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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. 01-2061
Case No. 39576	)	STANDARD FORM 2
	)	RESPONSE TO OBJECTION
_____	)	

B. NAME AND ADDRESS OF PERSON RESPONDING:

Name: Falls Irrigation District
Address: 310 Valdez St
American Falls, Id. 83211

Name and Address of Attorney:

Attorney Name: Roger D. Ling
Attorney Address: Attorney at Law
P.O. Box 623
Rupert, Idaho 83350
Attorney Phone: (208) 434-2717

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

Name: Aberdeen-American Falls Ground Water District et al.
Address: c/o Lynn Tominaga
P.O. Box. 2624
Boise, Idaho 83701-2624

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

1. ☐ Name and Address
2. ☒ Source: The source of this water right is the Snake River. The "condition" requested is not factually correct, legal, nor necessary for the administration of this water right.
3. ☒ Quantity: The quantity is defined by a previously issued license by the Idaho Department of Water Resources. The "conditions" requested are not factually correct, legal, nor necessary for the administration of this water right.
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☒ Period of Year: The season of use is properly defined as the irrigation season for the Basin where the water right is used (3/15 to 11/15). The requested change is not factually correct nor does it reflect the irrigation season already decreed by the Court for other water rights used in this Basin.
9. ☒ Place of Use: The place of use element should be decreed as recommended.
10. ☒ Other Conditions: The requested "condition" violates the Court's "connected source" general provision decreed in the Basin-Wide Issue 5. Moreover, the water right is administered together with all hydraulically connected water rights, including ground water rights, in the Snake River Basin. The requested "conditions" are not factually nor legally correct. See Responses above.
11. Recommendation:

☒ This water right does exist, as evidenced by the license issued by IDWR. The basis for the objection to this right is not supported by the facts or law as they exist, and the objection filed is spurious and frivolous and cannot be supported by a good faith argument for an extension, modification, or reversal of existing law.

☐ This water right was not recommended, but should be recommended with the elements described above.

The water right should be decreed as recommended. The reference to the limited availability of this water right based upon Water District 1 records is false. There is no basis in fact or law to limit the source, quantity or place of use of this water right as suggested in the objection or to deny the recommendation of the Director and its approval by a court of competent jurisdiction, or to challenge the recommended elements of the right, or to add conditions to the right in an effort to subordinate the right to junior ground water rights in the ESPA.

State of IDAHO)
) ss.
County of Minidoka)

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.

JUDY BARNES
NOTARY PUBLIC
STATE OF IDAHO


 Notary Public for: Idaho
 Residing at: _____ Rupert, Idaho
 My Commission Expires: _____ 02-12-2011

CERTIFICATE OF MAILING

I certify that on February 26, 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 party who filed the objections at the following address:

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Address: Racine Olson
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Attorneys for Objector Ground Water Districts

3. Copies to:

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