

RECEIVED

COPY

DEC 22 2008

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: 37-2446

STANDARD FORM 2

RESPONSE TO AMENDED OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Sun Valley Land & Minerals, Inc.

Address: PO Box 1959, Sun Valley, ID 83353-1959

Daytime Phone: 208-726-4113

Name & Address of Attorney, if any:

Edward A. Lawson, Esq.
James R. Laski, Esq.
Lawson & Laski, PLLC
P.O. Box 3310
Ketchum, ID 83340

**C. NAME AND ADDRESS OF PERSON WHO FILED THE 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 Street
Shoshone, ID 83352

c/o Concerned Water Users
P.O. Box 1200
Bellevue, ID 83313

D. I am responding to the objection 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. **Respondent's Position:**

Right has not been forfeited. Water storage volume is limited by spillway elevation has been verified by the Department. Volumetric measurement is superfluous and unnecessary. The ponds are in-stream facilities and discharge measurement would be nonsensical. A measuring devise on the pipeline to the two off-stream ponds is already in place. Condition on transfer is reasonable. Transfer conditions have been complied with.

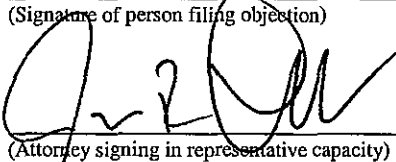
F. VERIFICATION (Must be completed)

State of Idaho)
) ss.
County of Blaine)

James R. Laski, being first duly sworn, upon oath, deposes and says:

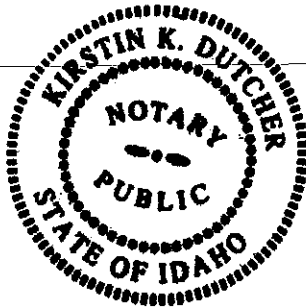
That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

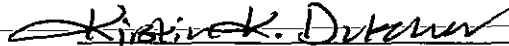
(Signature of person filing objection)



(Attorney signing in representative capacity)

Subscribed and sworn to before me on: December 19, 2008





Notary Public for _____

Residing at: 175-B Riverwood Rd Ketchum, ID

My Commission Expires: 12/23/09 83340

CERTIFICATE OF MAILING

I certify that on December 19, 2008, I mailed the original and copies of the 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, ID 83303-2707

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

Name: Sun Valley Land and Minerals Inc.

Address: PO Box 1959
Sun Valley, ID 83353-1959

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

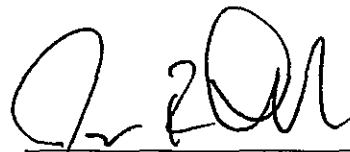
Name:	Craig Hobdey Attorney for Big Wood Canal Co.	Albert P. Barker Attorney for: Tom O'Gara, John F. Stevenson, Bill Molyneux, Peter Van Der Meulen, Grace Eakin, Rocky Sherbine, Gerald Bashaw, Pepin Corso- Harris
Address:	Hobdey & Hobdey PO Box 176 Gooding, ID 83330	Barker, Rosholt & Simpson, LLP PO Box 2139 Boise, ID 83701

4. Copies to:

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

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

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



Your signature or signature of attorney
Mailing on your behalf