

COPY

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JAN 10 2012

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 No.: 01-2050

**STANDARD FORM 2
RESPONSE TO OBJECTION**

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

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: State of Idaho
Address: c/o Office of the Attorney General
 JRW Building, 2nd Floor
 700 West State Street
 P.O. Box 44449
 Boise, Idaho 83711-4449
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: Milner Irrigation District
5294 E 3610 N
Murtaugh, Idaho 83344

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**
Under this element, Milner Irrigation District's SF1 Objection stated that the "[l]imiting remark referencing use of right in conjunction with water right 1-17 to 9,033 acres should be removed. Alternatively, the acreage in the remark should be increased to 9,468 acres."
10. ☒ **Other**
Under the "Remarks" element, Milner Irrigation District's SF1 Objection stated "see #9 [Place of Use] above."

Under the "Reasons Supporting Objection," Milner Irrigation District's SF1 Objection stated: "Actual use of water right 1-12050 on lands within the Milner Irrigation District, consistent with the holding by the Idaho Supreme Court in *Milner Low Lift Irr. Dist.*, 85 Idaho 528 (1963)."
11. **Recommendation**
☐ This water right should not exist.

- ☐ 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 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

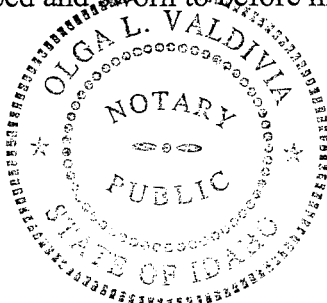
MICHAEL C. ORR
Deputy Attorney General

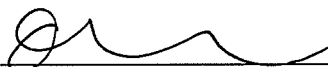


By Attorney signing in representative capacity

Subscribed and sworn to before me on this

1/9/2012
(Insert Date)




Notary Public for IDAHO
Residing at: BOISE, ID
My commission expires: 2/8/2018

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.

CERTIFICATE OF MAILING

I certify that on this 9th day of January 2012, 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: Milner Irrigation District U.S. MAIL
Address: 5294 E 3610 N
Murtaugh, Idaho 83344
3. One copy to the party who filed the objection at the following addresses:

Name: Milner Irrigation District U.S. MAIL
Address: 5294 E 3610 N
Murtaugh, Idaho 83344
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

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113 Main Ave W., Suite 303
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Twin Falls, Idaho 83303-0485
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Aberdeen American Falls Ground Water District U.S. MAIL
Bingham Ground Water District
Bonneville-Jefferson Ground Water District
Madison Ground Water District
Magic Valley Ground Water District
North Snake Ground Water District

Jefferson-Clark Ground Water District
c/o Lynn Tominaga
Executive Director of IGWA
P.O. Box 2624
Boise, Idaho 83701-2624
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Candice McHugh
Thomas J. Budge
Racine Olson Nye Budge & Bailey, Chtd.
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U.S. MAIL

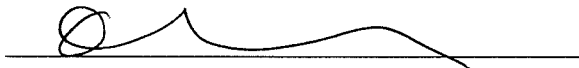
E. Gail McGarry
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Bureau of Reclamation
1150 N. Curtis Road, Suite 100
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Chief of Natural Resource Division
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State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

(not applicable)

A handwritten signature in black ink, consisting of a stylized 'S' or 'Z' shape followed by a horizontal line.