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OCT 04 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

Case No. 39576

A. Subcase 77-13849

(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: Kimberly Mines Inc
Address: P.O. Box 2848
Coeur d'Alene
Daytime Phone: (208) 636-2355

Name & Address of Attorney, if any:

PETER G. SCOTT ISB 6440
1200 Ironwood Dr. #315
Coeur d'Alene ID
208 667-1839

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

Name: UNITED STATES OF AMERICA
Address: BLM & USFS
550 West Fort St, MSC 033
BOISE ID 83709

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

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 Washington)

County of Spokane) ss.

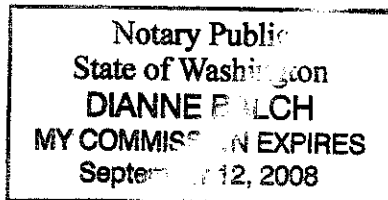
Peter G. Scott, duly sworn, upon oath, deposes and says:
(Name of person filing response)

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.

Peter G. Scott
(Signature of person filing response)

Peter G. Scott
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: September 29, 2006



Dianne Balch
Notary Public for Washington
Residing at: Spokane
My Commission Expires: Sept. 12, 2008

Preston Gates & Ellis LLP
601 West Riverside Avenue
Suite 1400
Spokane, WA 99201-0628
Telephone: (509) 624-2100
Facsimile: (509) 456-0146
psscott@prestongates.com

Attorneys for Respondent
KIMBERLY MINES, INC

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWINFALLS

In re SRBA

Case No. 39576,

No. Subcase 77-13849

SPECIAL NOTICE OF
APPEARANCE AND MOTION TO
EXTEND TIME FOR RESPONSE

Acting on behalf of claimant, Kimberly Mines, Inc. (Kimberly) and in the capacity of this SPECIAL NOTICE OF APPEARANCE, Peter G. Scott and Preston Gates & Ellis file this motion to extend the time available for response to objections filed by the United States of America from the Bureau of Land Management and Forest Service.

SPECIAL NOTICE OF
APPEARANCE AND MOTION
TO EXTEND TIME FOR
RESPONSE - 1

Counsel has had limited time to become familiar with the facts of this subcase and files this notice and motion to extend in order to more fully review the facts and issues raised by the objections filed herein. As part of this motion Kimberly reserves the right, to the extent permitted by the court, to supplement the Response to Objection (filed herewith) as necessary to fully and fairly adjudicate its claim.

DATED this 29th day of September, 2006.

PRESTON GATES & ELLIS LLP

By  _____

Peter G. Scott ISB #6440
Attorneys for Respondent
Kimberly Mines, Inc

SPECIAL NOTICE OF
APPEARANCE AND MOTION
TO EXTEND TIME FOR
RESPONSE - 2

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 Sept 29, ~~199~~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

*copy delivered on
this date by
personal service*

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

Name: _____
Address: _____

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

Name: _____
Address: _____

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

SPECIAL NOTICE & MOTION TO EXTEND
SF.2 - Response to Objection
Amended 10/16/97

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on this date by
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Name: _____
Address: _____

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Name: See #4
Address: _____

4. Copies to:

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United States Department of Justice
Environment & Natural Resource Division
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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