

RECEIVED

OCT 08 2010

DEPARTMENT OF  
WATER RESOURCES

COPY

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. 1-6                   |
|                | ) |                                      |
| Case No. 39576 | ) | <b>STANDARD FORM 2</b>               |
|                | ) | <b>RESPONSE TO AMENDED OBJECTION</b> |
| _____          | ) |                                      |

B. NAME AND ADDRESS OF PERSON RESPONDING:

Name: American Falls Reservoir District #2  
Address: 409 N. Apple St.  
Shoshone, ID 83352

Name and Address of Attorney:

Attorney Name: C. Tom Arkoosh  
Attorney Address: Capitol Law Group, PLLC  
301 Main St.  
Post Office Box 32  
Gooding, ID 83330  
Attorney Phone: (208) 934-8872

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

Name: City of Pocatello

Address: c/o Sarah Klahn  
White & Jankowski, LLP  
Kittredge Building  
511 16<sup>th</sup> Street, Suite 500  
Denver, CO 80202

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

1. ☐ Name and Address
2. ☒ Source: See comment below.
3. ☒ Quantity: The quantity is defined by prior license and decree. See comment below.
4. ☐ Priority Date:
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year:
9. ☐ Place of Use:
10. ☐ Other Conditions:
11. ☐ Recommendation:
  - ☐ This water right should not exist
  - ☐ This water right was not recommended, but should be recommended with the elements described above.

**D. REASONS SUPPORTING RESPONSE.**

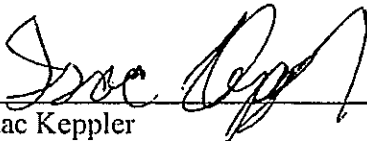
This objection fails to object to any element of the Director's Amended Recommendation. Beyond that, water right 01-06 should be decreed, interpreted and administered as it is set forth in the Eagle Decree. There is no basis in fact or law which supports the objection.

VERIFICATION

State of IDAHO       )  
                                  ) ss.  
County of Ada        )

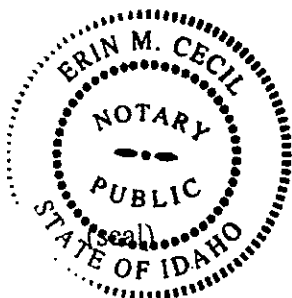
ISAAC KEPPLER, duly sworn, upon oath, deposes and says:

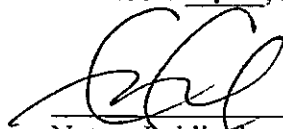
That I am the party/claimant filing this response, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding, and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

  
\_\_\_\_\_  
Isaac Keppler  
Capitol Law Group, PLLC

Attorneys for American Falls Reservoir District #2

Subscribed and sworn to before me on: October 7<sup>th</sup>, 2010



  
\_\_\_\_\_  
Notary Public for: Idaho  
Residing at: BOISE, IDAHO  
My Commission Expires: AUGUST 8, 2010

### CERTIFICATE OF MAILING

I certify that on October 7, 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 party who filed the objections at the following address:

Name: Sarah Klahn  
Address: White & Jankowski, LLP  
Kittredge Building  
511 16<sup>th</sup> Street, Suite 500  
Denver, CO 80202  
  
Attorneys for City of Pocatello

3. Copies to:

Bret Andersen  
Robyn Andersen  
322 E. Main  
Burley, Idaho 83318

M. Evan Call  
4373 Cold Water Road  
American Falls, Idaho 83211

Josephine Beeman  
409 W. Jefferson St.  
Boise, Idaho 83702

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

Patrick D. Brown  
Hutchinson & Brown, LLP  
P.O. Box 207  
Twin Falls, Idaho 83303-0207

Tim Eilers  
1109 W. 300 S.  
Heyburn, Idaho 83336

Randall C. Budge  
Candace McHugh  
201 E. Center, Ste. A2  
Pocatello, ID 83204-1391

W. Kent Fletcher  
1200 Overland Avenue  
P.O. Box 248  
Burley, ID 83318

Robert L. Harris  
Holden, Kidwell, Hahn & Crapo, PLLC  
P.O. Box 50130  
Idaho Falls, Idaho 83405

Steve Muecke  
925 W. Wanda Lane  
Heyburn, Idaho 83336

Craig D. Hobdey  
P.O. Box 176  
Gooding, Idaho 83330

William A. Parsons  
P.O. Box 910  
Burley, Idaho 83318

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

Jerry R. Rigby  
P.O. Box 250  
Rexburg, Idaho 83340-0250

Roger D. Ling  
P.O. Box 623  
Rupert, Idaho 83350

John K. Simpson  
Travis L. Thompson  
Barker Rosholt & Simpson LLP  
113 Main Ave W., Suite 303  
P.O. Box 485  
Twin Falls, Idaho 83303-0485

Robert A. Maynard  
Perkins Coie, LLP  
251 E. Front St., Suite 400  
Boise, Idaho 83702-7310

Dean Tranmer  
P.O. Box 4169  
Pocatello, ID 83205-4169

E. Gail McGarry  
United States, Department of Interior  
Bureau of Reclamation  
1150 N. Curtis Road, Suite 100  
Boise, Idaho 83706-1234

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

Martin & Lorraine Muecke  
1250 W. 300 S.  
Heyburn, Idaho 83336

  
Isaac Keppler