

Lodged

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

TWIN FALLS CO., IDAHO
FILED

In Re SRBA)

Case No 35976)

Case No. 36-00133

(Insert the Case No. from the
Objection you are responding to)

STANDARD FORM 2

RESPONSE TO OBJECTION

95-12-0053

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 objections filed against one water right, using one response form. The water right number listed as the "Case No." on the Objection you are responding to must be inserted above as the "Case No." If you choose to file one form to respond to all objections filed against the same water right, 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, as long as it is identical to the court's form. You must file your response by the deadline shown in the notice that IDWR mailed to you. The response must be received by the court on or before the deadline specified. Instructions for mailing this response are found at Page 5, and must be strictly followed.

Any party physically filing 25 (twenty-five) or more responses must make an appointment with the Clerk of the Adjudication Court and arrange for an appointment to file multiple objections.

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 needless increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. *Party/Claimant Responding:*

Name: Idaho Department of Fish and Game
P. O. Box 25, 600 S. Walnut
Address: Boise, ID 83707-0025

Phone: Work: 334-3700 Home: _____

Briefly describe your interest in this water right:

IDFG owns 40 shares (1.6 cfs) of water stock in the Big Bend Irrigation
and Mining Co. and has used this water for year-round wildlife purposes
at the Hagerman Wildlife Management Area since 1951. The current IDWR
Director's Report Recommendation for this right does not include any
wildlife use of the water.

If this response is filed by an attorney:

Attorney Name: Rinda Just

Attorney Address: Natural Resources Division, Office of the Attorney General
P. O. Box 44449, Boise, ID 83711-4449

Attorney Phone No.: 334-4120

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

2. *Owner of the water right. You must identify the owner exactly as it appears in the Director's Report:*

Name: Big Bend Irrigation and Mining Co.
c/o Catherine Saul
Address: 2751 S. 850 E.
Hagerman, ID 83332

II. STATEMENT OF THE RESPONDER

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. **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.

12. ☐ Description of Reservation: I respond to the objection concerning the legal description of the reservation.
13. ☐ Other: I respond to the objection concerning: _____
- _____
- _____
- _____
- _____

REASONS SUPPORTING EACH BOX CHECKED

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

Box 7. The recommended purposes do not include wildlife as a use of this water. IDFG has been using its 40 shares (1.6 cfs) for year-round wildlife purposes at the Hagerman Wildlife Management Area since 1951.

Box 8. The recommended right does not include wildlife uses on a year-round basis. IDFG has been using its 40 shares (1.6 cfs) for year-round wildlife use at the Hagerman Wildlife Management Area since 1951.

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.

Revise the Director's Report to show wildlife and wildlife storage as year-round uses in the following amounts: Wildlife, 1.6 cfs and Wildlife Storage, 2.5 AFY for right 36-00133. In the alternative, allow claim 36-00133A for the same purpose or revise claim 36-00192 to allow year-round use of above quantities of water for wildlife.

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:

Affidavit of Cynthia Robertson, Staff Fishery Biologist, IDFG, regarding SRBA claim nos. 36-00133, 36-00133A, and 36-00192 (22 pages); Motion to File Late Response or in the Alternative, Motion to Participate (8) pages.

NOTIFICATION (Must be Completed)

State of Idaho

County of Ada

Ronda Just, duly sworn, upon oath, deposes and says:
(Name of person filing response)

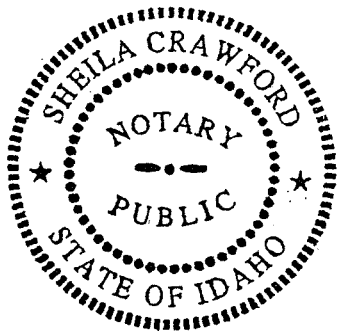
That I am the party/claimant filing this response (as listed on Page 2, Section 3, "Party/Claimant Objecting") , that I am a water claimant or party in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and that I have read this response, know its contents and that the statements are true to the best of my knowledge and belief.

Signature of person filing response

By: Ronda Just
Attorney signing in representative capacity

Subscribed and sworn to before me on:

7-18-95



Sheila Crawford
Notary Public for IDAHO
Residing at: Boise, ID
My Commission expires: 5-9-96

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 the owner of the water right you responded to, if other than yourself; to the party who filed the objection to which you are responding, if different from the owner of the water right; to the office of the Attorney General, State of Idaho; and to the United States Department of Justice, as set out below in the Certificate of Mailing. Finally, you must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I hereby certify that on August 18th, 1995, I ^{hand-delivered} ~~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 Hand Delivered
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right at the following address:

Name: Big Bend Irrigation and Mining Co.
c/o Cleve Lloyd, President
Address: Route 1, Box 14
Hagerman, ID 83332

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney at the following address:

Name: See owner above U.S. Dept. of Justice
Address: Environmental and Natural Res. Div.
550 West Fort St., Box 033
Boise, ID 83734

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 033~~
~~Boise, Idaho 83734~~

Rinda Just
Signature of Respondent or attorney
mailing on Respondent's behalf