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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 1.

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.

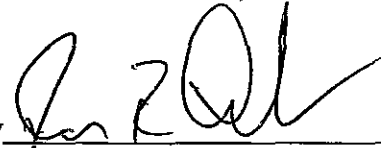
5. Despite the fact that the Notice of Completed Administrative Proceeding indicates that it was served upon "all parties in the subcases affected," the Certificate of Mailing does not appear to list River Grove Farms, Sun Valley, the Concerned Water Users or the Big Wood Canal Company. In addition the 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 25th 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:

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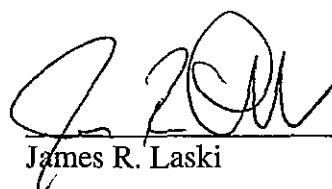
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