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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	)	STANDARD FORM 2
	)	RESPONSE TO OBJECTION
_____	)	

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: 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 Randall C. Budge
Candice M. McHugh
T.J. Budge
101 S. Capitol Boulevard, Suite 208
Boise, ID 83702

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

1. ☐ Name and Address
2. ☒ Source: The source is the Snake River as previously decreed and confirmed in Special Master Dolan's December 11, 2009, Order on Motions for Summary Judgment. Additionally, 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: The objection is precluded by law of the case and *Res Judicata*. See comment below.
9. ☒ Place of Use: See comment below.
10. ☒ Other Conditions: The language of the recommendation is clear and unambiguous. The Director has found that prior attempts to reword the recommendation did not capture the intent of the decreed right. All other conditions set forth in the objection are not based in law or fact. Furthermore, the conditions are precluded by law of the case and *Res Judicata* as they have been proposed and rejected in prior proceedings in the SRBA. Additionally, see comment below.
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.

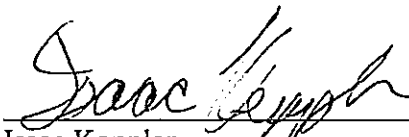
Paragraph one of the "Reasons supporting Objections" is nothing more than an attempt to advocate a position that has been previously advanced and rejected. It is precluded by law of the case and Res Judicata. Beyond that, water right 01-06 should be decreed, interpreted and administered as it is set 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)

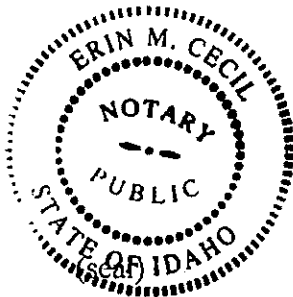
ISAAC KEPPLER, duly sworn, upon oath, deposes and says:

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 7th, 2010




Notary Public for: Idaho
Residing at: BOISE, IDAHO
My Commission Expires: AUGUST 8, 2014

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:

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Candice M. McHugh
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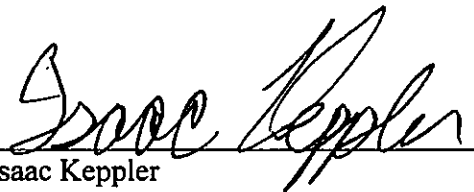
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