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DEPARTMENT OF
WATER RESOURCES

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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 No. 1-52A
	)	
Case No. 39576	)	**STANDARD FORM 2**
	)	**RESPONSE TO OBJECTION**
	)	

B. NAME AND ADDRESS OF PERSON RESPONDING:

Name: Twin Falls Canal Company
Address: P.O. Box 326
Twin Falls, Idaho 83303-0326

Milner Irrigation District
5294 E 3610 N
Murtaugh, Idaho 83344

North Side Canal Company
921 N. Lincoln Ave.
Jerome, Idaho 83338

Name and Address of Attorney:

Attorney Name: John K. Simpson / Travis L. Thompson
Attorney Address: Barker Rosholt & Simpson LLP
113 Main Ave W., Suite 303
P.O. Box 485
Twin Falls, Idaho 83303-0485
Attorney Phone: (208) 733-0700

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

Name: United Canal Company
Address: 74 N. 600 W.
Blackfoot, Idaho 83221

D. I am responding to the objection(s) to the following elements:

1. ☐ Name and Address

2. ☒ Source

3. ☐ Quantity

4. ☒ Priority Date

5. ☐ Point(s) of Diversion

6. ☐ Instream Flow Description

7. ☒ Purpose(s) of Use

8. ☒ Period of Year

9. ☒ Place of Use

10. ☒ Claimant's Proposed General Provisions
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 identified below.

11. Recommendation:

☐ This water right should not exist

☐ This water right was not recommended, but should be recommended with the elements described above.

BRIEF EXPLANATION FOR 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 Objector's 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 this 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 purpose of use and period of year, there is no basis in fact or law to add the "groundwater recharge" and year round use requested by the Objector. This water right was previously decreed for irrigation purposes, which does not include a year-round groundwater recharge use.

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.

VERIFICATION

State of IDAHO)
) ss.
County of Twin Falls)

TRAVIS L. THOMPSON, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this response, 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 response, know its contents and believe that the statements are true to the best of my knowledge.

Travis L. Thompson
Barker Rosholt & Simpson LLP

Attorneys for Respondents

Subscribed and sworn to before me on: December 5, 2006

JESSICA FORBIS NOTARY PUBLIC STATE OF IDAHO

Notary Public for: Idaho
Residing at: Twin Falls
My Commission Expires: 4/3/12

CERTIFICATE OF MAILING

I certify that on December 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
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant and parties who filed the objections at the following address:

Name: Jerry R. Rigby
Address: P.O. Box 250
Rexburg, Idaho 83440

Attorney for Claimant/Objector United Canal Company

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

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

United States Department of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

Travis L. Thompson