

Edward A. Lawson, ISB No. 2440  
James R. Laski, ISB No. 5429  
Kirstin K. Dutcher, ISB No. 6762  
LAWSON & LASKI, PLLC  
675 Sun Valley Road, Suite A  
P.O. Box 3310  
Ketchum, ID 83340  
Telephone: (208) 725-0055  
Facsimile: (208) 725-0076

Attorneys for Peter Trust d/b/a River Grove Farms

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

)  
)  
)  
)  
)  
)  
)  
)  
)

Subcase No. 37-22256

(Formerly No. 37-862, which was split  
into 37-22255 and 37-22256)

RESPONSE TO MOTION FOR ENTRY  
OF SPECIAL MASTERS' REPORT AND  
RECOMMENDATION

Respondent Peter Trust d/b/a River Grove Farm ("River Grove") by and through its attorney of record, Lawson & Laski, PLLC, hereby files this response to the Motion for Entry of Special Master's Report and Recommendation, filed by the Oliver Family Trust ("Oliver") on or about February 11, 2009, pursuant to Idaho Rule of Civil Procedure 7(b)(3) and Rules 1 and 10(h) of this Court's Administrative order I.

1. On or about November 15, 2007, the "Concerned Water Users" and the Big Wood Canal Company (collectively, the "Objectors") filed objections to the recommendation for water right 37-862.

2. On or about November 14, 2007, the Oliver Family Trust filed an objection to the recommendation for water right 37-862.

3. On or about December 31, 2007, Sinclair Oil, d/b/a Sun Valley Company ("Sun Valley") Sun Valley filed a response in subcase 37-862.

4. On or about January 14, 2008, River Grove Farm filed a Response to Objection asserting the right should exist as recommended.

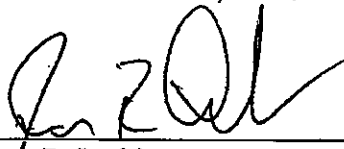
5. Despite the fact that the Notice of Completed Administrative Proceeding indicates that it was served upon "all parties in the subcases affected," the Certificate of Mailing does not appear to list River Grove Farms, Sun Valley, the Concerned Water Users or the Big Wood Canal Company. In addition the Motion for Entry of Special Master Report and Recommendation ("Oliver Motion"), Notice of Hearing referenced in the Oliver Motion were likewise not served on River Grove.

6. Based upon the documents available from the IDWR and SRBA websites, when the split of water right 37-862 occurred, it does not appear the interested parties were provided with notice of the split or of a subsequent objection and response period.

7. River Grove Farm's position depends on whether the Objectors will renew their objections to the progeny rights 37-22255 and 37-22256. If the Objectors are allowed to object to 37-22555 and 37-22556, then River Grove Farm would like to respond to said objections.

DATED this 25<sup>th</sup> day of February, 2009.

LAWSON & LASKI, PLLC

By 

James R. Laski

Attorneys for Peter Trust d/b/a River Grove Farm

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on February 25, 2009, I caused to be served a true copy of the foregoing document by the method indicated below, and addressed to each of the following:

Albert P. Barker, Esq.  
Barker Rosholt & Simpson  
1010 W Jefferson, Suite 102  
P.O. Box 2139  
Boise, ID 83701-2139

*Representing: Bill Molyneux, Gerald Bashaw,  
Grace Eakin, John F. Stevenson, Pepin Corso-  
Harris, Pete Van Der Meulen, Rocky Sherbine  
and Tom O'Gara*

Hand Delivery ☐  
U.S. Mail ☒  
Facsimile ☒  
Overnight Mail ☐

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

*Representing: Big Wood Canal Company*

Hand Delivery ☐  
U.S. Mail ☒  
Facsimile ☒  
Overnight Mail ☐

Oliver Family Trust  
Represented by  
Christopher H. Meyer, Esq.  
Michael P. Lawrence, Esq.  
Givens Pursley LLP  
601 W Bannock Street  
P.O. Box 2720  
Boise, ID 83701-2720

Hand Delivery ☐  
U.S. Mail ☒  
Facsimile: ☒  
Overnight Mail ☐

Peter M. Thomas Trust  
Jerome D. Mack Trustee  
c/o E. Parry Thomas  
P.O. Box 642  
Sun Valley, ID 83353

Hand Delivery ☐  
U.S. Mail ☒  
Facsimile ☒  
Overnight Mail ☐

Scott L. Campbell, Esq.  
Tara Martens, Esq.  
Dylan B. Lawrence, Esq.  
Moffatt, Thomas, Barrett, Rock & Fields, Chtd  
101 S. Capital Blvd, 10<sup>th</sup> Street  
P.O. Box 829  
Boise, ID 83701

*Representing: Sinclair Oil Corporation d/b/a  
Sun Valley Company*

Hand Delivery ☐  
U.S. Mail ☒  
Facsimile ☒  
Overnight Mail ☐

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

Hand Delivery ☐  
U.S. Mail ☒  
Facsimile ☐  
Overnight Mail ☐

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

Hand Delivery ☐  
U.S. Mail ☒  
Facsimile ☐  
Overnight Mail ☐

Director  
Idaho Department of Water Resources  
322 E. Front Street, 6<sup>th</sup> Floor  
P.O. Box 83720  
Boise, ID 83720

Hand Delivery ☐  
U.S. Mail ☒  
Facsimile ☐  
Overnight Mail ☐

#### COURTESY COPIES

Brigette Bilyeu  
Special Master  
Snake River Basin Adjudication  
253 3<sup>rd</sup> Avenue North  
P.O. Box 2707  
Twin Falls, ID 83303-2707

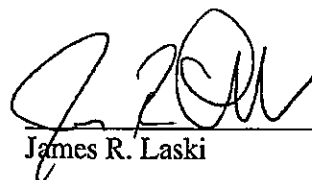
Hand Delivery ☐  
U.S. Mail ☒  
Facsimile ☒  
Overnight Mail ☐

Nicholas B. Spencer, Esq.  
Deputy Attorney General  
Idaho Department of Water Resources  
322 East Front Street  
P.O. Box 83720  
Boise, ID 83720-0098

Hand Delivery ☐  
U.S. Mail ☒  
Facsimile ☐  
Overnight Mail ☐

Douglas Jones  
Southern Regional Office  
Idaho Department of Water Resources  
1341 Fillmore Street, Suite 200  
Twin Falls, ID 83301-3033

Hand Delivery ☐  
U.S. Mail ☒  
Facsimile ☒  
Overnight Mail ☐

  
James R. Laski

**LAWSON & LASKI, PLLC**  
ATTORNEYS AT LAW

675 SUN VALLEY ROAD, SUITE A  
P.O. BOX 3310  
KETCHUM, ID 83340  
PHONE: 208-725-0055  
FAX: 208-725-0076

**MULTIPLE PARTY FACSIMILE COVERSHEET**

Date: 2/25/2009 Pages (including cover page): 5  
File No. 10245-002  
To: Albert P. Barker, Esq. Fax: (208) 336-0700  
To: Craig D. Hobdey, Esq. Fax: (208) 934-4420  
To: Christopher H. Meyer, Esq. Fax: (208) 388-1300  
To: Scott L. Campbell, Esq. Fax: (208) 385-5384  
Natural Resources Division Chief  
To: Idaho Attorney General Fax: (208) 854-8072  
To: United States Department of Justice Fax: (208) 334-9375  
Director  
To: Idaho Department of Water Resources Fax: (208) 287-6700  
To: Brigitte Bilyeu Fax: (208) 736-2121  
Nicholas B. Spencer, Esq.  
To: Deputy Attorney General Fax: (208) 287-6700  
To: Douglas Jones Fax: (208) 736-3037  
From: Deb Erickson, Assistant to James R. Laski

Re: *In Re SRBA Subcase No. 37-22256*

**Comments:**

Attached is the Peter Trust d/b/a River Grove Farms Response to Motion for Entry of Special Masters' Report and Recommendation. Thank you.

**ORIGINAL WILL:**

X BE SENT BY MAIL

BE SENT BY FEDEX/OVERNIGHT COURIER

BE SENT BY MESSENGER

NOT BE SENT

CALL BACK: If the transmission to you was incomplete or not legible, please call the individual above listed at (208) 725-0055 or call the FAX operator at (208) 725-0055.

Confidentiality Notice: **This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law.** If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via the US Postal Service. Thank you.