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CLERK OF DISTRICT COURT

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	)	A. Subcase No. 01-10240
	)	
Case No. 39576	)	STANDARD FORM 2
	)	<u>RESPONSE TO OBJECTION</u>
	)	
_____	)	

Please **print or type** the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: A & B Irrigation District
Address: P. O. Box 675
Rupert, Idaho 83350-0675
Daytime Phone (208) 436-3152

Name & Address of Attorney, if any:
Attorney Name: Roger D. Ling
Ling, Robinson & Walker
Address: 615 H Street
P. O. Box 396
Rupert, Idaho 83350
Phone Number: (208) 436-4717
Facsimile Number: (208) 436-6804

C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO WHICH YOU ARE RESPONDING

Name: Idaho Ground Water Appropriators, Inc.
Address: c/o Lynn Tominaga
Executive Director
P. O. Box 2624
Boise, Idaho 83701-2624

D. I am responding to the objections to the following elements. (Please check the appropriate box(es).)

1. ☐ Name and Address
2. ☒ Source (See attachment for explanation)
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
11. **Recommendation:**
 - ☒ This water right should not exist. (See attachment for explanation)
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **VERIFICATION** (Must be Completed)

State of Idaho)
) ss.
County of Minidoka)

Roger D. Ling, duly sworn, upon oath, deposes and says:

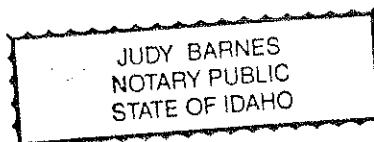
(Name of person filing response)

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 that the statements are true to the best of my knowledge and belief.

(Signature of person filing response)

[Signature] for Roger D. Ling
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: December 8, 2006.



[Signature]
Notary Public for the State of Idaho
Residing at: Rupert, Idaho
My Commission expires: 02-12-2011

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all parties listed below in the Certificate of Mailing.

F. CERTIFICATE OF MAILING

I hereby certify that on December 8, 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
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

← Addendum: I certify that the
original was hand-delivered to
the SRBA clerk on Dec. 8, 2006

2. One copy to the claimant of the water right at the following address:
Name: A & B Irrigation District
Address: P. O. Box 675
Rupert, Idaho 83350-0675
3. One copy to the party who filed the Objection at the following address:
Name: Idaho Ground Water Appropriators, Inc.
Address: c/o Lynn Tominaga
Executive Director
P. O. Box 2624
Boise, Idaho 83701-2624
4. Copies to:

IDWR Document Depository P. O. Box 83720 Boise, Idaho 83720-0098	Chief, Natural Resources Division Office of the Attorney General State of Idaho P. O. Box 44449 Boise, Idaho 83711-4449
United States Department of Justice Environment & Natural Resource Division 550 West Fort Street, Box 033 Boise, Idaho 83724	Randall C. Budge Racine, Olson, Nye, Budge & Bailey, Chtd. P. O. Box 1391 Pocatello, Idaho 83204-1391



Your signature or signature of attorney mailing on your behalf

**ATTACHMENT TO RESPONSE
OF
A & B IRRIGATION DISTRICT**

Explanation:

2. Source:

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 source, as recommended, is binding on the objector and is *res judicata* pursuant to the Eagle decrees.

11. Recommendation:

This right was appropriately recommended and the lands have been irrigated since the priority date of this water right.