

RECEIVED
DEC 13 2005
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)
)
Case No. 39576)
)

)

A. Subcase No. 1-17

**STANDARD FORM 2
RESPONSE TO OBJECTION**

B. NAME AND ADDRESS OF PERSON RESPONDING:

Name: Milner Irrigation District
Address: 5294 E. 3610 N.
Murtaugh, Idaho 83344

Name and Address of Attorney:

Attorney Name: 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: Idaho Ground Water Appropriators, Inc.
Address: P.O. Box 2624
Boise, Idaho 83701-2624

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.

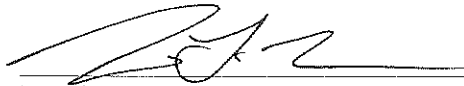
The Director's Recommendation properly identifies the source element as the Snake River. The source is the direct flow of the Snake River, waters of the state, as recommended and decreed, which includes the tributaries and springs flowing into the river, a natural water course, as well as flood or winter flows, when available. The Milner Low Lift v. Crandall decree is res judicata as to the source.

VERIFICATION

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

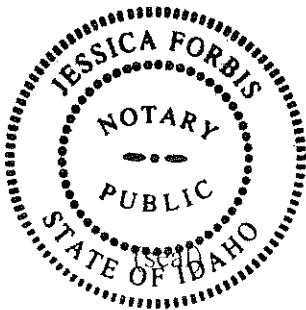
TRAVIS L. THOMPSON, duly sworn, upon oath, deposes and says:

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 7th, 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: Randall C. Budge
Address: Racine Olson Nye Budge & Bailey, Chtd.
P.O. Box 1391
Pocatello, Idaho 83204-1391

Attorneys for Objector IGWA

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