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DEC 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	)	A. Subcase 1-131A
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: New Lavaside Ditch Co.
Address: 66 E. River Road
Blackfoot, ID 83221

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

1. Name and Address
Should be: N/A

2. Source
Should be: See recommendation

3. Quantity
Should be: N/A

4. Priority Date
Should be: See recommendation

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: Although the Objections do not request any general provisions, to the extent the Objectors' seek to have any of the references in their Objections incorporated into the partial decree as "general provisions", Respondents disagree for the reasons set forth below.

11. Recommendation on Response.

The water right should be decreed as previously decreed and recommended. With respect to the source, there is no basis in fact or law to add the language requested by the Objector that would purportedly bifurcate and somehow change the source designation of individual groundwater rights held by "shareholders or interest holders" of the Objector. Licensed and decreed groundwater rights held by individuals that may be located within the Objectors' service area and that identify a specific source, i.e. groundwater, cannot be changed by an objection to the above-referenced surface water right held by the Objector.

In addition, the source for the surface water claim has been previously determined by a prior decree and cannot be changed by way of an objection in the SRBA. With respect to the priority date, there is no basis in fact or law to add the language requested by the Objector that would purportedly change the priority date for licensed or decreed groundwater rights held by individual "shareholders or interest holders" of the Objector.

With respect to the place of use, there is no basis in fact or law to include the remark that would purportedly change the place of use of this previously decreed surface water right, or the place of use identified in licensed or decreed groundwater rights held

by individual "shareholders or interest holders" of the Objector. Finally, there is no basis in fact or law for the "separate stream" provision sought by the Objector.

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
State of Idaho

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

G. 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:

New Lavaside Ditch Co.
Jerry R. Rigby
P.O. Box 250
Rexburg, ID 83440-0250

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