

FILED
2017
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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. 01-00014
	)	
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 83350-0396
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: Fremont-Madison Irrigation District
Address: 350 North 6th West
St. Anthony, Idaho 83445

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**
10. ☒ **Other Provisions** (See attachment for explanation)
11. **Recommendation:**
 - ☐ This water right should not exist.
 - ☐ 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)

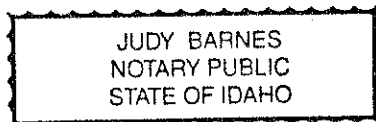
Roger D. Ling, duly sworn, upon oath, deposes and says:
(Name of person filing response)

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)

Roger D. Ling
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: Dec. 8 2006



Judy Barnes
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 Dec. 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**

Judith Barnes

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: Fremont-Madison Irrigation District
Address: 350 North 6th West
St. Anthony, Idaho 83445

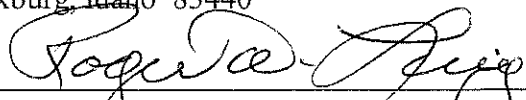
4. Copies to:

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

Jerry R. Rigby
Rigby, Thatcher, Andrus, Rigby & Moeller, Chtd.
P. O. Box 250
Rexburg, Idaho 83440


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.

10. Other Provisions:

Burley Irrigation District concurs with this objection but believes that the provisions of the "Eagle Decrees" should be incorporated by reference in the same manner that provisions of the "Foster", "Woodville", and "Rexburg" Decrees were incorporated by reference.