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MAR 11 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

Case No. 39576

A. Subcase 37-353F

(Insert water right number
From the Objection Form)

STANDARD FORM 2
RESPONSE TO OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: James Oosting

Address: PO Box 386
Bellevue, ID 83313

Daytime Phone: 208 788-3356

Name & Address of Attorney, if any:

C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING

Name: Barbara Barry

Address: PO Box 1197
Bellevue, ID 83313

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

1. ☒ Name and Address
2. ☒ Source
3. ☒ Quantity
4. ☒ Priority Date
5. ☒ Point(s) of Diversion
6. ☒ Instream Flow Description
7. ☒ Purpose(s) of Use
8. ☒ Period of Year
9. ☒ Place of Use
11. Recommendation

☒ This water right should not exist.

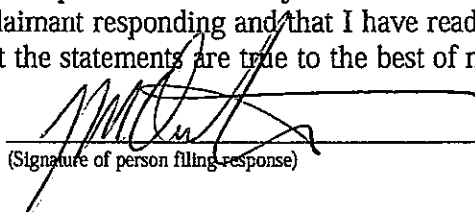
☐ This water right was not recommended, but should be recommended with the elements described above.

E. **VERIFICATION** (Must be Completed)

State of Idaho)
) ss.
County of Blaine)

James Oosting, duly sworn, upon oath, deposes and says:
(Name of person filing response)

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.


(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

March 9, 2009
Marcy Hink
Notary Public for State of Idaho
Residing at: Blaine County
My Commission Expires: 8-6-13

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

F. CERTIFICATE OF MAILING

I certify that on 3/10, ²⁰⁰⁹~~199~~, 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
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: James Oosting
Address: Po Box 386
Bellevue, ID 83313

3. One copy to the party who filed the objection at the following address:

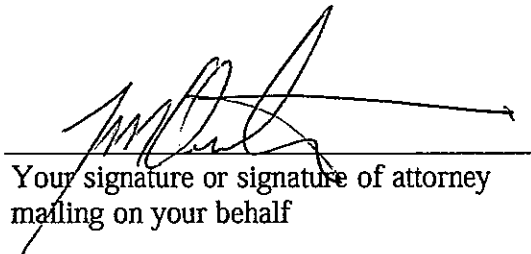
Name: Barbara Barry
Address: PO Box 1197
Bellevue, ID 83313

4. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449


Your signature or signature of attorney
mailing on your behalf

James Oosting
PO Box 386
Bellevue, ID 83313
January 29, 2009

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

To whom it may concern:

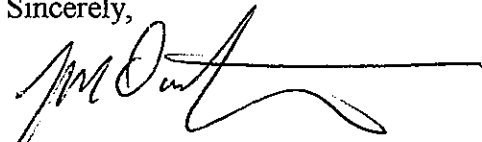
The following statement is in response to objection for my water right 37-353-F which was filed December 22, 2008.

I purchase my property as advertised with water rights and immediately notified the IDWR and had the name transferred from Ziker's to my own. I have paid my water taxes and have used my shares of water, each year I have owned this property. I have used this water for livestock pasture, alfalfa and for growing trees commercially. I live and work on this property year round and have no other water rights to irrigate my property except my domestic well, which only serves to water my lawn and garden.

My water has already been reduced from .2cfs to .16cfs and any further reduction will impact me financially as well as my current operations and any future ones. The other option as described in the Late Objection would be to eliminate my rights; obviously this would be a serious impact to me financially. I paid a price for my property which included water rights and if they are reduced further or are eliminated or given to someone else who will reimburse me for my loss?

It seems that the original water rights for the Dean Ranch subdivision have been over allocated and that not all properties had the rights transferred to the new owners. I must assume that if the rights were not transferred at the time of the sale then maybe the original sub-dividers have taken the water rights or know where they are.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Oosting', with a long horizontal flourish extending to the right.

James Oosting