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 22-07326
(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: Baker Farms, Inc.
Address: 6501 East 2000 North; Sugar City, Idaho 83448
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 Negri 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

CASEY R. O'BRIEN NOTARY PUBLIC STATE OF IDAHO

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 25th, 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:
   Baker Farms, Inc.; c/o Thomas Baker
   6501 E 2000 N; Sugar City, Idaho 83448

3. One copy to the party who filed the objection at the following address:
   Baker Farms, Inc.
   6501 East 2000 North; Sugar City, Idaho 83448

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

Amanda Cary

Your signature or signature of attorney mailing on your behalf

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

RIGHT NUMBER: 22-7326

NAME AND ADDRESS: BAKER FARMS INC
C/O THOMAS BAKER
6501 E 2000 N
SUGAR CITY ID 83448

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 4.110 CFS
885.50 AFY

The rights listed below are limited to a total combined diversion rate of 4.11 cfs and to a total combined annual diversion volume of 1,554 AF. Combined Right Nos.: 22-7174 and 22-7326.

PRIORITY DATE: 05/09/1980

POINT OF DIVERSION: T07N R42E S28 SWNWSW Within MADISON County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 11/01	4.110 CFS 885.50 AFY

PLACE OF USE: IRRIGATION in MADISON County

T07N R42E S28	SWNW	40.00	T07N R42E S28	SENW	39.00
T07N R42E S28	NESW	36.00	T07N R42E S28	NWSW	40.00
T07N R42E S28	SWSW	2.00	T07N R42E S29	NESE	39.00
T07N R42E S29	SESE	25.00	T07N R42E S32	NENE	40.00
T07N R42E S32	NWNE	40.00	T07N R42E S32	SWNE	40.00
T07N R42E S32	NENW	32.00	T07N R42E S32	SENW	31.00
T07N R42E S33	NWNW	40.00			

444 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 444 acres in a single irrigation season. Combined Right Nos.: 22-7174 and 22-7326.

This right is limited to the irrigation of 253 acres within the place of use described above 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right No. 22-7174 is also diverted through point of diversion described above.