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JUL 20 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 31-11982
) (insert water right number)

)
) STANDARD FORM 1
) OBJECTION
)

Please **print or type** the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: James F. Hagenbarth and David J. Hagenbarth

Address: PO Box 1128

Dillon, MT 59725

Daytime Phone: 406-490-2121

Name & Address of Attorney, if any:

John M. Marshall

Givens Pursley LLP

P.O. Box 2720

Boise, Idaho 83701

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

Name: State of Idaho, Department of Lands

Address: 954 W Jefferson

P.O. Box 83720

Boise, Idaho 83720-0050

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

1. **X** **Name and Address**
 Should be: _____
2. **X** **Source**
 Should be: _____
3. **X** **Quantity**
 Should be: _____
4. **X** **Priority Date**
 Should be: _____
5. **X** **Point(s) of Diversion**
 Should be: _____
6. **X** **Instream Flow Description**
 Should be: _____
7. **X** **Purpose(s) of Use**
 Should be: _____
8. **X** **Period of Year**
 Should be: _____
9. **X** **Place of Use**
 Should be: _____

11. **I object because:**

X 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): _____

 This right has not been diverted or used on the recommended lands for several
 decades.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

John M. Marshall, 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.

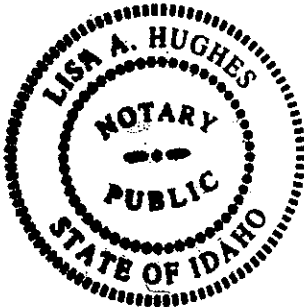
(Signature of person filing objection)

[Handwritten Signature]

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

July 16, 2009



[Handwritten Signature]
Notary Public for Idaho

Residing at: Boise Idaho

My Commission Expires: 3-22-2013

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 July 16, 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:

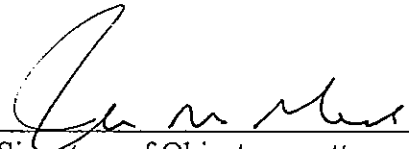
Name: State of Idaho, Department of Lands
Address: 954 W Jefferson
P.O. Box 83720
Boise, Idaho 83720-0050

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