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AUG 16 2007

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 63-31203

(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 – 8<sup>th</sup> Floor  
Denver CO 80294

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

Name: BOISE-KUNA IRRIGATION DISTRICT  
Address: 129 North School Avenue  
Kuna, ID 83634

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. **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 Idaho )  
 ) ss.  
County of Ada )

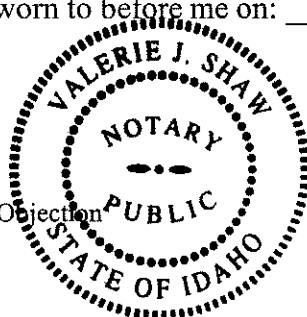
Brian Sauer, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

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.

Brian W Sauer  
(Signature of person filing response)

\_\_\_\_\_  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: AUG 08 2007



Valerie J Shaw  
Notary Public for: Idaho  
Residing at: Meridian  
My Commission Expires: 6-2-2012

## 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 August 15, 2007, 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  
PO Box 2707  
Twin Falls, ID 83303-2707

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

Name: Duane and Beverly Warn  
Address: 9053 Southside Blvd.  
Nampa, ID 83686

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

Name: BOISE-KUNA IRRIGATION DISTRICT  
Address: 129 North School Avenue  
Kuna, ID 83634

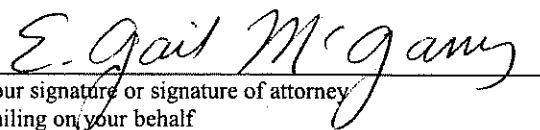
4. Copies to:

IDWR Document Depository  
PO Box 83720  
Boise ID 83720-0098

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

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

Shelly M. Davis  
Barker Rosholt & Simpson, LLP  
1010 W. Jefferson, Ste. 102  
Boise, ID 83702

  
Your signature or signature of attorney  
mailing on your behalf