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**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF THE WATER
DELIVERY CALL FILED BY THE BIG
WOOD AND LITTLE WOOD RIVER
WATER USERS ASSOCIATION
DIVERTING FROM THE BIG WOOD RIVER

Docket No. CM-DC-2015-001

IN THE MATTER OF THE WATER
DELIVERY CALL FILED BY THE BIG
WOOD AND LITTLE WOOD RIVER
WATER USERS ASSOCIATION
DIVERTING FROM THE LITTLE WOOD
RIVER

Docket No. CM-DC-2015-002

**RESPONSE TO OBJECTION TO
AGENCY RECORD**

*In Re: SUN VALLEY COMPANY, v.
SPACKMAN, et al., ADA COUNTY DIST.
COURT CASE NO. CV-WA-2015-14500*

COMES NOW, the South Valley Ground Water District (“SVGWD”), by and through its undersigned counsel of record, and submit this response to the *Objecting to Agency Record*, addressing the agency record lodged in the matter of *Sun Valley Co. v. Spackman, et al.* (Ada Cty. Case No. CV-WA-2015-14500).

The *Objection* seeks to eliminate a number of documents included in the agency record lodged with the Court. *Obj.* at 2 (“the lodged Agency Record is comprised on each and every filing or pleading generated by every party in the above-captioned administrative actions ... [many of which] are not relevant to the issues on appeal”).

SVGWD is a party to the administrative proceedings and has filed a *Notice of Appearance* in the judicial review proceedings before the District Court. The following documents reflect the participation of the SVGWD:

EXHIBIT A (to *Objection*)

- Letter of Participation from Pepin Corso-Harris on Behalf of Cattle-Lack Ranch HOA, dated March 27, 2015;
- Letter of Participation from Harry S. Rinker on behalf of the Rinker Company transmitted by e-mail, dated March 30, 2015;
- Letter of Participation from Albert P. Barker on behalf of South Valley Ground Water District, dated April 7, 2015;
- Letter of Participation from Albert P. Barker on behalf of additional members of the South Valley Groundwater District, dated April 23, 2015;
- Letter of Participation from Albert P. Barker regarding third supplemental list of members of the South Valley Groundwater District, dated May 27, 2015;
- Notice of Substitution of Parties filed by Albert P. Barker on behalf of South Valley Ground Water District, dated July 20, 2015; and
- Letter from Cattle-Lack Ranch HOA informing IDWR of South Valley Ground Water District Membership and requesting removal of individual participation, dated July 28, 2015.

EXHIBIT B (to *Objection*)

- Letter of Participation from Pepin Corso-Harris on Behalf of Cattle-Lack Ranch HOA, dated March 27, 2015;
- Letter of Participation from Harry S. Rinker on behalf of the Rinker Company transmitted by e-mail, dated March 30, 2015;
- Letter of Participation from Albert P. Barker on behalf of South Valley Ground Water District, dated April 7, 2015;
- Letter of Participation from Albert P. Barker on behalf of additional members of the South Valley Groundwater District, dated April 16, 2015;
- Letter of Participation from Albert P. Barker on behalf of additional members of the South Valley Groundwater District, dated April 23, 2015;

- Letter of Participation from Albert P. Barker regarding third supplemental list of members of the South Valley Groundwater District, dated May 27, 2015;
- Notice of Substitution of Parties filed by Albert P. Barker on behalf of South Valley Ground Water District, dated July 20, 2015; and
- Letter from Cattle-Lack Ranch HOA informing IDWR of South Valley Ground Water District Membership and requesting removal of individual participation, dated July 28, 2015.

These documents reflect the participation of the SVWGD in the administrative proceedings and should be included in the record.

In addition, the *Objection* seeks to exclude the following memoranda from the record:

- Hydrology, Hydrogeology and Hydrologic Data Staff memo by Jennifer Sukow (Supplemental Files to Staff Memo located on Agency Record DVD only), dated August 28, 2015.
- Surface Water Delivery Systems Staff memo with Appendices 1 and 2, dated August 31, 2015.

The Objection does not explain why these memos should be excluded from the record. These documents may be relevant to the issues on appeal. As such, they should be included in the record.

DATED this 29th day of September, 2015.

BARKER ROSHOLT & SIMPSON LLP



Albert P. Barker

Paul L. Arrington

*Attorneys for South Valley Ground Water
District*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 29th day of September, 2015, I served a true and correct copy of above document by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

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