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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	)	A. Subcase No. 37-11828
	)	
Case No. 39576	)	STANDARD FORM 1
	)	OBJECTION
_____	)	

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING:

Tom O'Gara	Big Wood Canal Company
John F. Stevenson	112 South Apple Street
Bill Molyneux	Shoshone, ID 83352
Pete Van Der Meulen	
Grace Eakin	
Rocky Sherbine	
Gerald Bashaw	
Pepin Corso-Harris	
c/o Concerned Water Users	
P.O. Box 1200	
Bellevue, ID 83313	

Name and Address of Attorney, if any:

Albert P. Barker	Craig Hobdey
Barker, Rosholt & Simpson, LLP	Hobdey & Hobdey
P.O. Box 2139	P.O. Box 176
Boise, ID 83701	Gooding, ID 83330
Telephone: (208) 336-0700	Telephone: (208) 934-4420
Attorney for O'Gara, Stevenson, Molyneux, Van Der Meulen, Eakin, Sherbine & Bashaw	Attorney for Big Wood Canal Company

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

Name: Flying Heart Ranch II Subdivision Owners
Address: P. O. Box 2163, Hailey, ID 83333-2163

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

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☒ **Quantity**
Should be:
4. ☒ **Priority Date**
Should be:
5. ☐ **Point(s) 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.

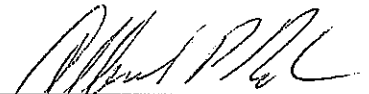
E. REASONS SUPPORTING OBJECTION(S):

- Conditions in License No. 37-7767 should be included in recommendations for this water right as it involves the same pond, including (1) Use of water under this right shall be non-consumptive; (2) Water discharged into a natural channel must satisfy Idaho water quality standards; (3) Recreation use is for fishing.
- Recreational and aesthetic use is an expansion of the original right which was for ice harvest, and should have a priority date of the date of license No. 37-7767.
- Should have water master control and measurement conditions, if allowed.
- Unclear if this right was intended to exist in lieu of or addition to No. 37-7767. If allowed, these two rights should be linked.

Tom O'Gara
John F. Stevenson
Bill Molyneux
Pete Van Der Meulen
Grace Eakin
Rocky Sherbine
Gerald Bashaw
Pepin Corso-Harris

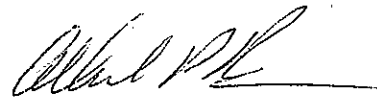
Big Wood Canal Company

By:



Albert P. Barker, Attorney

By:



Craig Hobdey, Attorney

F.

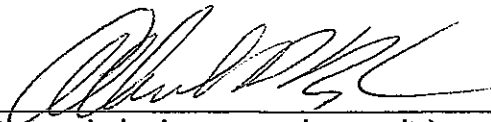
VERIFICATION

State of IDAHO)
) ss.
County of Ada)

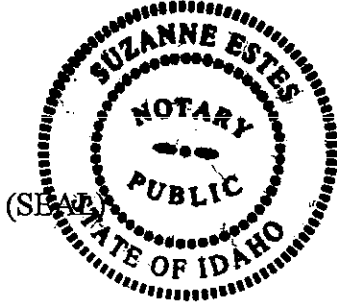
Albert P. Barker, duly sworn, upon oath, deposes and says:

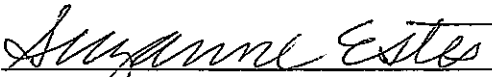
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6), or that I am the attorney for the party/claimant objecting, and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)


(Attorney signing in representative capacity)

Subscribed and sworn to before me on: November 29, 2010




Notary Public for: Idaho
Residing at: Boise
My Commission Expires: June 1, 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.

CERTIFICATE OF MAILING

I certify that on November 29, 2010, I hand-delivered and mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original hand-delivered to:

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

2. One copy mailed to the Attorney for claimant of the water right at the following address:

Name: Flying Heart Ranch II Subdivision Owners
c/o Fritz X. Haemmerle
Address: P. O. Box 1800, Hailey, ID 83333-1800

3. Copies mailed to:

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

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

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

Fritz X. Haemmerle
Haemmerle & Haemmerle
P.O. Box 1800
Hailey, ID 83333-1800



Albert P. Barker