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JUN 24 2009

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 No.: 45-02810A
)
Case No. 39576) **STANDARD FORM 2**
) **RESPONSE TO OBJECTION**
)

Please **print or type** the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: STATE OF IDAHO
DEPARTMENT OF LANDS
Address: 300 North 6th Street Suite 103
P.O. Box 83720
Boise, Idaho 83720-0050 :
Phone: (208) 334-2400

Name and Address of Attorney, if any:

Attorney Name: LAWRENCE G. WASDEN
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
MICHAEL C. ORR (ISB # 6720)
Deputy Attorney General
Attorney Address: Office of the Attorney General
Natural Resources Division
JRW Building, Second Floor
700 West State Street
P.O. Box 44449
Boise, Idaho 83711-4449
Attorney Phone No. (208) 334-2400

C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO WHICH YOU ARE RESPONDING

Name: Bruce Bedke
c/o 42 East Basin Road
Oakley, Idaho 83346

Name & Address of Attorney, if any:

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
10. ☒ **Other** (Bruce Bedke's *Objection* did not individually object to any of the elements of water right 45-02810A as recommended by the Director, but rather asserted in "E. Reasons Supporting Objection(s)" that water right 45-02810A "should not exist." The Department of Lands of the State of Idaho disagrees with and hereby responds to the assertions in "E. Reasons Supporting Objection(s)" of Mr. Bedke's *Objection*.)

11. Recommendation

- ☒ This water right should not exist. (This box was not checked on Mr. Bedke's *Objection*, but presumably should have been. Therefore, in order to avoid confusion and/or waiver, the Department of Lands of the State of Idaho responds as if this box had been checked in Mr. Bedke's *Objection*. It is the position of the Department of Lands that water right 45-02810A should be decreed as

recommended in the *Supplemental Director's Report Regarding Subcase Nos. 45-2810A and 45-10491* (Apr. 25, 2008).)

- ☐ This water right was not recommended, but should be recommended with the elements described above.

E.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

MICHAEL C. ORR, Deputy Attorney General, being first duly sworn, upon oath, deposes and says:

That the State of Idaho is the party/claimant filing this response as defined by I.C. §§ 42-1401A(1) and (6), that I am a Deputy Attorney General authorized to represent the State of Idaho and that I have read this response, know its contents and that the statements are true to the best of my knowledge and belief.

LAWRENCE G. WASDEN
Attorney General

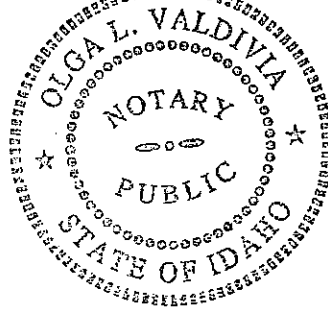
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

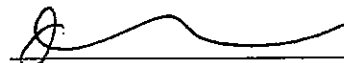
MICHAEL C. ORR
Deputy Attorney General



By Attorney signing in representative capacity

Subscribed and sworn to before me on this 23rd day of June 2009
(Insert Date)




Notary Public for IDAHO
Residing at: BOISE, ID
My commission expires: 2/8/2012

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.

G. CERTIFICATE OF MAILING

I certify that on this 23rd day of June 2009, I caused to be served the original and copies of this response to the following persons by the indicated methods:

1. Original to: Clerk of the District Court U.S. MAIL
Snake River Basin Adjudication
P.O. Box 2707
253 Third Avenue North
Twin Falls, Idaho 83303-2707
2. One copy to the claimant of the water right at the following addresses:

Name: USDI Bureau of Land Management U. S. MAIL
Address: Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709-1657
3. One copy to the party who filed the objection at the following addresses:

Name: Bruce Bedke U.S. MAIL
Address: c/o 42 East Basin Road
Oakley, Idaho 83346
4. Copies to: IDWR Document Depository STATEHOUSE
PO Box 83720 MAIL
Boise, ID 83720-0098

United States Department of Justice U. S. MAIL
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, Idaho 83724

Jared Bedke U.S. MAIL
c/o 42 East Basin Road
Oakley, Idaho 83346

Chief of Natural Resource Division (not applicable)
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449


Deputy Attorney General