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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 37-12130

(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: Newfoundland Partners, c/o Joseph D. Weinstein

Address: 2600 Century Square, 1901 4th Avenue

Seattle, WA 98101-1688

Daytime Phone: (206) 628-7791

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 See Exhibit A
9. ☐ Place of Use
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)

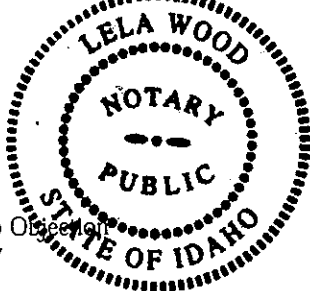
Dylan B. Lawrence, duly sworn, upon oath, deposes and says:
(Name of person filing response)

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

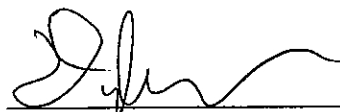
Craig Hobdey / Hobdey & Hobdey
P.O. Box 176, Gooding, ID 83330

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

James P. Speck / Speck & Aanestad
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 37-12130

Claimant asserts the following responses to the allegations in Objectors' objection:

- Quantity: Objectors object to the quantity element and assert that “[t]he diversion rate should not exceed 1”/acre of surface area of pond.” However, the claim at issue is not based upon an irrigation use, so the “inch per acre” rule of Section 42-220 does not apply. By its terms, the inch per acre limitation of Section 42-220 applies only to “land so irrigated.” I.C. § 42-220.
- Season of use: Objectors assert that the season of use for 37-12130 should be the irrigation season. However, the claim at issue is a beneficial use claim that is not based upon a prior irrigation use. Therefore, there is no basis for limiting this right to the irrigation season.
- “Measuring and monitoring of inflow and outflow from ponds should be required”: 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).
- “Volume measurement should be required.”: 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).
- “Water rights should be regulated by a Water Master.”: 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).