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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)

Case No. 39576)

A. Subcase 75-14092

(Insert water right number
From the Objection Form)

**STANDARD FORM 2
RESPONSE TO OBJECTION**

Please **print or type** the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Dale Gooby

Address: 18 Savage Ranch Rd

Salmon, Id 83467

Daytime Phone: (208) 756-3211 ext 107

Name & Address of Attorney, if any:

**C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING**

Name: Kent Foster

Address: P.O. Box 50130

Id. Falls, Id 83405

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

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)

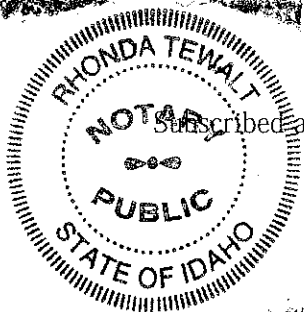
State of Idaho)
)ss.
County of Lemhi)

Dale Gooby, 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 believe that the statements are true to the best of my knowledge.

[Signature]
(Signature of person filing response)

(Attorney signing in representative capacity)



Subscribed and sworn to before me on: 9-7-07

Rhonda Tewalt
Notary Public for State of Idaho Lemhi County
Residing at: Salmon, Idaho
My Commission Expires: 8-25-08

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 the parties listed below in the Certificate of Mailing.

F. CERTIFICATE OF MAILING

I certify that on 7th of Sept., ~~199~~²⁰⁰⁷, 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
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Dale Gooby
Address: 18 Savage Ranch Rd Salmon, Id 83467

3. One copy to the party who filed the objection at the following address:

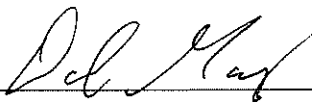
Name: Kent Foster
Address: P.O. Box 50130, Id Falls, Id 83405

4. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Your signature or signature of attorney
mailing on your behalf

To: 5th District Court
253 Third Ave. North
Twin Falls, Idaho 83303

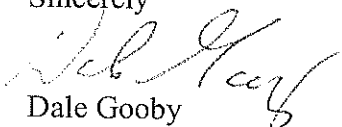
This is in response to the objection of water rights (subcase 75-14092). It appears that I am obligated to respond to this objection filed by Kent Foster on the 30th of January 2007. I have contacted this court to obtain the evidence which supports this objection but found that there was none filed with the court. I contacted Kent Foster's (attorney) office several times to receive disclosure of the evidence to support this objection. Mr. Foster refused to discuss the matter with me but was willing to discuss the matter with my legal council. The problem is that I don't have legal counsel nor will I waste my money obtaining it since I can't even identify what I need to defend myself from. I can only speculate on the motivation for this objection. Since there is no evidence to support this claim I can only assume that this is retribution from Mr. Foster stemming from a failed attempt to extort money from me on behalf of one of his clients several years ago. Much like this situation Mr. Foster had no evidence to support that claim but was more than willing to negotiate a settlement. Since I did not agree to a settlement the case was subsequently dropped. I feel that it is important to point out part F. (Verification) as described in the Instructions for Filing Objections to Water Rights in the Snake River Basin Adjudication:

"Verification. You must sign the Response form in front of a notary. By filing this Response form, you are certifying that the response is well grounded in fact; that it is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needlessly increase the cost of litigation."

Since this objection was filed with no supporting evidence, and since Mr. Foster is only willing to discuss it if I retain the services of legal counsel, it becomes quite obvious that this objection was filed to harass and to needlessly increase the cost of litigation to myself. I would hope the court would do what ever is necessary to encourage Mr. Foster to abide by their rules. I will be contacting the Idaho State Bar to determine if Mr. Foster's behavior in this case is considered to be ethical by their standards.

As I said before, I have not received an argument from Mr. Foster to refute so I am not sure which pile of overwhelming evidence to attach in support of the validity of my water right recommendations. I don't want to leave the court with empty hands as Mr. Foster has done so I am attaching copies from aerial photos of several years showing that the ground in question has been irrigated with the water right that has been recommended.

Sincerely


Dale Gooby

