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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

Case No. 39576

)
) **A. Subcase: 01-10622**
)
) **STANDARD FORM 1**
) **OBJECTION**
)

B. NAME AND ADDRESS OF PERSON(S) OBJECTING:

Name: Burley Irrigation District
Address: 246 East 100 South
Burley, Idaho 83318

Minidoka Irrigation District
98 West 50 South
Rupert, Idaho 83350

Name and Address of Attorney:

Attorney Name: John K. Simpson / Travis L. Thompson / Paul L. Arrington
Attorney Address: Barker Rosholt & Simpson LLP
195 River Vista Place, Suite 204
Twin Falls, Idaho 83301-3029
Attorney Phone: (208) 733-0700

Counsel for BID

8. **X** **Period of Year**
 Should be: ____

9. **X** **Place of Use**
 Should be: ____

10. **X** **Recommendation**

☐ This water right should not exist.

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

E. REASONS SUPPORTING OBJECTION(S):

The Claimants provided substantial evidence to support a beneficial use claim for this water right. The quantity to divert into storage is necessary due to constraints on reservoir operations by the U.S. Bureau of Reclamation and the changes to water right accounting that have occurred over time in Water District 01. Since the water district accounting procedures count every drop of water that enters the reservoir as being stored if in priority, and count water flowing past the dam as counting against the water right, even if not used for the identified beneficial use, and assuming that procedure is correct without waiving any objections thereto, this claim authorizes and recognizes that water historically diverted and used to fill evacuated storage space following flood and operational releases can be stored to provide water for the beneficial use "irrigation from storage" as authorized by the water right, which is required in order to satisfy the water right and have storage water available for the Claimants' irrigation use. The Director's proposed general provision is insufficient to protect the Claimants' property right interests, and is contrary to the State of Idaho's position that no remark is necessary. Therefore, the water right should be decreed as claimed.

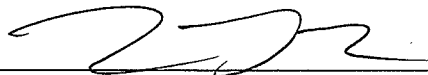
F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Twin Falls)

TRAVIS L. THOMPSON, duly sworn, upon oath, deposes and says:

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 objection,

know its contents and believe that the statements are true to the best of my knowledge.



(Attorney signing in representative capacity)

Subscribed and sworn to before me on: March 19, 2014

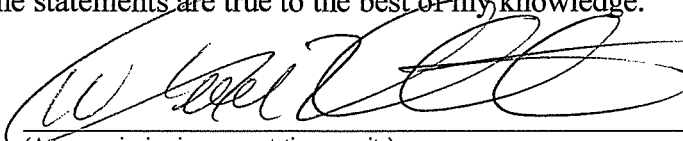


Jessica Nielsen
Notary Public for Idaho
Residing at: Twin Falls,
My Commission Expires: 4/3/18

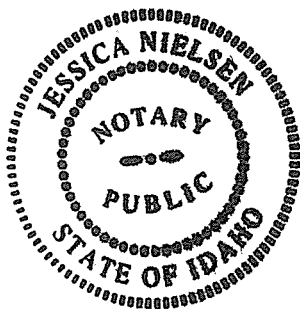
State of Idaho)
County of Cassia) ss.

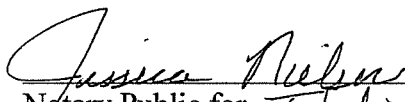
W. KENT FLETCHER, duly sworn, upon oath, deposes and says:

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 objection, know its contents and believe that the statements are true to the best of my knowledge.


(Attorney signing in representative capacity)

Subscribed and sworn to before me on: March 19, 2014




Notary Public for Idaho
Residing at: Twin Falls
My Commission Expires: 4/3/18

CERTIFICATE OF MAILING

I certify that on March 19th, 2014, I mailed the original and copies of this Objection 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

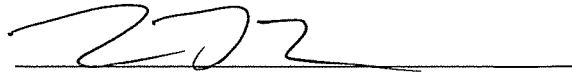
2. One copy to the claimants' counsel as addressed at page 1:

3. Copies to:

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

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

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


Travis L. Thompson