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MAR 23 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

) A. Subcase 29-13678
) (Insert water right number)

) STANDARD FORM 1
) OBJECTION
)
)
)
)

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: City of Lava Hot Springs

Address: P.O. Box 187

Lava Hot Springs, Idaho 83246

Daytime Phone: (208) 776-5820

Name & Address of Attorney, if any:

Thomas J. Budge

Racine Olson Nye Budge & Bailey, Chtd

201 E. Center Street

P.O. Box 1391

Pocatello, ID 83204-1391

Telephone: 208-232-6101

Facsimile: 208-232-6109

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

Name: City of Lava Hot Springs

Address: P.O. Box 187, Lava Hot Springs, ID 83246

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: **Fish Creek**
3. ☒ **Quantity**
Should be: **0.5 cfs**
4. ☒ **Priority Date**
Should be: **3-1-1889**
5. ☒ **Point(s) of Diversion**
Should be: **NW NW NW Sec. 26, T9S, R38E, Bannock**
County
6. ☐ **Instream Flow Description**
Should be:
7. ☒ **Purpose(s) of Use**
Should be: **Municipal**
8. ☒ **Period of Year**
Should be: **4/15-9/15**
9. ☒ **Place of Use**
Should be: **within limits of City of Lava Hot Springs**
11. **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): Additional information recently discovered shows the acquisition by the City of Lava Hot Springs of a 0.5 cfs portion of the March 1, 1889 priority water right originally decreed to W.W. Cooper.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Bannock)

Thomas J. Budge, duly sworn, upon oath, deposes and
says:

(Name of person filing objection)

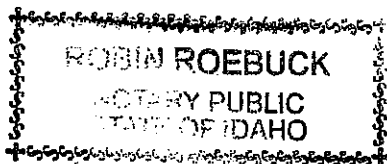
That I am the party/claimant filing this objection as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Thomas J. Budge
(Attorney signing in representative capacity)
THOMAS J. BUDGE

Subscribed and sworn to before me on this 19th day of March, 2009.

Robin Roebuck
Notary Public for Idaho
Residing at: Pocatello
My Commission Expires: 8/18/2012



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 March 19, 2009, I mailed the original and copies of this response, 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 claimant of the water right at the following address:

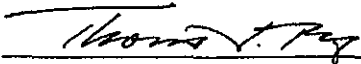
Name: City of Lava Hot Springs
Address: P.O. Box 187
Lava Hot Springs, Idaho 83246

3. Copies to:

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

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

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf