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 22-13461
(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: Val Schwendiman
Address: 9633 East Hwy 33; Newdale, Idaho 83436
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

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:
   Val E. Schwendiman
   9633 E. Hwy 33; Newdale, Idaho 83436

3. One copy to the party who filed the objection at the following address:
   Val Schwendiman
   9633 East Hwy 33; Newdale, Idaho 83436

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 Jay
Your signature or signature of attorney mailing on your behalf

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

RIGHT NUMBER: 22-13461

NAME AND ADDRESS: VAL E SCHWENDIMAN
9633 E HWY 33
NEWDALE ID 83436

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.300 CFS
52.50 AFY

Right Nos. 22-2180 and 22-13461 are limited to a total combined diversion rate of 3.1 cfs and to a total combined annual diversion volume of 1,057 AF.

PRIORITY DATE: 07/20/1960

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 S2 SWSENW Within MADISON County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	0.300 CFS 52.50 AFY

PLACE OF USE: IRRIGATION in MADISON County

T06N R41E S02 Lot 3	NENW	23.00	T06N R41E S02 Lot 4	NWNW	33.00
T06N R41E S02	SWNW	38.00	T06N R41E S02	SENW	23.00
T06N R41E S02	NESW	23.00	T06N R41E S02	NWSW	38.00
T06N R41E S02	SWSW	38.00	T06N R41E S02	SESW	24.00
T06N R41E S11	NENW	23.00	T06N R41E S11	NWNW	39.00

302 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 302 acres in a single irrigation season. Combined Right Nos.: 22-2180 and 22-13461.

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. 22-2180 pursuant to Section 42-1426, Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right No. 22-2180 and 22-13461 are diverted through point of diversion described above.

This right is for an enlargement of 15 acres within the place of use described for this right.