

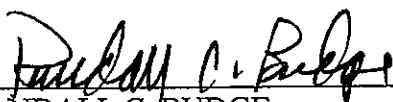
RECEIVED
OCT 08 2009
DEPARTMENT OF
WATER RESOURCES

District No. 2, A&B Irrigation District, Burley Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal Company and Twin Falls Canal Company to "provide notice to the Court that they have provided the Claimant Aberdeen-Springfield Canal Company's counsel (Randy Budge) with a document stating the initial basis for the objections previously filed in conformance with the Court's request at the July 16, 2008 hearing."

4. Attached hereto as Exhibit B is a copy of said Objector's *Initial Basis for Objections* referred to in the Notice of Filing described above which was received by the attached email dated August 18, 2008, from Objectors' counsel. The purpose of this Affidavit is to place the Objector's Initial Basis for Objections in the record before the Court for purposes of Objectors' *Motion for Reconsideration* filed with the Court on or about July 9, 2009, scheduled for hearing before the Court on October 15, 2009, the same being referenced in the *State of Idaho's Memorandum in Response to Objectors' Motion for Reconsideration* at page 3.

FURTHER, your Affiant saith not.

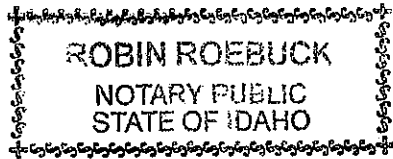
DATED this 6th day of October, 2009.



RANDALL C. BUDGE

Subscribed and sworn to before me, a Notary Public, this 6th day of October, 2009.

Robin Roebuck
NOTARY PUBLIC FOR IDAHO,
Residing at Pocatello.
My Commission Expires 8/18/2012.



CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of October, 2009, I caused to be served a true and correct copy of the foregoing document on each of the following persons by the indicated method:

1. Original to:
- | | | |
|--------------------------------|-------------------------------------|---------------------------|
| Clerk of the District Court | ☒ | U.S. Mail/Postage Prepaid |
| Snake River Basin Adjudication | ☐ | Hand Delivery |
| 253 Third Avenue North | ☐ | Overnight Mail |
| PO Box 2707 | ☐ | Facsimile (208-736-2121) |
| Twin Falls, Idaho 83303-2707 | | |

2. Copies via U.S. Mail, postage prepaid, to:

A&B Irrigation District
Burley Irrigation District
Milner Irrigation District
Twin Falls Canal Company
North Side Canal Company
c/o Travis L. Thompson
PO Box 485
Twin Falls, Idaho 83303-0485

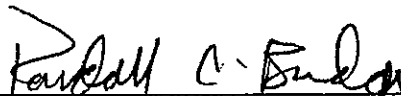
American Falls Reservoir District
c/o C. Thomas Arkoosh
PO Box 32
Gooding, Idaho 83330

Minidoka Irrigation District
c/o W. Kent Fletcher
P.O. Box 248
Burley, Idaho 83318

State of Idaho
Lawrence G. Wasden, Attorney General
Clive J. Strong, Deputy AG
Harriet A. Hensley, Deputy AG
P.O. Box 44449
Boise, Idaho 83711-4449

United States of America
USDI BOR/USDI BLM
U.S. Department of Justice
550 West Fort Street, MSC 033
Boise, Idaho 83724

Director of IDWR
P.O. Box 83720
Boise, Idaho 83720-0098



RANDALL C. BUDGE

EXHIBIT A

W. Kent Fletcher, ISB #2248
FLETCHER LAW OFFICE
P.O. Box 248
Burley, Idaho 83318
Telephone: (208) 436-4717
Facsimile: (208) 878-2548

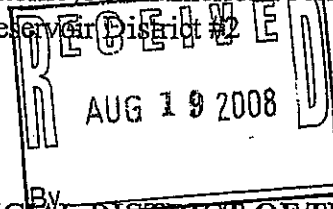
Attorneys for Minidoka Irrigation District

John K. Simpson, ISB #4242
Travis L. Thompson, ISB #6168
Paul L. Arrington, ISB #7198
BARKER ROSHOLT & SIMPSON LLP
113 Main Avenue West, Suite 303
P.O. Box 485
Twin Falls, Idaho 83303-0485
Telephone: (208) 733-0700
Facsimile: (208) 735-2444

Attorneys for A&B Irrigation District,
Burley Irrigation District, Milner Irrigation
District, North Side Canal Company, and
Twin Falls Canal Company

C. Thomas Arkoosh, ISB #2253
CAPITOL LAW GROUP, PLLC
P.O. Box 32
Gooding, Idaho 83330
Telephone: (208) 934-8872
Facsimile: (208) 934-8873

Attorneys for American Falls
Reservoir District #2



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	)	Subcase Nos. 01-23B, 01-297, 35-2543, 35-4246
	)	
Case No. 39576	)	NOTICE OF FILING OF INITIAL REASONS
	)	SUPPORTING OBJECTIONS
	)	

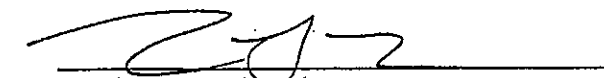
COME NOW, American Falls Reservoir District #2, A&B Irrigation District, Burley Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal Company, and Twin Falls Canal Company, and hereby provide notice to the Court that they have provided the Claimant Aberdeen-Springfield Canal Company's counsel (Randy Budge) with a

NOTICE OF FILING OF INITIAL REASONS SUPPORTING OBJECTIONS

document stating the initial basis for the objections previously filed in conformance with the Court's request at the July 16, 2008 hearing.

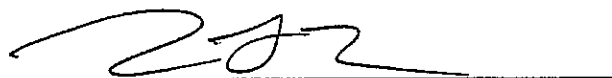
DATED this 18th day of August, 2008.

CAPITOL LAW GROUP PLLC


C. Thomas Arkoosh

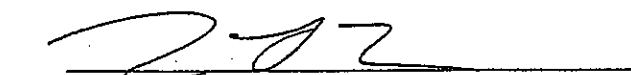
Attorneys for American Falls Reservoir District #2

BARKER ROSHOLT & SIMPSON LLP


Travis L. Thompson

Attorneys for A&B Irrigation District, Burley
Irrigation District, Milner Irrigation District, North
Side Canal Company and Twin Falls Canal
Company

FLETCHER LAW OFFICE


W. Kent Fletcher

Attorneys for Minidoka Irrigation District

CERTIFICATE OF MAILING

I certify that on August 16th, 2008, I mailed the original and copies of the foregoing notice to the following persons:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, Idaho 83303-2707

Randy Budge
Racine Olson
P.O. Box 1391
Pocatello, Idaho 83204-1391

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

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

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

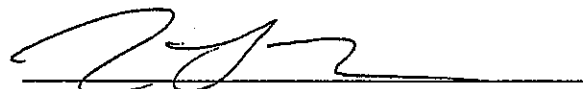

Travis L. Thompson

EXHIBIT B

Randy Budge

From: Jessica Forbis [jf@idahowaters.com]
Sent: Monday, August 18, 2008 4:28 PM
To: Randy Budge; tarkoosh@capitolawgroup.net; Kent Fletcher; John Simpson; Travis Thompson
Subject: Initial Basis for Objections

Attached please find a copy of the Initial Basis for Objections.

Jessica Forbis
Barker, Rosholt & Simpson
113 Main Ave. W., Suite 303
Twin Falls, Idaho 83301
(208) 733-0700
(208) 735-2444 fax

CONFIDENTIALITY NOTICE: This e-mail and its attachments are confidential and may be privileged. If you believe this e-mail has been sent to you in error, please notify the sender immediately and delete this email. Do not deliver, distribute or copy this transmission.

8/18/2008

To: Randy Budge (counsel for ASCC)

From: Travis Thompson (counsel for A&B et al.); Kent Fletcher (counsel for MID); and Tom Arkoosh (counsel for AFRD #2)

ASCC Claims: Initial Basis for Objections

01-23B, 01-297, 35-2543, 35-4246

Priority Date & Purpose of Use:

IDWR recommended "recharge for irrigation" as a purpose of use with a February 6, 1895 priority date. SWC objects to the basis of this claim as being a prior decree. To the best of SWC's knowledge, none of ASCC's prior decrees identify "recharge for irrigation" as a purpose of use. If ASCC is claiming an "accomplished transfer" in its purpose of use, it was not identified in the amended claim filed on May 15, 2007. If the "purpose of use" is recognized then the quantity identified 501.8 cfs is another issue of fact to determine.

Issues of fact and law arise as to this recommended purpose of use and IDWR's basis for its recommendation.

Remarks / Other Provisions Necessary for Definition or Administration:

IDWR recommended a remark that notes the administration of the right is "further defined and set forth in the Settlement Agreement" regarding ASCC's rights. This remark differs from the remark contained in ASCC's original recommendation issued on May 11, 2006. The reason for the change is not clear and has not been explained.

In addition, the agreement referenced is a June 2002 Settlement Agreement between ASCC, the State of Idaho, and IDWR. Several issues of fact and law arise as to this agreement and the recommended water right, including: 1) whether an agreement between IDWR and ASCC to resolve ASCC's objections to certain ground water rights can change ASCC's decreed surface water rights; 2) the basis for the "recharge for irrigation" purposes of use; 3) the place of use for "recharge for irrigation" as the entire service area of ASCC; 4) the formula and process used to calculate the diversion rate for the "recharge for irrigation" purpose of use; 5) IDWR's agreement to give "mitigation credit" to certain ground water rights located within ASCC's service area and the formula and process used in Paragraph 2(E) of the agreement.

Received

8/18/08

RUB