

Department of Water Resources

This motion will be heard on July 13, 2005, at 9:30 a.m. before Special Master Bilveu at the SRBA Courthouse, 253 Third Avenue North, Twin Falls, Idaho and will

PARSONS, SMITH & STONE, LLP
LAWYERS
BURLEY, IDAHO

be conducted by telephone conference call at number (225)383-1099, participant code 926509.

DATED this 5 day of July 2005.

PARSONS, SMITH & STONE, LLP



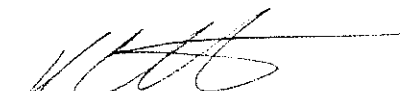
R. C. Stone
Attorneys for Portneuf Irrigating Company
P.O. Box 910
Burley, Idaho 83318

VERIFICATION

STATE OF IDAHO)
)ss
County of Cassia)

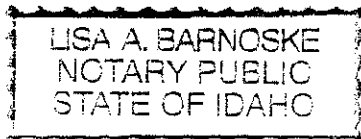
R.C. Stone, being first duly sworn, upon oath, deposes and says:

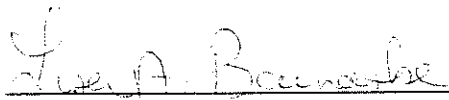
That I am the party/claimant filing this motion for late or amended response as defined by I.C. §42-1401A(a) and (7) or that I am the attorney for the party/claimant filing this motion or late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.



R.C. Stone
Attorneys for Portneuf Irrigating Company

Subscribed and sworn before me this 5th day of July 2005.





Notary Public of Idaho
Residing at: Burley, ID
My Commission Expires: 1/28/10

CERTIFICATE OF MAILING

I hereby certify that on the 5 day of July 2005, I served the foregoing Motion to File Late Response to Objection to the following manner:

1. Original to
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

Brett Casperson
8893 E. Maughan Road
Lava Hot Springs, ID 73426

Lava Irrigation Company
c/o Jerry R. Rigby
P.O. Box 250
Rexburg, ID 83440

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

McCammon Ditch Company
c/o Jim Spinner
P.O. Box 6009
Pocatello, ID 83206-6009

United States Department of Justice
Environment and Natural Resource Div.
550 West Fort Street MSC 033
Boise, ID 83724

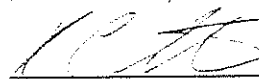
Portneuf-Marsh Valley Canal Company
c/o Ellis Gilbert, President
2777 E. Hawkins Road
Downey, ID 83234

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

Marsh Valley Development Company
c/o Ted Sorenson, President
5293 S. 11th East
Idaho Falls, ID 83404

by depositing a copy thereof in the United States mail, postage prepaid, in an envelope addressed to the above named person(s) at the above address, the last known address.

PARSONS, SMITH & STONE, LLP



R. C. Stone
Attorneys for Portneuf Irrigating Company
P.O. Box 910
Burley, Idaho 83318

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 29-13406
STANDARD FORM 2
RESPONSE TO OBJECTION

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

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Portneuf Irrigating Company
Address: C/O James L. Burnham
P.O. Box 194, Arimo, Idaho 83214
Daytime Phone: (208)254-9022

Name and Address of Attorney, if any:

R.C. Stone
P.O. Box 910
Burley, Idaho 83318

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

Name: Brett Casperson
Address: 8893 E. Maughan Road
Lava Hot Springs, Idaho 83246

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:

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

E. VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Cassia)

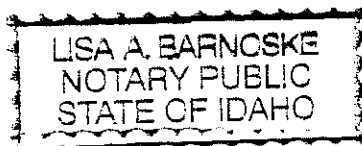
R.C. Stone, duly sworn, upon oath, deposes and says:
(Name of person filing response)

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 response, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing response)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: July 5 2005



Lisa A. Barnoske
Notary Public for Idaho

Residing at: Boise

My commission Expires: 9/28/10

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.

F. CERTIFICATE OF MAILING

I certify that on July 5, 2005, 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
P.O. Box 2707
Twin Falls, ID 83303-2707

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

Name: Brett Casperson
Address: 8893 E. Maughan Road, Lava Hot Springs, ID 73426

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

Name: Brett Casperson
Address: 8893 E. Maughan Road, Lava Hot Springs, ID 73426

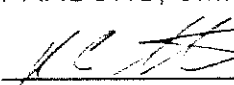
4. Copies to:

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Environment and Natural Resource Division
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