

RECEIVED

JUL 17 2006

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 27-2075
)
) (Insert water right number From the Objection Form)
Case No. 39576)
)
) STANDARD FORM 2
) RESPONSE TO OBJECTION
)
_____)

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Dennis M. Lake
Address: 830 Taber Rd
Blackfoot, ID 83221
Daytime Phone: 208.684.4967

Name & Address of Attorney, if any:
Dwight E. Baker
BAKER & HARRIS
PO Box 577
Blackfoot, ID 83221

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

Name: United States of America
Address: c/o Bureau of Indian Affairs, U.S. Department of the Interior, Pacific
Northwest Region
911 NE 11th Ave, Portland, OR 9732-4169
Name: Shoshone-Bannock Tribes
Address: PO Box 306
Fort Hall, ID 83203

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 attached response to objection

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. See attached response to objection

☐ 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 Bingham)

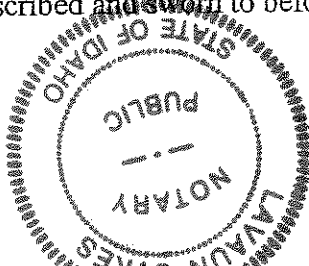
Dennis M. Lake, duly sworn, upon oath, deposes and says:
(Name of person filing response)

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:



July 11, 2006
Lavon Sykes
Notary Public for Blackfoot Idaho
Residing at: Blackfoot
My Commission Expires: 5-17-08

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 the 11 day of ^{July}~~June~~, 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

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

Name: Dennis M. Lake
Address: 830 Taber Rd., Blackfoot, ID 83221

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

Name: United States of America
Address: c/o Bureau of Indian Affairs, U.S. Department of the Interior, Pacific
Northwest Region
911 NE 11th Ave, Portland, OR 9732-4169
Name: Shoshone-Bannock Tribes
Address: PO Box 306
Fort Hall, ID 83203

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

RESPONSE TO OBJECTIONS TO WATER RIGHT NO. 27-2075

ELEMENT NO. 3: QUANTITY. Dennis M. Lake, holder of water right 27-2075 does not object to a volume limitation of this water right provided it is calculated as diversion rate x length of time for the entire season of use.

ELEMENT NO. 11: WATER RIGHT SHOULD NOT EXIST.

This water right was created in 1919, the attached photographs, 27-2075 1a through 4a, and 27-2705 1b, 2b, 4b, and 5b, indicate the existence of a system of dykes, ditches and diversions which have the effect of spreading the water out over the 40 acre parcel.

The water right is used annually, consistent with the flow from the springs, which varies from year to year. The springs rise and sink on private land, and are diverted through the identified dykes and ditches, never reaching a natural water way. Because of the nature of the soil, the diversion's dykes and ditches contribute to sub irrigation of the subject property. No one else has used the water in question, and no one has any claim to beneficial use other than claimant.

27-2075 5B

27-2075 4B



27-2075 40



27-2075 13



27-2075 1A



27-2075 3A



27-2075 2A



