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DEPARTMENT OF
WATER RESOURCES

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
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: Harold E. Marler
Address: 997 S 2900 E
Hazelton, ID 83335

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)
11. 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:

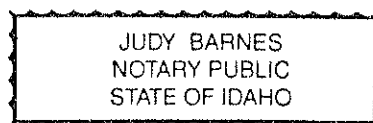
(Name of person filing response)

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)

Roger D. Ling
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: December 6, 2006.



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

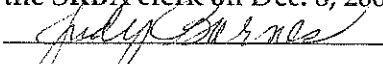
INSTRUCTIONS FOR MAILING

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 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: Harold E. Marler
Address: 997 S 2900 E
Hazelton, ID 83335
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	Robert A. Maynard Perkins Coie, LLP 251 East Front Street, Suite 400 Boise, Idaho 83702-7310


Your signature or signature of attorney mailing on your behalf

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

Explanation:

9. Place of Use:

This Objection has no merit, as "Unit A" of A & B Irrigation District has no defined boundaries. The place of use for this right is limited to the acres being irrigated at the time the right was acquired, and not a limitation as to any change in the place of use made with the approval of the irrigation district, so long as the same is within the digital boundaries of the irrigation district. By law, the place of use has been enlarged by individual landowners within the irrigation district, which enlargements have their own priority and are in addition to the original place of use. What objector refers to as enlargement acres also ignores the distinction between those enlargement acres allowed pursuant to the statutes of the State of Idaho and the beneficial use appropriation of the natural flow of the Snake River for other acres within the irrigation district. All lands irrigated with water from A & B Irrigation District from a surface water source are within the irrigation district, and are within a farm unit or units that have been included as lands of the irrigation district.