

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

A. Subcase No. 75-5

Case No. 39576

**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: Please see the attached document for reasons supporting this response.
3. ☐ Quantity
4. ☐ Priority Date
5. ☒ Point(s) of Diversion: Please see the attached document for reasons supporting this response.
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.



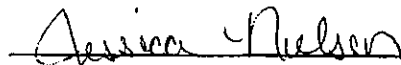
Travis L. Thompson
Barker, Rosholt & Simpson, LLP

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.



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

(seal)

CERTIFICATE OF MAILING

I certify that on August 30, 2010, 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

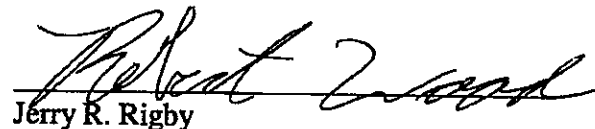
Attorney Josephine Beeman
409 W. Jefferson Street
Boise, ID 83702

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. 75-5

Response to Objection to Source and Point of Diversion

Arrowhead Reservoir was constructed in 1979 and filled in 1980. Before construction of the reservoir, Arrowhead Water District (or their predecessors) would, from time to time, divert up to 3 cfs for irrigation from Chipps Creek at the point of diversion located in S11, T21N, R21E, using water rights 75-5 and 75-22. Since the date of construction, up to 5 cfs have been diverted from Chipps Creek, at the same point of diversion, for storage in Arrowhead Reservoir, using water rights 75-5 and 75-22.

Arrowhead Water District filed its claim in the SRBA to water right 75-5 on May 3, 1990. Arrowhead identified the historical use of the following points of diversion and sources of water on its claim:

Source	Tributary	Point of Diversion
Pollard Creek	Jesse Creek	T21N R21E S2 SWSESW
Chipps Creek	Pollard Creek	T21N R21E S11 NWNWNW

The sources of water used under water right 75-5 have been correctly recommended by IDWR in its Amended Director's Report dated June 14, 2010. IDWR made a minor correction to the point of diversion from Chipps Creek in its Director's Report. The current IDWR recommendation of the points of diversion and sources for water right 75-5 is summarized below. This is an accurate recommendation of the points of diversion and sources used historically under water right 75-5.

Source	Tributary	Point of Diversion
Pollard Creek	Jesse Creek	T21N R21E S2 SESW
Chipps Creek	Pollard Creek	T21N R21E S11 SWNW

Arrowhead filed application for transfer #4104 on April 29, 1994 to change the point of diversion for its domestic water supply. This included water rights 75-19D (now 75-19G) and 75-21. Arrowhead saw no need to include its water rights for irrigation in that transfer process (75-5 and 75-22), as no changes to the source or points of diversion were being made to those rights.