

4-26

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. 35976

Case No. 36-00003B

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

STANDARD FORM 2

RESPONSE TO OBJECTION

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.

EXHIBIT A

I. GENERAL INFORMATION

Please fill in the following information:

1. *Party/Claimant Responding:*

Name: Buckeye Farms

Address: Buckeye Farms, Inc.
18335 U.S. Highway 30
Hagerman, Idaho 83332

Phone: Work: 622-4100 Home:

Briefly describe your interest in this water right:

Buckeye Farms is the holder of certain water rights whose source and conveyance system is the same as the identified water right. Adjudication of this right may impact Buckeye Farms' water rights depending upon the content of the Decree.

If this response is filed by an attorney:

Attorney Name: John K. Simpson

Attorney Address: 1221 W. IDAHO STREET, SUITE 600
P. O. BOX 2139
BOISE, IDAHO 83701

Attorney Phone No.: (208) 336-0700

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

2. *Party/Claimant who filed objection:*

Name: Robert & Barbara Gardner

Address: P. O. Box 41
Hagerman, ID 83332

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. ☒ **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.

For all boxes checked:

The investigation by IDWR revealed that no right exists for several of the uses identified in the claim, the corresponding amounts claimed and the period of use. Further, Buckeye Farms has protested a certain application for permit filed by the Claimant relating to issues of this subcase.

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.

This claim should be decreed as recommended by the Idaho Department of Water Resources.

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)

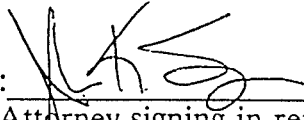
State of Idaho

County of Ada

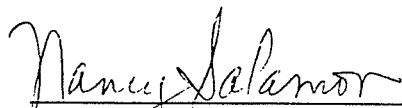
JOHN K. SIMPSON, duly sworn, upon oath, deposes and says:
(Name of person filing response)

That I am the party/claimant filing this response, (as listed on Page 2, Section 1, "Party/Claimant Responding"), 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: 
(Attorney signing in representative capacity)

Subscribed and sworn to before me on April 23, 1996.


NOTARY PUBLIC FOR IDAHO
Residing at: Sweet, Id
My commission expires: 10-7-99

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 the 23RD day of April, 1996, 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 at the following address:

Name: Barbara Gardner & Robert B. Gardner
Address: P. O. Box 41, 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:

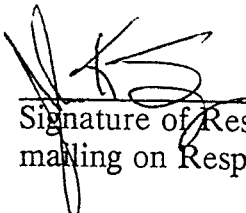
Name: Patrick D. Brown & Penelope Parker
Hepworth, Nungester & Lezamiz
Address: P. O. Box 389
Twin Falls, ID 83303

4. One copy to:

Chief, Natural Resource 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, MSC 033
Boise, Idaho 83724



Signature of Respondent or attorney
mailing on Respondent's behalf

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