

RECEIVED
DEC 29 2011
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	)	<u>A. Subcase</u> <u>63-07177</u>
	)	(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: 208-373-3831 (Fred Price)
Name & Address of Attorney, if any:
David L. Negri (208) 334-1936 phone, (208) 334-1414 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: Basin and Range Resource Company, LLC
Address: 3480 G S Richards Boulevard, Suite 101
Carson City, NV. 89703

Name: Dana L. Hofstetter (attorney for objector)
Hofstetter Law Office, LLC
Address: 608 West Franklin Street
Boise, Idaho 83702

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 :

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:

Objector seeks to include a pending permissible place of use (PPU) transfer (#77052) in any future partial decree. The PPU transfer includes three places of use (POU) containing both public and private land (i.e. mixed ownership): SESW, SWSE, S23, and NWSW, S24, T06N, R05W. BLM's response seeks to ensure that any resolution to the claimant's objection will include conditions that make it clear this water right can only be used on private land and does not include federal public land.

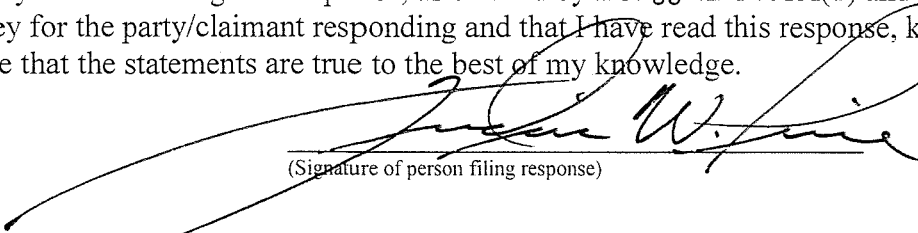
E.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of ADA)

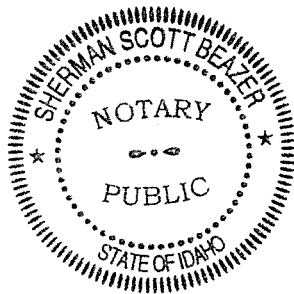
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing response)

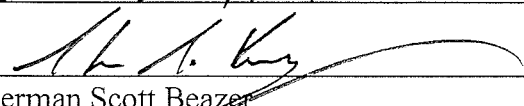
That I am the party/claimant filing this response, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: December 28th, 2011




Sherman Scott Beazer

Notary Public for State of Idaho

Residing at: Boise, ID.

My Commission Expires: 12-10-2015

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 12-28, 2011, 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:

Basin and Range Resource Company, LLC
3480 GS Richards Blvd, Suite 101
Carson City, NV 89703

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

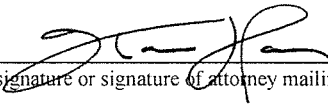
Basin and Range Resource Company, LLC
3480 GS Richards Boulevard, Suite 101
Carson City, NV. 89703
Dana L. Hofstetter (attorney for objector)
Hofstetter Law Office, LLC
608 West Franklin Street
Boise, Idaho 83702

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