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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 37-353J

(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: Olsen Livestock Consultants, Inc.

Address: P.O. Box 1145

Bellevue, ID 83313

Daytime Phone: (208) 788-4149

Name & Address of Attorney, if any:

Scott L. Campbell/Andrew J. Waldera

Moffatt Thomas Barrett Rock & Fields, Chtd.

P.O. Box 829

Boise, Idaho 83701-0829

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

Name: Barbara Barry

Address: P.O. 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

Please see Exhibit A.

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 Ada)

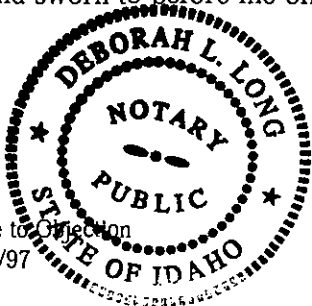
Scott L. Campbell, duly sworn, upon oath, deposes and says:
(Name of person filing response)

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: April 9, 2009



Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 10/10/2013

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.



CERTIFICATE OF MAILING

I certify that on April 10, 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
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: Olsen Livestock Consultants, Inc.
Address: P.O. Box 1145, Bellevue, ID 83313

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

Name: Barbara Barry, c/o Paul Arrington, Barker Rosholt & Simpson LLP
Address: 113 Main Avenue West, Suite 303, P.O. Box 485, Twin Falls, ID 83303-0485

4. Copies to:

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

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

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

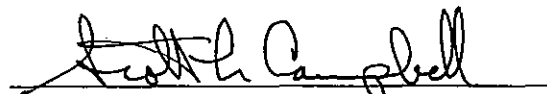

Your signature or signature of attorney
mailing on your behalf

EXHIBIT A

The Objector's objection does not specify any basis for her objections to the following items: Name and Address; Source; Priority Date; Point(s) of Diversion; Instream Flow Description; Purpose(s) of Use; and Period of Year. The content of the objection appears to relate only to Quantity, Place of Use, and the Objector's claim that the water right should not exist.

Chain of title and real property documents establish that the Claimant owns fee simple title to Lot 2, Block 1 of the Dean Ranch Subdivision, a 10-acre parcel. These same documents also establish that the Claimant owns a 1/16 proportional share of the original parent water right (37-353) that was associated with the 160-acre Dean Ranch and that was decreed in the Frost Decree to James Johnson. Because that parent right was for 320 inches, the Claimant is therefore entitled as a matter of law to 20 inches of water, or 0.4 cfs. This was specifically confirmed by IDWR in its August 25, 1997 Amended Preliminary Order on a delivery call initiated by the Claimant with respect to this water right. While IDWR recommended less than the full 0.4 cfs in the SRBA that it confirmed in that Order, correspondence received from IDWR indicates that this reduction was in response to the overclaiming of water rights by other parties and not the Claimant. Therefore, there is no basis for the Objector's attempt to further reduce the quantity of this water right, or to have it recommended disallowed.