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RECEIVED

MAR 19 2009

DEPARTMENT OF
WATER RESOURCES

*Attorneys for Albert & Alvera Fols, Charles & Mary Harling, A.C. & Luella Pilkerton,
Lloyd & Sheryl Tutor, Marci Dixon, and Tracy Mascia*

**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	)	Subcase Nos. 75-10061Q
	)	
Case No. 39576	)	MOTION TO FILE LATE OBJECTION
	)	
	)	
	)	

COME NOW, ALBERT & ALVERA FOLS, CHARLES & MARY HARLING, A.C. & LUELLA PILKERTON, LLOYD & SHERYL TUTOR, MARCI DIXON, AND TRACY MASCIA (hereinafter collectively referred to as the "Carmen Creek Users"), claimants in the SRBA, by and through their attorneys of record, Barker Rosholt & Simpson LLP, and file this *Motion to File Late Objection* in the above-listed subcase.

The bases for this *Motion* are included in the Carmen Creek Users' *Motion to File Late Objection* (and accompanying information) for subcases 75-69A et al. filed with this Court on January 7, 2008 and the *Motion to Alter or Amend Special Master's Recommendation* filed with this Court on January 2, 2009. Moreover, the Court's February 20, 2008 *Order Granting Motion to File Late Objections* in subcases 75-69A et al. provides a further basis to grant this present

MOTION TO FILE LATE OBJECTION

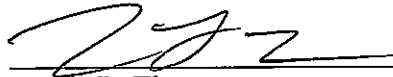
1

motion.

For the above reasons, the Carmen Creek Users respectfully request the Court to grant their motion and accept the objection attached hereto as **Exhibit A**.

DATED this 19th day of March, 2009.

BARKER ROSHOLT & SIMPSON LLP



Travis L. Thompson

*Attorneys for Albert & Alvera Fols, Charles & Mary
Harling, A.C. & Luella Pilkerton, Lloyd & Sheryl Tutor,
Marci Dixon, and Tracy Mascia*

CERTIFICATE OF MAILING

I certify that on 10th day of March, 2009, I mailed the original and copies of the foregoing motion, including all exhibits, to the following persons:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, Idaho 83303-2707

Copies to:

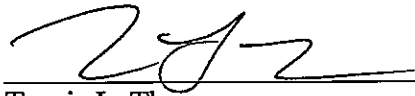
IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

U.S. Department of Justice
Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, Idaho 83724

Chief, Natural Resources
Office of Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449

Ray Rigby
Jerry Rigby
Hyrum Erickson
P.O. Box 250
Rexburg, Idaho 83440

Attorneys for James and Rowena Quinn



Travis L. Thompson

Exhibit A

**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 Nos. 75-10061Q
	)	
	)	
Case No. 39576	)	STANDARD FORM 1
	)	OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON(S) OBJECTING

ALBERT C FOLS
ALVERA C FOLS
PO BOX 56
CARMEN, ID 83462

CHARLES E HARLING
MARY N HARLING
PO BOX 283
CARMEN, ID 83462

TRACY MARCIA
PO BOX 80
CARMEN, ID 83462

LLOYD A TUTOR
SHERYL L TUTOR
HC 60 BOX 52E12
ROUND MOUNTAIN, NV 89045

A C PILKERTON
LUELLA PILKERTON
PO BOX 23
CARMEN, ID 83462

MARCI M DIXON
PO BOX 221
CARMEN, ID 83462-0221

Name & Address of Attorney, if any:

Travis L. Thompson, ISB #6168
Paul L. Arrington, ISB #7198
Barker Rosholt & Simpson LLP
P.O. Box 485
Twin Falls, Idaho 83303-0485

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

James and Rowena Quinn
P.O. Box 1473
Carmen, Idaho 83462

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 as claimed

E. REASONS SUPPORTING OBJECTION(S): The water right has been forfeited due to non-use for five (5) years prior to the commencement of the adjudication.

F. VERIFICATION

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

TRAVIS L. THOMPSON, duly sworn, upon oath, deposes and says:

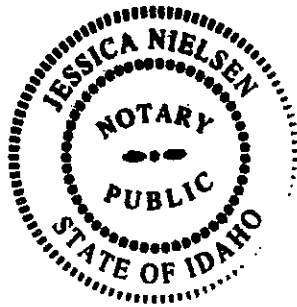
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and(6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

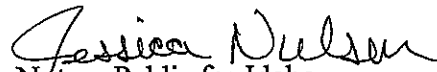
(Signature of person filing objection)



(Attorney signing in representative capacity)

Subscribed and sworn to before me on: March 18, 2009




Notary Public for Idaho
Residing at: Twin Falls
My Commission Expires: 4/3/12

G. CERTIFICATE OF MAILING

I certify that on March 18th, 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 counsel of the water rights at the following address:

Ray Rigby
Jerry Rigby
Hyrum Erickson
Rigby, Andrus & Moeller, Chtd.
P.O. Box 250
Rexburg, Idaho 83440-0250

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



Travis L. Thompson