

RECEIVED

JAN 12 2004

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 29-07346

(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: CITY OF LAVA HOT SPRINGS, IDAHO

Address: P.O. BOX 187

LAVA HOT SPRINGS, IDAHO 83246

Daytime Phone: _____

Name & Address of Attorney, if any:

CLYDE G. NELSON

P.O. BOX 797, 172 S. MAIN ST.

SODA SPRINGS, IDAHO 83276

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

Name: UNITED STATES OF AMERICA - DEPARTMENT OF INTERIOR,
BUREAU OF LAND MANAGEMENT

Address: 1387 SOUTH VINNELL WAY

BOISE, IDAHO 83709-1657

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** SEE ATTACHED
11. **Recommendation**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E.

VERIFICATION (Must be Completed)

State of IDAHO)
)ss.
County of BANNOCK)

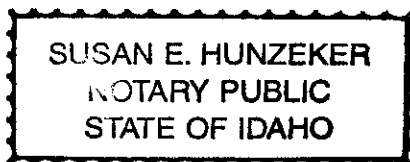
CANDA L. DIMICK, duly sworn, upon oath, deposes and says:
(Name of person filing response)

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.

Canda L. Dimick
(Signature of person filing response) CITY CLERK

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: January 8, 2004



Susan E. Hunzeker
Notary Public for IDAHO
Residing at: SODA SPRINGS, IDAHO
My Commission Expires: 07/01/08

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 JANUARY 8, , 2004 , I 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:

Name: CITY OF LAVA HOT SPRINGS
Address: P.O. BOX 187, LAVA HOT SPRINGS, ID 83246

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

Name: BUREAU OF LAND MANAGEMENT, IDAHO STATE OFFICE
Address: 1387 SOUTH VINNELL WAY, BOISE, ID 83709-1657

4. Copies to:

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

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

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



Your signature or signature of attorney
mailing on your behalf

Subcase No. 29-07346

Standard Form 2

Response to Objection - Attachment

1. The City of Lava Hot Springs, Idaho, claims as its place of use for its water right only that area within the municipal limits of the City of Lava Hot Springs, Idaho.
2. On August 8, 2002, Anita L. Warntjes, IDWR, sent a letter and map to the City outlining the boundary of the City's water right (see attached correspondence).
3. The map forwarded by Ms. Warntjes was corrected by Canda Dimick, City Clerk, and returned to Mark Larson, IDWR, on August 14, 2002, (see attached correspondence).
4. On August 21, 2002, Mr. Larson sent a response to Ms. Dimick together with a revised map containing the boundary line adjustments for place of use of water right. Said correspondence indicates that said map would be forwarded to the court to establish the water right boundary (see attached correspondence and map).
5. Mrs. Dimick responded on August 29, 2002, advising Mr. Larson that the water right boundary map was correct (see attached correspondence).
6. It is the City's understanding, based upon representations of IDWR, that the boundary line map showing the place of use of the water right will replace the previous designation of place of use by section, township, and range. This should remove any objection by BLM.



State of Idaho

DEPARTMENT OF WATER RESOURCES

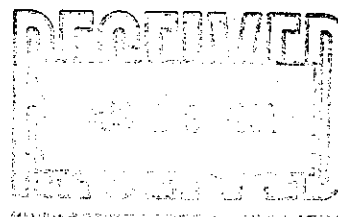
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 8, 2002

MS CANDI DIMICK
CITY CLERK
CITY OF LAVA HOT SPRINGS
PO BOX 187
LAVA HOT SPRINGS ID 83246



Dear Ms. Dimick:

Enclosed you will find a map outlining what we are proposing to be the boundary for your city's water right. Our determination is based on the map filed with your adjudication claim. We also reviewed the city limit boundary collected for the latest census study.

Please review the map and if you have changes, please mark the changes on the map and return the map to us at:

Mark Larson
Idaho Department of Water Resources
1301 N Orchard St
Boise, ID 83706

If you have any questions, please call Mark Larson at 327-7998 or leave a message for a call back on our toll free line 1-800-451-4129.

If we do not hear from you within 30 days from the date of this letter, we will assume the water right boundary is correct and will recommend it as your water right to the court.

Sincerely,

Anita L. Warntjes
Grants/Contract Specialist

ALW
Enc.



August 14, 2002

115 WEST ELM
P.O. Box 187
LAVA HOT SPRINGS, ID
83246

Mark Larson
Idaho Department of Water Resources
1301 N. Orchard St.,
Boise, ID 83706

(208) 776-5820

Dear Mr. Larson:

FAX (208) 776-5130

Please note the corrections on the enclosed map as advised. There are minor corrections that need to be made to the Southern and Northern city limit boundary lines.

RAYMOND E. BAILEY
MAYOR

If you have any questions regarding the changes feel free to contact me at (208)776-5820. City Hall office hours are 9 a.m. to 2 p.m., Monday through Friday.

CANDA L. DIMICK
CLERK-TREASURER

Sincerely,

COUNCIL MEMBERS

WILLIAM ROBERT ANDERSON

Canda L. Dimick
City Clerk

MARSHALL BURGIN

MARILYN CARR

LEON E. GATES

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

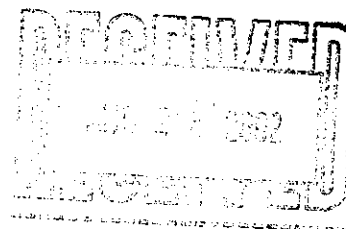
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Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

August 21, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

MS CANDI L. DIMICK
CITY CLERK
CITY OF LAVA HOT SPRINGS
PO BOX 187
LAVA HOT SPRINGS ID 83246



Dear Ms. Dimick:

Thank you for your prompt response regarding your municipal place of use boundary. I have made the adjustments to your boundary as outlined in the map you returned to me. Please review the updated changes to your boundary. If more changes are required, indicate them on the map and return the map to me at:

Mark Larson
Idaho Department of Water Resources
1301 N Orchard St
Boise, ID 83706

If you have any questions, please call me at 327-7998 or leave a message for a call back on our toll free line 1-800-451-4129.

If we do not hear from you within 30 days from the date of this letter, we will assume the water right boundary is correct and will recommend it as your water right to the court.

Sincerely,

Mark Larson
GIS Analyst

ML
Enc.

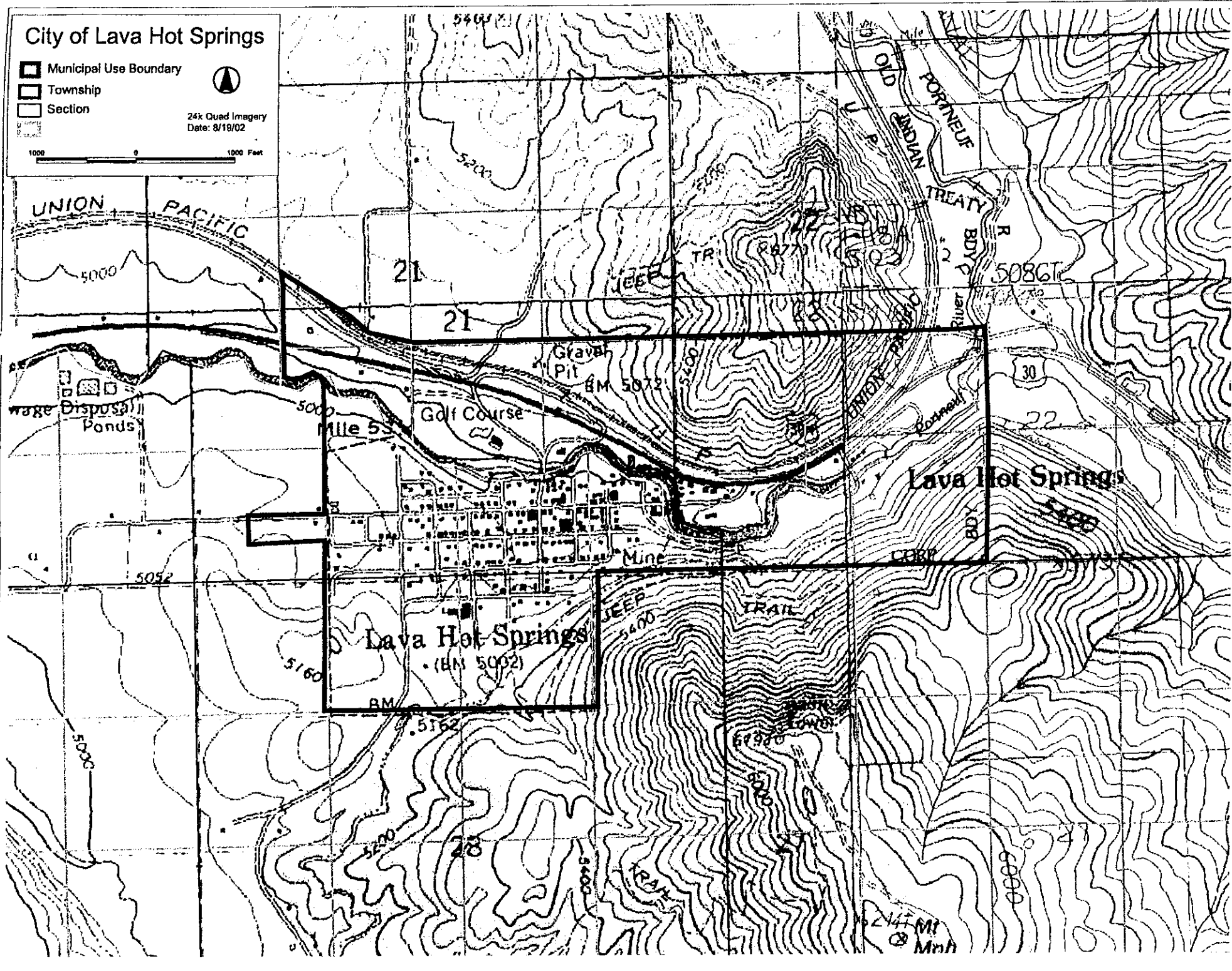
City of Lava Hot Springs

-  Municipal Use Boundary
-  Township
-  Section



24k Quad Imagery
Date: 8/19/02

1000 0 1000 Feet





August 29, 2002

115 WEST ELM

P.O. Box 187

LAVA HOT SPRINGS, ID

83246

(208) 776-5820

FAX (208) 776-5130

Mark Larson
State of Idaho
Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

Dear Mr. Larson:

The revised water right boundary map is correct. Thank you for making the adjustments.

If you have any questions or need any other information feel free to contact me.

Sincerely,

Canda L. Dimick
City Clerk

RAYMOND E. BAILEY
MAYOR

CANDA L. DIMICK
CLERK-TREASURER

COUNCIL MEMBERS

VILLIAM ROBERT ANDERSON

MARSHALL BURGIN

MARILYN CARR

LEON E. GATES