



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 2000 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:

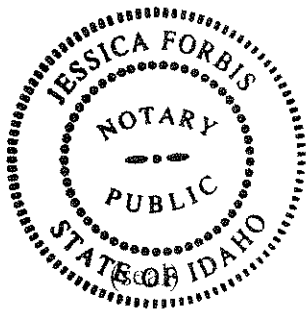
That I am the party/claimant filing this response, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding, and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

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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 25, 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

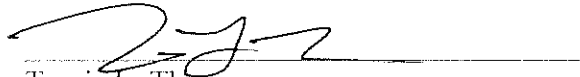
Attorneys for Objectors listed on Exhibit A

3. Copies to:

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

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

## 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