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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 PRBA

Case No. 59576

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)  
)  
)  
)  
)

A.

Subcase 87-7060

(Insert water right number  
From the Objection Form)

STANDARD FORM 2  
RESPONSE TO OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Paul C. Agidius & Lucinda L. Agidius

Address: 1155 Crumarine Loop

Moscow, ID 83843

Daytime Phone: 208-301-4063

Name & Address of Attorney, if any:

C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO  
WHICH YOU ARE RESPONDING

United States of America, as trustee on behalf of the Nez Perce Tribe and  
Name: Allottees of the Nez Perce Indian Reservation

Address: 911 N.E. 11th Avenue

Portland, OR 97232

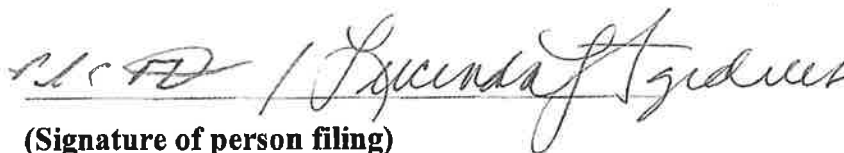
MAR 25 2022

**D.** I am responding to the Objections to the following elements or general provision. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
2. ☐ **Source**
3. ☐ **Quantity**
4. ☐ **Priority Date**
5. ☐ **Point of Diversion**
6. ☐ **Instream Flow Beginning and Ending Point**
7. ☐ **Purpose(s) of Use**
8. ☐ **Period of Year**
9. ☐ **Place of Use**
10. ☒ **General Provision** See attached statement
11. ☐ **Accomplished Transfer**
12. ☐ **Recommendation:**

☐ This water right should not exist.

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

  
(Signature of person filing)

\_\_\_\_\_  
(Attorney signing in representative capacity)

MAR 25 2022

## INSTRUCTIONS FOR MAILING

You must mail the Response, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

E.

### CERTIFICATE OF MAILING

I certify that on MARCH 3, 2022, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court  
Palouse 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:

Name: Paul C. Agidius & Lucinda L. Agidius  
Address: 1155 Crumaine Loop  
Moscow, ID 83843

3. One copy to the party who filed the Objection at the following address:

Name: United States of America  
Address: 911 N.E. 11th Avenue  
Portland, OR 97232

4. Copies to:

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

United States Department of Justice  
Environment & Nat'l Resources Div  
550 W Fort Street, MSC 033  
Boise, ID 83724

Chief, Natural Resources Division  
Office of Attorney General  
State of Idaho  
PO Box 83720  
Boise, ID 83720-0010

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Your signature or signature of attorney  
mailing on your behalf

**Attachment To**  
**Response To Objection**

Prior to the development of the pond by excavation in the early 1970's there was no surface water at this site. Therefore, based on common language this site did not contain a spring or fountain and does not fall within the 1863 Treaty provision "to reserve all springs or fountains".

Also, due to its proximity to Crumarine Creek the site falls within the "not adjacent or directly connected with, the streams or rivers within the lands hereby relinquished" exception set out in the 1863 Treaty.

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