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SEP 24 2010

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)

AMENDED
STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Fremont Madison Irrigation District	United Canal Company	Blackfoot Irrigation Company
P.O. Box 15	762 West Hwy 39	108 East 200 North
St. Anthony, ID 83445	Blackfoot, ID 83221	Blackfoot, ID 83221
208-624-3381	208-785-4525	208-785-6992

Name and Address of Attorney, if any:

JERRY R. RIGBY

P.O. BOX 250

REXBURG, IDAHO 83440

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

Name: _____American Falls Reservoir District #2_____

Address: _____409 N. 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: Please see remarks below.
3. ☒ **Quantity**
Should be: Please see remarks below.
4. ☐ **Priority Date**
Should be:
5. ☐ **Point of Diversion**
Should be:
6. ☐ **Instream Flow Beginning and Ending Point**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☐ **Place of Use**
Should be:
10. ☒ **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): The language used in the Director's amended recommendation should not be interpreted to administer and account for AFRD2's storage water as currently interpreted by AFRD2. AFRD2's claim and interpretation of the Eagle Decree 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. Water District 1 has NEVER administered or accounted for this right in this manner, and AFRD2 has never challenged Water District 1's administration. For this reason,

even if AFRD2 had a claim on this method of administration in the past, they have lost said claim by forfeiture. Because this right has never been administered as currently recommended, and because the current recommendation would result in AFRD2 having the ability to store substantially more water than they have historically stored, this administration would result in an illegal expansion of the right. The mere fact that this right has NEVER been administered as AFRD2 is now claiming shows that AFRD2's interpretation of the Eagle Decree is inaccurate. No other placeholders in the storage system have their storage rights administered and accounted for in this same manner. In fact, if administered as currently recommended, this would negatively impact upstream junior reservoir fill and adversely affect the available storage supply for other water users.

This Amended Objection is given to clarify the intent of the original objection filed by these Objectors which unintentionally could be interpreted to support AFRD2's claim.

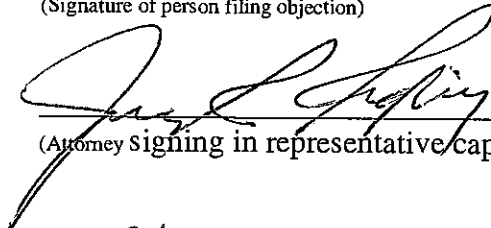
F. VERIFICATION (must be completed)

STATE OF IDAHO,)
 SS
County of Madison.)

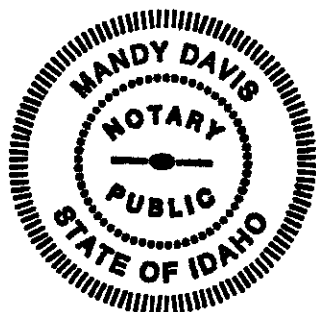
Jerry R. Rigby, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

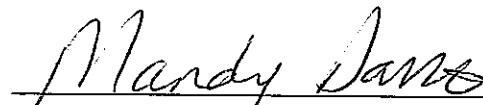
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objections, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)


(Attorney signing in representative capacity)

Subscribed and sworn before me on: September 21, 2010




Notary Public for Idaho
Residing at: St. Anthony
My Commission Expires: 6/24/2011

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filing 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 September 24, 2010, I mailed the original and copies of this objection, 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:

American Falls Reservoir Dist. #2
409 N. Apple Street
P.O. Box C
Shoshone, ID 83352

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

US Department of Justice
Environment & Natl' Resources
550 West Fort Street, MSC 033
Boise, ID 83724

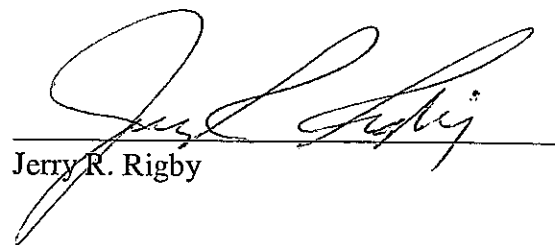
Division of Natural Resources
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711

American Falls Reservoir Dist. #2
C/O C. Thomas Arkoosh
Capitol Law Group
P.O. Box 32
Gooding, ID 83330

American Falls Reservoir Dist. 2
C/O Craig D. Hobdey
P.O. Box 176
Gooding, ID 83330

Aberdeen American Falls
Bingham Ground Water Dist.
Bonneville Jefferson Ground
Carey Valley Ground Water Dist.
Jefferson Clark Ground Water Dist
Madison Ground Water Dist.
Magic Valley Ground Water Dist.
North Snake Ground Water Dist.
C/O Randall C. Budge
P.O. Box 1391
Pocatello, ID 83204

Independent Water Users of Mud Lake
Jefferson Irrigation District
Monteview Canal Co.
Mud Lake Water Users, Inc.
Producers Irrigation Co.
C/O Robert L. Harris
P.O. Box 50130
Idaho Falls, ID 83405



Jerry R. Rigby