

**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

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)
)
)
)
)

A. Subcase 1-6

(Insert water right number)

**STANDARD FORM 1
OBJECTION**

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

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Fremont-Madison Irrigation District

Address:

350 N., 6th W.
St. Anthony, Idaho 83445

Telephone: (208) 624-3381

Name & Address of Attorney:

Jerry R. Rigby
Rigby, Thatcher, Andrus, Rigby
& Moeller, Chtd.
25 N. 2nd E.
P.O. Box 250
Rexburg, ID 83440
Telephone: 208-356-3633
Facsimile: 208-356-0768

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

Name: **American Falls Reservoir District #2**

Address: **112 S. Apple St., Shoshone, ID 83352**

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: **The Director's recommendation fails to identify and distinguish the water supply associated with this water right. The claimed right is entitled to be filled only by high surface water runoff from snow melt or rain. Its source of supply is not from base flow (ground water) to the Snake River. Conditions are required to prevent enlargement of the source of supply.**

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:

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):

See response to #2 Source above. Also: The first paragraph of "other provisions necessary for definition or administration of this water right" should be deleted as the

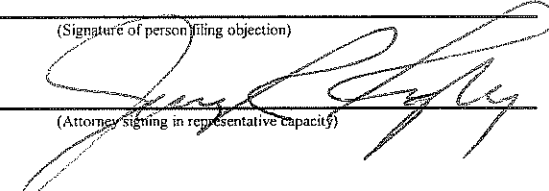
provision setting forth that the delivery water to this right may be subject to procedures described in the United States Bureau of Reclamation "space holder" contracts and the two Eagle decrees is ambiguous, appears to place restrictions on this water right that do not exist in other recommended water 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.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Madison)

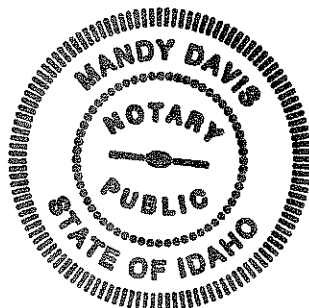
Jerry R. Rigby, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

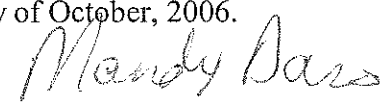
That I am the party/claimant filing this objection as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)


(Attorney signing in representative capacity)

Subscribed and sworn to before me on this 5th day of October, 2006.




Notary Public for Idaho
Residing at: St. Anthony
My Commission Expires: 6/24/2011

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 6, 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:

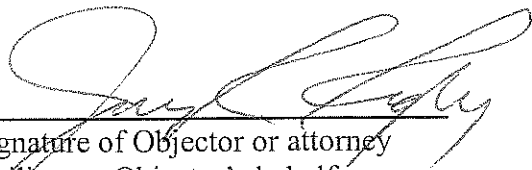
Name: AFRD #2
Address: 112 S. Apple Street
Shoshone, Idaho 83352
And Its Attorney: CECIL D HOBDEY PO BOX 176 GOODING,
ID 83330

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