

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 27-2165

(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: Zach C. Miller, Davis Graham & Stubbs LLP

Address: 1500 17th Street, Suite 500

Denver, CO 80202

Daytime Phone: 303-892-7391

Name & Address of Attorney, if any:

Same

(Attorneys for claimant)

C

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

Name: Bureau of Indian Affairs, U.S. Dept. of Interior

Address: 911 NE 11th Avenue

Portland, OR 97232-4169

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 (SEE ATTACHMENT FOR RESPONSE)
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.

E. VERIFICATION (Must be Completed)

State of COLORADO  
City of DENVER ss.  
County of DENVER

ZACH C. MILLER, duly sworn, upon oath, deposes and says:  
(Name of person filing response)

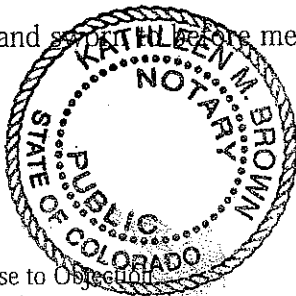
That I am the party/claimant filing this response as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing response)

Zach C. Miller

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 5-19-06



Notary Public for STATE OF COLORADO

Residing at: \_\_\_\_\_

My Commission Expires: 5-27-08

## 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 May 19, 2006, 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

(VIA FEDERAL EXPRESS)

2. One copy to the claimant of the water right at the following address:

Name: Nu-West Mining, Inc., c/o Dan Kline  
Address: 3010 Conda Road, Soda Springs, ID 83276

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

Name: United States of America, c/o Bureau of Indian Affairs, U.S. Dept. of the Interior  
Address: 911 NE 11th Avenue, Portland, OR 97232-4169

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

Peter C. Monson  
U.S. Dept. of Justice ENRD  
999 18th Street, Suite 945  
Denver, CO 80202-2439

Zach C. Miller  
Your signature or signature of attorney  
mailing on your behalf

## ATTACHMENT

Objector United States of America, acting through the Department of the Interior, Bureau of Indian Affairs, Pacific Northwest Region ("BIA") objects that this irrigation water right should have imposed a total annual volumetric limit on diversions and recommends a figure of 5.3 acre-feet per acre for the 56-acre area covered by this right, for a total volume of 296.8 acre-feet per year. Claimant replies as follows:

1. Corrected Name of Claimant/Owner. We note initially that the name of the claimant/owner of this right should be corrected and changed from Conda Partnership to Nu-West Mining, Inc., 3010 Conda Road, Soda Springs, Idaho 83276. Conda Partnership assigned its interest in this right to partner Nu-West Mining, Inc. in 1995, and the Conda Partnership thereafter was dissolved.

2. Consent to Annual Volumetric Limit. Nu-West Mining, Inc consents to the annual volumetric limit on this right suggested by the BIA in the amount of 296.8 acre-feet per year.