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SEP 25 2007

DEPARTMENT OF
NATURAL 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 22-492, 22-656

(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**

Roxana Canal Company
4590 North Salem Road
Rexburg, ID 83440

Fremont Madison Irrigation District
c/o Jerry R. Rigby
P.O. Box 250
Rexburg, ID 83340

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. **I recommend:**
 - ☐ 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)
County of Ada **CELESTINO P. TAFOYA** ss.
ACTING FOR

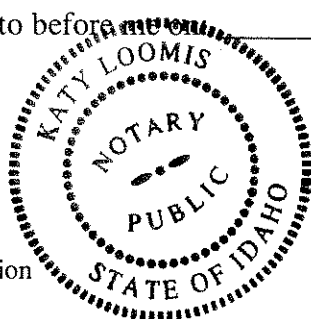
Jerrold D. Gregg, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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. Tafuya
(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on 9/20/2007



Katy Loomis
Notary Public for: Idaho
Residing at: Boise, Ada County
My Commission Expires: 10/17/2009

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 SEP 21 2007, I caused to be served the original and copies of this response, including all attachments, to the following persons:

1. Original by courier to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

BY MAIL:

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

Roxana Canal Company
4590 North Salem Road
Rexburg, ID 83440

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

Roxana Canal Company
4590 North Salem Road
Rexburg, ID 83440

Fremont Madison Irrigation District
c/o Jerry R. Rigby
P.O. Box 250
Rexburg, ID 83340

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

E. Gail McGarry
Your signature or signature of attorney