

FILED
10/16/97
7:30 PM
TWIN FALLS, IDAHO

**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. 01-10238
	)	
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: United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100
Address: 1150 N. Curtis Road, Suite 100
Boise, Idaho 83706-1234

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

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 (See attachment for explanation)
10. I object because:
 - ☒ 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)

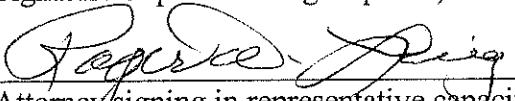
State of Idaho)
) ss.
County of Minidoka)

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)


(Attorney signing in representative capacity)

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

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

INSTRUCTIONS FOR MAILING

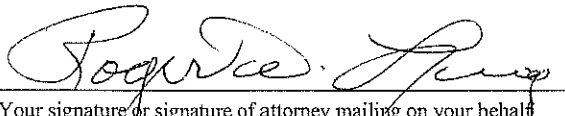
You must mail the response, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all parties listed below in the Certificate of Mailing.

F. CERTIFICATE OF MAILING

I hereby certify that on December ___, 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
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: United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100
Address: 1150 N. Curtis Road, Suite 100
Boise, Idaho 83706-1234
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	David W. Gehlert, USDJ Trial Attorney Natural Resources Div., Env. & Natl Res Div 1961 Stout Street – 8 th Floor Denver, Colorado 80294


Your signature or signature of attorney mailing on your behalf

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

Explanation:

9. Place of Use:

All of the lands within the digital boundary of A & B Irrigation District are not included in the District. Those lands that are not included in the irrigation district may not receive water from the irrigation district in the absence of a transfer of the place of use within the digital boundaries. Federal lands of the Bureau of Reclamation are not included in the district, and therefore is not a place of use for this water right.

10. I object because: This water right should not exist.

This water right was decreed to A & B Irrigation District by the District Court under the Eagle Decree. Although the United States may have a security interest in this water right, which is held in trust by the irrigation district for the lands included within the irrigation district, there is no basis upon which this right should be issued in the name of the United States of America acting through the Department of Interior, Bureau of Reclamation. As between this right and Water Right No. 01-2061, this right is a preferred right, as it has an earlier priority date.