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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 37-04327
(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: 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 recreation 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)

Samy A. Brown
(Attorney, signing in representative capacity)

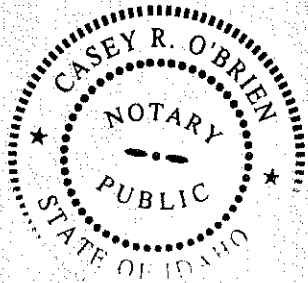
Subscribed and sworn to before me on: January 18, 2008

Casey R. O'Brien
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:

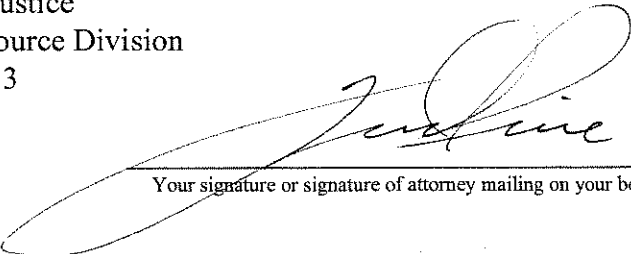
Natural Energy Resources, Inc.
P.O. Box 448; Sun Valley, Idaho 83353
Paul Arrington (attorney for objector)
113 Main Ave. West, Ste 303; Twin Falls, Idaho 83301

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

02/20/2007

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

RIGHT NUMBER: 37-4327

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 01/01/1962

POINT OF

DIVERSION: T04N R17E S15 NENE Within BLAINE County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.040 CFS

Domestic use is for 1 home and includes space heating and use in swimming pool.

PLACE OF USE: DOMESTIC in BLAINE County

T04N R17E S15 NENE

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

[Close](#)

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

01/04/2008

WATER RIGHT NO. 37-4327

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NATURAL ENERGY RESOURCES INC PO BOX 448 SUN VALLEY, ID 83353
Original Owner	SECURITY PACIFIC NATIONAL BANK
Original Owner	DOROTHY BRANDT 333 S HOPE ST LOS ANGELES, CA 90071 (213)345-4489
Original Owner	DAVE BRANDT 3416 TAMARACK BOISE, ID 83702 (208)342-2418

Priority Date: 01/01/1962

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
HEATING	1/01	12/31	0.02 CFS	
RECREATION	1/01	12/31	0.02 CFS	
Total Diversion			0.04 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NENE	Sec. 15	Township 04N	Range 17E	BLAINE County
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Place(s) of use:

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			SESW							
				NESW			NWSW			SWSW			SESW	
				NESE			NWSE			SWSE			SESE	
		13		NENE			NWNE			SWNE			SENE	
				NENW			SESW							
				NESE			NWSE			SWSE				
		14		NENW			NWNW			SWNW			SESW	
		15		NENE			SENE							
	18E	18		NENW			NWNW			SWNW			SESW	
				NESW			NWSW			SWSW				

Place of Use Legal Description: RECREATION 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			SESW							
				NESW			NWSW			SWSW			SESW	
				NESE			NWSE			SWSE			SESE	
		13		NENE			NWNE			SWNE			SENE	
				NENW			SESW							
				NESE			NWSE			SWSE				
		14		NENW			NWNW			SWNW			SESW	
	18E	18		NENW			NWNW			SWNW			SESW	
				NESW			NWSW			SWSW				

Conditions of Approval:

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

Licensed Date:

Claim Received Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

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:

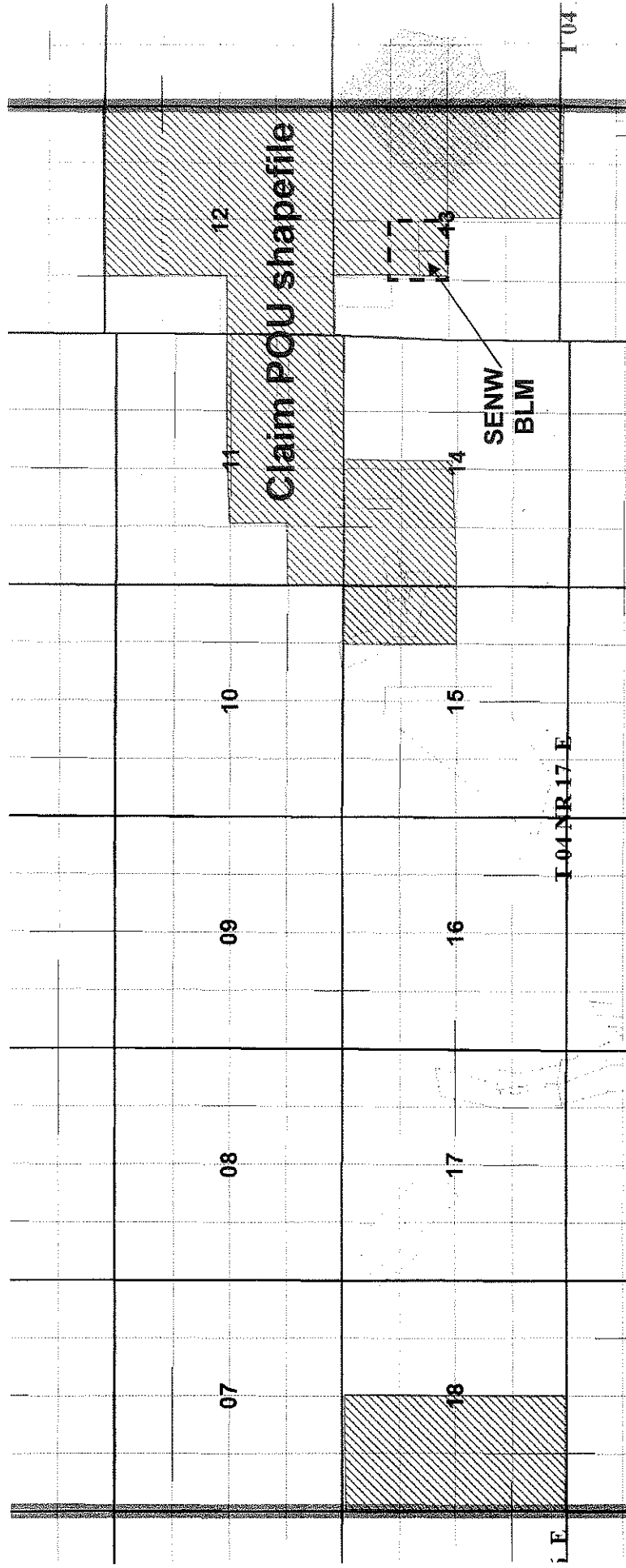
DLE Act Number:

Cary Act Number:

Mitigation Plan: False

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

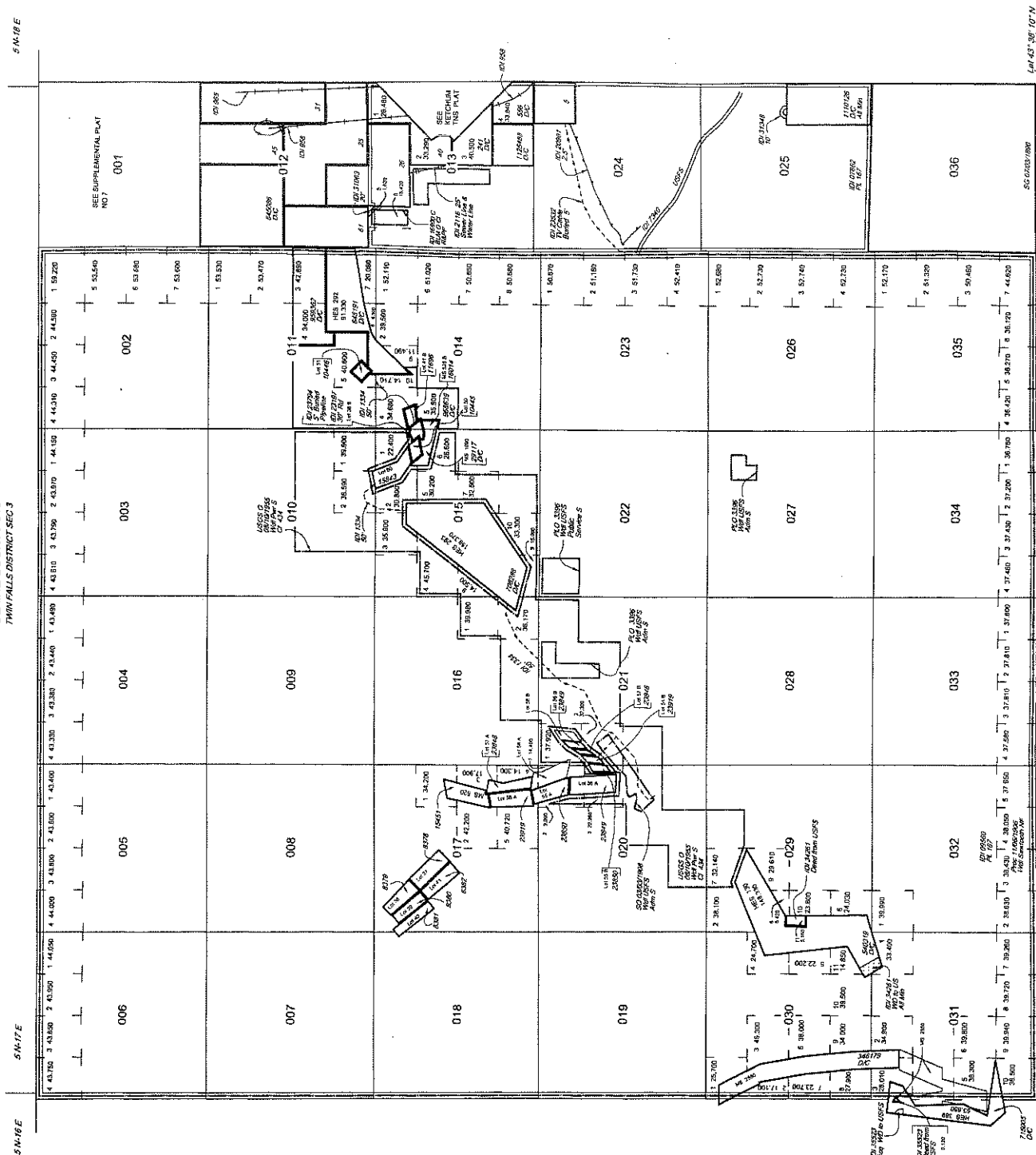
MT PLAT

[illegible]

<u>DJ 07892 D&F PL 167 (Act of Cong 07/23/1958)</u>	
Consolidated 06/22/1958. All P's surface right by BLM	
<u>DJ 08580 Chm Pl 167 (Act of Cong 07/23/1958)</u>	
Consolidated 07/09/1962. All N's surface right by USFS.	
<u>DJ 4003 RW</u>	
Sec. 1. M&B	
<u>DJ 013732 Return to US NOE unit Order Issues</u>	
See 20- EXHESSENCE	
<u>DJ 25669 PW WD to BLM</u>	
See 12- A subdivision of Tax Lot 4807 known as Lot 2 of Industrial East Subdivision. 1.48 acres	
<u>DJ 26659 PW WD to BLM NOE unit Order Issues</u>	
See 12- A subdivision of Tax Lot 4807 known as Lot 2 of Industrial East Subdivision	
<u>DJ 31247 Deed to USFS</u>	
See 14- Part of SECSW 0.24 acres	
<u>DJ 31247 Actn WD to USFS</u>	
See 14- Part of SWMW 2.07 acres	
<u>DJ 31229 QCD from USFS</u>	
See 20- M&B	
See 21- M&B 1.88 acres	
<u>DJ 31229 Actn WD to USFS</u>	
See 20- M&B	
See 21- M&B 0.65 acres	
<u>DJ 31729 Esmt Deed to USFS</u>	
See 20- M&B	
See 21- M&B	
<u>DJ 31467 PX WD to USFS 14 Min</u>	
See 12- T & T or Lot 2 industrial East Subdivision, a subdivision of Tax Lot 4807 0.16 acres	
<u>DJ 27856 RW Bound Pooling</u>	
See 1. M&B	
<u>DJ 21130 RW Bound Pooling</u>	
See 1. M&B	
FOR ORDERS EFFECTING DISPOSAL OR USE OF UNIDENTIFIED LAND REFER TO INDEX OF MISCELLANEOUS DOCUMENTS	

FILE REF: 10300-000107040010005-0mg	BT: LFM
CONVERTED TPT: 09/10/2007	BT: LFM
LAST UPDATED: 10/02/2007	
GAO# #1:	GAO# #2:
POSTED TO PUBLIC RECORDS:	October 2, 2007
BT:	
PUBLIC LAND SURVEY SYSTEM (PLS)	
BLM GAO# ACQUIRED:	04/09/2005
OTHER GAO#:	N/A
PROJECTED COORDINATE SYSTEM:	UTM ZONE 17N, NAD 83
NOTES:	
USE PLATS:	

Section 409
T. 4 N
R. 17 E



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The plot is only a graphic display of the Bureau of Land Management's (BLM) Record of Title and Easement survey data. Records herein are not the same as the pumps which may have been affected by ground movements of their or other bodies of water. Refer to cadastral surveys for actual locations.

The elevation shown on underwater maps represent the last station taken, but may not be the actual one. See the historical index for the date of original information.

The accuracy is mostly by the Bureau of Land Management. The accuracy, reliability, or consequences of these data for individual use or management uses with other data is not guaranteed.



U.S. Bureau of Land Management - Idaho State Office
1387 S. Vinnell Way Boise, Idaho 83709
(208) 373-4000

NORTH
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