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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 37-21112

STANDARD FORM 2
RESPONSE TO OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Marathon Partners LLC
Address: P.O. Box 3118, Ketchum, ID 83340
Daytime Phone: 208-726-8008

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, Pete Van Der Meulen, Grace Eakin, Rocky Sherbine, Gerald Bashaw, Pepin Corso-Harris
Address:	112 South Apple St. Shoshone, ID 83352	c/o Concerned Water Users PO Box 1200 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.

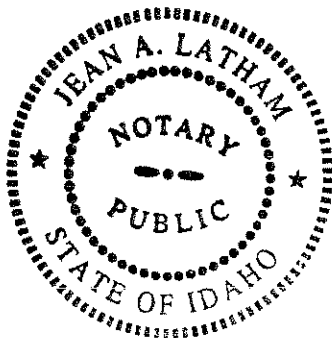
(Signature of person filing objection)

J. R. Greal

(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: Marathon Partners LLC
Address: P.O. Box 3118, Ketchum, ID 83340

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. Shoshone, ID 83352	c/o Concerned Water Users 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

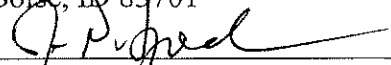
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

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

Craig D. Hobdey
PO Box 176
Gooding, ID 83330

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