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DEPARTMENT OF
WATER RESOURCES

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

37-21948

(Insert water right number
From the Objection Form)

STANDARD FORM 2
RESPONSE TO OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name:

PETER & VICTORIA MADSEN

Address:

DOROK 334

HAILEY IDAHO 83333

Daytime Phone: 208 788-9061

Name & Address of Attorney, if any:

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

Name:

GERALD BASHAW - PEPIN CORSON HARRIS -
PETE VANDER MEULEN - GRACE EATON - ROCKY SHEPPARD -
TOM O'GARRA - JOHN F. STEVENSON - BILL MCCLYNNEX -

Address:

c/o CONCERNED WATER USERS DOROK 1200 BELLEVUE RD
BIG WOOD CANAL COMPANY 112 SOUTH APPLE ST. 83313
SHOSHONE, IDAHO 83352

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.



CERTIFICATE OF MAILING

I certify that on Monday Nov. 19, ²⁰⁰⁷~~199~~, 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
PO Box 2707
Twin Falls, ID 83303-2707

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

Name: DETER MADSEN
Address: PO Box 334
HAILEY ID 83333

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

Name: TOM GARA - JOHN F STEIGER - JIM MOYNEUX - PETE VAN DER MEULEN
* GRACE EATON - ROCKY SHERBINE - GERALD BASINW - PEDIN CORSO-HARRIS
Address: CO CONCERNED WATER USERS PO BOX 1200 BEZELVE, ID 83313
* BIG WOOD CATTLE COMPANY 112 SOUTH APPLE ST. SNOLHOLE, ID 83352
4. Copies to: * ALBERT BARKER PO BOX 2139 BOISE ID 83701
* CRAIG HOBBS PO BOX 176 GOODING ID 83330

IDWR Document Depository
PO Box 83720
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United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

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

Your signature or signature of attorney mailing on your behalf

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. (SEE ATTACHMENT)
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E.

VERIFICATION (Must be Completed)

State of IDAHO)

County of BLAINE) ss.

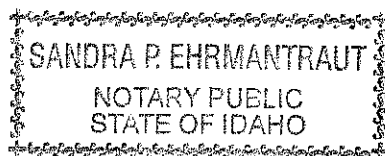
PETER M. MASON, duly sworn, upon oath, deposes and says:
(Name of person filing response)

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.

Peter M. Mason
(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: November 19, 2007



[Signature]
Notary Public for First Bank of Idaho
Residing at: Boise
My Commission Expires: 4-21-12

HAILEY IDAMO NOV 19 - 2007

TO WHOM THIS MAY CONCERN:

WE VICTORIA & PETER MADSEN ARE IN
PROCESS TO USE THE LAND WHERE
WATER RIGHT 37-21948 BELONG, AFTER
WE HAVE BEEN WAITING TO MAKE
SURE THAT WE HAVE THE WATER
(SEE INCL. LETTER) DATED AUG 24, 2006, RIGHT

SO WE WILL BE USING THE WATER RIGHT
A.S.A.P.

AND THE WATER RIGHT SHOULD EXIST.

Thank you

Victoria Madsen

Victoria Madsen.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

August 24, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

PETER MADSEN
VICTORIA MADSEN
PO BOX 334
HAILEY ID 83333

RE: SRBA Claim(s) 37-21833

Dear Mr. and Mrs. Madsen:

Pursuant to the notification that you own a portion of the property to which the above referenced adjudication claim is appurtenant, the department has split the original claim. Your portion has been numbered 37-21948.

Enclosed please find your copy of the computer-generated claim. Review the document and should you have any questions or corrections, please contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

enc.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-21948
Date Received: 7/10/1989
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

VICTORIA MADSEN Phone: (208)788-9061
PO BOX 334
HAILEY ID 83333

PETER MADSEN Phone: (208)788-9061
PO BOX 334
HAILEY ID 83333

2. Date of Priority: 06/01/1887

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	18E	36	SW NW	BLAINE	

5. Description of diverting works:

VIA DISTRICT CANAL #45

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	1.12	

7. Total Quantity Appropriated is:
1.12 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01N	18E	25	SE	NW	IRRIGATION	5.6
			NE	SW	IRRIGATION	14.8
					Section Acres	20.4
					Total Acres	20.4

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

SPLIT INTO 37-0102A & 37-0102B BY AMENDED TRANS. 259.
 THE CLAIMANT HAS NOW JOINED THE TWO WR PARTS BACK TOGETHER.
 SEE THE ATTACHMENTS DESCRIBING THE WR HISTORY.
 THE PROPERTY IS OWNED BY JOHN W. BROWN PROPERTIES, A JOINT VENTURE (PARTNERSHIP),
 JOHN SWEET--MANAGER.
 P/U IS 144.5 ACRES, SENW-- 33.25 ACRES, NENW-- 26.85 ACRES.
 ***** OWNERSHIP CHANGE MADE IN 7/27/95 RESULTED IN SPLIT.
 A37-00102A (6.34 CFS) BELONGS TO BROWN PROPERTIES WITH 114.9 ACRES. A37-00102B
 (1.66 CFS) BELONGS TO STENNETT/GRANT WITH 29.9 ACRES. WARRANTY DEED INCLUDED.
 ***** CHANGE OF OWNERSHIP - SPLIT RIGHT ***** THE ORIGINAL RIGHT
 WAS SPLIT BASED UPON FORM 42-1409-(7) SIGNED BY THE ORIGINAL OWNER AND THE CURRENT
 OWNER. THE FORM IDENTIFIED 124 INCHES BEING APPURTENANT TO THE PORTION OF PROPERTY
 SOLD. THE ATTACHED WARRANTY DEED IDENTIFIED THE ACRES AS THOSE IN THE S1/2 OF THE
 SW1/4 OF SEC 25. CHANGE MADE ON 2-27-96 BY KKC *****

This right is a split from former right 37-102C.

This right is a split from former right 37-21833.

15. Basis of Claim: Decreed