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MAY 28 2002

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 SRBA

Case No. 39576

A. Subcase 51-12957

(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: United States of America, Acting Through
U.S.D.I., Bureau of Land Management
Idaho State Office
Address: 1387 S. Vinnell Way
Boise, Idaho 83709-1657
Daytime Phone: (208) 373-3831

Name & Address of Attorney, if any:

Larry A. Brown, Attorney
United States Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 W. Fort St., MSC 033
Boise, Idaho 83724
Ph.: (202) 305-0435
FAX: (202) 305-0274

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

Name: C. E. Brackett Cattle Co.
Address: P.O. Box 111
Rogerson, Idaho 83302
(208) 857-2218

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

- 1. ☐ **Name and Address**
- 2. ☐ **Source**
- 3. ☐ **Quantity**
- 4. ☐ **Priority Date**
- 5. ☐ **Point(s) of Diversion**
- 6. ☐ **Instream Flow Description**
- 7. ☐ **Purpose(s) of Use**
- 8. ☐ **Period of Year**
- 9. ☒ **Place of Use**

11. Recommendation

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

The Claimant/Objector claims there was an error in reporting this claim by IDWR and that Larry Brown concurs with the error. BLM and Larry Brown do not believe there is an error in IDWR's recommendation. The Claimant asserted a claim for an 1885 priority date for a spring development from a Point of Diversion (hereinafter "POD") on private land called Pence Spring with Places of Use (hereinafter "POU") at the spring and POUs on federal public land. BLM concurs with IDWR's recommendation that in 1885 there was no pipeline on federal public land. Many of the POUs claimed are not authorized even if the Claimant had properly filed its claim.

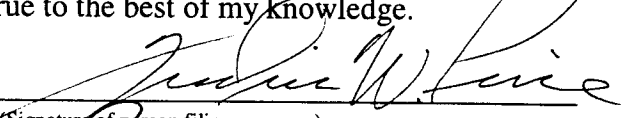
E.

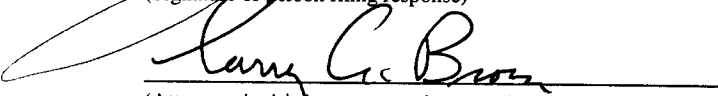
VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Ada)

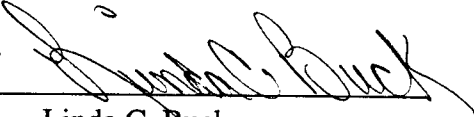
Fredric W. Price, duly sworn, upon oath, deposes and says:
(Name of person filing response)

That I am the party/claimant filing this response as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

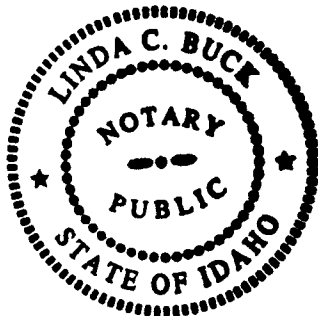

(Signature of person filing response)


(Attorney signing in representative capacity)

Subscribed and sworn to before me on: May 21, 2002


Linda C. Buck

Notary Public in and for: State of Idaho
Residing at: Mountain Home, Idaho
My Commission Expires: 12/21/2005



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.

F. CERTIFICATE OF MAILING

I certify that on May 22, 2002 mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake 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:

C. E. Brackett Cattle Co.
P.O. Box 111
Rogerson, Idaho 83302

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

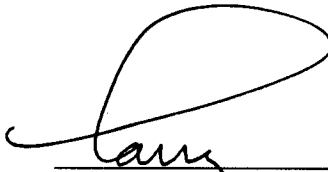
C. E. Brackett Cattle Co. (at the address above)

4. Copies to:

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

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

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449



Your signature or signature of attorney mailing on your behalf