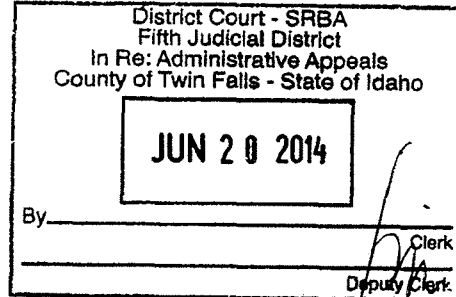


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Attorneys for Defendant

**IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF POWER**

**ABERDEEN-SPRINGFIELD CANAL
COMPANY, an Idaho Corporation, JEFFREY
and CHANA DUFFIN, individually, as
stockholders, and as husband and wife,**

Plaintiffs,

vs.

**IDAHO DEPARTMENT OF WATER
RESOURCES, an executive department of the
State of Idaho,**

Defendant,

and

**A&B IRRIGATION DISTRICT, AMERICAN
FALLS RESERVOIR DISTRICT #2,
BURLEY IRRIGATION DISTRICT,**

Case No. CV-2014-165

**ANSWER TO COMPLAINT FOR
DECLARATORY RELIEF**

MINIDOKA IRRIGATION DISTRICT,
MILNER IRRIGATION DISTRICT, NORTH
SIDE CANAL COMPANY AND TWIN
FALLS CANAL COMPANY,

Defendant-Intervenors.

COMES NOW, Defendant Idaho Department of Water Resources ("IDWR"), an executive agency of the State of Idaho, by and through the undersigned deputy attorneys general, and for its answer to the complaint for declaratory relief on file herein, admits, denies and alleges as follows:

I.

IDWR admits the allegations contained in paragraph no. I of the Plaintiffs' complaint.

II.

IDWR admits the allegations contained in paragraph no. II of the Plaintiffs' complaint.

III.

IDWR is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph no. III of the Plaintiffs' complaint and therefore IDWR denies each and every allegation contained in said paragraph.

IV.

IDWR admits the allegations contained in paragraph no. IV of the Plaintiffs' complaint.

V.

Responding to paragraph V of the complaint, IDWR admits jurisdiction is proper in district court. IDWR denies that venue is proper in Power County. Pursuant to the Administrative Order of the Fifth Judicial District Court dated July 1, 2010, which implemented Idaho Supreme Court Administrative Order dated December 9, 2009, and set out procedural

rules governing actions for declaratory judgments of decisions of IDWR, venue is proper in Twin Falls County.

VI.

IDWR admits the allegations contained in paragraph no. VI of the Plaintiffs' complaint.

VII.

IDWR is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph VII of the Plaintiffs' complaint and therefore IDWR denies each and every allegation contained in said paragraph.

VIII.

IDWR is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph VIII of the Plaintiffs' complaint and therefore IDWR denies each and every allegation contained in said paragraph.

IX.

IDWR admits the allegations contained in paragraph no. IX of the Plaintiffs' complaint.

X.

Responding to paragraph X of the complaint, IDWR admits only that it received a response dated May 12, 2014 addressing the Notice of Violation sent to Duffin. IDWR denies that the well was duly authorized and operated as a "recovery well" pursuant to Idaho Code §42-228 and that the water delivered to Duffin for irrigation purposes was lawful, as asserted in the response.

XI.

IDWR admits the allegations contained in paragraph no. XI of the Plaintiffs' complaint.

XII.

IDWR admits the allegations contained in paragraph no. XII of the Plaintiffs' complaint.

XIII.

IDWR admits the allegations contained in paragraph no. XIII of the Plaintiffs' complaint.

XIV.

IDWR denies the allegations contained in paragraph no. XIV (misnumbered as paragraph no. IX) of Plaintiffs' complaint. The language of Idaho Code §42-228 and statutory history indicate Plaintiffs' use of the recovery well for delivery of irrigation water is unlawful, will continue to be unlawful and should be curtailed.

XV.

IDWR admits that neither Plaintiffs nor Defendant have sought to have their legal rights, duties and liabilities under the statute adjudicated or determined in any other legal proceeding. As to the other allegations contained in paragraph no. XV (misnumbered as paragraph no. XIV) of the Plaintiffs' complaint, IDWR denies the allegations.

XVI.

IDWR denies the Plaintiffs' are entitled to attorneys fees as alleged in paragraph no. XVI, (misnumbered as paragraph no. XV) of the Plaintiffs' complaint.

XVII

IDWR denies all allegations made in Plaintiffs' complaint not specifically admitted herein.

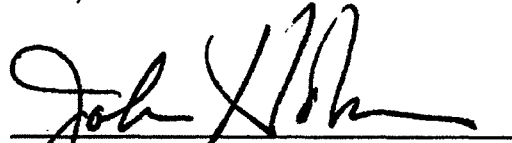
WHEREFORE, Defendant prays for declaratory judgment against Plaintiffs as follows:

- A. That the Plaintiffs use of the well which is the subject of Notice of Violation and Curtailment Notice as alleged above is an unauthorized and unlawful use pursuant to Idaho Code §42-228;
- B. That IDWR is not precluded from taking curtailment action against the Plaintiffs unlawful use of irrigation wells as recovery wells;
- C. That Plaintiffs be denied attorneys fees pursuant to applicable provisions of Idaho law; and,
- D. For such other and further relief as the Court may deem just and equitable under the circumstances.

DATED this ____ day of June, 2014.

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Chief, Natural Resources Division



JOHN HOMAN
GARRICK L. BAXTER
MEGHAN CARTER
Deputy Attorneys General
Idaho Department of Water Resources

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of June, 2014, I caused a true and correct copy of the foregoing **ANSWER TO COMPLAINT FOR CECLARATORY RELIEF** to be filed with the Court and served on the following parties by the indicated methods:

Original to:
 Clerk of the Court
 Snake River Basin Adjudication
 P.O. Box 2707
 Twin Falls, Idaho 83303-2707
 Facsimile: (208) 736-2121

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

Courtesy copy to:
 Clerk of the Court
 Power County District Court
 543 Bannock
 American Falls, Idaho 83211
 Facsimile: (208) 226-7612

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

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 Travis L. Thompson
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 Twin Falls, ID 83301-3029
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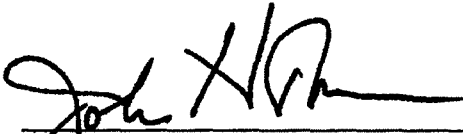
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- Overnight Mail
- Facsimile
- Email

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JOHN HOMAN
Deputy Attorney General