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Department of Water Resources
Adjudication Bureau

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 37-415

(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: Sinclair Oil Corporation dba Sun Valley Company

Address: P.O. Box 10

Sun Valley, ID 83353

Daytime Phone: (208) 622-2041

Name & Address of Attorney, if any:

Scott L. Campbell & Dylan B. Lawrence

Moffatt Thomas Barrett Rock & Fields

P.O. Box 829, Boise, ID 83701

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

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

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

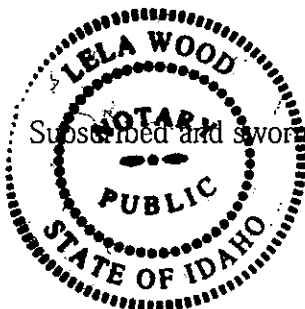
1. ☐ Name and Address
2. ☐ Source
3. ☒ Quantity See Exhibit A
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☒ Place of Use See Exhibit A
11. Recommendation
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **VERIFICATION** (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Dylan B. Lawrence, 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 of person filing response)

[Signature]

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: December 18, 2008

Lela Wood
Notary Public for Idaho

Residing at: Boise

My Commission Expires: 5-31-2012

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 Dec. 18, 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
PO Box 2707
Twin Falls, ID 83303-2707

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

Name: Sinclair Oil Corporation dba Sun Valley Company
Address: P.O. Box 10, Sun Valley, ID 83353

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

Name:	Tom O'Gara, John F. Stevenson, Bill Molyneux,	Big Wood Canal Company
	Peter Van Der Meulen, Grace Eakin, Rocky Sherbine,	112 S. Apple St.
Address:	Geral Bashaw, and Pepin Corso-Harris	Shoshone, ID 83352
	c/o Concerned water Users, P.O. Box 1200, Bellevue, ID 83313	

4. Copies to:

Director of IDWR
P.O. Box 83720, Boise, ID 83720-0098

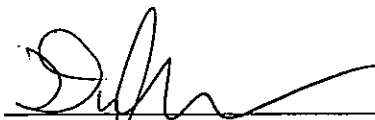
Craig Hobdey / Hobdey & Hobdey
P.O. Box 176, Gooding, ID 83330

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

James P. Speck / Speck & Aanstad
P.O. Box 987, Ketchum, ID 83340

Albert P. Barker / Barker, Rosholt & Simpson, LLP
P.O. Box 2139, Boise, ID 83701

Larry A. Brown
United States Department of Justice
Environment & Natural Resource Division
550 W. Fort St., MSC 033, Boise, ID 83724



Your signature or signature of attorney
mailing on your behalf

EXHIBIT A
STANDARD FORM 2 – RESPONSE TO OBJECTION
SUBCASE 37-00415

Claimant believes that the Objectors have not provided enough information to adequately delineate the specific issues the Objectors intend to raise in this subcase in accordance with the Court's order of October 10, 2008. Accordingly, Claimant requests that Objectors file amended objections which further explain and clarify the basis of the objection, in lieu of forcing Claimant to file further motions and discovery requests. Claimant will agree to allow such amended objection without the need for Objectors to file a motion to amend its objection. More specifically, Claimant believes the Objectors should provide additional detail regarding the following assertions in its objection:

- Quantity: Objectors object to the quantity element, but do not suggest an alternative quantity. Please provide the quantity that the Objectors believe should be associated with this water right.
- Place of use should be "[l]imited to original claimed acreage of 115 acres": Claimant claimed 516.3 acres in its amended claim of 2002, and claimed 429.3 acres in its original claim of 1989. Please explain the assertion that Claimant originally claimed 115 acres.
- "Partial forfeiture of volume": Claimant does not understand this assertion. Please explain.
- "Combined use remarks necessary with all rights on a single POU": Please suggest a remark.
- "Acreage should be limited to historic acreage": This is a vague assertion. Please specify the "historic acreage" Objectors believe should describe this right.

In addition, Claimant asserts the following responses to some of the other allegations in Objectors' objection:

- "No more than 1"/acre should be authorized for irrigation, aesthetic and wildlife uses": Pursuant to Section 42-220, the inch-per-acre rule is simply a "default" rule that does not apply "if a greater amount is necessary." In addition, by the specific terms of Section 42-220, the inch-per-acre rule only applies to irrigation rights—not aesthetic or wildlife rights.
- "Transfer conditions on POD should be included": Objectors have not objected to the point of diversion element. Therefore, it is inappropriate for Objectors to make demands regarding the point of diversion.
- "Measuring devices should be required for inflow and outflow of all aesthetic uses": This assertion relates to post-SRBA administration and is wholly irrelevant to the definition of any element of the water right. Neither Section

42-1412 nor the required standard objection form itself authorize an objector to object on this basis. The Legislature has specifically delegated the discretion and authority to include remarks related to administration of water rights only to the director of IDWR. I.C. § 42-1411(2)(j).