

RECEIVED

JAN 18 2008

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 37-01232
(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: Natural Energy Resources, Inc.
Address: P.O. Box 448; Sun Valley, Idaho 83353
Name: Paul Arrington (attorney for objector)
Address: 113 Main Ave. West, Ste 303; Twin Falls, Idaho 83301
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 See attached.

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:

Claimant's objection seeks to add a claimed place of use on federal public land in trespass for commercial, domestic and heating purposes that was not recommended by IDWR (SEnw, S13, T04N, R17E). Claim should not include federal public land.

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)

Larry A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

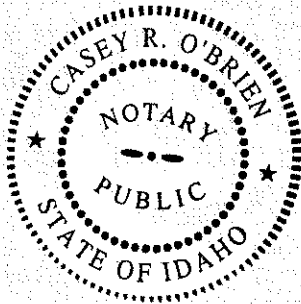
January 15, 2008
~~December~~

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.

E.

CERTIFICATE OF MAILING

I certify that on Jan 15, 2008, 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:

Natural Energy Resources, Inc.
P.O. Box 448; Sun Valley, Idaho 83353

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

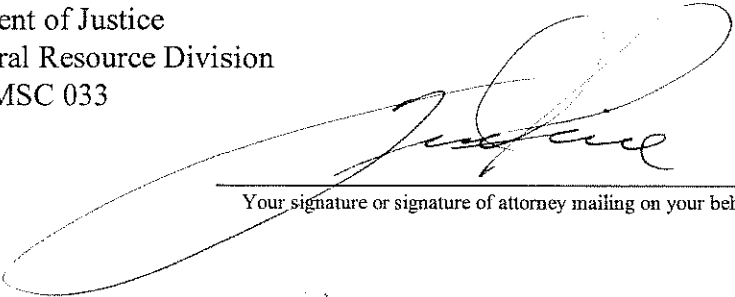
Natural Energy Resources, Inc.
P.O. Box 448; Sun Valley, Idaho 83353
Paul Arrington (attorney for objector)
113 Main Ave. West, Ste 303; Twin Falls, Idaho 83301

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

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

RIGHT NUMBER: 37-1232

NAME AND ADDRESS: NATURAL ENERGY RESOURCES INC
PO BOX 448
SUN VALLEY ID 83353

SOURCE: GUYER HOT SPRINGS

TRIBUTARY: WARM SPRINGS CREEK

QUANTITY: 1.130 CFS

The rights listed below are limited to a total combined diversion rate of 1.13 cfs. Combined Right Nos.: 37-1232, 37-2451, 37-7163, & 37-4327.

PRIORITY DATE: 06/30/1880

POINT OF

DIVERSION: T04N R17E S15 SWNE Within BLAINE County

PURPOSE AND

PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
HEATING	01/01 12/31	1.130 CFS
DOMESTIC	01/01 12/31	0.040 CFS

Domestic use is for internal use.

PLACE OF USE: HEATING in BLAINE County

T04N R17E S11	SESW	T04N R17E S11	NESE
T04N R17E S11	NWSE	T04N R17E S11	SWSE
T04N R17E S11	SESE	T04N R17E S12	NESW
T04N R17E S12	NWSW	T04N R17E S12	SWSW
T04N R17E S12	SESW	T04N R17E S12	SWSE
T04N R17E S13	NENE	T04N R17E S13	NWNE
T04N R17E S13	SENE	T04N R17E S13	NENW
T04N R17E S14	NENW	T04N R17E S14	NWNW
T04N R17E S15	NENE	T04N R18E S18	SWNW
T04N R18E S18	NWSW		

DOMESTIC same as HEATING

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 - Decreed

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

01/04/2008

WATER RIGHT NO. 37-1232

Owner Type	Name and Address
Current Owner	NATURAL ENERGY RESOURCES INC PO BOX 448 SUN VALLEY, ID 83353
Original Owner	SECURITY PACIFIC NATIONAL BANK
Original Owner	GUYER HOT SULFUR SPRINGS CO 333 S HOPE ST LOS ANGELES, CA 90007-1000 (213)345-4489

Priority Date: 06/30/1880

Basis: Decreed

Status: Active

Source	Tributary
GUYER HOT SPRINGS	WARM SPRINGS CREEK

Beneficial Use	From	To	Diversion Rate	Volume
COMMERCIAL	1/01	12/31	0.35 CFS	
HEATING	1/01	12/31	4 CFS	
DOMESTIC	1/01	12/31	0.04 CFS	
Total Diversion			4 CFS	

Location of Point(s) of Diversion:

GUYER HOT SPRINGS	NENE	Sec. 15	Township 04N	Range 17E	BLAINE County
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Place(s) of use:

Place of Use Legal Description: COMMERCIAL BLAINE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	17E	11		NESW			SWSW			SESW				
		12		NESE			NWSE			SWSE			SESE	
				NENE			NWNE			SWNE			SENE	
				NENW			SENW							
				NESW			NWSW			SWSW			SESW	
				NESE			NWSE			SWSE			SESE	
		13		NENE			NWNE			SWNE			SENE	
				NENW			SENW BLM							
				NESE			NWSE			SWSE			SESE	
		14		NENW			NWNW			SWNW			SENW	
		15		NENE			SENE							
	R18E	18		NENW			NWNW			SWNW			SENW	
				NESW			NWSW			SWSW			SESW	

should be
Place of Use Legal Description: HEATING BLAINE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	17E	11		NESW			SWSW			SESW				
		12		NESE			NWSE			SWSE			SESE	
				NENE			NWNE			SWNE			SENE	
				NENW			SENW							
				NESW			NWSW			SWSW			SESW	
				NESE			NWSE			SWSE			SESE	
		13		NENE			NWNE			SWNE			SENE	
				NENW			SENW BLM							
				NESE			NWSE			SWSE			SESE	
		14		NENW			NWNW			SWNW			SENW	
		15		NENE			SENE							
	R18E	18		NENW			NWNW			SWNW			SENW	
				NESW			NWSW			SWSW			SESW	

should be
Place of Use Legal Description: DOMESTIC same as HEATING

Conditions of Approval:

1.	PROPERTY LOCATED AT POINT OF DIVERSION IS OWNED BY CLAIMANT; OTHER PROPERTIES IN KETCHUM SERVED BY THE HOT WATER HEATING SYSTEM ARE NOT OWNED BY CLAIMANT.
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Dates:

Licensed Date:

Claim Received Date:

Decreed Date: 02/10/1914

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 37

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

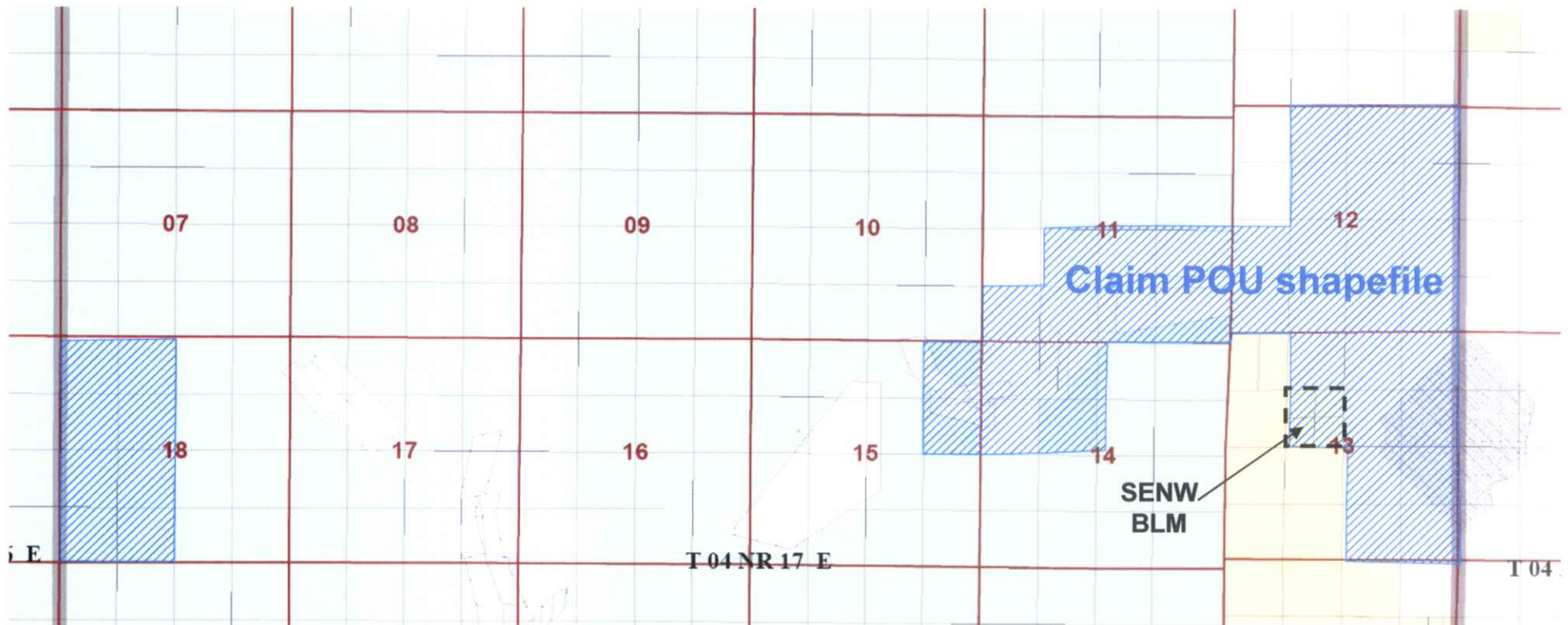
Cary Act Number:

Mitigation Plan: False

[Close](#)

37-01232, 37-02451, 37-04327, 37-07163
Natural Energy Resources Inc.

- Place of Use as claimed contains BLM land.
- The forty acre tract T04N R17E S13 SENW should not be included.



BLAINE COUNTY 013
TWIN FALLS DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES AND ACQUIRED LANDS

WT PLAT

[illegible]

DI 17683 DAW Pt. 167 (41 of Cong. Order 022319)55	
Completed 08/22/1966. AFD surface right by BLM	
DI 09650 DAW Pt. 167 (41 of Cong. Order 022319)55	
Completed 07/08/1992. All NE surface right by USFS	
DI 4803 POW	
Sec. 1: M&B	
DI 013375 Revert to US DOE until Order Issues	
Sec. 23: EDWENSENE	
DI 76609 PX WD to BLM	
Sec. 12: A substation of Tax Lot 4807 known as	
Lot 2 of Industrial East Subdivision 1.48 acres	
DI 76609 PX WD to BLM DOE until Order Issues	
Sec. 12: A substation of Tax Lot 4807 known as	
Lot 2 of Industrial East Subdivision	
DI 31247 Dated to USFS	
Sec. 14: Part of GSEW 0.24 acres	
DI 31247 Act WD to USFS	
Sec. 14: Part of SWANW 2.07 acres	
DI 31229 GCD from USFS	
Sec. 20: M&B	
Sec. 21: M&B	
DI 31229 Act WD to USFS	
Sec. 20: M&B	
Sec. 21: M&B	
DI 31228 East Dated to USFS	
Sec. 20: M&B	
Sec. 21: M&B	
DI 31457 PX WD to USFS At 4in	
Sec. 12: N 71' of Lot 2 Industrial East	
Subdivision, a substation of Tax Lot	
4807 0.48 acres	
DI 27064 RWY Right-of-Way	
Sec. 1: M&B	
DI 21139 RWY Right-of-Way	
Sec. 1: M&B	
FOR ORDERS EFFECTING DISPOSAL OR USE OF UNIDENTIFIED LAND REFER TO INDEX OF UNCLASSIFIED DOCUMENTS	

FILE REF:	E08B04M67NEDM70T0A.dwg		
CONVERTED FROM:	BIM2D007	BY:	LPM
LAST UPDATED:	10/29/2007	BY:	LPM
DWG #1:	QACG-#2		
POSTED TO PUBLIC RECORDS:	October 2, 2007	BY:	
PUBLIC LAND SURVEY SYSTEM (PLSS)			
RAN ACROSS ACQUIRED:	60626006		
	N/A		
PROJECTED COORDINATE SYSTEM:	UTM ZONE 11N, NAD 1983		
NOTES:			
USER PLAYS:			

Volke Mor.
Y. 4 N
R. 17 E

