

DEC 11 2006
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. 01-00214B
	)	
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: Burley Irrigation District
Address: 246 East 1000 South
Burley, Idaho 83318
Daytime Phone: (208) 678-2511

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.
 - ☐ 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:

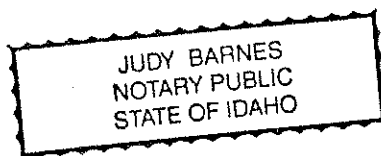
(Name of person filing response)

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.

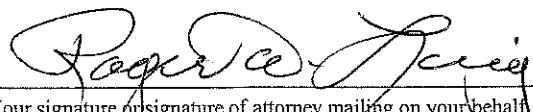
F. CERTIFICATE OF MAILING

I hereby certify that on December 7th, 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
Judrey Barnes
2. One copy to the claimant of the water right at the following address:
Name: Burley Irrigation District
Address: 246 East 100 South
Burley, Idaho 83318
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
BURLEY 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 and decrees incorporated therein.

11. Recommendation:

This right was appropriately recommended and the lands, all within the digital boundaries of Burley Irrigation District, have been irrigated since the priority date of this water right.