

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 1-02061

(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: E. Gail McGarry
United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100
Address: 1150 N. Curtis Rd. Suite 100
Boise, ID 83706 -1234
Daytime Phone: (208) 378-5306

Name & Address of Attorney, if any:
David W. Gehlert (303) 844-1386 Trial Attorney,
Natural Resources Section
Environment and Natural Resource Division
U.S. Department of Justice
1961 Stout Street - 8th Floor
Denver, CO 80294

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

United Canal Company
c/o Jerry R. Rigby
P. O. Box 250
Rexburg, ID 83440

Fremont-Madison Irr. Dist.
c/o Jerry R. Rigby
P. O. Box 250
Rexburg, ID 83440

Blackfoot Irr. Company
c/o Jerry R. Rigby
P. O. Box 250
Rexburg, ID 83440

Producers Irr. Company
c/o Robert L. Harris
P.O. Box 50130
Idaho Falls, ID 83405-0130

Jefferson Irr. Dist.
c/o Robert L. Harris
P.O. Box 50130
Idaho Falls, ID 83405-0130

Monteview Canal Co.
c/o Robert L. Harris
P.O. Box 50130
Idaho Falls, ID 83405-0130

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

Mud Lake Water Users, Inc.
c/o Robert L. Harris
P.O. Box 50130
Idaho Falls, ID 83405-0130

Ind. Water Users of Mud Lake
c/o Robert L. Harris
P.O. Box 50130
Idaho Falls, ID 83405-0130

Idaho Ground Water Appropriators, Inc.
c/o Randall C. Budge
P.O. Box 1391
Pocatello, ID 83204-1391

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. ☐ **Other Provisions**
11. **Recommendation**
 - ☒ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

Reason for Response: In addition to responding to the various objections to the "source" element, the United States is also responding to IGWA's objection that "[t]his water right should not exist." The water right is based upon a license, has been put to beneficial use, and was properly recommended in the name of the United States.

E.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

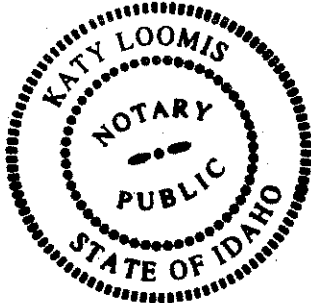
Celestino P. Tafoya, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

Celestino P. Tafoya
(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 12-6-06



Katy Loomis
Notary Public for: Idaho
Residing at: Boise
My Commission Expires: 10-17-09

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 December 7th, 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:

United States of America Acting Through
Regional Director PN Region
Bureau of Reclamation
1150 N. Curtis Rd. Suite 100
Boise, ID 83706-1234

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

United Canal Company
c/o Jerry R. Rigby
P. O. Box 250
Rexburg, ID 83440

Fremont-Madison Irr. Dist.
c/o Jerry R. Rigby
P. O. Box 250
Rexburg, ID 83440

Blackfoot Irr. Dist.
c/o Jerry R. Rigby
P. O. Box 250
Rexburg, ID 83440

Producers Irr. Company
c/o Robert L. Harris
P.O. Box 50130
Idaho Falls, ID 83405-0130

Jefferson Irr. Dist.
c/o Robert L. Harris
P.O. Box 50130
Idaho Falls, ID 83405-0130

Montevue Canal Co.
c/o Robert L. Harris
P.O. Box 50130
Idaho Falls, ID 83405-0130

Mud Lake Water Users, Inc.
c/o Robert L. Harris
P.O. Box 50130
Idaho Falls, ID 83405-0130

Ind. Water Users of Mud Lake
c/o Robert L. Harris
P.O. Box 50130
Idaho Falls, ID 83405-0130

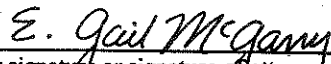
Idaho Ground Water Appropriators, Inc.
c/o Randall C. Budge
P.O. Box 1391
Pocatello, ID 83204-1391

4. Copies to:

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

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 4449
Boise, ID 83711-4449

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



Your signature or signature of attorney