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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 No. 37-539F

**STANDARD FORM 2
RESPONSE TO OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Thomas Williams, LLC
Samuel Williams, Managing Member
P.O. Box 6729
Ketchum, Idaho 83340

Daytime Phone: (801) 718-0969

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

Tom O'Gara
John F. Stevenson
Bill Molyneux
Pete Van Der Meulen
Grace Eakin
Rocky Sherbine
Gerald Bashaw
Pepin Corso-Harris
c/o Concerned Water Users
P.O. Box 1200
Bellevue, ID 83313

Big Wood Canal Company
112 South Apple Street
Shoshone, ID 83352

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.

E. VERIFICATION (Must be Completed)

State of Utah)
) ss.
County of Salt Lake)

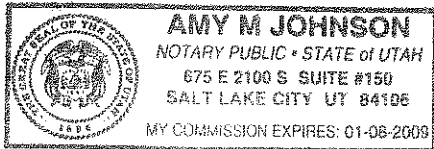
I, Samuel Williams, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this response as defined by I.C. §§ 42-140A (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.

Samuel Wilson
(Signature of person filing response)

Subscribed and sworn to before me on:

December 14, 2007



Amy M. Johnson
Notary Public for : Utah
Residing at: Salt Lake City
My Commission Expires: January 8, 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 below in the Certificate of Mailing.

F. CERTIFICATE OF MAILING

I certify that on December 14, 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
PO Box 2707
Twin Falls, ID 83303-2707

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

Thomas Williams LLC
Attn: Samuel Williams, Managing Member
PO Box 6729
Ketchum, ID 83340

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

Tom O'Gara
John F. Stevenson
Bill Molyneux
Pete Van Der Meulen
Grace Eakin
Rocky Sherbine
Gerald Bashaw
Pepin-Corso-Harris
c/o Concerned Water Users
PO Box 1200
Bellevue, ID 83313

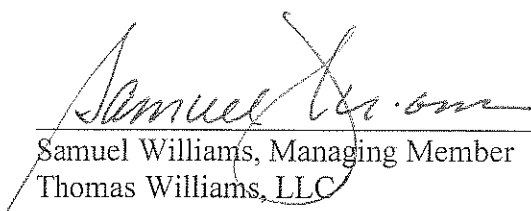
Big Wood Canal Company
112 South Apple Street
Shoshone, ID 83352

4. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

United States Department of Justice
Environment & Natural Resource
Division
550 West Fort Street, MSC 033
Boise, ID 83724



Samuel Williams, Managing Member
Thomas Williams, LLC

SAMUEL MOSHER WILLIAMS

December 5, 2007

Albert P. Barker
Barker, Rosholt & Simpson
PO Box 2139
Boise, ID 83701

Re: SRBA Case No. 39576
Water Right 37-539F

Dear Mr. Barker:

Your clients are protesting our water right for irrigation stating that it should be forfeited for lack of use and that the diversion rate is excessive. These claims are incorrect and I would appreciate withdrawal of the objection and dismissal of the case. Moreover, please provide information pertaining to the basis for the claim, as well as any other facts supporting your clients' objections.

Contrary to your clients' claim, the right has actually been in continual use for sometime and used in conjunction with pumps, irrigation lines and sprinkler heads for irrigation. While we only recently purchased the property, DWR verified the use of the water right and continues to monitor this right, granted the amount is not significant (.081 CFS). The property is +/- 2.5 acres and the water right provides enough irrigation for approximately 1.3 acres.

Undoubtedly, your clients along with the Big Wood Canal Company would like to recapture those water rights that have not been used, but ours is not one of them. Thank you for your timely response.

Sincerely,

Cc: Douglas Jones, Department of Water Resources