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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 1-6

(Insert water right number)

**STANDARD FORM 1
SECOND AMENDED
OBJECTION**

Please **print or type** the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Aberdeen-American Falls Ground Water District, Bingham Ground Water District, Bonneville-Jefferson Ground Water District, Carey-Valley Ground Water District, Jefferson Clark Ground Water District, Madison Ground Water District, Magic Valley Ground Water District and North Snake Ground Water District (collectively “Ground Water Districts”) acting for and on behalf of their members

Address: c/o Lynn Tominaga
Executive Director of IGWA
P.O. Box 2624
Boise, ID 83701-2624

Telephone: (208) 381-0294

Name & Address of Attorney:

Randall C. Budge
Candice M. McHugh
T.J. Budge
Racine Olson Nye Budge & Bailey, Chtd.
101 South Capitol Boulevard, Suite 208
Boise, ID 83702
Telephone: 208-395-0011

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: American Falls Reservoir District #2

Address: 112 S. Apple Street, Shoshone, ID 83352

**D. I object to the following elements as recommended in the Director's Report.
(Please check the appropriate box(es)).**

1. ☐ Name and Address Should be:
2. ☒ Source Should be: A condition should be added to reflect that for conjunctive administration this water right is a flood right and available only during high-flow periods.
3. ☒ Quantity Should be: The remark as presently phrased is ambiguous and unclear. Also, for purposes of conjunctive administration, the irrigation requirement for purposes of a delivery call, the quantity should not exceed 5/8 inch per acre head gate delivery.
4. ☐ Priority Date Should be.
5. ☐ Point(s) of Diversion Should be:
6. ☐ Instream Flow Description Should be:
7. ☐ Purpose(s) of Use Should be:
8. ☒ Period of Year Should be: The season of use should be limited to the high-flow period only, ending in late June or early July. Consideration should be given to the history and seasonal availability of water so as not to require replacement water at times when the right has not received a full supply.
9. ☒ Place of Use Should be: For purposes of conjunctive administration, the irrigation requirement for purposes of a delivery call is limited to actual irrigated acres.
0. ☒ Other Conditions Should be: The current condition recommended by the Director of IDWR is confusing and should be reworded in order to comply with the historic Water District 1 administration, delivery and accounting of this water right and the storage reservoirs in Water District 01. As currently recommended, the administration of water right 01-6 would distribute water to AFRD2 inconsistent with the distribution of this right for the last 30 years by allowing AFRD2 to count previously stored water as natural flow as long as the reservoir fills by or after April 30.

In addition, conditions should be added as follows:

- a) Conditions should be inserted to limit this right to water available below Blackfoot, except when upstream storage has filled.
- b) Conditions reflecting that for administrative purposes consideration will be given to the history and seasonal availability of water for diversion which may reduce the quantity element of the water right.
- c) A condition should be added that this water right is not entitled to make a delivery call against junior priority ground water rights. Alternatively, conditions that limit the season of use, priority date, and identifies the source as flood flows from snow melt should be included in times of shortage, for conjunctive administration purposes.
- d) A condition should be added clarifying that the quantity element of this water right is not a guaranteed amount but is an authorized maximum that can be diverted if available and used beneficially.

11. I object because:

☐ This water right should not exist.

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

E. REASONS SUPPORTING OBJECTION(S):

Water District 01 watermaster delivery records show that these water rights are only available during high run-off early in the irrigation season in June or early July and are not available during the full irrigation season. Groundwater users do not impact the amount of water available under these water rights because they are primarily dependent on spring run-off. To the extent that the quantity of water under these water rights has been limited to only a few days or weeks during the early run-off period, conditions should be included in order to not enlarge the element. Because these water rights have only ever had a limited use depending on the water year and the amount of water from high run-off periods, they should be limited or conditioned. In further support of these objections, please see Ground Water Districts' Motion for Summary Judgment and Memorandum In Support of Motion for Summary Judgment on filed in this matter for further explanation.

This water right should include conditions that provide for it to be administered in the manner that Water District 01 has delivered this water right for the past 30 years. The current condition will alter the historic administration and will cause injury to junior storage space holders and jeopardize the amount or cost of water made available for mitigation purposes.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

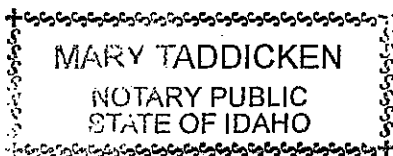
Candice M. McHugh _____, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection 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 objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Candice McHugh
(Attorney signing in representative capacity)

Subscribed and sworn to before me on this 17th day of Sept, 2010.



Mary Taddicken
Notary Public for Idaho
Residing at: Boise
My Commission Expires: 9-12-13

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of September, 2010, the above and foregoing document(s), was served by placing a copy in the U.S. Mail, postage prepaid and addressed to the following:


Candice M. McHugh

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