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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

Case No. 39576

A. Subcase 37-12396
(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: 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 overcome disallowance and describe a place of use as SENW, S17, T02N, R18E. This legal land description contains both public (Lot 7) and private (Lot 4) land. Any recommendation of this place of use should be described as 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: Sunday or

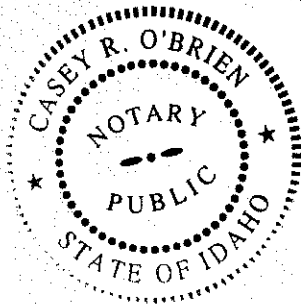
December 15, 2008

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.

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:

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:

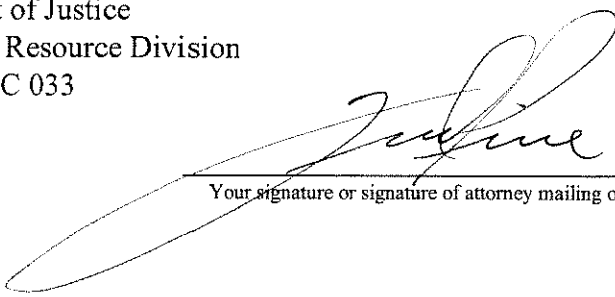
Spring Canyon Ranch, LLC; c/o Croy Canyon, LLC
395 Oyster Pt Blvd #309; South San Francisco, CA 94080
Kevin J. Beaton (attorney for objector)
101 S. Capitol Blvd, Ste 1900; Boise, Idaho 83702

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
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
37-12396	SPRING CANYON RANCH LLC C/O CROY CANYON LLC 395 OYSTER PT BLVD #309 SOUTH SAN FRANCISCO CA 94080	Disallowed	No lawful appropriation shown.
37-12399	WILLIAM D BROWN 1838 ALTURAS DR TWIN FALLS ID 83301	Disallowed	No beneficial use found.
37-12405	STANLEY G JOHNSON JR PO BOX 817 HAILEY ID 83333	Disallowed	No lawful appropriation shown.
37-12415	CHARLES T FERRIES PO BOX 2221 KETCHUM ID 83340	Disallowed	No beneficial use found.
37-12538	LOWREY HASCALL KAMMER 398 BROADFORD RD BELLEVUE ID 83313 TAMI SIPE KAMMER 398 BROADFORD RD BELLEVUE ID 83313	Disallowed	No beneficial use found.
37-12740	DARRELL W JENSEN 630 MORRISON ST TWIN FALLS ID 83301	Disallowed	No lawful appropriation shown.
37-12757	ROBERT DONALDSON 3632 KEMPTON LOS ALAMITOS CA 90720 GENEVIEVE DONALDSON 3632 KEMPTON LOS ALAMITOS CA 90720	Disallowed	No beneficial use found.
37-12804	DAVID S BROCKLEBANK BOX 93 KETCHUM ID 83340	Disallowed	No lawful appropriation shown.
37-12828	LARRY M COOPER PO BOX 3780 KETCHUM ID 83340	Disallowed	No lawful appropriation shown.
37-12926	THE CUSTOMER CO PO BOX 886 BENICIA CA 94510	Disallowed	Forfeited/abandoned due to conversion to city water.
37-13042	LINDSAY W ORMSBY C/O JAMES L KENNEDY JR PO BOX 5901 KETCHUM ID 83340 DAVID G ORMSBY C/O JAMES L KENNEDY JR PO BOX 5901 KETCHUM ID 83340	Disallowed	Recommended as Right No. 37-08562.
37-13402	RODERICK W OVERFIELD 150 TREASURE LN HAILEY ID 83333	Disallowed	No lawful appropriation shown.
37-14259	RINKER CO PO BOX 7250 NEWPORT BEACH CA 92658	Disallowed	Recommended as Right No. 37-364D.
37-14285	THOMAS M O GARA FAMILY TRUST C/O BRIAN BARSOTTI PO BOX 370 KETCHUM ID 83340	Disallowed	No beneficial use found. Evidence of priority insufficient.

RECEIVED

OCT 05 2006

DEPARTMENT OF
WATER RESOURCES

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

AMENDED 37-12396

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 37-12396
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) 12/31/1947
3. Source of water supply (a) Democrat Creek & Lambs Gulch
which is tributary to (b) Croy Creek
4. a. Location of existing point of diversion is: Township 02N Range 18E Section 18,
NE 1/4 of SW 1/4 of NW 1/4, Govt. Lot, B.M., County of Blaine
Additional points of diversion if any: 02N18E18NWSESE, 02N18E18NWNWSE, 02N18E18NESWSE and
02N18E18SWNENW
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. Reservoir used to store water for stock, recreation, and irrigation.
The irrigation water was diverted into existing ditches from multiple points along Democrat Creek and from the
booster pump at the lower reservoir into the main lines and hand lines.

6. Water is claimed for the following purposes:

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

For Irrigation Storage purposes from 01/01 to 12/31 amount or 1273

For Stockwater purposes from 01/01 to 12/31 amount 0.03 or

For Recreation Storage purposes from 01/01 to 12/31 amount or 2172

For Irrigation from Storage purposes from 04/01 to 11/01 amount 3.00 or

7. Total quantity claimed (a) 3.00 (cfs) and / or (b) (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.) (see remarks)

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
02N	18E	18				16.1	1.2			27.3	1.0				21.4	19.0	17.5	22.0	125.5

Total number of Irrigatable acres 190.0

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:

Stock drink from the reservoir and creek. The reservoir is used for recreational activities (i.e. fishing, etc.).

Due to the unreliability of the Creek the dam helps to extend the irrigation season through the storage of spring runoff and the small flow throughout the year. The entire flow of Democrat Creek and a portion of the flow for Lambs Guich enters the reservoir for storage. The dam has been estimated to be built in 1947.

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

If applicable provide IDWR Water Right Number 37-12396

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 Organization
Title of Spring Canyon Ranch, LLC Organization

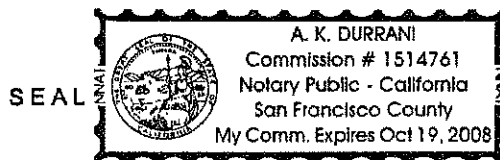
And that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

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 Kevin Beaton

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

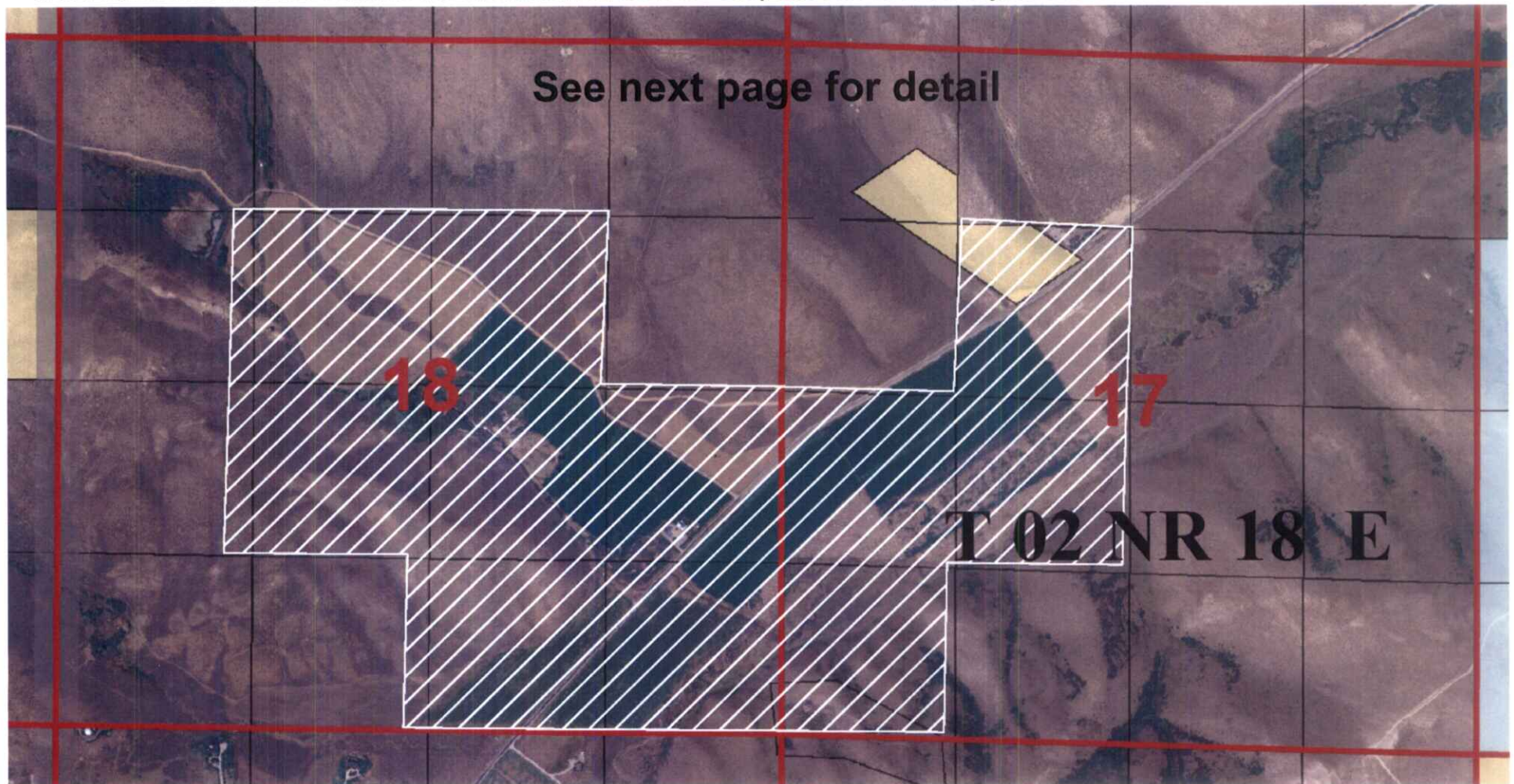
Date 10-3-06

37-04138 & 37-12396 Spring Canyon Ranch LLC

-Objection seeks to overcome a disallowance of a 190 acres 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).

-If claimant is able to overcome the disallowance, then those acres in the SENW 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.

-If the claimant is able to overcome the disallowance, then the shapefile needs to be adjusted to exclude BLM land.



37-04138 & 37-12396
Spring Canyon Ranch LLC



-Objection seeks to overcome a disallowance of a 190 acres 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 (SE NW).

-If claimant is able to overcome the disallowance, then those acres in the SE NW should be described as a lot in T02N R18E S17 Lot 4 (SE NW) as BLM owns land in the portion of SE NW quarter quarter listed on the claim that is Lot 7.

-If the claimant is able to overcome the disallowance, then the shapefile needs to be adjusted to exclude BLM land.

