

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 22-11666  
(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: Rexburg Irrigation Company; c/o Donald Day  
Address: 975 South 5500 West; Rexburg, Idaho 83440  
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

)

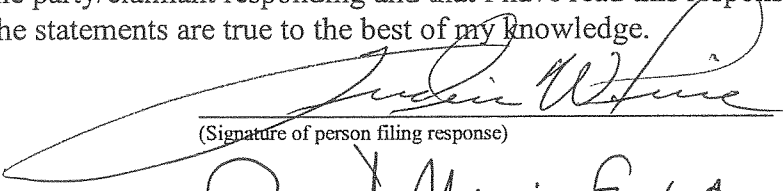
) ss.

County of ADA

)

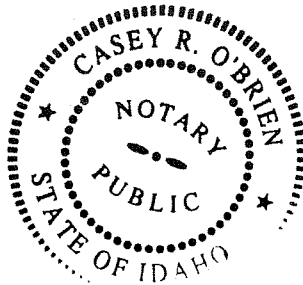
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:  
(Name of person filing response)

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)

David Mayo for LMB  
(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~~th~~, 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:

Walters Ready Mix, Inc.  
342 W 4th N; Rexburg, Idaho 83440

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

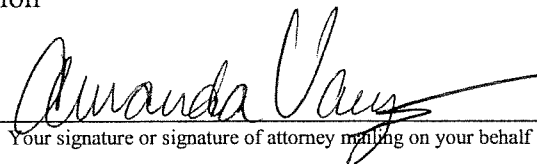
Rexburg Irrigation Company; c/o Donald Day  
975 South 5500 West; Rexburg, Idaho 83440

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

12/20/2006

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

RIGHT NUMBER: 22-11666

NAME AND ADDRESS: WALTERS READY MIX INC  
342 W 4TH N  
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY: TETON RIVER

QUANTITY: 0.040 CFS

PRIORITY DATE: 06/01/1947

POINT OF

DIVERSION: T06N R40E S19 SWSWNE Within MADISON County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

INDUSTRIAL

1/01 12/31

0.040 CFS

RECREATION

4/01 10/31

175.00 AFY

PLACE OF USE: INDUSTRIAL in MADISON County

T06N R40E S19 SWNW

RECREATION in MADISON County

T06N R40E S19 SWNW

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 - Beneficial Use