

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

B. NAME AND ADDRESS OF PERSON RESPONDING:

Name and Address of Attorney:

C. NAME AND ADDRESS OF PERSON(S) WHO FILED OBJECTION TO WHICH YOU ARE RESPONDING:

See Exhibit A – Objectors represented by:

Name: Jerry R. Rigby
Address: P.O. Box 250
Rexburg, Idaho 83440

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.

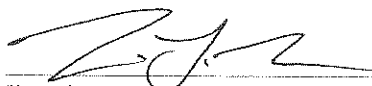
The quantity element should be decreed as previously decreed, diverted and used, and as recommended by IDWR. The remark regarding "base flows available to supply this right do not exceed 225 cfs after July 15" has no basis in fact or law. The Director's Recommendation properly identifies the source element 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:

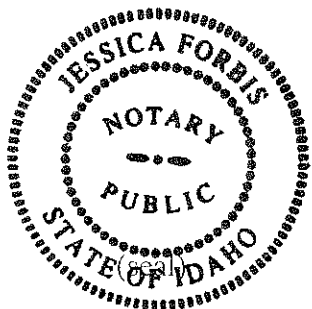
That I am the party/claimant filing this response, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding, and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.



Travis L. Thompson
Barker Rosholt & Simpson L.L.P.

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: Jerry R. Rigby
Address: P.O. Box 250
Rexburg, Idaho 83440

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

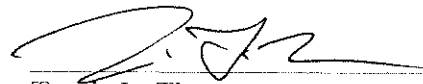

Travis L. Thompson

Exhibit A

Objectors:

Fremont-Madison Irrigation District
350 N., 6th W.
St. Anthony, Idaho 83445

Blackfoot Irrigation Company
108 E. 200 N.
Blackfoot, Idaho 83221

United Canal Company
762 W Hwy 39
Blackfoot, Idaho 83221