

DEC 11 2005  
JUDICIAL CLERK OF  
TWIN FALLS COUNTY

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 | ) | <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: 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: Montevew Canal Co.  
Address: 648 East 2600 North  
Montevew, Idaho 83435

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:

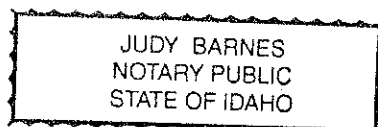
(Name of person filing response)

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.

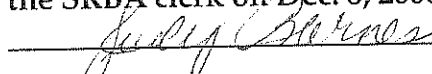
### F. CERTIFICATE OF MAILING

I hereby certify that on December 7<sup>th</sup>, 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: 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: Montevieu Canal Co.  
Address: 648 East 2600 North  
Montevieu, Idaho 83435

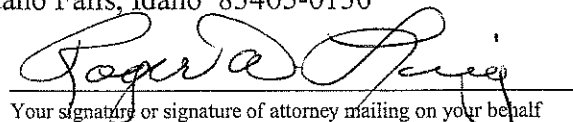
4. Copies to:

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 L. Harris  
Holden, Kidwell, Hahn & Crapo  
P. O. Box 50130  
Idaho Falls, Idaho 83405-0130

  
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.