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21
RECEIVED 37-21123
JAN 15 2008
DEPARTMENT OF
WATER RESOURCES
TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

January 14, 2008

Big Wood Canal Company
112 South Apple St.
Shoshone, ID 83352

Evelyn Phillips
James W. Phillips

Post Office Box 864
Hailey, Idaho 83333

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

IDWR Document Depository
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Boise, ID 83720-0098

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Barker, Rosholt & Simpson, LLP
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Haemmerle & Haemmerle, P.L.L.C.
P.O. Box 1800
Hailey, Idaho 83333

Tom O'Gara, John F. Stevenson, Bill
Molyneux, Pete Van Der Meulen, Grace
Eakin, Rocky Sherbine, Gerald Bashaw, Pepin
Corso-Harris
c/o Concerned Water Users
PO Box 1200
Bellevue, ID 83313

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

Participants in SRBA Subcase 37-21123
January 14, 2008
Page 2

Re: SRBA Subcase 37-21123

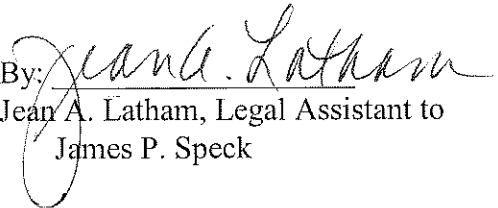
Dear Participants:

Enclosed please find the Standard Form 2 Response to Objection for Subcase 37-21123 which was filed with the SRBA Court on January 10, 2008. Your copy may have page 2 omitted. Please substitute this copy for your records.

Thank you for your cooperation.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
Jean A. Latham, Legal Assistant to
James P. Speck

:jal
Enclosure

JAN 15 2008

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)

A. Subcase 37-21123)

Case No. 39576)

STANDARD FORM 2
RESPONSE TO OBJECTION

_____)
Please fill in the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: SEE ATTACHED LIST OF RESPONDENTS
Address: SEE ATTACHED LIST OF RESPONDENTS
Daytime Phone: SEE ATTACHED LIST OF RESPONDENTS

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:** Aesthetic, wildlife and recreation are beneficial uses of water under Idaho law. The priority date of the recommended water right is that properly established by previous decree or license or pursuant to beneficial use. 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 res judicata, collateral estoppel, laches, equitable estoppel, quasi-estoppel, and judicial estoppel. Respondents are entitled to recover from Objectors their costs and attorneys fees incurred in this action. Respondents reserve the right to assert other legal bases to support their 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:

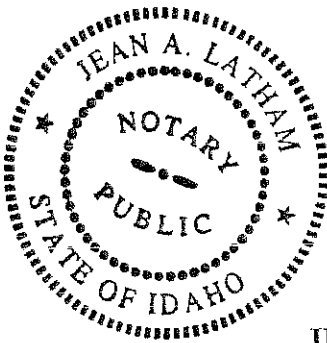
That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6), or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

James P. Speck
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

January 9, 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 9, 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: Evelyn Phillips
James W. Phillips
Address: Post Office Box 864
Hailey, Idaho 83333

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

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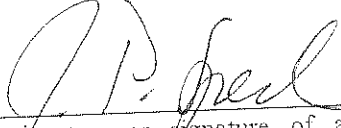
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Your signature or signature of attorney
mailing on your behalf

LIST OF RESPONDENTS

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