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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 37-22064
(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: Wood River Valley Irrigation District #45
Address: P.O. Box 296; Bellevue, Idaho 83313
Name: Travis L. Thompson (attorney for objector)
Address: P.O. Box 485; Twin Falls, Idaho 83303-0485
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 IDWR's recommendation of disallowance with regard to a claimed place of use on federal public land that is in trespass (39 ac, NENE, S20, T01N, R18E). Claim should not include federal public land.

E.

VERIFICATION (Must be Completed)

State of Idaho)

) ss.

County of ADA)

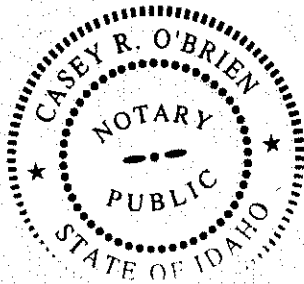
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing response)

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 C. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: January 08
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.

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:

Wood River Valley Irrigation District #45
P.O. Box 296; Bellevue, Idaho 83313

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

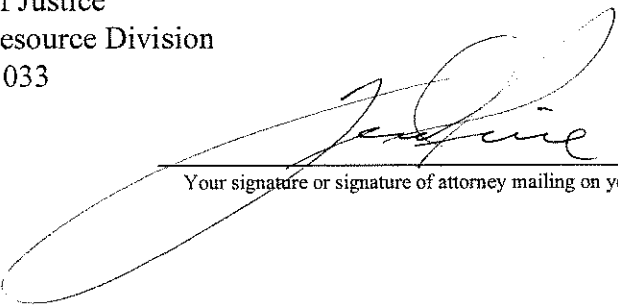
Wood River Valley Irrigation District #45
P.O. Box 296; Bellevue, Idaho 83313
Travis L. Thompson (attorney for objector)
P.O. Box 485; Twin Falls, Idaho 83303-0485

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>
37-21990	LENA CASTLE C/O PHYLLIS BALDWIN 3155 W STATE EAGLE ID 83616 CARLYLE CASTLE PO BOX 399 BELLEVUE ID 83312 S G CASTLE II PO BOX 399 BELLEVUE ID 83313 FRANK I ARAMBARRI 7024 HILL RD BOISE ID 83703	Disallowed	No beneficial use found.
37-21991	LITA WEST PO BOX 867 BELLEVUE ID 83313	Disallowed	No beneficial use found.
37-21992	BRUCE MC STAY 1101 GANNETT RD BELLEVUE ID 83313 MICHELLE MC STAY 1101 GANNETT RD BELLEVUE ID 83313	Disallowed	No beneficial use found.
37-22019	HAILEY CEMETERY MAINTENANCE DISTRICT PO BOX 207 TWIN FALLS ID 83303-0207	Disallowed	No lawful appropriation shown.
37-22042	ROBERT EARL FOSNOT PO BOX 290 BELLEVUE ID 83313 PAUL R FOSNOT 837 LAUREL AVE POMONA CA 91767	Disallowed	No beneficial use found.
37-22055	KIMBERLY N ROGERS PO BOX 5798 KETCHUM ID 83340	Disallowed	No lawful appropriation shown.
37-22064	WOOD RIVER VALLEY IRRIGATION DIST #45 PO BOX 296 BELLEVUE ID 83313	Disallowed	No lawful appropriation shown.
37-22115	DOUGLAS D ASTLE 846 E 470 S DIETRICH ID 83324 JANIS L ASTLE 846 E 470 S DIETRICH ID 83324	Disallowed	No lawful appropriation shown.
37-22120	OLIVER FAMILY TRUST C/O OLIVER MCMILLAN 733 8TH AVE SAN DIEGO CA 92101	Disallowed	Recommended as Right No. 37-862.
37-22122	MARK PALMER PO BOX 965 BELLEVUE ID 83313	Disallowed	No lawful appropriation shown.
37-22130	TRIUMPH RANCH INC BOX 25175 JACKSON WY 83001	Disallowed	Forfeited/abandoned due to non-use from 1976 to 1987.

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

01/14/2008

WATER RIGHT NO. 37-22064

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WOOD RIVER VALLEY IRRIGATION DIST #45 PO BOX 296 BELLEVUE, ID 83313 (208)788-4061

Priority Date: 07/10/1884

Basis: Decreed

Status: Active

<u>Source</u> BIG WOOD RIVER	<u>Tributary</u> MALAD RIVER
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Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/15	10/31	3.4 CFS	
Total Diversion			3.4 CFS	

Location of Point(s) of Diversion:

BIG WOOD RIVER	SWNW Lt 3	Sec. 36	Township 02N	Range 18E	BLAINE County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION BLAINE County

[illegible]

02N		36		NWNE	1												
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Total Acres: 145

Conditions of Approval:

1.	This claim represents a claim against the diversion rate for the following claims that were disallowed. 37-113N, 37-113O, 37-113q and 37-113R. The assertion is that the district has been paying delivery fees for this water and wishes to maintain the water in the ditch for conveyance losses.
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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:

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:

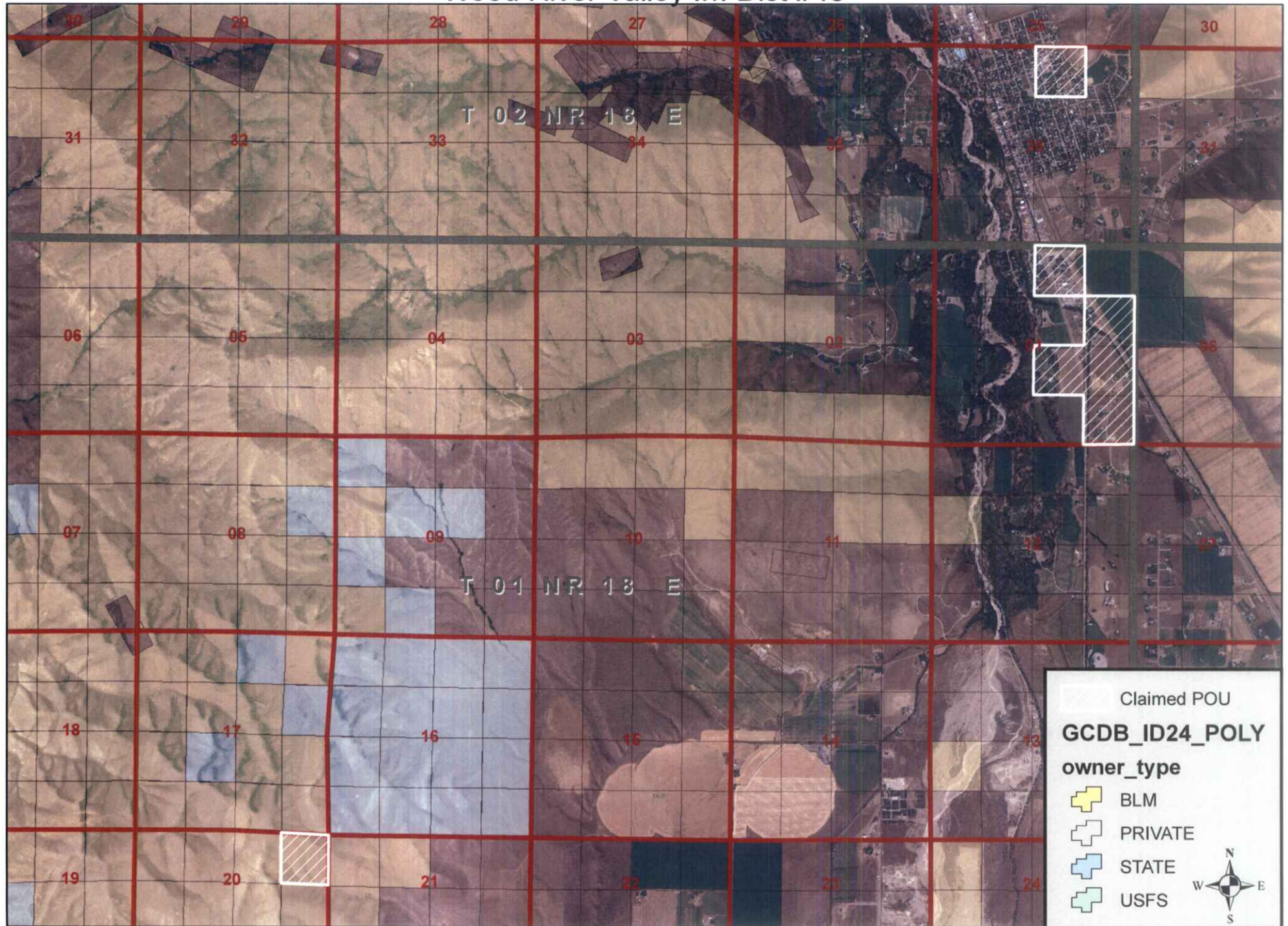
DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

37-22064
Wood River Valley Irr. Dist #45



37-22064
Wood River Valley Irr. Dist #45

