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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 | ) | <b>STANDARD FORM 2</b>              |
|                | ) | <b><u>RESPONSE TO OBJECTION</u></b> |
|                | ) |                                     |
| _____          | ) |                                     |

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: Mark G. Ottman  
Address: 1065 Crestview Rd S  
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:

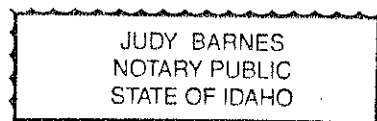
(Name of person filing response)

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

Judy 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: Mark G. Ottman  
Address: 1065 Crestview Rd S  
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

Robert A. Maynard  
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.