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DEC 05 2006

DEPARTMENT OF
JUDICIAL SERVICES

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	)	A. Subcase 1-6
	)	
Case No. 39576	)	STANDARD FORM 2
	)	RESPONSE TO OBJECTION
_____	)	

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: American Falls Reservoir District No. 2
Address: 112 S. Apple St.
Shoshone, ID 83352

Name & Address of Attorney:

C. Tom Arkoosh, ISB # 2253
ARKOOSH LAW OFFICES, CHTD.
301 Main Street
Post Office Box 32
Gooding, ID 83330
Telephone: (208) 934-8872
Facsimile: (208) 934-8873

C. NAME AND ADDRESS OF PERSON(S) WHO FILED OBJECTION TO WHICH
YOU ARE RESPONDING:

Name: United States of America
Address: Department of Interior, Bureau of Reclamation
1150 N. Curtis Rd., Suite 100
Boise, Idaho 83706-1234

D. I am responding to the objections to the following elements.

1. Name and Address
Should be: N/A

2. Source
Should be: N/A

3. Quantity
Should be: N/A

4. Priority Date
Should be: N/A

5. Point of Diversion
Should be: N/A

6. Instream Flow Beginning and Ending Point
Should be: N/A

7. Purpose(s) of Use
Should be: N/A

8. Period of Year
Should be: N/A

9. Place of Use
Should be: See recommendation

10. Claimant's Proposed General Provisions
Should be: N/A

11. Recommendation on Response.

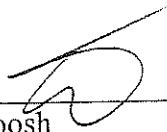
Water under this right was decreed to American Falls Reservoir No. 2 pursuant to the *Burley Irrigation District v. Eagle*, supplemental Decree (Idaho 5th Jud. Dist., July 10, 1968). The language of the decree held in pertinent part that the right to divert as natural flow during each irrigation season under water license No. 15134, having a March 30, 1921 priority as follows: From May 1 of each irrigation season continuing during that season so long as there is natural flow available for the priority, the first 1,700 cubic feet per second of flow to be available one-half (1/2) to American Falls Reservoir District No. 2 and one half (1/2) to American Falls Reservoir, except that in any year in which American Falls Reservoir is full to capacity on April 30 or fills after that date, taking into account any water that may be temporarily stored to its credit in upstream reservoirs, all water diverted by American Falls Reservoir District No. 2 within the maximum of 1,700 cubic feet per second during the year prior to the initial storage draft on American Falls Reservoir after the reservoir finally fills in that year shall be considered natural flow under water license No. 15134. Nothing herein shall prevent American Falls Reservoir District No. 2 from diverting water under said license prior to May 1 of a given irrigation season but all such diversions shall be charged as storage in the event the reservoir is not full on April 30 of that season or does not fill after April 30 of that season.

E. . VERIFICATION

State of Idaho)
)ss.
County of Gooding)

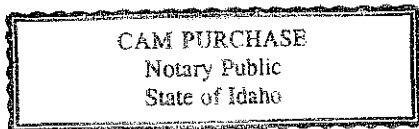
C. Tom Arkoosh, duly sworn, upon oath, deposes and says:

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



C. Tom Arkoosh
Attorney for American Falls Reservoir No. 2

Subscribed and sworn to before me on: December 4, 2006



CAM PURCHASE

Notary Public for IDAHO
Residing at: BLISS
My Commission Expires: 7/16/10

CERTIFICATE OF MAILING

I certify that on December 4, 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:

United States of America
Department of Interior, Bureau of Reclamation
1150 N. Curtis Rd., Suite 100
Boise, Idaho 83706-1234

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449



C. Tom Arkoosh