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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	)	A. Subcase No. 22-13479, 22-00265E
	)	
Case No. 39576	)	STANDARD FORM 2
	)	RESPONSE TO AMENDED OBJECTION
_____	)	

B. NAME AND ADDRESS OF PERSON RESPONDING:

Name: DKJ FARMS, LLC
Address: C/O DALLAN JEPPESEN
665 Centennial Loop Road
Rexburg, Idaho 83440

Name and Address of Attorneys:

Jerry R. Rigby, ISB #2470
RIGBY ANDRUS & MOELLER Chtd.
P.O. Box 250
Rexburg, Idaho 83440
Telephone: (208) 356-3633
Facsimile: (208) 356-0768

C. NAME AND ADDRESS OF PERSON(S) WHO FILED OBJECTION TO WHICH YOU
ARE RESPONDING:

Name: George Brown, M.D.
Address: 1439 Cambridge Drive
Idaho Falls, Idaho 83401

D. I am responding to the objection(s) to the following elements:

* See attached Exhibit A

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. ☐ Claimant's Proposed General Provisions
11. Recommendation:
 - ☐ This water right should not exist
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

VERIFICATION

State of IDAHO)
) ss.
County of Madison)

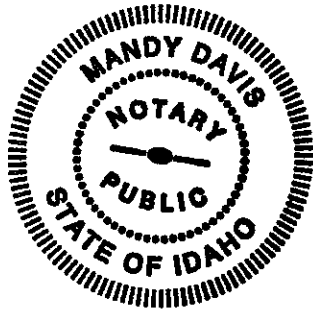
JERRY R. RIGBY, duly sworn, upon oath, deposes and says:

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.

Jerry R. Rigby (for)
Jerry R. Rigby
Rigby Andrus & Moeller Chtd.

Attorneys for Respondents

Subscribed and sworn to before me on: January 22nd, 2009.



(seal)

Mandy Davis
Notary Public for: Idaho
Residing at: St. Anthony
My Commission Expires: 6/24/2011

CERTIFICATE OF MAILING

I certify that on January ____, 2009, 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
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant and parties who filed the objections at the following address:

Claimants: DKJ Farms, LLC
C/O Dallan Jeppesen
665 Centennial Loop
Rexburg, Idaho 83440

Objectors:

Name: George Brown, M.D.
Address: 1439 Cambridge Drive
Idaho Falls, Idaho 83401

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

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

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

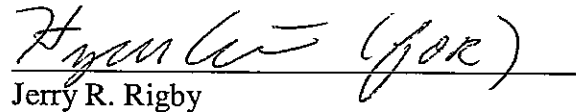

Jerry R. Rigby

Exhibit A

The Recommendation of the Director was correct and is supported by law and fact. Therefore, Objector's amended objection is unfounded and should be rejected. This water right should be granted a partial decree as recommended.

Furthermore, water right #22-265E was recommended in part due to a post-adjudication administrative proceeding transfer under Idaho Code 42-222. Because Objector failed to appeal the said transfer, the order of transfer is now *res judicata*. Furthermore, because nothing has changed to the water right or use thereof since its transfer, Objector's amended objection should be dismissed with prejudice.