

RECEIVED

MAR 02 2009

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. 1-6
	)	
Case No. 39576	)	STANDARD FORM 2
	)	RESPONSE TO OBJECTION
_____	)	

B. NAME AND ADDRESS OF PERSON RESPONDING:

Name: American Falls Reservoir Dist. #2
Address: 112 S. Apple St.
Shoshone, ID 83352

Name and Address of Attorney:

Attorney Name: C. Tom Arkoosh
Attorney Address: Capitol Law Group, PLLC
301 Main St.
Post Office Box 32
Gooding, ID 83330
Attorney Phone: (208) 934-8872

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

Name: Aberdeen-American Falls Ground Water District, Bingham Ground Water
District, Bonneville-Jefferson Ground Water District, Carey-Valley Ground Water
District, Jefferson Clark Ground Water District, Madison Ground Water District,
Magic Valley Ground Water District and North Snake Ground Water District
(collectively "Ground Water Districts") acting for and on behalf of their members

Address: c/o Lynn Tominaga
Executive Director of
P.O. Box. 2624
Boise, Idaho 83701-2624

Telephone: (208) 381-0294

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 and defined by prior license and decree. The "condition" requested is not factually correct, legal, nor necessary for the administration of this water right.
3. ☒ Quantity: The quantity is defined by prior license and decree. 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 presented by AFRD #2 to the SRBA.
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 should not exist
- ☐ This water right was not recommended, but should be recommended with the elements described above.

D. REASONS SUPPORTING RESPONSE.

The water right should be decreed as previously licensed and decreed. 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 or quantity of this water right as suggested in the objection.

VERIFICATION

State of IDAHO)
) ss.
County of Ada)

C. TOM ARKOOSH, duly sworn, upon oath, deposes and says:

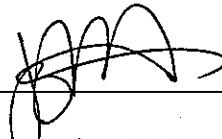
That I am the party/claimant filing this response, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding, and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.



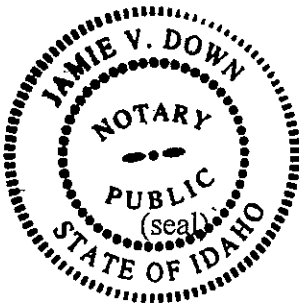
C. Tom Arkoosh
Capitol Law Group, PLLC

Attorneys for Respondent

Subscribed and sworn to before me on: February 27th, 2009



Notary Public for: Idaho
Residing at: Meridian, ID
My Commission Expires: 10/5/12



CERTIFICATE OF MAILING

I certify that on February 21st, 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:

Name: Randy Budge / Scott Smith / Candice McHugh
Address: Racine Olson
101 S. Capitol Blvd., Suite 208
Boise, Idaho 83702

Attorneys for Objector Ground Water Districts

3. Copies to:

Robert L. Harris
Holden, Kidwell, Hahn & Crapo,
PLLC
P.O. Box 50130
Idaho Falls, Idaho 83405

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

IDWR Depository
P.O. Box 83720
Boise, Idaho 83720-0098

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

E. Gail McGarry
United States, Department of Interior
Bureau of Reclamation
1150 N. Curtis Road, Suite 100
Boise, Idaho 83706-1234

Josephine Beeman
409 W. Jefferson St.
Boise, Idaho 83702

Jerry R. Rigby
P.O. Box 250
Rexburg, Idaho 83340-0250

Craig D. Hobdey
P.O. Box 176
Gooding, Idaho 83330

Martin & Lorraine Muecke
1250 W. 300 S.
Heyburn, Idaho 83336

Bret Andersen
Robyn Andersen
322 E. Main
Burley, Idaho 83318

Tim Eilers
1109 W. 300 S.
Heyburn, Idaho 83336

Patrick D. Brown
Hutchinson & Brown, LLP
P.O. Box 207
Twin Falls, Idaho 83303-0207

Roger D. Ling
P.O. Box 623
Rupert, Idaho 83350

A. Dean Tranmer
P.O. Box 4169
Pocatello, Idaho 83201

Robert A. Maynard
Perkins Coie, LLP
251 E. Front St., Suite 400
Boise, Idaho 83702-7310

William A. Parsons
P.O. Box 910
Burley, Idaho 83318

M. Evan Call
4373 Cold Water Road
American Falls, Idaho 83211

Steve Muecke
925 W. Wanda Lane
Heyburn, Idaho 83336

Travis L. Thompson
Barker Rosholt & Simpson LLP
113 Main Ave W., Suite 303
P.O. Box 485
Twin Falls, Idaho 83303-0485



C. Tom Arkoosh