9/9/2014

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.

G. CERTIFICATE OF MAILING

I certify that on January 20, 2009, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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 claimants of the water right at the following address:

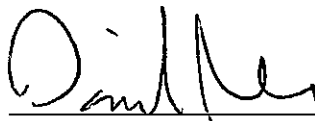
Daniel T Henry
308 N 2nd Ave
Hailey, ID 83333

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



Signature of objector or attorney
mailing on Objector's behalf