

3-22

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)

Water Right No. 36-04080

(The water right number you are responding to must be inserted)

The State of Idaho, ex rel. R. Keith)
Higginson in his official capacity as)
Director of the Idaho Department of)
Water Resources,)

STANDARD FORM 2

RESPONSE TO OBJECTION

Petitioner,)

vs.)

The United States; the State of Idaho; and)
all Claimants to the Use of Water from the)
Snake River Basin Water System,)

Respondents.)

INSTRUCTIONS

This form must be used to file a response to any objection filed against a water right recommended in a Director's Report. You may respond to all objections filed against one water right, using one response form. If you choose this option, your response should cover every issue raised in the objections. To respond to objections filed against more than one water right, you must file a separate response form for each water right. Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you do, the text must be on the front and back of each page exactly as it appears here. The response must be received by the court on or before the deadline specified in the Notice of Filing the Director's Report that IDWR mailed to you. Follow the Instructions for Mailing this response (Page 5), or the court will not accept it for filing.

This form has been adopted by the court in *SRBA Administrative Order 1* (amended June 21, 1993), Section 4, which may be consulted for further information.

Any party filing 25 or more responses must make an appointment with the Clerk of the SRBA Court.

By filing a response form, you are certifying that the response is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needlessly increase the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. *Party/Claimant responding to objection:*

Name: City of Burley
Address: P O Box 910
Burley, Idaho 83318
Phone: Work: 208-678-8382 Home: _____

Briefly describe your interest in this water right:

City of Burley is Claimant on 36-04080.

If this response is *filed by an attorney*:

Attorney Name: William A. Parsons
Attorney Address: PARSONS, SMITH, STONE & FLETCHER
P O Box 910
Burley, Idaho 83318

Attorney Phone No.: 208-678-8382

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

2. *Party/Claimant who filed objection:*

Name: U. S. Department of Justice Env't. & Natural Resources
Division
Address: 550 West Fort Street, Box 33
Boise, Idaho 83724

II. STATEMENT OF THE RESPONSE

Please check each "box" which identifies your response.

1. ☐ *Name and Address*: I respond to the objection concerning the name and/or address of the owner of the water right.
2. ☐ *Source*: I respond to the objection concerning the source of water.
3. ☐ *Quantity*: I respond to the objection concerning:
 - a. ☐ the total quantity of water used in cubic feet per second; or
 - b. ☐ the total quantity of water stored in acre-feet per year; or
 - c. ☐ the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☐ *Priority Date*: I respond to the objection concerning the priority date.
5. ☐ *Points of Diversion*: I respond to the objection concerning the legal description of the point(s) of diversion.
6. ☐ *Instream Flow*: I respond to the objection concerning the legal description of the beginning and ending points of the instream flow.
7. ☐ *Purpose(s) of Use*: I respond to the objection concerning the purpose(s) of use.
8. ☐ *Period of Year*: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
9. ☐ *Place of Use*: I respond to the objection concerning:
 - a. ☐ the legal description of the place of use; or
 - b. ☐ the number of irrigated acres within each forty (40) acre subdivision.
10. ☒ *Consumptive Use*: I respond to the objection concerning the annual volume of consumptive use.
11. ☒ *Remarks*: I respond to the objection concerning the "remarks" listed with the water right.
12. ☐ *Water Right Recommendation*: I respond to the objection concerning:
 - a. ☐ this water right being recommended at all; or
 - b. ☐ this water right not being recommended.

13. ☐ *Description of Reservation:* I respond to the objection concerning the legal description of the reservation.

14. ☐ *Other:* I respond to the objection concerning: _____

REASONS SUPPORTING EACH BOX CHECKED

In the space following, you must state the reason(s), by number, for each box checked. You may use additional pages if necessary.

The consumptive use does not take into account the entire City of Burley which is located in Basin 36 and 45. The information in the Remarks section and the Consumptive Use paragraphs are inaccurate.

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

The Director's Report needs to be changed to reflect the consumptive use and the amount thereof consistent with all of the water rights in the City of Burley located in both basins.

Please note that you should attach copies of documents which support your response. Note on each document the "box number" it supports.

☐ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary:

VERIFICATION (Must be Completed)

State of Idaho

County of Cassia

William A. Parsons, being first duly sworn, upon oath, deposes and says:
(Name of party/claimant filing response)

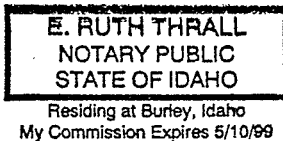
That I am the person or entity filing this response (as listed on Page 2, Section 1, "Person responding to objection"), as defined by I.C. § 42-1401A(1) and (7), and I have read this response, know its contents and that the statements are true to the best of my knowledge and belief.

CITY OF BURLEY
Signature of party/claimant filing response

By: [Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: March 10, 1994
(Insert Date)

[Signature]
Notary Public for _____
Residing at: _____
My Commission expires: _____



INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. FAX filings will not be accepted by the Clerk of the Court. You must also send a copy to all of the parties listed below in the Certificate of Mailing

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I hereby certify that on the 11 day of March, 1994, I mailed the original and copies of this response, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

Name: City of Burley
Address: P O Box 1090
Burley, Idaho 83318

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney; and you must fill in the following information:

Name: The parties listed in 4 and 5.
Address: _____

4. One copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

5. One copy to:

United States Department of Justice
Environmental and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734



Signature of party/claimant or attorney