

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 22-13592  
(Insert water right number)

STANDARD FORM 2  
RESPONSE TO OBJECTION

Please print or type the following information:

**B. NAME AND ADDRESS OF PERSON RESPONDING**

Name: United States of America acting through the Department of Interior,  
Bureau of Land Management, Idaho State Office  
Address: 1387 South Vinnell Way  
Boise, Idaho 83709-1657  
Daytime Phone: see below

**Name & Address of Attorney, if any:**

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax  
United States Department of Justice  
Environment and Natural Resource Division  
General Litigation Section  
550 West Fort Street, MSC 033  
Boise, Idaho 83724

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

Name: Fremont Madison Irrigation District  
Address: 350 N. 6th W.; St. Anthony, Idaho 83445  
Name:  
Address: ;  
Name:  
Address: ;

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.

**REASONS SUPPORTING RESPONSE:**

The Objector is seeking to increase the Place of Use (POU) description to include the service area of an entity to which BLM has filed an objection because said digital boundary includes federal public land where irrigated agricultural activities are not authorized.

E.

**VERIFICATION** (Must be Completed)

State of Idaho

)

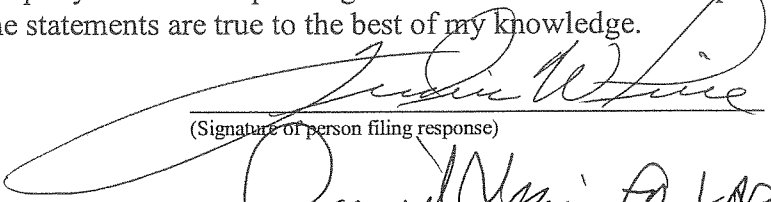
) ss.

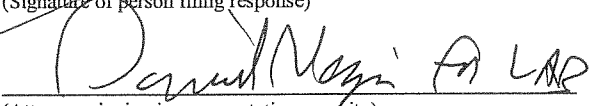
County of ADA

)

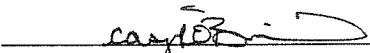
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:  
(Name of person filing response)

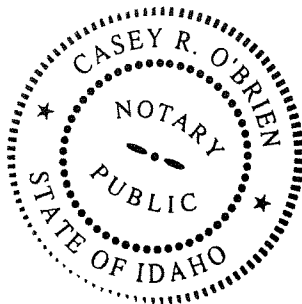
That I am the party/claimant filing this response, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

  
(Signature of person filing response)

  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: September 25, 2007

  
Casey R. O'Brien



Notary Public for State of Idaho

Residing at: Nampa, ID.

My Commission Expires: 10-31-2009

## 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 Sept. 25<sup>th</sup>, 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  
253 Third Avenue North  
P.O. Box 2707  
Twin Falls, ID 83303-2707

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

Wahoo, Inc.  
3930 E. 2000 N.; Sugar City, Idaho 83448

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

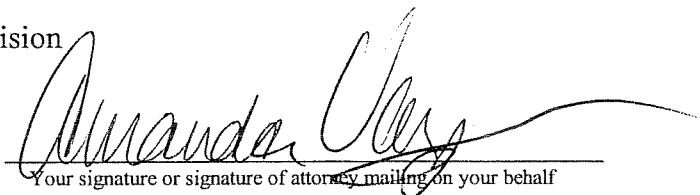
Fremont Madison Irrigation District  
350 N. 6th W.; St. Anthony, Idaho 83445

4. Copies to:

IDWR Document Depository  
P.O. Box 83720  
Boise, ID 83720-0098

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

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

  
Your signature or signature of attorney mailing on your behalf

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-13592

NAME AND ADDRESS: WAHOO INC  
3930 E 2000 N  
SUGAR CITY ID 83448

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.100 CFS  
31.50 AFY

Right Nos. 22-7190 and 22-13592 are limited to a total combined diversion rate of 2.8 cfs.

PRIORITY DATE: 04/01/1987

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF  
DIVERSION: T06N R41E S7 SESESE Within MADISON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>        |
|-----------------------|----------------------|------------------------|
| IRRIGATION            | 04/01 10/31          | 0.100 CFS<br>31.50 AFY |

PLACE OF USE: IRRIGATION in MADISON County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T06N R41E S07 | NENE | 38.00 | T06N R41E S07 | NWNE | 39.00 |
| T06N R41E S07 | SWNE | 39.00 | T06N R41E S07 | SENE | 38.00 |
| T06N R41E S07 | NESE | 38.00 | T06N R41E S07 | NWSE | 39.00 |
| T06N R41E S07 | SWSE | 38.00 | T06N R41E S07 | SESE | 37.00 |

306 ACRES TOTAL

Right Nos. 22-7190 and 22-13592 are limited to the irrigation of a combined total of 306 acres in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

This right is based upon an enlargement of Right No. 22-7190 pursuant to Section 42-1426, Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is for an enlargement of 9 acres within the place of use described for this right.