

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 see Attachment Std Form
(Insert water right number
From the Objection Form) 1 Objection

STANDARD FORM 2
RESPONSE TO OBJECTION

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

B

NAME AND ADDRESS OF PERSON RESPONDING

Name: Russell & Natalie Gunter

Address: PO Box 433 McCall, ID 83250

Daytime Phone: 221-4682 or 221-4683

Name & Address of Attorney, if any:

C

NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING

Name: Marsh Valley Development Inc.

Address: 5203 South 11th East

Idaho Falls, ID 83404 208-522-8069

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

- 1. ☐ Name and Address
- 2. ☐ Source
- 3. ☐ Quantity
- 4. ☐ Priority Date
- 5. ☐ Point(s) of Diversion
- 6. ☐ Instream Flow Description
- 7. ☐ Purpose(s) of Use
- 8. ☐ Period of Year
- 9. ☐ Place of Use

11. Recommendation See Item E Attachment

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E

VERIFICATION (Must be Completed)

State of Idaho
County of Bannock)ss.

Russell & Natalie Gunter, duly sworn, upon oath, deposes and says:
(Name of person filing response)

That I am the party/claimant filing this response 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 response, know its contents and believe that the statements are true to the best of my knowledge.

Natalie H. Gunter Russell V. Gunter
(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: Feb. 25 - 2004

Notary Public for Bannock County
Residing at: Downey, Id.
My Commission Expires: 1-16-08

Louise P. Willding
(Signature of Notary Public)



Attachment
SRBA Case No. 39576
Marsh Valley Development, Inc.

Item E Attachment:

Reasons supporting objections: We have operated a power plant that uses water before April 15 and after September 15, since 1993. We use this water under a written agreement with Portneuf Marsh Valley Canal Company and McCammon Ditch Company. This practice would be adversely affected by extended season of use if granted by these proposed rights. We would withdraw this objection if claimant agrees to allow Portneuf Marsh Valley and McCammon Ditch Company to use their share of water under 29-4060; 29-13311; 29-13317; 29-13318 and 29-13319, priority date August 07 1932, for use through our power plant per our agreement with Portneuf Marsh Valley Canal Company and McCammon Ditch Company dated February 4, 1988 amended May 14, 1992 .

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, 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.

F. CERTIFICATE OF MAILING

I certify that on Feb. 25th, ²⁰⁰⁴~~199~~, 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: We kept a copy.
Address: _____

3. One copy to the party who filed the objection at the following address:

Name: Marsh Valley Development Inc.
Address: 5203 South 11th East Idaho Falls, ID 83404

4. 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

Natalie H. Hunter Russell V. Gentry
Your signature or signature of attorney
mailing on your behalf