DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
AUG 30 2010
By
Clerk
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 )
)
Case No. 39576 )
)
_____ )

A. Subcase No. **75-19G**

**STANDARD FORM 2**
**RESPONSE TO OBJECTION**

B. NAME AND ADDRESS OF PERSON RESPONDING:

Name: Arrowhead Water District
Address: 54 Oliver Dr.
Salmon, Idaho 83467

Name and Address of Attorneys:

Jerry R. Rigby, ISB #2470
RIGBY ANDRUS & Rigby Chtd.
P.O. Box 250
Rexburg, Idaho 83440
Telephone: (208) 356-3633
Facsimile: (208) 356-0768

C. NAME AND ADDRESS OF PERSON(S) WHO FILED OBJECTION TO WHICH YOU ARE RESPONDING:

Name: City of Salmon
Address: 200 Main Street
Salmon, ID 83467

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

1. ☐ Name and Address

2. ☐ Source

3. ☐ Quantity

4. X Priority Date: Please see the attached document for reasons supporting this response.

5. ☐ Point(s) of Diversion

6. ☐ Instream Flow Description

7. ☐ Purpose(s) of Use

8. ☐ Period of Year

9. ☐ Place of Use

10. ☐ Claimant's Proposed General Provisions

11. Recommendation:

☐ This water right should not exist

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

Remarks: Please see the attached document for reasons supporting this response.

## VERIFICATION

State of IDAHO )
ss.
County of Madison )

JERRY R. RIGBY, 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

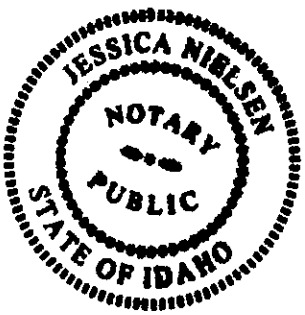
For and on behalf of

Jerry R. Rigby
Rigby Andrus & Rigby Chtd.

Attorneys for Respondents

Subscribed and sworn to before me on: August 30_, 2010.

(seal)




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

## CERTIFICATE OF MAILING

I certify that on August 30, 2008, 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 claimant and parties who filed the objections at the following address:

Claimants: Arrowhead Water District
54 Oliver Dr.
Salmon, ID 83467

Objectors: City of Salmon
200 Main Street
Salmon, ID 83467

Attorney Josephine Beeman
409 W. Jefferson Street
Boise, ID 83702

3. Copies to:

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

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

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

for Jerry R. Rigby

Subcase No. 75-19G

Response to Objection to Priority Date

Water right no. 75-19 was adjudicated in the District Court, Fifth Judicial District of Idaho, in Andrews v Martin et al. The Court established the priority date as the year 1868. Water right 75-19G represents the portion of original water right 75-19 now owned by Arrowhead Water District.

IDWR's Amended Director's Report recommends the priority for water right 75-19G as "06/01/1868". This is the same priority date identified by the City of Salmon in its Objection and is junior to the City's 1867 priority date.