

**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 01-00297

(Insert water right number)

**STANDARD FORM 1
OBJECTION**

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

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Aberdeen-Springfield Canal Co.

Address: P.O. Box 857
Aberdeen, Idaho 83210
Attn: Steve Howser, Secretary/Manager
ascc@afwireless.com

Daytime Phone: (208) 397-4192

Name & Address of Attorney, if any:

Randall Budge
Racine Olson Nye Budge & Bailey, Chtd
201 E. Center Street
P.O. Box 1391
Pocatello, ID 83204-1391
Telephone: 208-232-6101
Facsimile: 208-232-6109

Roger D. Ling
Ling, Robinson & Walker
P.O. Box 396
Rupert, Idaho 83350-0396

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

Name: Aberdeen-Springfield Canal Co.

Address: P.O. Box 857, Aberdeen, Idaho 83210

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

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 Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☒ **Place of Use**
Should be: **Based upon the 1987 NAPP Irrigated Acreage Map overlaid with Claimant's map of irrigated acres by 40 acre parcel reflects the place of use should be 62,411 acres.**
10. ☒ **Other Provisions:**
Should be: The first paragraph of the other provisions on this recommendation should be deleted.

11. **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):

1. The first paragraph of "other provisions necessary for definition or administration of this water right" should be deleted as the provision setting forth

that the delivery of water to this right may be subject to procedures described in the United States Bureau of Reclamation "space holder" contracts and the two Eagle decrees is ambiguous, appears to place restrictions on this water right that do not exist in other recommended water rights for use of water from the Snake River, and fails to provide any guidance as to how such provisions are necessary for definition or administration of this water right. The final two lines of this first paragraph under "other provisions" is also vague, impossible to determine the purpose, and does not constitute a provision that is necessary for definition or administration of this water right.

2. "Other Provisions" paragraph 2 should be corrected to state:

"The diversion of water under Rights 1-23b and 1-297 gives rights to mitigation credit as defined and set forth in the Settlement Agreement regarding Aberdeen-Springfield Canal Co.'s Basin 01 Surface Water Rights and Consolidated SRBA Subcase No. 35-2315, recorded as Instrument No. 563578 in the Bingham County Recorder's Office, Blackfoot, Idaho."

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Bannock)

STEVE HOWSER, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

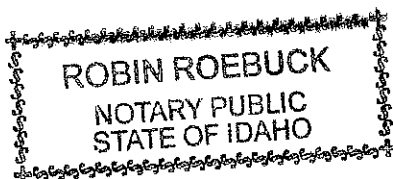
That I am the party/claimant filing this objection as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


STEVE HOWSER, Manager/Secretary

(Attorney signing in representative capacity)

Subscribed and sworn to before me on this 3rd day of October, 2006.


Notary Public for Idaho
Residing at Pocatello.
My Commission Expires: 8/18/2012



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.

G. CERTIFICATE OF MAILING

I certify that on October 3, 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
PO Box 2707
Twin Falls, ID 83303-2707

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

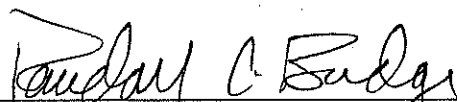
Name: Aberdeen-Springfield Canal Company
Address: Attn: Steve Howser, Secretary/Manager
P.O. Box 857
Aberdeen, Idaho 83210

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