

FEB 02 2006

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DEPARTMENT OF
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Of Counsel Fred J. Hahn

**Also Licensed in Missouri & Kansas

January 31, 2006

Deputy Clerk
Snake River Basin Adjudication
District Court
253 Third Ave., North
Twin Falls, ID 83303-2707

Re: SRBA Case No. 39576
Subcase No.: 25-4032

Dear Ms. Delaney:

Enclosed with this letter is the original Standard Form 2 Response to Objection.

It is the position of the respondent that the points of diversion claimed by the objector and shown in the map attached to its objection (SESE and SWSW, Section 25, T4S., R43E.) are not now and never have been used as points of diversion for water used by the objector or its predecessors in interest in Sections 23 and 26 of T4S., R43E. One of the sources of water for such place of use is an unnamed stream which heads some distance north of the SE corner of the SWSW Section 25, T4S., R43E., below a pond which collects waste water from respondent's irrigated pasture to the east. This and other water is collected and then diverted in the NESWNE, Section 26, T4S., R43E., to the place of use of the objector.

Thank you for your kind attention to this matter.

Yours very truly,



Kent W. Foster

Enclosures

RECEIVED

FEB 02 2006

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

A. Subcase 25-4032

Case No. 39576

**STANDARD FORM 2
RESPONSE TO OBJECTION**

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: OW Ranches, Inc.

Address: c/o Kenneth F. O'Brien, President

364 Judd Lane, Coalville, UT 84017

Daytime Phone: 208-574-2745 or 801-336-2282

Name and Address of Attorney, if any:

Kent W. Foster

PO Box 50130

Idaho Falls, ID 83405-0130

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

Name: United States of America Acting Through USDI Fish & Wildlife Service,

Division of Engineering

Address: 911 NE, 11th Ave.

Portland, OR 97232-4181

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
10. Recommendation
 - ☐ This water right should not exist.
 - ☐ This water right not being recommended, but should be recommended with the elements described above.

See accompanying letter and Affidavits.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Bonneville)

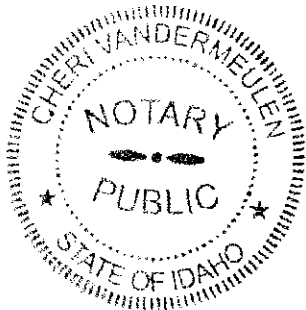
Kent W. Foster, duly sworn, upon oath, deposes and says:

The 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.



Kent W. Foster

Subscribed and sworn to before me on this 31st day of January, 2006.





Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: July 7, 2009

CERTIFICATE OF MAILING

I hereby certify that on this 31st day of January, 2006, I mailed the original and copies of this response, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

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

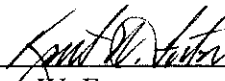
United States of America Acting Through
USDI Fish & Wildlife Service, Division of Engineering
911 NE 11th Ave.
Portland, OR 97332-4181

3. Copies to:

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

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

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



Kent W. Foster

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