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MAR 03 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
MAR - 2 2009
By _____ Clark
Deputy Clerk

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. 1-8
	)	
Case No. 39576	)	STANDARD FORM 2
	)	RESPONSE TO AMENDED OBJECTION
_____	)	

B. NAME AND ADDRESS OF PERSON RESPONDING:

Name: Minidoka Irrigation District
Address: 98 W. 50 S.
Rupert, ID 83350

Name and Address of Attorney:

Attorney Name: Kent Fletcher
Attorney Address: Fletcher Law Office
1200 Overland Avenue
P.O. Box 248
Burley, ID 83318
Attorney Phone: (208) 678-3250

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, ID 83701-2624

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

1. ☐ Name and Address

2. x Source: Source is Snake River. Requested condition is not factually or legally correct, is not necessary for administration and is inconsistent with other water rights located in basin.
3. x Quantity: Is defined by prior decree. Requested condition is not factually or legally correct, is not necessary for administration and is inconsistent with other water rights located in basin.
4. x Priority Date: Is defined by prior decree. Requested condition is not factually or legally correct, is not necessary for administration and is inconsistent with other water rights located in basin.
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. x Period of Year: The season of use is properly recommended.
Requested condition is not factually or legally correct, is not necessary for administration and is inconsistent with other water rights located in basin.
9. x Place of Use: Should be within digital boundary of Minidoka Irrigation District.
Requested condition is not factually or legally correct, is not necessary for administration and is inconsistent with other water rights located in basin.
10. x Other Conditions: Requested condition is not factually or legally correct, is not necessary for administration and is inconsistent with other water rights located in basin. Further, requested conditions violate the SRBA Court's Order in Basin Wide 5. See above responses.

11. Recommendation:

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

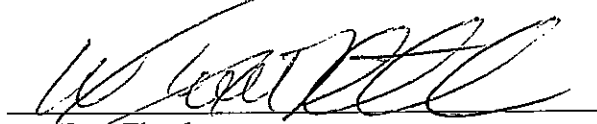
BRIEF EXPLANATION FOR RESPONSE: Requested conditions are not factually or legally correct, are not necessary for administration and are inconsistent with other water rights located in basin. Further, requested conditions violate the SRBA Court's Order in Basin Wide 5.

VERIFICATION

State of IDAHO)
) ss.
County of Cassia)

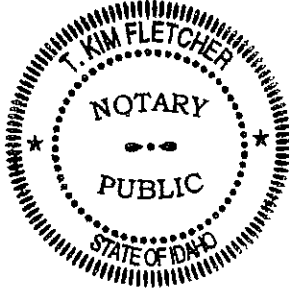
W. Kent Fletcher, duly sworn, upon oath, deposes and says:

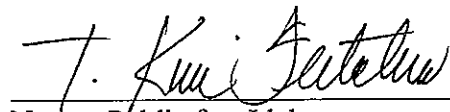
That I am the party/claimant filing this response, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding, and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.



W. Kent Fletcher
Fletcher Law Office
Attorney for Respondent Minidoka Irrigation District

Subscribed and sworn to before me on: March 1, 2009





Notary Public for: Idaho
Residing at: Burley
My Commission Expires: June 18, 2010

CERTIFICATE OF SERVICE

I certify that on March 2, 2009 I personally delivered the original to the Clerk of the District Court, Snake River Basin Adjudication, and mailed 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:

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

IDWR Depository
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Boise, Idaho 83720-0098

Jerry R. Rigby
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Rexburg, Idaho 83340-0250

United States Department of Justice
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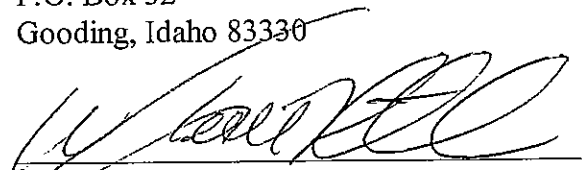
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