

RECEIVED

MAR 17 2006

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 No. 27-11355

STANDARD FORM 2
RESPONSE TO OBJECTION

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

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: R. C. Rich Sheep Co.
Address: c/o Tom P Rich
8 South 455 East
Rupert, Idaho 83350
Daytime Phone: (208) 436-0203

Name & Address of Attorney, if any:
Attorney Name: Roger D. Ling
Ling, Robinson & Walker
Address: P. O. Box 396
Rupert, Idaho 83350
Phone Number: (208) 436-4717

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

Name: Shoshone-Bannock Tribes
Address: P. O. Box 306
Fort Hall, Idaho 83203

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 parties listed below in the Certificate of Mailing.

F. CERTIFICATE OF MAILING

I hereby certify that on March 5 2006, 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, Idaho 83303-2707

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

Name R. C. Rich Sheep Co.
Address: c/o Tom P. Rich
8 South 455 East
Rupert, Idaho 83350

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

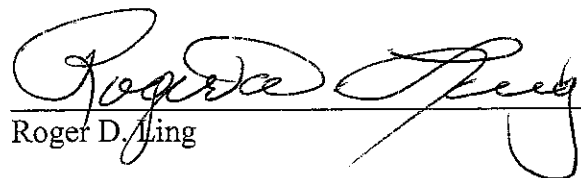
Name: Jeanette Wolfley, Attorney
Address: Shoshone-Bannock Tribes
202 N. Arthur
Pocatello, Idaho 83204

4 Copies to:

IDWR Document Depository
P O Box 83720
Boise, Idaho 83720-0098

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 033
Boise, Idaho 83724


Roger D. Ling

ATTACHMENT

REASONS FOR RESPONDING TO OBJECTIONS

- D.3. Quantity – There is nothing in the 1995 Partial Final Consent Decree determining the rights of the Shoshone-Bannock Tribes to the use of water in the upper Snake River basin which requires all water rights in the Blackfoot River Basin (Basin 27) to be quantified on a volumetric basis as opposed to the rate of diversion and period of use. Also, contrary to the reasons set forth by objector, this right is not a right for irrigation. Claimant/respondent further denies that a subordination negotiated by the Shoshone-Bannock Tribes prohibits annual diversion volume of non-Indian rights in excess of 45,000 acre-feet per year.
- D.8. Period of Year – Claimant/respondent denies that the subordination was based upon a total annual diversion volume of those with non-Indian water rights of not more than 45,000 acre-feet per year, and denies that it was ever understood by parties to the negotiation that diversions in the upper elevations of Basin 27 were limited by the availability of run-off, or that such run-off period lasts to July 1 of each year, and that the source of water serving this water right is not available for use past July 1.