

**JOHN C. CRUDEN**

Deputy Assistant Attorney General  
Environment and Natural Resources Division

**DAVID W. GEHLERT**

Natural Resources Section  
Environment and Natural Resources Division  
U.S. Department of Justice  
1961 Stout Street, 8<sup>th</sup> Floor  
Denver, Colorado 80294  
Phone: (303) 844-1386  
Fax: (303) 844-1350

**Counsel for the United States**

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING**

A&B IRRIGATION DISTRICT )  
AMERICAN FALLS RESERVOIR )  
DISTRICT #2, BURLEY IRRIGATION )  
DISTRICT, MILNER IRRIGATION )  
DISTRICT, MINIDOKA IRRIGATION )  
DISTRICT, NORTH SIDE CANAL )  
COMPANY and TWIN FALLS CANAL )  
COMPANY, )

Case No CV 2008-0000551

UNITED STATES OF AMERICA, )  
BUREAU OF RECLAMATION, )

Petitioners, )

**PETITIONER UNITED STATES'  
OBJECTION TO AGENCY RECORD**

vs. )

DAVID K. TUTHILL, JR., in his capacity )  
as Director of the Idaho Department of )  
Water Resources, and the IDAHO )  
DEPARTMENT OF WATER )  
RESOURCES, )

Respondents. )

\_\_\_\_\_ )

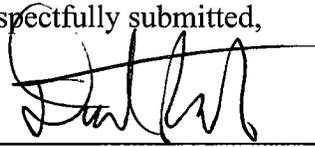
IN THE MATTER OF DISTRIBUTION )  
 OF WATER TO VARIOUS WATER )  
 RIGHTS HELD BY OR FOR THE )  
 BENEFIT OF A&B IRRIGATION )  
 DISTRICT, AMERICAN FALLS )  
 RESERVOIR DISTRICT #2, BURLEY )  
 IRRIGATION DISTRICT, MILNER )  
 IRRIGATION DISTRICT, MINIDOKA )  
 IRRIGATION DISTRICT, NORTH SIDE )  
 CANAL COMPANY, AND TWIN FALLS )  
 CANAL COMPANY )  
 \_\_\_\_\_ )

COMES NOW, Petitioner the United States of America (“United States”) on behalf of the U.S. Bureau of Reclamation, by and through the undersigned counsel, and hereby files this *Objection to Agency Record*, which was filed with this Court on January 7, 2009, pursuant to Civil Rule 84(j). The United States further joins in *IGWA’s Objection to the Agency Record*, filed January 20, 2009, with respect to the documents missing from the record listed on pages 2-7, and the listed exhibits, including, *inter alia*, Reclamation Exhibit nos. 7000, 7001, 7002, 7003, 7004, 7005, 7006. In addition, the following documents are missing from the record:

1. Prefiled Expert Testimony of Patrick C. McGrane, P.E.
2. Prefiled Expert Testimony of David A. Raff, Ph.D., P.E.

DATED this 23<sup>rd</sup> day of January, 2009.

Respectfully submitted,



---

David W. Gehlert  
Attorney, Natural Resources Section  
Environment and Natural Resources Division  
U.S. Department of Justice  
1961 Stout Street, 8<sup>th</sup> Floor  
Denver, Colorado 80294  
Phone: (303) 844-1386

Attorney for the United States of America

CERTIFICATE OF SERVICE

I certify that on this 23<sup>rd</sup> day of January 2009, I served a true and correct copy of the foregoing PETITIONER UNITED STATES' OBJECTION TO AGENCY RECORD as indicated below:

**via e-mail:**

Phillip J. Rassier  
Idaho Department of Water Resources  
322 E. Front St.  
Boise, ID 83720  
Phone: 208-287-4808

**via first class U.S. Mail, prepaid:**

David R. Tuthill, Jr.  
Director, Idaho Dept. of Water Resources  
P.O. Box 83720  
Boise, ID 83720-0098

Roger D. Ling  
Ling Robinson & Walker  
P.O. Box 396  
Rupert, ID 83350-0396

C. Thomas Arkoosh  
Capitol Law Group  
P.O. Box 2598  
Boise, ID 83701-2598

A. Dean Tranmer  
City of Pocatello  
P.O. Box 4169  
Pocatello, ID 83205

W. Kent Fletcher  
Fletcher Law Office  
P.O. Box 248  
Burley, ID 83318-0248

Kathleen Marion Carr  
Office of the Field Solicitor  
U.S. Department of Interior  
960 Broadway, Suite 400  
Boise, ID 83706

John A. Rosholt  
Travis L. Thompson  
Barker, Rosholt & Simpson, LLP  
P.O. Box 845  
Twin Falls, ID 83301

Matt J. Howard  
BOR - PN Regional Office  
1150 N. Curtis Rd., Suite 100  
Boise, ID 83706-1234

John K. Simpson  
Barker, Rosholt & Simpson, LLP  
P.O. Box 2139  
Boise, ID 83701-2139

Michael C. Creamer  
Givens Pursley, LLP  
P.O. Box 2720  
Boise, ID 83701-2720

Randall C. Budge  
Candice M. McHugh  
Racine Olson Nye Budge & Bailey, Chtd.  
P.O. Box 1391  
Pocatello, ID 83204-1391

Michael S. Gilmore  
Office of the Attorney General  
State of Idaho  
P.O. Box 83720  
Boise, ID 83720-0010

Sarah A. Klahn  
William A. Hillhouse II  
Kelly Snodgrass  
White & Jankowski, LLP  
511 16<sup>th</sup> Street, Suite 500  
Denver, CO 80202

Lyle Swank  
Idaho Dept. of Water Resources  
900 N. Skyline Dr.  
Idaho Falls, ID 83402-6105

Allen Merritt  
Cindy Yenter  
Idaho Dept. of Water Resources  
1341 Fillmore St., Suite 200  
Twin Falls, ID 83301-3033

Josephine P. Beeman  
Beeman & Associates  
409 W. Jefferson  
Boise, ID 83702

Terry T. Uhling  
J.R. Simplot Co.  
P.O. Box 27  
Boise, ID 83707

James C. Tucker  
Idaho Power Company  
P.O. Box 70  
Boise, ID 83707

James S. Lochhead  
Adam T. DeVoe  
Brownstein Hyatt Farber Schreck, PC  
410 17<sup>th</sup> Street, Suite 2200  
Denver, CO 80202

A handwritten signature in black ink, appearing to read "David W. Gehlert", written over a horizontal line.

David W. Gehlert