

RECEIVED

OCT 11 2007

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: 47-4177B

STANDARD FORM 2
RESPONSE TO OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Tim Smalley and Karen Smalley

Address: 4579 A Road Buhl Idaho 83316

Buhl, Idaho 83316

Daytime Phone: (208) 539-0681

Name & Address of Attorney, if any:

C. Thomas Arkoosh/Daniel A. Nevala

Arkoosh Law Offices, Chtd.

Post Office Box 32

301 Main Street

Gooding, Idaho 83330

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

Name: Bruce L. Walden

Address: 2660 Dalton Lane

Boise, Idaho 83704

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be: _____

2. ☐ **Source**

Should be: _____

3. ☒ **Quantity**

Should be: Please see attachment 1 hereto

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point of Diversion**

Should be: _____

6. ☐ **Instream Flow Beginning and Ending Point**

Should be: _____

7. ☒ **Purpose(s) of Use**

Should be: Please see attachment 1 hereto

8. ☒ **Period of Year**

Should be: Please see attachment 1 hereto

9. ☒ **Place of Use**

Should be: Please see attachment hereto

10. ☐ **Recommendation:**

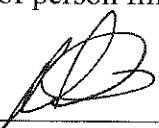
- ☐ This water right Should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

F. VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Ada)

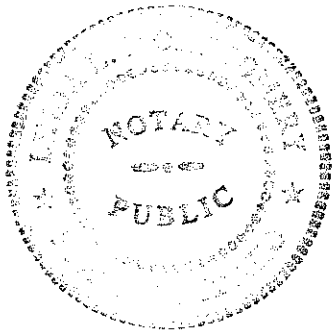
Daniel A. Nevala, duly sworn, upon oath, deposes and says:
That I am the party/claimant filing this Response to Objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this Response to Objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing Response to Objection)



Daniel A. Nevala
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: October 10, 2007
Jenda Montge
Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 11-15-08



INSTRUCTIONS FOR MAILING

You must mail the objection, 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.

G.

CERTIFICATE OF MAILING

I certify that on the 10 of October, 2007, I mailed the original and copies of this Response to Objection, 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: Bruce L. Walden

Address: 2660 Dalton Lane

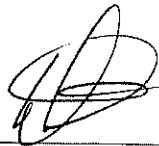
Boise Idaho 83704

3. Copies to:

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

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

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



Daniel A. Nevala

ATTACHMENT 1 TO STANDARD FORM 2 – RESPONSE TO OBJECTION
SUBCASE 47-4177B

Response to Objections:

Quantity

There is no sound basis for the objection. The quantity of water recommended is not excessive for purposes of irrigating 15 acres.

Period and Purpose of Use

There is no sound basis for the objection. The quantity of water recommended is not excessive for purposes of irrigating 15 acres.

Place of Use

The place of use is properly recommended.

Explanatory Material

No water conveyed by Smalley to objector, or his predecessor in interest, under water right 47-04177E has been applied to beneficial use since in or about June 1985 and has thus been forfeited and abandoned.