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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 37-539L

STANDARD FORM 2  
RESPONSE TO OBJECTION

Please fill in the following information:

**B. NAME AND ADDRESS OF PERSON RESPONDING**

Name: Robert L. Mitchell  
Address: 10620 Berkshire, Los Altos, CA 94022  
Daytime Phone: 415-868-3333

Name & Address of Attorney, if any:  
James P. Speck  
SPECK & AANESTAD  
A Professional Corporation  
PO Box 987  
Ketchum, ID 83340

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

|          |                                           |                                                                                                                                         |
|----------|-------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| Name:    | Big Wood Canal Company                    | Tom O'Gara, John F. Stevenson, Bill Molyneux,<br>Pete Van Der Meulen, Grace Eakin, Rocky<br>Sherbine, Gerald Bashaw, Pepin Corso-Harris |
| Address: | 112 South Apple St.<br>Shoshone, ID 83352 | c/o Concerned Water Users<br>PO Box 1200<br>Bellevue, ID 83313                                                                          |

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

10. **Recommendation:**

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

11. **Respondents' Position:** This water right should exist. This water right has not been forfeited through non use or abandoned in whole or in part. In the alternative, the use of this water right has been resumed. The Objectors have waived their right to assert the claims made in their Objections. The Objectors are barred from asserting the claims made in their Objections by laches, equitable estoppel, quasi-estoppel, and judicial estoppel. Respondent is entitled to recover from Objectors its costs and attorneys fees incurred in this action. Respondent reserves the right to assert other legal bases to support its position as discovery proceeds in this matter.

**F. VERIFICATION (Must be completed)**

State of Idaho            )  
                                  )       ss.  
County of Blaine        )

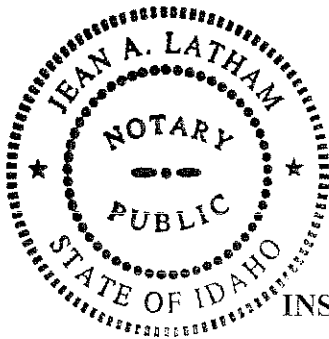
James P. Speck, being first duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this 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 objection, know its contents and believe that the statements are true to the best of my knowledge.

\_\_\_\_\_  
(Signature of person filing objection)

J. P. Speck  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: January 10, 2008



Jean A. Latham  
Notary Public for Idaho  
Residing at Blaine Co.  
My Commission expires 1-25-2013

**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 of the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on January 11, 2008, 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

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

Name: Robert L. Mitchell

Address: 10620 Berkshire, Los Altos, CA 94022

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

Name: Big Wood Canal Company      Tom O'Gara, John F. Stevenson, Bill Molyneux,  
Pete Van Der Meulen, Grace Eakin, Rocky  
Sherbine, Gerald Bashaw, Pepin Corso-Harris

Address: 112 South Apple St.      c/o Concerned Water Users  
Shoshone, ID 83352      PO Box 1200  
Bellevue, ID 83313

4. Copies to:

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P. O. Box 44449  
Boise, Idaho 83711-4449

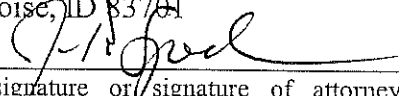
United States Department of Justice  
Environment and Natural Resource Division  
550 West Fort Street, Box 33  
Boise, Idaho 83734

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

Craig D. Hobdey  
PO Box 176  
Gooding, ID 83330

Albert P. Barker  
Barker, Roshalt & Simpson, LLP  
PO Box 2139, Boise, ID 83701

Scott L. Campbell & Andrew J. Waldera  
Moffatt Thomas Barrett Rock & Fields  
PO Box 829, Boise, ID 83701

  
Your signature or signature of attorney  
mailing on your behalf