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AUG 17 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 63-3545

(Insert water right number)

STANDARD FORM 2
RESPONSE TO OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: City of Middleton

Address: PO Box 487

Middleton, ID 83644

Daytime Phone: (208) 331-1800

Name and Address of Attorney, if any:

Bruce M. Smith/Carl J. Withroe

Moore Smith Buxton & Turcke, Chtd

950 W. Bannock St., Suite 520

Boise, ID 83702

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

Name: Ada County Drainage District No. 2

Address: 455 S. Third Street

Boise, ID 83701

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

x 1. **Name and Address**

x 2. **Source**

x 3. **Quantity**

x 4. **Priority date**

x 5. **Point of Diversion**

x 6. **Instream Flow Description**

x 7. **Purpose(s) of Use**

x 8. **Period of Year**

x 9. **Place of Use**

x 10. **Recommendation**

☐ This water right should not exist.

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

Water Right is a licensed water right. It has been in use by City of Middleton for city park maintenance since 1967. Department has recommended Water Right for that use – a use which does not interfere, obstruct, trespass any operation of objecting party, including waste water drainage.

E.

VERIFICATION (must be completed)

State of Idaho)
) ss.
County of Ada)

Carl J. Withroe, 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.

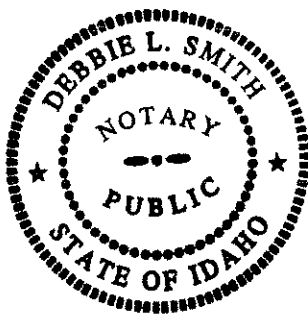
(Signature of person filing response)

Carl J. Withroe

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

August 16, 2007



Debbie L. Smith
Notary Public for Idaho

Residing at: Boise, ID

My Commission Expires: 6/8/2013

F.

CERTIFICATE OF MAILING

I certify that on August 16, 2007, I mailed the original and copies of this objection, 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: City of Middleton
Address: PO Box 487
Middleton, ID 83644

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

Name: Ada County Drainage District No. 2
Address: c/o Bryce Farris – Ringert Clark Chtd
PO Box 2773, Boise, ID 83701

4. Copies to:

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

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

United States Department of Justice
Environment & Nat'l Resources Div
550 W. Fort Street, MSC 033
Boise, ID 83724



Your signature or signature of attorney
mailing on your behalf