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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     | ) | Subcase No. 34-00449  |
|                | ) |                       |
| Case No. 39576 | ) | RESPONSE TO OBJECTION |
|                | ) |                       |

I. GENERAL INFORMATION

1. Person responding to objection: 95-06-0019

Name: KARL J. DREHER, DIRECTOR

Address: IDAHO DEPARTMENT OF WATER RESOURCES  
P.O. BOX 44449  
BOISE, ID 83711-4449

Briefly describe your interest in this water right:

IDWR is required to file a response to an objection to part  
I of the director's report pursuant to I.C. section 42-1412(2).

2. Person who filed objection:

Name: Six Flags, Inc.

Address: 500 Bergeson  
Blackfoot, ID 83221

(Over)

3. If this response is filed by an attorney:

Attorney Name(s): SUSAN E. HAMLIN

Attorney Address: DEPUTY ATTORNEY GENERAL  
IDAHO DEPARTMENT OF WATER RESOURCES  
P.O. BOX 83720  
BOISE, ID 83720-0098

Attorney Phone No.: (208) 327-7900

## II. STATEMENT OF THE RESPONSE

9. ☒ Place of Use: I respond to the objection concerning:

9.a ☒ the legal description of the place of use.

### REASONS SUPPORTING EACH BOX CHECKED

There is an error in the description of the place of use of this right in the director's report. The recommendation should be corrected as shown in the attachment entitled "Recommended Water Rights Acquired Under State Law".

### CHANGES TO THE DIRECTOR'S REPORT

See attached List of Recommended Water Rights Acquired Under State Law.

☒ 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:

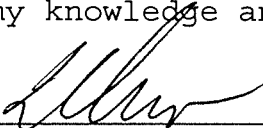
|                                                   | No. of<br>Pages |
|---------------------------------------------------|-----------------|
| Notice of Claim No. A34-00449                     | 3               |
| Recommended Water Rights Acquired Under State Law | 1               |

VERIFICATION (Must be Completed)

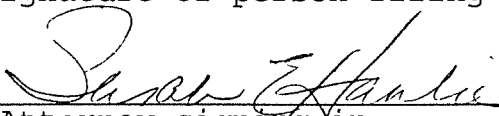
State of IDAHO  
County of ADA

David B. Shaw, being first duly sworn, upon oath, deposes and says:

That Karl J. Dreher, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. §42-1401A(1) and (7); that I am the Adjudication Bureau Chief for IDWR and am authorized by Karl J. Dreher, in his official capacity as director of IDWR, to verify this response; and that I have read the foregoing response, know its contents and that the statements contained therein are true to the best of my knowledge and belief.

  
\_\_\_\_\_  
Signature of person filing response

By:

  
\_\_\_\_\_  
(Attorney signing in  
representative capacity)

Subscribed and sworn to before me this 20<sup>TH</sup> day of June,  
1995.

  
\_\_\_\_\_  
Notary Public for Idaho

Residing at: Bonne, ID.

My Commission expires: 5-16-96

(Over)

CERTIFICATE OF MAILING

I hereby certify that on the 20<sup>th</sup> day of June, 1995, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct 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:

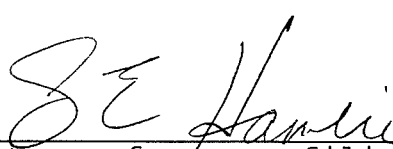
Six Flags, Inc.  
500 Bergeson  
Blackfoot, ID 83221

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:

See No. 2

4. One copy to:

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

  
\_\_\_\_\_  
Signature of person filing response  
or attorney mailing on Respondent's  
behalf

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.

CIVIL CASE NUMBER: 39576

Ident. Number: A34-00449  
Date Received: ~~1/11/1990~~ 5-21-9  
Receipt No: E011603  
Received By: \_\_\_\_\_

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: SIX FLAGS INC 208-785-4722  
Address: 500 BERGESON  
BLACKFOOT ID 83221

2. Date of Priority: MAR 10, 1894

3. Source: BIG LOST RIVER Trib. to: SINKS

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 07N      | 24E   | 34      | SE     | NW     | NW  |     | CUSTER |

5. Description of diverting works:  
UPPER BURNETT DITCH

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 05/01 | 10/15 | 1.600 |      |        |
| STOCKWATER | 10/16 | 04/30 | 0.020 |      |        |

7. Total Quantity Appropriated is:  
1.600 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 200.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
S/1000 SHEEP, 500 CATTLE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 06N      | 25E   | 1       | NW     | NW  |     | IRR | 40.0  |

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10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 40.0  |
|          |       | 2       | NE         | NE  | IRR           | 40.0  |
|          |       |         |            |     | Section Acres | 40.0  |
|          | 26E   | 6       | NW         | SW  | STOCK         |       |
|          |       | 7       | NW         | NE  | STOCK         |       |
|          |       |         |            |     | Total Acres   | 80.0  |

11. Place of use in counties: BUTTE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:  
A34-02390B/02466B/02469/07167.

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

UTAH CONSTRUCTION  
Decree Plaintiff

JOHN F. ABBOTT, ET AL  
vs Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not \_\_\_\_\_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: \_\_\_\_\_

MICROFILMED

**For Organizations:**

I do solemnly swear or affirm that I am Secretary of  
Title  
Six Flags, Inc., that I have signed the foregoing  
Organization  
document in the space below as Secretary of  
Title  
Six Flags, Inc. and that the statements contained in the  
Organization  
foregoing document are true and correct.

William Rindfleisch  
Signature of Authorized Agent  
Six Flags, Inc.  
Title and Organization

5-21-92  
Date

State of Idaho )  
County of Bonneville ) SS.

Subscribed and sworn (or affirmed) before me this 21<sup>st</sup> day  
of May 19 92

Betty J. Thompson  
Notary Public

Seal

Residing at BETTY J. THOMPSON, NOTARY PUBLIC  
RESIDING AT IDAHO FALLS, IDAHO  
My Commission Expires MY COMMISSION EXPIRES: 6-30-94

MICROFILMED

NOV 20 1992

| RIGHT<br>NUMBER | NAME & ADDRESS                                      | PRIORITY<br>DATE | PURPOSE OF USE           | PERIOD OF USE<br>FROM TO   | MAXIMUM<br>QUANTITY | BASIS OF CLAIM     |
|-----------------|-----------------------------------------------------|------------------|--------------------------|----------------------------|---------------------|--------------------|
| 34-00449        | SIX FLAGS INC<br>500 BERGESON<br>BLACKFOOT ID 83221 | 03/10/1894       | IRRIGATION<br>STOCKWATER | 05-01 10-15<br>10-16 04-30 | 1.6<br>0.02         | CFS DECREED<br>CFS |

TOTAL QUANTITY: 1.6 CFS  
CONSUMPTIVE USE: 200.0 AFY

NON-IRRIGATION USES:  
STOCKWATER, 1000 SHEEP AND 500 CATTLE

POINT OF DIVERSION:

T07N R24E S34 SENWNW

PLACE OF USE: IRRIGATION

T06N R25E S01 NWNW 40.0  
S02 NENE 40.0

80.0 ACRES TOTAL

PLACE OF USE: STOCKWATER

T06N R26E S06 ~~NWSW~~  
S07 ~~NWNE~~  
R25E ~~NWSE~~  
~~S07~~ ~~NWSE~~

REMARKS: RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO  
IDAHO CODE 42-1416A.

THE APPROPRIATOR IS ENTITLED TO THE AMOUNT OF WATER DESCRIBED  
ABOVE FOR STOCKWATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE  
DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED ABOVE.

THE PORTION OF THIS RIGHT FOR STOCKWATER PURPOSES MAY BE  
DIVERTED SO LONG AS THE AMOUNT OF WATER DIVERTED AT THE POINT OF  
DIVERSION FOR STOCKWATER PURPOSES DOES NOT CONSTITUTE  
UNREASONABLE WASTE AND DOES NOT CONFLICT WITH THE PUBLIC  
INTEREST, AS DETERMINED BY THE DIRECTOR.