

RECEIVED
JAN 16 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)

A. Subcase 37-02142
(Insert water right number)

Case No. 39576)

**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: Spring Canyon Ranch, LLC; c/o Croy Canyon, LLC
Address: 395 Oyster Pt Blvd #309; South San Francisco, CA 94080
Name: Kevin J. Beaton (attorney for objector)
Address: 101 S. Capitol Blvd, Ste 1900; Boise, Idaho 83702
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 increase acres from the 180 ac recommended to 190 ac as claimed. IDWR recommended 22 ac within a place of use described as Lot 4 (SEnw), S17, T02N, R18E. The Notice of Claim describes 24.5 ac within a place of use described simply as SENW, S17 with no "lot" description. The SENW, S17 contains both public (Lot 7) and private (Lot 4) land. Any increase in acres (2.5 ac) should continue to be recommended wholly within Lot 4 (SEnw) in order to make it clear only private land is intended.

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)

Casey R. O'Brien
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

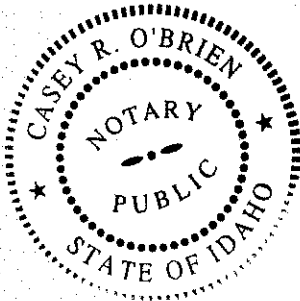
January 08
Bozeman, ID, 2008

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 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:

Spring Canyon Ranch, LLC; c/o Croy Canyon, LLC
395 Oyster Pt Blvd #309; South San Francisco, CA 94080

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

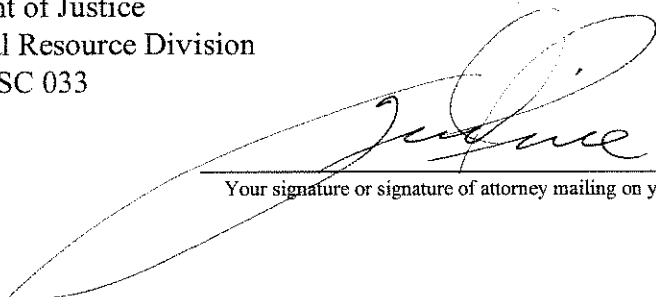
Spring Canyon Ranch, LLC; c/o Croy Canyon, LLC
395 Oyster Pt Blvd #309; South San Francisco, CA 94080
Kevin J. Beaton (attorney for objector)
101 S. Capitol Blvd, Ste 1900; Boise, Idaho 83702

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: 37-2142

NAME AND ADDRESS: SPRING CANYON RANCH LLC
C/O CROY CANYON LLC
395 OYSTER PT BLVD #309
SOUTH SAN FRANCISCO CA 94080

SOURCE: HOT SPRINGS GULCH CREEK

TRIBUTARY: CROY CREEK

QUANTITY: 1.500 CFS

PRIORITY DATE: 06/24/1909

POINT OF DIVERSION: T02N R18E S18 SESWSW Lot 4 Within BLAINE County

PURPOSE AND PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	1.500 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T02N R18E S17 Lot 3 SWNW 3.40	T02N R18E S17 Lot 4 SENW 22.00	
	T02N R18E S17 NESW 8.20	T02N R18E S17 NWSW 26.00	
	T02N R18E S17 Lot 1 SWSW 0.90	T02N R18E S18 SWNE 15.00	
	T02N R18E S18 NENW 1.10	T02N R18E S18 SENW 25.00	
	T02N R18E S18 NESW 0.40	T02N R18E S18 NESE 21.00	
	T02N R18E S18 NWSE 19.00	T02N R18E S18 SWSE 16.00	
	T02N R18E S18 Lot 5 SESE 22.00		

180 ACRES TOTAL

This right is limited to the irrigation of 75 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 180 acres in a single irrigation season. Combined Right Nos.: 37-548, 37-549, 37-1222, 37-2142, and 37-4440.

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 - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

RECEIVED

OCT 05 2006

DEPARTMENT OF
WATER RESOURCES

Form No. 42-1409 (2) a 1/88

AMENDED 37-2142

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 FORM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576
Ident. Number 37-2142
Date Received _____
Receipt Number _____

**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant (s) Spring Canyon Ranch LLC c/o Croy Canyon LLC Phone (650) 588-5600
Mailing Address 395 Oyster Pt Blvd #309, South San Francisco, CA Zip 94080

2. Date of Priority (Only one (1) per claim) 06/24/1909

3. Source of water supply (a) Hot Springs Gulch Creek
which is tributary to (b) Croy Creek

4. a. Location of existing point of diversion is: Township 02N Range 18E Section 18,
SW 1/4 of SW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Blaine

Additional points of diversion if any: 02N18E19NWNWNE

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of
_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc.),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well. Existing ditches from streams and reservoirs - Due to inadequate
water years over the past few years (post 1987) these rights have only been utilized during the early spring

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 04/01 to 11/01 amount 1.50 or 300

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.50 (cfs) and / or (b) 300 (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; described fully (e.g. Domestic: list number of households served; Stockwater: type and number of livestock, etc.) _____

10. Description of place of use:
- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
02N	18E	17							2.8	24.5	8.2	28.0	1.0						64.5
		18												10.5	7.0		18.8	21.6	57.9

Total number of irrigatable acres 122.4*

The water right will be limited to 75 acres within the 122.4 acre place of use per irrigation season

11. In which county (ies) are lands listed above as place of use located? Blaine

12. Do you own the property listed above as place of use? Yes XX No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
See attached Or None ☐

14. Remarks:
A portion of the right was licensed on property that currently is not owned by Spring Canyon Ranch, LLC.
However, according to an attached deed the entire right (1.5 cfs) was conveyed in the sale of the property to the
former owners of the property and to the current owners. Due to a breach in the reservoir at the point of diversion
this right has only been able to supply water during the early spring.

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License XX Permit _____
Decree _____

If applicable provide IDWR Water Right Number 37-2142
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

Last Name _____ Ident. No. _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We ☐ do ☐ do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Vice President _____ Title

of Spring Canyon Ranch, LLC _____, that I have signed the foregoing

Document in the space below as Vice President _____ of Spring Canyon Ranch, LLC _____
Organization Title Organization

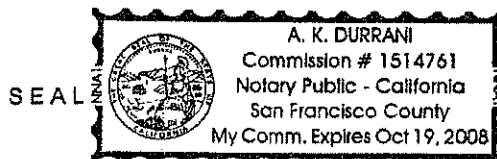
And that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature] _____

Title and Organization VP - Spring Canyon Ranch, LLC Date 9-27-06

State of ~~Idaho~~ / or California)
County of San Francisco) ss.

Subscribed and sworn (or affirmed) before me this 27th day of September, 2006.



Notary Public A. K. DURRANI
Residing at 150 California St., San Francisco, CA 94111
My Commission Expires Oct. 19, 2008

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Kevin J. Beaton _____ will be acting as attorney at law on behalf Of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature [Signature] _____

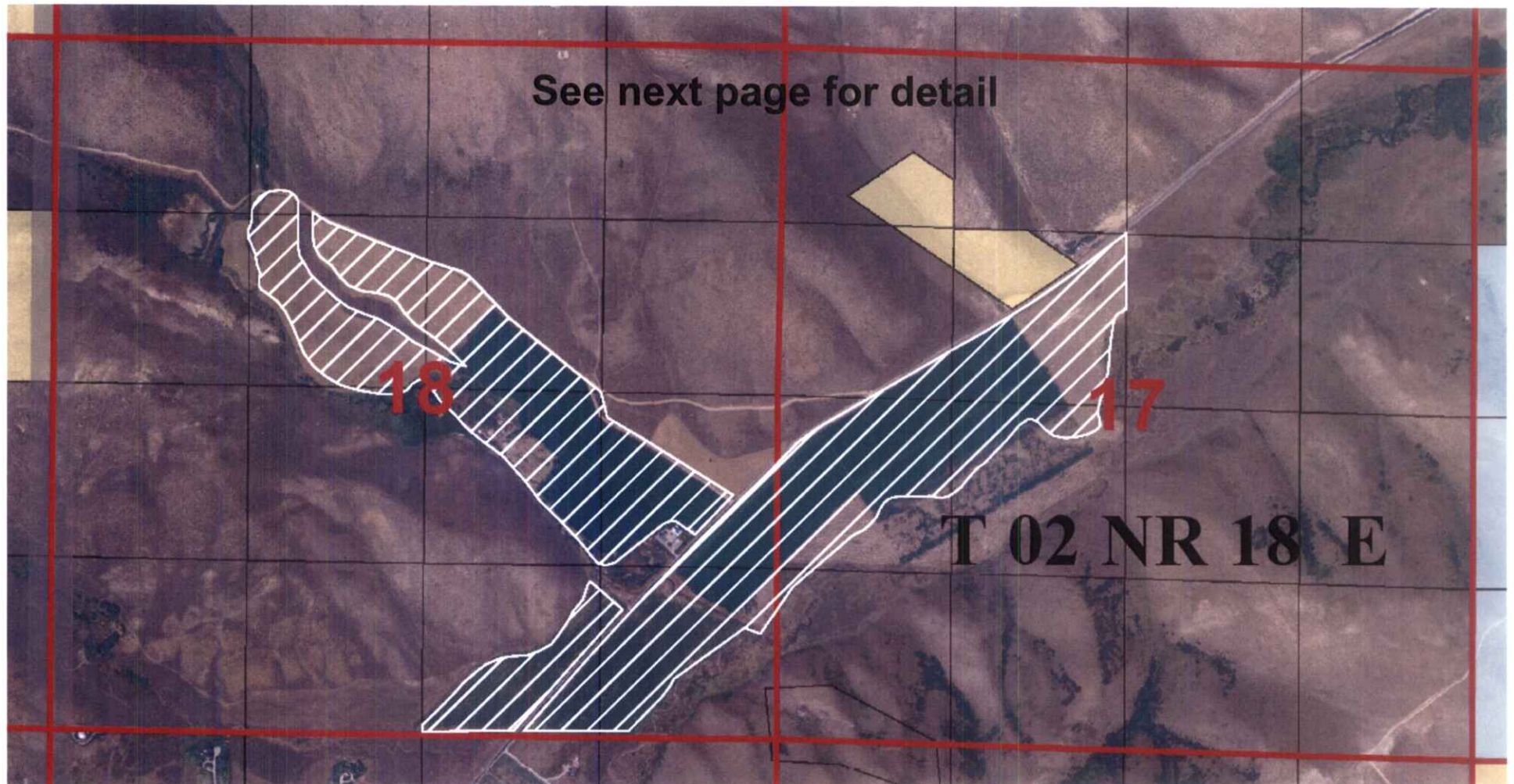
Address 101 S. Capitol Blvd., Ste. 1900, Boise, ID 83702

Date 10-3-06

37-00548, 37-00549, 37-01222, 37-02142, 37-04440
Spring Canyon Ranch LLC

-Objection seeks to increase acres from the 180 recommended to 190 as claimed. The claim identifies a place of use as a quarter quarter (T02N R18E S17 SENW). However, the use on private land lies within Lot 4 (SENW). IDWR correctly recommended this POU as a Lot (Lot 4 (SENW)) but with fewer acres than claimed.

-If acres are increased from 22.0 to 24.5 in the SENW within as indicated on the Amended Notice of Claim, then those acres should be described as a Lot in T02N R18E S17 Lot 4 (SENW) as BLM owns land in the portion of SENW quarter quarter listed on the claim that is Lot 7.



37-00548, 37-00549, 37-01222, 37-02142, 37-04440
Spring Canyon Ranch LLC



-Objection seeks to increase acres from the 180 recommended to 190 as claimed. The claim identifies a place of use as a quarter quarter (T02N R18E S17 SENW). However, the use on private land lies within Lot 4 (SENW). IDWR correctly recommended this POU as a Lot (Lot 4 (SENW)) but with fewer acres than claimed.

-If acres are increased from 22.0 to 24.5 in the SENW within as indicated on the Amended Notice of Claim, then those acres should be described as a Lot in T02N R18E S17 Lot 4 (SENW) as BLM owns land in the portion of SENW quarter quarter listed on the claim that is Lot 7.

