

RECEIVED

FEB 19 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 73-07000
(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: Old Corrals and Sagebrush, LLLP
Address: 435 S. Fitness Place; Eagle, Idaho 83616
Name: ;
Address: ;
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** See attached.
6. ☐ **Instream Flow Description**
7. ☐ **Purpose(s) of Use**
8. ☐ **Period of Year**
9. ☐ **Place of Use**
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:

The objection seeks to add 2 points of diversion that were not claimed nor licensed: SW1/4, S13, and SW1/4, S17, T14N, R21E. An objection cannot be used to amend a claim, therefore a motion to amend claim will be necessary. The point of diversion sought in the objection described as SWSW, S17, T14N, R21E is federal public land, where no such POD exists nor is authorized. The objection probably contains a typographical error in range and should be R22E for the S17 POD, however the other two PODs are correctly described in R21E. See objection filed in 73-02164 for confirmation of this typo.

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)

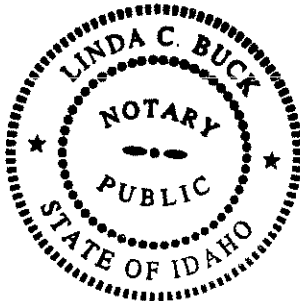
That I am the party/claimant filing this response, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

[Signature]
(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: February 24, 2008

[Signature]
Linda C. Buck



Notary Public for State of Idaho

Residing at: Mountain Home, ID.

My Commission Expires: 12-21-2011

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 FEB 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:

Old Corrals and Sagebrush, LLLP
435 S. Fitness Place; Eagle, Idaho 83616

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

Old Corrals and Sagebrush, LLLP
435 S. Fitness Place; Eagle, Idaho 83616

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

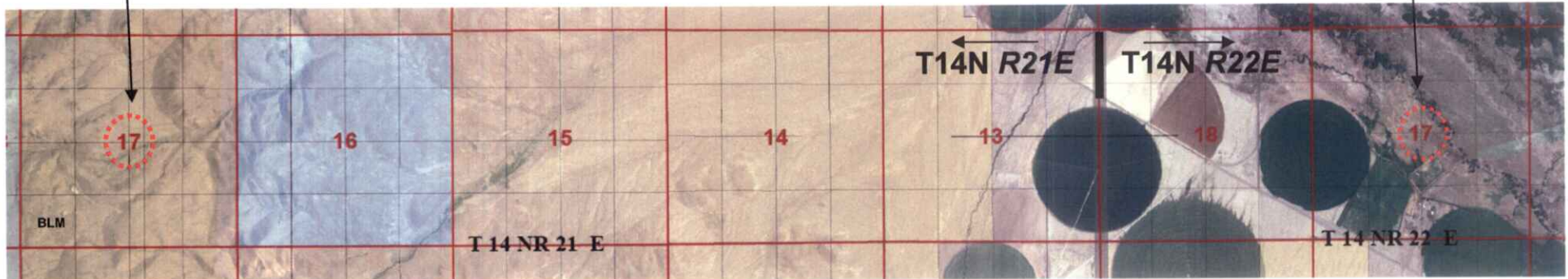


Your signature or signature of attorney mailing on your behalf

73-07000
Old Corrals and Sagebrush, LLLP

Location identified in objection

Probable Location?



POD on BLM:

-The location T14N **R21E** S17 SWSW describes federal public land. Perhaps there is a typographical error in point of diversion in section 17 as sought in the claimants objection. Range should be 22E not 21E.

NCAP

08/16/2007

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

RIGHT NUMBER: 73-7000

NAME AND ADDRESS: OLD CORRALS & SAGEBRUSH LLLP
435 S FITNESS PL
EAGLE ID 83616

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.000 CFS
812.00 AFY

Right Nos. 73-2164 and 73-7000 are limited to a total combined diversion rate of 7.6 cfs.

PRIORITY DATE: 10/26/1967

POINT OF
DIVERSION:

T14N R21E S24 SENWNE Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 10/31	3.000 CFS 812.00 AFY

The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in CUSTER County

T14N R21E S24	NESW	36.00	T14N R22E S19	NWNE	40.00
T14N R22E S19	SWNE	40.00	T14N R22E S19	NENW	40.00
T14N R22E S19	SWNW	36.00	T14N R22E S19	SENE	40.00

232 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 961.5 acres in a single irrigation season. Combined Right Nos.: 73-2B, 73-7A, 73-7B, 73-8B, 73-113, 73-140, 73-2164, 73-7000

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

DIRECTOR'S REPORT

01/23/2007

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

RIGHT NUMBER: 73-7000

NAME AND ADDRESS: SULPHUR CREEK LIVESTOCK
PO BOX 151
MAY ID 83253

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.000 CFS
812.00 AFY

Right Nos. 73-2164 and 73-7000 are limited to a total combined diversion rate of 7.6 cfs.

PRIORITY DATE: 10/26/1967

POINT OF

DIVERSION: T14N R21E S24 SENWNE Within CUSTER County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 10/31

3.000 CFS

812.00 AFY

The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in CUSTER County

T14N R21E S24	NESW	36.00	T14N R22E S19	NWNE	40.00
T14N R22E S19	SWNE	40.00	T14N R22E S19	NENW	40.00
T14N R22E S19	SWNW	36.00	T14N R22E S19	SENE	40.00

232 ACRES TOTAL

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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

#50
(ACREAGE 171.40 A)
A73-00140

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 FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

A73-07000

Date Received

1/5/90

Receipt Number

E 011506

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

JAN - 5 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) The Aetna Casualty & Surety Company Phone (203) 275-2094

Mailing Address ATTN: Ed Buckley, City Place, Hartford, CT Zip 06156

2. Date of Priority (Only one (1) per claim) 10/26/1967

3. Source of water supply (a) Groundwater
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 14N Range 21E Section 24,
SE 1/4 of NW 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Custer

Additional points of diversion if any: _____

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. Well and pump divert water to place
of use through sprinkler irrigation system.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/1 to 11/1 amount 3.0 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3.0 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 590 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give 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
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
14N	21E	24									36								36
14N	22E	19		40	40		40		40	40									200

Total number of acres irrigated 236

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

12. Do you own the property listed above as place of use? Yes X 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.
73-00140, 73-00113, 73-0002B, 73-0007B, 73-0007A, 73-0008B, 73-2164 or None ()

14. Remarks: Consumptive use includes water from all rights shown under
Item #13.

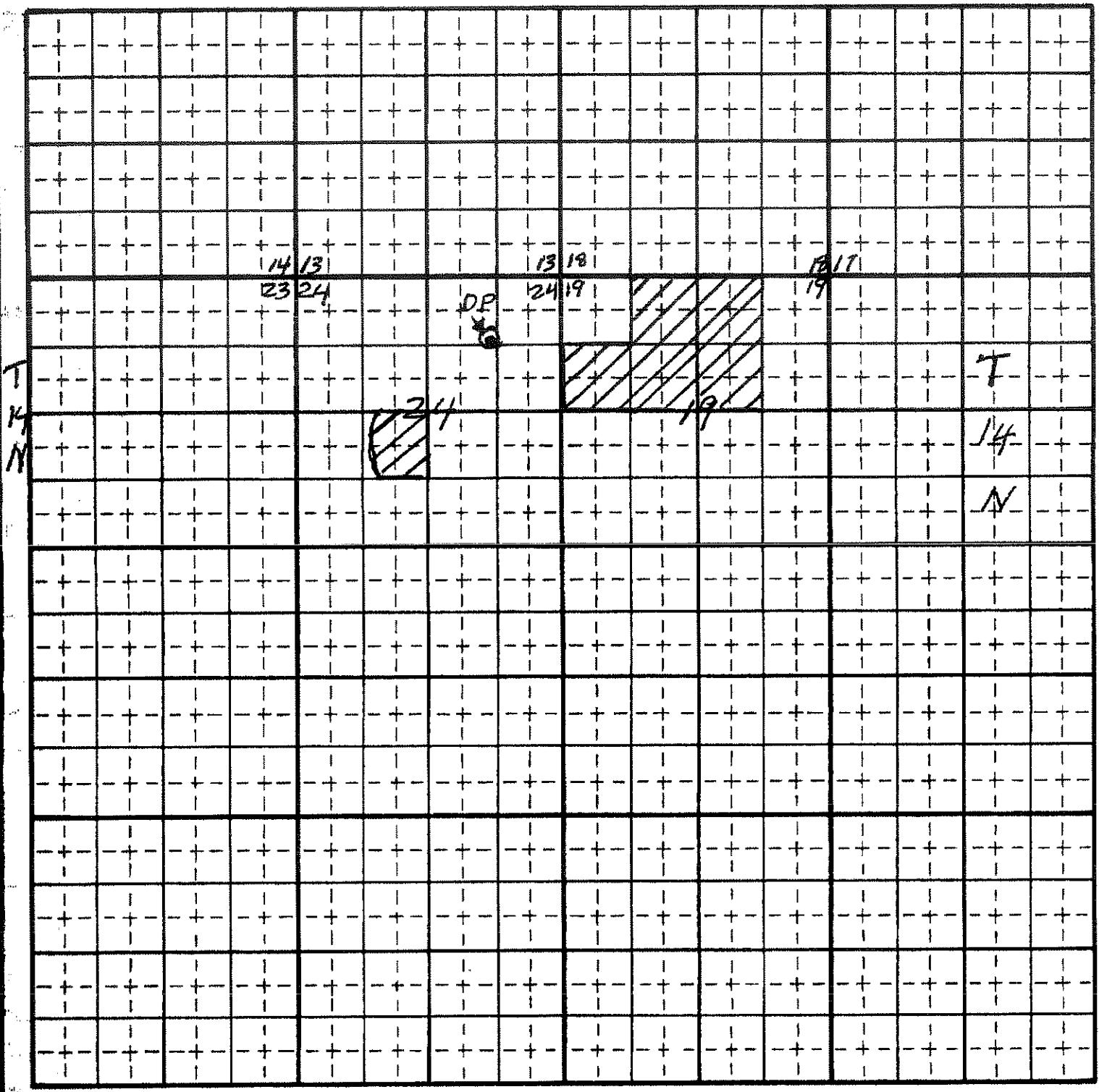
Last Name Aetna Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

R21E | R22E



R21E | R22E

Last Name Aetna Ident No. _____ Copies: White-State, Yellow-Claimant

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

Decree _____

If applicable provide IDWR Water Right Number 73-7000

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

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 Edward Buckley, Vice-President

Title

Of Aetna Realty Investors, Inc., that I have signed the foregoing

Organization

document in the space below as Attorney-in-Fact of The Aetna Casualty & Surety Co.

Title

Organization

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

Signature of Authorized Agent Edward Buckley

Title and Organization Attorney-in-Fact, The Aetna Casualty & Surety Co. Date 12/18/89

State of Idaho/or Connecticut)

) SS.

County of Hartford)

Subscribed and sworn (or affirmed) before me this 18th day of December 19 89

SEAL

Notary Public Marianna Petronelli

Residing at New Haven County

My Commission Expires March 31, 1994

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ 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 _____

Address _____

Date _____

Last Name The Aetna Casualty & Surety Co. Ident. Number _____

Copies White-State, Yellow-Claimant

WATER RIGHT LICENSE

THIS IS TO CERTIFY, that BOLEN & BEVERLY URESTI

Beneficial Use Period of Use Rate of Diversion Annual Volume

Irrigation from March 1 to October 31 at 3.0 cfs and 696 acre feet

from to at cfs and

from to at cfs and

(both dates inclusive)

Description and location of place of use:

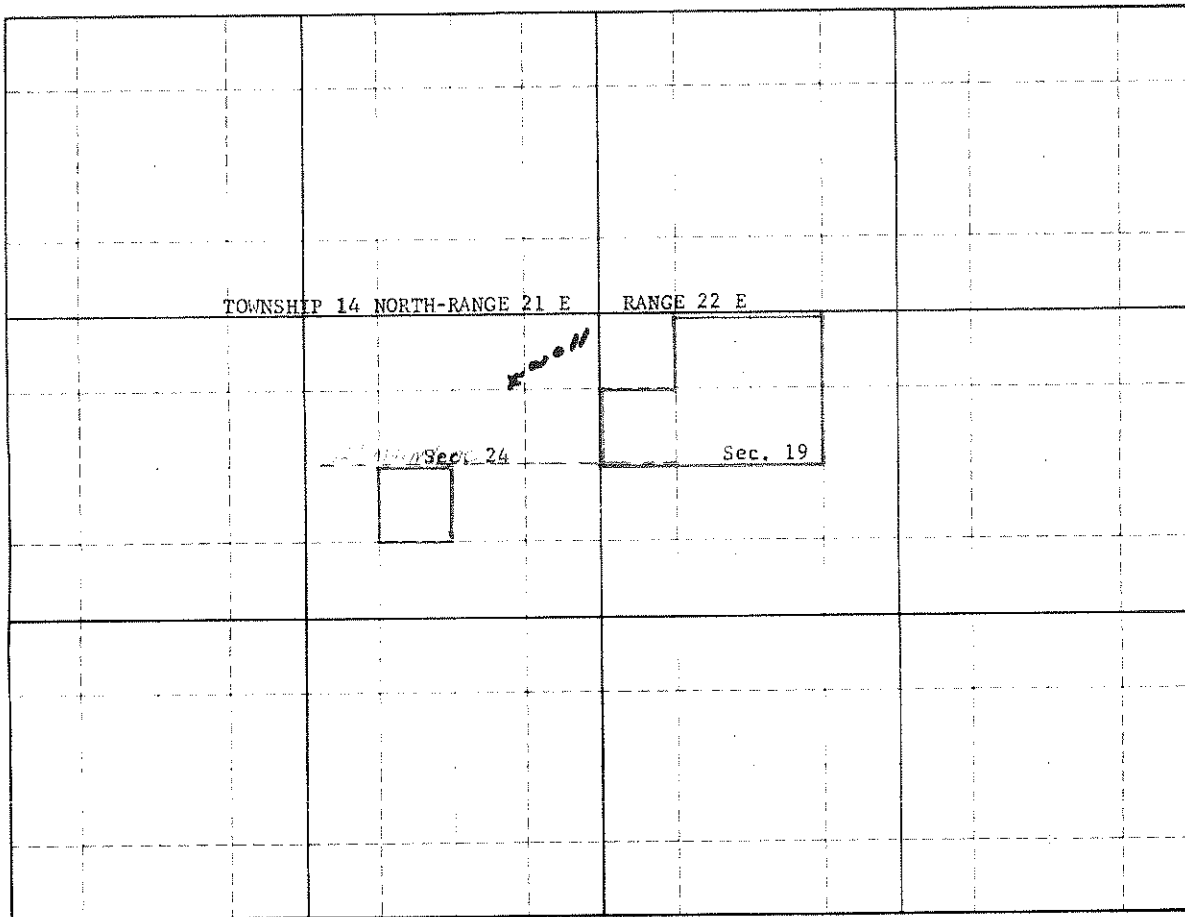
Total number of acres irrigated 232

The maximum rate of diversion under this license when combined with License No. 73-2164 shall not exceed 7.6 cfs.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 28 day of February, 19 80.

Director

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40 acre subdivisions, sections, townships, ranges, and ditches.



Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at **Boise**

this 10th day of September 1958

[Signature]
(signature)
State Reclamation Engineer

ACTION OF STATE RECLAMATION ENGINEER

I, **JACK A. BARNETT** (Deputy) _____ State Reclamation Engineer of the State of Idaho,
hereby approve the above application for amendment for permit **73-7000**.

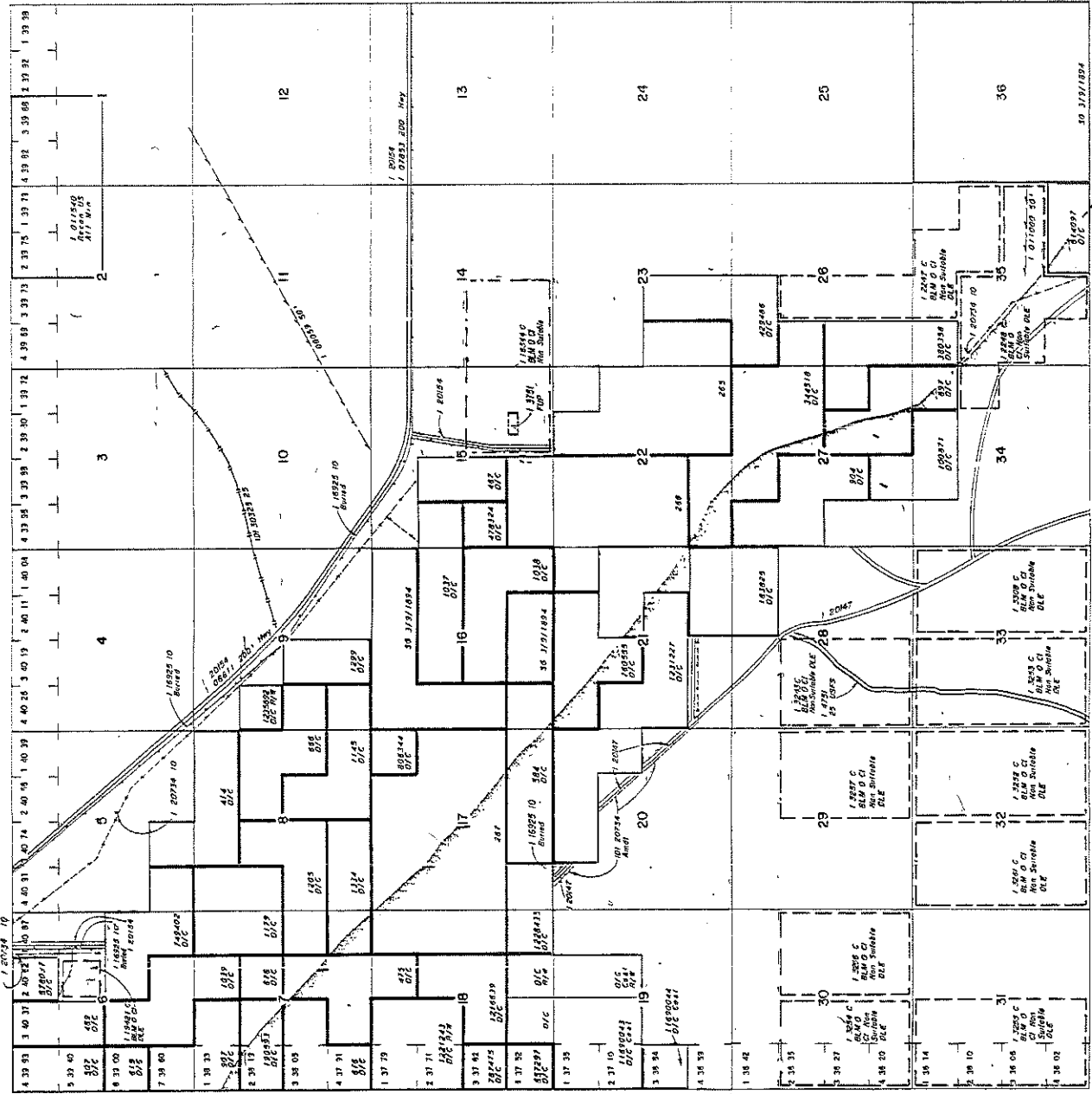
Witness my hand this 10th day of September 1958

[Signature]
Deputy State Reclamation Engineer

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

INDEX TO SEGREGATED TRACTS			
ORIGINAL SURVEY			
SUBDIVISION			
TRACT NO	T	R	SEC
1	1	1	1
2	1	1	2
3	1	1	3
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100	1	1	100



SCALE IN CHAINS

10 20 30 40

CUSTER COUNTY 037

LEMHI COUNTY 059

ALS REPRESENT THE LAST
EFFECTIVE DATE SEE
DATE OF THE ORIGINAL WITH-

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

SALMON DISTRICT SEC 3

MT PLAT

[illegible]

09142 Del PL 167 Act of Cong 7/23/1955
completed 12/10/1962. All HF surface Mgnt by
USF

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS.

USE PLATS:	CURRENT TO FEB - 7 2010	CURRENT TO
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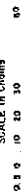
Polen 1897

THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITHDRAWAL ORDER

WARNING STAIRS

This plot is the Bureau's record of title, and should be used only as a possible index of the townships which may have been used between the two dates. It is not a list of the townships affected by lateral movements of slivers or other bodies of water. Refer to the radiating surveys for official survey information.

SCALE IN CHINA



Lat. 44° 30' 19" N
Long 113° 51' 5"