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DEPARTMENT OF
WATER RESOURCES

IGNACIA S. MORENO

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United States Department of Justice
Environment and Natural Resources Division

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Attorneys for the United States of America

**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

) Subcase No.: 37-22598

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**ATTACHMENT 1, UNITED STATES'
MOTION TO PARTICIPATE AND
MEMORANDUM IN SUPPORT**

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**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.: <u>37-22598</u>
	)	(Insert water right number from the Objection Form)
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
U.S.D.I., Bureau of Land Management
Idaho State Office

Address: 1387 S. Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: (208) 373-3831

Name & Address of Attorney, if any:

David L. Negri, Attorney
United States Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 W. Fort St., MSC 033
Boise, Idaho 83724
Ph.: (208) 334-1936
FAX: (208) 334-1414

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

Name: Fish Creek Reservoir Co., Inc.
Address: P.O. Box 123
Carey, Idaho 83320

Fish Creek Irrigation District is not a claimant in the SRBA.

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

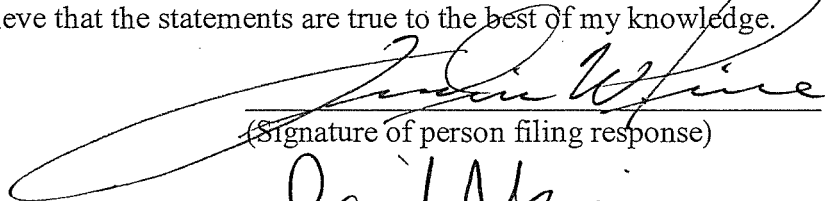
- ☒ This water right should not exist.
- ☒ This water right was not recommended, but should be recommended with the elements described above.

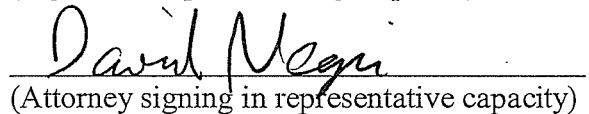
E. **VERIFICATION** (Must be Completed)

State of Idaho)
) ss.
County of Ada)

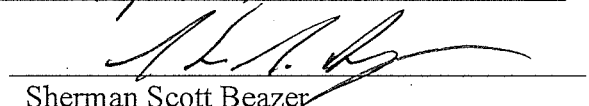
Fredric W. Price, duly sworn, upon oath, deposes and says:
(Name of person filing response)

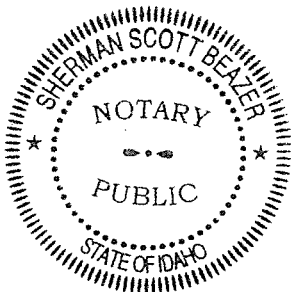
That I am the party/claimant filing this response as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing response)


(Attorney signing in representative capacity)

Subscribed and sworn to before me on: February 28th, 2012


Sherman Scott Beazer
Notary Public in and for State of Idaho
Residing at: Boise, ID.
My Commission Expires: 12-10-2015



CERTIFICATE OF SERVICE

I certify that on Feb 28, 2012, I served a true and correct copy of the foregoing **ATTACHMENT 1, UNITED STATES' MOTION TO PARTICIPATE AND MEMORANDUM IN SUPPORT** as follows:

By facsimile 208-736-2121 to:

Clerk of the Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

Copies US mail, postage prepaid to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Fritz X. Haemmerle
Haemmerle & Haemmerle, PLLC
P.O. Box 1800
Hailey, ID 83333

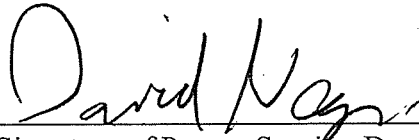
REPRESENTING CLAIMANTS:

Bonnie C. Kevicki
Barbara L. Murphy
Michael L., Dean E. and Joel E. Olsen
Milford D. Sweat

Dana L. Hofstetter
Hofstetter Law Office, LLC
608 West Franklin Street
Boise, ID 83702

REPRESENTING OBJECTOR:

Fish Creek Reservoir Co., Inc.



Signature of Person Serving Documents