

DEPARTMENT OF  
WATER RESOURCES

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.

The objection that this right should not exist has no basis in law or fact.

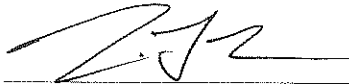
VERIFICATION

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.

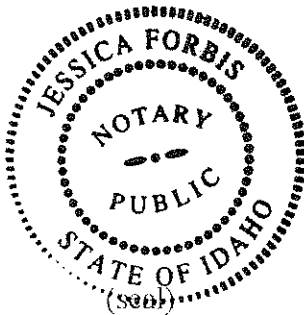
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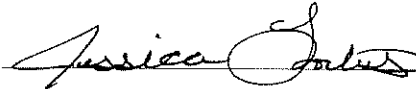
Travis L. Thompson  
Barker Rosholt & Simpson LLP

Attorneys for Respondent

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



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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, Chtd.  
P.O. Box 1391  
Pocatello, Idaho 83204-1391

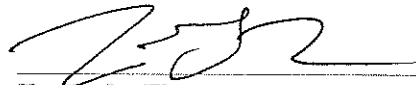
Attorneys for Objector IGWA

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  
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Boise, ID 83724



Travis L. Thompson