

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 22-00591  
(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)

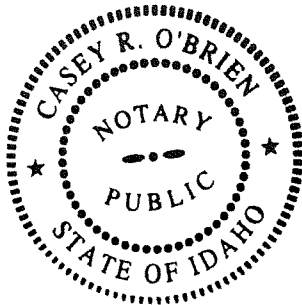
That I am the party/claimant filing this response, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

*Fredric W. Price*  
(Signature of person filing response)

*David Mays for LAB*  
(Attorney signing in representative capacity)

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

*Casey R. O'Brien*  
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:

Woodmansee Johnson Canal Co.; c/o O. Russell Wilding  
3560 E 3000 N; Sugar City, Idaho 83448

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

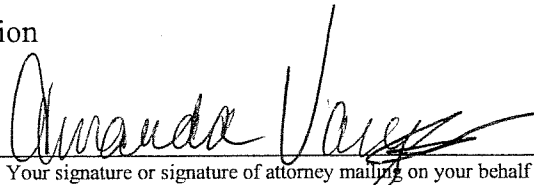
Fremont Madison Irrigation District  
350 N. 6th W.; St. Anthony, Idaho 83445

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: 22-591

NAME AND ADDRESS: WOODMANSEE JOHNSON CANAL CO  
C/O O RUSSELL WILDING  
3560 E 3000 N  
SUGAR CITY ID 83448

SOURCE: MOODY CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 3.200 CFS

PRIORITY DATE: 03/15/1889

POINT OF DIVERSION: T06N R40E S11 NESESE 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          | 3.200 CFS       |

PLACE OF USE:

2017 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Place of use is within the area served by Woodmansee Johnson Canal Company.

The rights listed below are limited to the irrigation of a combined total of 1480 acres in a single irrigation season. Combined Right Nos.: 22-205, 22-235, 22-344, 22-354, 22-421, 22-422, 22-476, 22-477, 22-591, 22-592, 22-593, 22-11259, 22-11260.

The rights listed below are limited to the irrigation of a combined total of 1244 acres in a single irrigation season. Combined Right Nos.: 22-421, 22-354, 22-476, 22-591, 22-592, 22-593.

The rights listed below are limited to the irrigation of a combined total of 2017 acres in a single irrigation season. Combined Right Nos.: 22-205, 22-235, 22-344, 22-354, 22-421, 22-422, 22-476, 22-477, 22-591, 22-592, 22-593, 22-594, 22-11259, 22-11260.

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

This water right is subject to the delivery provision contained in Rexburg Irrigation Co. et al v. Teton Irrigation Canal Co. et al, (D. Id. Dec. 16, 1910) ("Rexburg Decree"). "To be reduced to 20 inches after June 20 of each year".

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered through Woodmansee Johnson canal.