

**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 No. 74-15660
	)	
Case No. 39576	)	STANDARD FORM 2
	)	RESPONSE TO OBJECTION
_____	)	

B. NAME AND ADDRESS OF PERSON RESPONDING:

Name: United States of America on behalf of the USDA Forest Service

Address: 550 W. Fort St. MSC 033
Boise, ID 83724

Name and Address of Attorney:

Attorney Name: David L. Negri, ISB# 6697
United States Department of Justice
Environment and Natural Resources Division

Address: 550 W. Fort Street, MSC033
Boise, ID 83724

Attorney Phone: (208) 334-1936

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

Name: F. James Whittaker
Address: 83 Big Eight Mile Rd.
P.O. Box 240
Leadore, ID 83464

D. I am responding to the objection(s) to the following elements:

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

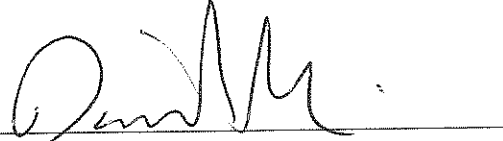
☒ This water right was not recommended, but should be recommended with the elements described above.

E. Reasons supporting Response to Objection:

This water right claim was recommended disallowed by the Idaho Department of Water Resources. The claimant's objection seeks to have the claim decreed. The claim submitted by the claimant identifies a place of use that is on National Forest System land described as T15N R26E S31 SWSW. The section description may be in error and should be described as Section 32 SWSW.

Dated this 28th day of August, 2006.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Negri', is written over a horizontal line.

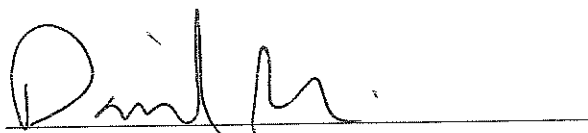
David L. Negri
United States Department of Justice
Environment and Natural Resources Division

VERIFICATION

State of Idaho)
) ss.
County of Ada)

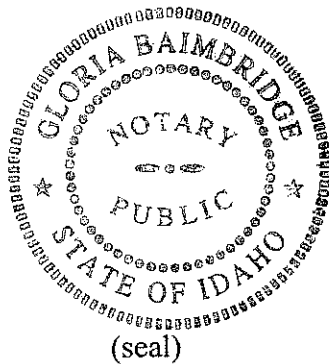
DAVID L. NEGRI, duly sworn, upon oath, deposes and says:

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.



David L. Negri
United States Department of Justice

Subscribed and sworn to before me on: August 28, 2006.



Notary Public for: Idaho
Residing at: *Baise, Idaho*
My Commission Expires: *10-07-08*

CERTIFICATE OF MAILING

I certify that on August 29, 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
P.O. Box 2707
Twin Falls, ID 83303-2707

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

F. James Whittaker
83 Big Eight Mile Rd.
P.O. Box 240
Leadore, ID 83464

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

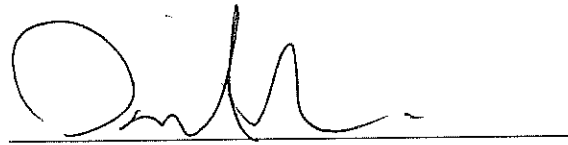
Same as #2 above

4. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

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

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



David L. Negri