

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)
)
Case No. 39576)
)

)

A. Subcase No. 1-10239

**STANDARD FORM 2
RESPONSE TO OBJECTION**

B. NAME AND ADDRESS OF PERSON RESPONDING:

Name: A&B Irrigation District
Address: P.O. Box 675
 Rupert, Idaho 83350-0675

Name and Address of Attorney:

Attorney Name:	John K. Simpson / Travis L. Thompson	Roger Ling
Attorney Address	Barker Rosholt & Simpson LLP	Attorney at Law
	113 Main Ave W., Suite 303	P.O. Box 623
	P.O. Box 485	Rupert, Idaho 83350
	Twin Falls, Idaho 83303-0485	(208) 434-2717
Attorney Phone:	(208) 733-0700	

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, or necessary for the administration of this water right.
3. ☒ Quantity: The quantity should be decreed as recommended. The "conditions" requested are not factually correct, legal, or 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 or legally correct. See Responses above.
11. Recommendation:

☒ This water right should not exist: This water right is a valid beneficial use claim pursuant to Idaho law.

☐ 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 recommended. The water right is being claimed for the first time in the SRBA, Water District 1 records do not include water rights that have not been previously decreed or licensed.

VERIFICATION

State of IDAHO)
) ss.
County of Twin Falls)

TRAVIS L. THOMPSON, 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.



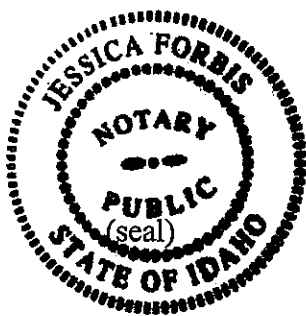
Travis L. Thompson
Barker Rosholt & Simpson LLP

Attorneys for Respondent

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



Notary Public for: Idaho
Residing at: Twin Falls
My Commission Expires: 4/3/12



CERTIFICATE OF MAILING

I certify that on February 27th 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
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Attorneys for Objector Ground Water Districts

3. Copies to:

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