

DEPARTMENT OF
WATER RESOURCES

In Re SRBA	)	A. Subcase No. 1-210
	)	
Case No. 39576	)	STANDARD FORM 2
	)	RESPONSE TO OBJECTION
	)	

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

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

Name: Robert L. Harris
Address: Holden, Kidwell, Hahn & Crapo PLLC
P.O. Box 50130
Idaho Falls, Idaho 83405-0310

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
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 quantity element should be decreed as previously decreed, diverted and used, and as recommended by IDWR. The remark regarding "base flows available to supply this right do not exceed 225 cfs after July 15" has no basis in fact or law. The Director's Recommendation properly identifies the source element as the Snake River. The source is the direct flow of the Snake River, waters of the state, as recommended and decreed, which includes the tributaries and springs flowing into the river, a natural water course, as well as flood or winter flows, when available. Finally, the Eagle decree is res judicata as to the source.

VERIFICATION

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

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

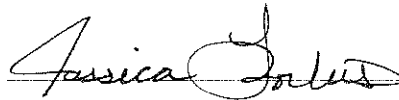
That I am the party/claimant filing this response, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding, and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.



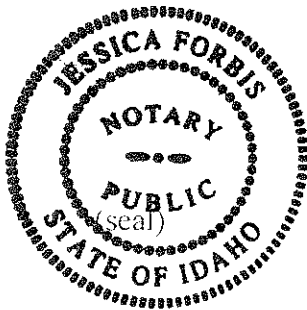
Travis L. Thompson
Barker Rosholt & Simpson LLP

Attorneys for Respondent

Subscribed and sworn to before me on: December 7, 2006



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



CERTIFICATE OF MAILING

I certify that on December 27th, 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: Robert L. Harris
Address: Holden, Kidwell, Hahn & Crapo PLLC
P.O. Box 50130
Idaho Falls, Idaho 83405-0310

Attorneys for Objectors listed on Exhibit A

3. Copies to:

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

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

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

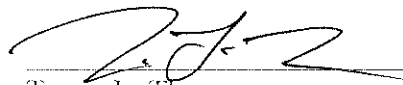

Travis L. Thompson

Exhibit A

Objectors:

Mud Lake Water Users, Inc.
1400 E. 1500 N.
P.O. Box 68
Terreton, Idaho 83450

Producers Irrigation Co.
800 E. 2886 N.
Monteview, Idaho 83845

Independent Water Users of Mud Lake
1595 N. 1500 E.
Hamer, Idaho 83425

Jefferson Irrigation District
724 E. 1800 N.
Monteview, Idaho 83845

Monteview Canal Co.
648 E. 2600 N.
Monteview, Idaho 83845