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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. 1-4

**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

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: 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 Eagle decree is res judicata as to the source.

The quantity element should be decreed as previously decreed, diverted and used, and as recommended by IDWR. The "rights of all other surface water coalition rightholders" are irrelevant to the quantity element of this water right.

The objection to the place of use is without basis. The place of use is properly identified as previously decreed and claimed. A condition "to limit this right to actual irrigated acres for conjunctive management purposes" has no basis in law or fact.

VERIFICATION

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

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

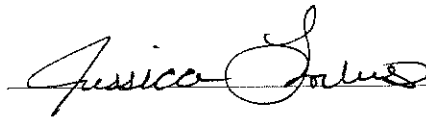
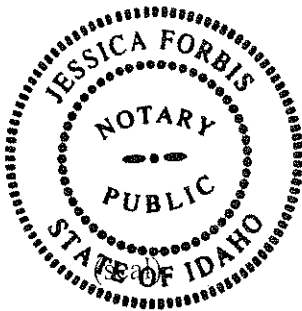
That I am the party/claimant filing this response, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding, and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.



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 7<sup>th</sup>, 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, Chd.  
P.O. Box 1391  
Pocatello, Idaho 83204-1391

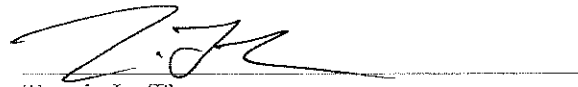
Attorneys for Objector IGWA

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